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☑ Additional comments / Commentaires supplémentaires: Page 549 is incorrectly numbered page 519.

DEBATES

—OF—

THE SENATE

—OF THE—

DOMINION OF CANADA,

1887.

REPORTED, EDITED, AND PUBLISHED

—BY—

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FIRST SESSION—SIXTH PARLIAMENT.

OTTAWA:
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1887.

THE DEBATES

OF THE

SENATE OF CANADA

IN THE

FIRST SESSION OF THE SIXTH PARLIAMENT OF THE DOMINION OF CANADA, APPOINTED TO MEET FOR DESPATCH OF BUSINESS ON WEDNESDAY, THE THIRTEENTH DAY OF APRIL, IN THE FIFTIETH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THE SENATE.

Ottawa, Wednesday, April 13th, 1887.

The Senate met at 2:30 p.m.

THE SPEAKER OF THE SENATE.

The CLERK informed the House that a Commission under the Great Seal had been issued, appointing the Hon. JOSIAH BURR PLUMB to be the Speaker of the Senate.

The Commission was then read, after which the Honorable the Speaker was conducted to the Chair at the foot of the Throne by the Hon. Messrs. Smith and Kobitaille.

NEW SENATORS.

THE SPEAKER presented to the House a return from the Clerk of the Crown in Chancery, setting forth that His Excellency the Governor-General had summoned to the Senate,—

SAMUEL MERNER, of the village of New Hamburg, in the Province of Ontario.

CHARLES EUSEBE CASGRAIN, of the Town of Windsor, in the Province of Ontario.

LOUIS ADELARD SENECAL, of Montreal, for the electoral division of Mille Isles, in the Province of Quebec, in the room of the Hon. Louis R. Masson, resigned.

LACHLIN MACCALLUM, of Stromness, Province of Ontario.

WILLIAM E. SANFORD, of Hamilton, Province of Ontario, in the room of the Honorable Sir Alexander Campbell, K. C. M. G., resigned.

The Honorable MR. CASGRAIN, the Honorable MR. SENECAL, the Honorable MR. MACCALLUM, and the Honorable MR. SANFORD, were then introduced, and having taken and subscribed the oath of office, and made and subscribed the declaration of qualification required by the British North America Act, 1867, took their seats.

THE OPENING OF THE SESSION

THE SPEAKER presented to the House the following communications:—

OTTAWA, 9th April, 1887.

SIR,—I am directed by His Excellency the Governor-General to inform you that the Chief Justice of the Supreme Court of Canada, in his capacity as Deputy Governor, will proceed to the Senate Chamber to open

the Session of the Dominion Parliament, on Wednesday, the 13th instant, at three o'clock.

I have the honor to be, Sir,
Your most obedient servant,
HENRY STREATFIELD, Captain,
Governor General's Secretary.

The Honorable
The Speaker of the Senate.

The House was adjourned during pleasure.

After some time the House was resumed.

The Honorable WILLIAM JOHNSTONE RITCHIE, Knight, Chief Justice of the Supreme Court of Canada, Deputy Governor, being seated in the Chair on the Throne,

The Honorable the SPEAKER commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons, and acquaint that House,—"It is the Deputy Governor's desire that they attend him immediately in this House."

Who, being come,

The Honorable the SPEAKER said:

Honorable Gentlemen of the Senate:

Gentlemen of the House of Commons:

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

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

The Senate adjourned until to-morrow, at 2:30 p.m.

THE SENATE.

Ottawa, Thursday, April 14th, 1887.

THE SPEAKER took the Chair at 2 p.m.

Prayers and routine proceedings.

NEW SENATOR INTRODUCED.

The Honorable SAMUEL MERNER was introduced, and having taken and subscribed the oath of office and made and subscribed the declaration of qualification, took his seat.

The House was adjourned during pleasure.

The House was resumed.

THE SPEECH FROM THE THRONE.

HIS EXCELLENCY THE GOVERNOR-GENERAL, being seated on the Chair on the Throne, was pleased to command the attendance of the House of Commons.

The members of that body, preceded by their Speaker, the Honorable Joseph Alderic Ouimet, appeared at the Bar. The Honorable Joseph Alderic Ouimet then informed His Excellency that the choice of the House of Commons had fallen upon him to be their Speaker; and he prayed for the members thereof the customary Parliamentary privileges.

HIS EXCELLENCY was pleased to open the FIRST SESSION of the SIXTH PARLIAMENT OF THE DOMINION OF CANADA, with the following Speech:—

Honorable Gentlemen of the Senate:

Gentlemen of the House of Commons:

It is my pleasing duty on the opening of a new Parliament to congratulate you on the general prosperity of the country and on the prospect of a coming season of peace and progress.

You will, I am sure, gladly join with the rest of the loyal subjects of the Queen in offering Her Majesty your sincere congratulations on her having reached the fiftieth anniversary of Her accession to the Throne, and in giving ex-

pression to an earnest hope that she may be long spared to reign over Her vast Dominions.

The prominent position taken by Canada at the Colonial and Indian Exhibition recently held in London has made the Dominion more widely and favorably known than before, and will, I have no doubt, contribute largely to its material progress by calling attention to the advantages offered by our country to the agriculturist, and by attracting the capital necessary for the development of its great natural resources.

Negotiations between Her Majesty's Government and that of the United States on the Fishery Question, with respect to which my government has been fully informed and consulted, are still in progress, and will, we may be permitted to hope, result in an arrangement honorable and satisfactory to both nations.

Meanwhile the necessary provision has been made for the protection of our inshore fisheries. The papers on this subject will be laid before you.

Your attention will be invited to the expediency of establishing a Department of Trade and Commerce under the supervision of a responsible Minister.

You will also be asked to consider the propriety of making such improvement in the organization of the Departments of Justice, Customs, and Inland Revenue, as will provide greater facilities for the despatch of the large and increasing volume of business with which those Departments are charged.

A measure will be submitted to you giving representation in the Senate to the North-West Territories in addition to that which they now possess in the House of Commons.

Other measures will be laid before you, and among them will be found Bills for the amendment of the Acts relating to Government Railways, for providing a better mode of trial of claims against the Crown, for the improvement of the Procedure in Criminal Cases, and for the further amendment of the Chinese Immigration Act.

Gentlemen of the House of Commons:

You will be asked in order to provide against the possible interruption of the navigation of our great inland waters, for an appropriation in aid of the construction of a canal to connect the waters of Lakes Huron and Superior at Sault Ste. Marie.

The accounts for the past year will be laid before you, as well as the Estimates for the ensuing year. They have been prepared with due regard to economy and the requirements of the Public service.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I commend these important subjects and the others which may be laid before you to your best consideration, with full confidence in your earnest desire to promote the development and well-being of Canada.

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

BILL INTRODUCED.

"An Act relating to Railways."—(Mr. Smith.)

THE ADDRESS.

MOTION.

THE SPEAKER reported His Excellency's Speech from the Throne, and the same was read by the Clerk.

HON. MR. SMITH moved that the House do take into consideration the Speech of His Excellency the Governor-General on Monday next.

The motion was agreed to.

ORDERS AND CUSTOMS OF THE SENATE.

COMMITTEE APPOINTED.

HON. MR. SMITH moved that all the members present during this Session be appointed a Committee to consider the Orders and Customs of this House and Privileges of Parliament, and that the said Committee have leave to meet in this House when and as often as they please.

The motion was agreed to.

The Senate adjourned at 4 p.m.

THE SENATE.

Ottawa, Friday, April 17th, 1887.

THE SPEAKER took the Chair at 3 p. m.

Prayers and routine proceedings.

There being no order on the paper the Senate adjourned at 3:15.

THE SENATE.

Ottawa, Monday, April 18th, 1887.

THE SPEAKER took the Chair at 3 p. m.

Prayers and routine proceedings.

THE ADDRESS.

HON. MR. MACCALLUM—In rising to move the resolutions in reply to His Excellency's gracious speech I crave the indulgence of this hon. House. Being a young member of this body, although not young in years, I feel some difficulty in rising to address you, knowing, as I do, that many of you have been years in public life; and that many of you had made your mark in the history of this country long before I had any idea of entering Parliament. It has been said by Lord Byron of the Duke of Wellington :—

Although your Grace's years tend fast to zero,
In fact your Grace is yet but a young hero.

In fact I am only a young Senator, and I crave your indulgence while I make a few remarks on this occasion in moving the Address in reply to His Excellency's most gracious Speech.

His Excellency has been kind enough to congratulate us on the prosperity of the country. It is a great pleasure to know that Canada is prosperous. It is pleasure to know that peace and prosperity prevail throughout the land; that the working men of this country are well employed, that they are receiving a fair remuneration for their services, and by that means they are able to obtain the comforts of life, and live in peace and prosperity. There is no country to-day on the face of the globe, as far as I know, in which the masses of the people are more happy and contented than they are in Canada. There is no place on the face of the globe where the people generally are better fed and better clad than in our Dominion. They are satisfied with the Government under which they live; they look for a bright future for the Dominion, and they are self-reliant, frugal, industrious and law-abiding, and they compare favorably with any people on the face of the earth.

I am sure we are willing to join in His Excellency's congratulations to Her Majesty on the fiftieth year of her ascension to the Throne. Her rule has been a great and glorious one all over the British Empire. She is beloved by all her subjects, no matter where their lot is cast. Hers has been a rule of progress, a rule of prosperity, and in no portion of the British Empire is that progress and prosperity more marked than in Canada. Fifty years ago the larger portion of this country was almost an untrodden wilderness; to-day it is a hive of industry. Fifty years ago we had no railways, no canals and a sparse population; to-day we have a country that is second to none on the globe. We have a soil that is equal to any under the canopy of heaven, and we have an industrious people for whom there is a great future. Her Majesty, as our constitutional ruler, has discharged all the duties pertaining to her high and exalted station to the satisfaction of her subjects, and if we look at her domestic life it is a model not only for the present but for future generations, either as a modest maiden, a model wife, a loving mother, or as a just Queen.

His Excellency has been kind enough to say to us that this country has taken a prominent position at the Colonial and Indian Exhibition. There is no doubt at all that the stand taken by this country at that Exhibition will prove to be beneficial to the people of Canada. It has given us an opportunity of placing before the world samples of the products of our country, whether of the workshop, or of the loom; or the raw material of the field, the mine, the forest or the sea, and the more that this Dominion is

known in Great Britain and in our sister colonies, or anywhere throughout the world, the better it is for our people.

The natural resources of this country are great. All we require here is population, and we invite the people of the Old Country to come to British North America and enjoy with us this great inheritance of ours. All that we want is more brain, more muscle, strong arms and willing hearts to build up a strong British power on this continent.

We are pleased to know that negotiations are pending between the United States Government and the Government of Great Britain on the important question of the Fisheries. I trust that that question will be settled to the satisfactien of us all, and I cannot see for a moment why there should be any great difficulty about it. We demand our rights under the treaty of 1818, and in justice to the people of Canada, and for the honor of the nation, we cannot accept less. While reading the American press and reports of the speeches delivered by some of the representative men of the United States, one would fancy that Canadians were here on suffrance. We know that we are not here on suffrance, and all we want is our rights. We demand no more, and we can take no less. We know that we are here as part and parcel of the great Empire on which the sun never sets. When I speak of this I do not allude to it in any spirit of hostility. We are here alongside of the great Republic, with only an imaginary boundary line running for thousands of miles between us, and it is natural that we should have rivalry on both sides of the line, but let it be a rivalry in the arts of peace and not in the arts of war. Let it be a rivalry of the greatest comfort to the greatest number on either side of the line. That is the rivalry I want to see, and I know that when I express that sentiment I express the feelings of every true Canadian and also of every true American.

I am glad to know that the government of the country has proposed measures to defend our in-shore fisheries. I cannot for a moment think that the American Government want to take our property from us without giving us an equivalent. They might as well encourage their citizens to take the cattle from our fields; the wheat from our granaries or the lumber from our forests without giving us an equivalent, as to take our fish, and I have not such an opinion of the Americans as to believe that when they come to consider the matter calmly and coolly that it will not be settled satisfactorily to all.

We are told that our attention will be called to the expediency of establishing a department of trade and commerce under the supervision of a responsible Minister. The trade and commerce of this country is assuming vast proportions. It is largely increasing year by year, and although I do not know that I fully understand all that is meant by this paragraph in the Speech, I know it is a very important subject. Such a department would have a responsible head in Parliament to answer the questions of the representatives of the people as to the trade and commerce of the country, and in this connection I might probably make a suggestion, and that is, that should difficulties take place between capital and labor as is sometimes the case where large amounts of labor and capital are involved, statistics should be laid before us in order to show whether labor is getting its fair share of what it should have, because capital and labor are the joint partners in producing wealth, and by having proper statistics laid before Parliament we should be able to decide what is right and just in such matters. No doubt this subject will be brought before us, and knowing that hon. gentlemen will give it due consideration I shall say no more about it at present.

His Excellency says:

"You will also be asked to consider the propriety of making such improvement in the organization of the Departments of Justice, Customs and Inland Revenues, as will provide greater facilities for the despatch of the large and increasing volume of business with which those Departments are charged."

There are some complaints in this country of departmental grievances particularly with respect to Customs charges, and I, for one, would like to see the subject have the same right of redress against the crown in every

province of the Dominion as subject against subject without any more trouble than is involved in bringing a suit against an individual. I do not know whether the bill forshadowed will secure this object, but I have no doubt it will, and it will demand our serious attention.

It is with great pleasure I notice that we are to have a measure submitted to us to provide for the representation of the North-West Territories in this Chamber.

It is desirable in the interests of the country that all portions of this Dominion should have representation in Parliament. It is necessary that they should have such representation in order that any grievances under which they labor, no matter of what nature, should be heard. I wish to express my individual thanks to the Government for having anticipated the feelings and requirements and wishes of the people living in the North-West Territories by foreshadowing this measure to give them representation in the Senate. Other measures are promised which will be laid before us in due season, one as to Government Railways. I cannot say very much as to what the nature of this measure is to be. There are grievances I believe against the Government Railways on the part of some of the people who are shipping over those lines and have travelled over them, and I hope when the Bill is laid before the House it will have the effect of removing all causes of complaint.

We live in peace and happiness, and there is no portion of Her Majesty's dominions to-day in which the people are better satisfied with their condition than they are in Canada. Canada has made great strides during the last 50 years. We are to-day utilizing steam everywhere as motive power, and even electricity is being converted to the use of man to carry messages from distant parts of the country and to light our cities, and I say we ought to be satisfied that we live in this age. We are certainly blessed beyond measure in our day and generation.

I have much pleasure in moving the following resolutions in reply to His Excellency's most gracious Speech:

That the following Address be presented to His Excellency the Governor-General to offer the respectful thanks of this House to His Excellency for the gracious Speech he has been pleased to make to both Houses of Parliament—namely:—

To His Excellency the Most Honorable Sir Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, in the County of Somerset, Earl of Wycombe, of Chipping-Wycombe, in the County of Bucks, Viscount Caln and Calnstone in the County of Wilts, and Lord Wycombe, Baron of Chipping-Wycombe, in the County of Bucks, in the Peerage of Great Britain; Earl of Kerry, and Earl of Shelburne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw and Dunkerron, in the Peerage of Ireland; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor-General of Canada.

May it Please Your Excellency:—

We, Her Majesty's dutiful and loyal subjects, the Senate of Canada in Parliament assembled, humbly thank Your Excellency for your gracious Speech at the opening of this Session.

We rejoice that it is Your Excellency's pleasing duty on the opening of a new Parliament to congratulate us on the general prosperity of the country and on the prospect of a coming season of peace and progress.

We respectfully beg leave to assure Your Excellency that we gladly join with the rest of the loyal subjects of the Queen in offering Her Majesty our sincere congratulations on Her having reached the fiftieth anniversary of Her accession to the Throne, and in giving expression to an earnest hope that she may be long spared to reign over Her vast Dominions.

It affords us great pleasure to learn that the prominent position taken by Canada at the Colonial and Indian Exhibition recently held in London has made the Dominion more widely and favorably known than before, and we concur in Your Excellency's expression of opinion that it will, no doubt, contribute largely to its material progress by calling attention to the advantages offered by our country to the agriculturist, and by attracting the capital necessary for the development of its great natural resources.

We learn with much interest that negotiations between Her Majesty's Government and tha of the United States on the Fishery Question, with respect to which Your Excellency's Government has been fully informed and consulted, are still in progress and will, we may be permitted to hope, result in an arrangement honorable and satisfactory to both nations.

We thank Your Excellency for informing us that meanwhile the necessary provision has been made for the protection of our

inshore fisheries, and that the papers on this subject will be laid before us.

Your Excellency having been pleased to intimate that our attention will be invited to the expediency of establishing a Department of Trade and Commerce under the supervision of a responsible Minister, we beg leave to assure Your Excellency that the subject shall receive our most careful consideration.

We hear with pleasure that we shall also be asked to consider the propriety of making such improvement in the organization of the Departments of Justice, Customs, and Inland Revenue, as will provide greater facilities for the despatch of the large and increasing volume of business with which those Departments are charged.

We receive with great interest the information that a measure will be submitted to us giving representation in the Senate to the North-West Territories in addition to that which they now possess in the House of Commons.

We also thank Your Excellency for informing us that other measures will be laid before us, and that among them will be found Bills for the amendment of the Acts relating to Government railways, for providing a better mode of trial of claims against the Crown, for the improvement of the Procedure in Criminal Cases, and for the further amendment of the Chinese Immigration Act.

We humbly beg leave to assure Your Excellency that these important subjects and the others which may be laid before us shall receive our best consideration, and that Your Excellency may have full confidence in our earnest desire to promote the development and well-being of Canada.

HON. M. CASGRAIN—HONORABLES MESSIEURS :—En me levant pour seconder la réponse au discours du Trône, vous me permettrez de vous rappeler que c'est la première fois que je prends la parole dans cette Honorable Chambre, et de vous prier en même temps de vouloir bien m'accorder, en ma qualité de jeune membre, toute l'indulgence dont j'ai besoin en cette occasion.

Son Excellence a eu parfaitement raison, je crois, de nous féliciter sur la prospérité générale du pays, et sur l'avenir de paix et de progrès qui s'annonce pour nous. Nous avons eu, en effet, une belle et bonne récolte, les affaires ont prospéré et le peuple en général est content et heureux.

Pour ma part, honorables messieurs, il m'est bien agréable de faire cette déclaration, au moment où nous allons célébrer le 50eme. anniversaire du règne de Sa Majesty la Reine. Cet anniversaire est l'occasion de grandes fêtes et de grandes réjouissances par tout l'Empire ; car nous avons eu le bonheur d'avoir pour Souveraine, pendant ces cinquante années, une Reine, qui a été et qui est encore le modèle des vertus et sous le sceptre de laquelle, le pays et tout l'Empire ont prosperé. Que Dieu la conserve encore longtemps à notre affection.

Nous avons eu le plaisir de voir combien l'exposition coloniale qui a eu lieu récemment à Londres, a mis en relief notre beau et grand pays. Tous ceux qui ont visité cette exposition se sont accordés à reconnaître l'immense progrès qu'avait fait le Canada, et je suis heureux de savoir que cette exposition a eu et doit encore avoir les plus heureux résultats pour notre industrie, nos manufactures et notre agriculture. Si nous avons eu à dépenser des sommes assez rondes pour cet objet, nous en sommes amplement récompensés par les nouveaux débouchés, qui sont ouverts ainsi, à nos marchands et à nos agriculteurs.

Je suis, honorables messieurs, heureux de savoir que les négociations entre le gouvernement Impérial, et celui des Etats-Unis, au sujet de la question des pêcheries se continuent, et qu'il y a tout lieu d'espérer que les deux pays en viendront à un arrangement honorable et satisfaisant, et je suis convaincu, pour ma part, que les intérêts du Canada ne seront pas négligés. Vivant, comme je vis, sur les limites des deux pays, je suis persuadé que les dispositions amicales qui existent entre les deux pays, ne pourront qu'amener une solution dans notre intérêt aussi bien que dans celui des Etats-Unis.

Son Excellence attire notre attention sur l'apropos d'ouvrir un département du commerce sous la direction d'un Ministre responsable, et aussi d'améliorer l'organisation du département de la justice, des douanes et du Revenu Intérieur. Ces mesures d'après son Excellence, auront pour résultat de faciliter l'expédition des affaires. Quand ces mesures nous seront soumises, j'aime à croire, que nous trouverons, que non-seulement elles sont dans l'intérêt de l'expédition des affaires, mais encore qu'elles auront pour résultat d'économiser les deniers publics.

Nous nous rappelons qu'à la dernière session du parlement, il a été passé un Acte pour donner aux territoires du Nord-Ouest, une représentation convenable dans la Chambre des Communes. Nos compatriotes de toutes origines, qui occupent ces territoires ont pu profiter de cette législation à la dernière élection, et envoyer à la Chambre des Communes, quatre réprésentants, qui seront aussi en position de faire valoir les droits et les besoins de ces grand territoires. Le discours du Trône nous annonce une mesure par laquelle ces territoires auront une représentation aussi dans la Sénat. J'en suis heureux pour ma part, car les nouveaux Sénateurs seront alors en mesure de faire valoir auprès de nous les besoins de ces immenses contrées.

Quant aux autres mesures que son Excellence nous annonce dans son discours d'ouverture, nous ne manquerons pas, j'en suis certain, de les apprécier et de les considérer avec toute l'attention voulue, vu l'importance qu'elles semblent avoir, spécialement celle qui a rapport aux chemins de fer, et aux réclamations contre la Couronne.

Je me réjouis aussi, honorables messieurs, que son Excellence nous annonce, que l'intention de son gouvernement, est de demander un vote d'argent aux parlement pour la construction d'un canal qui relierait les eaux des Lacs Huron et Supérieur au Sault Ste. Marie. Cette mesure, entre autre choses, indique que le Nord-Ouest Canadien, aussi bien que le Nord-Ouest Américain, a besoin de nouveaux débouchés, et que malgré la construction du canal américain, il est désirable qu'il y ait un second canal sur notre propre territoire, afin de pouvoir faciliter l'exportation des immense produits du Nord-Ouest, et par là même de suffire aux besoins du commerce. Il est possible qu'il y en ait parmi nous, qui croient qu'une amélioration de ce genre devrait être retardée à plusieurs années ; mais je ne suis pas de cet avis, car je crois que l'expérience des dernières années, nous assure une prospérité immense du coté du Nord-Ouest, et par là même oblige un gouvernement prévoyant de pourvoir de suite aux besoins et aux réclamations du commerce et de l'industrie du pays.

Je terminerai, honorables messieurs, en vous remerciant de l'attention et de la bienveillance qui vous m'avez accordées, et en espérant avec son Excellence, que les mesures que son gouvernement doit soumettre à la considération des deux chambres du parlement, seront telles, qu'elles assureront le développement et la prospérité de notre beau pays.

HON. MR. SCOTT—Before proceeding to make a few observations on the Speech from the Throne, I desire first to offer my congratulations to the hon. Senator from Niagara on the occasion of his elevation to the Chair of this Senate. There are, no doubt, several other gentlemen who have been longer in this House than the Senator from Niagara, and who possess all the qualifications for the position ; therefore the compliment to him is all the more marked from the fact that there were other gentlemen who, from their position here, and their ability, and other qualifications which they possess, were equally well fitted for the position. The hon. gentleman is called to a post of very distinguished honor, one that has been filled by some of the first men in Canada, and we are all happy to feel that his predecessors have discharged the delicate duties the Speaker of the Senate is sometimes called upon to perform, in a manner that was at all times creditable to the occupant of that chair. Notably, I think I may safely say that His Honor's immediate predecessor had gained for himself a high opinion from both sides of this House for the manner in which he discharged the duties of the position that you are now called upon to fill. It is quite true that the Speaker of the Senate of Canada does not fill so important a position as the presiding officer of a deliberative body such as the Commons. The Senate itself largely attends to its rules of control and manages its own business ; yet there are times when it is most convenient that questions not only of order but other questions should be left to the Chair. It is always a satisfactory tribunal, and I feel great confidence in saying that on those occasions we shall have the benefit of the hon. Senator's best judgment, and we shall at all events

have the expression of fair and impartial opinion. I think we may count upon that in advance—that however strongly marked have been, in former years, his political tendencies, as the occupant of that Chair when those delicate questions do arise, he will hold the scales with equal fairness and justice between the small minority and the large majority in this Chamber.

There is another point to which I wish to advert before I address myself to the Speech—that is, the absence of the hon. gentleman whom in the past we have all very much admired and respected—the gentleman who since Confederation occupied a very prominent place in this House, fifteen years of that time as leader of the House, and five years as leader of the Opposition. From ill-health, I believe, that gentleman has thought proper voluntarily to withdraw from this Chamber, and has been called upon to fill a distinguished position as the Lieutenant-Governor of the Province of Ontario. I am quite sure that I express the universal sentiment of every gentleman present when I give expression to the opinion that we have at all times entertained a very high estimate and regard for that hon. gentleman for the fairness with which he discharged those delicate functions that rested with the Leader of the House. The course he took on all occasions, as a rule, met not alone with the approval of his own party, but on the part of the Opposition it was conceded that the line he had chosen was one that was fair and resonable from his own standpoint.

The hon. gentleman from Monck who has introduced the resolutions in answer to the Speech, asked for the consideration of this Chamber. We are all only too glad to extend to new Senators every possible consideration they may desire, not alone on the occasion of their maiden speech, but until they have become a familiar feature in this body. As the hon. gentleman proceeded with his speech, however, it was evident to all of us that it was quite unnecessary that he should preface it with the modest pretentions which he did. The hon. gentleman showed that he is well versed in the political history of his country. He has been a somewhat prominent man in his own party. I had the pleasure of sitting with him for a time some twelve or fifteen years ago in the Provincial Legislature. I am not quite sure that he was in the old Parliament of Canada, but he was repeatedly elected to the popular branch of the Dominion Parliament. Although the hon. gentleman has been a very warm adherent of his own party, now that he has come into this non-partisan Chamber, I am quite sure the hon. gentleman will forget the earnest and vigorous blows that he was in the habit of administering to his opponents both on the hustings and from his seat in Parliament; that he will now rest in the dignified serenity which prevails in this Chamber, whence political exigencies are entirely excluded.

We are glad also to welcome our hon. friend from Windsor. He may be taken as a representative of the French Canadian people of Ontario. They are a very large and, I am glad to say, increasing element in the province and I recognize that it was due to that body that a gentleman of their nationality should be called to represent them in this Chamber. I have no doubt from his political standpoint that he will prove a very worthy one. I am only sorry that his views are so restrained, so narrow and so different I believe from those he ought to entertain in accord with the great mass of the French Canadian population who are residents of this Province.

The Speech is an uncommonly short one—I believe the shortest we have had for many years, and it sets out with a rather peculiar paragraph, and that is the congratulation on the prospect of peace in the Dominion of Canada. It did seem to me rather apocryphal that we should talk of peace in Canada. Peace is our normal condition. Who ever dreamed of war? We never supposed that it was within the possibilities that this country should be in any other condition but that of peace. I hope it is not an indication that there are strained relations in any direction or in any quarter that prompt the Government to say that the prospect of peace is satisfactory. We are accustomed, of course, to read in speeches that are

delivered on the other side of the Atlantic, in the House of Lords, on the opening of the Session of Parliament an announcement that peace does prevail, but that speech is addressed to an empire taking in some two hundred millions of people. In that vast empire, exposed as it is to embarrassments of one kind and another and national jealousies, there must be difficulty at one time or another as there has been in the past, and it is always a subject of congratulation that there is to be a period of peace; but it did strike me as ridiculous that we in Canada should be congratulated on having a season of peace as we know nothing else, except when there is internal commotion, and that never arises without a cause and when the cause is removed the insurrection ceases.

HON. MR. MACDONALD—What about the North-West?

HON. MR. SCOTT—The hon. gentleman asks what about the North-West, but the people of the North-West had cause. One of the announcements in the Speech to-day is that the North-West is to have representation in this Chamber. One cause of the complaint of the people of the North-West was that they were taxed without representation; that they had petitioned the Government and their petitions were unnoticed, and were pigeon holed, and the consequence was they took that course which a free people always do under such circumstances, and they announced their determination to get their rights and their rights have been accorded to them. We all cordially join in the enconiums pronounced by the hon. gentleman who moved the resolutions in answer to the Speech on the second paragraph in the Address. No doubt it is a glory to us all to live in the present reign. Since the foundation a thousand years ago of the Saxon Heptarchy under King Egbert no sovereign has so really won the love, veneration and respect of the British people as the present Queen. She stands out alone amongst all the sovereigns of the last thousand years as the only one who deserves any tribute that her people can pay to her. In her time greater progress has been made not alone in the arts and sciences, not alone in utilitarian sciences but in the recognition of those broad principles that belong to man. Popular form of Government has been wonderfully developed. In the very first year of her reign, unhappily, in this country both Upper and Lower Canada impelled by the same cause that the hon. gentleman a moment ago alluded to, with grievances, and no way of bringing them under their sovereign's notice, had recourse to arms, and when the Parliament and sovereign knew what those grievances were they removed them and they paid the sufferers their expenses, paid them for their losses as they very properly should have done, and what has been the consequence?—That for fifty years, as the hon. gentleman from Monck has observed, no people have been more happy or more contented, no people have made more progress in the developement of human liberty than the people of this Dominion—I believe to a greater degree than in the republic on the other side of the line.

We are told of the great success of the Colonial and Indian Exhibition. I have no doubt that that exhibition has been a material benefit to Canada. It was always a benefit to our country to bring under the notice of the world the various exhibits that we are enabled to produce, and there are no people more advanced in the utilitarian sciences and agriculture than the people of this country. Our labor saving machines and our other appliances attracted the notice of the visitors to that exhibition. No doubt the result will be of material benefit to the people who were the exhibitors on that occasion.

I do not propose to make any comments on the next paragraph of the address, which relates to the Fishery Question: I am in accord with all that the Senator from Monck remarked with reference to our being firm in what we believe we are fairly entitled to; but this subject is now before the representative men of the two countries, and it is rather a delicate one to discuss; therefore I prefer to pass it over with the single observation that I am quite sure our rights and our privileges are in good keeping. Until the papers are before us and we know the

propositions on one side and the other, it would be evidently better that silence should be observed, because whatever observations are made now may be distorted so as to do harm in the negotiations. We are told that there is to be a new department—that some other minister is to be added to the baker's dozen we already possess, and it is to be called the Department of Trade and Commerce. I thought that the National Policy rather discouraged trade and commerce outside. I do not see that our trade abroad has materially developed within the last six or seven years. On the contrary, beyond the export of our natural products I see no extraordinary revival of the outside trade and commerce of Canada to warrant the establishment of a new department.

I notice also that the Government proposes to construct a canal at Sault St. Marie, and the Senate is not called upon to consider the question. I look upon that as a question of policy—as a question of whether it is in the interest of this country that that canal should be constructed. His Excellency has been made not to address the Senate, but to address his observations entirely to the House of Commons on this question. He says:—

"You will be asked in order to provide against the possible interruption of the navigation of our great inland waters for an appropriation in aid of the construction of a canal to connect the waters of Lake Huron and Superior at Sault Ste Marie."

It does seem to me that the Senate ought to have been taken into the confidence of His Excellency on that occasion, and that this House should be asked as to the wisdom of that policy. At the present moment, under the treaty of Washington, the St. Lawrence is free to the ocean, to the commerce of both countries. The St. Clair Flats Canal is free. The United States Government undertook to induce the several states to open their canals to the commerce of Canada, and the Imperial Government on its part undertook to secure for the United States the use of the canals controlled by Canada, and we have not heard the most remote hint that the present arrangement was in any way to be disturbed. Taken in conjunction with the first paragraph of the Speech one is almost led to the belief that there was some strained necessity for building the canal at Sault Ste Marie alongside of the American canal that is at present free to us, for which we do not pay one farthing, where our goods are carried through one of the finest canals in the world without cost—a well appointed lock and canal which are illuminated with electric lights every night during navigation. We have used that canal steadily, and we have never heard the smallest intimation that the American government were intending to shut us out from the use of it. Before the construction of the Pacific Railway I could appreciate that there might be a little difficulty in the Americans not allowing our troops to skirt along our border through their canal in the event of difficulties in the North-West; but now that we have the Pacific Railway open in winter and summer there is really no necessity for that particular matter being considered in connection with this canal. Hon. gentlemen who pass through the Sault Ste. Marie canal know that the United States government have two locks there. They are practically two canals, one built many years ago and a very large lock built some seven or eight years ago and now completely finished—a lock sufficiently large to take three or four vessels through at a time—a lock I think of twenty feet lift, of gigantic proportions compared with the locks of our own internal canals, and I do not therefore see what necessity there can be for the construction of a work of that kind on our side of the river. I have turned my attention to it from the fact that I think it is not consistent with the powers entrusted to this House, as one of the legislative bodies of the Dominion Government, that we are not to be called upon to give any expression of opinion upon this subject. Surely the expenditure of several million dollars involving a question of policy is a matter of consideration for this Chamber. The House of Commons is told that something will be put in the estimates about it, but this Chamber is not asked to give its approbation to the proposition to construct that canal. I think the gentleman who drafted this speech to His Excellency has been guilty of rather a serious omission in that particular. With these

few observations I leave the answer to the Speech. It is not proposed I believe to offer any suggestions in amendment and probably this Chamber will follow the example set in the other branch of the legislature and allow the Address to go through with as little comment as possible.

HON. MR. POWER—I had hoped that some gentleman on the other side would have said something with respect to this speech after the hon. gentleman from Ottawa sat down, but as no one seems disposed to rise I shall venture to make a few observations. In what the hon. gentleman from Ottawa has said with respect to the present occupant of the Chair, and the gentlemen who preceded him, I cordially concur. I also concur in what he has said with respect to the gentleman who for so many years led this House, and whose absence we all regret; and I trust that the House will take occasion to express in some more emphatic way than by a mere incidental reference in the discussion of this speech, their sense of the loss which the departure of the hon. gentleman who so admirably led the House for so long a period appears to them.

HON. GENTLEMEN—Hear, hear.

HON. MR. POWER—The hon. gentleman from Monck was, as my predecessor has said, too modest altogether. The hon. gentleman perhaps may have felt, being in a new field, just a little of the modesty of a young man; but he is a veteran warrior in political fights. Probably there is hardly a constituency in Western Canada where the elections have been more bitterly and vigorously contested than in the constituency which that gentleman represented for so many years, a constituency which I believe he was almost the only man who could save to his party.

The hon. gentleman who seconded the Address proves that the French-Canadian race does not deteriorate as it goes westward, either in appearance or ability.

Turning to the Speech, I dare say you would all prefer that I should not talk about it; but, having for a certain time been silent, the occasion of the discussion of the Speech from the Throne gives an opportunity to say things that one perhaps has thought of for a good while. The first paragraph of the Speech says that it is His Excellency's pleasing duty on the opening of a new parliament to congratulate us on the general prosperity of the country and on the prospect of a coming season of peace and progress. I quite sympathise with what the hon. gentleman from Ottawa has said as to the novelty of our being congratulated on the prospect of a coming season of peace, because, as that hon. gentleman has properly said, peace is the normal condition of things here; and I am afraid that, taken with some other expressions in the Address, it may be rather regarded as an indication that the prospects of peace are not quite as good as might be hoped.

As to the general prosperity of the country I have little to say. I do not know what the prosperity of the western portion of the country may be, but I am certainly safe in saying that in the Maritime Provinces, including New Brunswick and Nova Scotia, the people are not in a condition to be congratulated on their prosperity. All those things which are taken as indications of prosperity are absent there. I know that in the city from which I come—and the same thing is true in a great degree of the province, and of the City of St. John and the Province of New Brunswick, the value of real estate, which is a very fair indication of the prosperity of a country or district, has fallen very largely indeed; and the natives of the country who are born and bred there, and who are suited to the country, are leaving the Lower Provinces by hundreds; consequently I do not altogether concur with the hon. gentleman from Monck in raising my voice and asking emigrants from Europe to come to that part of Canada. If we could induce all who are in the Lower Provinces to stay there we should do much better, and I think if the Government would take such steps as would induce the people of the Lower Provinces to remain at home they would act more wisely than in asking people to come into this country from Europe.

Of course we all concur in the sentiments contained in the second paragraph of the speech. Everyone who lives under the rule of Queen Victoria joins gladly in congratulations on her jubilee. Her reign has been a model one. During that time, without any revolution, in the most peaceable way possible, and almost imperceptibly, the colonies, which when she ascended the throne were Crown Colonies, or something next door to Crown Colonies, are now nearly all self governing communities, with free institutions modelled after the institutions of the mother country; and the mother country herself has succeeded in accommodating her institutions to the change of feeling throughout the world, particularly amongst English speaking races. England which, when her Majesty ascended the Throne was a limited monarchy, under an aristocratic government, has to-day almost the most democratic government in the world. There is, I suppose, no country where the will of the people makes itself felt so directly and immediately as in England. Although the country to the south of us is a republic and is supposed to be a much more democratic country than England, the fact is that the will of the people does not make itself felt in administration or legislation with anything like the same rapidity in the United States, that it does in the mother country; and to have brought about that revolution in the way in which it has been brought about, without any serious friction or any bloodshed or ill-feeling is one great achievement of Her Majesty's reign.

I may venture to express the hope that, in one section of Her Majesty's dominions where difficulties have arisen, and where at the present time things are in a very unsettled condition, such changes will take place in the near future as will put an end to all reasonable grounds for complaint; and it would be, I think, a most happy feature of the jubilee year of Her Majesty's reign if that year should be marked by the adoption of such legislation as would put an end to the dissatisfaction and discontent which have been so long chronic in Ireland.

I am very happy to learn that the prominent position which Canada took at the Colonial and Indian Exhibition has made the Dominion more widely and favorably known than before, and that it will contribute largely to its material progress by calling attention to the advantages offered by our country to the agriculturist, and by attracting the capital necessary for the development of its great uatural resources.

While on this point, I may say hat I cannot understand why it is that in this country we do not succeed in attracting immigrants in the same way that they are attracted to the United States. The Government of this country spend a great deal of money with the view of attracting immigration to Canada, but the immigrants do not seem to come. In the United States the Government do not do as much in that way as they do here, but the railway companies do an immense deal. I have not yet learned that any of our Canadian railway companies have done much in the way of attracting emigrants to this country. Considering the very generous assistance which this country has given to some of the railways, the companies should do a great deal in the way of encouraging immigration—that is immigration of the right kind—and I hope that, if the Canadian Pacific Railway have not already taken steps to bring the right kind of immigrants into Canada, they will do so in the early future.

One of the most important paragraphs in the Speech is the fourth, which deals with the negotiations pending between Her Majesty's Government and that of the United States with respect to the Fisheries question. We are not in a position to discuss that question satisfactorily until we have seen the papers and correspondence in connection with it; but we may express our regret that that correspondence has not been laid before Parliament. It is a very unsatisfactory thing for a Canadian, whose country is more vitally interested in this question than either Great Britain or the United States, to find that he has to look for his information to the blue books of England and the United States. I have had the good fortune to see the English blue book on the Fisheries question, and I have also seen the American blue book; but I have not

yet seen such a document issued by the Government here, and I think it is a regrettable and objectionable state of things. There is one observation which I might be allowed to make, although the correspondence is not before the House, and that is that, as far as I can judge, the Canadian Minister of Marine and Fisheries and the Minister of Justice have done their duty, at any rate in the matter of the correspondence, by the country upon whose behalf they speak. I think the report of the Minister of Justice in the case of the "David J. Adams" is an able and convincing paper. The hon. gentleman for Monck seemed to feel very sanguine that we shall settle this question without any difficulty at all; that the Americans are a reasonable people, and that this little difficulty will be settled without trouble or delay, and the hon. gentleman from Windsor seemed to entertain the same view. I am afraid that those hon. gentlemen are a little too sanguine. I can readily understand that the hon. gentleman from Windsor, whose relations with the people across the river are very friendly, thinks that because the people of Detroit and neighborhood seem to be filled with good feeling towards Canada, therefore there will be no difficulty in arranging this matter. Unfortunately, those difficulties are not to be settled by the people living close to the two sides of the border; they are to be settled at Washington and in London; and, when we look at what has taken place in Washington during the late session of Congress, I do not think we can concur with the mover and seconder of the Address in thinking that we are to have this Fishery Question settled without difficulty or delay. Judging from the temper shown—and one does not so much mind the temper shown by the fishermen of New England—but judging from the temper shown by the two Houses of Congress during the late session, I see very little reason to hope that a settlement of this question will be arrived at which will be honorable and satisfactory to both nations. At any rate I hardly think that any arrangement will be arrived at which will be honorable to England and the United States and at the same time satisfactory to Canada. I do not think that any arrangement which would be fair and honorable to the Dominion would just now be satisfactory—I shall not say to the Government of the United States, because the Government seem to be fairly reasonable, but—to the Congress of the United States, and I have grave doubts as to the future of this question. I hope that my doubts are not well founded. I think we could stand two or three years of difficulty with the United States; but my fear, based upon the experience of past negotiations between England and the United States is, that the interests of Canada will be sacrificed by England. I hope that it may not be so; but I have very grave fears on the subject.

It was suggested by the hon. gentleman from Ottawa, and his views appear to be the views generally entertained, that we should not talk about this question in Parliament at Ottawa. I do not see why we should not. We know well that this matter was discussed in the freest way at Washington. If they talked freely there, I do not see why we should not talk here also; and I venture to hope that we talk as good common sense here as they do at Washington, and that our views are perhaps more reasonable than the views expressed by some gentlemen in Congress. Before leaving this subject, there is just one point to which I might venture to direct the attention of the hon. gentleman who represents the Government here, and that is, that if the up-shot of the negotiations should be the making of a new treaty, I trust that the Government of Canada will see that whatever privileges are granted to the fishermen of the United States will be enjoyed subject to the same rules and laws as our own fishermen are subject to. What I mean is this: that American fishermen shall not be allowed to come into our territorial waters—within the three mile limit—and do things there which our own fishermen are not allowed to do. I think that is a matter of very great consequence; and I hope the Government have not overlooked it; and, if negotiations go on hereafter, that they will bear it in mind. Hon. gentlemen will remember the serious difficulty which occurred between Newfoundland

fishermen and American fishermen at Fortune Bay arose altogether out of the fact that that the American fishermen were not bound to obey the local laws with regard to fishing. I hope the Government will see that in whatever arrangement is come to, provision will be made on this point, because our experience has been in the past that American fishermen come in close to the shore and tear up and destroy the nets and other fishing appliances of our shore fishermen; and I may venture to suggest also—although it is not my duty to recommend things to the Government—that in the interest of the inshore fishermen it is desirable that the Government should make regulations to protect them against the interference of our own fishermen who fish from schooners and large boats. It is not an uncommon thing for a fishing schooner to improperly interfere with the nets and fishing gear of the shore fishermen, and it is the duty of the Government to prevent it. I hope the hon. gentleman who represents the Government in this House will take some interest in this matter and see that the Government make the necessary regulations, and if legislation is necessary that that legislation shall take place.

The latter part of that paragraph says the necessary provision has been made for the protection of our inshore fisheries. I think that up to the present time, that is since the beginning of last year, the protection afforded to our waters has been fairly satisfactory, and I hope that the Government will continue to protect our rights in the way that they have done. I may say, although it is repeating what I have said before, that there probably would have been less difficulty with the American fishermen last year, and less dissatisfaction amongst the American people, if the Government had not, with the best intentions, made the mistake of giving our neighbors one season of free fishing. There is just one other point as to which I humbly suggest a mistake has been made. I think that in some two or three instances our officers have perhaps rather exceeded their instructions. There was the case which occurred very recently: that of the schooner "Scylla," of the county of Lunenburg—a case with which my hon. friend on the left (Mr. Kaulbach) is doubtless familiar, in which the offence of the "Scylla" was that she supplied provisions to an American schooner in need of them, at a distance of fourteen miles from land. The "Scylla" was seized, and only recently released. I think that there was an excess of zeal on the part of the officer to seize a vessel for an proceeding of that kind. I fail to see how it can be an offence under any law. On the whole, however, the Government have done their duty fairly well in connection with this protective service, and I am glad to notice that they have fitted out additional cruisers this year, and that the protective service will probably be more complete than it has been.

We are told in the fifth paragraph that we are to have a Department of Trade and Commerce, under the supervision of a responsible Minister. That is a proposition which I think does not deserve the approval of this House. We have too many departments. We have, I think, thirteen departments. You may go over the whole civilized world, and you will hardly find a country, no matter how populous or how large or how rich it may be, where there are so many departments to do the same work as we have here. The only country that I have been able to find where there are more departments than there are in Canada is Great Britain and Ireland. In that country there are sixteen ministers; and when we take out of those sixteen the Lord Lieutenant of Ireland, he Secretary for the Colonies, the Secretary for India and the Chancellor of the Duchy of Lancaster, there are practically less by one or two than we have here. In Belgium, where the revenue is nearly double as large as ours, and where there is a population considerably larger than ours, they have only seven ministers. In the Netherlands, where the population is about the same as ours, and the revenue once and a half as large, they have only eight ministers. In Portugal, where the revenue ard population are pretty much the same as ours, they have only seven. Coming to this continent, we find that in Brazil, where the revenue and population are double what ours are, they have only seven ministers. In the United

States they have only seven, and the general rule throughout America is that there are either five or seven ministers. Even Mexico has only six; and our sister colony of New South Wales, where the revenue is larger than ours, has only nine ministers. To undertake, at the present time, in the face of a deficit of nearly six millions of dollars, and of a revenue falling rather than rising, to create another department, which will involve not merely a new minister but a new staff and a very large expenditure, is very unwise and improper and unnecessary.

If it is necessary that there should be some officer especially charged with the supervision of trade and commerce, I think the simpler way would be to combine two of the present departments, and give the department that was then to spare to a new minister—that is, if such a minister were necessary. For my part I do not see why the Finance Minister could not answer all questions dealing with trade, commerce and statistics here, as well as he does elsewhere. I am afraid that this proposition to create a new minister does not arise so much from the feeling that such an officer is necessary in the interests of the country as from the fact that the office is needed for some particular gentleman. In fact I have been given to understand that it is needed for a gentleman who finds that the office which he at present holds does not afford him that employment and that patronage which he feels his abilities demand. If that be the case, the creation of this new department is a most indefensible and unwise policy.

The sixth paragraph says that we shall be asked to consider the propriety of making such improvements in the organization of the Departments of Justice, Customs and Inland Revenue, as will provide greater facilities for the despatch of the large and increasing volume of business with which those departments are charged.

I do not exactly understand what the meaning of that paragraph is. It may be, with respect to the Department of Justice, that a subordinate officer shall be created to correspond to the Solicitor General of a province. Possibly such an officer might be a desirable addition to the staff, though I am not sure. It does look as though the intention was to appoint more officials. I think we are too much governed in Canada altogether. We have too many heads of departments—nearly twice as many as we ought to have, and too many subordinates. I am satisfied that one-half the number of Civil Servants whom we have in Ottawa to-day would do the work done by the present staff better than it is done. The fact is that in some of the departments the employees are so numerous that they are simply in one another's way; and in order to give them employment the Ministers are obliged to devise a system of red tape which impedes rather than advances the work. The Circumlocution Office that Dickens wrote of was not much worse than some of the departments here, and there is the strongest objection to any addition to the Civil Service staff. The Government of the country costs a great deal more than the Government of a young and poor country like this should cost.

As to the proposed representation of the North-West Territories in the Senate, it is a matter to which we can have no objection. Four members are now supposed to represent the North-West Territories in the other Chamber. I said last Session, when the Bill to provide for that representation was going through the House, that the measure was so drawn that the Government might as well have been given power to appoint the four members for the North-West Territories. The result has proved that I was perfectly right. With a system of open voting, and the lists made up after nomination day, the elections were only a matter of form, and practically allowed the Government to appoint four gentlemen to represent the North-West. At the same time, I think it is better that it should be so, than that the North-West should be unrepresented; for, although those gentlemen may not represent the spontaneous feeling of the people of the North-West, they do to a certain extent represent the North-West, and will look after the interests of the country; and it is desirable that that portion of the Dominion should be represented in the Senate also.

As to the Bills respecting Government railways, and the mode of trial of claims against the Crown, we can say nothing until we see them. As they are Departmental measures which I presume have been found necessary, they will probably be such as will meet with our approval.

With respect to the new canal at Sault Ste. Marie, I do not venture to say much after what has been said by the hon. gentleman from Ottawa. He is familiar with the ground and I am not. I concur in what he said as to the Senate having been to a certain extent slighted in not being asked to give its concurrence to this measure. I believe that the Senate is to a certain extent responsible for that slight, because this House has almost always accepted and endorsed every Government measure; and the Government have probably felt that they need not bother much about our dignity—that we would do what they wanted at any rate. I have learned from a gentleman who is in a position to know—an hon. member of this House—that this canal would be a most expensive one—most difficult of construction; and I think it would not be wise to undertake the construction of this canal until we had first heard the result of the negotiations which are spoken of so hopefully in the earlier part of the Speech. If the negotiations turn out satisfactorily, then there will be no necessity whatever for constructing the canal; and, having the Pacific Railway in operation for military purposes, it will be time enough for us to talk about building the canal after we find that we shall not be allowed to utilize the existing canal. A canal such as the one proposed would cost a great deal more than would be saved to our commerce by its construction.

The last paragraph tells the gentlemen of the House of Commons that the accounts of the last year will be laid before them as well as the estimates of the ensuing year. That does not come within our province, but I cannot help adverting to one feature of those accounts. They show a largely increased expenditure, amounting to about $39,000,000, a falling revenue, and a deficit of nearly $6,000,000, a deficit which taken with that of the year before, is larger than all Mr. Mackenzie's deficits taken together; and hon. gentlemen will remember how very eloquent some hon. members were on the subject of deficits during Mr. Mackenzie's time. I hope those hon. gentlemen realize now that deficits may happen even under Conservative Administration—a thing which they deemed impossible three or four years ago.

HON. MR. KAULBACH—I was in hope that the same course would be taken in this House as was adopted in the other branch of the legislature, and that the debate would close with the remarks of the mover and seconder of the Address and the leader of the Opposition on this side of the House. But my hon. friend from Halifax who sits near me, and whose views on some questions I approve of, when he rises, as he generally does on all questions, and speaks disparagingly of the province from which I come, he induces me to speak when I would otherwise feel disposed to be silent. When he refers to the general prosperity of Canada and states that it does not apply to Nova Scotia it evidently shows that he shuts his eyes, or that he knows very little about his own province generally. The position of Nova Scotia is not that of Halifax or the little pessimist circle in which my hon. friend moves. We have expanded our trade and commerce all over Nova Scotia. If we look at the Nova Scotia of fifteen years ago and compare it with the Nova Scotia of to-day and the developement of trade and commerce in every county and town we will find that business is largely increased beyond what the most hopeful contemplated. We find that traders who formerly purchased their stocks in Halifax are now direct importers from foreign counties in every little town, and that probably the general prosperity of Nova Scotia may be somewhat of a disadvantage to the City of Halifax because of that city continuing in the old groove.

HON. MR. BOTSFORD—That is so.

HON. MR. KAULBACH—They allow their competitors in the Upper Provinces to import goods across the Atlantic and then assort and send them down to be sold throughout Nova Scotia and compete

successfully with the merchants of Halifax. It evidently shows that the business men of the cities here in Upper Canada are more enterprising than they are in Halifax.

HON. MR. POWER—How about St. John?

HON. MR. KAULBACH—I never speak of what I do not know. The hon. gentleman well knows that there is a Board of Trade and Commerce in Halifax, and I believe that the hon. gentleman himself, though he does not do much in the way of trade and commerce, is a very conspicuous member of that Board. And what do we find? That they were satisfied to have their trade with the West Indies carried on not by subsidies given to large steamships but solely by fish merchants in small sailing vessels. They want all this under their own control, discouraging competition instead of having the trade and commerce of their country, especially the fish trade, conducted on modern principles. So long as we find leading men in the fishing trade in Halifax advocating anything of that kind, when they refuse to follow the example set them by the United States, what else can we expect but a want of prosperity in that city? The hon. gentleman speaks of a lack of progress and prosperity in Nova Scotia. Had he confined his remarks to his fish merchants, I would have admitted that they were unquestionably non-progressive and most decidedly antiquated in their mode of doing business. I must be satisfied at his speaking for Halifax and not for the entire Province.

HON. MR. POWER—What about St. John?

HON. MR. KAULBACH—I am speaking of Halifax; I am not so well acquainted with St. John, but the hon. gentleman talks of Nova Scotia and the outlook for the trade of Nova Scotia, and when he belittles his own province as a place for people to settle in, and states that the natives, the laboring classes, are leaving it, I would like to refer him to the pamphlet published and circulated by the present Government of Nova Scotia all over England, offering inducements to emigrants to come to Nova Scotia, which they say is the finest part of Canada—that it is the best home for immigrants—cheap living, good employment, and with common industry and frugality they will find peace, comfort and prosperity attend them. It is not fair to Canada, and it is not fair to the lovely province from which I come, that these remarks should go abroad uncontradicted, and I feel that I am justified in rising on the spur of the moment to condemn any remarks that are so detrimental to the province of Nova Scotia.

HON. MR. POWER—I did not say anything against Nova Scotia.

HON. MR. KAULBACH—The hon. gentleman said there was no prosperity there; that there was nothing but stagnation in business, and real estate at a discount.

As regards the Speech from the Throne, I am sure we may all, notwithstanding what my hon. friend has said, endorse the sentiments expressed as regards the prosperity, the peace and progress of the country. Some remarks have been made by the hon. leader of the Opposition here with regard to the word "peace" in the first paragraph of the Speech. I think it is a word which we ought to be pleased to find in the Speech, congratulating us on the fact that peace and prosperity prevail from one end of the country to the other—that we have crushed out rebellion.

With regard to this Jubilee year of our gracious Queen's benign reign, we all feel that we can with joy respond to the congratulations on such a long and successful reign, and the continued health of our good and gracious Queen. I remember the coronation of Her Majesty, and I suppose most of the hon. gentlemen around this table can recollect it also.

HON. MR. POWER—You were only a baby then.

HON. MR. KAULBACH—My hon. friend says I was only a baby then. That is true, but I was very precocious, and enjoyed the coronation and celebration, though probably at that time of my

life I did not understand the real meaning or importance of the event. With returning years I have looked back with love and loyalty upon the glorious and eventful reign of Her Majesty, as a young sovereign, as a wife, as a mother and as a widow. In all situations of her life I am sure that every one of us can feel happiness and pride. Above all, as has been said by the hon. leader of the Opposition, in her domestic life I am sure she has been a pattern to all matrons. When we think of the mighty increase of the empire in her reign, covering as it does now one-fifth of the civilized world, and the loyalty of hundreds of millions of her subjects—when we contemplate the magnificent extent, wealth and greatness of the empire, I am sure we may have great cause to be thankful and happy, and should pray fervently that she may long live to reign over us happy and glorious, beloved and revered.

HON. GENTLEMEN—Hear! hear!

HON. MR. KAULBACH—As regards the next part of the Speech, we are reminded of the success of the Colonial and Indian Exhibition. I firmly believe it has done a great deal of good to our Dominion; certainly it has given the people of Great Britain some new ideas of Canada. It has made much more widely and favorably known its capabilities and resources, and has obtained for us advantages which could not have been obtained in any other way. As far as the town I come from is concerned, it has done us a pecuniary good. The fish we sent out there as samples have secured favorable notice for our merchants. Models of our schooners and our sail boats and row boats sent were attractive, and the orders for some of the boats were far greater than we could supply. If such was the result in a little town such as Lunenburg in Nova Scotia, I am inclined to believe that similar benefit has accrued to many other parts of this Dominion from the Colonial Exhibition.

I do not see any reference to the political confederation of the colonies, but there is something which we are ripe for and which we ought to have, and probably it is intended to have, a conference of the colonies of the empire as regards defence, and as regards mutual interchange of commerce between the colonies and with great Britain. I think these are matters which should be first considered by the colonies and by Great Britain, and having acquired a better knowledge of each other and secured better and closer trade relations, other more important questions may be taken up for our consideration.

As regards the fisheries I agree with my hon. friend, the leader of the Opposition that it is rather a delicate question to touch upon in its present condition whilst negotiations are pending, and alive as I am to the issues, the rights of our fishermen and what I believe to be the rights of this country, I hesitate to speak on the subject at present. I think it would be better to adopt a different course from what we have seen in the Senate of the United States. The speeches made by certain eastern Senators of that body I am sure do not reflect the dignity or wisdom or the calmness of that august body or the great mass of the republic. I hope and believe that a *modus vivendi* will be arrived at in this matter which will be alike beneficial and satisfactory to all parties, such as will conserve the dignity, friendly relations and interests of all parties.

It is repugnant to my ideas to believe that two great countries situated alongside each other, with only an imaginary line between us, populated by people of the same race, and the same language, cannot settle a matter of this kind in some manner that will secure the rights of all and maintain the friendly relations which now exist on both sides of the line. I do not agree with my hon. friend from Halifax, who believes that that cannot be done. I believe that a settlement will be arrived at as the result of the present negotiations. I do not say anything about the treaty of 1818; I believe that the plain language in which it is drawn leaves very little room for doubt as to the intention of the parties at the time it was ratified. Against the plain words of a statute or treaty no interpretation can be sought. The trouble with the United States is that at the time the treaty was made that country did not and could not then see the consequences of

the reckless waste and destruction of their fisheries. In place of adopting a proper protective system for their own fisheries they allowed them to be destroyed; and in any arrangement that may be entered into between Canada and the United States I fully endorse the views of my hon. friend from Halifax that the fishermen of the latter country should not be allowed any greater privileges in our waters than are conceded to our own fishermen. Fishermen of the United States must be subjected to the same rules and laws as our fishermen are subjected to. It would be suicidal; it would be the utter annihilation of our fisheries, if the Americans were allowed to come in and practice a system of fishing which is not allowed to our own people. I cannot for a moment believe that anything of the kind would be entertained by our Government. My hon. friend from Halifax thinks it was unwise to allow United States fishermen to fish in our waters after the Treaty was terminated. I do not agree with him. I believe that we stand in a better position to-day both in the United States and in England in consequence of the conciliatory spirit and generous position we took on that occasion. When it was suggested by the President of the United States that by leaving our fisheries open for one year the matter might be left to arbitration or to a commission for settlement, had we declined to do so we would have shut off all negotiations, created a feeling of irritation in the United States, and we would not now receive the same cordial sympathy and support that we have and that we expect to receive from England in the final settlement of this question. My hon. friend from Halifax thinks that our fishing cruizers are acting too vigorously and too officiously, but the only example he could cite was the case of the "Scylla," a vessel from my own town, Lunenburg. I may inform the hon. gentleman that I think I am the largest shareholder in the "Scylla," and I believe that she was properly arrested and properly fined; and I felt so strongly in the matter that I would not take any steps to have that fine removed it was so annoying to me to find a vessel in which I had a large interest, violating not only the spirit but the letter of the Treaty in its most vital part. I say it was a gross violation of the rights of our fishermen on the part of the captain to give succor and protection and supplies to an American rival. The penalty was well imposed, and I was surprised to find that to some extent it had been rescinded. If that is the only case in which our cruisers can be charged with having acted harshly or inconsiderately, then I say they acted well. From my knowledge of the matter, I say that the Government were perfectly justified in the action they took, and a proper example was made in imposing a fine on the "Scylla."

My hon. friend refers to the paragraph which announces the formation of a new department. From what I have heard I believe that some of the departments will be amalgamated, but when my hon. friend says that a Department of Trade and Commerce is not required, he does not seem to realize what is essential to the welfare of the country. I feel that the Government are now, as they have always been, true to their principles and the National Policy in developing not only the industries of the country and the internal trade of the country, but extending our foreign trade relations. I am in hopes that we will have large trade relations with France, and the Spanish West Indies, with which latter country we are now on the same terms as the most favored nations, by which a large trade can be secured for Canada, and especially that part of it from which I come. This paragraph in the Speech assures me that the Government are alive to the necessities of our trade and the importance of building up and expanding our foreign trade relations. There has been no time in which it was more important than it is at present. Our export trade has not been as satisfactory as it should have been, not from want of capability of production, but from want of good markets, and I believe the proposed Bureau or Department will be a live one, and an incentive to foreign trade as well as our coast and internal trade. I look upon this paragraph in the Speech as above all others in practical importance.

As regards the North-West Territory, we ought to congratulate ourselves on

their progress and developement. Some years ago there were no hopes of direct railway communication with that part of the country under the policy of the Reform Government; yet within eight years from the time the Conservative Government came into power and pursued their policy with vigor and earnestness, that vast country has been opened up to settlement, and the Territory that ten years ago was the home of wild beasts and roving Indians has developed into a settled country that is now asking for representation in Parliament, and all the rights and privileges that are enjoyed by other parts of the Dominion. It is a realization which no one could have fully anticipated within so short a period. I do not believe that the most sanguine man in this House ever anticipated that the country would be to-day in the position to claim our present relations with such a vast and rich heritage or that our political, social and commercial and trade relations would be such, as they are. We should be proud of our vast domain and the position in which we now stand toward the North-West Territories.

Some objection has been raised by my hon. friend against the construction of the canal at Sault Ste. Marie. I say, independent of all political considerations, from my knowledge of the present canal—for fortunately I was detained there a whole day on my way down last autumn—it is scarcely equal to the necessities of the trade of the United States, and certainly inadequate to the addition of our growing shipping on our great lakes. It has not a sufficient capacity to accommodate the existing demand on it. Looking to the fact that we can build a canal on our own side of the river much cheaper than the one now on the American side, and with greater capacity, I believe that the Government are wise in providing such accommodation. It is contended that because we have a railway running through Canada independent of the United States that we do not require this canal; but every practical man knows that the railway alone is not going to accommodate the trade of our lakes and the North-West. The water route will always be the popular, the natural mode of transporting the bulk of the goods of this country. It is the natural highway through the heart of Canada, and we ought not to be dependent upon a foreign nation for the use of their canal. In view of the immense development of our internal trade and navigation it would be a dangerous policy to wait until we are placed in the predicament of being deprived of the use of the canal at the Sault. It is a wise policy on the part of the Government to prepare for every contingency in a matter of such vital importance as the internal trade and shipping of our country. Therefore I believe, apart from political exigencies, that this canal has become an absolute necessity for the rapidly increasing trade and commerce of Canada.

HON. MR. POWER—Hear! hear!

HON. MR. KAULBACH—I am glad that my hon. friend from Halifax approves of anything I say. I believe that I have convinced him on many points; if not it is his misfortune and not my fault; it is owing to his persistent opposition to everything that is advanced for the prosperity and development of the country in which we live and of which we are proud, that I was forced to occupy, what might be considered unnecessarily the time of this House in the passage of the address.

HON. MR. BELLEROSE (in French) said he would not repeat the complimentary reference to the appointment of his hon. friend Mr. Plumb to the Chair, the regret expressed at the withdrawal of Sir Alexander Campbell from the leadership of the Senate, or the expressions of approval of the remarks made by the mover and seconder of the Address. All these matters had been so happily commented upon by the leader of the Opposition that he (Mr. Bellerose) would say nothing more than he fully endorsed the remarks of the hon. gentleman from Ottawa. As to the resolutions now under consideration the discussion of them by gentlemen on both sides of the House had been of such a nature that it would be useless for him to occupy the time of the Senate in adding anything to what had already been said. The different subjects referred to in the

Speech would have to come before the House, and ample time would be afforded hon. members to give their opinions on them. He could not allow this the first occasion he had to pass, without congratulating the Government on having changed their ways, though he regretted that there was no gentleman on the Treasury Benches who could understand his remarks. Hon. gentlemen would remember that on many occasions during past Sessions he had to criticize the Government for having refused justice to a part of the population of this Dominion; that for many years past, though the Confederation Act recognized two official languages, one, the French, had been ignored. He had much pleasure, after having had on so many occasions to condemn the Government for their direlection of duty in that respect, to be able now, with all sincerity, to congratulate them on evident signs of change of heart. He congratulated them on the appointment of a gentleman speaking the French language to the Speakership of the Commons, and also on the appointment of the hon. Senator from Windsor (Mr. Casgrain) as representing the French nationality in Ontario in the Senate; and further for having asked a gentleman of the same nationality to move the resolutions in reply to the Speech from the Throne.

The motion was agreed to.

Ordered that the said address be presented to His Excellency by such members of this House as are members of the Privy Council.

The Senate adjourned at 5:20 p.m.

THE SENATE.

Ottawa, Tuesday, April 19th, 1887.

THE SPEAKER took the Chair at 3 p.m.

Prayers and routine proceedings.

There being no orders on the paper the Senate adjourned at 3:15 p.m.

THE SENATE.

Ottawa, Wednesday, April 20, 1887.

THE SPEAKER took the Chair at 3 p.m.

Prayers and routine proceedings.

PETITIONS FOR PRIVATE BILLS.

MOTION.

HON. MR. SMITH moved that the time for the presenting of petitions for private bills, which expires on the 22nd instant, be extended to the 13th May.

Hon. Mr. GIRARD—There is a motion on the order paper for an adjournment to the 10th May. The time given for the presentation of petitions and private bills, by this extension, would be limited to the period between the 10th and 13th May—practically there would be only two days after the adjournment, which would not be sufficient and I would suggest that the time be extended to the 20th of May.

HON. MR. MILLER—The motion for adjournment may not carry, and if it does not, the proposed extension is quite long enough.

HON. MR. SMITH—It can be again extended, if the House thinks it necessary to do so.

The motion was agreed to.

PRIVATE BILLS.

MOTION.

HON. MR. SMITH moved that the time for presenting Private Bills, which expires on Wednesday the 22nd inst., be extended to May 20th.

HON. MR. KAULBACH—I do not rise to oppose the motion, but it seems to be anticipating a long adjournment which I cannot endorse. I was in hopes that we were to have a short session, but if the time for introducing Private Bills is extended to the 20th May, the proba-

bility of a short session seems to be evaporating.

The motion was agreed to on a division.

THE SESSIONAL COMMITTEES.

MOTION.

HON. MR. SMITH moved that the Sessional Committees be composed respectively as follows:

That Hon. Messrs.

ALLAN,
ALMON,
BAILLARGEON,
BELLEROSE,
BOTSFORD,
DE BOUCHERVILLE,
GOWAN,
HAYTHORNE,
LACOSTE,
MACPHERSON (Sir David Lewis),
MILLER,
ODELL,
POIRIER,
POWER,
RYAN,
SCOTT,
SULLIVAN,
TRUDEL and
WARK,

be appointed a Committee to assist His Honor the Speaker in the direction of the Library of Parliament, so far as the interests of this House are concerned, and to act on behalf of this House as members of a Joint Committee of both Houses on the Library.

That Hon. Messrs.

CASGRAIN,
DEVER,
GIRARD,
GOWAN,
GUEVREMONT,
HAYTHORNE,
KAULBACH,
MCCLELAN,
MCKINDSEY,
MCMILLAN,
MACFARLANE,
OGILVIE,
PELLETIER,
READ,
TURNER,
VIDAL and
WARK,

be appointed a Committee to superintend the Printing of this House during the present Session, and be instructed to act on behalf of this House with the Committee of the House of Commons, as a Joint Committee of both Houses on the subject of Printing.

That Hon. Messrs.

ALLAN,
ARCHIBALD,
BELLEROSE,
MCMASTER,
MACPHERSON,
(Sir David Lewis)
BOTSFORD,
BOYD,
CARVELL,
CHAFFERS,
CLEMOW,
COCHRANE,
FERRIER,
HAMILTON,
LACOSTE,
LEWIN,
MCCALLUM,
MACINNES,
(Burlington)
ODELL,
PAQUET,
ROBITAILLE,
ROSS, (Laurentides)
RYAN,
SANFORD,
SENECAL,
SMITH,
SULLIVAN,
THIBAUDEAU,
TRUDEL,
TURNER, and
WARK,

be appointed a Committee on Banking and Commerce for the present Session, to whom shall be referred all Bills on these subjects.

That Hon. Messrs.

ALEXANDER,
ALLAN,
BELLEROSE,
DEBOUCHERVILLE,
CARVELL,
COCHRANE,
DICKEY,
FERGUSON,
FERRIER,
HAMILTON,
KAULBACH,
LEONARD,
MCCALLUM,
MCCLELAN,
MCDONALD,
MCKAY,
MCKINDSEY,
MACDONALD,
MACINNES,
(Burlington)
MONTGOMERY,
MILLER,
O'DONOHOE,
OGILVIE,
POWER,
ROBITAILLE,
RYAN,
SANFORD,
SCHULTZ,
SCOTT,
SENECAL,
SMITH,
STEVENS,
SUTHERLAND,
TURNER, and
VIDAL,

be appointed a Committee on Railways, Telegraphs and Harbors for the present Session, to whom shall be referred all Bills on these subjects.

That Hon. Messrs

ALEXANDER.
ARCHIBALD,
ARMAND,
BOTSFORD,
CHAFFERS,
DE BLOIS,
DICKEY,
FERRIER,
FLINT,
GIRARD,
GRANT,
HAMILTON,
HOWLAN,
MCKINDSEY,
MCMASTER,
MCMILLEN,
MACFARLANE,
MACPHERSON, S.DL.
MILLER,
ODELL,
O'DONOHOE,
PAQUET,
PELLETIER,
POWER,
READ,
ROBITAILLE,

LEONARD, RYAN,
McCLELAN, SCOTT,
McDONALD, (C. B.) SCHULTZ,
McINNES, (B. C.) SMITH,
MCKAY, STEVENS and VIDAL

be appointed a Committee to examine and report upon the Contingent Accounts of the Senate for the present Seesion.

That Hon. Messrs.

ALMON, McMILLAN,
ARCHIBALD, MACDONALD (B.C.),
ARMAND, MACFARLANE,
BELLEROSE, MERNER,
BOLDUC, MILLER,
BOTSFORD, MONTGOMERY,
CARVELL, O'DONOHOE,
DEBLOIS, OGILVIE,
DEVER, PAQUET,
FERRIER, PELLETIER,
FLINT, POIRIER,
GIRARD, POWER,
GLASIER, READ,
GOWAN, REESOR, [taye),
GRANT, ROSS (de la Duran-
GUEVREMONT, SCHULTZ,
HAYTHORNE, SCOTT,
HOWLAN, STEVENS,
LACOSTE, SULLIVAN,
McINNES (B.C.), SUTHERLAND, and
MCKAY, TRUDEL,

be appointed a Committee on Standing Orders and Private Bills, with power to examine and enquire into all such matters and things as may be referred to the said Committee, to report from time to time their observations and opinions thereon, and to send for persons, papers and records.

That Hon. Messrs.

BOLDUC, ROSS (de la Duran-
CASGRAIN, taye,)
DEBOUCHERVILLE, SCHULTZ,
HAYTHORNE, SCOTT,
HOWLAN, THIBAUDEAU,
MCCALLUM, TRUDEL,
MACFARLANE, VIDAL,
MERNER,

be appointed a Committee to inquire into the best means to be adopted to obtain correct Reports of the Debates and Proceedings of the Senate, and for the publication of the same, and to report from time to time their views to the House.

The motion was agreed to.

THE LEADERSHIP OF THE SENATE.

EXPLANATION.

HON. MR. SMITH—Before we proceed any further I am authorized to announce that after the adjournment, if this House see fit to adopt the motion to adjourn notice of which has been given, a proper and responsible leader will be provided for the Senate. Hon. gentlemen will be pleased to hear that such will be the case, for I am sure that their patience has been very much tried for the past few days.

HON. GENTLEMEN—No, no, no.

HON. MR. SMITH—It will be a great relief to me I am sure, and I thank hon. gentlemen for their forbearance.

THE ADJOURNMENT.

MOTION.

HON. MR. BELLEROSE moved that when the House adjourns to-morrow it do stand adjourned until Tuesday the 10th day of May at 8 p.m. He said his intention yesterday was to give notice that he would move this resolution on Thursday, but he would leave it to the House to decide whether it should be put to-day or to-morrow. Objection might be raised that it required one day's notice, but he would leave it to the House to say whether it should be postponed until Thursday. It was well known that the Senate was a revising chamber, and in order that it should have something to do they must wait until legislation came from the other Chamber. As many gentlemen living at a distance would take advantage of the adjournment, if it carried, to visit their homes, he would, with the permission of the House, amend the motion to make the adjournment extend to Wednesday the 11th of May.

HON. MR. DICKEY objected to the motion on the ground that it was making the adjournment commence a day earlier and extending it a day later. There might be circumstances connected

with the position of the Government which would take this resolution for adjournment out of the category of resolutions for adjournment, which he generally opposed, but there was something due to appearance, and something due to the regularity of their proceedings, and it would be decidedly better if his hon. friend would renew his notice for to-morrow, and then if the House decided to adjourn on Friday it would only take effect from Monday next. There was another reason against a long adjournment: they were not without business; there were committees to be organized and brought into action by the appointment of chairmen, and that action had to be submitted to the House, and there was pressing business, at all events, for one of the committees in consequence of unfortunate vacancies on the staff.

HON. MR. KAULBACH objected to the motion on the ground of want of proper notice. There was plenty to occupy the time of the House, and he did not like that the country should suppose they were in the position of having nothing to do when there was ample work to occupy their time. There was an important motion for to-morrow, notice of which had been given by his hon. friend Dr. Schultz; there was another by the same hon. gentleman for Friday respecting Experimental Farms in the North-West, and also one from his hon. friend from British Columbia which would open a wide subject for discussion as regards the defence of the Pacific coasts of Canada. These matters were all of deep importance and would require ample consideration. However, if the adjournment were required in order to provide a leader for this body he would certainly make no objection. He would not have so much objection to the motion if it had come from a member of the Government who was more likely to know what amount of business would probably come before the House in the next two weeks.

HON. MR. BELLEROSE said the reason why he had substituted the 11th May for the 10th in his motion was that members who returned to Halifax would have to leave home on Sunday in order to reach Ottawa on Tuesday the 10th, but by adjourning to the 11th May they could leave home on Monday morning in time to reach here for the meeting of the House on the 11th.

HON. MR. SMITH said he was quite satisfied that the public business would not suffer by the proposed adjournment. He desired to add that personally it would be a relief to him as he was scarcely in a condition to remain in the House.

HON. MR. GIRARD was opposed to so long an adjournment and begged to enter his protest. During the recent election the question was discussed in many constituencies as to the necessity for the existence of this branch of the legislature, and whether the country could not dispense with the services of the Senate altogether. An adjournment for a period of three weeks so soon after the meeting of Parliament would add force to the arguments against the existence of the Senate. There was sufficient work indicated in the Speech from the Throne, and if a division was taken on the resolution he would record his vote against it.

HON. MR. KAULBACH understood that there were nine divorce cases to come before the House, and the adjournment might delay some necessary motions in connection with them. If the adjournment took place some hon. gentlemen who were to act on the committees might occupy their time to advantage in looking up the law divorce matters.

HON. MR. MCINNES (B. C.) said it appeared to him that if the Government were prepared to bring down the Budget shortly after the opening of Parliament, there would be very little necessity for those adjournments. The Government could not do anything more to lower the standing and influence of the Senate than to propose, after the House had only been a few days in session, to adjourn for three weeks. They had been here for the latter part of last session, and up to the present time this session, without a responsible leader, and if, as the hon. gentleman from Toronto said,

the want of a leader was one of the reasons why the adjournment was proposed, he would not vote against the motion.

HON. MR. SMITH said he was not speaking for the Government when he approved of the adjournment; he was speaking for himself. He was not able to remain in the House; he wanted to get to his room. He was suffering from pain to such an extent that he had not slept three hours in as many nights.

HON. MR. McINNES regretted that his hon. friend was suffering from pain, and explained that he had misunderstood the hon. gentleman's remarks. He hoped the Government would be prepared in the future to bring down their legislation when Parliament met. If such were the case, there would be no necessity for adjournments.

The motion was agreed to on a division.

The Senate adjourned at 4:35.

THE SENATE.

Ottawa, Thursday, April 21st, 1887.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and Routine proceedings.

REPORTS OF COMMITTEES.

The first Reports of the following committees were presented and adopted without discussion:—

On Contingent Accounts—(Mr. Howlan.)

On Standing Orders and Private Bills—(Mr. Gowan.)

On Banking and Commerce—(Mr. Allan.)

On Railways Telegraphs and Harbors—(Mr. Dickey.)

On Reporting the Senate Debates—(Mr. Vidal.)

IMPORTATIONS OF DYNAMITE.

INQUIRY.

HON. MR. POWER—I would ask the hon. gentleman who represents the Government in this House if he would be kind enough to see that some papers asked for last year in connection with the importation of dynamite into the port of Halifax be brought down at an early day. At the time the return was moved for the hon. gentleman who now fills the Chair of this House was in charge of the Government business in the Senate, and he said that the papers which I asked for were ready but that he preferred not to lay them on the Table of the House until some other correspondence with respect to the importation of dynamite into the port of Montreal was also ready to be laid on the Table. He proposed to lay them on the Table together. As some 11 months have elapsed since then, I presume that the correspondence must be ready to be laid before the House.

HON. MR. SMITH—I will inquire into the matter and give the hon. gentleman an answer as soon as possible.

DELAYED TRAINS ON THE INTERCOLONIAL RAILWAY.

INQUIRY.

HON. MR. ALMON inquired of the Government why it was that the train of the Intercolonial Railway which left Halifax on Monday afternoon, April 11th, and was due at Point Levis at six o'clock, p.m., on Tuesday, April 12th, did not arrive at the latter place till one o'clock, a.m., on Wednesday, 13th?

He said: I trust that this hon. body will not think that I have made this motion without reason. It is of very great importance. It must appear to everybody that Government railroads should run punctually and that their arrivals and departures should be depended upon by the public. More so should it have been with the train which left Halifax on the 11th April. There were a number of members on board who were coming up to Ottawa to the opening of the House. If the train had been on time they would have got here

on Wednesday, when the vote for the Speaker was to have taken place. Everyone knows that the vote on the Speakership decides which party shall have the majority, and therefore it was absolutely necessary that trains should arrive on time at their destination. We all know that the newspapers on one side of politics said that the parties were equally divided, and that the election of the Speaker would decide which side should win, and therefore I think extraordinary care should have been taken that the trains leaving Halifax that day were on time. Instead of that what was the case? As I state here in this motion, the train left Halifax at a little after three in the afternoon of Monday the 11th instant and ought to have arrived at Point Levis at six o'clock the following evening. The train got to Truro in the regular time, two hours and a-half. We stopped there 20 minutes for refreshments. After that time had elapsed the train did not start. We asked the reason and were told that the Pictou train was delayed. We waited a couple of hours—I am not certain of the time, but I think it was about that, as hon. gentlemen present who happened to be on the train are aware. When the train came in we discovered that it had been delayed near New Glasgow by a rail being out of order, but that when they got to New Glasgow they found they had been delayed a longer time than was necessary and had thereby detained us. After having been delayed three hours at Truro, we proceeded 60 miles to Amherst and there we had to stop to take another tea at a loss of 20 minutes of time. In coming the other way you take breakfast at Amherst, and 60 miles further east, at Truro, you take another breakfast, which makes a difference of nearly half an hour in the time of arrival at Halifax. The Government have expended some $200,000 at Point Levis to shorten the road ten miles, yet by a scratch of a pen, which would cost just the price of the ink and paper requisite, the distance to Halifax could be shortened much more. Instead of making up lost time the train crept along, and gentlemen who counted the telegraph posts said we were not making more than ten miles an hour. You may perhaps imagine that the road was out of order—that there were snow-drifts, and that the train could not make time, but the road was never in better condition than it was that day. The train that had left Halifax sixteen hours before had gone through, without any interruption, in the usual time, but we dragged along, and did not reach Point Levis until one o'clock the following morning. I had taken passage by way of the Canadian Pacific Railway, and the train on that line having left Quebec at ten o'clock, and the Grand Trunk Railway train had left three or four hours before we arrived there. We had to wait until there was a train made up, partly of freight and partly of passenger cars, and the consequence was that instead of arriving at Ottawa a little after noon on Wednesday we did not arrive here until ten o'clock that night. These delays on the Intercolonial Railway have been a constant cause of complaint in Nova Scotia. The complaints, to be sure, appear chiefly in the dismal, doleful newspapers that decry the country and represent one party, and that party the majority, as being made up of boodlers and dupes. Such unnecessary complaints may have the effect of preventing immigration into Nova Scotia, but when emigrants do arrive we want to have a good impression made upon them as well as upon our own people who live in the country. There were no snow drifts to delay the train to which my motion relates; there could have been no raising of the rails from the thawing out of the track, and there was nothing to prevent the arrival of the train on time.

HON. MR. SMITH—I hope to be able to give the hon. gentleman information with regard to the subject to-morrow.

HON. MR. KAULBACH—I think the hon. gentleman has given all the information himself.

THE BEVERIDGE & TIBBETS CLAIMS.

MOTION.

HON. MR. GLASIER moved:—

That a Select Committee be appointed to inquire into the action taken by the Government and payments made or recommended, since the report of a former Select Committee presented to this Honorable House on the 17th March, 1881, by the Honorable Mr. Read, chairman, and adopted by concurrence of the Whole House on the following day, in relation to "the circumstances of a debt alleged to devolve upon the Dominion Government by the British North America Act, and said to be now due to the Honorable Benjamin Beveridge, James Tibbets and others, but the payment of which is withdrawn for some cause unknown," and that the said Committee to be composed of the Honorable Messieurs Montgomery, Read, Lewin, Trudel, Robitaille, Dever and the mover, with power to send for persons and papers.

He said: I need not make any speech about this matter. I brought it before the House some years ago, and I only ask now to have a committee appointed for the purpose mentioned in the resolution. I may say that I take this step with the consent of the Government.

HON. MR. POWER—I do not rise for the purpose of opposing this motion, but I think that the Senate should have a little more light on the subject before being asked to adopt it and appoint a committee. It appears from the resolution that a Select Committee of this House was appointed in 1881 to consider the matter which forms the subject of this resolution, that the committee made an investigation, that they sent for persons and papers and went to some expense in connection with it, and that they made a report recommending certain action by the Government.

HON. MR. GLASIER—Recommending the full amount of the claims be paid. We only ask now why it was not paid.

HON. MR. POWER—I did not particularize the action they had taken: they recommended that the claim be paid by the Government. It seems to me that when this House had done that, it had done its whole duty in the matter. I do not think it is the duty of the Senate to inquire how the Government have acted, and I do not see why we should be obliged to send for more persons and papers in connection with this claim. The hon. member should look to the Government for his remedy. They have not carried out the recommendation of this House and he should set himself to work to worry the Government to the best of his ability and not trouble the Senate any more with the subject.

HON. MR. GLASIER—I have taken this step after consulting several members of the Government.

HON. MR. POWER—That looks as if they were trying to shirk their responsibility for not acting on the recommendation of this House.

HON. MR. SMITH—I cannot take any responsibility, as a member of the Government, in this matter until I have further information. This is the first I have heard of it, and until I can consult my colleagues, I will not be in a position to give a proper answer to my hon. friend. I do not think it will jeopardize the claim to let the motion stand until I get further information.

The motion was allowed to stand until to-morrow.

THE METLAKATHLA INDIAN TROUBLES.

MOTION.

HON. MR. MACDONALD moved—

That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will cause to be laid before this House, copies of the reports of the Commander of Her Majesty's Ship "Cormorant," and of the Superintendent of Indian Affairs for British Columbia, relative to the agrarian troubles last winter at the Indian Reserve of Metlakathla, together with all correspondence during the years 1886 and 1887 between the Dominion and Provincial Governments on the same subjects.

He said—This motion deals with an important matter: it deals with the grievances of a large number of civilized Indians in British Columbia. I intend to reserve the remarks which I wish to make on this subject until the papers come down. I hope they will be laid on the Table of the House very early. The

documents are not numerous: I think they consist of two reports and a little correspondence.

HON. MR. SMITH—There is no objection to the reports coming down at an early day.

The motion was agreed to.

THE NOEL DIVORCE CASE.

THE PETITION READ.

The order of the day having been called:—

"Reading Petition of Marie-Louise Noel, praying for the passing of An Act to dissolve her marriage with Robert L. Johnston."

The certificate of the Clerk of the Senate that the necessary deposit had been made was read to the House.

HON. MR. OGILVIE presented the notice of service of the application and said:—I can say that the service has been carefully drawn up and that all the particulars have been closely adhered to throughout. I do not know that any objection can be made in this case: everything has been attended to most carefully.

HON. MR. TRUDEL—The custom of the House is to consider every stage of a Divorce Bill taken on a division: it saves the minority the trouble of opposing these bills at every step.

The declaration of service of notice of application was then read.

HON. MR. OGILVIE moved that the petition be now read.

The motion was agreed to on a division.

THE ASH DIVORCE BILL.

PETITION READ.

HON. MR. OGILVIE presented a petition from Susan Ash praying for a bill of divorce from William Manton. He said: I also lay on the table affidavits of attempts to serve the notice on the Respondent, and we have precedents in our practice that I think will make such notice satisfactory. I do not know whether it is necessary for me to read the explanations connected with them or not, but if the House requires it I shall do so.

MEMO. re application of Susan Ash for Bill of Divorce from William Manton.

In this case petitioner seeks a Bill of Divorce on the ground that Respondent her husband has obtained a Decree of Divorce from her in the State of Massachusetts. He deserted her not long after his marriage with her and went to reside in Boston, Mass. After obtaining the Decree of Divorce he married again and disappeared from the knowledge of the petitioner, and no clue as to his present residence can be obtained. The supposition is that he has been advised his American Divorce may not be recognized as a valid one in Canada and that he may be prosecuted for bigamy, and that being so advised he has changed his name in order to conceal his identity.

Rule 73 of the Senate provides for cases in which personal service cannot be effected.

In this case it appears from the seven affidavits or declarations produced that every means of ascertaining his residence has been exhausted and failing personal service Respondents own immediate relatives, as well as the family of his second wife have been served with notice of the application so that if they have communication with him at all he cannot but be apprised of the present application. A copy of the notice has been mailed to Respondent at his last reported place of residence namely, West Midford, Massachusetts.

The only recorded precedent in which the Senate has dispensed with personal service is in the case of John R. Martin. (See Journal of the Senate, 1873, vol. 6, page 52.)

In that case the Respondent was then residing at some unascertained place in the States, and the attempt to serve her by serving copy of notice of application upon her sister and by mailing another copy to Respondent at her last place of residence was accepted by the House as sufficient.

In this case we have—

1st. Petitioner's declaration that she went from Montreal to Boston in 1884 to look for Respondent, but failed to find him.

2nd. Declaration of John Smardon, of Montreal, her uncle, of his employing the detective agency to ascertain Respondent's whereabouts.

3rd. Declaration of Dr. Desjardins, of Boston, Mass., of his unsuccessful efforts through the city authorities and police to ascertain Rospondent's whereabouts either at Boston or West Midford, Mass., where he was supposed to reside.

4th. Declaration of Mr. Gray, Presbyterian clergyman at Sterling, Ontario, of his consulting with the mother of Respondent's second wife and ascertaining that Respondent had at last accounts resided at West Midford.

5th. Declaration of said Mr. Gray that he had served a copy of the notice of application upon the mother of Respondent's second wife.

6th. Declaration of A. Laverdure that he has served copy of notice of application upon the uncle of Respondent.

7th. Declaration of F. R. Marceau that he has mailed copy of notice to Respondent at his last known place of residence.

HON. MR. KAULBACH—Are the affidavits all in the hands of the Clerk that are referred to in your memorandum ?

HON. MR. OGILVIE—They are.

HON. MR. KAULBACH—Then they should be read.

HON. MR. DICKEY—The only evidence we have had read is a declaration to show that service was attempted by a letter addressed through the Post Office to a person in Boston and another part of the United States. My hon. friend who has charge of this matter has read a statement as to other efforts besides those two to obtain personal service, and when that evidence is produced it leaves the House to decide whether it is sufficient under rule 73. We have proof of a letter being mailed to a place which is supposed to be the last residence of the Respondent, and we have heard no proof yet as to the other attempts to make service. My hon. friend has mentioned a great many attempts, but I have not heard any affidavit or any declaration under the statute that those attempts were made. That is a point on which I wish to ask the opinion of the House, and to which I call the attention of my hon. friend who has charge of the petition.

HON. MR. KAULBACH—I think the affidavits are on the table of the House.

HON. MR. OGILVIE—I stated in the beginning that I had all the affidavits here and sent them up to the Clerk. Everything that possibly could be done has been done, and there are seven affidavits there to prove it.

HON. MR. MILLER—The House will recollect this is a serious judicial investigation, and we are to be governed as much as possible by the rules and practice that obtain in the courts of law in taking evidence. We are not in possession of the facts to be considered and acted upon in order to allow this motion to prevail. We have not the evidence before us in a proper legal shape. We have the statement of the hon. gentleman as to that evidence, which I have no doubt is correct, but there is only one way in which the House can receive the statement as fact, and that is by reading the affidavits and declarations on which the statement is founded. It is a very solemn judicial matter in which we are engaged, and I think all the forms which the rules of Parliament have thrown round the proceedings in divorce cases should be strictly adhered to. I was reluctant to rise sooner to make any observations in opposition to the reading of the petition, but as the evidence is now before me I am prepared to vote for the reading of the petition if it is satisfactory. My reason for desiring not to make any observations in opposition is this ; it is known that I, in common with a large number of gentlemen in this House, entertain a peculiar and certain opinion on questions of divorce. I am hostile to divorce cases from whatever cause they originate, consequently I would prefer to leave the discussion of the legal points involved to gentlemen of the legal profession who believe those matters are proper subjects of investigation before the Senate.

HON. MR. GOWAN—I quite agree with the hon. gentleman, but I have had occasion to look over some of the affidavits that have not been read as yet. I notice that the hon. gentleman who has the matter in charge very correctly gave the substance of each, and as I understand from him that all those papers are now in the hands of the Clerk, they certainly should be read. With regard to the inability to make personal service, so far as I know

the only case directly in point is the case of J. R. Martin, which some members of the House will remember very well. In that case substitution service was allowed instead of personal service. I think it will be found if the Clerk reads those affidavits that all my hon. friend said with respect to their contents will be borne out. I observe in the notice that adultery is not charged specifically against the respondent. It may be inferentially charged, but it is not set forth formally as in the previous petition, which has just been read. I shall never give my voice towards the dissolution of marriage unless adultery is alleged and proven.

HON. MR. MILLER—The important point before us now is evidence as to the service of notice.

HON. MR. OGILVIE—I move that the evidence be read at the Table. I apologise to the House and to you, Mr. Speaker, for not having taken the proper form of doing it, but I thought when I sent those affidavits up to the Clerk that I had done my duty. While I quite agree with the hon. gentleman opposite that we should do everything according to rule I believe there is a way by which people who suffer from certain troubles may get relief.

HON. MR. MILLER—We are not discussing the merits of this case at all.

HON. MR. OGILVIE—I have brought every thing that I think is necessary in the way of proof, and I move that the affidavits be read.

THE SPEAKER—It has been very well said that it is at the initial proceedings in such cases the greatest abuses occur in other countries with regard to those solemn proceedings—that is, with respect to the service of proper notice, and I think that every possible precaution should be taken to prevent any collusion or fraud or any lack of notice to the parties who are summoned. Up to this moment I do not know that we have had sufficient evidence of the service of the notice or the impossibility of service.

HON. MR. KAULBACH—I think the hon. gentleman who has charge of this matter has done everything that was necessary on his part. He has said that he has all the declarations respecting the service, and the reasons why personal service cannot be had, and he has moved that the affidavits be read.

HON. MR. MILLER—My hon. friend must not understand me as opposing the motion in any way. I merely desire to see that the requisite formalities are duly observed, and the only formality required now is the reading of the affidavits.

The motion was agreed to and the affidavits were read by the Clerk.

HON. MR. DICKEY—Perhaps, as I called the attention of the House to the necessity of preserving these forms that we have provided by our rules, it may be expected that I should state whether there is satisfactory evidence, in my opinion, of reasonable efforts having been made to ascertain the residence of this party in order that personal service should be made—because that is all the rule requires. It requires personal service, or such reasonable evidence as will satisfy the House that all efforts that should be made have been made to effect personal service. Persons in charge of such petitions may apprehend that this is a mere technical objection, but I make the objection in the interest of the House, in the interest of justice and in the interest of the regularity of our procedure. There is only one precedent to guide us, and that is the case in which I was myself concerned as promoting the bill—the case of J. R. Martin in 1873. In that case there was very slight evidence of service made, but the evidence did not go quite as far as the evidence now before us. The evidence was simply that an effort had been made to find out the residence of the respondent, and not finding it out they ascertained his last place of abode in the United States, and a notice was sent addressed to that place, as in this instance. They also served a copy of the notice upon the sister of the party. Here, in addition to the evidence that has been given of the notice having been sent to the two last places of abode

of the respondent, we have the efforts made by giving a copy of the notice to the mother and to the uncle of the respondent, and I may say that, in my humble opinion, the petitioner has shown that reasonable efforts have been made so as to enable us to dispense with proof of personal service. I can only add an explanation that if a respondent hides, gets out of the way, a person who is entitled to relief could never get it if personal service was absolutely required. The petitioner in this case having hired detectives to ascertain the whereabouts of the respondent and failed, and then having served papers on all persons supposed to have any connection with him, I think there is sufficient proof of service.

HON. MR. MILLER—I quite concur with my hon. friend that every reasonable effort has been made to effect this service.

HON. MR. KAULBACH—I think everything possible has been done to comply with the rules in this case.

HON. MR. OGILVIE moved that the petition be read.

The motion was agreed to on a division.

The Senate adjourned at 4:35 p.m.

THE SENATE.

Ottawa, Friday, April 22nd, 1887.

THE SPEAKER took the chair at 3 o'clock.

Prayers and routine proceedings.

REPORTS OF COMMITTEES.

HON. MR. GOWAN, from the Committee on Standing Orders and Private Bills, presented their second and third reports.

HON. MR. VIDAL, in the absence of Mr. Read, presented the first Report of the Joint Committee on the Printing of Parliament, which was adopted.

BILLS INTRODUCED.

Bill (A)—"An Act for the relief of Marie Louise Noel" (Mr. Ogilvie).

Bill (B)—"An Act for the relief of Susan Ash" (Mr. Ogilvie).

Bill (C)—"An Act to enable the Western Canada Loan & Savings Company to extend their business, and for other purposes" (Mr. Allan).

THE BEVERIDGE & TIBBETS CLAIMS.

HON. MR. GLASIER moved :—

That a Select Committee be appointed to inquire into the action taken by the Government and payments made or recommended, since the report of a former Select Committee presented to this Honorable House on the 17th March, 1881, by the Honorable Mr. Read, Chairman, and adopted by concurrence of the Whole House on the following day, in relation to "the circumstances of a debt "alleged to devolve upon the Dominion "Government by the British North America "Act, and said to be now due to the Hon- "orable Benjamin Beveridge, James Tibbets "and others, but the payment of which is "withheld for some cause unknown," and that the said Committee be composed of the Honorable Messieurs Montgomery, Read, Lewin, Trudel, Robitaille, Boyd, Dever, and the mover, with power to send for persons and papers.

He said: I do not know that any explanation of this motion is necessary. The subject has been before the House on other occasions and is, no doubt, familiar to all.

HON. MR. SMITH—The Government have no objection to the Committee.

HON. MR. POWER—I do not say that I have any objection to this motion, but I have not sufficient light. It is a very serious thing for this House to solemnly appoint a committee and to instruct that Committee to take evidence under oath and to send for persons and papers; but we ought to know why we do it, and I think it is the duty of the

hon. gentleman who introduces this resolution to explain the reasons which render it necessary that there should be such a committee. That has not been done, and I do not think the House should grant a committee as a matter of course upon the mere presentation of a notice like this.

HON. MR. GLASIER—I do not know why any more explanations are required. I think the matter has already been pretty well explained to the House; if any further explanation is required it can be furnished when the report of the Committee is presented.

HON. MR. SMITH—The hon. gentleman who has moved this resolution told me that there would be only about one witness, and the Government has no objection to the granting of the Committee.

The motion was agreed to.

THE PRINCE EDWARD ISLAND SUBWAY.

MOTION.

HON. MR. HOWLAN moved:—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House, a copy of the plans and reports of the late Survey concerning the proposed Subway between Cape Traverse, Prince Edward Island, and Cape Tormentine, New Brunswick.

The motion was agreed to.

IMPORTATION OF DYNAMITE.

INQUIRY.

HON. MR. POWER asked the leader of the Government whether he had made any enquiries about the papers respecting the importation of dynamite for which he had asked yesterday.

HON. MR. SMITH said he had not been able to obtain the information asked for as yet, but it would come down shortly.

CATHOLIC REPRESENTATION IN THE CABINET.

INQUIRY.

HON. MR. O'DONOHOE—Before the orders of the day are called I desire to ask of the leader of the Government why it is that the papers moved for last Session and promised to be brought down on a motion regarding my own appointment to the Cabinet, have not been brought down. The motion was carried in this House and agreed to by the Minister representing the Government. I desire to know from him now if it is the intention of the Government to bring down those papers, or if there is any objection to doing so. It was ordered by this House that the papers should be brought down.

HON. MR. SMITH—I think it was well understood last Session that there were no such papers. I think my answer was like this: that inasmuch as there was no appointment there could be no cancellation, therefore there are no papers to produce from the Privy Council to this House such as my hon. friend asks for. No further information than that can be given that I am aware of, or that any member of the Council can give to my knowledge. I repeat that there was no appointment and therefore there could be no cancellation.

HON. MR. O'DONOHOE—That, of course, is not a return to the motion. The motion that was made was:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, the Patent of appointment, or copy thereof, of John O'Donohoe to the Privy Council, a copy of letters of the Right Honorable Sir John Macdonald to their Lordships certain Bishops of the Province of Ontario, and all other letters and papers, and a copy of all Orders in Council in reference to said appointment or the cancellation thereof.

This House agreed to that motion. It will be found on page 601 of the Senate Debates of last Session. Surely the explanation which the hon. Minister gives me to-day is no return to that motion.

HON. MR. SMITH—I must to a great extent repeat the same words. I cannot ask from the Privy Council what they have not got. I cannot go to Sir John Macdonald as a private gentleman and ask him for a copy of his private letters and I do not think that this House ever intended any such thing. I have given the answer as I have it, the true answer.

HON. MR. HOWLAN—There are no papers. ?

HON. MR. SMITH—There are no papers—there cannnot be any papers brought into the Privy Council on the question to which the hon. gentleman refers. The Privy Council cannot make up papers, and I cannot ask Sir John Macdonald if he has written any private letters—I do not say that he wrote any letter—to any ecclesiastic or private gentleman in this country. I cannot go to him and ask him for such letters, to bring them before Parliament. I do not think the House requires any such return. The hon. gentleman would be furnished willingly with any information that came into the Privy Council, but there was nothing to my knowledge to be brought before this House. It is impossible to bring in and satisfy him with documents that never appeared before the Privy Council.

HON. MR. POWER — Possibly the contention of the hon. gentleman who has just sat down is correct, but if it is a fact, and we have no right to ask for the letters which are spoken of in the motion which was adopted last session, then I think the Government in this House should have taken that point at the time ; but having allowed the order of the House to pass asking for that correspondence, it is too late for the Government now to say that they are not to be expected to bring down letters which are of a private character.

HON. MR. DICKEY—I rise to a point of order. I have no desire to interrupt my hon. friend, but there is really no question before the House. My hon. friend from Toronto was in the exercise of his undoubted right when he asked the question he did, but there is no rule to justify a discussion arising upon a question put in this way.

THE SPEAKER — The point of order is well taken by the hon. gentleman from Amherst.

HON. MR. POWER—I was not proposing to discuss the merits of the previous resolution at all, but I think a discussion of a question of order is always in order.

HON. MR. MILLER—I think the hon. gentleman has a right to discuss the question of order raised by the hon. gentleman from Amherst.

HON. MR. VIDAL—The simplest way to get over a difficulty of this kind is to take the regular course. No notice was given by the hon. gentleman from Toronto that the question would be asked, and it would be better to let it stand as a notice, and then I have no doubt that the Minister will come with a written reply to which the House is entitled. If I remember correctly, when the House adopted the motion for an address last Session it was on a statement made to us that a certain official document existed. That document was stated to be mixed up with other letters, we do not know whether private or public. No doubt a proper answer will be brought down in writing, that there are no such documents as the hon. gentleman asked for in existence.

HON. MR. MILLER—I think it would be quite unprecedented if the course suggested by my hon. friend should be adopted. A motion was put to this House and passed last Session for certain papers, and the Minister has been asked when those papers will be brought down. He has given his answer. That answer or is not conclusive. If it is not satisfactory to the hon. member he has his recourse by moving in some other shape in reference to it, but I do not think that a prolonged discussion upon such an explanation as my hon. friend has desired would be in order. I think there would be no difficulty in the hon. gentleman from Toronto getting any redress he de-

sires if the Government refuse to bring down papers which they are obliged to bring down by the order of the House. It may be that the motion was allowed to pass last session under a misapprehension of the facts. The Minister who allowed the address to pass may have imagined that an appointment had actually taken place, and may have allowed that phrase of the resolution to pass the House; but on investigation he may have found that no appointment had taken place, and therefore the whole groundwork of the resolution may have been swept away. I do not know that that is the case, but this may possibly be the fact.

HON. MR. SMITH—I may say to the hon. gentleman from Halifax that those who represented the Government last session allowed the motion to pass not being aware but there might be some papers before the Council, and I made no opposition to the motion; but on inquiry I was led to understand that there were no such papers, and no information could be given. I was willing that the papers should be brought down if any existed. I think that is the answer to the hon. gentleman's question, and it is the reason why no opposition was given to the motion when it was proposed.

The matter then dropped.

The Senate adjourned at 3:50 until Wednesday, the 11th May, at 8 p.m.

THE SENATE.

Ottawa, Wednesday, May 11th, 1887.

THE SPEAKER took the chair at 8 o'clock.

Prayers and Routine Proceedings.

BILL INTRODUCED.

Bill (D) "An Act to incorporate the Teeswater and Inverhuron Railway Co." (Mr. McKindsey.)

RETURNS.

HON. MR. SMITH—I have the honor to lay on the Table an answer to an inquiry made on the 18th of April, by the hon. member from Halifax on the subject of delayed trains on the Intercolonial Railway.

HON. MR. ALMON—May I ask if that is an answer to my question?

HON. MR. SMITH—Yes.

HON. MR. ALMON—I hope that the answer itself is satisfactory, because there is no doubt the road was in a perfect condition on the occasion to which my inquiry referred, and we were unnecessarily delayed several hours when on our way to the Capital on very important business. When the Short Line road (which some of our people, who are members of the Chamber of Commerce, are mad enough to think will benefit Halifax) is constructed and has taken the trade which ought to go to Halifax to St. John N. B., some of us, who do not belong to the Chamber of Commerce are very much afraid that the traffic on the Intercolonial Railway will be neglected. Therefore we view with a great deal of dissatisfaction these delays on that important road. It may seem a small question, but it is one well worthy of attention because anything that makes travelling pleasant leads passengers, especially tourists in the summer season, to take that route. I trust that this answer satisfactorily explains the delay.

HON. MR. SMITH—All I can say is that I shall take much pleasure in drawing the attention of the Minister of Railways to the subject.

HON. MR. BELLEROSE—I should like to know what has become of a return which I moved for last Session with reference to the penitentiaries of Quebec? There were eight or nine addresses moved and concurred in by the House with the approval of the Government. I see that other reports, some of them moved for this Session, have been laid on the table, while the return I moved for thirteen months ago has not yet been brought down.

HON. MR. SMITH—I will inquire of the Minister of Justice the cause of the delay.

HON. MR. POWER—The hon. gentleman from Toronto was good enough to say the other day that he would very shortly lay on the table of the Senate the information which was moved for last session with respect to the importation of dynamite. I hope the hon. gentleman has not forgotten it altogether.

HON. MR. SMITH—I shall attend to the matter without further delay.

THE LEADERSHIP OF THE SENATE.

ENQUIRY.

HON. MR. POWER—Perhaps while we are waiting for some business to come up from the other Chamber—I understand that is what the delay is for—the hon. gentleman who represents the Government would allow me to make an inquiry without giving the usual formal notice, as it is a question to which I think the House has a right to expect an answer. The hon. gentleman who has for some time led the House, and who, with a modesty which is very unusual amongst politicians, has always declared that he leads it in a provisional way, only waiting until his place could be taken by somebody else, was good enough to inform the House before our prolonged adjournment that when the members returned and the Senate met again, a gentleman whose appointment as leader would not be of a provisional character would be here to represent the Government. I have looked around the benches, and I have failed to discover that there has been any addition to the members of our House since our last meeting, and the natural presumption is that some gentleman already a member of the House has been appointed to the responsible position which the hon. gentleman from Toronto has provisionally filled for the last three weeks. I think the hon. gentleman owes it to the House to indicate which of those hon. members has been honored with this appointment.

HON. MR. SMITH—I was in hopes that the matter would go over quietly without any such question for this evening. I did hope, and was authorized to announce before the adjournment, that during the recess the Government would be able to appoint a gentleman who could fill the position as leader of this House. I am pleased to announce that a gentleman has been appointed a member of the Senate to-day. He has not made his appearance here as yet, but I trust that before many hours he will arrive in Ottawa and take his seat in this House.

HON. MR. SCOTT—Name! name!

HON. MR. SMITH—It can be no secret now; it is the Hon. Mr Abbott, of Montreal, a gentleman who, I am sure you will all say, is well qualified for the position. He speaks both English and French, is an old parliamentarian, and is considered one of the ablest lawyers we have in the Dominion; therefore hon. gentlemen, I am pleased to have the honor to announce to you his appointment in answer to the hon. gentleman's question.

HON. MR. POWER—Perhaps the hon. gentleman would be good enough to add to the obligation under which he has placed the House by announcing what portfolio Mr. Abbott is to hold.

HON. MR. SMITH—I am not prepared to go any further to-night; I think I have sufficiently answered the hon. gentleman's question for the present. I move that the House do now adjourn.

DELAYED TRAINS ON THE INTERCOLONIAL RAILWAY.

HON. MR. ALMON—I believe it is in order to state, before the House adjourns, that the report which I have received in answer to my enquiry as to the cause of the delay of the Intercolonial Railway train is a very unsatisfactory one indeed. It says that the delay was caused by "waiting for connecting train at junction." What do they mean by junction? There are a number of junctions on the road. Why not state

what junction it was? What is generally known as the junction is the Windsor and Halifax junction. We certainly did not delay there at all, because we made the journey up to Truro in shorter time than usual—less than three hours. "By time absorbed in shunting extra cars at the several stations until the train was composed of ten cars, and by a heavy train on the slippery wet rail." I doubt the rail being wet, because it was so cold. It may have been frozen, but it certainly was not wet. If ten cars were too much for the engine to draw—I do not know anything about it myself, but people on the train said that it was because the engine was a broken down one, and not fit for a passenger train at all—but if such were the case, why should it have been put on the track to draw a special train carrying members whose business it was to attend the opening of the Session; and if ten cars were too many for it, why put on the ten cars? I say this answer is very unsatisfactory indeed, and if that is the way the Intercolonial Railway is going to be managed, then the Short Line Railway is likely to take away all its custom.

HON. MR. SMITH—Hon. gentlemen must all be aware that during the stormy season, which was the case at the time the hon. gentleman speaks of, unless the Minister sends a special messenger to hunt up all the causes of the delays at the different places it is impossible for him to get a better report. You are all aware that it is impossible for the Minister to find out what is the cause of a train stopping at the different places. One train has to stop for another; but the fact, as far as he can learn, is what the report contains. If the hon. gentleman is not satisfied I shall endeavor to get him a clearer report, but it is impossible for the Minister, without sending a special messenger to get all the causes of delay at that time during the storm. They were afraid in some places to move from junction to junction for fear of collisions. In other places the trains became too heavy, and they were obliged to take their time, and there was a heavy snow on the road. Reason will point out to the hon. gentleman, I think, that almost every railway company in the country during that time had late trains, and could not account for the delays all round. Of course, if the hon. gentleman insists on a more detailed report, I shall endeavor to get it; but I hope now that the snow has gone and the trains are running on good time, the grass green and everything pleasant, when he is going home he will be taken over the road as rapidly as over any road in the country.

HON. MR. ALMON—I accept the explanation of the hon. gentleman, but I wish to say that the train which left eighteen hours before we did passed over that road that he says was so obstructed by the snow and slippery rails, and got into Montreal on schedule time.

The motion was agreed to and the Senate adjourned at 8:45 p.m.

THE SENATE.

Ottawa, Thursday, May 12th, 1887.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and Routine Proceedings.

ADMINISTRATION OF CRIMINAL LAW.

INQUIRY.

HON. MR. GOWAN inquired

Whether it is the intention of the Government to have printed and distributed to Justices of the Peace and other Judicial Officers, who have not been supplied with copies of the Revised Statutes of Canada, the Chapters of the said Statutes which relate to the criminal law of Canada?

HON. MR. SMITH—A collection of the criminal law for the use of Justices of the Peace and others has been made and is now going through the press and will be ready for distribution in the early part of next month.

HON. MR. GOWAN—I am exceedingly pleased to learn that it is the pur-

pose of the Government to distribute to Justices of the Peace and others a consolidation ot the Criminal Law. I think it is only right and proper that those who administer justice should have the materials to enable them to perform their duty. In 1850 Sir William Richards, then a Minister of the Crown, introduced some very valuable amendments to the Criminal Law, and knowing that they would not be easily accessible and that they would be very expensive if magistrates had to get whole copies of the Statutes, he caused a number of them (as the present Minister of Justice is doing) to be printed off in cheap form They were very much appreciated at the time and of incalculable value to all those who were required to administer the law. I am very much gratified by the information, and I am sure the public will feel that it is a great boon to the country to have those Statutes placed in the hands of all those who require to use them in the administration of Crimimal Law.

STANDING ORDERS AND PRIVATE BILLS.

FOURTH REPORT.

HON. MR. GOWAN from the Committee on Standing Orders and Private Bills presented their fourth report.

NOVA SCOTIA PERMANENT BUILDING SOCIETY'S BILL.

FIRST READING.

HON. MR. ALMON introduced Bill (E) "An Act respecting the Nova Scotia Permanent Building Society and Savings Fund."

HON. MR. GOWAN—The report of the Committee on Standing Orders and Private Bills on the petition relating to that Bill has not been adopted.

HON. MR. MILLER—There is no necessity for moving its adoption. As I understand the report, it simply states that the requirements of the rules respecting the petitions referred to therein have been complied with.

HON. MR. GOWAN—In the Report of the Committee, there are two cases which presented exceptional circumstances. They are both specially reported and it may be necessary for the House to take some action on them.

HON. MR. VIDAL—Not unless there is some special recommendation respecting them in the Report.

HON. MR. MILLER—If it recommends any suspension of the rule in order to enable petitioners to introduce their bill it would be in order to move the suspension of the rule ; but I think the more convenient mode, hitherto adopted by the committee of which my hon. friend is chairman, is that where there is a number of petitions respecting which the Committee on Standing Orders find that the parties interested have complied with the rules, that these be included in one report, which is laid on the table, and requires no further action : but if there are other petitions with which there are special circumstances connected, they are usually reported to the House in a special report, and then it is in order to move for the suspension of the rule.

HON. MR. GOWAN—I wished to call the attention of the House to the fact that in two cases there was a divergence between the notice and the petition which was put in. It may not be of importance, but the Committee in dealing with it thought it better to report the fact to the House.

HON. MR. VIDAL—If the Committee reports that there has been a divergence from the ordinary routine, I think it is the bounden duty of the Committee to recommend some action upon it or say nothing about it. If the Committee think it is of no particular consequence they should recommend the suspension of the rule, and then the action will be taken which the hon. gentleman opposite has indicated.

HON. MR. POWER—The understanding of the Committee, I think, was that in the report the fact to which the Chairman of the Committee referred

should be specially noticed, so that the attention of the House should be called to the circumstance that there had been a divergence between the petition and the notice given in the *Gazette* and the local newspaper. I do not understand from the report, as I heard it read, that there was any reference made to that divergence.

HON. MR. ALMON—The only trouble in this petition is that it only required three days more for the full term of the notice to expire.

HON. MR. MILLER—The plan usually adopted hitherto in such instances is to move the suspension of the rule. I understood, when I heard the report read, that all the petitions were in the same position—that the rule had been complied with; but I find on reading the report that such is not the case. I think it would be well, under the circumstances, to allow the gentleman who has charge of the petition with which the special circumstances are connected, to make a special motion with regard to that portion of the report.

HON. MR. DICKEY—As this concerns several bills not specially referred to, it would be better for him to move the adoption of the report. The Committee state here that the notice has been found sufficient, then let him move the adoption of the report, and I think the House will be satisfied to deem the petitions as regular.

HON. MR. GOWAN—Perhaps the better course would be to move the adoption of the report.

HON. MR. MILLER—I object to the motion which has just been recommended, because I think it would be placing the House in an improper position. The chief portion of this report relates to petitions against which there is no objection whatever. The report laid before the House sufficiently meets those cases: the others are special cases requiring the ratification of the House. Now to move that the whole report be adopted is to me very illogical while the greater portion of the report does not require to be adopted. If the hon. gentleman will modify his motion so as to move that that portion of the report referring to such and such a petion be adopted, I have no objection.

HON. MR. DICKEY—My object in making the suggestion was simply to save time. My hon. friend is quite right that the first part of the report does not absolutely require concurrence, but there is nothing to prevent concurrence in the report. I am quite willing to receive the suggestion which has been made and I hope that my hon. friend will also be willing to move that the last two paragraphs of the report with reference to those cases be confirmed.

HON. MR. POWER—I think that the hon. Chairman of the Committee was taking the right course. It is quite true that there are a number of paragraphs in the report which do not require to be confirmed by the House. There are two paragraphs which do require to be confirmed. The confirmation is not necessary for the first two, but it does not do any harm, and as here is a portion of the report which requires to be confirmed I think it is best to put the whole in one motion—that the report be received and adopted. It is true that the practice has been as stated by the hon. member from Richmond, that where the report of a committee on a certain bill, calls for a suspension of the rule, then the member in charge of that bill moves for the suspension of the rule in accordance with the report of the committee. But as there are two bills in this exceptional position now, I think the simpler and shorter way is to let the Chairman of the Committee move the adoption of the report.

HON. MR. MILLER—I think the hon. gentleman would find it hard to refer to the journals of this House and find an instance in which any other course was pursued in a case where the rules of the House had not been complied with, and the Standing Orders Committee so reported, except to move the suspension of the rule, the suspension of which was recommended by the Committee.

HON. MR. GOWAN—I think after hearing the observation of my hon. friend opposite I ought not to persevere in moving the adoption of the report. Had I seen the difficulty in time I could have divided the report into two, placing the cases requiring the suspension of the rule in one and the other cases in the other.

HON. MR. MILLER moved that the report be concurred in so far as it relates to the two last cases contained therein.

The motion was agreed to.

BILLS INTRODUCED.

Bill (F), An Act respecting the Primitive Methodist Colonization Company, Limited.—(Mr. Vidal.)

Bill (6), An Act to amend the Government Railways Act.—(Mr. Smith.)

Bill (47), An Act to amend the Railway Act.—(Mr. Smith.)

Bill (5), An Act to amend the Act respecting public officers.—(Mr. Smith.)

Bill (20), An Act respecting public stores.—(Mr. Smith.)

Bill (16), An Act respecting the Banff National Park.—(Mr. Smith.)

Bill (17), An Act respecting the representation of the North-West Territories in the Senate of Canada.—(Mr. Smith.)

Bill (21), An Act to amend the Act respecting offences against public morals and public convenience.—(Mr. Vidal.)

LAVELLE DIVORCE CASE.

PETITION READ AND RECEIVED.

HON. MR. KAULBACH moved that the petition of William Arthur Lavelle, praying for an Act to dissolve his marriage with Ada Mary Caton, be read and received.

The motion was agreed to, and the petition was read and received.

NOEL DIVORCE BILL.

SECOND READING.

The order of the day having been called for the second reading of Bill (A), An Act for the relief of Marie Louise Noel, and that the petitioner do attend at the Bar and be heard by counsel.

HON. MR. OGILVIE moved that Henry Daniel Lawrence be called to the Bar of this House to be examined.

The motion was agreed to, and the witness was ordered to attend at the Bar of the Senate.

HON. MR. OGILVIE moved that the following questions be put to the witness:

The motion was agreed to.

Q.—What is your name, place of residence and occupation?

A.—Henry Daniel Lawrence, of the City of Sherbrooke, in the Province of Quebec, Advocate.

Q.—Look at the paper writing now produced and shown to you, marked "A," entitled, "An Act for the Relief of Marie Louise Noel," and at the paper writing now produced and shown to you, marked "B," being an order of the Senate dated the 22nd day of April, 1887, both writings being certified by the Clerk of the Senate; did you serve copies of these writings with the certificates thereon of the Clerk of the Senate upon any person, and if so upon whom, and on what day and date, and at what place?

A.—I served true copies of the writings now shown to me, marked "A" and "B" respectively, with the certificates thereon respectively of the Clerk of the Senate, upon the said Robert L. Johnston in Sherbrooke, upon the 28th day of April, 1887, at the City of Sherbrooke, in the Province of Quebec.

Q. State the particular mode in which you effected such service?

A. I served the said copies of the writings A and B on the said Robt. L. Johnson personally, by handing the same to him and leaving the same with

him then and there, explaining to him personally the purport and exigencies thereof.

Q. Do you know the said Robt. L. Johnson and the petitioner, Marie Louise Noel?

A. I know the said Robt. L. Johnson and I know the said Marie Louise Noel. I have known the said R. L. Johnson for some years.

Q. Is the person, Robert L. Johnson' upon whom you served copies of the writings, marked A and B respectively, the same Robert L. Johnson who is named in the said writings respectively, and who is therein styled the husband of the said Marie Louise Noel?

A. Yes, he is the same person.

Q. Did you compare the said duplicate copies of the writings A and B with the said writings respectively, and ascertain that they were true copies?

A. I compared carefully the said copies of the writings A and B with the said writings respectively and I ascertained that they were true copies.

HON. MR. OGILVIE moved that the witness be allowed to retire from the bar.

The motion was agreed to.

HON. MR. OGILVIE moved that the petitioner be heard at the Bar of the House if necessary.

HON. MR. KAULBACH—I do not know that that is necessary. The rule says that the petitioner shall be brought to the bar, unless the Senate thinks fit to dispense therewith.

HON. MR. POWER—I think the course which the hon. member from Alma was taking was the correct one—that the petitioner should be brought to the bar of the House and then the examination of the witness at the bar could be dispensed with.

HON. MR. KAULBACH—I must differ from my hon. friend. The rule says that the petitioner must appear, unless the House dispense with her appearance. The House may dispense with her appearance.

HON. MR. POWER—The petitioner is to appear below the Bar of the House at the second reading "to be examined by the Senate, unless the Senate thinks fit to dispense therewith." That is the examination I presume. Whether my construction of the rule is correct or not, there can be no objection to the petitioner appearing at the Bar.

HON. MR. OGILVIE moved

That the examination of the said Petitioner at the Bar be dispensed with, but that it be an instruction to any Select Committee to whom the said Bill may be referred to examine the said Marie Louise Noel, generally.

The motion was agreed to on a division.

HON. MR. OGILVIE moved

That the Petitioner, Marie Louise Noel, being in attendance at the Bar of the Senate and ready to be examined in this matter as well generally as in regard to any collusion or connivance between the parties to obtain such separation, her examination be for the present dispensed with, but that it be an instruction to any Committee to whom the Bill on the subject may be referred to make such examination.

HON. MR. POWER—That resolution is clearly incorrect, under the present state of things, because the petitioner is not at the Bar of the House, and that resolution is based on the supposition that she is at the Bar. It shows clearly, as this resolution has been drawn up in accordance with precedents, that the petitioner should have come to the Bar, because the resolution is nonsense now. It asks that, the petitioner "being at the Bar," her examination be dispensed with. It is not my duty to look after divorce bills, but still I think the procedure of the House should be kept correct.

The motion was agreed to on a division.

HON. MR. OGILVIE moved the second reading of the Bill.

The motion was agreed to on a division.

HON. MR. KAULBACH—There has

been proof here of the service of two papers, A and B: what those papers are has not been read to the House. I presume that they are the notice of service of the second reading of the Bill with a copy of the Bill. All that the witness has proved is that he served two papers, A and B, and I think the House should be vested with knowledge of what those papers are.

HON. MR. POWER—As I understand it, the witness handed the papers to the Clerk.

HON. MR. OGILVIE—Those papers were read. If hon. gentlemen did not hear them I cannot help it.

HON. MR. KAULBACH—I did not hear the notice of the second reading of the Bill read; neither did I hear the service on the party against whom the petition is brought, read.

HON. MR. OGILVIE—I think I have enough to do to look after my own work without attending to the duties of the hon. member from Lunenburg. Certainly there is no petition against this application, and the answers of the witness were plainly read so that everybody could hear them.

HON. MR. KAULBACH—I can assure my hon. friend that my object is not to obstruct him in this matter, but rather to see that the rules of the House are complied with. Rule 76 says that a copy of the notice of the second reading with a copy of the Bill is to be served on the party. Now, in the questions put, the witness is asked if he did serve certain papers, A and B. We, sitting here, do not know what those papers are. I have no objection if the House presumes that the papers A and B are copies of the notice and of the Bill, to accept them as such, but they were not read.

HON. MR. OGILVIE — They are there signed by the Clerk of the Senate. We spent an hour the other day reading the affidavits, which were printed at length in the minutes the following day. If the House desires to have those papers read I have no objection.

HON. MR. KAULBACH—If my hon. friend says they are copies of the notice I am willing to accept the statement.

HON. MR. OGILVIE—I do not ask the hon. gentleman from Lunenburg to take my word for it. I give him the signature of the Clerk of the Senate: that ought to be sufficient.

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

HON. MR. OGILVIE moved,

That the Bill be referred to a Select Committee composed of the Honorable Messieurs Dickey, Gowan, Macfarlane, McKay, Clemow, McKindsey, Stevens, Sanford, and the mover, to report theron with all convenient speed, with power to send for papers and records and examine witnesses on oath, and that all persons summoned to appear before the Senate in this matter appear before the said Committee, and that the said Committee have leave to employ a shorthand reporter.

The motion was agreed to on a division.

ASH DIVORCE BILL.

SECOND READING.

The Order of the Day having been called for the second reading of Bill (B), "An Act for the Relief of Susan Ash, and that the petitioner do attend at the Bar and be heard by counsel,"

HON. MR. OGILVIE said, When this Bill was brought up for the first reading we had a lot of affidavits here, ready to prove that it was impossible to serve the notice upon the respondent. I have here the declaration of Susan Ash and her attorney explaining why it was impossible

HON. MR. KAULBACH—I presume they are of the same nature as the other affidavits.

HON. MR. OGILVIE—No, they are somewhat different, inasmuch as in the last case the papers were served properly: in this case the petitioner has taken extraordinary trouble and pains to serve the notice.

HON. MR. KAULBACH—I considered the proof as being quite sufficient at the previous stage of this inquiry, as there was sufficient evidence given that direct service could not be performed, and this affidavit strengthens the case. As the proof was taken as sufficient by the House before, I am sure the same position will be taken now.

HON. MR. OGILVIE moved that the said Bill for the relief of Susan Ash be now read the second time.

HON. MR. POWER—I would like to ask the hon. gentleman if that was an affidavit that he read just now.

HON. MR. OGILVIE—It was.

HON. MR. POWER—An affidavit showing the impossibility of serving a copy of the Bill on the respondent?

HON. MR. OGILVIE—Yes, and there were six affidavits to the same effect read before.

HON. MR. POWER—I have never taken any interest in these divorce cases, and I only wish now to have the procedure regular. It seems to me that it might be desirable to have a resolution passed to the effect that the Senate is satisfied with the impossibility of complying with the rule.

HON. MR. OGILVIE—That was done at the first reading.

HON. MR. POWER—That only applied to the notice.

HON. MR. KAULBACH—The very fact of passing the second reading of the Bill would imply that the Senate was satisfied with the service.

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

HON. MR. OGILVIE moved

That the said Bill be referred to a Select Committee composed of the Honorable Messieurs Dickey, Gowan, Macdonald, McInnes, Haythorne, Ferrier, Vidal, Turner, and the mover, to report thereon with all convenient speed, with power to send for papers and records, and examine witnesses on oath, and that all persons summoned to appear before the Senate in this matter, appear before the Committee, and that the said Committee have leave to employ a shorthand reporter.

HON. MR. KAULBACH—I do not rise to object to the motion, but it was customary, on previous occasions, that the committee selected should be approved by the leader of the House. It was first proposed that the list should be submitted to the Speaker, but in consequence of the Speaker at that time having scruples which would debar him from taking part in a divorce case, it was generally left to the leader of the House to approve of the *personnel* of the Committee. It was then suggested that the barristers of the House should go on that Committee. In cases that I have had before the Senate, the leader of the House always inquired of me if all the barristers of the Senate were on the Committee. I am very glad that in this case, as in the previous one, I have been relieved of the duty of serving on the Committee. It is a duty I do not desire to have and do not solicit; at the same time, in a matter of this grave importance, it is necessary, and I think it is only proper that all the judicial minds of the House should be on the Committee. A committee of laymen may sometimes be selected with a certain object, if it is in the hands of the petitioner or his counsel—they may select such a committee as they believe by their leanings or general ideas on such matters will be inclined to relieve the party petitioning. In general those courts for the considering of divorce cases are composed of the highest judicial minds in the country, and when we have not got such courts here we should appoint on the committees men of experience in such matters and who have devoted themselves to the subject. I think it would be well if the House could by some means come to the conclusion to have a committee of 15 appointed, composed of barristers and doctors, and others who take an interest in such questions, to consider those cases. I merely do so because it was

suggested on previous occasions how the committee should be formed. I am very glad that I am relieved from any such duty, and I am not, in making this suggestion, at all influenced against the *personnel* of the Committee. I merely throw out the suggestion that the Committee should be composed of gentlemen best qualified by training and experience for such work.

HON. MR. OGILVIE—I am very sorry that the names that I have selected for the committee do not please the hon. gentleman from Lunenburg.

HON. MR. KAULBACH—The hon. gentleman is wrong.

HON MR. OGILVIE—I think I understand English, and I heard the hon. gentleman's remarks. The names suggested for the Committee were submitted to the Speaker. They were selected because they were good, honest, steady, level-headed men. That is why I picked them out. I submitted them to the Speaker, and he had no objection to them. It did not strike me that I should have picked out nine barristers or lawyers. No doubt some of the finest men in the country are lawyers; still I do think there are gentlemen who can understand what is going on, and can understand what a witness says, and are as able to give an opinion upon the evidence, as many lawyers. Some of the best decisions I have heard given have been given by laymen. I am very sorry that the committee named has not met with general approval. It would have been, perhaps, as well (though I hesitate to suggest in my humble way in opposition to such a great luminary as my hon. friend) to have allowed this committee to be appointed as it is named, and in future to adopt new rules for our guidance. I can assure the hon. gentlemen present that when I selected the committee I did what I believed was the best. I named about half of them myself and the others were suggested to me. I think I please the House in that selection, and next time I will see if it is in my power to please the hon. gentleman from Lunenburg.

HON. MR. POWER—I sympathise to some extent with the hon. gentleman from Lunenburg. Hon. members are aware that the church to which I belong does not approve of divorce. I think the part played by the hon. member from Lunenburg in this House is generally that of an enemy of divorce and I can readily understand that an hon. gentleman like the member from Alma, who is anxious to have his bill passed, would not care to put upon the committee anyone who would perhaps work against rather than for his bill. I think it was, perhaps, to a certain extent, with a view to counteract that natural tendency of the gentleman who had charge of the bill, that the late Minister of Justice, and the House at his suggestion, decided that the list of members of the committee was to be submitted to the member of the Government having charge of the business in this House. I can understand that the member of the Government having charge of the business of the House at present, being a member of the same church to which I belong, could not take part in divorce proceedings and my hon. friend from Alma did the best he could in submitting the names to the Speaker.

HON. MR. KAULBACH—I did not know that the list had been submitted to the Speaker of the House, but I think if the Speaker had been aware of the general understanding of the House, as expressed by the Leader of the House, that barristers should be on that committee, my hon. friend would have asked that such should be the case. I am very glad to be relieved of the duty as far as I am concerned, and as regards the personnel of the committee, I have not the slightest objection to it. The promoter is supposed to have the best available persons on that committee to secure the object of the bill. My hon. friend, with the interest he has taken in this matter, is desirous that, as far as it is consistent with the merits of the case, the return shall be in favor of the petitioner.

THE SPEAKER—It is very true that my hon. friend from Alma brought the list of his proposed committee to me. I knew there was some understanding by which the names should be sub-

mitted to the Speaker. It may be observed in connection with the remarks of the hon. gentlemen from Lunenburg, which should certainly be taken with the greatest consideration, that there is no doubt whatever it is desirable there should be legal advice upon those committees. It is an unpleasant duty that I have been sometimes compelled to perform myself, but it is quite evident that where there are four or five of the cases going on at the same time, and it is desirable to get them there, that the same parties cannot sit on all the committees. The number of barristers in the House is limited, unfortunately perhaps for us all, but as some gentlemen of legal standing are appointed on the committee it is sufficient guarantee that all the technical and legal forms will be observed. I do not at all agree with my hon. friend in maintaining that evidence adduced in these cases—(that is the evidence generally,—requires a legal mind to understand it,—I mean a trained legal mind, because I think men of judgment and business capacity, as I presume, are all the gentlemen sent to this House, are competent to consider the evidence, because the committee is after all a sort of jury, and it is left in charge of gentlemen of high legal understanding. As I said before, it is impossible to meet the views of the hon. gentleman from Lunenburg in full. The hon. gentleman from Alma came to me and, as far as I thought I had the right to advise him, I told him I thought the committee was properly constituted.

The motion was agreed to on a division.

RIDDELL DIVORCE BILL.

PETITION READ.

The order of the day being called for the reading of the petition of Margaret Riddell, praying for an Act to dissolve her marriage with George Field Herchmer,

HON. MR. OGILVIE presented to the House the certificate of the Clerk of the Senate as regards the deposit of $200 by the petitioner. He moved that the petition be now read and received.

HON. MR. KAULBACH—Has the affidavit of service been put in?

HON. MR. OGILVIE—I was about to read it. There is an affidavit here of the notice having been properly served on the Respondent in Roger's Pass in the Rocky Mountains, by Stephen Edwards, Sheriff of Kootenay.

HON. MR. KAULBACH—I do not see any special objection in this case, only it does not show that it is a copy of the *Gazette* notice. Our rule says that it shall be a copy of the *Gazette* notice, and there is no evidence here of a comparison with the *Gazette* notice; therefore unless my hon. friend can say that he has compared that notice with the notice in the *Canada Gazette* it would not be satisfactory to my mind. I will admit that on other occasions that defect has been passed over. I believe that in a case of which I had charge there was a similar objection, but it was not my place to raise it. I raise it now, but if my hon. friend will say that he has compared it with the *Gazette* notice, and that it is a true copy, my objection will be waived.

THE SPEAKER—All that evidence goes before the Committee.

HON. MR. OGILVIE—If my hon. friend will allow it to go before the Standing Orders Committee to-morrow the matter can be inquired into.

HON. MR. KAULBACH—I will waive my objection. There certainly must be a notice, and that notice must be published in the *Gazette*, and the affidavit must show that the notice served upon the party respondent was a duplicate of that in the *Gazette*. I shall not press the objection, as my hon. friend believes that I am disposed to act rather critically in his cases.

The motion was agreed to, and the petition was read and received.

The Senate adjourned at 5:05 p.m.

THE SENATE,

Ottawa, Friday, May 13th, 1887.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE DEFENCES OF BRITISH COLUMBIA.

MOTION.

HON. MR. MACDONALD moved,

That an humble address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, copies of all correspondence between the Imperial and Dominion Governments relating to the defences of British Columbia during the years 1886 and 1887.

He said:—The subject to which my motion relates has been deemed worthy of some consideration by the Imperial and Dominion Governments, and by some prominent members of the English Parliament also, and although I bring it forward in a time of peace, yet its importance may be taken as sufficient justification for my doing so. We must not lose sight of the fact that we have two restless, vigilant neighbours across the Pacific with which the empire may at any time become embroiled. It will, I think, be readily conceded that a time of war is not the time to make ready and to prepare defences. These are matters which require accurate local knowledge, and military judgment, to which more attention can be given in time of peace than during the turmoil of war. No doubt the Dominion will have year by year to look more to its defences. It may fairly be accepted as a fact that in case of the empire being at war, our enemy would be a naval force, it therefore becomes a duty to place the most exposed portions of our coast—east and west—in as strong and defensive a position as possible. The coast of Nova Scotia in and around Halifax is, to some extent, fortified, but I doubt if the guns or the batteries in that locality are sufficiently powerful to resist effectively modern artillery. That part of the Dominion has also another advantage in having an Imperial force stationed there. Although not very numerous, yet its presence is exceedingly reassuring, and beneficial, as forming a well-drilled, and efficient centre, round which the local forces, and militia could rally, and with which it could co-operate, if unfortunately, an occasion should arise. On the western coast we lack those advantages. When the ships of war sail for the south in the winter, British Columbia is left utterly defenceless. At the time of the last war between Russia and Turkey in 1877-78, England was very nearly drawn into the vortex, but happily peace was concluded under the Treaty of Berlin. The Dominion Government at that time acted with commendable promptitude. A military officer was dispatched to the west, who made suitable selections for temporary earthworks which were thrown up, and armed with guns lent by the naval authorities at Esquimalt. Those guns, however, are now obsolete, and useless against the modern artillery with which ships of war are armed. More recently the Imperial and Dominion Governments, being no doubt impressed with the necessity of steps being taken of a defensive character, sent last year to the Province a staff of Royal Engineers, to survey and report on the localities where fortifications ought to be constructed, and the best means of doing so. The Premier of the Dominion happened to be on his first visit to British Columbia at that time, and he, together with Admiral Sir Michael Seymour, Commander-in-Chief of the Pacific, inspected the localities proposed to be fortified, and gave, I believe, their approval to the plans of Col. O'Brien, the engineer officer, who conducted the survey. Since then nothing has been done, nor have we heard what is intended to be done, although rumours have been afloat that guns were on the way from England, and that the early construction of the batteries would be proceeded with, but those rumours have not been verified, and our western shores are as defenceless to-day as they were years ago. When the papers for which I have asked are brought down I hope it will be found that both the Imperial and Dominion Governments

have not lost sight of the necessity of early steps being taken in relation to those matters Apart from the propriety of the Imperial Government defending an outlying portion of the British Empire, there is the more direct necessity for defending its own dockyard, naval stores, and base of supplies, which now lie exposed.

HON. MR. DICKEY—Before the Minister rises to express the opinion of the Government upon this question I should like to know whether my hon. friend who has made the motion has taken into consideration the propriety or the expediency of giving the information which is asked for by his motion? My hon. friend has spoken of a restless and watchful enemy who is anxiously looking out in reference to the subject matter of that motion, and who will naturally be very anxious to get the confidential communications that pass between the two Governments. Of course that is a matter which must be left entirely in the discretion of the Government as to whether those communications are of such a character that they should be produced in the public interest. But there may be doubt possibly as to whether all communications are of that character, and the Government will of course exercise their discretion to see that that "watchful enemy," whatever country it may be, will not gain any advantage by getting access to the private communications between the two Governments on such a delicate subject. As my hon. friend has been kind enough, by way of supporting his motion, to refer to the fortifications and guns on the Atlantic coast in Nova Scotia, I think I am justified at the present moment in stating that the people of Nova Scotia intend to stand by those guns.

HON. MR. MACDONALD (B. C.)—It is entirely for the Government to bring down what they think is advisable, but this "restless enemy" knows as well as we do now that our coasts are defenceless. They are vigilant and active and know just the position we stand in. The English Government never conceal anything from anybody. Their arsenals are open to the inspection of every nation; they tell what they are doing and what they are going to do and everything is open and above board.

HON. MR. KAULBACH—He must be an extreme optimist who will say that quarrels will not crop up sometimes, and they may arise near our own doors, especially at the present moment. As regards British Columbia and the dockyard there, I may say I was in that country sometime last year and was surprised to find that in the past our interests on the Pacific coast were not respected; that foreign nations had dominated the approaches and command of the harbors on that coast. I am sure if Canada, at the passing of the last treaty, had had a say in it, we would not have parted with as much territory as we have lost; neither would we have lost the commanding position which we should possess on the Pacific coast. Through the kindness of my hon. friend behind me (Mr. Macdonald) I had the pleasure of visiting the naval dockyard at Esquimalt and seeing that harbour. It seemed to me to be a harbour easily fortified. It is commanded by prominent bluffs; the water is deep and it can be made without difficulty almost impregnable. There is a dry dock there, which particularly attracted my attention, but it seems to me that even at this time that dry dock is not large enough for the requirements of the present day.

HON. MR. MACDONALD—It has not been extended yet.

HON. MR. KAULBACH—I thought it had been extended, and it seemed to me to be insufficient to take in the large class of ocean steamers.

HON. MR. MACDONALD (B.C.)—It is 450 feet long.

HON. MR. KAULBACH—Even with a dock 450 feet long it is not of sufficient size to take in the Atlantic line steamers, and if anything could be done to extend that dock now while the plant and appliances are yet there, I am sure it would involve much less expense than it can

be done for hereafter. It is very important that that dock yard should be made of sufficient capacity to take in a man of war, or any other large vessel which an emergency might require to be repaired. I am very glad that my hon. friend has taken this matter up, for no doubt England is alive to all her interests in the different parts of the Empire, and she has conceived of late a greater regard for Canada. The Dominion has done something for herself in building our great Canadian Pacific Railway. It has opened the eyes of almost the whole civilized world to the importance of this Dominion, and England seeing that Canada is willing to do something for herself, I am sure is ready to assist us in every way, not only in our own interests but in the interests of the Empire at large. With the enlarged trade which she expects, both on the Atlantic and the Pacific, from the new lines of steamers and railways, with the large subsidies we expect from the British Government to secure for us the trade of the eastern possessions of the Empire, we must feel grateful, as Canadians, and proud that we are respected everywhere—that we are no longer believed to be a part of the United States of America. I am sure that in England not only at the great Colonial Exhibition, but at the Conference lately held in London the position taken by Canada is one to make us feel proud of our country and that in the future in everything that is done for the extension of the Empire, we will have a prominent and important part.

HON. MR. SMITH—I will just say that the Government will no doubt bring down what they consider in the interest of the public in answer to this address.

The motion was agreed to.

MONTEITH DIVORCE BILL.

PETITION READ.

The order of the day being called for reading the petition of John Monteith, praying for an Act to dissolve his marriage with Mary Ann Wright,

HON. MR. MCKINDSEY said:—The respondent in this case has not been found for the service of copies of the notice in the *Gazette*. I beg leave to present the declaration of two or three parties who have attempted to make the service. I notice the fact that in those affidavits the reference is simply made to the notice as copied in the declaration. In order to have it for reference I put in also a copy of the *Gazette* containing that notice. At the same time I beg leave to present to the House a certificate of the deposit of $200 with the Clerk of the Senate.

Several affidavits of attempts at service of the notice and bill upon the respondent were then read at the table.

HON. MR. MCKINDSEY moved that the petition be now read and received.

HON. MR. KAULBACH—I could not quite catch the whole of the statements in those affidavits that have been read. I would ask the hon. member from Milton whether notice was left at the last known place of abode of the respondent? It seems to me that every possible effort has been made to discover the residence of the party, but without success.

HON. MR. MCKINDSEY—The hon. gentleman should have listened to the papers just now read at the table. I presume the last place of abode of the respondent was with her husband. He is the petitioner in this case, and therefore it was not necessary to leave a copy of the notice there. Copies of the notice have been left with the mother and father of the respondent. Every effort has been made to find her whereabouts, but without success. A large amount of money has been spent to find out where she is. In this case the same course has been taken which would be followed in a case at common law or in equity. An order can be obtained from the courts to have a substitutionary service on persons who endeavor to evade service. The Court makes up its mind as to what would be a fair and reasonable substitutionary service, and that service answers instead of personal service. In a case of divorce I assume that a service of that

kind would be considered sufficient. In this particular instance I understand that the petitioner has made every effort to find the whereabouts of the respondent, but it is understood that she has left the country, or at all events concealed herself for the purpose of evading service. The mother and father of the parties were the persons most likely to communicate the fact of service of the notice and the notice in the *Canada Gazette* to the respondent, and I think this House ought to consider such service, as in a common law or equity case, sufficient. The affidavits are very complete, except upon one point. The hon. gentleman from Lunenburg yesterday in another case took exception to one of the affidavits because the deponent simply swore to having served a copy of the notice "herewith annexed" but gave no evidence as to whether that notice was the one required. In view of the objection and of the possibility of its being raised in this case to-day, I possessed myself of a copy of the *Gazette*, and put it in so that the hon. gentleman can compare the notice which is sworn to with the notice in the *Gazette*. I think in this case the evidence must be considered satisfactory; if the respondent chooses to absent herself from the Province and to evade service, there is no reason why the proceedings should not go on at this session of Parliament. There is no possibility, as I understand it, of obtaining an order of service from the Senate, because the Court is not properly constituted until the petition is brought before the House. In the courts of common law, of course, they can go at any time to the judge and get an order. I think if the hon. gentleman will examine the papers in this case as a lawyer, he will admit that every effort has been made to serve the respondent and that the petitioner should have the benefit of going on under this application.

HON. MR. KAULBACH—I have not expressed any opinion on that point as yet. I am very glad that the few remarks I made yesterday have had the effect of inducing my hon. friend in this case to make perfect evidence before us as regards the copy of the notice. He has made, however, a very rash presumption in this case that the last place of abode of this woman would be with her husband. That would be an extraordinary presumption. It is because she is not living with her husband, I presume, that this action is brought, and it would be very rash to expect to find her there to serve the papers on her. These papers came up in a hurry and we have hardly time to examine them to see if the constructive service would be sufficient, from simply hearing the papers read at the table. I believe however that all reasonable steps have been taken to make the service. I admit that, still I fail to find that a copy of the notice was left at the last abode of the Respondent. When personal service can not be effected the notice is left at the last known place of abode of the party. It seems to me that my hon. friend has failed absolutely in establishing that point.

HON. MR. MCKINDSEY—The hon. gentleman is mistaken. If he had looked at the petition he would have seen that the last known place of abode of the Respondent was with her husband. She went to the United States, and therefore there is no other known to the Petitioner. I am sorry that the hon. gentleman has not read the papers more carefully.

HON. MR. KAULBACH—How could I possibly read the papers? If the hon. gentleman would delay his motion until the next meeting of the House I would read the papers and vest myself with a knowledge of their contents, but he must not twit me with not having a knowledge of the contents of the papers.

HON. MR. GOWAN—It is not possible to conceive, I think, of more stringent and effective efforts being made to discover the place of abode of the Respondent than have been proved in this case. She left her husband's house and I think the affidavits sufficiently show that my hon. friend was right in saying that her last known place of abode was with her husband. The nearest relatives are those with whom copies of such papers should be left, and it has been held in common law cases that such service is sufficient.

The motion was agreed to on a division.

WESTERN CANADA LOAN COMPANY'S BILL.

SECOND READING.

HON. MR. ALLAN moved the second reading of Bill (C) "An Act to enable the Western Canada Loan & Savings Co. to extend their business and for other purposes." He said:—The object of this bill is, in the first place, to give power to the Western Canada Loan & Savings Co. to do business throughout the Provinces under the terms of their charter and subject to the laws of the several provinces, provided that before doing so they are authorized under a by-law of the company passed for that purpose. The second clause is to give them power to acquire necessary real estate in those provinces for the purpose of carrying on their business. The third clause is to repeal a section of the Act 49 Vic., cap. 105, with reference to the capital of the company. By that clause they are empowered to borrow to double the amount of their paid up capital, and equal to the amount of their subscribed capital; but there is a restriction to that —that it shall not exceed three times the amount of the paid up capital. It is to remove that restriction, in order to enable the company to extend their business, that it is proposed to strike out the words of that clause. I propose to refer the Bill to the Committee on Banking and Commerce, where all its details will be rigorously examined.

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

TEESWATER & INVERHURON RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. MCKINDSEY moved the second reading of Bill (D), "An Act to incorporate the Teeswater and Inverhuron Railway Company." He said:—This is a Bill for the incorporation of a company to build a railway from the village of Teeswater to the village of Inverhuron, on Lake Huron. The distance is about twenty-six miles, and the capital stock about $300,000. This piece of road is an extension or production of what is called the Toronto, Grey & Bruce Railway, now built to Teeswater, and operated, if not owned, by the Canadian Pacific Railway. It runs through a very good section of country, and terminates on Lake Huron. I look upon it as one of the small pieces of railway which are necessary for the purpose of perfecting the system of railways in that part of the country. The harbor is the best on Lake Huon, and if this piece of railway is continued from Teeswater to that harbor, I believe that it will command a very large share of the lake trade from Chicago to the East, and will be a large feeder to the railways of the eastern portion of this Province. I do not anticipate any opposition to this Bill, because the people themselves in that part of the country are prepared to support the railway by a reasonable bonus, as they desire that extension. I have no reason to suppose that any opposition will be offered outside or inside of Parliament to this measure.

HON. MR. KAULBACH—Do they want any subsidy?

HON. MR. MCKINDSEY—No, not now.

HON. MR. DICKEY—There is only one point that I think the attention of the House, need be directed to in connection with this Bill, of which I know very little except from what I have gathered from the explanation of my hon. friend. As I understand it the extension asked for is entirely a local affair confined to Ontario. I would like to call the attention of my hon. friend to this fact so that some explanation may be given as to the necessity for this legislation here. It may come before the Railway Committee, and as Chairman of that Committee I do not intend to say anything more than to call attention to this fact so that it may be inquired into.

HON. MR. MCKINDSEY—The Toronto, Grey & Bruce Railway Company had originally a charter to extend their road to the shores of Lake Huron, but from some cause — want of funds or

something else—they stopped short at a place called Inverhuron. The precise point on Lake Huron where they intended by their charter to locate their terminus was not expressed; therefore the charter itself, as far as the extension is concerned, has expired. Now, with regard to applying here for a charter, I may state to the hon. gentleman that it was thought better, seeing that the Canada Pacific Railway, which is part of the great system of railways in this country, had become possessed of the railway as far as Teeswater, and did not show any desire to extend it to the lake shore, though the people of that part of the country require the extension, and in view of running powers or amalgamation or some other arrangement whereby the railway, the subject of this Bill, should be in some way connected with the Canada Pacific Railway, it is important that because the Canada Pacific Railway is a Dominion Railway, this application should be made to Parliament in order to harmonize the whole thing. This, I believe, was the object of coming here for a charter instead of applying to the Local Legislature. No doubt it is a local road, but it is to prevent difficulty afterwards, because they asked for power of amalgamation, that they appeal to this Parliament for the necessary power. If the hon. gentleman will allow the Bill to go to the Committee, perhaps some gentleman more familiar with the details of the measure than I am, will appear and give the necessary explanation.

HON. MR. KAULBACH—Does the Bill declare it to be a railway for the general advantage of Canada?

HON. MR. VIDAL—We see now the inconvenience of proceeding with a Bill that we have not in our possession. I happen to have a copy of it before me in which I find it is declared that it is a railway for the general advantage of Canada.

HON. MR. MILLER—If it be so decided.

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

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

HON. MR. SMITH moved the second reading of Bill (6), "An Act to amend the Government Railways Act."

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

PETITIONS FOR PRIVATE BILLS.

MOTION.

HON. MR. SMITH moved that the time for presenting Petitions for Private Bills, which expires to-day be extended to Monday the 30th instant, and that the time for presenting Private Bills to the Senate which expires upon Friday the 20th instant be extended to Monday the 6th day of June next.

HON. MR. DICKEY—I must say that this motion looks very much like an indication of a long Session. I was in hopes that the Government were more anxious to get rid of us, and would try and let us go early instead of allowing measures to be brought in up to the 6th June.

The motion was agreed to.

The Senate adjourned at 4:25 p.m.

THE SENATE.

Ottawa, Monday, May 16th, 1887.

THE SPEAKER took the Chair at 3 p. m.

Prayers and routine proceedings.

STANDING ORDERS AND PRIVATE BILLS.

5TH, 6TH AND 7TH REPORTS.

HON. MR. GOWAN presented the

5th, 6th and 7th Reports of the Committee on Standing Orders and Private Bills.

The Reports were laid on the table.

HON. MR. GOWAN, from the same Committee, presented their seventh report He said: The Committee have noticed a slight omission in the information published in Nova Scotia papers of the intended application to which this report refers, and have recommended the suspension of the 51st rule, as we presume that the gentlemen from Nova Scotia would not object to the introduction of capital into their province and the development of the resources of their magnificent country.

HON. MR. ALMON moved that the 51st Rule of this House be suspended in so far as the same refers to the petition of the Hon. Donald McInnes of Montreal, and others, as recommended in the 7th Report of the Committee on Standing Orders and Private Bills.

The motion was agreed to.

RIDDEL DIVORCE CASE.

FIRST READING.

Bill (H) "An Act for the Relief of Fanny Margaret Riddel" was introduced and read the first time.

HON. MR. OGILVIE moved

That the said Bill be read a second time on Tuesday, the seventh day of June, next, and that Notice thereof be affixed on the doors of this House, and the Senators summoned; and that the said Fanny Margaret Riddel may be heard by her Counsel at the second reading to make out the truth of the allegations of the said Bill, and that George Field Herchmer may have a copy of the said Bill, and that notice be given to him of the said, second reading, or sufficient proof adduced of the impossibility of so doing, and that he be at liberty to be heard by Counsel what he may have to offer against the said Bill, at the same time; that the said Fanny Margaret Riddel do attend this House on the said seventh day of June next, in order to her being examined on the second reading of the said Bill, if the House shall think fit, whether there has or has not been any collusion directly or indirectly on her part, relative to any act of adultery that may have been committed by her husband to obtain such separation, or whether there be any collusion, directly or indirectly, between her and her husband or any other person or persons, touching the said Bill of Divorce, or touching any action at law which may have been brought by her against any person for criminal conversation with him, the said husband of the said Fanny Margaret Riddel, and also whether at the time of the adultery of which she complains, he was by deed or otherwise by her consent living separately and apart from and released by her, as far as in her lay, from his conjugal duty, or whether she was at the time of such adultery, cohabiting with him, as her husband.

The motion was agreed to on a division.

LAVELLE DIVORCE BILL.

FIRST READING.

Bill (H) "An Act for the Relief of William Arthur Lavelle" was introduced and read the first time.

HON. MR. KAULBACH moved

That the said Bill be read a second time on Tuesday, the thirty-first day of May, instant, and that Notice thereof be affixed on the doors of this House, and the Senators summoned; and that the said William Arthur Lavell may be heard by his Counsel at the second reading to make out the truth of the allegations of the said Bill, and that Ada Mary Caton may have a copy of the said Bill, and that Notice be given to her of the said second reading, or sufficient proof adduced of the impossibility of so doing, and that she be at liberty to be heard by Counsel what she may have to offer against the said Bill, at the same time; that the said William Arthur Lavell do attend this House on the said thirty-first day of May, instant, in order to his being examined on the second reading of the said Bill, if the House shall think fit, whether there has or has not been any collusion, directly or indirectly on his part, relative to any act of adultery that may have been committed by his wife to obtain such separation, or whether there be any collusion, directly or indirectly, between him and his wife or any other person or persons, touching the said Bill of Divorce, or touching any action at law which may have been brought by him against any person for criminal conversation with her, the said wife of the said William Arthur Lavell, and also whether at the time of the adultery of which he complains, she was by deed or

otherwise by his consent living separately and apart from and released by him, as far as in him lay, from her conjugal duty, or whether she was at the time of such adultery cohabiting with him, and under the protection and authority of him as her husband.

The motion was agreed to on a division.

BILL INTRODUCED.

"An Act to enable the Canada Permanent Loan and Savings Company to extend their business, and for other purposes."—(Mr. Gowan.)

THE WHARF AT PORT MOODY.

INQUIRY.

HON. MR. MCINNES enquired,

Why did the Government use only one-third of the iron piles which were imported from England over two years ago for the purpose of constructing a wharf at Port Moody, British Columbia, and which was to be equal in size to the existing wooden one?

2nd. What disposition does the Government intend making of the unused iron piles now lying on the Port Moody wharf?

3rd. What was the amount paid by the Government for the said imported iron piles and cost of transportation?

He said: Five years ago, after the formation of the Canadian Pacific Railway Company, the Government let a contract to construct some 300 miles of the western section of the Canadian Pacific Railway, extending from Port Moody to the interior of the Kamloops, and in order that they should have a place to land the iron rails and other necessaries for the construction of that road the Government decided on building a wharf at Port Moody. Plans and specifications were prepared and tenders called for, but afterwards abandoned, and it was then decided to construct it as a Government work. This wharf was to be 1,500 feet in length, and constructed of wood, and to cost, I believe, in the neighborhood of $100,000. Mr. Marcus Smith, civil engineer, advised the Government very strongly not to build a wooden wharf, but to construct one of iron—that, although the first cost would be considerably greater than the cost of a wooden structure, the iron one would be cheaper in the end. His advice was unheeded, and the advice of the then acting engineer-in-chief, Mr. Schreiber, was taken instead. That wharf was only up some two or three years when the teredo, or sea-worm, destroyed the piles to such an extent that the wharf became unsafe. The next move made was in 1884, when the Government called for tenders for iron piles, and a contract was let to an English firm, and in due course the iron piles were shipped from England to Port Moody, but unfortunately remained there unused for about a year and a half. In the meantime, the Canadian Pacific Railway Company made other arrangements by which they were to extend the road down to Vancouver, and it was only owing to the pressure brought to bear upon the Government, though His Excellency the Governor-General, in the fall of 1885, when he paid his first visit to that Province, that they consented to use even a portion of those iron piles. About one-third of them were used last year, and now I understand on very good authority that the balance—or two-thirds of the piles and caps—are to be handed over to the Canadian Pacific Railway Company to build a wharf at Vancouver—their pet town—which they are booming in every possible way. In fact, from a letter I received to day from a friend of mine in British Columbia I learned that a portion of those iron piles have already been shipped down to Vancouver. Not only have the Government abandoned the promises and the pledges repeatedly given to the people of Port Moody and of British Columbia and the Dominion that Port Moody was and would continue to be the terminus of the Canadian Pacific Railway, and that they should reconstruct the wharf with iron piles, but the Canadian Pacific Railway Company have gone to work and have actually torn up the planks of that portion of the wharf which was not repaired, and they are now piled up ready to be shipped down, I understand, to Vancouver. Whenever the Canadian Pacific Railway Company began to move the iron piles from Port Moody to Vancouver the people assembled and appointed a Committee to pro-

test against the action of the Company, but instead of applying to the Minister of Railways they appealed to the Governor-General himself. They had lost all faith in the promises made by the Government and especially the Minister of Railways, and eschewed him altogether. They sent a telegram directly to the Governor-General, a copy of which I will read to the House, and also the reply :—

"PORT MOODY, April 19th, 1887.

"*To His Excellency, the Governor-General of Canada :*

"Iron Piles belonging to Government now being moved from Port Moody to Vancouver in violation of Your Excellency's representation and implied pledge to us of 13th September, 1885. This Government division of Railway not yet handed over to Canadian Pacific Railway syndicate.

(Signed) JOHN T. SCOTT,
JAMES A. CLARK,
JOHN T. CORDUROY."

I may explain to the House the reason why they have inserted in that telegram that that portion of the Railway was not handed over to the Canadian Pacific Railway Company was this : when the local Government assessed the Canadian Pacific Railway Company property last year the Company objected to being assessed for it, and actually escaped the assessment levied on similar property under the plea that the Government section from Kamloops to Port Moody was not accepted by them or handed over to them, and consequently they were not liable for the taxes. The reply to that telegram was sent on the 28th April and was as follows :—

GENTLEMEN,—I am desired by His Excellency the Governor-General to acknowledge the receipt of your telegram of the 19th inst. relative to the removal of iron piles belonging to the Government from Port Moody to Vancouver. His Excellency having caused the above telegram to be referred to his Minister of Railways and Canals for report has been informed that the wharf at Port Moody has been set on iron piles and is in good condition for traffic. There are some spare iron piles, but one third has been given the C. P. R. to remove them.

I have the honor to be, Gentlemen,
Your obedient servant,
HENRY STREATFIELD."

To J. T. Scott and J. T. Corduroy.

This reply is very misleading to say the least of it. It is only partially true. It was only one third of that wharf that was in a good condition for traffic, and he conceals the fact that two-thirds of the wharf is allowed to fall into decay and thus there is a tacit understanding that the Canadian Pacific Railway are to have the unused piles. If the Canadian Pacific Railway Company have taken possession of those iron piles and ripped up the planks of the remainder of the wharf and are shipping them down to Vancouver without the sanction or authority of the Government, it is only another evidence,—if any more evidence were necessary—to show this House and the country that the Government is under the control of the Canadian Pacific Railway Company—in fact that they are using the Government like so many toys. Not only that, but I may mention in this connection that instead of the Government paying due respect to their Orders-in-Council and the pledges they have made on the floor of Parliament, they have allowed every pledge to be violated by the Canadian Pacific Railway Company. Not only are the Company removing the iron piles and the planking of the wharf, but, I am informed, they have taken up three of the six railway tracks laid at Port Moody, and I ask in all fairness are the Government of the country doing justice in view of their soiemn pledges and the contract they have entered into with the Canadian Pacific Railway Company and private individuals, in allowing the Canadian Pacific Railway Company to act in amanner calculated to ruin every private individual or every private or public enterprise that stands in their way? I think it is high time that this rapacious Company should be stayed in some way, and if they have acted without any authority in taking those iron piles and other material in connection with that wharf away from Port Moody down to Vancouver—if they override the Statutes and disregard the Orders of Parliament, I think it is high time that some means be devised by which they shall be made amenable to the law and well understood will of the people.

HON. MR. KAULBACH—If my hon. friend had made a motion on

which to base his remarks I think he would have been in order. I agree with a great deal that he has said, and if I had known that he was about to speak on the subject I would have been prepared to make some remarks also. I do not agree with all that he has stated, but I have always contended that the terminal facilities at Port Moody should be provided by the Government in accordance with what they undertook to do. They could not restrain the Canadian Pacific Railway Company from extending their line to Vancouver, but everything the Government undertook to do, in the interest of the country and of Port Moody, should be accomplished, and the facts which my hon. friend represents to the House indicate that there has been a violation of their agreement. Until there is a reply from the Government to the enquiry, and we learn whether the Canadian Pacific Railway Company had any authority for what they have been doing, I am not prepared to animadvert on their conduct. As to the Canadian Pacific Railway Company being rapacious, I do not agree with my hon. friend. So far as I know, the Canadian Pacific Railway Company have done everything to promote the public interest, as well as their own. I will not trespass on the time of the House with any further remarks at present, as I would be to a great extent out of order.

HON. MR. MCINNES—However justly and fairly the Canadian Pacific Railway Company may have dealt with individuals and corporations in the East, they have been, so far as our experience in British Columbia is concerned, rapacious vandals.

HON. MR. MILLER—I rise to suggest to the House that we are falling into an irregular custom. It is usual (if we are to follow the precedent of the House of Lords) when a question is put by a member, for the Government to answer that question before any discussion takes place, and then a limited range of discussion is permitted. We should first get the answer of the Government so that the House may be in a position to judge what room there is for observation or debate.

HON. MR. SMITH—The Government has no objection to answer the questions in a regular manner. I will bring down a written reply.

HON. MR. MCINNES—I have asked the question and I expect an answer.

HON. MR. SMITH—The papers have not been sent to me.

HON. MR. MILLER—Perhaps the hon. gentleman is not prepared to answer the question to-day.

HON. MR. SMITH—I am not prepared to answer to-day, but I think it is probable that I will be able to answer it to-morrow.

HON. MR. MCINNES—I certainly would not have made any remarks on the enquiry to day if I had not supposed that the Government were prepared to answer it. I shall move for papers and correspondence and perhaps that will be the better way to have the matter fully discussed.

HON. MR. MILLER—The notice on the paper is a question not a motion. The notice is presumed to be given to the Government by the appearance of the question on the paper, and it is very unusual for a Minister not to be able to answer the question when it is put. When the Government are not in a position to give an answer the Minister asks for time to enable him to furnish a reply.

HON. MR. SMITH—I will endeavor to have an answer to-morrow.

HON. MR. MCINNES—I will let the question stand until then.

HON MR. VIDAL—No; the questions have been put and the answer can be given at a future sitting of the House.

PRIMITIVE METHODIST COLONIZATION COMPANY'S BILL.

SECOND READING.

HON. MR. VIDAL moved the second

reading of Bill (F) "An Act Respecting the Primitive Methodist Colonization Co. (Limited)."

He said—I trust the House will accord to this Bill the kindness which was extended on Friday to two other Bills which were presented, though not distributed. I presented this Bill in print on Thursday last, and I can conceive of no reasonable excuse why it is not distributed, and on the desk of every member. If the House will permit me to go on with it I will explain the measure. It is very simple. It is asking only that a certain colonization company shall be permitted to give some of its lands to certain of its shareholders, who are permitted to surrender their shares for lands. The Bill is precisely, in essence, similar to one passed last year, so that the principle has been fully conceded already by Parliament.

HON. MR. MILLER—What is the principle of the Bill? Does it not apply to some portion of the public domain?

HON. MR. VIDAL—Not at all; it is a Bill simply to enable some of the stockholders of the Company to receive lands of the Company for a surrender of their stock.

HON. MR. SCOTT—It is a family affair.

HON. MR. VIDAL—Yes, and it has been done before.

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

RAILWAY ACT AMENDMENT BILL.

HON. MR. SMITH moved the second reading of Bill (47) "An Act to amend the Railway Act."

HON. MR. DICKEY—I should like to ask my hon. friend why it is we have two Bills of the same purport—one up for second reading, and the other for Committee of the Whole. The titles are slightly different: one to amend the Railway Act, and the other to amend the Act relating to Government Railways. The preamble, the last clause, and substantially the first clause are the same, have the same provisions, and the only difference is that in one Bill power is given to the Minister of Railways, and in the other it is given, as I suppose it ought to be given, to the Railway Committee of the Privy Council. I really do not see why it is necessary to have the two Bills. Perhaps there is a reason which I am not aware of at present, and my hon. friend may be able to explain it.

HON. MR. SMITH—They are not the same exactly. Bill 47 was handed to me since the House met, by the Chief Engineer. I think the Bills are intended to apply to different classes of railways.

HON. MR. MILLER—They are to amend two different Acts.

HON. MR. SMITH—If the Bill is referred to a Committee of the Whole it can be there examined in detail.

HON. MR. SCOTT—I think the explanation of the two Bills is this: The general Act relating to railways does not apply to Government Railways. The Government Railways, of course being Government works, have a special Act applicable to them only. I have the Railway Act in my hand, and I do not find that the terms of it apply to the Government Railways.

HON. MR. MILLER—I presume that the reason for the two Bills is that there are two Acts, one for the regulation of Government Railways, and one for railways generally. These Bills are intended to amend these two different Acts; therefore they could not be put into one Bill. If it could be done, it is desirable not to have two Acts. We have had our statutes consolidated at a great cost to the country, and it should be the object of Parliament to see that an unnecessary number of Bills are not placed upon the Statute Book in amendment of the consolidated Statutes. I know that in some cases several Acts have been passed in one session of Parliament, amending the same subject in the same Act, and we should get out of that habit as soon as possible.

HON. MR. HOWLAN—Bill 47 is to amend the general Railway Act, and Bill 6 is to amend the Government Railway Act—two different Bills for two different Acts.

HON. MR. KAULBACH—The object is the same in both Bills, respecting the crossing of railway tracks without stopping.

HON. MR. SCOTT—I think it would be well, as I see notices of other Bills respecting railways, that the two Bills before us to-day should not be passed until the others that may be brought before us amending the Railway Acts are under consideration, and they may then be all placed under one Bill. In regard to the question of allowing a Bill of this kind, of course I am unable to speak with any certain knowledge of the interlocking switch and signal system proposed. In the past we know that where railways intersect each other the trains are bound to stop one minute before crossing. This is necessary for the purpose of safety. The interlocking switch referred to in clause 1 of the Bill may or may not be a success. Unless it is absolutely safe, of course it would be unwise to put it in operation; but the Railway Committee of the Privy Council seem to take the responsibility for that. In regard to the third clause of the Bill, that relating to hurdle gates, I confess I am unable to understand it. The clause reads as follows:—

"In the case of the 'hurdle gate' mentioned in section thirteen of the said Act, two upright posts supporting the gate at each end, if the gate is fifteen inches longer than the opening, shall be deemed to be proper fastenings within the meaning of the said Act."

HON. MR. ALLEN—Are you reading Bill 47 now?

HON. MR. SCOTT—Yes, I am reading Bill 47, and I confess I am quite unable to understand the idea that the person drafting this Bill had in his mind. I have some familiarity with hurdle gates, and how they are made, but I confess, after reading this clause, that I am quite unable to give any advice as to the mode of construction, whether the gate is to be fifteen inches higher than the fence, or whether it is to be fifteen inches higher than the opening is wide, or how it is to be hung—which is exceedingly confusing. I would ask the Minister to have the attention of whoever drew this Bill called to this particular paragraph, and have it made clearer than it is at present.

HON. MR. POWER—I would also respectiully suggest to the Minister that inasmuch as those two Bills are intended to make identical provisions for railways that belong to the Government and railways that belong to companies, as a matter of convenience they should be consolidated into one Bill, as they are really the same legislation applied to two kinds of railways.

HON. MR. HOWLAN—I am surprised at my hon. friend making that statement. Bill 47 applies to the General Railway Act, while Bill 6 relates to the Government Railways Act. Supposing my hon. friend wants to find an amendment to the Government Railways Act he will turn to the Government Railways Act for it; and in the same way if he wants to find an amendment of the the General Railways Act he will refer to that Act for it.

HON. MR. DEVER—Would it not be better for the leader of the Government, as he has not the legal knowledge necessary to explain this Bill, to withdraw it for a day or two until it is thoroughly understood and explained by the law officers of the Government. I see no necessity for hurrying this legislation, and I think if the leader of the Government would only allow it to lie over for a day or two it would be better. That is what Sir Alexander Campbell would do if he were leader.

HON. MR. SMITH—If the House will allow the Bill to be read a second time and refer it to a Committee of the Whole, it can be explained and discussed there.

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

PUBLIC OFFICER'S BILL.

SECOND READING.

HON. MR. SMITH moved the second reading of Bill (5) "An Act to amend the Act respecting Public Officers."

HON. MR. VIDAL—We have had no explanation whatever of this Bill. Surely we are entitled to get some explanation of a measure before it is read a second time.

HON. MR. SMITH—When the Bill passes a second reading we will have ample time for discussing it, when the gentleman who is to lead the House is in his place.

HON. MR. POWER—I presume that we are not to adjourn this week, as we had a long adjournment a short while ago, and it would be better in every way for the hon. gentleman to allow the second reading of the bill to stand over until the gentleman to whom he refers is in his place. The second reading of a bill is the proper stage to give the necessary explanations of it. There may be some pernicious principle concealed in this bill that we are unable to detect at the moment, and the better way would be to allow it to stand over for another day.

HON. MR. VIDAL—To my mind the bill is perfectly simple and it needs only a few words of explanation to make it perfectly satisfactory.

HON. MR. MILLER—It is very easy to give the House the explanation required. It is a bill of one clause which reads in this way:

22. The Governor in Council may direct "that whenever any public officer of Canada "is required to give security as aforesaid, "for the due performance of the trust reposed "in him, and for his duly accounting for all "public moneys intrusted to him or placed "under his control, or for the due fulfilment "in any way of his duty, or of any obliga- "tion undertaken towards the Crown, the "bond or policy of guarantee of any incorpor- "ated or joint stock company, incorporated "and empowered to grant guarantees, bonds, "covenants or policies, for the integrity and "faithful accounting of public officers or "other like purposes and named in the Or- "der in Council, or a conditional assignment "of a deposit standing in the name of such "public officer in the books of the Post "Office or any of the Government Savings "Bank, may be accepted as such security, "upon such terms as are determined by the "Governor in Council; but in the case of an "assignment of a deposit as aforesaid, the in- "terest shall be payable to the depositor in "like manner as if no such assignment had "been made."

It merely enables a public officer to give as security a deposit in a Government Savings Bank instead of the bond of a guarantee company. It is a very great advantage to parties who are placed in the position of being compelled to give bonds, for this reason—it enables them without paying any premium to a guarantee Company to furnish an equally satisfactory guarantee for the Government by the assignment of a deposit in a Government Savings Bank as security.

HON. MR. DEVER—I have not the slightest doubt that the legal gentleman who has just spoken has given a true explanation of this bill, but I for one do not propose to accept from an ordinary member of this Senate explanations which should come from the Government. Therefore I hold that this bill, and similar measures, when they cannot be explained by the leader of the House, should be postponed until such time as we can get the explanation from the proper authorities.

HON. MR. KAULBACH—It is a very simple Bill providing that an officer may deposit his money in a Government Savings Bank as security, and it remains with the Government as a guarantee instead of a bond.

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

OFFENCES AGAINST PUBLIC MORALS BILL.

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (21) "An Act to amend the Act respecting offences against public morals and public convenience."

He said: The amendments which are proposed to be made by this Bill are exceedingly simple and, I think I may venture to say, perfectly unobjectionable. The clause as it now stands which it is proposed to amend provides protection for those who, unfortunately for themselves, have not the mental ability to protect themselves from the injurious usage which they experience at the hands of some men. It protects any female idiot or imbecile woman or girl. In paragraph (b) of section three of the Act it is found necessary that the words "or insane" shall be inserted after the word "imbecile." That is the whole amendment required to the clause, and I presume there is no objection to it. It has been found necessary in Ontario and has been added to their statute during the past session. The other amendment is in the following clause. It simply changes the age of consent on the part of the woman from 18 to 21 years, and in this respect conforms to the expression of opinion in this House last session. The age is fixed at 21 years at which the man may be considered guilty of seducing under promise of marriage. The bill met with no opposition from the Minister of Justice in the other House, and I do not think it would meet with any objection from the leader of this House if he were in his place.

HON. MR. KAULBACH—This Bill, I think, changes the decision at which this House arrived last session.

HON. MR. POWER—No.

HON. MR. KAULBACH—I think the bill we passed last session fixed the age of consent at 18, and the age of the male at 21. This Bill provides that the age of the female shall not be over 18, and that of the male not under 21. I think that the Bill as introduced in the Commons did not go as far as to limit the age of the female to 18, and it was changed to the way in which it comes before us in its subsequent stages, and is less objectionable than it would otherwise have been.

HON. MR. SCOTT—Bills are in circulation which are not corrected copies. I have not seen the corrected bill. I think it is unfortunate that we should be rushed into discussions on bills of this kind without having proper copies of them before us.

HON. MR. ALLAN—I think some enquiry ought to be made as to the mode of distribution. I have not had a single bill which has been read to-day placed on my table.

HON. MR. SCOTT—I hope that in the future we will not be subjected to this inconvenience. I desire to draw attention to another circumstance. This Bill corrects a revised statute. That statute is the revised Statute of Canada, Cap. 157. On enquiring for that statute I find that we have just one copy in this Chamber and not a single copy in the Library. I desire to refer to the amended statute, and am not able to obtain it. I desire to call the attention of the gentleman whose duty it is to furnish books of that kind that at least six copies of the Revised Statutes should be in the library behind the Speaker's Chair, so that they would be available for the use of members at any moment when called for. It is quite impossible to discuss Bills amending Acts unless we have the original Acts before us. They are all now in a revised shape, and we should have at least six copies in this Camber.

HON. MR. VIDAL—I experienced the same difficulty as my hon. friend. I cannot find one copy of the Revised Statutes in the Library or any in our own store of books, and had to borrow one from an officer of the House. The more important question to me, however, is which is the correct copy of the Bill before us? The Bill on my table is clear and distinct as I read it.

HON. MR. SCOTT—The majority of the members received the Bill as distributed in the House of Commons before it was there amended.

HON. MR. VIDAL—If that is the case I would prefer to postpone the second reading for another day.

HON. MR. SCOTT—It is not necessary to do so.

HON. MR. GIRARD—I should like an explanation as to whether the offence provided for in this Bill is condoned by marriage?

HON. MR. HOWLAN—We have had no explanation from the promoter of this Bill as to the real necessity for it. We have no proof that the Minister of Justice who has control of the criminal jurisprudence of the country has had this Bill submitted to him for his approval; and certainly we have had no explanation from the promoter in this House to show the reason why we should alter the determination we arrived at last Session. Further, I think the Bill is hardly in a position to receive the careful consideration of the members of this House, when I find that the copy in our hands is not like the one from which my hon. friend has quoted. Under all the circumstances it would be better for my hon. friend to postpone the second reading to an other day.

HON. MR. ALMON—I am not astonished that there are no copies of this Bill to be had. I think the society for preventing the spread of vice must have suppressed them all. They were so disgustingly obscene that the same law which prevents the importation of Zola's novels as obscene literature should have prevented its introduction into Parliament. I compliment the hon. member on the decency of his Bill. It is a different measure from the one brought before us last year which provided that a boy of fourteen should not have connection with his grandmother.

It was a disgusting bill which should never have been brought before this House. I compliment the hon. gentleman from Sarnia on the decency of this Bill, and I shall be very happy to vote for it.

HON. MR. SCOTT—I should like to say in reply to the question of the hon. gentleman from St Boniface that the offence provided for is only a misdemeanor and would be condoned by marriage.

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

THE NOEL DIVORCE BILL.

REPORTED FROM COMMITTEE.

The Order of the Day being called for the consideration of the Report of the Select Committee to whom was referred the Bill intituled "An Act for the Relief of Marie Louise Noel,"

HON. MR. KAULBACH said—I think my hon. friend will consent that the report of the Committee be postponed as the evidence is not yet printed, and it would be very unseemly for us to consider the Bill without having the evidence before us. In a matter of such importance as this, we ought not to deal with it without due consideration. It is a ground of reproach to the United States that divorce is granted there very lightly, and I consider it would be most unseemly if we should pass judgment on this Bill without having the evidence before us.

HON. MR. OGILVIE—I was about to move the consideration of the report, not the adoption of the report, but my hon. friend from Lunenburg has taken the whole work out of my hands, for he is finding fault with what I have not done at all. I am pleased to have the opportunity in bringing this report before the House of telling the hon. gentleman or the Hon. Speaker and whoever is interested, that if something is not done at once about our printing we are likely not only to be able to adjourn for a week or two, but for a month or two; for it appears that matter stands in the hands of a printer for days and days without being touched. The evidence in this case was to have been printed last Friday, and it is not before us yet. We can get nothing done, and if our work is to lie behind in this way day after day and week after week something must be done to remedy it. I was going to move the consideration of the report simply for the sake of facilitating business, but my hon. friend from Lunenburg need not be afraid for a moment that I was going to ask to have it hurried through or forced through without every gentleman having an opportunity of considering the evidence. I did think that in moving the

report it would be a good opportunity to state why we had not got the evidence before us. I move that the Order of the Day be discharged, and that it be an Order of the day for to-morrow.

HON. MR. MILLER—Is there any probability that we will have the report to-morrow?

HON. MR. OGILVIE — Yes, it is printed now, I am told.

The motion was agreed to, and the order for the day was discharged.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL.

CONSIDERATION IN COMMITTEE POSTPONED.

The order of the day having been called "Committee of the whole House on Bill (6), 'An Act to amend the Government Railways Act,'"

HON. MR. POWER said—I hope the leader of the Government will postpone this order, because the other Bill which is to be referred to the Committee on Wednesday, contains just the same provisions with respect to Companies' Railways that this makes with respect to Government Railways; and I think it is very undesirable that Bills relating to the same subject should be scattered about over the Statute Book. It is a great deal better to have all the enactments with respect to railways for this year put together. I think if this Bill were allowed to stand over until Wednesday, some arrangement might be made to consolidate the two enactments.

HON. MR. VIDAL—I think the argument which the hon. gentleman has adduced as to why this Bill should not be taken into consideration has no foundation. In the Revised Statutes care has been taken to classify this legislation. These Bills relate to two distinct subjects widely separated, one pertaining to general railways and the other to Government railways. There is nothing to prevent us from going into Committee of the Whole at once and passing this Bill, and if its provisions are found acceptable it will greatly facilitate our work on Wednesday in going into Committee of the Whole on Bill 47, to find that we have settled all those points in this Bill.

HON. MR. DICKEY—The other Bill which was up for second reading was postponed until Wednesday, and why should we not discuss the two of them together? The provisions in the two measures are identical, so far as they can be. But there is another reason why this Bill should not go to a Committee of the Whole now, or if we do go into Committee of the Whole that we should take time to consider it, because there is an important amendment which I intend to propose. I will state it now or leave it until we go into Committee, as the Government may think fit; but considering the position in which we now are with reference to leadership of this House, it would be better to postpone the consideration of the measure until Wednesday. This Bill refers to the Government railways, and the other to the whole system of railways, and we ought to have the benefit of the same assistance from the leader of the House with regard to this Bill that we shall have with regard to the other measure which was postponed until next Wednesday. Therefore I do think it would be in the interest of good legislation that it should be postponed until Wednesday. For instance the amendment I propose is an important one. I do not wish to press it at present and I should prefer infinitely that there was some responsible person, some legal gentleman to consider it on behalf of the Government.

HON. MR. SMITH—Taking all the circumstances into consideration I dare say it would be better to let the Bill stand until Wednesday. I move that the order of the day be discharged and that the Bill be committed to a Committee of the Whole House on Wednesday next.

The motion was agreed to and the order of the day was discharged.

BILLS INTRODUCED.

Bill (11), "An Act respecting the St. Catharines & Niagara Central Railway Company."—(Mr. McKindsey.)

Bill (10), "An Act respecting the Ontario Sault Ste. Marie Railway Company."—(Mr. Vidal.)

RETURNS.

HON. MR. SMITH—In answer to the inquiry made by the hon. member from Victoria, B.C., on the 13th of May, as regards the defences of British Columbia, there is nothing on file in the Department of Militia and Defence subsequent to the communications in the autumn of 1885.

I beg also to lay on the table a return, in answer to an Address of this House, moved for by the hon. gentleman from Halifax for copies of all communications between the Dominion Government, or any Department or office thereof, and any person whomsoever respecting certain dynamite importations into Halifax, N.S., during the year 1885, by Messrs. H. Fuller & Co., and seized by the Customs authorities for alleged undervaluation; also all certificates and other documents accompanying such communications.

The Senate adjourned at 4.45 p.m.

THE SENATE.

Ottawa, Tuesday, May 17th, 1887.

THE SPEAKER took the Chair at 3 p. m.

Prayers and routine proceedings.

NEW SENATOR.

THE SPEAKER—Hon. gentlemen, I have the honor to inform the House that there is a member without waiting to be sworn in.

The HON. MR. ABBOTT was then introduced, by Hon. Mr. Smith and Hon. Mr. Robitaille, and, having taken and subscribed the oath of office and declaration of qualification, took his seat as Leader of the House.

CHINESE IMMIGRATION RESTRICTION.

MOTION.

HON. MR. MCINNES (B.C.) moved:

That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will cause to be laid before this House, a full return of all Chinese entering and leaving Canadian ports; the number entering and leaving each port and for each month since the passage of the Chinese Immigration Restriction Act in July, 1885, up to the 1st January, 1887.

He said: With the permission of the the House I would like to add the following clause to this motion: "Also, the amount of revenue derived from the Chinese immigration and the cost of enforcing the Act between the aforesaid dates be included."

Hon. gentlemen are aware that two years ago this Chinese Immigration Act became law, and last Session there was a Bill introduced, I think by the Hon. the Secretary of State, to amend that Act, which Bill was rejected by this House, and according to the Speech from the Throne a similar Bill was promised for this Session. I understand that a Bill has been introduced in the other House by the Secretary of State to amend the present Act, and my object in moving for this return, showing the number of Chinese that have come into the country and the number who have left the country and the amount of revenue that has been derived from their immigration and of the cost of operating the Act, is that we should be in possession of this information before the Bill comes before us for consideration. I think with such information as this notice calls for, we will be in a very much better position to deal intelligently with the measure when it is presented to the House.

HON. MR. MACDONALD (B.C.)—

I would ask the hon. gentleman from New Westminster to accept a further amendment to his motion by adding the following clause to it, "Also all documentary evidence of fraud by Chinamen passing their certificates of entry to others who have not entered.

HON. MR. MCINNES (B.C.)—I have no objection to that addition to my motion.

HON. MR. MILLER—It cannot be done except with the unanimous consent of the House.

HON. MR. MCINNES (B.C.)—I ask the consent of the House that the addition that I have suggested shall be made, and if the House consents, that the addition the hon. gentleman from Victoria has offered shall also be added. I do not think there is any serious objection to allowing the motion to pass in its present form. It is simply asking for information which I presume will be valuable to members of this House in discussing a measure which is likely to come before us presently. I hope the House will not insist on having the motion postponed on account of the trifling change which is proposed. I would have given notice of this addition but I thought as in all probability the bill itself would be before us in a short time, the House would make no objection to allow the addition to be made at once so that we can have the desired information when the bill is before us.

HON. MR. BOTSFORD—There can be no possible objection to it.

HON. MR. MILLER—My reason for making the objection is that the rules of the House require a certain notice for all those motions, and the rules should be adhered to. The hon. gentleman who moved the resolution suggested an important addition to it, without notice, and then his hon. colleague from the same province suggested another important addition to it, virtually making it a new motion.

HON MR. MCINNES (B.C.)—Perhaps we can get over the difficulty if the House will allow my motion to stand and we will give notice of those additions and have them come up as one motion to-morrow.

HON. MR. BOTSFORD—It is not necessary. It is better to go on.

HON. MR. MILLER—I object.

The motion was allowed to stand until to-morrow.

PORT MOODY WHARF.

INQUIRY.

HON. MR. MCINNES, (B. C.) enquired :—

Why did the Government use only one-third of the Iron Piles which were imported from England over two years ago for the purpose of constructing a wharf at Port Moody, British Columbia, and which was to be equal in size to the existing wooden one?

2nd. What disposition does the Government intend making of the unused Iron Piles now lying on the Port Moody wharf?

3rd. What was the amount paid by the Government for the said imported Iron Piles and the cost of transportation?

HON. MR. ABBOTT—In answer to the first portion of the question I may say that it was found from the change of circumstances that the section of the wharf now renewed would be ample for the business of Port Moody.

In answer to the second question I would say that it is not yet determined what disposition the Government will make of the remaining piles, but that they will be placed where they will be most serviceable for the traffic. As to the third question these piles were purchased—delivered at Port Moody, and the total price was $28,666.

HON. MR. MCINNES (B. C.)—The reply is not satisfactory. What I complain of, is this: that according to the contract entered into between the Government and the Canadian Pacific Railway Company and by an Order-in-Council, Port Moody was declared to be the terminus of the Canadian Pacific Railway; a wharf was to be built there

—a permanent wharf of 1,500 feet in length. The Government following out that policy advertised for piles, and got iron piles from England, but instead of building the whole of this 1,500 feet with iron piles they only constructed some 600 feet, and allowed something like 900 feet of the wooden wharf to fall into disuse. It is crumbling to pieces.

The second portion of the reply is not satisfactory to me, for this reason, that I am in possession of the fact that the Canadian Pacific Railway without leave or license from the Government, as far as I can find out, have taken possession of these piles and have actually removed the greater portion of them down to Vancouver to build a wharf for themselves, on their own private property. Not only that, but I am credibly informed they have ripped up the principal portion of the planks on the unsafe portion of the wharf and have taken those planks down to Vancouver also, or are about to remove them to that pet town of theirs. That is what I complain of. Why should the Government allow the Canadian Pacific Railway or any other corporation to violate their Statutes, violate their solemn pledges simply because they are a great and powerful company and Port Moody is a small and helpless community? I think it is too bad that such actions should be allowed and encouraged by the Government. Some exception was taken to the remarks which I made last evening to the effect that the Canadian Pacific Railway Company are acting unfairly. I challenge contradiction of what I say. Their course is—

HON. MR. MCCALLUM—I think the hon. member is out of order. Is there any question before the Chair?

THE SPEAKER—The hon. gentleman has the right, I think, in asking a question to make a statement.

HON. MR. MCINNES (B. C.)—Of course I do not intend to enter into a long discussion on this subject, and I think that my hon. friend from Monk, when he is a few years longer in the Senate, will perhaps be aware of the fact that hon. gentlemen are allowed to speak even when asking a question—a different practice from the House of Commons. I was about to say with respect to the Canadian Pacific Railway that anything and everything that stood in their way in British Columbia they have ridden over rough shod. Not only have they taken a portion of those iron piles and plank down to Vancouver, but they have extended their road down there, although they had no legal right to do it, simply because they obtained a grant of 6,000 acres of land from the local Government and now they are asking by a Bill to legalize the extension from Port Moody down to Coal Harbor or Vancouver. I have only given a few of the many just reasons the people of Port Moody have to complain, but as this is merely a question, I will say no more on the subject at present, as I intend to move for the correspondence when the hon. members in this House will have the opportunity of expressing their views on it when they hear the full particulars of the righteous cause I advocate.

BILL INTRODUCED.

Bill (13) "An Act respecting the Grand Trunk Railway of Canada," (Mr. Vidal.)

PUBLIC STORES BILL

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (20) "An Act respecting Public Stores."

HON. MR. POWER—It is customary to make some explanation at the second reading of a bill. I notice that the last clause of this Bill says that it is to be substituted for Chapter 170 of the Revised Statutes, and I think the House is entitled to know why it is being substituted, and what are the defects in the existing law which this Bill is intended to remove.

HON. MR. ABBOTT—I regret to say that I am not in a position to answer my hon. friend to-day. Perhaps it will be sufficient for him to have that question answered in Committee. The Govern-

ment has no desire to have the Bill pushed through the House without proper explanation.

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

BANFF NATIONAL PARK BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (16) "An Act respecting the Banff National Park."

He said: This Bill is to make simple provisions for the protection, control and management of the Banff National Park. It is quite short. The various provisions are to be found in Section 4, with its sub-sections and there are certain penalties prescribed for injuring the park or interfering with the park as a place of amusement.

HON. MR. MACDONALD, (B. C.)—I think we could find a more appropriate name for the park this jubilee year. I am sorry that the Bill has passed the other House without somebody having proposed to change the name to the Queen's Park, the Imperial Park, or Empress Park. When the Bill goes into committee of the whole I propose to move an amendment to change the name to "Empress Park." There are several Queen's Parks. There is a new park at Niagara to be called the Victoria and I think the Empress Park will be a more appropriate name for our national park. The name should be something to connect it with Her Majesty.

HON. MR. POWER—I think a more appropriate name, perhaps, would be "The McLeod Stewart Park."

HON. MR. VIDAL—It is very kind of our hon. friend from Victoria to have thrown out this suggestion; it is something to think over before the Bill goes into Committee.

HON. MR. KAULBACH—There ought to be some name appropriate to the place. It is a beautiful park, and a fine climate. I had the pleasure of being there last October, and found it to be a most delightful place. As a sanitarium, the National Park will be a great advantage to the people of Canada.

HON. MR. ABBOTT—I shall have great pleasure in mentioning this suggestion of my hon. friend's to my colleagues.

HON. MR. SCOTT—I think the name it now has is most appropriate. It is described as the National Park. The National Park is located at Banff. The titles that are proposed to be given to it are, Queen's Park, Empress Park, Royal Park, or Victoria Park, all of which are names usually applied to local parks, and there are, no doubt, a great many such parks over the Empire. "Banff National Park" indicates where this park is. It is national in the sense that it is the park of Canada. I think not only has the park been very wisely selected, but the name indicates with very great clearness exactly what the park is intended to be; therefore I hope that no hasty change shall be made. I am not disposed to check the gushing loyalty that suggests the connecting of the name of everything national with our illustrious Sovereign—it is a name to be remembered—but Queen Victoria will long be remembered in connection with other matters; and I hope that in the inauguration of our great park out in the Sierras we will not be led astray by any sentimental considerations.

HON. MR. ALLAN—We might appropriately call it the Victoria National Park. We should still have it the National Park and associated with it the name of our beloved Sovereign, who will be long remembered, and with it we should all feel it is a great pleasure to have her name identified. The park I hope will be a source of great pleasure and advantage to the whole Dominion, and I think that those words might very well be put together, and they would cover the whole ground by calling it the Victoria National Park.

HON. MR. BELLEROSE—I would suggest that the best name to call it would be the Canada National Park, be-

cause the people in general will not know where the National Park is by its present name; but in calling it the Canada National Park it will be known as the national park of Canadians.

HON. MR.. POWER—I regret that the hon. gentleman who represents the Government in this House had not postponed the second reading of this Bill until he should have an opportunity of making himself familiar with its provisions and with the reasons which have induced the Government to introduce the measure. I do not think that this House should be asked (although most of its members are supporters of the Government) to accept the measure without consideration and adopt its principle by reading it the second time as a matter of course. The reasons for passing the Bill should be given, but I am not unreasonable enough to expect that the hon. member who has only just been sworn in should be in a position to give those reasons now. I think therefore it would be better that the second reading should stand over for another day. I have noticed, although I have not followed the discussion in the other Chamber very closely, that there was a very warm debate over the second reading of the Bill. It is a very nice thing to have a National-Park, but there are other considerations involved in this Bill besides having a National Park. It is proposed to expend a very considerable sum of money on this Park, and there is another feature which perhaps might not strike hon. members looking hastily over the Bill, and that is that this Park would be under the control and management of the Minister of the Interior who may make regulations subject to the approval of the Governor in Council for all purposes connected with the Park. If it were proposed that this Park should be reserved as a park and used for no other purpose, there could be no serious objection to reading the Bill a second time without explanation; but it is not the fact. The Government take power under this Bill to grant mining rights, in the comparatively large territory covered by this park, free from the restrictions imposed by the law granting those rights in other places. They take power to control trade and traffic of every description and in fact to treat this large reservation as though it were the property of the Governor-in-Council and not the property of the country, and, as I understand, most valuable rights have been given away by the Government to persons who are about opening large mines in this Park. Hon. gentlemen will see that there are some serious questions involved in this Bill, and I respectfully submit that we should be told why it is desirable that the gentlemen who undertake to open mines in this park should not be subject to the same laws and regulations as gentlemen who undertake to open mines in other parts of the country. Certain gentlemen in Canada, who have associated themselves with other gentlemen from the neighboring republic, have spent something like $150,000 on a mining property which they have acquired there, and I understand that one of those gentlemen who has spent something like forty or fifty thousand dollars has expressed the opinion that his interest in the property is worth half a million. It will be seen that we are taking a somewhat important step in handing this valuable property over to the Governor-in-Council to be dealt with as they please without the control of law or of Parliament.

HON. MR. ABBOTT—I am quite aware that it is perhaps pressing the matter a little too strongly to insist upon a second reading of the bill to-day, in view of the fact that I am unable unfortunately at this moment to give all the explanations which the House would be entitled to ask. At the same time while that would be fatal to the second reading of the bill to-day, the fact, that there is another occasion on which all those explanations may properly be given might be taken as a reason for not postponing the business, and for allowing the second reading to take place to-day. I do not insist on it, but I think possibly we might further the work which we are all anxious to get through by reserving on this occasion the explanations to be given until the House takes cognizance of the Bill in committee, when I hope to be able to answer all the questions and objections which my hon. friend may

make. With regard to the management and control of the park I do not exactly see in whose hands it could be placed except in the hands of the Minister of the Department to which it is appropriate. The Minister of the Interior, subject of course to all the restrictions placed on him by law, manages the whole of the public lands of Canada which in the aggregate are more important than Banff Springs and Park, and the rules and regulations which govern the action of the Minister are made by the Governor-in-Council. Therefore, it must be presumed, so long as the Governor and Council have the confidence of the country, which they must have to remain in office, there is no danger of anything objectionable being placed on record as part of the rules of the park. With regard to the working of the mines within the limits of the park, it will be restricted as much as can be without injury to the public interest It will be observed that there is a reason for not placing the working of those mines under the usual control and regulations to which other mining properties are subjected, because there is a restriction imposed on them by Sub-section D of Section 4, that no license or permits shall be made which will in any way impair the usefulness of the park for the purposes of public enjoyment and recreation. Section 2 provides that the said tract of land is reserved and set apart as a public park and pleasure ground for the benefit, advantage and enjoyment of the people of Canada. If mining be permitted in this park, sub-section D of Section 4 makes it subservient to the main purpose of the park; therefore, of necessity, a different control is placed over it from that which would be placed over any ordinary mine. The same rule applies also with regard to trade and traffic in the park, because many branches of trade and traffic might be objectionable, and a disadvantage to the use of this park as a pleasure ground for enjoyment and recreation for the people of Canada. As I have said, however, I do not propose, if my hon. friend persists in his objections, to press the second reading, but shall endeavor to be prepared to answer all the questions that can be raised when the Bill is in Committee.

HON. MR. POWER—That, of course, will be quite satisfactory, it being understood that the principle of the measure can be discussed in Committee.

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

THE NOEL DIVORCE BILL.

THIRD READING.

The Order of the Day being called for the consideration of the Report of the Select Committee, to whom was referred the Bill intituled "An Act for the Relief of Marie Louise Noel,"

HON. MR. OGILVIE moved that the Report be adopted.

HON. MR. KAULBACH—The few remarks I shall make, I presume, will not have the effect of defeating the motion before us; but I must confess that I am somewhat surprised at the conclusions of the Committee. In the first place the allegations contained in the preamble of the Bill were not proved by the evidence before us. The facts in this case ought to be known to the petitioner and to her counsel; yet a very important allegation in this Bill had to be amended in Committee in order that it should pass. Had the Bill stood as it was introduced, and the evidence submitted before the Committee had been presented with the Bill, instead of the petitioner having the right to a divorce she would necessarily have lost her case and would be open to the charge of having committed adultery. The form in which this Bill was presented to the Committee was very loose, and the evidence, up to a certain stage, was of that nature. After the counsel for the petitioner had closed his case, and all the evidence had been submitted, if it had not been for my hon. friend from Amherst, who asked a question material to the issue, there would have been no case presented to the House—in fact the Bill would have been lost. It was the astuteness of my hon. friend from Amherst that saved it, and but for my hon. friend the ends of justice would have been defeated in this instance. The evidence was contradic-

tory. It showed that the petitioner and respondent lived together as man and wife only for six weeks, and the issue was born some four years afterwards. If it had not been for my hon. friend from Amherst who put the question, I consider in a way that is not usual to put such a question on so important and material a point, the fact that they had come together a second time would not have been brought out. Although I do not object to the fact coming out in the way it did, when it was a matter of such vital importance affecting the Bill itself, I consider that the evidence was not adduced in a manner which was satisfactory. When an important question touching the vital part of the Bill had to be asked it would have been more satisfactory to me, and I am sure to the House if that question had been put in some other way instead of in a leading form. The material facts were in the cognizance of the petitioner and ought to have been in the cognizance of the solicitor in the case, and I must say that the Bill was certainly brought in without due inquiry or preparation.

HON. MR. GOWAN—As Chairman of the Committee I desire to say that the remarks of my hon. friend opposite are really nothing more than a criticism of what passed in the Committee. I am sorry he was not a member of the Committee as he could have corrected one of the members for putting a question in a leading form. As to the allegations in the Bill, there is sufficient evidence to justify the House in granting the divorce asked for. The only object of asking the question referred to and reporting this specially, was that it might not appear that the child that was born was illigitimate, which it might have appeared to be had it not been carefully brought out by my hon. friend opposite (Mr. Dickey) in course of examination that the parties had subsequently lived together for a short period. The Bill was not as carefully framed in the first place by the solicitor as might be desired, and this allegation ought perhaps to have appeared in it. It was in the petition, and there is no reason why my hon. friend should not have asked the question he did, in the way he did. At all events, it was answered very clearly by the petitioner, and every allegation in the Bill has been amply sustained by the evidence before us. I never saw a clearer case, and I have some knowledge of the subject of inquiry, and I must say that the evidence in this case is as complete as any evidence that ever came before me at any time.

The motion was agreed to on a division.

HON. MR. OGILVIE moved that the Bill for the Relief of Marie Louise Noel be now read the third time.

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

The Senate adjourned at 4:15 p.m.

THE SENATE.

Ottawa, Wednesday, May 18th, 1887.

The SPEAKER took the Chair at 3 p.m.

Prayers and routine proceedings.

NEW SENATOR.

The SPEAKER announced to the House that there was a new member without waiting to be introduced.

THE HONORABLE MR. FORTIN, was introduced by Hon. Mr. Abbott, and Hon. Mr. De Blois, and having taken and subscribed the oath of office and made the declaration of qualification, took his seat.

ASH DIVORCE BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY from the Select Committee to whom was referred the Bill (B) "An Act for the relief of Susan Ash" presented their first report. He said: With regard to this report I may

say that it is rather voluminous, and perhaps it would be as well that the report and evidence should be printed for the information of the House, to be taken into consideration on a future day. I move that the report be taken into consideration on Friday next.

HON. MR. KAULBACH—It seems to me that the time proposed in which to consider this report is very short. To-morrow will be a holiday, and as we have a number of motions on our paper I think it would be impossible to discuss this matter properly before the end of next week. I would move that the report be taken into consideration not earlier than Thursday of next week.

HON. MR. DICKEY—I am entirely in the hands of the House. The holidays which intervene may interfere with the printing, and if it would subserve the convenience of the House I have no objection to allow the consideration of the report to be postponed until Thursday the 26th inst.

The motion was agreed to.

STANDING ORDERS AND PRIVATE BILLS.

8TH AND 9TH REPORTS.

HON. MR. GOWAN presented the eighth and ninth reports of the Committee on Standing Orders and Private Bills.

The reports were laid on the table.

MONTEITH DIVORCE BILL.

FIRST READING.

HON. MR. MCKINDSEY introduced Bill (I), "An Act for the Relief of John Monteith."

The Bill was read the first time.

HON. MR. MCKINDSEY moved—

That the said Bill be read a second time on Tuesday, the second day of June next, and that notice thereof be affixed on the doors of this House, and the Senators summoned; and that the said John Monteith may be heard by his Counsel at the second reading to make out the truth of the allegations of the said Bill, and that Mary Ann Wright may have a copy of the said Bill, and that notice be given to her of the said second reading, or sufficient proof adduced of the impossibility of so doing, and that she be at liberty to be heard by Counsel what she may have to offer against the said Bill, at the same time; that the said John Monteith do attend this House on the said second day of June next, in order to his being examined on the second reading of the said Bill, if the House shall think fit, whether there has or has not been any collusion, directly or indirectly, on his part, relative to any act of adultery that may have been committed by his wife, to obtain such separation, or whether there be any collusion, directly or indirectly, between him and his wife or any other person or persons, touching the said Bill of Divorce, or touching any action at law which may have been brought by him against any person for criminal conversation with her, the said wife of the said John Monteith, and also whether at the time of the adultery of which he complains, she was by deed or otherwise by his consent living separately and apart from and released by him, as far as in him lay, from her conjugal duty, or whether she was at the time of such adultery cohabiting with him and under the protection and authority of him as her husband.

The motion was agreed to.

RAILWAYS, TELEGRAPHS AND HARBORS COMMITTEE.

MOTION.

HON. MR. DICKEY—Before the motions are called I would like to ask the House to assent to a motion to which I apprehend there will be no objection whatever. I move that the Hon. Mr. Abbott be added to the Committee on Railways, Telegraphs and Harbors for the present session. I find that the Leader of the House has always been upon that Committee, and I think it is desirable that he should be a member of it this session.

The motion was agreed to.

THE BANKING COMMITTEE.

MOTION.

HON MR. ALLAN—As Chairman of

the Banking Committee I have been requested to make a similar motion, that the Hon. Mr. Abbott be added to the Committee on Banking and Commerce. I therefore move that the Hon. Mr. Abbott be added to the Committee on Banking and Commerce for the present session.

The motion was agreed to.

CONTINGENT ACCOUNTS COMMITTEE.

MOTION.

HON. MR. HOWLAN moved that the Hon. Mr. Abbott be added to the Committee appointed to examine and report upon the contingent accounts of the Senate for the present session.

The motion was agreed to.

MAIL SERVICE BETWEEN BRITISH COLUMBIA AND JAPAN.

INQUIRY.

HON. MR. MACDONALD inquired:

Whether, in the event of the Imperial Government giving a subsidy to and entering into an agreement with any Steamship Company or others, for a Mail Service between the Town of Vancouver, British Columbia, and Japan, China or Australia, the Dominion Government will, in accordance with recommendation previously made, invite the Imperial Government to stipulate that such Steamship shall call at Victoria or Esquimalt on the inward and outward voyages, and whether in the event of the Dominion Government entering into an agreement with any such Steamship Company for the performance of a similar service, will it require a similar stipulation?

HON. MR. ABBOTT—In answer to the question of my hon. friend I have to say that the terms of the arrangement which will be suggested have not yet been determined upon, but the Government will give their most careful consideration to them with a view to afford the greatest possible facilities to each point that can be reached by the mail service.

NATURAL FOOD PRODUCTS OF THE NORTH-WEST TERRITORIES.

MOTION.

HON. MR. SCHULTZ moved

That a Select Committee composed of the Honorable Messieurs be appointed for the purpose of collecting information regarding the existing natural food products of the North-West Territories, and the best means of conserving and increasing them; and that the said Committee have leave to send for persons, papers and records.

He said:—Hon. gentlemen will remember that early last Session I gave notice of the motion regarding the natural food products of the North-West, which I am now about to make, and perhaps a word or two of explanation may be expedient, and it is this: Unable from illness to make the present motion till late last Session, it seemed improbable that there would be time enough before its close to attain the object sought in the striking of such a committee and submitting the matter to the Senate on the 6th May, 1886. I found that a majority of the hon. gentlemen who expressed their views recommended the withdrawal of the motion till the early part of this Session, and this view being concurred in by the then leader of the House, the motion was withdrawn—the Hon. Mr. Dickey suggesting in the meantime that the mover should communicate his views upon the subject to the Government, whom he said would be glad to receive any information and suggestion upon the subject. It now becomes my duty to make the motion in question, and as the names of hon. gentlemen to compose it have been left blank in the notice paper, I may be allowed to say a word or two regarding the proposed selection. First, then, I desire such present members of this honorable House as were upon a select committee moved for by the Hon. Mr. McCully, and seconded by Hon. Mr. Botsford, on the 12th April, 1870, "On the subject of Rupert's Land, Red River, and the North-West Territories, with a view of collecting information respecting the condition and capabilities, and the means of access thereto, with power to send for persons

and papers." This committee, consisting of seventeen members, three of whom were to be a quorum, and their able report, presented 27th April, 1870, was printed in pamphlet form, along with the evidence they obtained, became one of the best and most reliable authorities in North-West matters, and as an immigration agent it was unrivalled. In the formation, then, of the present Committee I specially desire, and have taken the liberty of placing the names of hon. gentleman who were upon the Committee of 1870, upon this Committee, and have added my colleagues from Manitoba, the hon. gentlemen from British Columbia, and other hon. members of the Senate who are personally acquainted with the North-West.

I beg, then, to move, seconded by Hon. Mr. Girard, that the blank in my motion be filled in with the following names:—Hon. Messrs. Botsford, Dickey, Reesor, Girard, Robitaille, Peiletier, Senecal, Bolduc, McInnes (B.C.), Macdonald (B. C.), Sutherland, Ferrier, Turner, Sanford, Ogilvie, Almon, Allan, Leonard, Macpherson (Sir David), Miller, Thibideau, Chaffers, Kaulbach, Howlan, Carvell, Merner, and the mover; and I desire before the motion is put to make some explanatory and other observations. Acting upon the suggestions made, I addressed to the Rt. Hon. the Superintendent-General of Indian Affairs the communication which I shall presently read; as it contains much that I would have urged before the House last session, and that I now deem of sufficient importance to bring under the consideration of hon. gentlemen; and I may also state that in this connection I had last spring interviews with the Rt. Hon. the Superintendent-General and the able officer and Christian gentleman who is his Deputy, and they both expressed themselves most anxious to continue to do all in their power in any direction for the benefit of the Indians of the North-West. The letter is dated in May of last year, and is as follows:—

OTTAWA, 27th May, 1886.

To the Right Honorable the Superintendent General of Indian Affairs, Ottawa.

SIR,—Early in April of this year I gave notice in the Senate that I would move that a Select Committee composed of the Honorable Messieurs——be appointed for the purpose of collecting information regarding the existing natural food products of the North-West Territories, and the best means of conserving and increasing them, and that said Committee have leave to send for persons, papers and records.

My illness and an adjournment of the Senate, prevented my being able to make the motion till the 6th inst., when after some preliminary remarks I found that a majority of honorable gentlemen then present, felt that on acccunt of the late period, the motion had better be dropped for this session and brought up at the commencement of the next.

The Honorable Mr. Dickey, then representing the Government, was good enough to say among other remarks upon the importance of the subject, that the Government would be glad meantime to have the views of the mover on the subject with any suggestions I might see fit to make in the matter of the food supply of the Indians of the North-West, and in accordance with the permission and invitation thus given, I will endeavor to express my views upon the subject much in the manner that I would have addressed the House, had the motion not been withdrawn for the reasons mentioned. I had felt when about to address the Senate as I now feel in addressing the Government, that in the four and a half years of illness and absence from the North-West, I had lost trace of much that concerned the Indians of that Region which formerly I had made an object of careful study and observation, so that, if I touch upon matters already investigated and disposed of, and offer suggestions which have already been made and acted upon by the Government I will be excused, I trust, for the reasons I have mentioned.

In alluding to the existing food products of the North-West, I shall pass by the minos ones such as the remaining wild animals and the Vetches, Lichens, Roots and Berrier which form a portion of the diet of the Indians in those regions and dwell only upon these which, since the extermination of the buffalo, seem to me to be the most important to both the Indian and white population of our territories, and I shall remark upon these in what I think to be the order of their importance.

First,—to the fishes of this wellwatered country I give the first order of importance from their wide dissemination the healthful character of the food they furnish, their enormous reproductive powers, and the ease with which, under favorable circumstances, they may be taken by the old and young and by those who are unequal to the toil of agriculture or to the more strenuous exertion of the chase—this source of food supply is lessening from various causes, such as the increase of population, seasons of comparative drouth and the destruction

some of the better species by such voracious varieties, as the Pike or Jacque fish, the Esox Lucius of the naturalists.

Second,—in importance is the Black or Wild Rice, the "Zizania Aquatica" of the botanist which exists in abundance in some parts of the Indian country and is now not found under similar climatic and physical conditions in another and far larger region where doubtless at one time it existed in quantities as great as where it is now to be found.

Third,—in importance as a food product I think is the white and grey rabbit. Two out of the four varieties of Hare ("The Leporidos") of the naturalist, which are found in the North-West. These are decreasing and in many places are nearly exterminated by the ease with which they are taken and the number of predatory animals which feed upon them.

The importance of these three food products, especially to our Indian population, is very great indeed, and their preservation and increase may serve in the solution of one of the problems of the Indian question which now presents itself. It seems to be generally admitted that, whether we have made Treaty stipulations with the Indians of the North-West to that effect or not it is necessary to see that they are fed, and it will be productive of the worst possible consequences to them mentally and physically if this object is to be attained only by the service of rations to them composed of food which they not only dislike, but believe to develope the diseases which the vices of the incoming race has brought among them.

An idea of the cost to the country of the present method of feeding the Indians may be had from the following statement, which forms a portion of the return recently laid on the table of the Senate in answer to my motion for these and other papers made last session:—

ESTIMATE OF THE COST OF SUPPLIES FURNISHED TO THE INDIANS SINCE TREATY NO. 1, 1871.

Since Treaty No. 1 in 1871...		$32,699 99
Manitoba Post,	2 in 1871...	16,622 83
N. W. Angle,	3 in 1873...	52,785 86
Qu'Appelle,	4 in 1874...	542,907 88
Berrings River,	5 in 1875...	34,906 72
Fort Carleton,	6 in 1876...	450,187 44
Blackfoot,	7 in 1877...	1,204,829 54
		$2,334,940 26

The number of Indians comprised in these Treaties is given in another portion of the same return as follows:—

"An estimate of the increase or decrease of the Indian population of the North-West (and Manitoba), based upon the numbers which were paid at the various treaties made in 1871 and subsequently, and the number now paid.

	First Payment.	Last Payment.	Increase
Treaty No. 1....	2,251	3,315	1,064
" 2....	510	1,144	634
" 3....	1,517	2,514	967
" 4....	4,810	5,301	491
" 5....	2,837	3,307	477
" 6....	2,776	8,190	5,414
" 7....	4,938	6,415	1,487
Total increase			10,534

It will, I think, be admitted that in the case of some of these treaties the cost of food supplies has been very great, and it will undoubtedly increase with the decrease of natural food supply in the region where these Indians live; hence I hold that had the proposed committee been ordered they would have been able, after obtaining all the evidence within reach upon the subject, to suggest some measures which, while being in themselves inexpensive, save to the country a considerable portion of what seems likely to be heavy and increasing expenditure. My belief that this may be accomplished is based upon certain facts which have come under my notice, or have been learned by me from reliable personal authority in regard to the three food products which I have mentioned. For instance, it will be noticed that the expenditure for food to the Indians of Treaties 1, 2, 3 and 5 have been slight in comparison, simply because of their neighborhood to well stocked fishing lakes and streams; and there was little danger of starvation where the sturgeon, cat-fish, golden eye, yellow perch, or pike, or jacque fish, white fish, red and grey sucking carp, tullabees and trout abounded; and none at all where wild rice and rabbits were also to be found. The sturgeon was esteemed by our British ancestors as a dish fit for a King; and at the mouths of all large streams flowing into Lake Winnipeg he is to be found of 125 to 175 pounds weight, and yet a crippled Indian may land him from a night line, in all the panoply of his bony armour, to furnish the lodge with provisions for a week and light for a month or two; an Indian boy of ten may in an hour's catch bring home all he can carry of glistening gold eyes (*Hyoden Crysopsis*), than which there is no more dainty food in salt or fresh waters, while the squaw of the tepee may assist her lord with the aid of a few gill nets in the capture of white fish by the hundreds, which weigh from 3 to 5 pounds each. Where the wild rice is found there is the same abundant yield, and an average Indian family have been known to gather of it 2,500 pounds in one season, and when we reflect that where the white rice is cultivated 50 bushels to the acre is the expected yield, we can see that the area to be reaped for that number of pounds need not be great nor the toil excessive. It is estimated, I believe, that 44,000,000 of the population of India live

almost exclusively upon rice, and a bountiful and beneficient Providence has ordered that the still, shallow waters of our country shall yield a grain which, if it is not so attractive in appearance, is yet by its larger proportion of gluten better fitted for northern needs. His Grace Archbishop Tache, in his valuable book of travels, written many years ago, in speaking of the Rainy Lake District says:—"This district also produces wild rice (*Zizania Aquatica*), known to travellers as 'wild oats' (*folle avoine*). I am not aware that this grain is to be found elsewhere in this country. This precious plant grows in sluggish and shallow rivers, and is a valuable resource. The Indians collect the grain in canoes by beating the grass with sticks as they paddle through the crop. It makes an excellent soup and is preferred by many to common rice."

I have reason to believe this valuable natural vegetable food may be grown successfully as far north as oats will thrive, and the simple conditions of successful culture (viz)—still or gentle flowing water from two and a-half to three feet deep, with a muddy bottom, may be found over a very large portion of the North-West. By our Indians this food is regarded, as corn is by the Southern Indians, as one of the best gifts of the Great Spirit. Some varieties of fish also feed upon it and it attracts in thousands many of the migratory waterfowl of the region, rendering them an easy prey to even the Indian children and a welcome addition to the meal of wild rice and fish.

The possibility of seeding the western waters with this grain, will I think be abundantly shown by the investigations of the Committee from the few small attempts which have been already made in that direction.

The ease with which the Rabbit may be placed in a new home is well known to all those who are familiar with the wild specimens of this animal: living as he does upon the roots of grasses and the bark of trees we have everywhere in the wooded portions of the North-West, the conditions he requires, and abundance of the food (Aspen and Balsam Poplar), which he likes best, and the gradual hunting out of the fur bearing animals, who are his deadly foes, will admit of his rapid reproduction, the rapidity of which may be judged of by the fact that they have litters of five or six three times in six months and that the first litter reproduces again before the winter sets in. A single squaw has been known to take from the fine brass wire snares, over eighty, as the result of one night's catch. His transplanting however would have to be to uncultured and wooded districts for he has a taste for the products of cultivated fields when his own natural food grows scarce.

One of the measures strongly urged by me during a discussion on Indian Treaties in the House of Commons in 1873, was the placing of all Indian reservations near some well-known fishing ground, and I was led to do this by my observation of the results of Indian Treaties made by the United States with the Indians of Northern Minnesota and Dakota. In the case of the Treaty made with the Ojibways of Red Lake and Pembina in 1863 and 1864, most of the Bands were placed near fishing lakes and streams and the result to-day is, that they have never needed from the Government much more assistance than was stipulated in their Treaty, and as the larger animals have disappeared, gradually settled down in villages around their missions and agencies, lost many of their nomadic habits, rendered themselves amenable to the efforts of the Missionary, school teachers and farm instructor and scarcely an arm of precision is to be found amongst them.

The present condition of the Indians of Dakota, presents a striking contrast. Most of these were placed in the Black Hills where large game abounded requiring such arms as the Winchester and other breech loading rifles for their capture, and the result has been, that the training thus received in the use of these deadly arms, rendered possible in later years the entire destruction of the gallant General Custer and his band, caused to the United States, an expenditure of millions of money and thousands of lives, and made the remnant of these bands the Ishmaelites of the Western Plains.

It may be observed in this connection that it was from the Indians of Treaties No. 4, 6 and 7 that danger was feared, during the insurrection of last year, because these alone possessed breech loading rifles, and the means of rapid locomotion in the ownership of horses, while no danger at all was felt from the Indians of Treaties No. 1, 2, 3 and 5 because they needed and possessed only a few shot guns and fewer horses and remained peaceful and quiet on such reservations as were near their fishing grounds.

It is also worthy of notice that the Indians of Treaties 4, 6 and 7 have received two million and a quarter dollars in food while on those of No. 1, 2, 3 and 5 who are nearly all within reach of fishing waters little over one hundred thousand dollars has been spent, although their treaties antedate these of 4, 6 and 7 by several years.

Had these remarks, which in substance I had proposed to make in moving for the Committee, been considered of sufficient importance to warrant the granting of the Committee, I felt that important results would follow in the collection of facts bearing upon the subject, and that their report would probably contain practical suggestions of the greatest value, and as I do not wish to forestal any action which may be taken next year, I hope that it may not be thought improper in me to make a few suggestions, which I trust may be acted

upon before the next Session of Parliament, and in doing so I shall confine myself to the simple questions of preserving and increasing the existing food supply of the North-West and Manitoba.

First.—The fishes of these regions.

The alarming decrease of the number of fish caught at many of the well-known fishing grounds, as, for instance, the chain of the Qu'Appelle Lakes, the mouth of the Saskatchewan, and that of the Red River and the head of Lake Winnipeg. (This latter point very much so indeed), and I am informed that in addition to the increasing local consumption immense quantities are shipped to St. Paul, Chicago, and even as far east as Detroit. One informant says that the Indian of these parts, with his simple gill net, finds few fish which escape the immense seins used by the fish exporters, and that there are other appliances in use equally destrudtive to river fish. Another informant states that he knew of fifty car loads of frozen fish being shipped in a comparatively short time, and this information if correct, points to the speedy denudation of these waters without speedy action is taken. The diminution in the fish supply of the Qu'Appelle and other prairie lakes and streams of course arises partly from the fact that the disappearance of the buffalo has caused a greater strain on their powers of production, while the brackish lakes further west and south have ceased to produce fish, probably from their entire destruction in seasons of very great drouth rendering the waters much more than usually alkaline.

These facts, to my mind, point to the great necessity which exists for a fish-breeding establishment at once to furnish spawn of the more desirable varieties of fish and for that of the white and yellow pickerel which, alone, so far as I know, will live and multiply in brackish water.

I am aware that there exists a very general belief that many of the south-western lakes are unfit for fish life, but I am satisfied that in ordinary seasons this belief is an error, for large numbers of these fish are caught in Devil's Lake in Dakota, not far south of the boundary line, the water of which is too alkaline to be used by oxen, horses or by men.

Secondly,—Regarding the value of wild rice as an existing food, I have already quoted His Grace Archbishop Tache, and I have corroborative testimony from Venerable Archdeacon Cowley and others. I have also the concurrent evidence of Honorable Walter R. Bown, a member of the first North-West Council, who is familiar with the wild rice producing portion of Keewayten and Manitoba having travelled extensively and lived several winters where this plant abounds. He informs me that fish and wild rice constituted almost the only rations of his six men, and that upon this food they were healthy and vigorous, and he himself upon the same diet was able to undergo the greatest physical exertion and I have no hesitation in urging that when the rice reaches its full maturity, this fall, a quantity should be procured and its effectual seeding may be accomplished by simply dropping it in all waters west of the Red River, where the condition (which I have already mentioned) exist for its successful growth.

Thirdly,—the experiment of introducing the rabbit into districts of the North-West where they have been exterminated, is best done during the summer, and if due precaution is observed in the choice of the places for its introduction, no harm will come of it. I am aware that the introduction of the rabbit into Australia has been an unfortunate experiment, but Honorable Walter R. Bown, who has travelled extensively in that country, as he has also in our North-West, informs me that the difficulty arose in Australia from the fact that the English rabbit burrows while our variety of these animals makes his home in above ground retreats, and that while the Australian Rabbit breeds all the year round ours cease doing so, during the winter months.

These facts shew that there would be little danger of the rabbit becoming a nuisance in the North-West, while the possible advantages of this additional food supply are very great indeed.

I have endeavored in making these suggestions to confine myself to such as would entail very little expense in proportion to the possible benefits, and at the risk of seeming to depart somewhat from the subject under consideration. I may add that when I went to the North-West, a quarter of a century ago, buffalo meat, preserved in the form of pemican, was the staple food of the inland districts—the buffalo, in fact, supplying not only the Indians of the district wherein he ranged, but far north and east in the fish-producing districts. These conditions no longer exist, and may now to a large extent be reversed in the feeding of the plain Indians with fish caught by the fishing Indians, instead of the bacon imported from great distances, and which too often becomes, from necessary exposure, unfit for food.

I have the honor to be, Sir,

Your humble servant,

JOHN SCHULTZ.

I regret to say that I have had but little opportunity since I wrote this letter a year ago of increasing my knowledge of the subjects of which it treats. I had indeed intended, during the past summer, to visit many points in the North-West, but illness intervened. Honorable gentlemen must not suppose from my only remarking upon three of the natural

food products of the North-West that such products are limited. On the contrary nature has strewn them with lavish hand on the Prairies and Savannahs, in the lakes and streams, and through the forrests of this great region, as honorable gentlemen will admit if they will bear with me while I enumerate some of the varieties which have an economic value and are mentioned by such high authorities as His Grace Archbishop Taché, Professors Bell and Macoun, and other travellers.

Of Plants the following are indigenous :—

Black or wild rice, wild grape, choke cherry, wild plum, bird cherry, hazel nut, prairie strawberry, wood strawberry, cloudberry, dewberry, arctic raspberry, ordinary raspberry, saskatoon berry, black gooseberries, high bush cranberry, pembina berries, low bush cranberries, cow berry, blue berries, hook berries, bear berry, silver berry, buffalo berry, black currants, red currants, wild sarsaparilla, black or sugar pine, ash leaved maple. These are exclusive of many plants which possess medicinal qualities as "Ginseng" Snakeroot and others.

The fishes of the North-West surprise many by their great number and especially good quality and may be enumerated thus:

The common yellow perch, wall-eyed pike, common sun fish, blubblers and Drummond white fish, northern sculpin, methy burbot, ling or eel-pout, the stickleback, maskinonge, pike or jack fish. Of the great Trout family (the Salmonida) we have the great sea salmon, the Columbia River salmon, the ekewan or British Columbia salmon, Ross Arctic salmon, Coppermine River salmon, great lake trout, Lake Superior trout, the inconnu, large Rocky Mountain trout, western salmon trout, Columbia River trout, Clark's western trout, common brook trout, Rocky Mountain brook trout, Hood's northern trout, Back's grayling, lesser grayling, white fish, chief mountain white fish, round fish, Bear Lake white fish, lake herring. The next varieties are to found in great abundance, viz : The golden-eye, silver bass or moon-eye, common shiner—minnow, horned chub—minnow, red sucking carp, grey sucking carp, LeSeur's carp, large cat-fish, lake sturgeon, western sturgeon.

Of animals, there are indigenous the following :—

Of the Cat Family—Couger or American panther, wild cat, Canada lynx.

Of the Dog Family—Red fox, cross fox, silver and black fox, prairie fox, kitt fox, Arctic fox, white and gray wolf, coyote or prairie wolf.

Of the Weasel Family—Fisher or black cat, pine marten or American sable, least weasel, small brown weasel, little ermine, long-tailed weasel, brown mink, wolverine, American Otter, common skunk, Missouri badger.

Of the Bear Family—Grizzly bear, black bear, cinnamon bear, white or polar bear.

Of the Deer Family—American moose, barren ground caribou, American elk, common deer, black-tailed deer, antelope or cabree, mountain goat, mountain sheep or big-horn, musk ox, American buffalo.

Of the Common Bat Family—Little brown bat, hoary bats.

Of the Shrew Family—Thick-tailed shrew, Forster's shrew, Richardson's shrew, marsh shrew, least shrew.

Of the Squirrel Family—Red squirrel, Richardson's squirrel, Rocky Mountain squirrel, Missouri striped squirrel, gray gopher, yellow gopher, striped gopher, prairie dog, yellow-footed marmot, Say's squirrel, hoary marmot.

The Beaver Family—American beaver.

The Pouched Gopher Family—Pocket gopher, mole gopher.

Of the Jumping Mice Family—Jumping mouse.

Of the Mice Family—White-footed mouse, prairie mouse, Missouri mouse, Rocky Mountain rat, red-backed mouse, cinnamon-colored mouse, northern field mouse, Rocky Mountain field mouse, Richardson's mouse, Hudson Bay mouse, musk rat.

Of the Porcupine Family—The White haired Porcupine, Yellow haired Porcupine.

Of the Hare Family—Prairie Hare, Grey Rabbit, Northern Rabbit, Little Chief Mountain Hare.

The Birds of the North-West are even in greater numbers, and I have before me a list compiled from various high

authorities which I fear would weary honorable gentlemen were I to read, and I must be satisfied with stating that it comprises 234 distinct varieties, there being among these no less than 95 songsters and the great Duck family alone comprising 26 varieties.

Honorable gentlemen, will I think, admit that a benificent providence has strewn these vegetable and animal blessings freely over this norwestern land, and were they now as eqnally distributed, as in times past, there would be less need of the present large expenditure for imported food, but the Indian lives only in the wants of to-day, and has not counted upon the consequences of his own acts in utterly exterminating some of these species from large tracts of country, and it needs the strong arm of the administration to prevent the continuance of this habit; and wise counsel to restore the balance of productive power, and in this connection, honorable gentlemen, will find no more interesting information than is to be found in the present report on Indian affairs which was presented early this session, where the anxious care of the Superintendent General and his Deputy is constantly evinced in the instructions to Superintendents and Agents. For instance, on page 108 of Part First, we find the Commissioner reporting regarding the Wild Rice, that—

"The bulk of the seed distributed will, in accordance with your instructions, be sown, as is the case in other localities in which the wild rice is indigenous, in the fall of the year. In order, however, to meet the changes which climatic influences may possibly require, a certain proportion will be sown experimentally at other seasons. The conditions under which this is done will be carefully observed and the results noted."

The degree of progress made by some of the bands of the early Treaties, as reported by their agents, is remarkable and may be found on other pages of this admirable Report. In one instance, 3 small bands collectively numbering 1,849, or about 300 men cultivated 708 acres of land producing 16,550 bushels of roots and grain last year and the Band in addition cut 3,410 tons of hay and caught and fur to the value of $32,500.

Unfortunately, however, reports such as these are offset by those of Agents of less favored Prairie localities where the Indians (those of the later Treaties), still have to be fed and have not shown much aptitude for agricultural pursuits, but every effort is being made for them.

It may be asked, of what use can such a Committee as the proposed one possibly be? My answer would be this:—It cannot be possible but that hon. gentlen, such as I have mentioned, and especially the more elder ones who have had extensive experience in the early days of their respective Provinces, and who have since travelled in the North-West, will be able to elicit valuable information from sources within easy reach, and if charged with that duty by this hon. House will be able to obtain information and to offer suggestions upon the best means of conserving, increasing and distributing the existing natural food products of the North-West, alike beneficial to the white and red inhabitants; and should their report even pave the way towards efforts to transplant to some districts the surplus of others, and to add new varieties to the species indigenious to the soil, they will have accomplished an object which will be an addition to the white settlers' agricultural wealth, and confer a blessing upon a race, the end of whose history may possibly be not very far off.

HON. MR. GIRARD—I rise with much pleasure to second the motion of my hon. friend from Manitoba. He has made his case so clear and so complete that he would leave nothing for me to say on the present occasion but for the fact that there is so much to say for the country which I have the horor to represent, that we can at all times find something of interest to lay before the House. I will not undertake to follow my hon. friend in his exposition of the wealth of the great plains of Manitoba and the North-West Territories. He knows the country well. His early efforts were in those localities, so that he is speaking with a more intimate knowledge of the subject than I could myself. At the same time I would suggest that if the Committee is granted my opinion is that great benefit to the Indians may be expected from it. We had committees before in reference to the North-West, and on every occasion those committees

were productive of a great deal of benefit to the country. Just after the troubles in 1869, a committee was appointed by this honorable House by whom a great deal of information in relation to the North-West was obtained, which is contained in the Minutes of proceedings of that year, and was the means of attracting public notice to the North-West as a fine country for settlement. On another occasion when the public mind was filled with deep anxiety and uncertainty in reference to the location of the Canadian Pacific Railway, a committee was selected from amongst the members of this House which sat during two consecutive sessions. They proceeded to take evidence, after which they made their report. I will not say that the change of the line was the result of their report, but it is a fact that the line was changed, and changed for the better. Since the railway has been completed I think the changed location of the new line has given general satisfaction. The Indian population of the North-West deserve a certain amount of assistance, and that assistance is not only asked for in the interest of our own people but in the interest of the country and in the interest of the Government. Large sums of money are expended every year for the sustenance of the Indians under the treaties that have been made. It is only right and proper that the Indians should not be allowed to perish from hunger; at the same time the country would be more benefitted if we could suggest some means by which food could be provided in that vast Territory by their own effort. I remember that last session when the question was before this House I took occasion to mention the fact that an Indian Chief who was dying at St. Boniface, was visited by Lieutenant Governor Dewdney; and on his death bed he implored the Lieutenant Governor to preserve for his band a certain Lake which was in his reserve. He said that as long as the fish in that Lake were preserved his people would not perish; but if the whites were allowed to put their destroying hand on the fish of that lake the Indians would die of starvation. There are many places in the North-West specially adapted for the propagation of fish and game, some of which are mentioned in the work of His Grace Archbishop Taché, and we know how appreciated are the suggestions of that deserving and patriotic man throughout the Dominion. If hon. gentlemen have read his little work on the North-West Territories they will have seen that gold has been discovered in all the streams coming into the Saskatchewan, but the people there up to that time had not the necessary means and appliances to ascertain the value of those deposits. Certainly there is gold there, and if some effort is made it could be traced to its source in the Mountains, and if found it would add greatly to the wealth of the people of the Dominion. It may perhaps be suggested that a large expense will be incurred by this proposed Committee; but the intention is to obtain all the information that is necessary from people who are actually at the Capital. I do not think it is the intention to call witnesses from Manitoba and the Territories to give evidence before the Committee. Those who will be called are people who are already here, who have visited the country and have observed it with a view of ascertaining its resources, and we will find plenty of witnesses ready at first call to come forward and give evidence.

HON. MR. MACDONALD (B. C.)—I was very much struck indeed by one portion of the Report read by the hon. gentleman, which refers to the increase in the number of the treaty Indians for some time after the first payment under the treaty. It seems to me that the increase reported could not have been a genuine increase; that there was some sort of deception practised, by the Indians going from one treaty to another to receive money. I should like very much to know if the hon. gentleman has come to any conclusion as to the reality of that increase. It has not been conceded that Indians increase so rapidly as is set forth in the report. yet there is a marvellous increase of 10,000 in one of those treaties in one year. I have listened with much pleasure to the hon. gentleman's enumeration of the natural food supplies in the North-West Territories, and I am glad to hear it for this reason: that I consider the present sys-

tem of feeding the Indians to be demoralizing. It takes away their self dependence, and educates them to be paupers on the hands of the Government. It is safe to say that if the North-West were to-day as it was a few years ago in the hands of the Hudson Bay Company the buffalo would be just as scarce as they are to-day; that the scarcity is more to be attributed to the people in the United States, who when the buffalo go down to the border, kill them off there, than to our own settlers. The argument used for feeding the Indians in the North-West is that our people have killed off their natural food, the buffalo. I do not believe for one moment that such is the fact. I hope that this Committee will be able to so advise the Government that the natural food supplies of the country, coupled with agriculture, can be so utilized as to make the Indians self-supporting instead of being as they are to-day entirely dependent upon the Government.

HON. MR. DICKEY—My hon. friend who made his interesting and elaborate statement was kind enough to refer to me in relation to some observations made by myself when, a year ago, I felt it necessary to make some remarks on the motion, as the mouthpiece, for the time being, for the Government; but I am happy to find that that duty no longer falls upon me, and I am sure I express the general sentiment of this House when I say that we all welcome the attendance of the hon. gentleman who will be able to answer for the Government on this occasion, and who, I hope, is to be for a long time the Leader of this House.

HON. GENTLEMEN—Hear, hear.

HON. MR. DICKEY—I rise principally for the purpose of saying, not wishing to repeat my remarks on a former occasion, that my hon. friend has mentioned me as one of the members of this Committee. I hope that he will consent to allow the Committee to be struck without my name in it for the very obvious reason that I am the chairman of one of the hardest worked committees in the House—a committee, unfortunately, whose work has scarcely yet commenced. I am also a member of several other committees, and as he mentions the names of three gentlemen from Nova Scotia I hope he will be satisfied to take the names of two gentlemen, neither of whom, I believe, is burdened with the cares of a committee: I allude to Mr. Miller and Mr. Kaulbach. The hon. gentleman has referred to the previous committee. It is indeed a melancholy circumstance in referring to a committee who passed on a cognate question to this some seventeen years ago, that there are only five gentlemen now amongst us of the seventeen who formed that committee. One of those gentlemen has not been spoken of (Mr. McClelan) who is not now in his seat. I think the House will be gratified equally with myself at the consummation of the wish I expressed on a former occasion, that my hon. friend, who was not then at all in the condition in which we happily find him to-day, might be spared to submit his question to us on a future occasion, as he has done to-day, with renewed health and strength.

HON. MR. MILLER—I would like to know from the hon. gentleman from Winnipeg whether it is correctly stated by my hon. friend that it is not the intention of the Committee to send for witnesses outside the Capital? I fear if my hon. friend desires to obtain testimony from the North-West, that the time will be very short till the close of the Session to carry out his object. We are now pretty well advanced in the Session. It is generally understood that the House will not be in session after the middle of June. We are now about to adjourn for a week, and it will leave us a little over a fortnight after we meet again to complete the business of the Session, and if it is necessary to send to the North-West for witnesses, I fear the Committee will prove abortive, as there will not be time to summon persons from that distant portion of the country. I hope, however, it is not necessary to go further than the Capital itself for the evidence my hon. friend requires. If that be the case I cannot see any objection to the Committee; but if it be not the case, certainly my hon. friend will

not make much headway before the close of the Session.

HON. MR. SCHULTZ—In reply to the last remark I may say that I will of course be in the hands of the Committee itself, if such a committee be struck. Most of them are gentlemen older in the Senate, and many of them older in years than myself, and I would in this, as in all other matters, defer to their opinion. It is quite true, as my hon. friend from St. Bonafice has said, that within easy reach of Ottawa—Montreal, for instance—we have a vast amount of evidence which can be collected, and from the heads of the Departments who have those matters in charge, and from gentlemen who have explored in that country, especially Professor Bell, who is now in the city, and others who are from the North-West, and gentlemen in this House, yet we really need other evidence from the North-West; still, in this matter, as in all others, I shall be in the hands of the Committee, and shall defer as a new member to those who are older in the Senate and older in years than myself.

In answer to the next speaker I may say that it is a matter of great regret that we may not have his name on the Committee. I unfortunately overlooked Mr. McClellan, and if the hon. gentleman from Amherst persists that his name be dropped I shall ask that the name of Mr. McClellan be substituted in his stead.

In reply to the gentleman from British Columbia, I may say that his question is based on a misconception of the facts. The increase in the number of Indians is not as great as he evidently thought it was. Treaty number 1 was made in 1871, as also treaty number 2. At the time of making the first payment on this treaty, sixteen years ago, there were 2316 persons paid; at the last payment there were 3315, an increase of one thousand. I was present at that treaty, and it was then thoroughly understood by the Indians, who stipulated for it, that members of their band, whose names they gave, and who, being near Winnipeg, we all knew, should be taken in as fast as they came from their hunting grounds and places where they had gone in the service of the Hudson Bay Company, so that it should not be a matter of surprise that in sixteen years the increase should be as stated from natural causes and from the causes to which I referred.

HON. MR. ABBOTT—I am sure the House has listened with great satisfaction to the valuable information and suggestions which we have had from the hon. Senator from Winnipeg. The facts which he states as to the resources which will be found in the North-West only confirm the opinion we have already formed on what we did know as to the immense resources and immense wealth of that country, and we are always glad to have those impressions confirmed from so high an authority as the hon. Senator from Winnipeg. The Government takes the greatest possible interest in the question to which the hon. gentleman's motion refers, that is to say, the condition of the Indians, the mode of sustaining them, the improvement of their condition, and, perhaps the most important element attendant on that subject, the inculcation of habits which will render it possible for them to avail themselves to the highest degree of the resources to which my hon. friend alludes, from which, if they had the provident habits of the whites, they would be able to maintain themselves without so large a reference to the means of support on which they now depend. I am very glad to hear his remarks on the possibility of this inquiry being made without much expense, although it is such an important subject that the element of expense should not be too closely considered. I am glad to say that the Government have no objection to the motion, and will be pleased to see it carried by the House.

THE SPEAKER—Has it been proposed that the name of Mr. McClellan shall be substituted for that of Mr. Dickey?

HON. MR. SCHULTZ—Yes, with the consent of the seconder.

The motion was agreed to.

AN ADJOURNMENT.

MOTION.

HON. MR. OGILVIE moved that when the House adjourns this day it do stand adjourned until Wednesday, the 25th day of May, at 8 o'clock in the evening. He said that his reason for moving this adjournment was that Thursday, Saturday and Tuesday would be public holidays, and if the House did not adjourn, members would have to remain here for six days to do two days' work.

HON. MR. VIDAL thought it was exceedingly inexpedient that the House should at this period of this session be asked to adjourn for a week, within so short a time after having had a long recess, and so much work on the order paper. He would propose a compromise and would move an amendment that when the House adjourns on Friday, it do stand adjourned until Wednesday, at eight o'clock in the evening.

HON. MR. MILLER said that under any circumstances, if the motion carried, there would have to be a separate motion to have the House adjourn over until Friday. The regular way would be to adjourn the House to-day until Friday, and then to give notice of a motion to adjourn on Friday over any length of time that the House might decide.

HON. MR. VIDAL said it would be desirable to ascertain the mind of the House on this particular question should they sit on Friday or not; if the House decided that they would not sit on Friday, then there would be no necessity for making a second motion that the House adjourn until Friday.

HON. MR. OGILVIE suggested that the hon. leader of the House should say whether the public business would suffer by the proposed adjournment.

HON. MR. KAULBACH objected to the adjournment, as he did to all such adjournments, as he felt that it was the duty of members to be in their places when there was business before the House. He did not think those adjournments were in the interest of the public or in the interest of good legislation. He would not like it to go abroad that there was no work to be done, because any hon. gentleman on looking at the order paper must see that there was plenty of business before them, and that they could not get the order paper cleared by Friday night.

HON. MR. DICKEY asked whether hon. members considered that they were doing justice to themselves, whether they were doing justice to the business of the country or to the position they occupied by making those repeated adjournments merely for the purpose of enabling some hon. gentlemen to visit their homes? They were leaving their posts without leave from the country, without the approbation of the country, and they would be doing it against the innermost feeling of the very gentlemen who are asked to vote for the adjournment.

HON. MR. POWER seconded the amendment of the hon. gentleman from Sarnia. He thought if the House was as industrious as usual they could work off the business on their order paper by Friday night, and he thought it would probably be drawing the line a little too tightly to say that members should remain here on Saturday, Sunday and Tuesday for the purpose of working on Monday. He knew that the impression was getting abroad in the country that this Chamber was not of much value as a branch of the legislative machinery. He had at one time or another tried to oppose that view, but really if they were to go on a little longer as they had been going, he would not be so well able to defend it in the future as he had been in the past.

HON. MR. ABBOTT—With reference to this question of adjournment, of course, the Government are entirely in the hands of the Senate. They are all here and ready to attend to their work and propose to do what the Senate desires; but I may say with regard to the work that if it were not in deference to the opinion of hon. members who have been in this House longer than I have been,, I should not consider that

we have any great accumulation of work before us, or so much work that we could not get through it perhaps by an extra evening or so, and I sympathize with those gentlemen who think it a hardship to remain six days within a few hours of their homes for the purpose of working two days. It must be remembered that while we are away there is no work accumulating against us in another place. We shall stand on Wednesday next exactly in the same position with regard to the work of the session as we do to-day. I do not urge this as an argument to the House to adopt one motion or another; but I present them the fact for consideration as expressing the ideas and sympathies of a great many members of this House.

HON. MR. MCINNES, (B.C.) objected to the adjournment as there was business enough on their order paper to occupy their time fully. It had been his experience that towards the close of the session, almost every session since he became a member of the House, that little or no attention was paid to a great number of important measures which came down from the other House—that they were forced through with unnecessary and undue haste. There were thirty odd bills to go before the Private Bills Committee, and there was work for other Committees to do, and he thought after the adjournment which they had a few days ago they would be doing a great wrong to the country to adjourn for another week. As a compromise, he was prepared to support the amendment of the hon. gentleman from Sarnia.

HON. MR. CARVELL did not think the proposed adjournment would interfare with the business of the country; one or two evenings' sittings would clear off any arrears of work; therefore he would support the motion of his hon. friend from Alma.

HON. MR. KAULBACH said that he would always be opposed to these adjournments, and if he voted for the amendment now it was as a compromise, and he did not wish to be twitted hereafter with having voted for this adjournment. He would follow the principle, of two evils to choose the least.

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THE SPEAKER—The amendment is carried.

HON. MR. MILLER—The Hon. Mr. Gowan has not voted.

HON. MR. GOWAN—I have paired with the Hon. Mr. Howlan who did not vote.

HON. MR. POIRIER—I also paired and did not vote.

HON. MR. MILLER—As the amendment has been carried I would suggest to the leader of the House that a motion be made for an adjournment over to-morrow. I presume there will be no objection to the motion being made without notice.

CHINESE IMMIGRATION RESTRICTION.

MOTION.

HON. MR. MCINNES moved:—

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

praying that His Excellency will cause to be laid before this House, a full return of all Chinese entering and leaving Canadian ports; the number entering and leaving each port, and for each month since the passage of the Chinese Immigration Restriction Act in July, 1885, up to the 1st January, 1887; also, the amount of revenue derived from Chinese immigration, and the cost of enforcing the Act between the aforesaid dates; also, all documentary evidence of fraud by Chinamen passing their certificates of Entry to others who have not entered.

He said:—I think I explained sufficiently the object I had in view when I moved for the adoption of this Address yesterday, consequently I do not think it is necessary to make any additional explanations now, but simply state that I hope the Government will allow the Address to pass, and bring down the information I ask for at as early a date as possible.

HON. MR. POWER—I think the hon. gentleman can hardly expect the House to pass the Address without giving some reason why we should do so. The hon. gentleman will remember that the session is to be a short one: that the officers of Parliament will be pretty busy, and by this Address he gives employment to clerks for some considerable time. I think he ought at least to give the House some reason why the information is desirable before we vote on it.

HON. MR. McINNES—I may say in reply to the hon gentleman that he could not have been in the Chamber yesterday when I gave what I think good and sufficient reasons why the House should consent to the passage of the motion I have just made. I stated among other things that while not expressing my approval or disapproval of the Chinese Amendment Restriction Bill now before the Commons—that although the Act has only been two years in operation—yet this is the second amendment the author of the Act (Hon. Mr. Chapleau) has introduced and carried in the Commons. It will be remembered that the amendment to the Chinese Bill of last session contained so many important changes that this House would not agree to them and as a consequence, the Bill was thrown out. Now my object for moving for this return is to place every hon. gentleman in this House in the best possible position to be able not only to form a correct judgment but to discuss a subject on which I respectfully submit a great majority of gentlemen in this House are not well informed, and cannot reasonably be expected to be as well informed as we who come from the Pacific coast, where the great bulk of the Chinese live. My object in asking that the addition be made to the motion I gave notice of yesterday, namely, the cost of those coming into the country and the cost of the operation of the act between the dates I have mentioned, July 1885 and January 1887, is that the House should be in possession of that evidence, and for the same reason I asked for the addition that my hon. colleague from Victoria moved respecting the documentary evidence of fraud in passing the admission certificates from one Chinamen to another, so that by paying for one certificate it might serve for several Celestials and thereby defraud the Government. It has been alleged that a great number of those Chinese smuggle their certificates, and one certificate does for perhaps half a dozen Chinamen. I heard of a case a short time ago of a Chinaman in San Francisco, who sent a loaf of bread to a brother Celestial on board ship, who had just arrived from the flowery land. He was ready to land but had no certificate, and in the centre of this loaf of bread was found the necessary certificate. The truth of this I am not prepared to vouch for, but I know one of the principal reason alleged for introducing the bill is that the Government have been defrauded out of a large amount of revenue through this alleged traffic in certificates.

HON. MR. MILLER—I think the objection to the motion is that the hon. gentleman bases it altogether on the assumption that the information he asked for would be before the House when the Bill relating to the Chinese Restriction Act comes up for consideration. I think it must be a complete answer to the hon. gentleman's motion that it would be impossible for the Government to bring down the Return in time to be of any use to this House in assisting it

in the duty of legislation on that question. If that is the only way in which the papers will be of any service, why should the country be put to this expense, because it will afford a great deal of trouble to the clerks and cause a great deal of expense to get all the information that this Address calls for? We had some years ago a very expensive commission sent to British Columbia on this very question, and my humble opinion is if that commission has not afforded us all the information we require on this question for the next 10 years, then we have paid a great deal too much money for the service. For my part I do not think this Address should be granted; for taking the words of the hon gentleman himself it cannot serve the purpose which the hon. gentleman has referred to.

HON. MR. KAULBACH—I am very much interested in getting this information myself. I take a deep interest in the immigration of the Chinese, as I believe that they are a very essential element in building up the Province of British Columbia. Since I saw them out there I have come to the conclusion that they are of great value to the country. If I thought that this Address would incur great expense or delay I would oppose it; but the information must be in the hands of the Department and it cannot take very much time or trouble to have it copied and in the hands of the House.

HON. MR. MCINNES (B. C)—When the hon. gentleman from Richmond says that the report of the Chinese commission which cost something like $10,000 or $12,000 ought to contain all the information we require on this subject for the next 10 years, I quite agree with him on that point, but the hon. gentleman will see at a glance that that voluminous report of the Chinese commission does not appear to contain all the necessary information respecting Chinese immigration to crystallise into a workable Act. As an evidence of this I have only to refer the hon. gentleman to the fact that although the Chinese restriction Act was framed and passed through the instrumentality of the Chairman of that celebrated Chinese commission—Mr. Chapleau—yet there has not been a year since it was placed upon our Statutes but what he has been bringing in amendments of one kind and another. As the Act has been in force only two years, and as I ask only for information covering the first eighteen months of the operation of the Act, I must confess I am unable to understand why there should be any delay or extra expense in bringing down the return I ask for. If the Departments are kept "in apple pie" shape as they should be from the great number of clerks in them—the proper officials ought to be able to lay their hands on all I ask for in 20 minutes—except perhaps that portion referring to documentary evidence of fraud. I am perfectly willing that that portion should drop out, but so far as the rest of the Return is concerned if the Department is run as it ought to be they ought to be in a position to furnish the Return in 15 minutes without $1 of extra cost.

HON MR. VIDAL—I rise to support the motion of the hon. gentleman from British Columbia, for I entirely agree with him that this House cannot approach that question and intelligently form an opinion on it without having those facts made known to them. I entirely concur in his view as to the probability of the information being brought down in time, before the Chinese Bill reaches this House. If I supposed it was a document requiring a great many clerks and a great deal of time to prepare, there might be some objection to sustaining the motion. I do not think it can be done in fifteen minutes, but I am quite sure that before the House meets, after the short recess that is proposed, that information can be submitted to us. When it is remembered that this House last session objected to a Government Bill amending that Act, the Government themselves must see the importance of furnishing the Senate with the information if they have any object at all in carrying their measure this session. A great of opposition was evinced in this Chamber to the Bill of last session, and certainly in the absence of the information which is here asked for, those who opposed

that legislation have very good ground for saying that we have not sufficient information before us to grant the amendment required to the Act. Even the latter part of the motion which the hon. gentleman thinks is so difficult can be easily obtained. We have not heard of many cases of Chinamen being brought before the Courts for the fraud alleged. As far as I can learn it is only by correspondence and information that is given to the Government that anything is known of these frauds, but that is not evidence, and I am under the impression that the Government will not only find it convenient but important that this address shall be granted, and granted with all possible speed.

HON. MR. MILLER—The hon. gentleman from New Westminster has agreed to drop the latter part of his motion.

HON. MR. McINNES—I said I would be perfectly willing to drop the latter part of the motion if it involved any expense or delay.

HON. MR. DEVER—Leave it optional with the Government.

HON. MR. ABBOTT—I think it would be better that the House should determine whether this order shall go as it stands, or whether the last two lines shall be dropped, because if the order passes the Government will have no option but to give the information asked for. I may say with reference to the motion, generally, of course, the Government is extremely anxious to lay before the House every information that will be of use in disposing of questions that come before us, although I think myself that some considerable portion of this return will be found to be of no practical value in the discussion of the question. I would like my hon. friend to say whether he drops the two last lines of the motion or not?

HON. MR. McINNES—I will drop it and leave it optional with the Government. If the Government can bring down the information asked for without trouble they can do so.

HON. MR. ABBOTT—Then the two last lines can be struck out and the Government can bring down any information that they can give to the House.

The motion was agreed to.

AN ADJOURNMENT.

HON. MR. ABBOTT—Before the orders of the day are called I beg to move that when the House adjourns to-day it stands adjourned until Friday next, at three p. m.

The motion was agreed to.

STANDING COMMITTEES.

HON. MR. ABBOTT moved that the Hon. Mr. Fortin be appointed a member of the Committee on Contingent Accounts, and also a member of the Debates Committee.

The motion was agreed to.

The Senate adjourned at six o'clock.

THE SENATE.

Ottawa, Friday, May 20th, 1887.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and Routine Proceedings.

STANDING ORDERS AND PRIVATE BILLS.

HON. MR. GOWAN presented the tenth report of the Committee on Standing Orders and Private Bills.

The report was laid on the table.

FREE CONVEYANCE OF LEGISLATORS AND JUDGES BY RAILWAY.

FIRST READING.

HON MR. McINNES introduced bill (K) "An Act to provide for the convey-

ance of Legislators and Judges free of charge over railways."

The bill was read the first time.

HON. MR. ABBOTT—I call the attention of my hon. friend to a question that may possibly arise when that bill comes up for reading the second time. He will notice it is a bill involving the expenditure of public money, and does not come within the purview of this House.

HON. MR. McINNES—I have enquired into the subject and have taken advice, and I think I am prepared to show that similar bills have been allowed and bills of a similar character that have come up from the House of Commons here have been amended in the Senate, and the amendments have been allowed by the House of Commons.

NATURAL PRODUCTS OF THE NORTH WEST TERRITORIES.

MOTION.

HON MR. SCHULTZ presented the first report of the Committee appointed for the purpose of collecting information regarding the existing natural food products in the North-West Territories, and the best means of conserving and increasing them. It recommeneed that leave be given the Committee to appoint a shorthand writer to take down the evidence.

He moved that the report be adopted.

The motion was agreed to.

STEAM COMMUNICATION BETWEEN BRITISH COLUMBIA AND JAPAN.

ENQUIRY.

HON. MR. DEVER enquired :

Whether the Government can give reliable information to this House as to the time steamers will be placed on the route between British Columbia, Japan and China, for the purpose of carrying freight and passengers from these two latter places, into Canada, and *vice versa*.

He said: The question of which I gave notice is one that speaks for itself. In fact I may say it speaks with the commercial voice of Canada to-day. Seeing that our great Pacific Railway is constructed from ocean to ocean the next project that naturally arises in the commercial mind is that a line of steamers be placed between British Columbia and Japan and China. I am fully aware that our Government and the Pacific Railway Company are doing their very best to accomplish this desired end, but I regret exceedingly that they are not met in the same spirit by the British Government. As my object is not to discuss this question, but simply to elicit from the Government a reply to my enquiry I shall simply put it as meeting the wishes of the Canadian people to-day.

HON. MR. ABBOTT—I regret that the Government is not in a position to state that arrangements have been made for such communication as my hon. friend asks about, but it has no official intimation of any line of steamers being placed on this route. I may say that it is a matter of public notoriety, and generally understood, that a certain number of steamers have been placed on the route by the Pacific Railway Company, and it is also a matter of common knowledge, and the Government is aware, amongst others, that negotiations have been going on for some time with the view of putting on a more efficient and important line of steamers between those two points.

THE NEW PUBLIC BUILDINGS AT OTTAWA.

INQUIRY.

HON. MR. TRUDEL enquired :

To whom has the Government awarded the contract for the construction and erection of the iron work intended to support the roofing of the new public buildings in course of construction on Wellington Street, in the City of Ottawa, and at what price ?

2. Whether this contract should not have been executed in the course of last autumn, and if it has not been executed, what is the reason thereof ?

3. Whether this contract was awarded after tenders had been duly asked for, and

if so, was it awarded to the lowest tenderer and at what price?

4. If it was not awarded to the lowest tenderer, what is the reason therefor.

5. What is the difference between the price at which the contract was awarded and that of the lowest tender?

HON. MR. ABBOTT—In answer to the first question, the Government awarded the contract for the works referred to, to Mr. A. Charlebois for $60,000.

In answer to the second question whether the contract should not have been executed in less time, I have to answer no; it was not so stipulated.

In answer to the third question, whether this contract was awarded after tenders had been duly asked for, I may say tenders were duly asked for by public advertisement. The lowest tenderer was not awarded the contract because he would not accept it.

The next question applies to the same subject, asking the reason why the contract was not awarded to the lowest tenderer. The answer is that the lowest tenderer declined to accept the contract.

As to the next question, as to what is the difference between the price at which the contract was awarded and that of the lowest tender, I may say that the difference was $17,025. The lowest tender, which was withdrawn, did not include some conditions which were called for, and therefore forms no criterion of the value of the work.

DECLARATION OF QUALIFICATION.

THE SPEAKER presented to the House a certificate of the Clerk of the Senate that he had received from the Hon. Mr. DeBoucherville and the Hon. Mr. Thibaudeau a renewed declaration of their property qualification.

HON. MR. ABBOTT—I beg leave to move, with the consent of the House, that the renewed declarations of property qualification of hon Messrs. Thibaudeau and DeBoucherville as certified to have been received by the Clerk be deemed sufficient.

HON. MR. POWER—With regard to the motion which the leader of the Government has just made I would like to ask whether the hon. gentleman makes that motion as being one that is necessary when a member's declaration of qualification is filed, or whether he has made it because those gentlemen did not make the declaration at the beginning of the session?

HON. MR. MILLER—It is a question of time; they did not do it within the 20 days.

HON. MR. ABBOTT—The reason is the one to which my hon. friend from Richmond alludes—that is to say those gentlemen did not make the declaration within the time required by law.

The motion was agreed to.

INDIAN AFFAIRS IN BRITISH COLUMBIA.

INQUIRY.

HON. MR. MACDONALD (B.C.)—Before the orders of the day are called, I should like to ask the Minister if the papers I moved for with regard to the Indian affairs in British Columbia, about a month ago, are to be brought down? They are not very voluminous and I hope they will be submitted to the House as soon as possible.

HON. MR. ABBOTT—I will take a note of the hon. gentleman's enquiry.

THE NOVA SCOTIA BENEFIT BUILDING AND SAVINGS SOCIETY'S BILL.

SECOND READING.

HON. MR. ALMON moved second reading of Bill (E) "An Act respecting the Nova Scotia Permanent Benefit Building Society and Savings Fund." He said: This Company was instituted in Halifax, Nova Scotia, about forty odd years ago. At first its operations were confined to Halifax and environs within three miles from the market place. Sub-

sequently the business was enlarged and the Company's operations extended over Nova Scotia. Now it is the object of the Society to increase its sphere of usefulness and extend its operations to New Brunswick and Prince Edward Island.

HON. MR. ABBOTT—I would call the attention of my hon. friend to the fact that there are one or two provisions in this Bill of some importance which I would ask him to consider before it is referred to the Committee after it gets a second reading. I need not specify them here, but one or two leading points, for instance are, he proposes to give by this Bill, if it passes, power to this Company to do what it is already authorized to do by an act of Nova Scotia and also what the Nova Scotia legislature may hereafter authorize it to do. It also, I think, provides that its effect upon property in other provinces shall be the same as if the property were in Nova Scotia. There are one or two little things of that kind I would call my hon. friend's attention to as deserving consideration before referring the Bill to the Committee to which it must go.

HON. MR. ALMON—The Bill was made out very carefully before it came to my hands by two of the most eminent lawyers in Halifax.

HON. MR. MILLER—I presume there will be no objection to the second reading of the bill, and after the attention that has been called to some of its features by the leader of the House it will undergo a close scrutiny by the Committee to whom it will be referred. Therefore there can be no objection to the second reading.

HON. MR. POWER—There is one thing to which I would call my hon. colleague's attention. It is a trifling matter, but I think the Committee had better amend the tenth clause which provides that "a copy of the said act and rule shall, before the transaction of any business by said Society in said provinces of New Brunswick and Prince Edward Island, be filed in the office of the provincial secretary." By "the said act" is meant the original act of the province of Nova Scotia, and that is not expressed; and as the clause stands now, it will probably be understood to mean a copy of this act. I just wish to call my hon. colleague's attention to this matter so that the necessary amendment can be made in Committee.

The motion was agreed to and the bill was read the second time.

REPRESENTATION OF THE NORTH-WEST TERRITORIES IN SENATE, BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of bill (17.): "An Act respecting the representation of the North-West Territories in the Senate of Canada." He said: This bill has simply for its object the authorizing of the Government to appoint two members of the Senate to represent the North West Territory. By the act of last session power was taken to give them representation in the other House, but it appears that in the interval between the two sessions they desired also to be represented in this House and to be put on the same footing in that respect as their fellow citizens in other provinces throughout the Dominion, and have so manifested themselves. For that reason the Government have introduced this bill and desire to see it passed. It appears to me that the bill is, in one respect, imperfect. Senators from any other province of the Dominion are required to have a property qualification and there are provisions with regard to their residence. These are provided by Sec. 23 of the British North America Act, but it does not appear to me that the provisions are so general as to be applicable to the North-West Territory unless they are specially made so in the bill. For that reason I intend to move an additional clause to the effect that wherever the word "Province" is used in section 23 of the British North America Act, it shall be construed to mean also the North-West Territories.

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

CANADA LOAN AND SAVINGS COMPANY BILL.

SECOND READING POSTPONED.

HON. MR. GOWAN moved the second reading of Bill (I) "An Act to enable the Canada Permanent Loan and Savings Company to extend their business, and for other purposes."

He said:—This Bill is to enable the Company to have more than one register of transfers of stock, and to do business in any other province.

HON. MR. WARK—I think that before this Bill passes, representatives from the Maritime Provinces ought to have an opportunity of looking into it. It is establishing a precedent which may be followed up by extending the powers of all those societies now existing in Ontario and Quebec to the Maritime Provinces. I would like to know that there is some proof that those institutions are really doing good to the country. I have a few figures here which are well worth consideration. There are 72 of those societies in the Province of Ontario, and 18 in Quebec, making 90 altogether. The people of Ontario now owe the institutions altogether nearly $80,000,000. Those loans are, very few of them, at a lower rate of interest than 6½ per cent., and some of them are as high as 12 per cent. The property encumbered by those loans is valued at $170,000,000. We ought to look at the burden imposed upon the farmers, chiefly of Ontario, which cannot be less than $6,000,000 a year. It is equal to all the live stock that they export. I have the figures here. It is more than equal to all the flour and wheat that they export. I have strong doubts, therefore, as to whether it is really for the advantage of the Maritime Provinces to allow those institutions to come down there and lend money on the terms they are lending it at in Ontario. Our country is too poor to bear such burdens; therefore I think the members from the Maritime Provinces should look into this question and see if we want such institutions and consider whether we are to be benefitted by their introduction, for if we establish a precedent now, we must follow it up and allow the whole of those societies to come down and carry on business in the Maritime Provinces.

HON. MR. GOWAN—I can only speak for this company. The Bill was put into my hands not long ago, and speaking for this company I believe it to be the largest, and most substantial company in the country, one that is giving universal satisfaction wherever they have done business, and the large rate of interest that my hon friend speaks of is to them a thing unknown. They go at the request of the people to other provinces, and they are pleased to open up business there and if the people do not choose to do business with them they are not compelled to. The same legislation has been allowed to other companies and I really cannot see any objection to this. I hope my hon. friend will at least allow it to go to the Banking Committee, and any substantial objection which can be raised will be met there.

HON. MR. DICKEY—I think the House is indebted to the hon. member who has called attention to this Bill, and I think the persons here representing the Maritime Provinces will sympathize with the reasons which he has given for calling attention to it. The difficulty we are in at the present moment is, that the Bill is not printed in such a form that we can examine it for a second reading. It has not been distributed. I have made application myself, personally for it and have sent to the proper place two or three times and could not get a copy. The Bill is therefore not in a position to be now considered; but if it were so, it appears to me that it is open to very serious objection. We are now in the 20th year of Confederation, and these institutions, those quasi banks have been operating in the older provinces; but so far as I know no expression has been heard of any need of them in the Maritime Provinces. It is legislation in the interest of persons in the Upper Provinces who seek to come down and introduce this system of making money in the Lower Provinces, and I think the interest of Nova Scotia and New Brunswick ought to be considered in that respect, and some attention ought to be

due to what they desire, and what they require. We have been told that the rate of interest ranges all the way from six to twelve per cent. in the transactions of several of those companies, and, under the circumstances, I think we ought carefully to consider before we consent to pass such a Bill. At present it is not in a condition that we can examine it properly, and I think the honorable gentleman ought not to proceed further with the bill at present.

HON. MR. GOWAN—My honorable friend is mistaken in supposing the bill is not printed and distributed; it has been printed and distributed on the desks of members for some time. I am afraid that hon. gentlemen are confusing the provisions of this bill with those of another bill that has been referred to. This measure simply provides that the company shall be authorized to do business in the several provinces, provided the directors are authorized to do so. I do not know that gentlemen from the Lower Provinces should shut out capital from their country, when it is offered to them. It is not a usual thing to do. People are not bound to borrow unless they wish to do so; it is quite open to them not to deal with this company, unless they desire so to do. The only other provision in the bill which is of importance is one to provide that where there is debenture stock sold or transferred, that registers may be kept for that purpose at such place or places as the directors order. It is the same provision substantially as is to be found in many other bills that my honorable friend from Toronto (Mr. Allan), has introduced in this House. The Company ask nothing more, and as it is the most prominent Loan Company in the country and they are anxious for the measure, I would ask that the bill be allowed to be read the second time and referred to the proper Committee, where it can be dealt with afterwards if amendments are desired.

HON. MR. WARK—I think the hon. member is mistaken about the rate of interest. The return of the Company themselves make of it shows it to be from six to ten per cent.

HON. MR. MILLER—I am told that their stock is worth two hundred and odd per cent.

HON. MR. DICKEY—Made out of the people.

HON. MR. DEVER—It will not be worth so much when it comes down to New Brunswick.

HON. MR. ABBOTT—This Bill appears to comprise two provisions—one authorizing the Company to carry on business in other Provinces, and the other making an arrangement with regard to the debenture stock of the Company, and the registration of it. There can be no objection to this latter provision at all events, and no doubt it is of some importance to the Company. Would it not be as well to let the Bill take its second reading now, and have the details discussed in Committee?

HON. MR. POWER—The hon. leader of the Government must see that the second clause depends upon the first.

HON. MR. ABBOTT—I spoke of the clauses not by number, but by the objects which the Bill covers—one to enable the Company to do business in other parts of the Dominion, and the other included in Clause 5, to make provision with regard to the registration of the debenture stock of the Company, which is a domestic affair.

HON. MR. POWER—I think the leader of the House cannot have looked into the Bill very carefully, or he would have seen that the object of making this provision is to provide for the case of the extension of the business to the Lower Provinces. Under the existing law the registry is kept at Toronto. If the Company does business in the Lower Provinces it would be inconvenient for the people doing business with the Company say in Halifax to have to register the stock at Toronto; consequently the Company ask to establish registers in the other Provinces. The whole question is whether this Company should be allowed to extend their business to the Maritime Provinces or not.

HON. MR. MILLER—Although this Bill, on the face of it, is a very simple one, still we must recollect that the operation of those two clauses will be to bring the whole of the legislation in connection with this Company into operation in the Maritime Provinces. The whole Act, as it now standso n the Statute book, in connection with this Company, will be brought into operation in the other Provinces by the passage of this small Bill, and although it may be easy to read over those few clauses and determine them we ought to know what are the provisions of the Act itself which this Bill has reference to. That I think none of us here are prepared to say at the moment. Under the circumstances there is no need of haste in the matter, and as it is an important subject, and as we confirm the principle of a bill by the 2nd reading, it would be as well for my hon. friend to allow it to stand over for a while, and we will have in the meantime an opportunity of looking into the provisions of the original Act to see whether we are prepared to give our consent to the extension of that Act to the Lower Provinces or not. For my part I agree with my hon. friend from Fredericton; I think the fewer of those Companies we have the better. If we turn to their stock lists now we will find that this Company's stock is selling at 212 and 213. That is an indication of how much this Company must have fleeced the public of Ontario out of already when their stock is doubled and they are now paying 13 or 14 per cent. on it: I do not think it is desirable that we should introduce into the Maritime Provinces a Company whose record is of such a character. I am told also that the system of many of those companies of issuing loans is most pernicious and dangerous. We know how apt some classes of people are to take loans if they can be got with facility, and the greater facilities we give to the people to borrow money the greater will be the danger. I am told that some of those companies send out agents to offer loans, and thereby offer the temptation to improvident persons of running unnecessarily into debt, which ultimately proves ruinous to themselves and their families. Under the circumstances, my hon. friend ought not to insist upon the second reading of the Bill to-day; otherwise I shall be disposed to vote against it.

HON. MR. GOWAN—After what has fallen from my hon. friend, I shall not press the second reading of the Bill to-day; but I desire that hon. members should not misapprehend what the object of the Bill is. This Company is the largest, the most important, and the most prosperous Loan Company in Canada at this moment. They are able to borrow money in the English market at four per cent., and sometimes even less; and I am not aware that they have asked from borrowers a higher rate of interest than six per cent. of late years. Under those circumstances, I think I ought to postpone the second reading of the Bill to enable hon. gentlemen to look into the matter, and I have no objection to allowing it to stand until Thursday next.

HON. MR. MILLER—No doubt my hon. friend from Barrie is right in saying that the Company is a prosperous one; but I wish he was in a position to tell us something about its operation with its debtors to whom it has loaned money in the country—how the debtors have fared.

HON. MR. GOWAN—So far as I have ascertained, the Company stand A No. 1 as a respectable company and a forbearing creditor.

The amendment was agreed to, and the Order of the Day was discharged and the Bill was ordered for the second reading on Thursday next.

PUBLIC OFFICERS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (5) "An Act to amend the Act respecting Public Officers."

HON. MR. DEBOUCHERVILLE, from the Committee, reported the Bill without any amendment.

The Bill was read a third time and passed.

OFFENCES AGAINST PUBLIC MORALS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (21), "An Act to amend the Act respecting Offences against Public Morals and Public Convenience."

HON. MR. HAYTHORNE, from the Committee, reported the Bill without amendment.

The Bill was then read a third time and passed.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

HON. MR. ABBOTT moved that the House resolve itself into a Committee of the Whole on Bill (6) "An Act to amend the Government Railways Act."

HON. MR. POWER—I would ask the Leader of the Government if he does not think the same argument applies to this Bill which applies to Bill 47, dealing with the same subject matter which he has asked to have postponed until Thursday. Those two Bills really enact the same thing. only one Bill deals with Government railways, and the other deals with company railways. I do not see why those two enactments should be separated. It would be in every way more convenient to have those statutes found in the same chapter of the Acts of this year. The only railway to which this Bill applies, as I understand it, is the Intercolonial Railway, and the other Bill, No. 47, applies to all other railways in Canada which come under the jurisdiction of this Parliament. It seems to me it would be much more convenient to have the two enactments consolidated in the same Bill.

HON. MR. ABBOTT—It is quite true that on the face of those two Bills the subject matter is the same; but the reason for asking to postpone the consideration of the other Bill was that informal intimation had been given of the intention to suggest amendments to it which were not connected with the present subject matter of the Bill and were of a very considerable importance, and the Government were of opinion that it was better that those proposed amendments should receive careful consideration in order that an intelligent conclusion be arrived at. It was not in reference to the subject matter of the lock switching system and hurdle gate that the postponement was asked. It appears to me that the plan of having two bills is necessary and is certainly expedient. Hon. members will remark that there are two laws with regard to railways, one chap. 38, of the Consolidated Statutes, an Act respecting Government Railways, and another one, 109, providing for all the railways in the Dominion. The provisions of those two acts are in many respects different. They have been kept apart in the Consolidated Statutes, and it appears to me it would be better, if we are to amend them both, that we should pass a separate bill amending each, so that each bill might have its immediate and proper connection with its parent as it were, more especially as the very object of postponing the other bill is that other subject matters should be introduced into it that would not apply to Government Railways. I would submit therefore that inasmuch as the law respecting ordinary railways and the law respecting Government Railways is laid down in two different Consolidated Statutes, it would be better to make the amendment in each case applicable only to the one to which it really and truly applies.

HON. MR. MILLER—I have no doubt that it has struck many hon. members that those two Bills on our order paper to-day, one for the amendment of the Government Railways Act, and one for the amendment of the General Railway Act being precisely the same in words, might be consolidated into one act, and we should have therefore but one act on our statute book. I think, however, after listening to the remarks of the leader of the House, it must be evident that there is no way of amending those Acts logically or reason-

ably but in the way it is proposed to be done. It would only be confusing to make a general amendment to the two Acts. The proper course is to have the two amending Bills, and on a little reflection it will appear to any hon. gentleman that it is more logical to amend two separate Acts by two separate Bills.

HON. MR. POWER—My hon. friend is more easy of conviction on this point than he is on others. I understood him to say a few moments ago, when the leader of the House moved the second reading of the Bill 47, that there were other enactments respecting Railways to be brought down, and he thought it desirable that all the enactments relating to railways this session should, if possible, be consolidated into one enactment. This is really a case, I think, of tweedle-dum and tweedle-dee whether you have those amendments separately or in one bill; but that is only my very humble opinion. As the enactment made in one bill is substantially the same as that made in the other, it would be more convenient for general purposes that they should be consolidated. Possibly the view taken by the leader of the House may be the more correct one.

HON. MR. MILLER—I do not wish to take up the time of the House, but I am sure my hon. friend does not wish to misrepresent me. I understood there were several amendments proposed to the General Railway Act, and therefore I thought it was desirable that bill 47 should stand over. I was not given to understand that there would be any amendment to the Government Railway Act but this one, and therefore there was not the same necessity for asking to have it stand over.

HON. MR. DICKEY—I am not disposed to deny that technically the course taken is the correct one, and I think there should be two Bills, because they each propose to amend an act already on our statute book; but the point is this: the subject matter of the two Bills, as has been correctly stated by the Leader of the House, is the same, but in considering this question we are introducing a new system of legislation in regard to inter-locking switches and hurdle gates. We have got to consider the whole of that question in the two Bills, and that is what is pressing on my mind, for I must confess I have a sort of vague notion about the hurdle gate, and as to the inter-locking switch I know little about it, and when we come to legislate on the subject some amendment may be necessary. I would like to keep my mind free on that subject. For instance, if we pass this Bill hastily through to-day without considering those questions, when we come to treat the other Bill, it may be said we have already passed identical provisions in the Government Railways Act that we are now asked to pass in the General Railway Act, and as the legislation runs in the same line, and as we postpone the other Bill we ought to take the two Bills up together, at all events on the same day, or should not consider one until certainly we have considered the other. I think the wisest course would be to allow this Bill to stand to see what we shall do with the other Bill when we take up the whole question apart from the amendments that have been suggested, and apart from the other provisions which are not in the Bill as yet, and of which we know nothing.

HON. MR. VIDAL—The hon. gentleman from Amherst has failed to convince me by his reasoning that the view he takes is the correct one. I think if he reflects on the matter he must see that the two Bills cannot be before us at the same time. I cannot myself conceive the difference in time to be an object such as would necessitate the postponement of this Bill until the other is ready to take action on it. I think it would be economizing our time to discuss those questions as questions on which we require information, and this is the very time to do it. We will have more time to discuss them now than when we return after the adjournment, and we shall have them clearly explained to us, and hon. gentlemen will see that having discussed and adopted them in this Bill, as I presume we shall, as correct, when we come to the second Bill we shall simply have to consider the ad-

ditional clauses relating to other matters, and which do not affect, and cannot be very well brought in as amendments to the Government Railway Bill. I think the course proposed by the Government in this case is the correct one; we must have the two Bills as amendments to the Acts now on the Statute Book.

The motion was agreed to, and the House went into Committee on the Bill.

In the Committee.

HON. MR. ABBOTT—There are two clauses in this Bill: one providing for the adoption of a new method with regard to the crossing of railways, and the other with regard to a comparatively insignificant matter in connection with gates. It appears that a mode has been discovered and applied by which a railway approaching the crossing of another railway on a level sets in motion what is called an interlocking switch. That is to say, when a train of a railway crossing another railway on a level approaches within a certain distance—a quarter or half a mile—it sets in motion a piece of machinery which throws the rails of the other railway out on a switch so that another train coming along on that track would run on to the switch and thus avoid collision. It is automatic in its action. Of course it can be worked by men appointed for that purpose, but it is the automatic switch which the Government have asked authority to operate on their railways. Of course if the machinery can be made so that it will act infallibly there can be no objection to adopting it. Although under the present system a train is obliged to stop for one minute only at a crossing, everybody knows that a stoppage of one minute involves a considerable loss of time, inasmuch as it takes considerable time to stop a train, and a considerable loss of time to start it again, and get it up to its speed, besides involving a large amount of wear and tear to the rails at the crossing in bringing the train to a stand still. The first clause of the Bill is therefore intended to permit the Government to allow the crossing to be operated by means of this interlocking switch.

HON. MR. POWER—There is one point in the wording of this clause to which I would direct the attention of the Minister. Of course to a gentleman like the leader of the House, who is familiar with our Statutes, no further guide is necessary than is to be found in the wording of this bill; but to those who are not familiar with the Statutes, I think it would be desirable that the attention of the ordinary reader should be directed to the chapter of the Revised Statutes where the original enactment is to be found. I may say it took me some little time to find the enactment referred to. The number of the chapter might be introduced either in the first section or in the preamble.

HON. MR. ABBOTT—I think it is a very judicious suggestion of my honorable friend; perhaps it might be put in the preamble.

HON. MR. DICKEY—I confess I am still in the dark about this interlocking switch. We have it very considerably involved for this obvious reason: that if there is an interlocking switch which enables a Government train to put itself in a position of safety when it approaches a crossing, what is to become of the crossing train? The other train has the same right. It is not bound to stop, as I understand, but can go on at full speed, and how are you to prevent a collision under the circumstances? As far as I can see it will make still more uncomfortable the process of travel by railway. I cannot see how by passing this enactment to adopt such a device on Government railways you can make travel on a Government railway more safe than on a railway which crosses it. I cannot see what object there is in forcing the adoption of this Bill until we understand what the whole process of legislation on this subject is to be, which I am told is identical in the two bills. At present I contend that we are just as much in the dark as we were before on the other bill with regard to the interlocking switch.

HON. MR. ABBOTT—I have not the least desire to press the Bill; I am merely trying to get the business through, and as my hon. friend from Sarnia said

a moment ago, the bills must be considered one after the other. . If my hon. friend thinks there is any object to be gained by delay I will allow it to stand for third reading after it goes through the Committee, and if any amendment suggests itself before the third reading we thall find some means of inserting it in the Bill. I do not exactly see in what way we are to get any more information on the subject than my humble efiorts have placed before the House, unless some hon. gentleman takes it upon himself to study the question more than I have done, and gives us a better explanation of it. This automatic switch has a reciprocal action on the two railways. If the Government places on its railway this interlocking switch, there must of necsssity be a corresponding switch on the road which crosses it; because the machinery on the Government railway pushes the rail on the other railway out of its place when the Government train reaches a certain point.

HON. MR. DICKEY—The suggestion which is made will quite meet my view; I have no objection to allow the Bill to go through Committee and postpone the third reading for another day.

HON. MR. MILLER—For my part I am quite prepared to take it on faith to a large extent. I take it for granted that the engineers and managers of railways in this country, and the gentlemen connected with the railway Department, have given this subject most careful study before they recommend the change. I have no doubt that they have better information on this matter than we can possibly have, and that their judgment would be better than ours no matter how it is explained to the House. I agree with my hon. friend from Am herst, however, that it would be better to allow the third reading of the Bill to stand over for another day, and I would suggest further that a diagram be presented at the third reading which will explain this interlocking switch to the House.

HON. MR. ABBOTT—I will see that that is done. I may say that there has been a most careful examination made of this machinery under the supervision of my cautious friend the Minister of Railways, and he and his engineers are quite satisfied as to the efficiency of the invention.

HON. MR. POWER—It has been suggested by the hon. gentleman from St. John that although this machinery may work satisfactorily under ordinary circumstances, in a climate like ours it is hard to say how such an appliance could be made to resist the alternate freezing and thawing of our winter—especially in the lower provinces.

HON. MR. DEVER—I cannot conceive what this trouble is all about. The Government has introduced a Bill here to make such alterations in the system of railways as to render them secure for life and property. It takes the responsibility, I assume on the advice and counsel of its engineers, and after all this is only an experiment, and I cannot conceive that we can arrive at a better conclusion if we stop here over a week. For my part I am quite prepared to accept the explanation given and allow the Bill to go through.

HON. MR. SCOTT—It is open to one objection If two trains are approaching the same switch at precisely the same moment it could not possibly work automatically. It would be impossible to say what the effect might be. If each train reached the automatic apparatus at the same instant, of course, hon. gentlemen will observe that both might be derailed or thrown on one side. I have no doubt that the subject has been thoroughly studied, and the Privy Council are not likely to adopt the contrivance until they can do so with safety. As the hon. gentleman from Halifax remarks it is a subject for consideration whether in a climate like this where the temperature changes so suddenly and there is such a depth of snow such an apparatus could be trusted to work without a man at the semaphore, even though some years of experience showed it to work admirably. It is well known that in the beginning of April that a very hot spell of weather came on suddenly. I happen-

ed to be on the train the second or third day of that hot spell, and the train was brought to a stop by the spreading of the rails in consequence of the heat. It is quite impossible to lay down despotic rules in our changeable climate for the crossing of trains. I have no doubt that the Government will act cautiously and that the danger of Railway travel will not be increased by giving the power asked for in this bill.

The clause was agreed to.

On the second clause,

HON. MR. MCCALLUM—I would like an explanation of this clause because in the part of the country from which I come the gates at farm crossings are already too narrow. If under this Bill the the width between the gate posts is to be reduced it will be useless for farm purposes; and if the gates have to lap 15 inches it will require new gates over all railway lines.

HON. MR. ABBOTT—This clause does not affect the width of the gate at all; it merely provides that posts being planted, it will be the business of the farmer to see that they are planted at proper distances apart, and the gate must be 15 inches longer than the width between the posts so as to prevent it from being forced open by the spreading of the posts.

HON. MR. MCKINDSEY—Then it means that if new posts are put up the gate-ways will be too narrow for practical purposes.

HON. Mr. ABBOTT—I do not under stand that this makes any difference at all in the width of the opening, but that the gate when closed must pass 15 inches beyond the posts. It is considered that 15 inches will be sufficient to prevent the gates from being forced open by animals in case of spreading the posts.

HON. MR. MCCALLUM—Then you have either to throw away all the gates now built, or reduce the width of the gate-way by 15 inches to make the old gates lap 15 inches on the post?

HON. MR. SCOTT—I think the sentence might be made a little clearer. If the gate is intended to be fastened at one end and not to slide it would have a bearing of 7½ inches on either side.

HON. MR. POWER—That would not be a hurdle gate.

HON. MR. SCOTT—The true hurdle gate slides either way, and moves in a groove on either post; in such a case it would only have a lap of 7½ inches on each side unless it were made fast at one end.

HON. MR. ABBOTT—The Bill simply provides that where there is a gate of that description, a hurdle gate, which goes across, it must extend 15 inches beyond the two posts.

HON. MR. MCCALLUM—That leaves the old gates of no use.

HON. MR. DICKEY—I imagine that the object of this clause is prospective; it is not intended to apply to existing gates.

HON. MR. MILLER—Yes, it is.

HON. MR. DICKEY—I should like to have some explanation of that.

HON. MR. POWER—Section 16 of the Government Railway Act which this is to amend, provides as follows:

"Within six months after any lands have been taken for the use of a Railway, the Minister, if thereunto required by the proprietors of the adjoining lands shall erect and maintain on each side of the said railway fences, at least four feet high and of the strength of an ordinary fence with swinging gates or sliding gates, in which is a hurdle gate with proper fastenings, at farm crossings of the railway for the use of the proprietors."

The bill is not supposed to be retrospective, if gates have been erected heretofore with proper fastenings this bill will not affect them. I do not say there can be any danger or risk about it, if the gate is a reasonable gate.

HON. MR. HOWLAN—Yes, but it would appear that there is some other

mode of fastening besides the one mentioned. It looks to me as if it were intended to use a new pattern of a gate instead of the old one.

HON. MR. DICKEY—It leaves the old swinging gates as they are; but when I am told by one gentleman that the application of this Bill will be prospective and my view of it is that it is entirely prospective, and by another that it is not, I should like to know what is the view of the Government on that point? Is it the intention that where there are hurdle gates now, that those gates shall be taken down and new ones put up that will overlap fifteen inches? I was under the impression that the object of the Bill was entirely prospective—that all new gates should be of the character described in the Bill.

HON. MR. MILLER—I think there can be little doubt that the meaning of the clause is that after this Bill becomes law all hurdle-gates to be constructed will have to comply with this law. To my mind there can be no question about that, and I do not see how it could be otherwise. Perhaps, as the Bill is to stand over for third reading, after it goes through committee, this discussion may cause enquiries to be made, and we may approach it in a week's time with more knowledge of the subject than we have at present. I think myself that the law will be retro-active, and that it will apply to all hurdle gates now in existence.

HON. MR. MCKINDSEY—I would ask the leader of the Government if there are any of those hurdle gates now in existence? I do not know that I have seen any of them in my travels through Ontario. Railway gates at farm crossings are all swung on hinges and are closed on a small flange of an inch or two, and the impression of the farmers is that through the action of frost the posts are heaved and the gates fall through. As I understand it, the object of this bill is to make gates more secure by seeing that they shall overlap the posts at least 15 inches —that is 7½ inches on both sides, so as to prevent beasts from pushing them throngh this inch flange. I do not know of any hurdle gates sliding on rollers that are used anywhere in Ontario. They all open out on hinges, and if the width which is now adopted for farm crossings through the country is reduced 15 inches the question is whether such gates are going to be satisfactory for farm purposes.

HON. MR. MCINNES—It appears to me that those hurdle gates sliding on rollers would be unworkable. How are they to be worked in the winter season in a country like this where we have such heavy falls of snow and such intense frosts. I have yet to see the first one of those hurdle gates on any of the railways I have passed over.

HON. MR. READ—This hurdle gate question is much more important than people imagine. Where I have travelled I have not seen the hurdle gate although it may possibly be in use, and be a better gate than the swinging gate. The people of this country whose lands are taken for railway purposes, are placed under great risk and responsibiltty. Under a law passed two or three years ago if a farm crossing gate is left open by a stranger, the proprietor of the land is liable to a fine of $10. He is also liable for any damage that may occur either to property or anything else through the negligence of tramps or his own servants in leaving the gate open. A gate that is not easily opened would not be so liable to be left open negligently, and would be a better gate than the one in use. Then as regards the width of the farm crossing gate if you contract the opening to less than it is now it would not be useful for general purposes. You could not pass loads of hay or grain through it.

HON. MR. SCOTT—It is for the very purpose of avoiding the danger to which my hon. friend has adverted that this clause has become necessary. The standard fence that railways are obliged to build is that used in a township division or legal fence. Under the Railway Act all gates have to be sliding or hurdle gates; swinging gates on hinges are not legal gates according to the spirit of the Act. But the Act is entirely silent with regard to the bearing

that the gate should have on the post, and this Bill is for the purpose of having the gate so much longer than the opening between the posts, that it must have at least a bearing of 7½ inches on each post.

HON. MR. MCCALLUM—Then in order to comply with the provisions of this Bill you have either to move the posts and contract the opening or to throw away the old gates. If the railway companies are willing to undergo the expense of putting in new gates that is all right. I am satisfied however that the hurdle gate will not work in this country where there is so much snow, sleet and frost.

HON MR. SCOTT—There is no other legal gate but the hurdle gate and if a railway company does not choose to adopt the sliding gate, and any accident occurs such as is referred to by the honorable gentleman from Belleville, the individual would not be liable if the company did not furnish a legal gate.

HON. MR. MILLER—Will my hon. friend inform me whether there is such a clause in the General Railway Act?

HON. MR. SCOTT—I think there is.

HON. MR. ABBOTT—Hon. gentlemen will perceive that the argument that the hurdle gates are not usually used is no reason why we should not pass this Bill. No doubt hurdle gates are not used generally; if so the Bill will do no harm. If they are used the provision is a useful one. I take this to be, what you may call it in one sense, a retro-active measure; the Bill simply defines what those "proper fastenings" are; it does not alter the law which has prevailed for years. If a man's cattle get out on the track through a gate, and the question comes up that the Company has not complied with the law in furnishing a proper gate, this Bill establishes that the gate must have a proper bearing on the posts of 15 inches. If hurdle gates are used it is an excellent provision. There is nothing in this Bill which requires the posts to be taken up and removed or new posts to be put down.

HON. MR. MCCALLUM—I understood the hon. gentleman from Ottawa to say that unless all the railway gates in this country were hurdle gates they were not according to law.

HON. MR. SCOTT—The hon. gentleman is quite right.

HON. MR. MCALLUM—Then I say nineteen-twentieths of the gates used by the companies in Ontario are swinging gates.

HON. MR. SCOTT—I think not.

HON. MR. MCCALLUM—If the hon. gentleman can show me where the hurdle gates are used I would be obliged to him. When the gate openings are too narrow, as they are now, if they have to be constructed so as to allow the old gates to have 15 inches of a lap they will be totally unfit for farm purposes. I am sorry, if it is the case, that the railway companies have been breaking the law by putting up swinging gates. If that is the law, I say, in the interest of all concerned, the sooner it is amended the better, so that when a farmer goes across from one field to another he can go according to law.

HON. MR. POWER—If the hon. gentleman from Ottawa has laid down the proposition that the hon. gentleman from Monck has stated, then I must say my confidence in my leader's ability to interpret an act has been somewhat shaken. The Consolidated Statutes, which are our guide, now say that the Railways shall have swinging gates or hurdle gates.

HON. MR. ABBOTT—My hon.friend will see that the law does not require that gate posts shall be put up closer together, but that the gates shall be wider.

HON. MR. DICKEY—How many miles of Government railway are there in Ontario?

HON. MR. MCCALLUM—There are a good many miles of Government railway in Ontario from Rat Portage down.

The clause was agreed to.

On the preamble,

HON. MR. ABBOTT—At the suggestion of my hon. friend from Halifax, I move an amendment to the preamble to insert after the word "Act" in the 7th line the words "49 Vic. cap. 38."

HON. MR. POWER—I do not think that meets the case; because the Revised Statutes are published under the authority of the Act 49, Vic. cap. 38. If you say section 16 of Cap. 38 of the Revised Statutes it would be better.

HON. MR. MILLER—I think the title of the Act is very brief and comprehensive, and I do not believe that anyone desiring to find that chapter in the Revised Statutes would have any better index than the title given here "An Act Respecting Government Railways."

HON. MR. POWER—The reason I gave for suggesting the amendment was that those Statutes are not read exclusively by lawyers, and by gentlemen who are as familiar with the law as the hon. gentleman from Richmond and the Leader of the House. The ordinary business-man picks up this Act and finds it is an Act to amend the Government Railways Act. Then the first question which suggests itself to him, is, where shall I find the Government Railways Act, and unless he has a learned gentleman like the hon. member from Richmond to tell him, he does not know where to find it.

HON. MR. MILLER—Any child of 10 years of age would go to the Index of the Statutes at once.

HON. MR. POWER—A child of 10 years of age might not have the Revised Statutes at his elbow; but he will know where to look if he finds in the preamble that it is Cap. 38 of the Revised Statutes. My proposition is to mention Section 16 of the Act respecting Government Railways Cap. 38 of 49 Vic.

HON. MR. ABBOTT—I accept the hon. gentleman's view of it.

HON. MR. GIRARD—I would call the attention of the leader of the Government to the French translation of the second clause of the Bill. I would ask if the expression in the French is the proper translation of the English phrase, "hurdle gate"—*Barriere de course*—

HON. MR. ABBOTT—It is not a proper translation.

HON. MR. GIRARD—Then if there cannot be a better translation of the words given in the French it would be better to retain the English words, "hurdle gate."

HON. MR. ABBOTT—The hon. gentleman is quite right; I will see that a better translation is made.

HON. MR. MILLER—I regret that the leader of the Government has accepted the amendment of the hon. gentleman from Halifax. I think the addition is redundant. This Act is to be known as an amendment to the Government Railways Act, and why it should be necessary to make any addition to the words which are prescribed by the Statute as the title to the Act I cannot see.

HON. MR. POWER—What harm can it do?

HON. MR. MILLER—If there is no better argument in favor of the amendment than to ask what harm will it do, I do not think it will amount to a great deal in the estimation of the House. We might put in several words which perhaps would do no harm, but they would destroy the symmetry of the clause and its conciseness of expression as will be the effect of this amendment. I never was in favor myself of getting in little words here and there in a bill, and this is a precedent that may have to be followed in other legislation.

HON. MR. GOWAN—I rather agree with my hon. friend from Halifax in the suggestion he has made. I think it is absolutely necessary to insert the chapter to which the amendment relates. If you refer to it as chapter so and so in the Revised Statutes

you can at once turn to that chapter as all the chapters are numbered in consecutive order. Therefore as a saving of time I think my hon. friend has ample ground for asking for the amendment.

HON. MR. DE BOUCHERVILLE—I think it would be advisable before reading the Bill the third time that a diagram should be presented to the House showing the interlocking switch and hurdle gate.

HON. MR. MILLER—If the leader of the House accepts the amendment of the hon. gentleman from Halifax, would it not be proper then to amend the title of the Bill and instead of calling it an Act to amend the Act respecting Government Railways, to call it Act to amend chapter so and so of the Revised Statutes, "An Act respecting Government Railways."

HON. MR. ABBOTT—The hon. gentleman from Halifax has suggested that this amendment might facilitate reference to the Act, and as it would to a certain extent facilitate such reference, and cannot affect the Bill itself, his argument may have some force, and I do not attach sufficient importance to it to object to the amendment.

The preamble was agreed to.

HON. MR. VIDAL, from the Committee, reported the Bill as amended.

The amendments were concurred in, and the Bill was ordered for third reading on Thursday next.

BILL INTRODUCED.

Bill ( ) "An Act to amend the Act respecting Public Holidays."

The Senate adjourned at 5:30 p. m. until Wednesday at 8 p. m.

THE SENATE.

Ottawa, Wednesday, May 25th, 1887.

THE SPEAKER took the chair at 8 p.m.

Prayers and routine proceedings.

THE FISHERIES DISPUTE.

QUESTION.

HON. MR. MACDONALD, (B C.)—enquired

"Whether in the event of an agreement of a temporary character, based on some of the provisions of the Treaty of Washington, being arrived at with the Government of the United States of America on the question of the Fisheries, will the Government of the Dominion see that the Province of British Columbia is included in such an agreement, so that its products of fish and oil may be admitted into the United States on the same condition as the like products of the other Provinces of the Dominion?"

He said:—My reason for asking this question is that British Columbia did not come under the Treaty of Washington, and did not enjoy any of the advantages of that Treaty; and in the event of any arrangement being made hereafter we think we ought to have the benefit of it the same as any province of the Dominion.

HON. MR. ABBOTT—In answer to my hon. friend I would say that the Government will do all in its power to procure the most favorable terms practicable in respect of the fisheries for all sections of the Dominion, without any distinction.

HON. MR. KAULBACH—If the pretended claims of our neighbors to the sovereignty of sea off the Pacific coast should be maintained we would have very little fisheries there to protect. Last year they claimed very exclusive rights over those waters and seized some of our vessels, contrary to treaty rights, and the law of nations, and also to the claims which they set up themselves on the Atlantic coast. I think the Russians claimed the sovereignty of the seas on the Pacific down to the 51st degree of lati-

tude, and the United States since the purchase of Alaska, want to go back to the rights that Russia claimed so far back as 1820, which extended, I think, 100 miles off the coast in Behring Sea. I do not wish to raise any discussion on this question now.

HON. MR. MCINNES, B. C.—I am very glad that my hon. colleague has brought this matter before the notice of the Government. Perhaps hon. gentlemen are not aware that although British Columbia became part and parcel of the Dominion of Canada some six weeks after the Treaty of Washington was entered into, that province was not allowed any of the advantages which the other provinces of the Dominion enjoyed under that treaty. We were entirely excluded and treated as if we did not belong to the Dominion at all.

HON. MR. POWER—If we are to judge from the despatches just received from London, the chances of British Columbia's fishing interests being looked after by the Imperial Government are not nearly as good now as they were at the beginning of this session. I find in this evening's paper a despatch which speaks of a representative deputation of manufacturers and others interested in Canadian commerce and shipping, accompanied by several members of Parliament, having waited on the Colonial Secretary yesterday. It says:

"The deputation made strong representations regarding the injury the proposed Canadian duties must inflict on the British iron trade. They declared they would bitterly oppose a subsidy to people whose action thus deliberately injured an important British trade, already at a low ebb. The increased duties must also affect the English feeling in regard to the fisheries dispute."

I do not so much mind what the deputation said, because it might be claimed that they were persons who had a direct interest in the matter, but the Colonial Secretary promised "to represent to the Canadian Government, the ill-feeling aroused here should the increase be made, in which event Canadian interests here would be likely to suffer, and that they would ask for a reconsideration of the proposals." He added:

"We cannot prevent Canada imposing any duties she thinks proper, but we may suggest that it is impolitic at the present moment thus to attack a great British industry unexpectedly."

I think we can all join in the regret that the proposed change in the tariff should have taken place at a time when Canada was in the greatest need of strong support from the Imperial Government.

HON. MR. ABBOTT—In regard to the pretensions of the American Government as to open sea fishing in the neighbourhood of Alaska, that is receiving the attention both of the Government here and of the Government in England; and I do not think from what I have seen—though I know nothing of it officially—that the pretension on the part of the United States to the control of the deep sea fishing, 100 miles from the coast will be sustained.

With reference to the tariff I do not know that I could by any possibility enter into a discussion on it just now. I can only say in a general way that the tariff was framed by my colleagues with a view to the benefit of our country according to the best lights we have; and it is impossible for us to be governed, in arranging it for the prosperity and progress of our commerce and manufactures, by any consideration whatever as to what incidental effect it may have upon industries elsewhere.

The subject was then dropped.

ST. CATHARINES & NIAGARA CENTRAL RAILWAY BILL.

SECOND READING.

HON. MR. MCKINDSEY moved, the second reading of Bill (11). "An Act to incorporate the St. Catharines and Niagara Central Railway Company."

He said: This is a Bill of only two clauses. It is for the purpose of declaring the Niagara and St. Catharines Central Railway a work for the general advantage of Canada; and to authorize the Company to build a short branch from the proposed road at or near Oakville in the County of Halton to intersect the Credit Valley Railway in the

County of Peel. The object of including this railway in the works declared to be for the general advantage of Canada is that this Company have secured for themselves of the right of way over the Cantelever Bridge in order to make connection with the American system of railways, and by this Bill they ask to make connection with the general railway system of this country. In order to facilitate the management of all matters connected with the running of the railway they desire to make this a Dominion work. The Bill has come up from the House of Commons, and I do not think there will be any objection to it.

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

ONTARIO SAULT STE. MARIE RAILWAY COMPANY BILL.

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (10), "An Act respecting the Ontario and Sault Ste. Marie Railway Company." He said—In the absence of the Hon. Mr. Ferrier I took charge of this Bill when it came up from the House of Commons. As he has signified his desire that I should continue the charge of it in its present stage, I shall trouble the House with a few words explanatory of the measure. It appears that this Ontario and Sault Ste. Marie Company have marked out a line from Spanish River on the north shore of Lake Huron to Sault Ste. Marie. It so happens that the Canada Pacific Railway Company have also located their line between these points, and in such a way that in many cases it crosses the other line and re-crosses it—a very inconvenient thing—almost impracticable to be carried out. It has led to a conference between the managers of the two companies, and they have come to an understanding by which, as set forth in the preamble of the Bill, it is hoped that all litigation and disputes between the said Companies will be brought to an end. They have agreed mutually to appoint Mr. Walter Shanly as arbitrator, leaving it to him to decide the question between the companies in every place where the roads cross one another; and he has full authority to decide the exact locality of the road, taking care that the rights of each company shall be protected, and that in every place where the lines come close together there shall be room for the two railways without their interfering with one another. The preamble of the Bill is very long. It is quoted as having been already sanctioned by the Ontario Legislature, and the petitioners desire to get the authority of Parliament to confirm this agreement in the same way it has been confirmed by the Legislature of Ontario. They therefore, in the first clause, ask that the said agreement above cited be confirmed. They declare, to bring the Bill, without question, under the jurisdiction of this Parliament, that it is a railway for the general advantage of Canada. The next clause is simply for extending the time already granted by the Ontario Legislature, and this is to bring it into conformity with their Act. The next clause is to authorize the Company to hold real estate in the State of Michigan. The fifth clause is to allow the Company to be stockholders in the bridge which it is proposed to construct across the St. Mary River, at the Sault. It is a very important bridge for the railway, and the Company ask that they may have the privilege of acquiring and holding shares in the capital stock of any company organized for the purpose of constructing the bridge.

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

GRAND TRUNK RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. READ moved the second reading of Bill (13) "An Act respecting the Grand Trunk Railway Company of Canada."

He said—This bill has two objects in view. One is purely of a domestic character. The Grand Trunk Railway Company desire to have authority to issue debentures to retire outstanding deben-

tures, the debentures to be issued not to bear any higher rate of interest than the ones that are outstanding. The Company believe that they can issue debentures at a lower rate of interest and save a large amount of money by retiring outstanding ones. They wish also to have authority to dispose of certain lands at Sarnia or Point Edward, where they have more lands than they require. They ask for authority to convey it to such purchasers as may wish to acquire it. I understand that the town of Sarnia desire to purchase some of it for a park, and the Company have now no authority to sell.

The motion was agreed to and the bill was read the second time.

REPORTS ON PRIVATE BILLS.

TIME EXTENDED.

HON. MR. ABBOTT moved that the time limited for receiving reports on Private Bills which expires to-day, be extended to Friday the 24th day of June next.

The motion was agreed to.

PUBLIC STORES BILL.

THIRD READING.

The House resolved itself into a Committee of the whole on Bill (20) "An Act respecting Public Stores."

In the Committee.

HON. MR. POWER—With respect to the third clause, it gives unlimited powers to the contractors officers and workmen of the Department, "to apply such marks or any of them in or on any such stores." Possibly this might be limited to a case where the contractors or officers are acting under the orders of the Department; but as the clause reads it would authorize the workmen of any of those departments to apply those marks, even though the workmen had no instructions to do so; and any workman who did apply those marks without authority from the Department would not be liable to any penalty for so doing.

HON. MR. ABBOTT—It will be perceived that there is a limitation in this clause "to such stores," that is to say to public stores. Public stores, as described in sub-section C, include "all stores under the care, superintendance or control of any public department as herein defined, or of any person in the service of such department;" so that the power given in clause 3, is only to apply marks to the stores of the description mentioned in sub-section C. The importance of being able to have those marks impressed upon public stores in a summary way, in respect of contracts, arises probably from the fact that contractors' materials, delivered often at great distances from any departmental control or supervision, are advanced upon—that is to say, they are taken into calculation in the work, and it is necessary to prevent those stores, after having been placed on Government property and under Government control, from being seized upon for contractor's debts after the Government have acquired a right in them by advancing money on progress estimates.

HON. MR. POWER—The explanation is quite satisfactory.

The clause was agreed to.

On the 5th clause.

HON. MR. POWER—I should like to ask the leader of the House why the distinction is made in the 5th and 6th clauses between the offences mentioned in those two clauses. The 5th clause provides that anyone who destroys or obliterates Her Majesty's mark on public stores shall be guilty of felony and liable to imprisonment for any term less than two years; the 6th clause provides that the offender shall be guilty of a misdemeanor if he receives such stores without lawful authority. I know that there is some difference between the two offences; that the one in the 5th clause is somewhat more serious than the other, but I do not see any object in perpetuating the distinction between felonies and misdemeanors. I think the procedure which is applicable to a misdemeanor is quite sufficient in the case of this offence, which is not after all such a very serious one.

HON. MR. ABBOTT—The offence which is provided for in the 5th clause is the taking out, the destroying or obliterating Her Majesty's mark on public stores—that is to say, the offence which is committed by a party in the act of taking away or preparing to take away Government stores. The offence described in section 6 is the offence of receiving such stores without lawful authority, and, I think, as a general rule the punishment of the receiver is less severe than the punishment of the thief. The distinction between felony and misdemeanor is gradually fading away. There is scarcely any difference in the crimes provided for in these two clause except as to the amount of punishment. I am afraid that to touch the edifice of the criminal law would bring down upon us many dangers and difficulties, and perhaps it would be as well to preserve the phraseology as it is as it will not change the punishment and moreover the clauses are framed after the law as it exists in England.

HON. MR. ALLAN—The simple explanation is one paragraph refers to the receiver and the other to the thief.

HON. MR. POWER—It does not seem to me where, as under the 5th clause, the penalty is limited to imprisonment for less than two years, that the crime should be called a felony. Felony formerly was an offence involving the loss of the criminal's life and forfeiture of his goods.

HON. MR. ABBOTT—I see very well the distinction, but my hon. friend proposes to reform the nomeclature of those two crimes. As I remarked before it is a dangerous procedure to undertake to recast the criminal law. It is a subject not familiar to all of us, and I should not like very much to interfere with it, more especially as it does not seem possible that the clauses can cause any injury or difficulty in the form in which they stand in this bill.

The clause was agreed to.

On the 13th clause,

HON. MR. POWER—I should like to call the attention of the Minister to the fact that the clause which was the 13th section in the existing law, has been omitted in this Bill. I can conceive that it cannot be re-enacted exactly in its present form, inasmuch as the Bill before us applies to the property of the Dominion as well as the property of the Imperial Government; but it has occurred to me that there must be some reason why a provision like that in the existing law has not been inserted. Section 13, of Cap. 170 of the Revised Statute, for which this Bill is proposed to be a substitute, says:—"No person other than the officer commanding the naval or military forces in Canada, or some person acting under his authority, shall institute or carry on under this Act any prosecution or proceeding for any offence against it." If there was a good reason for that enactment then there should have been a good reason for not incorporating something like it in this bill and extending it to the Government of Canada.

HON. MR. ABBOTT—My attention was not called to the omission of that clause, but I think I can suggest the reason why it was left out. I do not think it should be in the Act as it stands because, by a recent Act, provision has been made for the prosecution of offences involving such penalties, and for that reason in this bill, and in some other bills before this, the clause respecting the collection of penalties has been left out. I understood from the Minister of Justice who is the authority for it, that in the very last session of Parliament, an Act was passed providing for the prosecution of those offences and the collection of those penalties.

The clause was agreed to.

HON. MR. DEBOUCHERVILLE from the Committee reported the Bill without amendment.

The Bill was then read the third time and passed.

BANFF NATIONAL PARK BILL.

REPORTED FROM COMMITTEE.

HON. MR. ABBOTT moved that the House resolve itself into a Committee of the Whole on Bill (16) "An Act respecting the Banff National Park." He said:—I beg to offer, as I did not do so on the second reading, a few remarks on this Bill, although it seems full and clear and requires very little explanation. Hon. gentlemen are all aware of the fact that there is a very picturesque, and I might say very romantic tract of country surrounding the Banff Springs, which have already developed wonderful curative properties, and it is thought that this is a desirable place for the establishment of a national park. I do not know where this idea originated, but it has been spoken of and advocated by gentlemen of all political parties who have seen it and have recognized in it a territory which would be an advantage for the Dominion to set apart and protect in its present condition as far as possible for the recreation and amusement of our people. The climate is extraordinarily healthful. It is a change from both sides of the continent, and in addition to that the springs are perhaps second to none on the continent for their curative powers in certain diseases. For this reason there has been a park reserved there comprising an area of about ten miles wide by twenty-six miles long. It comprises the Banff Springs, a beautiful sheet of water called Devil Lake about 16 miles long, and the lower portion of the largest of the mountains in that neighborhood. In order to make a park of this tract of land, of course it becomes necessary to improve it to a certain extent. It requires a bridge over the Bow River, and another over a small river adjoining it to connect with the town plot on the opposite side of the Bow River. Roads have to be made and provisions are required for the regulation and government of this park, for protection against disorder and destruction (which I am sorry to say have been somewhat prevalent in some other parks south of the line) for the regulation of any trade carried on within its borders, and for the preservation of game and fish and other matters of interest. For this purpose it is provided in this Act that the Park shall be under the control of the Minister of the Interior, as in fact all the other public lands in the North-West are until disposed of. In that respect the Park is placed by this Section pretty much in the same position as the other public lands in the North-West. The Minister of the Interior regulates and controls it under rules and regulations which are to be approved by the Governor in Council for the purpose, and those rules and regulations are intended to provide for the care, preservation and management of the park and of the water courses, lakes, trees, shrubberies, minerals, natural curiosities and other matters therein contained; also for the control of the hot springs situated in the park and their management and utilization for purposes of bathing and sanitation and in every other respect. He is also authorized to lease for any term of years such parcels of the lands in the Park as the Minister may deem advisable in the public interest for the construction of buildings for ordinary habitation and purposes of trade, and for the accommodation of persons resorting to the park. As it has been ascertained that minerals exist in the Park these rules and regulations apply to minerals. In this respect the powers differ very little from the powers already granted to the Governor in Council by the Dominion Lands Act. But there is a limitation in sub-section D of the Bill which requires that no license or permit shall be made or issued for the working of mines or developement of mining interests which will in any way impair the usefulness of the park for the purposes of public enjoyment and recreation. Rules also may be made for the protection and preservation of game and fish and of cattle allowed to pasture in the park. I propose before the bill is reported from Committee to move an amendment which I think is important. It is to provide that those rules and regulations which are to be made by the Governor in Council shall be subjected to the same rule as the rules and regulations made under the Dominion Lands Act—that they shall be laid on the table of Parliament within 15 days after the com-

mencement of each session. I hope it will prove to be an acceptable amendment to the bill. There is another matter connected with it, that is to say, the question whether this reserve would hereafter deprive the Hudson Bay Company of any right which they may now have. As hon. gentleman will remember, one of the conditions of the acquisition of the Hudson Bay Territory by the Dominion was, that when the lands are surveyed, the Company shall receive a certain amount of the surveyed lands; but until they are surveyed no right in them accrues to the Hudson Bay Company. This bill has already aroused their uneasiness, and as it is not the intention of Parliament to deprive any person or company of any rights which appertain to them, I shall propose an amendment to protect any rights the Hudson Bay Company may now have to lands included in this bill. It has been suggested to me since the discussion in the other House that Banff is a name which is sometimes substituted for a still warmer climate than the springs; that it is not uncommon in Scotland in the heat of discussion to consign a man to "Banff" instead of Jericho or some other place. It is not at all likely that any person would look upon being sent to those springs, as being any great punishment; but it does not appear to me to be a name of sufficiently a dignified character to be applied to our great national park. We had the other day something like eight suggestions as to the name that this park should bear, and I think it would be much more easy to frame satisfactory rules and regulations for the park than to decide upon a name which would satisfy every person. Dominion park has been suggested, but it is thought that "Dominion" has been run into the ground. There are Dominion Companies for almost everything you can name, and even a Dominion Carpet Beating Company in Montreal. There are various institutions under the name of the Dominion, and it is thought that the name is used as much as it will bear. In slang phrase, it is "played out." Then it was suggested that it should be called the Dominion National Park. We do not claim to be a nation as yet although we possess so many attributes of a nation. The name "Victoria" has been appropriated by the Niagara Falls Park. "Jubilee" park has been suggested, but it has been applied to everything under the sun, and it was not thought suitable to give to the park a name of that description, which is in its essence applicable only to a certain time. The result of the deliberations which have taken place between myself and my colleagues is that we have come to the conclusion that the name "Rocky Mountains Park" would be suitable. We were led to this decision from the fact that the translation—*Parc des Montagnes Rocheuses*—is a good sounding name in French, and "Rocky Mountains Park" is an equally euphonious name in English. At all events it localizes it for our purposes. It is not a hackneyed name; it is a dignified name, and perhaps we could not do better than to adopt the title Rocky Mountains Park, or in French *Le Parc des Montagnes Rocheuses* instead of the Banff National Park.

HON. MR. ALLAN—I venture to think that all Canadians will owe a debt of gratitude to the Government for bringing forward this matter at so early a date, to provide, as I hope will be provided, a place of health and enjoyment—enjoyment of the highest kind for Canadians for all time to come. I think one debt we owe to the Canadian Pacific Railway in addition to the advantages which it brings with it in the shape of extended commerce and ease of communication, is that it brings us face to face with some of the finest scenery on this continent—scenery which we all, as Canadians, may be proud to have within our Dominion, and in no part perhaps shall we find finer scenery than in the park which is the subject of this Bill. Another thing which I hope will be considered as most important is the fact that this very scenery, without some such precautions as we are now taking, is liable in a very few years to be seriously impaired in many ways. In the first place, parties going in there in pursuit of game, or parties prospecting for minerals, are liable very frequently to be the cause of much mischief by setting out fires. Some of the magnificent forests which clothe the sides

of the Rocky Mountains have already been destroyed in many places by railways, and we expect more of that kind of destruction through settlers going in or the territory being thrown open to mining regulations without restrictions such as are proposed by this Bill. We have the advantage of the example of our neighbors in the National Park which they have laid out in the midst of the most beautiful scenery in the United States. As hon. gentlemen all know, there has been a great deal of difficulty experienced in saving that National Park from the inroads of railway companies, and others desirous of passing through it, and serious mischief and injury from fires and from the destruction of the game and from the —I may say without exaggeration—at one time, almost lawlessness which prevailed amongst those who were in the habit of frequenting Yellowstone Park, for want of police regulations. I presume that all those matters will be provided for in the bill before the House. I trust that in that part relating to the maintaining of rules and regulations, the Government will take such action as will preserve the timber from those who have licenses to pursue mining there. With regard to the name to be applied to the park I, as a Canadian, feel proud of the name "Dominion," I do not think there is anything unsuitable in that title being given to our National Park. Rendered in French, it is a name that always stirs my blood when I hear it—the "Puissance du Canada." I do not think there is anything inapplicable in the park being styled the Dominion Park. The statement made by the hon. leader, or the agreement to which the Government have come to designate it the Rocky Mountains Park, is in my judgment next to Dominion Park the best name to give it. I think the present name is exceedingly inappropriate, even though it did not suggest any connection between the hot springs and the hotter place the hon. gentleman has referred to. I hope the park will be a place of recreation and enjoyment for the people of the Dominion for all time to come.

HON. MR. GIRARD—I beg to express my great satisfaction with this bill, and as there is no one as yet to represent the North-West Territory in the Senate, I suppose I should be naturally looked to as having a greater interest in that Territory than many other gentlemen in this House because of my proximity to it. This National Park will be looked upon as some retnrn for what has been expended up to the present day in the development and advancement of the North-West Territory. It is a great satisfaction to me to see that our North-West is to provide for the Dominion a place of recreation as well as a sanitorium for those who are afflicted with disease. With respect to the name proposed for this park I do not hesitate to say that the one suggested by the leader of the Government is more acceptable than that in the title of the Bill. Banff is a word which can only be pronounced by Frenchmen with difficulty. Therefore I see with pleasure that the name Park de Montagne Roches is to be substituted for it. At the same time I would suggest that we should have taken this occasion to express in an open way our loyalty to and our respect for our beloved Queen, in this year of jubilee, by giving it the name of the "Queen's Park"—The *Park de la Reine* would be pronounced as easily as Le Parke de la Montagne Roches. On another occasion I ventured to suggest that the Park should be named Prince Albert Park, in memory of our Queen's late husband to whom she was so devoted. It would have been perhaps a fitting occasion to pay a flattering compliment to Her Majesty by associating the name of the Park with that of the late Prince Consort. Nevertheless I do not hesitate to express my satisfaction at the name which has been suggested by the leader of the House. As there may be amendments proposed to some of the clauses I would take occasion to suggest an amendment to the fifth Section which provides for the publication of the rules and by-laws adopted by the Minister of the Interior, in the Canada Official *Gazette*. The publication in the Official *Gazette* will be seen by comparatively few people, and I would respectfully suggest that they should be published as well in any official gazette published in the North-West Territories. There must be at Regina an official gazette, or at all events a medium acknowledged as the

official paper. It will be near the park, and certainly the rules and regulations should be published in that vicinity.

HON. MR. MACDONALD (B. C.)—When I suggested that the name of the park should be changed it was not my intention that it should be called the Canadian Park, the Dominion Park or anything of that kind, but to give it a commemorative name in connection with the fiftieth anniversary of Her Majesty's reign. I think the leader of the Government has entirely lost sight of that question. The name Banff is as good as any other name, under other circumstances; but I think the name "Empress" Park, or "Empress National" Park would have been better, and I regret very much that the Government has not seen fit to adopt any of those commemorative names.

HON. MR. KAULBACH—I do not agree with my hon. friend; I should like to have a name more characteristic of the place itself, and I agree with the hon. gentleman from Toronto that "Dominion" park would be the most appropriate name. If we were a nation I should say call it the "National" park, as in the United States; but as we are not a nation the "Dominion" Park would be more appropriate. I had the good fortune to visit the park last fall, and I was surprised at the picturesque character of the scenery, and the curative properties of the springs. I had the pleasure of travelling through it with gentlemen of note and importance, who have visited places of similar character in Kansas, and they said there was nothing in Kansas to be compared with our park in the grandeur of its scenery and salubrity of its climate. One celebrated man with whom I happened to travel said that although the National Park of the United States was of great extent, it did not present on the whole as favorable characteristics as ours; and he believed that in time it would attract large numbers of visitors, not only from Canada and the United States, but from many parts of the old world when the advantages of the springs and the beauty of the scenery became generally known. I am glad to have the opportunity of thanking the Government for reserving this piece of property for the public and for preventing it from getting into the hands of speculators.

HON. MR. CARVELL—The park, as I understand from the leader of the House, comprises an area of twenty-six miles by ten. It is large enough to have a pretty large name. But long names for such places are generally objectionable, and when our fellow subjects on the other side of the water, who, I expect, will largely visit it, hear of the Rocky Mountains Park, they may think it is the Rocky Mountains better known to them across the border. Therefore it has occurred to me that it might be as well to call it the Dominion Rocky Mountains Park, which would include the name suggested by the Government and would at the same time satisfy my hon. friend from York.

HON. MR. HAYTHORNE—I think this is an occasion on which we may offer our congratulations to the people of the Dominion upon the probability of their possessing quite a unique park. Perhaps "Park" is not the most appropriate name to apply to a wilderness so far in the interior of the country upon which the hand of man has not operated at all; but I think it is a fortunate thing that this park-making has been taken in hand in time, before any material damage has yet been done to the property. In this country we do not possess the material advantages which they have in older countries. We have no antiquities here except our "mountains hoar" and our "ancient trees," and these things, left as nature has left them for us, are perhaps, in their way, as great attractions as the ruins of Europe. I would suggest that in the provision for the preservation of game in the park the feathered tribes should be also included. Game is perhaps a pleasing feature in a wilderness of that sort, but one would like to see it also inhabited by birds of all kinds, and the fact that these beautiful creatures are often sacrificed for their plumage or wantonly for sport, is a matter that should be taken into consideration by the Government. As to the name suggested for the park I do not think it is a matter of consequence what it is called now, for if it should turn out to be a popular place

of resort it will attract visitors under any name, and the name can at any time be altered if found desirable.

HON. MR. ODELL—When my attention was first called to this Bill with reference to the park, some doubt passed through my mind as to the advisability of expending such a large amount of money in that locality, and I felt that we in the Maritime Provinces would perhaps derive very little benefit from it—from either the curative properties of the springs or from the salubrious nature of its climate; but since I have looked further into the matter and given it more consideration, and have ascertained from different sources the character of the country which it is proposed to retain for this park I have changed my opinion with regard to it, and I am quite willing, so far as I am concerned, to give my consent to the Bill. I quite agree, however, with the hon. gentleman from Toronto in the remarks which he has made with regard to the importance of preserving such a territory as has been described. Such scenery ought not to be allowed to fall into the hands of private speculators but should be preserved for the public advantage. There is one thing, however, I would ask the leader of the Government, and that is whether there is any sketch or plan of the area which it is proposed to reserve, which will give one an idea of the locality, its extent and capabilities for the purpose suggested? It has also occurred to me that the leasing of any portion of the park for mining purposes would be incompatible with the use of that territory for the objects which the Bill contemplates. That perhaps should be explained in some way, because otherwise it appears to me that if the scenery is to be at all interfered with by mining operations, mining leases ought not to be allowed. It may be that those mining operations will interfere materially with the beauty of the scenery or with its being appropriate for general recreation and for the use of the springs as a sanitarium.

HON. MR. GOWAN—If the hon. gentleman will look at the first clause he will find that it provides that the lands are withdrawn from sale, settlement and occupancy under the provisions of the Dominion Act or any regulations made under the provisions of the said act or any other act with respect to mining or timber licenses or any other matter whatsoever. Then there is a distinct provision enabling the Governor in Council to make regulations with regard to mining, by which they can preserve the park as a proper place for amusement and recreation without interfering with the aspect of the scenery. I entirely agree with what my hon. friend from Toronto has said with regard to the name—coupling it in some way with Canada. The Rocky Mountains extend so far away beyond Canada, that the location of the park is rendered indefinite. If either as a prefix or an addition it is called the Rocky Mountain Park of Canada, or Canada Rocky Monntains Park, or any other name by which it can be known as a Canadian park I shall be perfectly satisfied. The Leader of the House has referred to the advisability of preserving certain rights with regard to the Hudson Bay Company. I do not know whether the park is wholly within the North-West Territory or whether it is partly in British Columbia—if so, i would make a material difference.

HON. MR. McINNES (B.C.)—I was not aware until to-night that it was claimed that this park or any portion of it was in the North-West Territory. I always took it for granted that it was entirely in the Province of British Columbia until I heard to the contrary this evening.

HON. MR. KAULBACH—No.

HON. MR. McINNES (B.C.)—I know the hon. gentleman from Lunenburg paid a visit to the Pacific Coast last summer, and doubtless he has gained a large amount of information with respect to that country, but I doubt very much if the vast fund of knowledge the hon. gentleman doubtless acquired on that trip is such as to entitle him to be taken as an authority as to whether this park is not in British Columbia and not in the North-West Territory. The eastern boundary of the Province of British Columbia has not yet been definitely

fixed. I took it for granted that the park was entirely in British Columbia until I heard the statement of the leader of the Government that it was necessary to extinguish any claim the Hudson Bay Company may have to any lands within the boundary of this park. The Hudson Bay Company have no claims whatever on the lands in British Columbia. With respect to the minerals also, doubtless the leader of the Government is aware that the Government of British Columbia claim all the minerals within the forty miles railway belt extending from the seaboard of British Columbia to the eastern boundary of the province, and I understand a test case has been brought before the courts, or is to be brought before the courts, in order to establish the ownership of these minerals, whether they really belong to the Government of Canada or to the Government of British Columbia. If it has been decided that the minerals within the railway belt belong to the Province of British Columbia all mining operations within the park will be conducted under the regulations of, and subject to the Government of British Columbia. I merely call the attention of the leader of the Government to this matter in order to avoid future disputes. As far as the name of the Bill is concerned I am very much pleased that it is to be changed, as I consider the present one meaningless. I hope the House will enlarge the name a little and call it the Dominion Rocky Mountains Park. By this name the park will be localized and strangers and foreigners, whenever they hear the name, will know that the park is in Canada. I like the name of Canada and I want to have it in some way or other connected with the park. It would localize the park, as our neighbors to the south have also parks in the Rocky Mountains.

HON. MR. MACDONALD, (B. C.)—They have the Yellowstone Park.

HON. MR. McINNES—Yes, and very often the name Rocky Mountains is attached to it.

HON. MR. OGILVIE—Before the leader of the Government answers all those questions, I would like to say one or two words about the Rocky Mountains' Park, which I hope will be the name this park will bear. If ever the Government have deserved our thanks for attending to a matter so much outside of the general routine of business, and promptly and carefully, I think they are deserving in this instance. The park spoken of is very peculiarly situated. I do not know of any other place in the world that is so thoroughly adapted for a park as the place in question. There is only one which the United States have, that could be called a park at all, in the Rocky Mountains, and that is the Garden of the Gods in Colorado, near Colorado Springs. That park contains a great many beautiful natural curiosities, but it is totally different in its character from our park at Banff. There is a peculiarity in our mountains that you cannot find in any other place that I know of. You can in the cold winter go up the mountains to such an altitude as to strike the warm Chinook winds and obtain comfortable weather; and in the summer—at least it was the case at any time while I was there—the weather is not uncomfortably warm, while the atmosphere is so clear that you can see objects at a great distance. As to any difficulty from British Columbia miners or the British Columbia government I do not think we need give ourselves any great uneasiness about it.

HON. MR. DICKEY—The park is not in British Columbia at all.

HON. MR. OGILVIE—I was referring to the remark of the hon. gentleman from New Westminster. I may be mistaken, but I think I travelled over a great many miles after leaving the park before I struck British Columbia.

HON. MR. McINNES—When and where was the eastern boundary of British Columbia settled?

HON. MR. DICKEY—The summit of the Rocky Mountains?

HON. MR. McINNES—It is only an assumed boundary—the boundary has not been definately settled.

HON. MR. OGILVIE—As soon as I have time to go into the question of the boundary line we will discuss that, but I do not propose to discuss it myself to-night. I take the authority given to me by parties who seem to know a great deal about it. If the Government ever deserved our thanks for any public measure it will be for this. We need not bother ourselves much about the balance of it if we can get the name set right. I am well pleased with the name suggested "Rocky Mountains Park." There are no parks on the other side of the line in the Rocky Mountains chain that I know of which can possibly be confounded with ours.

HON. MR. POWER—When this bill was up for a second reading I took the liberty of suggesting some objections to it. I do not propose to say anything more about those objections, some of which still exist, and some of which will be removed by the amendments proposed by the minister in charge of the bill. I rise rather for the purpose of expressing my gratification at the conclusion which the Govesnment have come to with respect to the name. I think that the reasons given by the minister in charge of the bill for not adopting any of the names which had been previously suggested are reasons which commend themselves at any rate to the average man, and the people of Canada, as a rule, are of that character. I certainly hope that the word "Dominion" will not enter in the name of the park. If it is thought necessary to identify the park further than is done by the name suggested by the Minister, then you might add the word "Canada," and it will sound much better than "Dominion Rocky Mountains Park." I do not think it would be as good a name, but it has occurred to me just now that as the Americans have called their park the Yellowstone Park, we might call ours the "Bow River Park." However, the name suggested by the Leader of the House is satisfactory, and I trust he will not accept "Empress," or "Dominion," or "Imperial," or any other of the names suggested.

HON. MR. ABBOTT—This discussion, I am sure, has indicated to the House how much difficulty we have found in settling upon a name, because I do not think any two of the gentlemen who have spoken have agreed exactly as to what the name ought to be. I should like my hon. friend who suggested "Empress" park to understand that the consideration of the question of connecting the park with the jubilee in some form by its name was not omitted at all. It was very carefully considered, but it was found extremely difficult to adopt it in any other way than by using this word "jubilee" to which there seems to be the objection I have mentioned, that it is hackneyed to an extraordinary degree. One feels unwilling to say so, having a strong sympathy with the jubilee year of Her Majesty's reign; at the same time such is the fact. The suggestion made by my hon. friend to-day was, I think, made on a former occasion that it should be named "Empress" Park; but the objection to that is a fatal one, that is the Queen is not Empress in this country but Empress of India, and Queen of the other colonies. It was thought that was an objection to giving it the name of Empress Park. The word "National" seemed to be technically objectionable, so it was ruled out. There were some objections made to the suggestion of the late Prince Consort's name. If he were living, probably it would have been different, but it appeared to be somewhat out of the way to give the name of Her Majesty's late consort to this park, however much he was respected and loved throughout the Empire, so the suggestion was dismissed. Now, considering the fact that no two gentlemen who have spoken in this House have agreed on the precise name to give to the park, I am myself perfectly pleased with the name "Rocky Mountains Park," although some hon. gentlemen assume that there are other Rocky Mountains and there is another park somewhere else in the Rocky Mountains from which we should distinguish this one. As we cannot all agree upon one name, with the approbation of the House I will stick to the name I have suggested—or I will at all events take the sense of the House upon it—as being the least objectionable after careful consideration

with a view of selecting a name that will please everybody.

As to the publication of the regulations, it is difficult at this moment to make any provision, because there is now no suitable medium of publication in that locality; but my hon. friend may rest assured that in addition to the publication which the law requires in the official *Gazette*, the rules and regulations will receive, as soon as there is a medium of publication in that locality or anywhere within reasonable access, a full publication so that no person can reasonably expect to be ignorant of them. I am happy to say that there is a plan of the park, but it does not contain quite as many details as we would wish. The plan shows the general outlines of the park and the scenery. It certainly comprises a great variety of mountain, stream and lake, and from what I can hear of it unparalelled beauty of scenery and salubrity of climate. I shall lay the plan on the table for examination by any hon. gentleman who may desire to see it.

HON. MR. O'DONOHOE—I desire to say that I am entirely in accord with the Minister in the name which he has selected. I think it important, and highly proper, that that which nature has done there in her mountains should be blended with the name. Take for instance—and we see how happily it is done—the City of Montreal. The mountain there is made part of the name, and very properly. There is nothing in the North-West that can be remembered or will be spoken of by tourists, by writers and by others to the same extent as our mountains. They are on a grand scale—perhaps the grand est of any in the world, and to leave that feature out of any name selected would, in my opinion, be a great mistake. I shall have great pleasure in supporting the name proposed by the Minister, or any other which would blend with it that grandest of all features connected with the park, the mountains. Although the name may appear at present to be a little cumbersome, time will smooth that as it did in the case of Mount Royal. To-day every Frenchman, and every Englishman pronounces the name as smoothly as if the proper title were not "Mont Royal," and I think the people of Montreal acted very wisely in associating the mountain with the name of their city.

HON. MR. J. J. ROSS (in French)—I highly approve of the project of establishing the Park in question, and if the mineral waters there which are so highly spoken of, possess the virtues with which they are credited, the Government will render immense service to those who suffer (and they are numerous), by making provision for their comfort and furnishing amusements and other means of advancing their recovery. As to the name by which the park shall be known, I admit, hon. gentlemen, that I am a little too practical in my nature to delay long and expend a great deal of sentiment in discussing the point. I believe, with others, that the proposed name, or the name of the "Rocky Mountains Park of Canada," will suit perfectly. If I have properly understood the nature of the amendment to which the hon. leader of the House has made allusion, its object is to protect the rights of the Hudson Bay Company who, owing to prior arrangements, could claim a portion of the grounds on the site of the park. If these rights exist, would it not be better that the Government should at once acquire them? For in case a large sum of money should be expended in improvements by the Government, the Hudson Bay Company might come in and demand an excessively high price for the property. It will be much more prudent, in my opinion, to conclude arrangements with them before commencing the work. If we wish to commemorate the 50th anniversary of the reign of our virtuous and well beloved sovereign, in connection with the establishment of this Park, it will be possible to erect there a column, or a monument, which will tell to future generations of the respect and love which we entertain for her, and our admiration for her great virtues.

HON. MR. ABBOTT—The danger to which my hon. friend refers was observed at the time of the preparation of the amendment, and in framing it care has been taken not to give any foundation for a claim which may not actually and lawfully exist at this moment.

The phraseology is as follows: "Nothing in this Act contained shall affect the obligation of the Government (if any) arising out of the conditions of the acquisition of the North-West Territories." Not a word about the Hudson Bay Company or anybody else, but simply whatever right there is by law now existing that we shall not disturb it by this Bill. The safeguard is this: that the claim of the Hudson Bay Company to a part of the land is a claim which only arises when the land is surveyed, and if at any future time it is to be surveyed, arrangements may be made to compromise or to get rid of the claim if the Hudson Bay Company have any.

The House resolved itself into a Committee of the Whole on the Bill.

In the committee.

On the second clause.

HON. MR. ABBOTT moved to amend the clause by leaving out the words "Banff National" and inserting in lieu thereof "Rocky Mountains."

HON. MR. VIDAL—I should like very much that the word "Canada" should be inserted in that name. There are more Rocky Mountains than those of Canada.

HON. MR. DICKEY—I entirely agree with the suggestion that has just been thrown out by the hon. gentleman from Sarnia, because it is in accord with the view I have taken of this matter from the first. The park ought to be localized in the manner which the Government have localized it, and I think the same process of reasoning should apply to the suggestion which has been made in this way. The Government have now altered the name, and instead of calling it the National Park, have rejected that name and have rejected also the name of Banff, and propose to call it simply the 'Rock Mountains Park.' For all purposes, in this country, that title is quite sufficient, but when we look at it from beyond this country, from the other side of the Atlantic, I think the name would have very much greater significance if we made it "Canadian Rocky Mountains Park." The name "Canadian" none of us need be ashamed of, and it would give it a peculiar significance and localize still more clearly the position of this park.

HON. MR. ALLAN—I quite agree with what has been said with regard to the Rocky Mountains not being confined to Canada. We all know that a large part of the chain so called is located in the United States, and therefore when we speak of the Rocky Mountains Park, or at all events when it is spoken of on the other side of the Atlantic, there may be a doubt as to whether the park is in the United States or in Canada. If the name "Canadian" were added to it, however, "Canadian" would be dropped and it would be generally called "The Rocky Mountains Park." I am sorry to return to my first love, but I cannot see what objection there can be to the title "Dominion Park." My hon. friend says it is a hackneyed term. The same objection applies to the name "Victoria" yet we do not think anything less of the name. In the same way the word "National" is made applicable to all sorts of things, but I do not think it detracts from the dignity of the name, and I do certainly think that the title "Dominion Park" would be the most applicable, and the one by which it would be most widely known. I do not see why, as this is the name which our country now bears—the Dominion of Canada, the park of the Dominion should not go by that name. Apart from that consideration I should prefer the title proposed by the leader of the Government. The Queen's name has already been adapted to the park at Niagara Falls and a very long one it is—I believe the Royal Victoria Niagara Falls Park, or something of that kind.

THE SPEAKER—It seems to me that "Dominion Park" does not localize it. We want the name to show where it is located. If it is called the "Dominion Park" its locality may be anywhere within the whole bounds of the Dominion.

HON. MR. ALLAN—Will my hon. friend tell us where the Rocky Moun-

tains begin and where they end. I think as a geographical term the 'Rocky Mountains Park' will be just as wide as the term Dominion Park.

THE SPEAKER—The term Rocky Mountains Park locates it in the Rocky Mountains; and as the Rocky Mountains extend North and South, do not roam all over the boundless continent, but are within certain limits, it localizes it more largely than the words "Dominion." It is desirable that we should at least keep that name whatever prefix or affix should be put to it.

HON. MR. CARVELL—The remarks of the last two speakers rather incline me to think that my suggestion is a good one after all. It is necessary in naming it to give it a local habitation. It is suggested by the hon. gentleman from Amherst that the name 'Rocky Mountains' is indefinite, inasmuch as the Rocky Mountains run far beyond the confines of the Dominion of Canada; and the Dominion Park, as suggested, would be an indefinite locality, because Dominion Park may be anywhere within the bounds of the Dominion, therefore I am rather inclined to think that Dominion Rocky Mountains Park would be a very appropriate name. It is not necessary to give a name that would be understood by gentlemen in this Chamber and Canadians merely, but one that would be understood throughout the world, for when I say throughout the world, I believe that tourists from all parts of the world will visit this park, as the grandest and most beautiful and most salubrious spot on the face of the earth.

HON. GENTLEMEN--Hear! hear!

HON. MR. CARVELL—I am not speaking wildly. I have heard from men who have travelled far and wide, and I do not think it is taking any great liberty in mentioning the name of Sir John McNeill, whom I met fresh from the spot, and who said to me: "I have travelled in Europe, Asia, Africa and America, and I consider the Banff Park is beyond all compare, the grandest and most magnificent in the world." At all events, I think it is sufficiently grand to give it a name that will localize it.

HON. MR. GOWAN—I have a strong feeling myself that this Park should be identified in some way with Canada. There may be some difficulty in translating the phrase, "Dominion Rocky Mountains Park," but if it were called "Rocky Mountains Park of Canada," it would sound euphoniously in French as well as in English. I think the feeling of the House, when it comes to be tested, will be very largely in favor of incorporating the word "Canada" in the title.

HON. MR. GIRARD—I made a suggestion and naturally would have been very glad if it had been accepted; but as it has not been adopted, though I would like to see it called the Queen's Park or Albert Park, I do not think it desirable to change still further the name proposed by the minister, by putting the word "Canadian" as a prefix, as it would not be easy to translate it into French.

HON. MR. DICKEY—Say Rocky Mountains Park of Canada.

HON. MR. GIRARD—I am opposed to adding "Canada" to the name because it is not a park merely for Canada, but a park open to the world. We know very well although it is the Rocky Mountains Park that it will be our own property, and I do not see what difference it would make whether we add the name Canadian to it or not. Seeing that my own suggestion has not been adopted I have no hesitation in accepting the proposition of the Government in reference to the name.

HON. MR. BELLEROSE—I believe there is no difficulty about adopting a name now. The House seems to approve of the name suggested by the Government, with the addition suggested by the hon. gentleman from Amherst. I believe it is only reasonable that the name of the park be such as will identify it with Canada, and whether we call it the Rocky Mountains Park of Canada, or *Parc des Montanges des Roches du Canada*, it will sound equally well.

HON. MR. DEVER—I have listened with a great deal of pleasure to the opinions expressed by hon. gentlemen. I was undecided myself as to the name

to be adopted until I heard the discussion upon it. The objections presented by the leader of the Government, I think, are convincing. I for one would not care about having this Park known abroad under the name by which the grandeur of it might be divided with the United States. If we attach the name of the Dominion or Canadian to the word Rocky Mountains Park it certainly would imply that we do not own the Rocky Mountains—that the Rocky Mountains are divided between us and other people, and it would not give us that standing that as Canadians we feel proud of. I accept the name, therefore, given to it by the Government as being the best under the circumstances. I thought it possible, but I did not wish to force my opinion, that if it could be called the Rocky Mountains Springs, inasmuch as the springs of that locality possess great curative powers, it would be a very appropriate and poetical name. We find the Saratoga Springs are known all over the world and attract hosts of visitors and tourists who desire to recuperate their health, and there is no difficulty in locating them. On the same principle, if we were to call this park the Rocky Mountains Springs it would certainly be an improvement. I only throw out the suggestion, feeling satisfied with the name which the Government has proposed.

HON. MR. VIDAL—In order to bring the matter to an issue I move that this clause be amended by striking out the words, "Banff National," and inserting "Rocky Mountains Park of Canada."

HON. MR. ABBOTT—Of course the Government have not any extreme opinion as to what name this park should bear, and in view of the great divergence of opinion expressed throughout the House, and in view of the unanimity of feeling on the part of the Government as to the name that the park should be known by—Rocky Mountains Park—I should much prefer if the House would adopt the language I have indicated as being most pleasing to my colleagues and myself.

HON. MR. DEVER—Rocky Mountains Springs?

HON. MR. ABBOTT—The difficulty about that is it does not convey to the mind the idea of the extent of land reserved. This park having an area of 260 square miles, the name "Rocky Mountains Springs" would not be quite wide enough to convey an idea of its extent. "Rocky Mountains Park of Canada is a very good name, but it is not a concise name. It has this fanlt—that the public will not fill their mouths with a long name. They will have a short name for it, no matter what it may be called. For instance, the railway from Montreal to Ottawa was called the Quebec, Montreal, Ottawa and Occidental Railway. It was a very good, descriptive, and appropriate name, but the public would not call it by that term, and they hit upon the abbreviation, Q. M. O. & O. You may call this park the Canadian Rocky Mountains Park or the Rocky Mountains Park of Canada, but the name by which it will be known to the public of Canada is the Rocky Mountains Park, and on the whole, I believe that the name selected by the Government is the most desirable.

HON. MR. DICKEY—I quite admit, after what has fallen from the lips of the Leader of the Government, that the language should be terse and concise, and really for the life of me I cannot understand why an act to establish the Canadian Rocky Mountains Park is not all that is necessary. I do not know why we should get in a lot of prepositions into a title of that kind. In considering this question, I think all the time that I am on the other side of the Atlantic and am being asked, "Where is this Rocky Mountains Park we have heard so much of?" "It is the Canadian Rocky Mountains Park" is the reply, and there is the whole information. If you leave it without the word Canada it will be appropriated, as all our other names have been, by the Americans in less than 6 months, and you will have posters scattered all over the world with a view of attracting visitors to the Rocky Mountains in the United States, where they will establish a park without any

compunction. I think the name Rocky Mountains Park is misleading. It certainly has the element of conciseness, but the word "Canadian" gives it a more appropriate, national, and local significance than any other. I have not the slightest objection to it, but I am quite sure that gentlemen who suggest the name "Dominion" would be quite willing that the same meaning should be conveyed by adopting the word "Canada." Why should we be ashamed to have it in the Bill! It is the Park of Canada, and the information is conveyed by the title, whereas the name Rocky Mountains Park is indefinite and extends not over the breadth of this continent, but it certainly does extend the length of it.

HON. MR. BELLEROSE—It is very well known that the public find many of the names in common use too long. For instance the Canadian Pacific Railway is a long name, and what do the public do with it? They call it the C. P. R. Supposing we call this park the Canadian Rocky Mountains Park, the public may call it the Canadian Park or the Rocky Mountains Park, but they are not likely to call it the Canadian Rocky Mountains Park.

HON. MR. POWER—When the hon. gentleman from Amherst meets the gentleman in England who asks him where the Rocky Mountains Park is, supposing he has his way, and he replies it is in the Canada Rocky Mountains, he will be asked where are the Canada Rocky Mountains. There are no Canadian Rocky Mountains, but there are Rocky Mountains which extend through Canada and through the United States. To my mind the only strictly accurate and correct title, that is if you wish to bring in the name of the Dominion of Canada, is the one suggested I think simultaneously by the hon gentleman from Sarnia and myself, that is, the Rocky Mountains Park of Canada. It is the Rocky Mountains Park and it is in Canada. At the same time I do not think the name is of sufficient importance to devote much time to discussing it. If the hon. gentleman from Sarnia persists in his amendment I shall vote for it.

HON. MR. ALLAN—If by the adoption of this name the consequences are to follow which were indicated by the hon. gentleman from Delanaudiere, and if it is to be known as the Canadian Pacific Railway is known—as the R. M. C. C., then it would be better to adopt the shorter title "Rocky Mountains Park."

HON. MR. VIDAL—I rather think, with the Leader of the Government, that this House should express is opinion on this matter, and I feel satisfied that if the House prefer this name—Rocky Mountains Park of Canada, that the Government will very gladly accept it. We do not definitely fix it. The Bill will have to go back to the House of Commons, and if the majority of this House thinks the name I have suggested is more appropriate why not give that recommendation to the Government and let the Government carry it out or not as they think fit.

HON. MR. ABBOTT—Let the vote be taken in the ordinary way. We attach no great importance to it; we should like to please the country in the name, that is all.

The Committee divided on the amendment, which was carried on the following division—yeas 25, nays 13.

The clause as amended was agreed to.

On the 4th clause, sub-section C.

HON. MR. POWER—Does not the Minister think there should be some qualification as to the powers given in this sub-clause and the sub-clauses which follow? The object of the Bill is that a National Park and sanatorium should be set apart, and so on, and the second clause says the park shall be set apart as "a public park and pleasure ground for the benefit, advantage and enjoyment of the people of Canada." Here we have in these sub-clauses a set of provisions which indicate that the park is not to be used for these purposes at all. Under sub-clause C the Government proposes to lease for terms of years or sell parcels of land in the park, such parts as the Minister

deems advisable for the construction of buildings for ordinary habitation and purposes of trade and industry and so on. Then the next sub-clause provides for the working of mines for the development of mining interests, and the issuing of licenses or permits of occupation for such purposes within the park. The next sub-clause provides for trade and traffic of every description. The next clause provides for the preservation and protection of game and fish and for the pasturage of cattle and the management of lands. It seems to me that all these provisions are, on the face of them, inconsistent with the main object of the Bill, and I think there should be some provision to limit the powers of the minister in respect to all these matters. I doubt very much the wisdom of subsection C. The lands should only be leased for the purpose of erecting cottages and hotels, and the power of the Minister should be limited in some such way. It is a great pity that one of the largest deposits of anthracite coal in the North-West should happen to be within the limits of this park, and the Government should be careful how they allow those mines to be worked, for one can conceive nothing more opposed to the development of the picturesque in a region like that than the working of a coal mine. I am not familiar with the working of coal mines but I know sufficient of them to be aware that they do not render a district picturesque. Then the proposition to issue licenses for pasturage of cattle and for hay lands seems to be inconsistent with what one would suppose to be one of the main features of this park, that is the preservation of specimens of wild animals indigenous to that portion of the country. If we have all these industries going on and cattle ranches in operation, it is quite impossible that we should be able to preserve as we ought to, the wild animals of that region. Surely there is land enough throughout the North-West for cattle grazing without encroaching upon this comparatively small tract of country for that purpose, and I hope the Minister will see whether it be not possible to make such provisions as will limit the operation of those sub-sections to the greatest possible extent.

HON. MR. DICKEY—An objection has been made to this bill that the area reserved is too large, and now the objection is that it is so small that it should be entirely reserved as a place of recreation and a sanitorium. The two objections do not seem to run very well together, and I think a little consideration of the general scope and object of this bill will satisfy my hon. friend from Halifax, that there is no inconsistency whatever in regard to specifying a good many objects in connection with which the Government may make regulations. Take the subject of mines. Is it any objection to this reservation that it shall be found hereafter to contain valuable mines? For instance should there be gold or silver discovered there, which I venture to apprehend from a little knowledge of the district, is not at all improbable, why should it be objected that this gold or silver should be worked because it happened to be in a large reserve called by the name of a park? So far from that being the case, I think we all, as Canadians, should be delighted at such a thing being the case. Then take the most obnoxious of those mines —coal mines—these are all worked under ground, and the only erections that are seen at the mines are those above ground connected with the hoisting and despatching of the coal. Why should we object to a park covering such mines, and why should we object to the Government having power to so regulate the working and development of those mines that they shall not interfere with the other objects which are contemplated by this Bill? I do not see any inconsistency in it myself. If there is objection to having the mines developed, then that part of the park ought not to be reserved as a park at all. Surely the hon. gentleman does not propose that those treasures shall be locked up for all time to come merely because they happened to be within the limit of the park. Then take the preservation of wild animals. One of the provisions of this Bill is for the preservation and protection of game of every description, and it is not at all inconsistent that we should see a

portion of that park set apart for the preservation of that noble animal whose absence now from the plains has caused so much trouble among the poor Indians. I have seen myself in one part of the North-West—within twenty miles from the city of Winnipeg—a preserve of buffaloes, and why should there not be one in this park? No more fitting use could be made of a portion of it. Then the buildings referred to are necessary, not only for hotels, but for purposes connected with the sanitorium and residence for keepers and officers. At all events, they are for such purposes as are legitimate for a park like this, and still more legitimate for a work which combines so many objects. Therefore, I think we may well leave that in the hands of the Government. If the Minister of the Interior, and the Governor-in-Council upon his report, having taken the whole matter into consideration, make rules and regulations and submit them—because those regulations have to be submitted afterwards to Parliament for approval—there is no danger that they will do anything which will interfere with the purposes of the park, either as a place for recreation or a sanitorium. What more beautiful sight could there be in the recesses of the Rocky Mountains, on the eastern slope, where the warm Chinook winds and rich soil produce grasses that are succulent all the year round—than an immense ranch of the finer breeds of cattle. We do not know what the object or intention of the Government is in reference to that, but I can see no objection to it, and no visitor who attends the place could have any objection to it.

HON. MR. KAULBACH—Although I approve very much of what the hon. gentleman from Halifax has said, and what the hon. gentleman from Amherst has said, yet I think it is inconsistent with the objects of this Bill that any portion of the park should be absolutely disposed of. The Minister may make regulations, but to give the Government power to sell or lease any portion of the park seems to be inconsistent with the object of making the whole park open to the public.

HON. MR. GOWAN—The hon. members from Lunenburg and Halifax cannot fail to perceive that there is a preamble to this Act, and the Act must be read in connection with the preamble. It provides, "That whereas it is expedient in the public interest that a National Park and sanitorium should be set apart and established in the North-West Territories," and then proceeds to give the Governor-in-Council power to regulate all matters connected with it. It further provides that no regulation made shall be of any value except it be approved by the Governor-in-Council. Confidence must be reposed in some one to carry out the details of the management of the park, and confidence may be reposed in the Government that they will not exercise their power in a way that will act contrary to public benefit.

The clause was agreed to.

On Sub-Clause F,

HON. MR. HAYTHORNE—I would suggest that the preservation of birds be included in this paragraph.

HON. MR. ABBOTT—I think the suggestion is a very valuable one. I propose to insert it in this sub-section by saying "The preservation of game, fish and wild birds generally."

HON. MR. DEVER—I think from the tendency of the debate that we will change the whole scope and intention of this Bill. The name is already changed, and we will end up by calling it the Zoological Gardens.

The clause was agreed to.

On Sub-section 2,

HON. MR. VIDAL—I would like to call the attention of the Leader of the Government to a defect in this paragraph, which provides penalties for contravention of the Act. The penalty is an absolute three months imprisonment or the payment of $200. I can easily conceive a case in which a thoughtless young man would shoot a bird or an animal and for this offence against the Act, a magis-

trate must actually commit him for three months imprisonment. I think a trifling offence, for which a fine of three or four dollars should be imposed, should not necessitate a three months imprisonment.

HON. MR. ABBOTT—I think the suggestion is a good one, and I would move to strike out the words "three months" and after "imprisonment" on the same line insert "for not more than three months."

HON. MR. DICKEY—That is already provided for. The next clause says the Governor in Council may provide penalties. Of course there is no objection to making it more clear and it can be easily remedied by putting in the words "not exceeding three months."

The amendment was agreed to.

HON. MR. ABBOTT—With reference to section 5 I observe in the bill I hold in my hands provision is made that the rules and regulations shall be laid before Parliament within 15 days of the opening of the House. It was not in the first copy of the bill submitted to Parliament.

HON. MR. DICKEY—The suggestion has been made that a mere notice given in the *Canada Gazette* is insufficient, and it was intimated that probably some other publication will be required, but I think that ought to be authorized by the bill.

The clause reads in this way:

"Every regulation made as aforesaid and approved by the Governor in Council shall, after publication for four consecutive weeks in the *Canada Gazette*, have the like force and effect as if it were herein enacted."

I should propose to introduce these words after the word (Canada) *Gazette*:

"And in any other manner that may be provided from time to time by regulations made by the Governor in Council"

Then when there comes to be an Official Gazette in the North-West Territories, notice should be given through it, or large printed posters could be posted up at various places in the vicinity.

HON. MR. POWER—Where is the first regulation going to get its force? If this second advertisement is necessary to give force to the first regulation where is the first regulation which is prescribed to get its effect?

HON. MR. ABBOTT—If any other publication is required the regulation must contain the order that the regulations are to be published in such and such a place. If it contains none, then the publication in the *Canada Gazette* is sufficient.

HON. MR. POWER—Every regulation gets its force from being advertised, but as I understand it this amendment provides that the regulations shall be advertised in a certain way. Now where does the first one get its force?

HON. MR. ABBOTT—If the Governor in Council desires that there shall be publication otherwise than for four weeks in the *Canada Gazette* they can make a regulation that it shall be published also in some other way.

HON. MR. GOWAN—I am afraid it will be found embarrassing if it is to be published anywhere else than in the *Canada Gazette*. The statutes of the country are published in the *Gazette*, and I am afraid it will be attended with practical difficulty if any other publication is made necessary than in the official *Gazette*. The Government will secure all the publicity necessary to give effect to their regulations.

HON. MR. ABBOTT—It is not compulsory on the Government to make any further provision than is contained in the statute for the four weeks' publication in the *Gazette*. If they think it necessary, in the interest of the public, that there should be other publication, they will order it in the regulation itself.

HON. MR. POWER—Would it not be better to say that it shall be advertised in the *Canada Gazette* and in some paper published in the vicinity of the springs?

The clause was agreed to.

HON. MR. ABBOTT—I move an ad-

ditional clause to this effect: "Nothing in this Act contained shall affect the obligation of the Government (if any) arising out of the conditions of the acquisition of the North-West Territories."

HON. MR. POWER—That looks very reasonable and proper, but I have grave doubt about the wisdom of inserting it here, because after listening to the explanation given by the Leader of the House a moment ago, I am not satisfied that this provision is not capable of being abused. The Minister said a moment ago that the right of the Hudson Bay Company (if any) would not accrue until the Government had ordered surveys of this park to be made.

HON. MR. ABBOTT—Until the surveys are made.

HON. MR. POWER—As I understand it, the Hudson Bay Company would then be in a better position probably to claim that they were entitled to a portion of the property as it stood at the time the survey was made, with the improvements which the Government might put upon it between this and the time of making that survey. I doubt very much the wisdom of being so very careful of the interests of the Hudson Bay Company in this instance. It would be wise to adopt a provision that if the Company have any interest in this park the Government would furnish them with lands somewhere else equivalent in value to these lands in their natural state.

HON. MR. DEVER—Perhaps they would not accept them.

HON. MR. POWER—I am afraid there is a door open here for future difficulty. The public in dealing with these big corporations is always sure to suffer. We had an example of that not very long ago. It will be remembered by some hon. gentlemen that when the question of damages in the North-West was under consideration in this House, I called the attention of the leader of the Government to the fact that the Hudson Bay Company's claim for damages sustained in the North-West should not be listened to by the Government, on the ground that the Company had made a great deal more money out of the rebellion than they had suffered loss, as was shown by the fact that their stock had gone up very rapidly as a consequence of the difficulty in the North-West. The leader of the House at that time assured us that the Hudson Bay Company were not making any claim and were not going to make any claim, and that the alarm was groundless. Since then the Company have made claims, and have, I believe, received large sums of money on them. They have received infinitely more out of the rebellion than they have lost. The only way, if we touch this claim at all, is to legislate so that we shall not leave any door open for a recurrence of what took place on the occasion to which I have just referred. I would suggest to the Minister that at the third reading of the Bill he might insert a clause so worded as to put an end to any difficulty about this matter.

HON. MR. DICKEY—With regard to this particular clause—"Nothing in this Act contained shall affect the obligation of the Government (if any) arising out of the conditions of the North-West Territories"—the objection made by the hon. gentleman from Halifax is this, and his caution is a very proper one, that we should be careful in dealing with this matter. The question is whether we have not been as careful as it is possible to be, because he says this may be a recognition of an obligation existing before the land is surveyed. But the obligation arising out of the acquisition of the North-West Territory, does not arise until the survey is made, and the obligation is then and then alone, therefore this clause cannot by any possibility be construed as applying to anything until the obligation arises. If before the third reading it can be made more plain there can be no objection to it.

HON. MR. ABBOTT—The objection is not to the form of the amendment but to the principle upon which we are working. The difficulty undoubtedly exists, and it is a difficulty which arises out of a solemn contract to which the

faith of the country is pledged, and which we cannot possibly affect by any legislation we may adopt. The Company have undoubtedly a right to demand when that property is surveyed and subdivided, a certain proportion of the territory which is defined in the bargain, and we should be bound to give it to them in the condition in which it is; but the intention of the Government in making this reserve is not to survey and sub-divide this park in such a way as to give rise to any claim on the part of the Hudson Bay Company. In the meantime I can see no way of getting rid of that difficulty. If we went to the Company and asked to settle with them we might be forcing upon ourselves a claim which would be difficult to meet. The Dominion Government are making use of this property, which does not require a survey, and the probability is that as long as it remains a park the survey will not be required. We must not do anything to destroy the contract or to infringe upon any rights the Company may have. It would not be consistent with public faith; on the other hand there is no obligation on us moral or otherwise to make a sub division survey. Probably whatever Government may be in power when it is necessary to survey and subdivide the land, will come to some understanding with the Hudson Bay Company before doing so.

HON. MR. POWER—The hon. gentleman says it will be contrary to good morals to do anything that would invalidate or interfere with the contract that was made with the Hudson Bay Company, and then he proceeds to tell us that in order to get round that contract the Government do not propose to survey this property at all. That was not a moral proposition, to my mind. My proposition is this: that the Hudson Bay Company, being entitled to a certain portion of the lands out there in their native State, the Government should provide that instead of giving them a portion of this 260 square miles, they should take power to give them an equivalent of similar lands in the neighborhood.

THE SPEAKER—And supposing they did not take it?

HON. MR. ABBOTT—We cannot legislate that the Hudson Bay Company must take and shall take other lands, because we have contracted to give them certain pieces of land when the time comes for giving it to them, and we cannot invalidate that by saying they shall take other portions of land. We are not guilty of any breach of faith in reserving this land and avoiding the survey of it while it is used for the purposes of a park. There is no obligation expressed or implied that the Government shall proceed in any time whatever to survey the lands which the Company sold to this country. In fact the very idea of the transfer of this enormous territory, a large portion of it not fit for cultivation, implied that some portions of it would never be surveyed. The portion taken for this park is not suitable for the purposes of agriculture, and I do not think therefore that we could either legislate to compel the Hudson Bay Company to take other lands in place of those which we have contracted to give them, or that we are violating our contract with the Company in abstaining from subdividing and surveying the property.

HON. MR. ODELL—This claim of the Hudson Bay Co.'y is a contingent claim under a contract which the Government are bound to fulfil when the time comes to do so. It therefore seems to me if we omit this clause entirely we remain in the same position we now are. This clause gives the Hudson Bay Company no claim on the property that they do not now have; but it may induce them to think they have some claim, and they may turn their attention to it and push for some compensation. I do not see that it is at all necessary to insert this clause in the bill; it will not interfere with their claim if they have any, and it is for that reason the Government have determined to put in some provision which will protect the two clauses of the Act which seem to bear upon it—the second and third. The third clause, if it became law, would prevent the Hudson Bay Company from taking possession, and it is to avoid the possibility of such construction being put upon it, in justice to them, that the amendment was suggested.

HON. MR. HAYTHORNE — If I understood the hon. gentleman from Halifax, his object was to prevent the Hudson Bay Company at some future time from stepping into an unearned increment of value. If that can be prevented by taking precautions at the present time it would be a wise step. It also appears from some of the clauses of the Bill that the date when the surveys are to take place in whole or in part is not so remote as the Minister would lead us to believe, because we have already passed a clause in relation to the sale and leasing of lots. If there is a lease or sale, of course there must be a survey, and as soon as there is a survey the Hudson Bay Company will step in with their claims. If the Hudson Bay Company could be induced to accept terms now, before the value of the place is established, it would be much better than to leave the question open.

HON. MR. DEVER—It would be unwise on the part of the Government to lay out money until the property is surveyed. I do not see that we have any right to spend our money on a piece of ground that is in dispute; if the Hudson Bay Company have a right to any portion of this land they must get it, but they should have it in its primitive state. They certainly should not have it after we lay out large sums of money on it in the way of improvements, and I would suggest that the Government should have the land surveyed and bring the question up at once as to whether the Hudson Bay Company have any legal title to it or not. This land will become national property and it will be known all over the world, and it will be a very difficult matter to settle with the Company in future. Therefore, I think it is advisable that something should be done to remove any possible claim before a considerable amount of money is expended upon the property.

HON. MR. GOWAN—If the bill passed in its present shape it might bear the construction that the Parliament of Canada were disposed to interfere with the rights vested in the Hudson Bay Company, which would not be a desirable view to present to the public. Therefore it might possibly interfere with the permanence of the Act because if it represented on its face that it interfered with the rights of the Hudson Bay Company it would probably be disallowed. I cannot conceive of language more accurate or more clear than the clause before us. It guards the rights of the Company, (if any), and I cannot see how it is possible to nse terms more explicit. I think the hon. gentleman from Halifax rather begs the question by saying that the Government are getting around this contract by a side wind, inasmuch as he presupposes it is the duty of the Government to act at once in the way of surveying land. Once he assumes that and begs the question, thinking the Government are bound to make the survey, the force of his remarks is greatly weakened.

The amendment was agreed to on a division.

HON. MR. PELLETIER, from the Committee, reported the Bill with amendments.

The amendments were concurred in, and the Bill was ordered for third reading to-morrow.

The Senate adjourned at 10:50 p.m.

THE SENATE,

Ottawa, Thursday, May 26th, 1887.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

DEFENCES OF THE WESTERN COASTS OF THE DOMINION.

INQUIRY.

HON. MR. MACDONALD (B.C.) inquired

Has the Imperial Government promised to furnish guns or to assist in any way to-

wards the defences of the Western Coast of the Dominion, and is it the intention of the Government to commence operations this year on the said defences?

He said:—Some time ago I moved for papers in connection with the coast defences of British Columbia, and the reply of the Government was that there were no papers on file. I see, however, in the report of the Commission sent out to British Columbia that last year reference is made to some papers, and there must be some correspondence somewhere, and it is to know what is going to be done in the matter that I placed this notice on the paper.

HON. MR. ABBOTT—In answer to my hon. friend, I may say that there has been a proposal made by the Imperial Government to furnish an armament at a cost of £25,000 upon Canada providing the works &c. An officer has been sent out by the Imperial Government to examine the ground and to prepare plans and report, and his report is understood to be before the Imperial Government but it has not been received here, and until then no further steps can be taken.

NAVIGATION OF THE FRASER RIVER.

INQUIRY.

HON. MR. McINNES (B. C.) inquired—

Is it the intention of the Government to allow the Snagboat "Sampson" to be used—for a few days each winter—in keeping the first twenty-five miles of the Fraser River free from floating ice.

He said:—Some four years ago a snag boat was built for the special purpose of removing obstructions, especially snags or large trees, which frequently grounded in the shallower portions of the Fraser River. Those trees, some of them over 200 feet in length, with huge roots, once they grounded soon formed sandbars and even islands, which not only impede the navigation, but prove highly dangerous to steamers and other crafts plying up and down that noble river, especially at night. This boat was built of the best quality of Douglas pine, which wood is equal in strength to the best Canadian oak and is exceptionally strong. Two years ago she was plated with half inch iron all along her water-line, and, in my opinion, she is well suited to break up any ice that ever formed in the lower Fraser. In February, 1886, and also last winter, the Board of Trade of the City of New Westminster, and the City Council also, applied to the Minister of Marine and Fisheries for the use of this snagboat for the purpose of plying up and down from New Westminster to the mouth of the Fraser in order to break up the ice floes that formed in the interior and were carried down with the current. The people of New Westminster are of opinion, and I confidently endorse their opinion, that if this steamer made a trip to the Sandheads and back each day during our coldest weather—which never lasts more than a week or two—this magnificent river—second only to the St. Lawrence in the Dominion—would be kept open for navigation every day and hour in the year. The substance of the reply received from the Minister was that the request could not be granted, for if they granted it in this case, similar demands would be made by people living on other navigable streams similarly situated. The reply was not a satisfactory one, inasmuch as there is not to my knowledge a river in the Dominion where it is possible to keep the navigation open during the whole year, except the Fraser. Last year the people and City Council of New Westminster subscribed on and expended $300 or $400 to cutting up the ice to enable vessels to reach our city and these were successful; but we think as we have a vessel lying idle there during the winter months, fully manned and with all the machinery and appliances for this kind of work, at a trifling cost, this grievance would be effectually removed and a great boon conferred on the city and district of New Westminster. I hope that the Government will see their way towards placing this snag boat in charge of Mr. Ackman, Dominion Land agent at New Westminster, and that she will be used for the purpose I have mentioned next season, or whenever necessity demands.

HON. MR. KAULBACH—I would ask my hon. friend if there is any traffic

on that part of the river in the winter time where he asks to have the snag boat used?

HON. MR. MCINNES (B. C.)— Yes, and I will endeavor to show that in the inquiry that is to follow on our order paper.

HON. MR. ABBOTT—I regret very much, for the reason which I am about to state, that it is impracticable to use the snag boat "Sampson" for the purpose described by my hon. friend. The answer I have to make to his question, is that several applications have been made to have the "Sampson" used in working amongst the ice in the lower portion of the Fraser; but they have always been necessarily refused, as the boat in question was not built for the purpose, nor is it suitable for it.

HON. MR. MCINNES (B.C.)—I am surprised to hear that the Minister of Marine reports that the boat is not suitable for the purpose I have alluded to. There is no ice formed in the Lower Fraser thicker than two or three inches, and a daily trip up and down the river for about eight miles would be quite sufficient to break it up as it was forming, and would not injure the boat in the least.

NAVIGATION OF THE FRASER RIVER.

INQUIRY.

HON. MR. MCINNES (B.C.) inquired,

Is it the intention of the Government to place in the Supplementary Estimates a sufficient sum for the purpose of improving the navigation of the mouth of the Fraser River, so as to enable vessels drawing from eighteen to twenty feet of water to navigate the Lower Fraser at all stages of the tide and at all seasons of the year?

He said:—The tides at the mouth of the Fraser River average between 12 or 13 feet. The mouth of the Fraser is very wide, and there is a large number of sand bars, and during the summer freshets the main channel changes very materially so that the officers of the Department of Marine and Fisheries have found it almost impossible to keep the buoys along the edge of the navigable channel sufficiently accurate to enable vessels to enter that river during ebb tide. The average depth over the sandheads during ebb tide is about 9 feet, and at flood tide over 20 feet. Her Majesty's vessels, though drawing some 18 or 19 feet of water, have without accident gone over these sandheads, and have ascended the Fraser River over thirty miles. Last year an appropriation of $8,000 was placed in the Estimates for the improvement of the navigation of the mouth of the Fraser by trying to confine the water and make a permanent channel. The means adopted to do so, I think, will be successful if only persisted in, and a sufficient sum of money is expended for that desirable purpose. Huge rafts of from 100 to 150 feet in length are formed with cross-timbers placed close together and loaded down with stones and sand until they sink. By sinking cribs of this kind in a continuous straight line on each side of the channel, sand bars or banks will form immediately around them, and by that means the existing depth of water nearly doubled. Eight thousan dollars was expended last year on this work, and a further sum of $10,000 is placed in the estimates for this year. That is quite satisfactory, as far as it goes, but it does not go far enough. Instead of $10,000 there should have been $50,000 placed in the Estimates, for it will take that amount to complete the work, and the quicker it is done the less it will cost, inasmuch as a large amount of the work is destroyed by the heavy freshets if it is to be done piecemeal, and it will extend over several years. If $50,000 are expended for that purpose I have no hesitation in saying that I believe the result will be highly satisfactory and that a permamen channel will be formed which will enable vessels drawing from 18 to 20 feet of water to ascend the Fraser River at all seasons and at all stages of the tide. New Westminster, which is the second place of importance in the Province, according to the Trade and Navigation Returns, stands the 17th as a revenue producer on the list of ports in the Dominion of Canada. During the years 1882, 1883-84-85, that port contributed $273,

620.00 in customs duties alone, or an average during those four years of $68,405.00. In Ontario I find that there are only 9 ports which contribute a larger revenue than New Westminster; in Quebec only two; in Nova Scotia only two; (Yarmouth and Halifax.) In New Brunswick two; Manitoba one; Prince Edward Island one, and in British Columbia one, (Victoria), so that the money asked for would be well spent if this work was proceeded with in the manner which I have indicated. New Westminster City is situated in the Queen district of the Province.—the best agricultural district of British Columbia, and the principal lumbering region of the Province. It is the headquarters of the great salmon canning establishments of the Pacific Province, and is becoming quite a manufacturing centre. We are now connected with the Canadian Pacific Railway by railway, and instead of any probability of the revenue falling off, I think the chances are it will be greatly increased. Another reason why I urge this important work should be completed as soon as possible is that it will enable the largest ocean going vessels to enter a fresh water port. And as many of you are aware there is nothing does ocean going vessels more good than getting into fresh water for a few days to get rid of barnacles and othe r excrescences that impede their speed and otherwise prove injurious. Experienced ocean-going captains have told me that it is almost as good as a new coat of paint on a ship's bottom.

HON. MR. ABBOTT—I regret that I am unable to follow my hon. friend in the details of the work which he thinks should be done in the Fraser River, but I am able to assure him that the Government takes a great interest in improving this navigation, and desires to place it in the best possible form, for the access of ocean vessels. During the past year the works for improving the navigation of the mouth of the Fraser were commenced, and a sum has been placed in the Estimates for continuing the work during the next fiscal year.

HON. MR. KAULBACH—I am sorry that my hon. friend from New Westminster has withdrawn his attention from Prot Moody, which I am sure requries no crib work or dredging to improve its harbor. The navigation there is perfect. It is the great terminus of the Canadian Pacific Railway, and it seems to me it is almost a waste of money to expend money on the Fraser, when Port Moody must in time take all the trade of the province, which my hon. friend now says must go to New Westminster.

BILLS INTRODUCED.

Bill (12) "An Act to Revive and Amend the Act to Incorporate the St. Gabriel Levee & Railway Company." (Mr. Ogilvie).

Bill (27) "An Act respecting the Ontario & Quebec Railway Company." (Mr. McKindsey).

BANFF NATIONAL PARK BILL.

THIRD READING.

HON. MR. ABBOTT moved the third reading of Bill (16) "An Act respecting the Banff National Park."

He said:—There is a small addition I wish to make to this Bill, to give it a short title by which it can be cited. It will be of some importance when we consider the number of rules, regulations and proceedings which will have to be taken into connection with it. I wish also to make a verbal alteration in one of the amendments made yesterday, and with the permission of the House I will move that the Bill be not now read the third time, but that it be referred back to the Committee of the Whole House for further amendment. The addition I desire to make is that this Act may be cited as the "Rocky Mountains Park Act, 1887."

The House resolved itself into a Committee of the Whole on the Bill.

HON. MR. PELLETIER, from the Committee, reported the Bill with certain amendments.

The amendments were concurred in, and the Bill was read the third time and passed.

REPRESENTATION OF THE NORTH-WEST TERRITORIES IN THE SENATE BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (17) "An Act respecting the Representation of the North-West Territories in the Senate."

In the Committee, on the 1st clause.

HON. MR. DICKEY—I should like to ask my hon. friend if his attention has been directed to this Bill as it was at first introduced by the Premier in another place? My reason for asking that question is that the Bill as now before us is a clause containing only a few words, and it leaves out all the subsequent part of the clause in the Bill as originally introduced. Those provisions I apprehend are important at all events, if they are not indispensible, and I hope my hon. friend will explain why they are not considered necessary. The words left out are:—

And the provisions of sections twenty-three, twenty-four, twenty-nine, thirty, thirty-one, thirty-two, thirty-three and thirty-four of "*The British North America Act*, 1867," shall, except in so far as they are applicable only to any separate Province therein mentioned, apply to the Senators to be appointed under this Act.

The reason for this being added to the Bill appears to be very obvious. By a section of the British North America Act power is given to the Government to appoint Senators for the North-West Territories, and it is proposed by this Bill to exercise that power; but if we pass the Bill in its present form there is no reference whatever to the power under which the appointments are to be made, and there is no statement in it that the appointments when made are to be subject to the British North America Act of 1867, or to any particular sections or portions of that Act. But according to the Bill as originally introduced they were so made applicable, as the House will remember. On referring to those sections I find that they chiefly relate to the qualifications of members, a most important point, to the tenure of the office which they are to hold, and to the manner in which vacancies shall be held to occur, and shall be filled up etc. I think it is very proper indeed; otherwise we have merely a naked enactment that there shall be two Senators appointed, without saying how they are to be appointed, by what authority, or in what way they are to be subject as to qualification, as to tenure of office, and as to the vacation of their positions as Senators in any way. Nor is it stated that the appointments are to be made under the authority of the British North America Act. I take it for granted that this very important point has been well considered, and before those parts of the section as introduced were struck out there must have been some reason given for so doing. The reasons are not apparent to my own mind, and I call the attention of the leader of the House to the matter as it is one of extreme importance, for otherwise when we come to put this Act into operation it will be found necessary to have further legislation to give it effect. This can be done now by stating that such senators shall be subject to all the provisions applicable to senators in so far as they can be applicable to persons to be appointed; or the sections may be specially mentioned as they are mentioned in the original bill, which would perhaps be the better way. I do not see that there are any other sections that are necessary to incorporate in this Act. I feel it my duty, as it is an important matter, and specially affects this House, to call the attention of the leader to the matter.

HON. MR. ABBOTT—As my hon. friend from Amherst has correctly stated, there were certain provisions in this Bill as introduced in the lower House, which professed to make the position of those Senators to be appointed under the Bill come under the provisions of the British North American Act. There was a considerable amount of discussion upon it there, and after very careful consideration of the reasons given for not inserting in the Bill such provisions, it was considered best to leave them out. The reasons, as I understand them, for doing so were something like the follow-

ing: The Senate holds its position and its powers, and the members of the Senate hold their position and their powers under the provisions of the British North America Act—that is to say, under the authority of the Imperial Parliament. The provisions under which the Imperial Parliament thought fit to grant this kind of representation in this Dominion are contained in the Act, and most of those provisions apply to Senators generally—not confined to any particular number of Senators, but to the Senate and to members of that body. For instance, it is said there shall be one Parliament in Canada, consisting of the Queen, an Upper House, styled the Senate, and the House of Commons. The Senate shall, subject to the provisions of this Act, be composed of so many members, who shall be styled Senators. Then there is a provision in another Act passed by Parliament increasing that number, and justifying the appointment of those two Senators. There is a provision in the Act as to how the Senators shall be appointed. It is said they shall be appointed by the Governor-in-Council.

HON. MR. POWER—By the Queen.

HON. MR. ABBOTT—By the Governor-General, and subject to the provisions of this Act every person so summoned shall become and be a Senator. The duties, powers and privileges of the Senate and its members are therefore defined in the British North America Act; and it was argued, and I think with some force, that it is not for this Parliament to attempt to define those powers, duties or privileges since they stand of record in the Constitution given us by the Imperial Parliament. It would seem, therefore, that there is great force in the argument used in another place at the introduction of this Bill, that we are required to do no more than to make a declaration that there shall be two more Senators, namely, for the North-West Territories, and that brings into force the whole of the provisions of the Constitution, the Act of 1867, with reference to the Senate. That is the theory upon which the clause referred to by the honourable gentleman from Amherst, was left out in the Lower House, and I am glad to have the opportunity of offering this explanation for the consideration of this House as it carries conviction to my mind, and it was satisfactory to the House through which the Bill has passed. There is one respect, however, in which the language of the British North America Act does not quite cover all that is to be desired in the legislation about those two Senators. The British North America Act in describing the qualification of Senators refers only to provinces. In section 23 it is said that the qualification of a Senator shall be as follows: First he shall be of the age of 30; he shall be either a natural born subject of the Queen, or a subject of the Queen naturalized by an Act of the Parliament of Great Britain or of the Legislature of one of the Provinces, etc.; he shall be legally or equitably seized as of freehold, for his own use or benefit, of lands or tenements held in free or common socage within the province for which he is appointed. And again in the 5th sub-section of that clause it says he shall be a resident of the province for which he is appointed. At that time it is evident that Senators from the territories were not contemplated, and the operation of this clause would not in my opinion be such as to render it necessary for a Senator appointed under the Act now before us to possess those two qualifications—that is, that he should reside in the territories for which he is appointed, and that he should have property in them to the amount of $4,000. It is certainly expedient that, as regards qualification, Senators for the North-West should be on the some footing as Senators from the other parts of the Dominion. When I proposed the second reading of the Bill I expressed my intention of moving an amendment to settle this question of qualification, and this is the amendment which I intend to propose. It is based upon the principle that, while we cannot alter the constitution, we can prescribe to our own Government some of the conditions which are to govern their selection of a Senator, and the phraseology of it is as follows:—

"No person shall be appointed a Senator under this Act unless he shall possess the

qualifications provided for by Section 23 of the British North America Act, 1867, and for the purposes of this Act the word Province wherever it is used in the said section shall be considered to mean the North-West Territories."

The effect of this is that it will be out of the power of the Government to appoint a Senator who does not possess these two qualifications. I move this amendment as clause 2 of the Bill.

HON. MR. POWER—I do not rise for the purpose of questioning the law of the Leader of the Government. I think his law is perfectly good, but it appears to me that inasmuch as it is apparent from the argument of the hon. gentleman that the provisions of the British North America Act do not apply as a whole to the North-West Territories, or to the senators to be appointed for the North-West Territories, and as the conclusion which the hon. gentleman states was reached in the other branch of Parliament was reached only after a good deal of discussion and considerable difference of opinion, and as he proposes now to amend the Bill in the manner set out in the amendment in your hands, it might be well I think—at all events it can do no harm—if the hon. gentleman added to his amendment some general provision to the effect that so far as applicable the provisions of the British North America Act with respect to senators should apply to the senators to be appointed under this Act. It can do no harm, and if it should happen that the view taken at first by the Government on the question, should ultimately be found to be the correct one, then no difficulty can arise. As a matter of caution the hon. gentleman can see that it would be as well to add some general words of that kind to the amendment which he has submitted to the House.

HON. MR. DICKEY—I understood from my hon. friend that a discussion had taken place in this matter in another place, but it has not come under my notice. I understood him also to say that the reasons given for the alteration of the bill, which omitted all reference to the British North America Act, appear to be irresistible. At the same time I think my hon. friend has given the best proof of the wisdom of the suggestion which I made, in the amendment which he has offered for our acceptance now. That amendment runs exactly in the same direction as the first reference which is made here in the bill as it was originally brought in—that is, the reference to the qualifications of a Senator. But we have had no suggestion that it is intended to say anything as to the other provisions which refer to all senators, such for instance as the tenure of office and so on, and the mode that he has of resigning that office, how vacancies shall occur and under what circumstances. For instance, the loss of property if he should become bankrupt and so on. Then what is to be done when a vacancy occurs and who are to determine the questions of qualification, or vacancy, as the case may be, and all cognate questions. Therefore I think my hon. friend would do well to take into consideration the suggestion made not only by myself but by the hon. gentleman from Halifax, that in legislating in a matter which peculiarly affects this House and on which it is desirable to relieve this House of any doubt which may hereafter come before them, now is the time to settle this question so that we may never have any doubt about the position of any gentleman who comes here as a Senator. I think it is due to those who are to be appointed to be placed in the same position we occupy here. We hold our position by authority of the British North America Act, 1867, and I would be pleased if an amendment could be made by which those persons would also be brought directly under the authority and protection of that Act. I think they are entitled to it, and I think the House, in passing upon this Bill to give authority to appoint two Senators for the North-West Territories, should see that such protection is thrown around this legislation as will provide not only for the qualification which has been suggested, but also for other points referred to in the Act as applicable to those Senators as well as to all Senators, because it is quite evident if a man loses that qualification—if instead of holding $4,000 he holds nothing—there should be a mode of vacating his seat and appointing a successor, or if he

desires to resign that he should have the right to do so. We are reduced to this dilemma: either the Bill as it was introduced, without this amendment, is sufficient, or if we are to make an amendment we should provide for all the cases which should be provided for as to future contingencies. Therefore, I beg to suggest that we should have some general provision such as has been referred to, whereby all the provisions in the British North America Act of 1867 which are applicable to Senators should be made applicable to those Senators appointed from the Territories. I am quite sure my hon. friend can frame a clause that will relieve us of any embarrassment on this point. If it is ever to be done, now is the time to do it, and not wait until the question arises as to the mode of appointment, the tenure of office, the mode of getting rid of it, etc. I hope my hon. friend will, before the Bill comes to a final reading, apply his mind to it and give us such a provision which, I am sure, will make the Bill a very much better one than it is in its bald aspect now. The principle has been approved so far by the amendment which has been carried.

HON. MR. GOWAN—It occurs to me that this is very analagous to a proceeding dealing with an existing tribunal. For example if to the ordinary courts of justice one or more judges were added, it would be quite sufficient to say that they were added to the existing court, and all the rules and privileges belonging to members of that court would follow as a matter of course. This Bill dealing with a branch of the Legislature—the Senate—increasing the number of members composing it, certainly carries with it all the powers and privileges which belong to Senators generally, under the British North America Act. I think the last clause is desirable, having regard to the fact that the term "provinces" is used in the Act, and this applies to a condition of things which did not exist at the time that Act was framed.

HON. MR. TURNER—When the North-West Representation Bill was before this House a year ago, in congratulating the Government on taking a step in the right direction, I objected to what I could not but consider mistakes of omission. One was that there was no provision for the appointment of Senators in the Bill, and the other that while only one member was provided for in Alberta, I thought in the interest of the country, there ought to have been two, and that Alberta should have been divided into two ridings—north and south. I foreshadowed then what the result would be. I claimed that the member would be elected not upon a political or any special issue, but simply for local considerations, and all would depend upon whether the north or the south had the largest number of inhabitants, which locality would return the member. The representative has been elected, as I anticipated, for what I call the south riding, and I think very properly so, because the only representative we have in the Commons for the great ranching districts of the North-West is that member. But north Alberta has got peculiarities of soil and situation which make it a very important position. I look upon the Edmonton District as the gateway to Athabasca, and one day no doubt it will be something as Winnipeg now is to the North-West—the key to the future North-West of the North-West. So far as north Alberta is concerned it has within its limits the head of the navigation of and is watered by perhaps the finest river in the North-West, the North Saskatchewan, and is bound to be an attractive place of settlement for men of limited means. There is a great risk in bringing a large number of emigrants of limited means to this country and placing them on our prairies where their means might be exhausted in building a house, digging a well, and getting fuel, all of which will have to be paid for; the North Saskatchewan is peculiarly suitable for such settlers. On the southern exposure of the river there is the prairie, on the northern exposure abundance of timber. My object in making these remarks is to show the importance of this riding. The whole of the Edmonton district is a bed of coal. It crops out everywhere and iron abounds, and even gold is found in paying quantities. But the special advantage is that a member coming from North Alberta, will not only represent Alberta, but also

Athabaska. The finest land and most important part of the North-West is on a line drawn say from Regina through Edmonton and the Peace and Athabaska River districts, which will probably be the Railway route of the future, going through Yellow Head Pass. What I wish to impress upon the Government now is that it is exceedingly desirable that they should take into consideration the peculiar interests to be developed in this district, and the claims of North Alberta when appointing Senators for the North-West.

HON. MR. KAULBACH—My hon. friend has rather diverted us from the discussion of the subject before the House. I agree with the hon. gentleman from Halifax and the hon. gentleman from Amherst, that the bill as it stands is not sufficient to bring the senators to be appointed for the North-West under the operation of the British North America Act. It is contended very forcibly by the hon. gentleman from Amherst that in order to prevent any doubt as regards the other provisions—the age, qualification and disqualification of members that may hereafter arise, it would be better to put it beyond all question by adopting the suggestion that has been made.

HON. MR. POWER—I wish to call the attention of the leader of the House to two or three facts in connection with this bill, to which, perhaps, he has not directed his attention particularly. The hon. gentleman will see that the provisions in the British North America Act do not contemplate the appointment of any senators from territories or from the North-West. All the provisions contained in the sections from twenty-one down to thirty-six refer to a Senate composed of seventy-two members which may be increased to a number not exceeding 78, which Senate shall be divided into three divisions, representing Ontario, Quebec and the Maritime Provinces. Then there is a provision that should Newfoundland and Prince Edward Island come into the Confederation they shall be considered as forming part of the Maritime Provinces; but the Act does not contemplate any North-West Senators. Of course one may be told that the 146th section does contemplate the admission of other colonies and the appointment of Senators to represent those colonies. The 146th section provides that the Queen may, with the advice of Her Majesty's Most Honorable Privy Council, on addresses from the Houses of the Parliament of Canada and from the Houses of the respective Legislatures of the Colonies, the Provinces of Newfoundland, Prince Edward Island and British Columbia, admit those Colonies or Provinces, or any of them, into the Union, "and on address from the Houses of the Parliament of Canada to admit Rupert's Land and the North-West Territories, or either of them, into the Union on such terms and conditions, in each case as are in the addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act." I do not think that in the Address under which the North-West Territories and Rupert's Land came into Canada there was any provision as to the Senate. I may be mistaken, but I do not think so, in saying that the British North America Act does not seem to make any express provision which refers to any Senators from the North-West, and does not contemplate the appointment of Senators from that part of the country. Then, as I understand it, the only other Imperial enactment which bears directly upon this question is Cap. 28 in the Imperial Act, 34 and 35 Vic., passed on the 29th June, 1871. The second section of that Act says:

"The Parliament of Canada may from time to time establish new Provinces in any Territories forming for the time being part of the Dominion of Canada, but not included in any Province thereof, and may at the time of such establishment, make provision for the constitution and administration of any such Province, and for the passing of laws for the peace, order and good government of such Province, and for its representation in the said Parliament."

I think a reasonable interpretation of that section would be that the Parliament of Canada, if it were admitting those territories as Provinces, would have the right to provide as the Parliament of Canada pleases for the representation of the new provinces both in the House of Commons and in the Senate. That is

only a probable view. It may be that view is not the correct one ; still I think the language is capable of that construction. There is not any power, as far as I can see, in this Act, any more than in the British North America Act, for admitting the territories to representation or giving a territory representation in the Senate. That I think is done under the Act of last year, and I am not aware that that Act made any provision as to members of the Senate from the North-West. It seems to me there is some reasonable doubt as to whether the provisions of the British North America Act, would, as a matter of course, apply to senators to be appointed to represent the North-West Territories; and, as I have already stated, as the Leader of the House thinks it necessary to make one amendment in this Bill, it can do no harm to add a general provision that the other provisions of the British North America Act respecting members of the Senate, so far as practicable, shall apply to members of the Senate appointed under the authority of this Act.

HON. MR. SCOTT—On general principles I should prefer leaving the Bill as it is. The authority for the introduction of this Bill was given to this Parliament last session. The particular clause which bears on it reads in this way :—

"The Parliament of Canada may, from time to time, make provision for the representation in the Senate and House of Commons of Canada, or in either of them, of any territories which for the time being form part of the Dominion of Canada, but are not included in any province thereof."

I think we have no power whatever to define that any particular clause of the British North America Act shall apply to representation in this House or in the House of Commons. We have power to name senators, and the moment we name senators they become subject to the provisions of the British North America Act. The objection I have to the proposed amendment is, that if it is necessary to introduce certain clauses then it might with equally forcible logic be urged why not apply all ? That seems to be the natural sequence, but in my judgment we have no right to define what clauses shall apply. The senator appointed must be appointed with the qualifications of a senator, and those qualifications are defined not for any particular province but for all, except for Quebec, and that stands out alone in having residence and qualification. My own opinion is that it would be infinitely safer not to make any amendment. The Government appoint senators. They can only appoint as a senator a gentleman who is qualified in the ordinary way as a senator from any other province—he must have a property qualification, and must be subject to all the incidents of the British North America Act. All the clauses apply that are applicable, and I think that will be the true interpretation if this question comes before any tribunal.

HON. MR. POWER—Why not say that ?

HON. MR. SCOTT—I do not think we should. I do not think we should say surplusage. Under the authority of the Act of the Imperial Parliament passed last year we should define the number of Senators who shall represent the North-West, and the moment we do that all the incidents of the British North America Act will follow. If any amendments are to be made, then I think you have to say that all the clauses of the British North America Act relating to the appointment of Senators in other Provinces except the Province of Quebec shall apply.

HON. MR. ABBOTT—I do not feel like giving very much weight to the argument that putting in a clause of this kind will not do any harm and therefore we ought to put it in. We should not be governed altogether by a consideration of that description. It seems to me the real question for this House is, is this provided for by the existing law or is it not ? Are all those provisions, to which my hon. friend from Amherst has referred, actually contained in the British North America Act, and do they apply to those two Senators or do they not ? This is the first question I think that we ought to answer for ourselves. If we consider that it is clear they do apply, then we would not be making proper legislation if we put in a blanket clause in addition, more

especially as we are dealing with an Act passed by a superior power, and not with an Act passed by our own Parliament. It seems to me, therefore, that the first question to which we might reasonably address ourselves is this: do those clauses apply to those two Senators, or do they not? I hope I may be pardoned if I take a little time, though not very much, in endeavoring to show that they do apply beyond all possibility of doubt, and the only reason why any amendment at all is required is because the phraseology of one of those clauses which, otherwise, undoubtedly does apply, is not in itself clear. My hon. friend from Ottawa says the word "Territories" and the word "Provinces" are practically the same. In one sense they are practically the same, but there is certainly an ambiguity in leaving the definition of the qualification of a senator for a territory to be decided by what shall be the qualification of a senator for a province. There is an undoubted ambiguity there, and as there is an undoubted ambiguity we should make it clear. But where there is no ambiguity I really think we ought not to legislate. The British North America Act of 1867 provides for the admission of the Territories in a general way, but it does so subject to the provisions of the constitution. It says so expressly. The 146th clause provides that it shall be lawful for the Queen, by and with the advice of Her Majesty's Privy Council,

> "To admit Rupert's Land and the North-West Territories, or either of them, into the Union on such terms and conditions in each case as are in the addresses expressed, and as the Queen thinks fit to approve, subject to the provisions of this Act."

That is the initiative legislation on the subject of the admission of the Territories. The Act itself makes two kinds of provisions—one kind of provisions that are applicable to special senators; the other kind of provisions that are applicable to all senators, and there is no possibility of construing this clause in any other way. It makes provisions for the senators of the provinces—Quebec and the other provinces, then forming part of the Union and incorporated together under this Act. Senators from Quebec had one qualification; senators from other provinces had another qualification. Then having disposed of that question, what shall be the qualification of a senator from the different provinces, the law goes on to make general provisions with respect to the Senate. It says: "The Governor-General shall summon such and such persons to the Senate;" then afterwards the Governor-General appoints the senators without description or limitation; the number of senators at any time shall not exceed seventy-eight; a senator shall, subject to the provisions of the Act, hold his place in the Senate for life. Then section 30 provides for the resignation of a senator. That applies to all senators without any distinction. Section 31 provides how otherwise the place of the senator shall become vacant, and describes it without reference to province or territory. Section 32 provides how the vacancy is to be filled. Section 33 says: "If any question arises respecting the qualification of a Senator or a vacancy in the Senate, the same shall be heard and determined by the Senate," and so on. All of the provisions respecting this House, and respecting its members, are absolutely and unqualifiedly general except those which prescribe the qualification of members of one of the provinces which then constituted the confederation and the number of Senators in the House. These two are the only two that are in any respect specially applicable only to certain Senators. In every other respect every syllable of this legislation is applicable to every Senator in this House and every Senator who may hereafter come into this House. My hon. friend from Halifax spoke of the Act of 1871. That Act has not, I think, very much bearing on this particular case, but my hon. friend did not speak of the Imperial Act of 1886.

HON. MR. POWER—I had not that Act before me at the time.

HON. MR. ABBOTT—My hon. friend would have considered it important if he had examined it. This Act simply provides for an increase of the members of the Senate as representing the Territories, and it says "this Act and the British North America Act of 1867 and

the British North America Act of 1871 shall be construed together, and may be cited together as the British North America Act 1867 to 1886." This Act provides that the Parliament of Canada may make provision for the representation of any territory in the Senate and House of Commons. The sub-section to Clause 2 says:—

"And the number of Senators, or the number of members of House of Commons specified in the last mentioned Act, is increased by the number of Senators or of members, as the case may be, provided by any such Act of the Parliament of Canada for the representation of any provinces or territories of Canada."

So that this Imperial Act simply provides for the Parliament increasing the number of Senators or members of the Commons by a certain number representing the Territories. It says nothing more than that. Then it says, subject to that, having thus increased the number, this Act and the Act of 1871 and the Act of 1886 shall all be read together and shall all be construed together, so that in point of fact we are placed exactly in the position as if the Act of 1867 had provided for seventy-eight Senators, so many for each province, and two more to represent the territories. Such being the case it is perfectly clear that so far as the British North America Act of 1867 is by its terms applicable to senators generally, it is applicable to those Senators. The only point that comes up is this: the exact language of the constitution does not comprise territories. It refers only to provinces. It says "the qualification in the other provinces shall be as follows, etc." All we propose to do by this Act is what my hon. friend opposite thinks is sufficiently done already. We propose to make it sure that the word territories and the word provinces shall have the same meaning, and I think that is all that is necessary to be done in order to make the Act absolutely effectual in every respect. As to qualification, appointment, removal, supplying the vacancies, and all these things, they are amply provided for by the Act under authority of which those Senators are appointed.

HON. MR. SCOTT—There is another point which may be worthy of notice. That clause in the Imperial Act of 1886 of course refers to representation in both Houses, the Senate and the House of Commons. In pursuance of that clause, Parliament, during the last session, made provision for the representation in the House of Commons by members from the North-West Territories. That Act is perfectly silent as to who shall be members of the House of Commons. They have rested on the presumption that when authority was given to the various territories in the North-West to be represented by members elect that all the incidents of a member of the House of Commons followed as a matter of course. They did not define that a member must be twenty-one years of age; that he must be a British born subject, or have certain other qualifications. If my hon. friend looks over the Act of 1886 respecting representation in the House of Commons, he will find it perfectly silent on those subjects. It simply provides for the election of members, and brings into harmony the mode of election of members in the North-West with that for the election of members in the other Provinces—purely the machinery that was, under former legislation, applicable to members from the rest of the Dominion. Now if it was in any sense peculiar the taking of power by the House of Commons to be represented by a member in the way it is urged here, if the qualification of Senators is to be defined they should have gone on and defined in accordance with the general law what the qualification of a member of the House of Commons should be. I have looked over the Act in a hasty way and cannot find the simplest reference as to what the qualifications of a member of the House of Commons shall be under the Act of last session as framed for the North-West Territory, making it clear that Parliament, last year at all events, thought that when they had made provisions for the election of persons to represent the territories in the House of Commons that all the incidents followed at once from the power that was given to elect a member. He must be just such a person as under our constitution then existing could be elected in any one of the provinces.

HON. MR. KAULBACH—I can only say that the leaders on both sides of the House have made it clear that the amendment which the leader of the Government proposes is perfect in every respect with regard to qualification.

HON. MR. POWER—It is only fair to myself to say that I had not before me and I had not recently read the Imperial Act passed last year. That Act does certainly alter the case considerably, as has been said by the Leader of the House, and, in the absence of any other enactment by this Parliament the rule is as stated by the Leader of the House and the Leader of the Opposition. But supposing the Parliament of Canada thought that the qualification was too high—that out in the North-West Territories it was not necessary that the property qualification of a senator should be as high as it is here.

HON. MR. SCOTT—I don't think they could change it.

HON. MR. POWER—It seems to me that under the first section of the Imperial Act of last year the Parliament of Canada could alter the qualification. It says :—

"The Parliament of Canada may from time to time make provision for the representation in the Senate of the House of Commons of Canada or in either of them of any territories, which for the time being, form part of the Dominion of Canada, and are not included in any province thereof."

This Parliament could make any provision it pleased as I take it, which, of course, embraces the qualification of members of both houses. The hon. gentleman from Ottawa said that he had only looked at the Statute of last year—that is the Canadian Statute—with respect to representation in the House of Commons in a cursory way, and I see that that is the case, because if the hon. gentleman will turn to section 67 of the Act of last year, that is the Canadian Act respecting the representation in the other House, he will find that certain provisions of 37 Vic., cap. 9, are incorporated with that Act. On looking into the matter, I find that Sections 67, 68 and 69, all apply to previous legislation. I was mistaken, and therefore I think the argument of the leaders on both sides must be correct.

HON. MR. DICKEY—I understood my hon. friend from Ottawa to state that there is no provision in the Act of last year with respect to the representation in the House of Commons of persons from the North-West incorporating any part of the Dominion Election Act as to qualification. I find that there is a very sweeping introduction in a section, in chap. 24 of the Act of last year—section 67. There are no less than 71 clauses in this Act to give power to elect members for the North-West Territory. Section 67 provides—

"Sections 20, 64, 65, 70, 73, 75, 76, 78 to 114, both inclusive, 116 to 125, both inclusive, and 117 to 130, both inclusive of the Dominion Elections Act, 1874; section 15 of the Act 41st Vic., chap. 6, and the Act 46th Vic., chap. 4, are hereby incorporated with this Act and shall be read as forming part thereof."

HON. MR. SCOTT—Here too.

HON. MR. DICKEY—Exactly. That is what we propose here. My hon. friend's argument is this : that in legislating last year as to the representation in the House of Commons, it was not thought necessary to introduce any legislation whatever in reference to qualification of members or anything else ; that the moment legislation passed that there were to be so many members there was an end of it. Now we find instead of that being the case, section 67 incorporates some 200 sections, almost the whole of this law of 1874, which was passed and made applicable to members elected before those persons were authorized to be elected, and it was found necessary to legislate so as to make that a part of this very Act itself. So that for 71 sections they actually had to incorporate a number which made up certainly to 200, and probably more than that, to legislate sufficiently as to members of the House of Commons ; yet two lines are thought sufficient in this Bill to place under the authority of the same Act members for whom we claim now to make this legislation.

HON. MR. SCOTT—What I said was that there was no reference in the Act to giving powers for representation in the North-West—that there was no one clause that in any way defined who should be a member, and I say so still. The clauses to which the hon. gentleman has called attention are those relating to the machinery for the election.

THE SPEAKER—The Dominion Election Act?

HON. MR. SCOTT—The mode of electing, it is purely the machinery. You had to have special machinery in the North-West, and all the clauses relating to the mode, the machinery, necessary to carry on the election of a member of the House of Commons in the other provinces was not absolutely applicable in all its details to the North-West. But the point I made was this. When we declared that the territories should be represented by so many members we did not go on to define who should be capable of being elected. What shall be the qualifications, &c., as the election law provides. For instance there is nothing as to the qualification of real estate; there is nothing said as to whether a person shall be an alien, a natural born citizen or a naturalized citizen, or that a number of other provisions shall be applicable to the members of the House of Commons. That is the point I made. The section referred to by my honourable friend refers to the machinery and not to the qualifications of members of the House of Commons.

The amendment was agreed to.

HON. MR. GIRARD, from the Committee, reported the Bill as amended.

The amendments were concurred in and the Bill was ordered for third reading to-morrow.

The Senate adjourned at five o'clock p. m.

THE SENATE.

Ottawa, Friday, May 27th, 1887.

THE SPEAKER took the Chair at 3 p. m.

Prayers and routine proceedings.

THIRD READINGS.

The following bills, reported from Standing Committees, were read the third time and passed.

Bill (11) "An Act respecting the St. Catharines & Niagara Railway Company"— (Mr. McKindsey.)

Bill (10) "An Act respecting the Ontario Sault Ste. Marie Railway Company' —(Mr. Vidal.)

Bill (F) "An Act respecting the Primitive Methodist Colonization Company" (Limited)—Mr. Vidal.

Bill (13) "An Act respecting the Grand Trunk Railway Company of Canada"—(Mr. Read.)

THE TEESWATER & INVERHURON RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (D) "An Act to incorporate the Teeswater and Inverhuron Railway Company," with amendments. He said:—To this Bill the Committee have recommended several amendments. The first is connected with a clause which is inserted for the purpose of enabling this Company, with the consent of the Saugeen Valley Railway Company, to build and operate a small branch connected with this line. The next relates to sub-section 4, in which they set forth that one of the objects which they desire to carry out shall be the use of streams and water courses in the vicinity of the Railway for certain purposes connected with the railway. As the Committee thought that this Parliament would not consent to give even an indirect sanction to the principle

that they have any power to grant the Company the right to acquire property at such a distance from the railway, they introduced an amendment to bring it within the jurisdiction of this House. That amendment provides that this is only to take effect after the right to use such property has been legally acquired. There are several other amendments which I need not explain. One is connected with the appointment of provisional directors. It strikes at all the powers that were proposed to be given to those directors, because they were inconsistent with the office of provisional director. Another small amendment is made in reference to the question of the bond-holders or debenture-holders whose rights are legislated for in this Act. When the Bill was drawn it seemed to be uncertain whether it was intended to apply only to the bond-holders, but it was found to be intended to apply not only to them but to holders of stock, and therefore it was necessary to make several amendments to bring the Bill into conformity with that object. The amendments are chiefly verbal—in fact, the whole of the amendments, with the exception of those which I have explained, are of that character, and it will be for the House to say whether they will require time to consider them or not. I am under the impression that the amendments having been carefully considered in Committee, the House will not require that time. I move that the amendments be concurred in.

The motion was agreed to and the amendments were concurred in.

HON. MR. MCKINDSEY moved the third reading of the Bill as amended.

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

ST. VINCENT DE PAUL PENITENTIARY.

MOTION.

HON. MR. BELLEROSE moved—

That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will be graciously pleased to cause to be laid before this House a copy of a letter dated 10th September, 1886, and signed by Jos. H. Bellerose, in relation to the difficulties at the St. Vincent de Paul Penitentiary, together with a copy of a letter from C. A. Nutting, Esq., Advocate, dated 28th August, 1886, upon the same subject; and also, a copy of the report of Mr. Sherwood, Superintendent of Government Police, charged by the Honorable the Minister of Justice with the verification of the facts contained in the last mentioned letter.

HON. MR. ABBOTT—There is no objection to the address.

The motion was agreed to.

SIR ALEXANDER CAMPBELL.

The House adjourned during pleasure in honor of Sir Alexander Campbell's visit to the Senate.

After some time the House was resumed.

REPRESENTATION OF THE NORTH-WEST TERRITORIES IN THE SENATE BILL.

THIRD READING.

HON. MR. ABBOTT moved the third reading of Bill (17) "An Act respecting the representation of the North-West Territories in the Senate of Canada."

HON. MR. DICKEY—Hon. gentlemen are aware that in the exercise of my duty I felt it necessary to call upon the House to consider the propriety of making certain additions to this Bill in order that it might become law under circumstances that would leave no doubt as to its operation. The bill is brought in on the authority of an Imperial Act which was passed on the 25th June last, by which power was given to this Parliament to legislate in reference to representation in this body, as well as in the House of Commons, of the North-West Territories. I notice this for the purpose of emphasising the fact that the legislation in each case is founded upon the Imperial Act and that legislation has already taken place with regard to the representation

of the North-West Territories in the House of Commons. It is now proposed to apply the powers given by that Imperial Act to bring in persons to represent the North-West Territories in this House. In the exercise of my duty I called the attention of the Government to the impressions that had been made upon my mind on the subject without looking into it particularly and I have no fault to find with the manner in which my comments were received by the Leader of the House. He has expressed a very strong opinion on the subject and he has quoted the views entertained in another place. To those views I yield great respect. I am not prepared to state uncompromisingly that I differ altogether from them. At the same time I think that more caution is necessary, and more consideration is required before we conclude that this legislation will attain its object in the form in which it is presented to us, and my reason for saying so is that we have a precedent before us, in our own legislation in reference to representation in the House of Commons from these same territories, as bearing upon this question which is now before us. I called the attention of the House to the fact that we had a bill brought in which contained some 71 clauses upon that subject, and I find, on referring to the Act, that it incorporates with its provisions no less than 59 clauses from the Dominion Elections of 1874, so that there are actually no less than 130 clauses incorporated as part of that measure to give representation to the North-West Territories in the House of Commons. I was met, with regard to that, by my hon. friend from Ottawa, who stated that the two cases were not analogous at all: that there was nothing in the Act of last year applying, for instance, to the qualifications of members brought into the House of Commons—that this legislation applied to matters of procedure and had little or no bearing on the question at all. I had not much opportunity of looking at the Acts then, but I have since examined them and I find that my hon. friend is entirely mistaken. Take first the question of representation: the Act of last year enumerates all these laws and states that their provisions shall be incorporated with the act itself. Now, the very first of these sections referred to in the Act with reference to representation in the North-West Territories to the House of Commons, is that which relates to this very subject of qualification. My hon. friend undertook to say that it had nothing to do with the qualification of a person coming into the House of Commons at all. The section I refer to is Section 20 of the Dominion Elections Act of 1874, which was incorporated as part of the Act of last year.

HON. MR. SCOTT—There is no new legislation of the kind in the Act.

HON. MR. DICKEY—We all understand that there is no real estate qualification; that is set forth by Section 20 of the Act of 1874. The qualification contained in that section has been legislated upon. It was found necessary, in bringing representatives from the North-West Territories into the House of Commons, to incorporate that section in the legislation of last year, just as my friend, the hon. leader of the House, thought it necessary to move an amendment to state that the existing qualification shall apply in the case of the Senate. The 20th section of the Act of 1874 deals entirely with the qualifications of members of the House of Commons.

HON. MR. SCOTT—That is the general law.

HON. MR. DICKEY—My hon. friend says it is the general law; but he told us yesterday that when you act under the British North America Act and appoint a member to the Senate or the House of Commons, the fact of appointing him carries all the principles of the general law with him, and there was no necessity for such legislation. Only so recently as last session Parliament thought it necessary to incorporate this very section with the Act, to show that a candidate did require that qualification and required no other, and the Leader of the House yesterday moved an amendment to this Bill with reference to that very subject of qualification. But that is not all of it. There are no less, as I have already said,

than 59 sections of this Dominion Elections Act incorporated in the Act of last year by which members are elected to represent the North-West Territories in the House of Commons. We do not propose to touch one of them. My hon. friend who has charge of this Bill would not consent even to a suggestion that a clause should be inserted providing that all sections applicable to members of the Senate by the British North America Act shall be applicable to Senators from the North-West Territories. Last year the Government took enough pains not merely to introduce this, but to introduce a section which included all the general provisions from section 78 to 115 inclusive of the Dominion Elections Act, and these provisions are a part of the law under which, at the last elections in the North-West Territories, representatives were returned to sit in the House of Commons, and yet we undertake, in a couple of lines to admit representatives to the Senate without requiring anything from these people, without stating what their qualification shall be at all or what rights they shall have when they come here. We pass a Bill without any such requirements at all. It may be said "but this is all provided for by the British North America Act." It is said that the British North America Act requires certain qualifications for Senators. That is not sufficient to prevent the honorable Leader of the House from requiring that in this Bill Senators shall still have a qualification, and he says it is necessary that we should legislate now about it, but besides that, I call the attention of the House to the fact that as regards the members in the House of Commons, there is some requirement of qualification in the British North America Act. If we turn to section 41 we shall find that until the Parliament of Canada otherwise decides—and they have otherwise decided by Act of Parliament—the qualifications shall be such as the laws of the several provinces require. In other words, they legislated as to that qualification. Last year we legislated in the same direction with regard to members who were to come into the House of Commons from the North-West Territories. But my hon. friend laughs at the idea of its being necessary to legislate in any such way for members of the Senate. "It is all very well for the House of Commons," he says; "but a couple of lines will bring as many Senators into this House as we require, and they are to have all the rights and privileges and are to be subject to all the penalties and restrictions which apply to Senators under the British North America Act." I say they are not. That is my impression, and I only raise my voice of warning to keep our legislation right. I have risen to point out that as it was found necessary to incorporate last year all these clauses in the Act which brought the members from the Territories into the House of Commons; we should have done the same thing for the Senate, and logically I cannot understand how any gentleman who looks at it from a legal point of view can doubt for a moment its necessity. But my hon. friend who has charge of the bill has stated that they are not necessary now at all. Mind you, these proceedings were taken only last year by the very same gentlemen who in another place say that they are not now required. If that is the sort of legislation which is to emanate from this House I can only say it is legislation which requires to be well considered. I have discharged my duty by calling attention to the fact, and I leave the matter in the hands of the Government and trust to the future to see whether the ideas I have endeavored feebly to present to the House will not justify me in saying that we ought to have done a little more than simply put in a proviso that the word "Provinces" in the British North America Act shall mean "Territories." I confess that it is a rather startling thing that we should undertake to explain the British North America Act by legislating that a province means a territory, if we are not allowed at all events to require that the same provisions in the British North America Act which apply to members now in the Senate shall also apply to the members who are to be called into this House from the North-West Territories.

HON. MR. SCOTT—I do not propose to follow my learned friend through a long discussion. I think the House is pretty well advised of the point which

was argued yesterday. I am sure that we all appreciate the care with which he has approached this subject and his anxiety in dealing with so important a matter as fixing the qualification of Senators to see that no mistakes are made. It would certainly be a grave reflection on members of this body if, in laying down the rules by which the Governor General shall be guided in the selection of senators, any mistake should be made through the fault of the Senate itself in amending this particular Bill. Notwithstanding my hon. friend's very clear and able argument of the case I confess that I am not converted to his views. The more I look at it the stronger I feel that we have no power whatever over the qualifications of senators. The Imperial Act gives the Parliament of this country a right to name senators from the North-West Territories. Having done that, and the senators being named (the number being limited under the authority obtained from the Imperial Act) those senators became at once subject to all the rights, privileges, and immunities of members of this body. I say if you add in any particular to the qualification of senators coming from the North-West Territories, then you seek to amend the British North America Act. If you legislate that certain clauses affecting senators shall apply specially, then you inferentially say that the other clauses shall not apply, and therefore, as I said yesterday, if you are going in any sense to incorporate portions of the British North America Act affecting the qualifications of senators you must take the whole. You must take the whole or none, because if you take part only, you inferentially declare that the other portions of the Act do not and shall not apply. That is the fair and logical deduction that would be drawn from any such proposition. The British North America Act lays it down definitely. If we have a right to say what clauses shall apply, then we have a right to vary the Act. The British North America Act says that the qualifications of a senator shall be so and so. How can we affect that? I do not think any hon. gentleman will say that we can reduce the qualifications. We have no power to do so, or to attach any condition, and I rather think—of course I speak subject to correction—that the leader of the Government in this House was anxious to meet the feeling of some members, that additional words were necessary. The bill is very short—only two lines. It looked like a bald bill, and no doubt it struck some at first blush that probably it would be improved by having a little more stuffing. The addition which has been made in my opinion, with all due deference to the judgment of the House is really only so much stuffing. We have no more power than to limit the number of Senators: once we have exercised that right we have exhausted our power. I say we cannot go beyond that, because we cannot disturb in any degree the powers conferred by the British North America Act.

HON. MR. ABBOTT—I do not propose to go into any long argument on this subject. Most of the legal points were debated yesterday, but my hon. friend from Amherst asks me a question and puts a proposition which I think require a few words in answer. I must beg him, however, to understand that there is no such thing as laughing at the proposition which he submitted. It is one which deserves very grave consideration, and which I beg to assure him has received very careful attention at the hands of the Government and of myself. The question he asks is, why do we legislate about the qualifications of members of the House of Commons and not of the Senate? The answer, to my mind, is this, and it seems quite comprehensive and conclusive: the constitution has already provided everything requisite about the Senate and has declared that it shall apply to whatever members it may be composed of, but in the language of the constitution we find that the word "Province" has been used, and that the word "Territories," as respects the qualification, has not been used. The true intent, meaning and spirit of the constitution evidently is that a Senator shall possess in the territorial division he represents, no matter by what name you call it, a certain amount of property and that he shall reside there. A doubt seemed to exist whether, in this particular,

the provision of the British North America Act would apply because of the fact that the word "Province" was used, whereas the Senators were to be appointed for a territory and it was simply not to change the amount of the qualification in any way, not to change the intent, spirit, or meaning of the Act, but to give to the constitution the effect that was desired according to its spirit, namely, that each of the Senators who sit here should represent a certain amount of territorial property and should reside within the territory, whatever you might call it, for which he is appointed. That is the reason why this amendment has been inserted in the Bill, and it is the only reason for which it was required. I have answered my hon. friend's question: this is the proposition he puts to us—he says "you last year, in legislating to give members to the House of Commons for the North-West, found it necessary to pass a bill containing 71 clauses, and to incorporate in that Bill 50 or 60 more clauses from other Acts, and therefore you should also make elaborate provisions with regard to the Senate." Now, I do not think that follows. It depends upon this question —were these provisions necessary in adding members to the House of Commons?

HON. MR. DICKEY—Hear, hear.

HON. MR. ABBOTT—And if they were, are they necessary in making additions to the Senate?

HON. MR. DICKEY—Hear, hear.

HON. MR. ABBOTT—That, I think, can be very easily cleared up. With regard to the Senate, fortunately for hon. gentlemen, the process of election is very simple, and the process of controverting elections to this Senate does not exist; there is no such process that I know of, so that the purpose to which the greater part of these 71 sections were devoted does not apply to Senators at all. There is a provision in the Constitution itself as to how Senators shall be appointed; but there is no provision in the Constitution as to how members to the House of Commons shall be elected. It was left to the laws as they then existed, subject to modification by subsequent laws. In the law of the Parliament of Canada which applied to those elections, the provisions, previous to last year's Act, applied only to provinces. Therefore, in giving members to the territories it was necessary to give the procedure and to make all the necessary provisions for electing those members in the territories, since no existing law provided for that procedure or for the various appointments and modes of voting, the qualifications of voters, &c., required in order to have a valid election. So I think my hon. friend will agree with me that it is plain that if under the Constitution a series of provisions were necessary to enable members to be elected for the House of Commons for the North-West Territories, and if under the Constitution no provisions were necessary in order to appoint members to the Senate, then from the fact that we did make large provisions for election of members to the House of Commons it does not follow that we ought to make elaborate provisions for appointments to the Senate. It is a complete *non sequitur*. There was every reason for making this provision for the House of Commons: the state of the law required it, but there is no necessity for making similar provisions for the Senate, because the superior law has already made those provisions, and it would scarcely be proper that we should say that the law which the Imperial Parliament has enacted in making our Constitution should be enforced. That is unnecessary, it is a safe assertion to make. These are the reasons why this Parliament, within so short a period, has enacted 71 clauses providing for the elections of members to the House of Commons, whereas it has made only one clause for the appointment of additional members to the Senate from the North-West Territories. There is one clause, my hon. friend points out, that does not apply to the mode of election. It applies to the qualification, and my hon. friend asks if we regulate the qualification of a gentleman who is to be returned to the House of Commons, why should we not also regulate the qualifications of a senator? We do precisely the same thing in both instances. The law respecting

the House of Commons applied only to provinces, and in the Act which my hon. friend recites there was a clause which says that it should apply to territories. So in the case of the Senate, there is a provision for provinces, we have applied it to the territories, and it appears to me that we have done all that can be possibly needed, or all that can be decorous and right in the premises.

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

CANADA PERMANENT LOAN AND SAVINGS COMPANY'S BILL.

SECOND READING.

HON. MR. GOWAN moved the second reading of Bill (I) "An Act to enable the Canada Permanent Loan and Savings Company to extend their business, and for other purposes."

He said: When this Bill was introduced on another occasion I very willingly yielded to the suggestion of my hon. friend opposite to put off the second reading for a short time. It will not be necessary for us to enter into the matter, as the Bill is short and the clauses are few. The object of the Bill is to enable, subject to the law of the several provinces in that behalf, this Canada Permanent Loan and Savings Company to extend their business, subject to the terms of their charter all over Canada. If this Company had been established under an Imperial Act they would have the power to do so without any further enactment. If it had been organized under the general Railway Act it would have like power, but inasmuch as it was in existence at the time of Confederation, the Company has not the power except it is given to them by this Parliament. The Company has been in existence for several years, and, so far as I know, and as I believe, has given universal satisfaction wherever it has done business. I hope no objection will be made to the second reading of the Bill. If any gentleman desires that the very valuable provisions of this measure shall not apply to this province of course he can take the proper steps at another time to prevent their application.

HON. MR. DICKEY — Perhaps I might save time by referring to what took place when the Bill was before the House on the former occasion. As I then took exception to the principle of this Bill I think it had better be read the second time now and referred to the proper Committee in order that we may be in a position to consider the question whether it is a Bill we ought to pass and report upon to the House. It has been found to be the most convenient mode of dealing with those private Bills that any objection to the principle should be made on the second reading and discussed in the House in order that the matter might be fairly understood before the Bill goes to Committee. We followed that practice with regard to this Bill, and I do not propose to discuss it now in any form whatever.

HON. MR. ALLAN—I am very glad that my hon. friend has withdrawn his opposition to the second reading of this Bill because I had the honor a short time ago of proposing a Bill of a similar character, and the House allowed the second reading and referred it to this Committee, where, of course, it could be examined in all its details, without a dissentient voice. In this Bill I cannot imagine that there is any principle involved to which the House can have any objection. The measure is a simple one to give the Company power to register debenture stock in the place where the stock is issued, and the other provision is to allow the Company to extend their business to any part of the Dominion. It seems strange that a Company of such high standing, and with such an unimpeachable character, should not be placed in a position to give them power to do what they ask in this Bill. It is not necessary for people to borrow money from this Company unless they desire to do so. I apprehend it will be found to be of great advantage to any section to have this Company establish its business ther . The Company has reduced the rate of interest in Ontario from 10 to 20 per cent down to 6 per cent. Having brought a large amount of English capital into the country, borrowed at a very low rate of interest, it has so brought down the value of

money that private holders are glad to get 5 per cent interest—a very different state of things from fifteen years ago, when farmers had to borrow at ruinous rates, from 12 to 20 per cent.

HON. MR. GOWAN—I have no objection to the suggestion of the hon. gentleman from Amherst. In fact, I intended to move that the Bill be referred to the Committee on Banking and Commerce, and that the same course be taken with regard to it as was taken with regard to other Bills.

HON. MR. KAULBACH—I believe that this is a large, substantial Company.

HON. MR. ALLAN—One of the first companies in Ontario.

HON. MR. KAULBACH—If it is of that nature, and the benefit to the country which my hon. friend from York says it has been to Ontario, and has been the means of reducing the rate of interest in this Province, there can be no objection to it; but if it is prejudicial to the interests of the country we ought not to allow it to extend its business to the Lower Provinces. My impression is that we ought to extend inter provincial trade and as far as possible, obliterate all inter-provincial lines. If this Company's operations have had the effect, as stated by the hon. gentleman from York, of reducing the rate at which money can be obtained, and if it can be brought into competition with moneyed institutions in the lower provinces and affect the borrower in the same beneficial way, instead of being an injury it will be a benefit, especially as at present I know some companies down there who, under a peculiar system, get more than 6 per cent. or 7 per cent., and I believe it is a company of that kind whose bill the hon. gentleman from Halifax a few days ago wanted to extend to New Brunswick. If the Canada Loan Company will introduce competition and reduce the rate which that Company has been getting in Nova Scotia, I shall be in favor of their getting power to operate in the province from which I come.

HON. MR. POWER—I have no objection to the second reading of the Bill, and no objection to this company extending their operations to the Lower Provinces; but I do object to the hon. gentleman from Lunenburg coupling his support of this measure with a reflection on a measure introduced by my hon. colleague from Halifax, who is not now present. I have no personal interest in the association on whose behalf my hon. colleague introduced that measure; but as far as I know that company do their business in a reasonable and proper manner, and although the payments which are made each year to that society if looked upon as interest would make a very high rate of interest, they are not really payments of interest alone, but payment of principal as well, and at the expiration of eleven years the borrower or party subscribing has paid off his principal as well as his interest. The association is not open to the imputation made against it by the hon. gentleman from Lunenburg. I do not agree with the hon. gentleman from York in saying that it was the operations of the Canada Loan Company which reduced the rate of interest in Ontario.

HON. MR. ALLAN—Of the Loan Companies.

HON MR. POWER—We have not those Loan Companies in the Lower Provinces, yet in Nova Scotia the rate of interest has fallen almost 2% within the last 8 years.

HON. MR. ALLAN—What is it now?

HON MR. POWER—If the security is good, and the amount is over $3,000, it is almost impossible to get more than 5%; whereas the rate was 8 years ago 7%.

HON. MR. ALLAN—But you are a slow people down there.

HON. MR. POWER—Perhaps we are slow, but the rate of interest in the United States has fallen also, and it will hardly be contended that the operations of the loan companies in Ontario have largely affected the rate of interest in the

United States. Those associations are undoubtedly beneficial, although some gentlemen who know something of their operation do not seem to think so. The hon. gentlman from Trent for instance, seems rather to doubt the beneficent character of their operations.

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

The Senate adjourned at 4.40 p.m.

THE SENATE.

Ottawa, Monday, May 30th, 1887.

THE SPEAKER took the chair at 3 p. m.

Prayers and Routine Proceedings.

AMERICAN FISHERMEN AND CANADIAN FISHERIES REGULATIONS.

MOTION.

HON. MR. POWER moved—

That in the opinion of this House it is the duty of the Government of Canada to see that, in any arrangement for the admission of United States fishermen to the territorial waters of Canada, which may be entered into between the Governments of Great Britain and the United States, special provision shall be made that the fishermen of the latter country when within the waters of Canada shall be subject to the laws and regulations by which Canadian fishermen are for the time being governed.

He said—I took occasion to refer to this matter briefly during the debate on the Address in reply to His Excellency's speech, and perhaps some hon. gentlemen may think that reference was sufficient; but the great importance of this question, to my mind, justifies its being brought before this House in a more direct manner, one appealing more for an expression of opinion from this House than a mere mention in the Debate on the Speech from the Throne. In order that hon. gentlemen may see just what the position of the question is, I shall read a short extract from Lord Salisbury's despatch of the 24th March last, which is the last despatch which we have bearing on this question of the negotiations between the United States and Her Majesty's Government with respect to the admission of United States fishermen to Canadian waters. At page 250 of the pamphlet containing the correspondence on that subject, which has been laid before us, I find this passage at the conclusion of Lord Salisbury's despatch :—

"Her Majesty's Government and the Government of Canada, in proof of their earnest desire to treat the question in a spirit of liberality and friendship, are now willing to revert for the coming fishing season, and, if necessary, for a further term, to the condition of things existing under the Treaty of Washington, without any suggestion of pecuniary indemnity."

Then in order to see what state of things existed under the Treaty of Washington, I would call the attention of hon. gentlemen to page 9 of this same blue book, where they will find article 18 of the Treaty of Washington, which I shall read :—

"It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the Convention between the United States and Great Britain signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the sea coasts and shores, and in the bays, harbors and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of Prince Edward Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; Provided that in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose."

And, although it does not bear very directly on my resolution, I may be permitted to read the 21st article of the same Treaty :—

"It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty,

fish oil and fish of all kinds (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward Island shall be admitted into each country, respectively, free of duty."

Now the question suggests itself, knowing what the language of the Treaty is, how is this language to be interpreted? I may be allowed to observe of article 21, that that article has received what I look upon as an unfair and ungenerous construction from the Government of the United States. The article provides that fish oils and fish of all kinds, with certain exceptions, the produce of Canada shall be admitted into the United States free of duty. The American Government rendered void, as I cannot help feeling, the provision of that article by putting a duty on the cans in which our fish was imported into their country. I merely refer to this as indicating the spirit in which we are likely to be met by the Government of the adjoining country; and I wish to say at the same time, that, while the present Government of the United States has shown a disposition to deal fairly with Great Britain and with Canada through Great Britain, Congress has shown a very different spirit, and the Government is absolutely controlled in that matter by the Senate of the United States. In our negotiations, carried on, unfortunately perhaps, through the medium of a third power, with the United States Government, we should leave no loophole for rendering ineffective in any way the spirit of the Treaty. We have to close up all avenues for misconception as far as we can; and I hope that the Government of this country, if they have not already done so, will see that provision is made to prevent a recurrence of the difficulty which occurred under that article 21. Turning to the more important article, Article 18; it has been interpreted in one way by the Imperial and Colonial Governments, and in a very different way by the Government of the United States. I may as well quote the language used by the foreign Minister of Great Britain, in order to show what the construction is which the Imperial Government have put upon that article. Lord Salisbury in a despatch to Mr. Welsh, the American Minister at London, in November 1878, interprets it in this way:—

"The law enacted by the Legislature of the country, whatever it may be, ought to be obeyed alike by natives and foreigners who are sojourning within the territorial limits of its jurisdiction."

In connection with the Fortune Bay difficulty the contention of the American Government was that their fishermen were not subject to the regulations which controlled the local fishermen, and that is Lord Salisbury's expression of opinion on that contention of Secretary Evarts. Then, towards the close of a long correspondence which took place between the Governments of Great Britain and the United States upon this matter, I find Lord Granville in 1880, putting forward a view substantially the same as that expressed in the beginning of the controversy by Lord Salisbury. He says:—

"I feel bound to state that in the opinion of Her Majesty's Government, the clause in the Treaty of Washington which provides that the citizens of the United States shall be entit ed, 'in common with British subjects,' to fish in Newfoundland waters within the limits of British sovereignty, means that the American and the British fishermen shall fish in these waters upon terms of equality; and not that there shall be an exemption of American fishermen from any reasonable regulations to which British fishermen are subject."

It must strike every member of this House that the construction put upon this article by the Imperial Government is the only fair and reasonable construction. This long correspondence between the two Governments arose chiefly out of what is known as the Fortune Bay difficulty. The particulars of that difficulty are to be found set out at great length in the correspondence—not the correspondence which is laid on our table, but the correspondence which is to be found in the Imperial State papers. There are numerous depositions there from American fishermen and Newfoundland fishermen who substantiate the fact that the difficulty arose in this way: On Sunday, the 6th January, 1878, a number of American fishermen were lying at Fortune Bay, Newfoundland. Five of those fishermen put down their long seines for the purpose of catching herring for bait. They landed the ends of their

seines on the beach, and the seines were extended along in the water in front of the beach. In that way the whole front of the beach—which was occupied by the inhabitants for fishing purposes—was taken possession of by those American fishermen. The herrings, too, in large numbers were what is called "barred" in between the beach and those seines, and there was no opportunity for other fishermen to get herring, as the beach was occupied by the seines of those American fishermen. The Newfoundland fishermen came down in large numbers to the shore and insisted that those seines should be taken up. They were all taken up with the exception of one, and the Newfoundland fishermen laid hold of that seine, which the master of the American schooner refused to take up, and pulled it on shore and destroyed it. The ground upon which the Newfoundland fishermen did this was chiefly that they were forbidden themselves by the law of Newfoundland to catch fish on Sunday, and that the American fishermen were violating the law. The American fishermen made complaints to their Government, and the Government at Washington called the attention of the Imperial Government to the matter. When this question came to be inquired into, it was found that the American fishermen had been guilty of not less than three violations of the law of Newfoundland. This appears from the correspondence It appears from Governor Glover's despatch to Lord Carnarvon, dated February 1878, and from the memorandum of Mr. Carter, then Attorney General, and now Chief Justice of Newfoundland, enclosed in this despatch of the Governor; and the fact was not denied by the Americans at all, that the local laws had been violated in those respects. In the first place the local law of 1876 said that:—

"No person shall haul, catch or take herrings in a seine or such contrivance between the 20th October and 25th April in any year, or at any time use a seine or such contrivance for catching herrings except by way of shooting and forthwith hauling. Proviso: nets may be used, set as usual, and not used for barring or inclosing herrings in a cove, inlet or other place."

Hon. gentleman will see that the Americans caught these herrings in seines at a season when such fishing was forbidden. The local law prohibited the catching of herring in that way from the 20th October, until the 25th April, and this occurrence took place on the 6th January. Then the local law forbade that those seines should be used in any way except, "by way of shooting and forthwith hauling."

The American fishermen violated that provision of the law. Then this same Act of 1876, said that:—

"No person shall between 12 o'clock Saturday night and 12 o'clock Sunday night haul, etc., herring, etc., with nets, seines, bunts, or any such contrivance, or set or put out the same for purpose of such hauling, &c."

In addition to that, the Americans by landing on the beach in the way they did and occupying the shore were guilty of interfering with the rights of British fishermen in their peaceable occupation of that part of the coast. The local law had been violated in three important particulars. The Treaty had been violated as we think in another particular—by an improper interference with the Newfoundland fishermen in the enjoyment of their rights on the shore. Still the United States Government were not satisfied that their fishermen should be bound by the local law, and Secretary Evarts, at great length, insisted that the Treaty of Washington gave to American fishermen the right to fish everywhere without regard to any local regulations whatever, and that it was altogether improper and indefensible that they should be interfered with because they were violating some local law, even though that law had been made before the Washington Treaty was agreed upon. There was a long controversy, beginning in 1878, and lasting to 1881; and finally the Imperial Government, with that tendency—which I regret to say they very often show—to yield to the American Government where differences of opinion arise, agreed to pay the sum of £15,000. The American Government had demanded a larger sum. They had demanded £20,000, or more, but they were paid $75,000. This money was paid by the Imperial Government, not because they held that the American fishermen were entitled to violate the local laws and reg-

ulations, but because the Newfoundland fishermen had no right to take the law into their own hands in the violent way they did.

HON. GENTLEMEN—Hear, hear.

HON. MR. POWER—The American Government and the Imperial Government both expressed great anxiety that the general question should be settled, and that it should be decided whether or not these local laws were binding on the American fishermen; but that question was not settled, and this sum of $75,000 was paid by the Imperial Government on account of the misconduct of British subjects. They felt they were liable for something because of the violent conduct of those Newfoundland fishermen, and they paid this large sum, which was more than the Americans were entitled to, on that ground. Unfortunately the general question remains unsettled to-day. This Fortune Bay difficulty was not the only one: other difficulties arose afterwards. I refer to these because the history of the past shows us what we may expect under a renewal of the Treaty. The same difficulties will, as a matter of course arise again. In one case American schooners came into Job's Cove on the coast of Newfoundland, where the colonial fishermen had their nets set and properly buoyed, and laid their schooners right over where the nets were, dropped their anchors and injured and destroyed the nets. We see the position in which this country may be placed, if Lord Salisbury's proposition to go back to the Washington Treaty is accepted, just as it presents itself in the correspondence, without any qualification such as is indicated in the resolution which I have laid before the House. We shall be placed face to face with a renewal of those difficulties which have already occurred. It may be said that those difficulties did not occur in Canada, but in Newfoundland. That is not quite true, because those difficulties did occur, but to a less extent in Canadian waters; and hon. gentlemen will remember that some little while ago the Government of Canada paid a comparatively small sum, it is true, to the Imperial Government to recoup that Government the sum of £150 for an improper interference with American fishermen in Aspy Bay, Cape Breton. One important fact may be borne in mind when we are considering the probability of difficulties occurring under this Treaty in future. It is a very singular thing that the mackerel, for instance, which had been in the habit of frequenting Canadian waters in large numbers previous to the Washington Treaty and had almost deserted the American waters, during the continuance of that Treaty left our waters and frequented the coasts of the United States; so that during the period of that Treaty there was not the same risk of trouble. But it has so happened that since the expiration of the Treaty the mackerel have returned to the Canadian waters, and the American fishermen are coming after them, and the difficulties which occurred in Newfoundland, which was almost the only place that the American fishermen needed to resort to during the Washington Treaty, will be likely to occur now almost anywhere in Canadian waters. Under the circumstances it seems to me that, as a matter of prudence, it is the duty of this Government to see that the Imperial Government inserts such provisions in their agreement with the authorities at Washington as will prevent a recurrence of the Fortune Bay difficulty. I have little doubt that when the attention of the Imperial Government is directed to this matter they will be disposed to make the necessary provisions, because Lord Salisbury, who was Foreign Minister at the time when this correspondence took place over the Fortune Bay difficulty, is Foreign Minister to-day. He is familiar with the difficulty, and will see the necessity—or, at all events, the desirability—of removing any opportunity for a recurrence of such trouble. Canada is interested in the matter not only because our fishermen should be protected in the rights which are undoubtedly theirs, but also because, if that is not the case—if the provision I speak of is not made—when difficulties do occur and American fishermen are prevented from violating the laws of Canada, if the Imperial Government gives way as it did before, and pays large sums of money to the United States on account of the fact

that our fishermen have taken the law into their own hands, Canada will be called upon, as Newfoundland was in the case of the Fortune Bay difficulty, to refund to the Imperial Government moneys paid by them to the Government of the United States. I have not devoted the amount of attention to this matter which it deserves; but the case is a perfectly clear and plain one, and there can be no doubt in the mind of any hon. gentleman present that this motion is one which we should adopt, for by so doing we shall call the attention of our Government particularly to this question, and we do our duty as one branch of Parliament. I think we should do that. If we allow the opportunity to pass without recording our opinion upon the matter and so bringing it strongly and directly before the Government, I think we are not doing our duty by the country. I hope that there will be no dissenting voice with respect to this resolution.

There is just one other observation that I may be allowed to make. It does not bear directly upon this resolution, but I wish to call the attention of the hon. gentleman who leads the Government here to the matter, and perhaps it may be as well that I shall allude to it now. The observation that I have to make refers to the Province of Nova Scotia. At the time of Confederation we had in Nova Scotia regulations under our local law with respect to the coast fisheries. In the year 1875, I think it was, an Act was passed by the Parliament of Canada, which, very unwisely repealed all those local regulations. What I humbly submit that Parliament should have done was to give the Government power to make new regulations and provide that from the time these came into force the old ones should be repealed. But instead of that Parliament repealed the old regulations without making new ones to take their places, in reference to the coast fisheries. In view of the fact that the American fishermen are likely to be allowed into our waters again, the Government should provide proper regulations to govern our coast fisheries. I may illustrate what I say by calling attention to the difficulty which occurred in Job's Cove. It is a difficulty which is likely to occur in the future. It is not limited to American fishermen, but applies equally to our own deep sea fishermen. Those who fish out of schooners are likely to interfere with the nets and fishing gear of the shore fishermen. I think, and I am sure the hon. member from Lunenburg and every other hon. gentlemen who is at all familiar with the matter will agree with me, that such regulations should be made by legislation, and by orders-in-council based on that legislation as will protect our shore fishermen from improper interference by deep sea fishermen whether hailing from Canada or the United States.

HON. MR. WARK—I would suggest to the hon. member who moved this resolution whether it would not be better to make it reciprocal—to provide that the fishermen of either country should be subject to the laws of the country in whose waters they are fishing?

HON. MR. POWER—That would be a matter of course, I presume.

HON. MR. KAULBACH—I am sure that the people, especially of Nova Scotia, will be pleased with the remarks of my hon. friend. It is not often that I can agree with everything he says, but on this occasion I am perfectly in accord with him. I am glad to make the avowal, because it does not often occur. He has given, certainly, a very clear and lucid explanation of the difficulties which our fishermen have on the Newfoundland coast, and the same remarks he has made with reference to the American fishermen will no doubt apply to those fishing along our own shores. We must remember that the Americans, by neglecting to protect their own fisheries, have lost largely their fish supply, and now seek to find profitable fisheries on our shores. The mode of prosecuting their fishing is such that, unless we make proper laws and regulations for the protection and preservation of our fisheries it will result in their destruction. If the Americans are allowed to pursue the same course on our shores as they have pursued on their own, it cannot be long before that valuable source of food supply—our fisheries—will share the fate of the American fish-

eries. It is not only the pecuniary loss which such a result would involve. We know that every nation has endeavored to encourage its fisheries as not only an important source of wealth, but as building up the great mercantile and naval forces of the country. My hon. friend has stated the case in a way which meets with my entire approval. I know that in the years 1885 and 1886, and especially in the autumn of the year, a great deal of difficulty was experienced. It is the mackerel more particularly that the American fishermen seek along our coasts, and our foreshore fishermen, who depend largely for their subsistence on the catch of mackerel with their little nets and small seines, look for the largest results from the fall fishing. These American fishermen come in along the coast and totally disregard our laws and regulations. They run their seines and drag away our fishermen's nets, destroying their means of subsistence to such an extent that many of them, in the years to which I have referred, had to subsist by charity through a severe winter. As my hon. friend says, we have no regulations now to protect our shore fisheries. Our fishermen are peculiarly interested in this matter, and the regulations should be such as to protect them from having their rights interfered with. In the years 1885 and 1886 the Americans, probably knowing that the Washington Treaty was expiring, pursued a reckless course and wantonly destroyed our fishermen's nets. They did it in a way which indicates that they acted from malice. The result was that in those years very few fish were taken in the Marguerite Bay. Fortunately last year there was a change and the Americans were kept off our shores, and we caught tens of thousands dollars' worth of mackerel along that coast simply because the rights of our people were protected, and the Americans were excluded. The fish were not diverted from their course along our shores as had been done in previous years by the Americans coming in and interfering with them. It is a very important question and probably the hon. gentleman who leads this House will impress it strongly on the Government that some notice should be taken of this matter. It is exceedingly hard that our fishermen, especially as I have said our shore fishermen, who live almost entirely by fishing, should have no redress. If an American fisherman comes in now what can they do if he takes away their nets? They have no means of identifying the strangers, who pick up their nets and carry them off. I hope the hon. leader of the House will impress on the Government to urge upon the Imperial Government the importance of protecting our fisheries in the manner explained by my hon. friend. We should make regulations and rules by which the shore fisheries should be preserved—rules which will apply even among the fishermen themselves. Formerly we had regulations governing the shore fisheries—regulations which do not exist now. Those regulations should not only be revived, but should be extended to all engaged in fishing, providing how they shall act upon our shores; and among the shore fishermen themselves certain regulations should be made so that each man would know his rights and exercise them without interfering with the rights of his neighbors. In consequence of that not having been the case in the past, many serious disturbances have occurred among the shore people to their own injury and loss.

HON. MR. CARVELL—I am perfectly sure there is not a gentleman in this House who will dissent from the remarks made by the mover of this resolution. The necessity for the regulations suggested is very apparent, and every one acquainted with the habits of American fishermen who have frequented our waters during the past years, knows the necessity for the regulations which have been pointed out and suggested by my hon. friend. They are so apparent that it seemed to me to make the motion almost unnecessary. It is one of the things that occurred to me as going without saying that the Government would be sure, after the more recent experience we have had, to attend to that matter and to attend to it well. Anyone who has read the volume containing the correspondence between the Governments of the United States and Great Britain and Canada must see the

great importance attached to this question—and not only its importance but the great care and attention with which the Government of Canada have looked after that great interest, an interest which it is largely supposed by the people that the Government were not in earnest about. A great many people thought that the Government were careless about it—that they were not doing anything. They were attacked on all sides for want of energy, and pluck you may say, in the matter. In this connection I would very strongly urge upon every member of the Parliament of Canada to carefully peruse this report and correspondence. It will make it clear to all Canadians who have not taken an interest in the subject—and I am sorry to believe that a large majority of our people have not taken an interest in this great industry and source of wealth to Canada—that the Government have not been remiss on this subject but have given it their attention—their very able and close attention. The report is exceedingly interesting as well as entertaining and instructive.

HON. MR. HAYTHORNE—I think the thanks of the House are due to the hon. gentleman from Halifax for calling attention to this question. Its importance can scarcely be exaggerated at this stage of affairs. I am well aware of the fact that it has often been held in older countries than this that it is not desirable to discuss questions which are still under diplomatic treatment, but it is quite possible that the principle may be carried a great deal too far, and that the ideas and wishes of the people interested in such a matter as the fisheries question of Canada may be allowed to remain in abeyance rather too long if that reluctance to discuss the business in Parliament were carried to too great an extreme. I hope and believe, that neither in the Parliament of Canada nor in the diplomatic correspondence of Canadian Ministers will there be apparent any such coarse language or any such hard, untenable propositions put forward, as I have read in the debates of the House of Representatives and the Senate of the United States and the correspondence of the Secretary of State. Charges have been made against the people and officers of Canada which, I think, it is clearly made apparent in the papers laid before Parliament, are utterly without foundation. They have sought to arouse prejudice against Canada and the Canadians and we who know the inner life of the people of the United States are aware that that has been done for a special purpose. It is not done because the Americans dislike the Canadians, or because there is any really serious ground of quarrel between the two countries, but simply because it may be made to serve another and quite a different purpose. The question of fisheries police is one which I think ought to receive the closest attention from the Government. I know that one of my colleagues who lives in the northern part of Queen's County, on the north shore of the island, could, if he chose, from his place in this House, state his experience of the evil results which follow the want of a fisheries police. I know that he could tell how the seines of the mackerel fishermen are sometimes emptied within the three mile line. The object of the American fishermen is to catch the mackerel. The seines come up filled with a multitude of different kinds of fish, and all are thrown overboard but the mackerel. There is a case in which the necessity of a fisheries police is evident. Another thing which our negotiators should carefully see to is that not only the power should exist to make police regulations, but also that we should have power to alter them. These regulations require from time to time to be revised and probably extended; but if the power to revise and extend them is limited by some treaty made for us, perhaps the usefulness of the police regulations will be to a great extent gone. That is a point, therefore, which I think the negotiators will do well to bear in mind. Then there is the Treaty of 1818. At present it is practically the aegis of our rights. If it were not for that treaty the Americans could say that there are no existing regulations with regard to the fisheries at all, and if that treaty is to be done away with, it should stand good until some basis of Canadian fisheries rights is established permanently. I, for one, do not undertake to say that

all the rights reserved in the Treaty of 1818 are essential nowadays—or that many of them cannot even be transferred with advantage to the United States, but not without consideration. If we are to give up any one of the items reserved in that treaty we ought to have equal value for it in some shape or other, and we ought, in the event of the Americans changing their minds, as unfortunately they do very often, to have something equally as clear and as firm to fall back upon as the treaty of 1818, should that treaty be abrogated. The American people, with all their great advantages, their intelligence, wealth and resources, are, notwithstanding, a difficult people to negotiate with. There is no such thing known in American diplomacy as negotiating by a plenipotentiary. Within my time I have seen frequent causes of difference between the American and British Governments, and again and again have the same differences been ready for adjustment, but they have always to be referred to bodies existing in the United States, and then it generally happens that all that has been done is upset and has to be done over again. This is one of the great difficulties, I take it, in negotiating with the United States. The Minister in London and the Minister of Great Britain may come to an agreement, and the colonies may be ready to concur, but Congress and the President are not agreed, and thus it happened that the President of the United States, with the best intentions, received from us the freedom of our fisheries for the balance of 1885, but was unable to carry out his engagement to obtain from Congress a joint commission to investigate the whole question. Consequently we found ourselves at the commencement of the next fishing season without any agreement, and with nothing to fall back upon but our fisheries regulations and our cruisers. This is a difficulty connected with American negotiations, and one which it would be well to guard against. Another is their want of permanence. Twice, within my knowledge since 1884, we have had regulations with the United States which gave entire satisfaction to the provinces; and I think, as long as they lasted, to our neighbors also. I allude to the Reciprocity Treaty. As long as that lasted there was the best understanding between the United States and the provinces as to the fisheries question. We had no squabbles and no difficulties, and there is not an individual in Prince Edward Island who will not say that that was one of the most prosperous eras in our history, because there was a good market for everything we had to sell. That treaty was abrogated after lasting eleven years—eleven prosperous years they were. There was good reason for its abrogation. In the meantime, the Americans had unfortunately been engaged in a civil war and incurred an enormous debt. It was hardly to be expected, therefore, that their citizens on the return of peace, should be compelled to compete with colonists who bore, comparatively speaking, little taxation. It was not very surprising, therefore, that the Reciprocity Treaty should have been abrogated; but the state of things that followed was so disagreeable and unsatisfactory in every way that it was no matter of surprise that we should have the Washington Treaty negotiated. In the meantime, we tried another experiment that also failed—that was the license put on tonnage. That was found equally unsatisfactory. Some enterprising Americans tried to fish in our waters without license. I know there is an hon. gentleman in this House who has had practical experience on that point—experience of the very best kind, because he was actually engaged in the police service of Canada at that time and probably has more practical knowledge of the waters on our coast than any man here to-day. Then we fell back on the Washington Treaty, which lasted ten years or more. We had another period of quietude, but that treaty was abrogated without, as it appears to me and to many other Canadians also, any sufficient reason. Now it is gone, and if we are to have another treaty with the United States and it is to last also for a limited period, and to be abrogated perhaps with as little reason as the Washington Treaty was repealed, it necessarily follows that unless we have a basis to fall back upon, our fisheries rights are just as much at sea as if we had not the treaty of 1818 at all. These are matters which I venture to say ought to

occupy the attention of those who are to negotiate a new treaty. As far as I can see, after having read the papers attentively, those negotiations have been conducted by the Ministers on the part of Canada with very great ability. It seems to me that having a good case they put it in firm and clear language, about which there can be no mistake. I only hope that having made a good case on paper they will not abandon that case in practice. My hon. friend from Halifax referred to the Newfoundland difficulty which occurred some time ago. I am not very sure that that bears strongly upon anything Canadian, and besides it is a thing of the past. The fishermen of Newfoundland had misconducted themselves towards some American fishermen. They had broken the tackle and gear of some American fishermen on the coast instead of doing what they should have done — called in magistrates and investigated the thing before the courts. At all events what they did should have been done in accordance with law and not by violence. Had that been done, the case would have been a much better one. I hope in the coming summer, in the absence of any treaty, the masters of our cruisers and the officers of our customs will conduct themselves not only with courtesy, (as I believe they have done as yet) but with firmness and propriety. In that case I do not see that the Americans will have anybody but themselves to blame if their relations with Canada in the matter of the fisheries are at all strained.

HON. MR. ABBOTT—I am very glad that a subject of this great importance to the country has been regarded with so much attention by gentlemen on both sides in politics in this House; and I am sure the information which we have received from the speeches which have just been made, will be of the greatest value in enabling us to appreciate this important question, and to join, as far as we are able, in procuring the solution which the motion before the House indicates. As I understand the matter, the question which is raised by my hon. friend's motion is very much the point which was raised on the Fortune Bay incident.

HON. MR. POWER—Yes, that is the question.

HON. MR. ABBOTT—In that case, as we know, and as the hon. gentleman has told us, there was a violation by an American fishing schooner of the local laws of Newfoundland in three respects: First, in fishing on Sunday, which was prohibited by the local law; second, by seining herrings in a manner contrary to the local law; and, third, by using the seines in a manner prohibited by the provincial statutes—in a way that is called, as I understand it, down there, "barring" fish. These are offences against the local law, a law which the Canadian fishermen were bound to observe. The question which then arises, and which formed the controversy between the two Governments, and which possibly is not absolutely settled yet, was this—were the American fishermen bound by enactments which could be construed in any way to restrict their rights under the treaty of 1818? Now that is precisely the point which my hon. friend raises. If we make the concessions which it is now proposed to make to the Americans, with regard to fishing rights, shall we then expose ourselves to this difficulty that the American fishermen will be entitled to privileges within our own harbors, and within the three mile limit, which, under the local laws, our own fishermen are prevented from enjoying? My hon. friend asks that attention be paid to this, and care taken in making arrangements that it shall be perfectly understood, if possible, that American fishermen exercising these rights are to use them on a perfect equality with our fishermen—that they shall certainly not have more rights than the local law, wherever the fishing takes place, permits to the local fishermen in that place. I think we may reassure ourselves a little on that point when we read what has already been said, and when we see the exact stand which has been taken on this subject by the British Government in the Fortune Bay incident. I do not know if it would be uninteresting to the House if I were to read, from correspondence which took place on that occasion, a few of the statements made by the representatives

of the British Government in correspondence with the United States. It may be said that the controversy commenced by Lord Salisbury assuming, as if it were a matter of course and without argument, that these American fishermen were to blame because they had violated a local law. The letter in which he thus writes is very short. He says, on the 23rd August, 1878, to Mr. Welsh :—

> You will perceive that the Report in question appears to demonstrate conclusively that the United States fishermen on this occasion had committed three distinct breaches of the law, and that no violence was used by the Newfoundland fishermen except in the case of one vessel, whose master refused to comply with the request which was made to him, that he should desist from fishing on Sunday in violation of the law of the Colony, and of the local custom, and who threatened the Newfoundland fishermen with a revolver, as detailed in paragraphs 5 and 6 of Captain Sullivan's Report.

I will not refer to that report, as hon. gentlemen are no doubt acquainted with it. This statement was objected to by the United States Minister, because he judged from it that the British Government were assuming that the American fishermen must obey the local law—that they were taking that as a proposition that required no argument. He takes exception to this in a letter of the 28th September. He says :—

> But a careful attention to Lord Salisbury's note discovers what must be regarded as an expression of his views at least, of the authority of Provincial legislation and administrative jurisdiction over our fishermen within the three mile line, and of the restrictive limitations upon their rights in these fishing grounds under the Treaty of Washington. Upon any aspect of the evidence, on one side and the other, as qualifying the violent acts which our fishing fleet has suffered at the hands of the Newfoundland coast fishermen, the views thus intimated seem to this Government wholly inadmissable, and do not permit the least delay, on our part, in frankly stating the grounds of our exception to them.

The grounds for their exception to them are detailed at great length in Mr. Evarts' letter, and in a report to the Committee on Foreign relations which was presented by Mr. Cox. They hold that having made the Treaty of Washington, they are to have free access to our coasts, without being restricted in any way by the regulations which govern our fishermen. That was taken exception to by our Government, and they have maintained in all the negotiations and correspondence which have taken place, the proposition, that fishermen, under this Treaty, or under any similar arrangement, fishing in our harbors and along our coasts, must obey the local laws; that if it be contended that there is anything in these local laws unduly interfering with the spirit or the letter of any existing Treaty, it is not for them to take it upon themselves to come in and insist upon fishing in violation of those local laws; that if they do so they must suffer the penalties provided in those laws; but that it is a matter for the Governments to settle between themselves and to say how far their rights are interfered with by such local laws. I should take the proposition to be that if the local laws are made for the government of the fisheries in good faith, and not intended under cover of such laws to restrict or interfere with the rights of American fishermen under the Treaty, those laws will be maintained. Lord Salisbury's despatch of the 17th November, 1878, in answer to Mr. Evarts, states this proposition very decidedly. While I am at this point of the discussion, I would just make one remark as to my hon. friend's reference to the facility of the British Government in yielding on those occasions. He cites as an instance of it the payment of the £15,000 to these American fishermen who were engaged in the Fortune Bay incident, and also the sum of £150, which was paid by the British Government and afterwards recouped by ourselves, in connection with a similar incident, though of minor importance, in Aspy Bay, C. B. I think the correspondence plainly shows that the £15,000 were paid, because, however wrong the American fishermen might have been in violating the law in these respects, our own people were at least equally wrong in repelling this violation by violence, and it was in consequence of the damage they did by that violence (which I must say was rather liberally calculated) and not because we admitted that they were right, that the Imperial

Government agreed to pay them the £15,000.

HON. MR. ALMON—It was rather an expensive net—£15,000!

HON. MR. ABBOTT—Yes, but we did not pay it. As to the £150 it was stated distinctly in the correspondence that this money was paid without any admission that we were wrong, because we had been guilty of no violence; but it was paid because it was felt that an inquiry could not be refused if insisted upon, and an inquiry would cost infinitely more than the £150, which was given as a solatium to settle the whole matter. Lord Salisbury says that in the note which he wrote he had no intention of inferentially laying down any principle of International law, and no advantage would be gained from doing so to a greater extent than the facts in question absolutely required. He continued:—

"I hardly believe, however, that Mr. Evarts would in discussion adhere to the broad doctrine which some portions of his language would appear to convey, that no British authority has a right to pass any kind of laws binding Americans who are fishing in British waters; for if that contention be just, the same disability applies, a fortiori, to any other power, and the waters must be delivered over to anarchy. On the other hand, Her Majesty's Government will readily admit—what is indeed, self-evident—that British sovereignty, as regards those waters, is limited in its scope by the engagements of the Treaty of Washington, which cannot be modified or affected by any municipal legislation. I cannot anticipate that with regard to these principles any difference will be found to exist between the views of the two Governments."

"If, however, it be admitted that the Newfoundland Legislature have the right of binding Americans who fish within their waters by any laws which do not contravene existing treaties, it must further be conceded that the duty of determining the existence of any such contraventions must be undertaken by the Governments, and cannot be remitted to the discussion of each individual fisherman. For such a discretion, if exercised on one side can hardly be refused. If any American fishermen may violently break a law which he believes to be contrary to treaty, a Newfoundland fisherman may violently maintain it if he believes it to be in accordance with treaty. As the points in issue are frequently subtle, and require considerable legal knowledge nothing but confusion and disorder could result from such a mode of deciding the interpretation of the treaty.

"Her Majesty's Government prefer the view that the law enacted by the Legislature of the country, whatever it may be, ought to be obeyed by natives and foreigners alike who are sojourning within the territorial limits of its jurisdiction; but that if a law has inadvertently been passed which is in any degree or respect at variance with rights conferred on a foreign power by treaty, the correction of the mistake so committed, at the earliest period after its existence shall have been ascertained and recognized, is a matter of international obligation."

That appears to me to lay down exactly the proposition that my hon. friend desires by this motion to establish in any new arrangements which may be made in regard to these fisheries. This position of Lord Salisbury's is further emphasized by Lord Granville in 1880.

HON. MR. POWER — That is the passage which I quoted.

HON. MR. ABBOTT—Lord Granville says:—

"Without entering into any lengthy discussion on this point, I feel bound to state that, in the opinion of Her Majesty's Government the clause in the Treaty of Washington which provides that the citizens of the United States shall be entitled, 'in common with British subjects,' to fish in Newfoundland waters within the limits of British sovereignty, means that the Americans and the British fishermen shall fish in these waters on terms of equality, and not that there shall be an exemption of American fishermen from any reasonable regulations to which British fishermen are subject."

He goes on further to say that Her Majesty's Government fully admit that if any such local Statutes could be shown to be inconsistent with the express stipulations, or even with the spirit of the Treaty, they would not be within the category of those reasonable regulations by which American, in common with British, fishermen ought to be bound. I do not think that I need trouble the House with any further citations from this voluminous correspondence with which, as my hon. friend from Prince Edward Island remarks, every one should be familiar. I think that these extracts which I have read show that on a former occasion, when this precise principle came up for discussion, and was earnestly and vigorously disputed by the American Government,

it was equally earnestly and vigorously maintained by the British Government; and we should have no doubt whatever that they will persist in the view which they then entertained, which they persisted in so long as that correspondence lasted, and which is consistent with justice and the rights of this country. I may without hesitation assure the hon. gentlemen opposite, and the House generally, that in the event of any new arrangement being made, care will be taken that this point will not be lost sight of by the Government of this country; and care will be taken to see that nothing is done, in so far as the Government itself can exercise any influence in that direction, that will in any respect derogate from the position which the British Government took in connection with the Fortune Bay incident. I shall have great pleasure in calling the attention of my colleagues to my hon. friend's suggestion with reference to the fisheries regulations which have been cancelled, and the necessity of new ones, and I have no doubt that the subject will receive from them very careful consideration.

HON. MR. POWER—I am very much pleased with the statement made by the hon. leader of the Government, and the unusually friendly way in which my observations on this resolution have been received by different hon. gentlemen. I do not feel quite as confident of the future of this question as the hon. leader of the Government does, because while I was pleased to notice in the correspondence that the Imperial Government never receded from their interpretation of the treaty, still we have the fact that the American Government never receded from their position that the treaty should be interpreted the other way. The object which I have in view, and which I think we all should keep before us, is to settle the question now. If any new arrangement is made between the Imperial Government and the Government of the United States, let this question be put at rest, because if it is not the difficulties are sure to arise again. The Imperial Government will construe the treaty one way—as they have construed it in the past, and the United States Government will construe it in the other way. There will be difficulty and heart-burnings, and we shall be called upon, possibly, to pay large sums of money because this question has not been settled at the beginning. I think that the Imperial Government are in a peculiarly fortunate position just now to have that question of interpretation settled. They can say to the United States Government with great force: "Under the Washington Treaty you agreed to pay such a sum of money as might be awarded by a tribunal, the composition of which was fixed by that treaty." The American Government did pay the sum of five and a-half millions of dollars in addition to letting our fish and fish oil in free, for the rights which their fishermen got under the Treaty. Now, the Imperial Government can say: "We charge you nothing in the way of money for those rights which we give you, but in order to prevent further difficulty we insist that our interpretation of this Treaty shall be acknowledged now as being the correct one." I think hon. gentlemen will see it is most desirable that that attitude should be assumed by the Imperial Government; and it is the duty of our Government, who represent the people who are the most directly interested, to put it strongly to the Imperial Government that this question shall be settled before any new Treaty shall go into operation. I hope that the leader of the House sees the force of my argument, and that he concurs in my view. I may say, with respect to this Fortune Bay matter, in order to illustrate the way in which American estimates are made up, that the Newfoundland Government appointed a commissioner to enquire into the losses suffered by the American fishermen, and that commissioner after a careful investigation (it was Judge Bennett, who is a perfectly reliable and honorable man, and took great pains to inquire into the matter) reported that at the outside the loss of the American fishermen could not have exceeded $17,000; and after the Imperial Government had paid the sum of $75,000 to the Government at Washington they called upon the Newfoundland Government to repay them that sum, less the sum of £150, which the Gov-

ernment of Canada had paid. The Newfoundland Government refused to do so, and contended that the Government of Great Britain had paid a great deal more than they should have paid; and the Newfoundlanders declined to pay any more than Judge Bennett had certified that the American Government were entitled to, and they paid to the Imperial Government the sum of $17,000, and that Government were out of pocket for the balance. It appears in the correspondence on this matter that, as in the case of the Alabama claims, after all the claims upon this fund by American fishermen had been settled, the American Government retained a large portion of this $75,000 in hand. I hope sincerely that our Government will bring this matter very strongly before the notice of the Imperial authorities, so that we shall not be obliged bye and bye to pay ridiculously extravagant compensation to American fishermen for fancied wrongs.

The motion was agreed to.

HER MAJESTY'S JUBILEE.

MOTION.

HON. MR. ABBOTT—I feel myself much honored by having this opportunity of performing the agreeable duty of moving that an humble address be presented to Her Majesty, congratulating her upon the completion of the fiftieth year of Her Majesty's auspicious reign. This motion, I imagine, is one which will appeal to the hearts of every true Canadian, whatever may be his race or religion, and it requires probably no long introduction from me, because a great many of us are as familiar as I am with the events of our beloved Sovereign's reign, and with the progress which the country and the empire have made during that period. But perhaps it will not be out of place if, before making my motion, I should glance at some of the characteristics of a reign seldom equalled in duration in history, and unexampled for the advantages which we have enjoyed under it, and the unequalled prosperity of the vast empire of which we form a part. When Her Majesty ascended the throne of Great Britain, this country was composed of a small corner of the continent, sparsely settled, torn by internal dissensions, and just recovering from a convulsion so fearful as to be almost entirely a revolution. Of railways, I think we had none, or, if any, a short railway of a few miles long from Montreal to St. Johns, I think. I am not quite certain that that railway was in existence, but if so, it was the only railway then existing in Canada, and our material wealth, our material position, was very much on a par with our position in other respects. We must remember that shortly after Her Majesty's accession to the throne she gave us the Constitution under which we have since lived and prospered. It is to her consideration for her Canadian subjects we owe the fact that we are living, and have been living for nearly fifty years, under a Constitution modeled on that of the parent country; under which we have shared in the blessings and prosperity which that country has enjoyed, and in the progress which that country has made. During that period of fifty years it is really astonishing to consider the progress Canada has made, the changes that we who have been looking at it for fifty years, now see in it. Instead of a few scattered provinces, we now possess the larger half of this immense continent of North America. Instead of ten or fifteen miles of railway we are approaching the period when we can count such highways by as many thousands of miles, and a large portion of the country which under Her Majesty's authority we manage and control, is intersected with a perfect network of them.

It is only lately we finished connecting the two oceans together with bonds of steel, and the Canadian Pacific Railway alone, with its branches number thousands of miles. Our material prosperity has progressed in practically the same ratio as our railways. Our shipping, and the number of persons engaged in sea going pursuits as recent returns have shown, now give us, in those respects, the rank of fourth or fifth nation in the world; and during this same period the progress of physical science in all departments has been equally extraordi-

nary. The wonderful developments in science which have resulted in the present adaptation of electricity and steam to the wants of common life, indicate a change greater in the last half century than I venture to presume, any 50 years of this world's age will ever show hereafter. Many of us know what we were, when we had no telegraphs, no railways, and none of the advantages which have resulted to us from the use of steam, and the adaptation of electricity to all manner of pursuits.

On the social side of the question, when we look at Her Majesty and Her reign as a social force during 50 years of this century, we cannot but admire and respect her. We know her history. She has been the revered head of that august family, with whose conduct and her management of it, we are as perfectly familiar as we are with those of our neighbors. We have seen that during the whole of this period she has been the guardian of the purity, the morality and order of the society of which she has been the august head. She has been a model to the women of our country, as a mother, as a woman, as a wife—in fact I think we may sum up what we think of her by saying that our respect for her as a Sovereign is only equalled by our love for her as the friend and mother of her people. With such a Sovereign, and on such an occasion we can do no less than express to her our loyal and affectionate congratulations upon the occasion of this fiftieth anniversary of the commencement of her beneficent rule over us, and our hope that she may long continue to be the Sovereign of a contented and prosperous empire. I move therefore that an Address be presented to Her Majesty in the following terms :—

MAY IT PLEASE YOUR MAJESTY :—

We, Your Majesty's loyal and dutiful subjects, the Senate of Canada, in Parliament assembled, beg to offer our sincere congratulations on the happy completion of the fiftieth year of Your auspicious Reign.

The Supreme Disposer of events has made Your Majesty the Ruler of the fifth part of the habitable globe. Hundreds of millions of almost every race and tongue are proud to own your sway. But among them all, there is no community that cherishes a more heartfelt attachment to Your Majesty's person and Throne, than the people of the Canadian Dominion.

Once a colony of France, won in a struggle not less honorable to the vanquished than the victors, it was not long till its fidelity to the Crown was severely tried How it stood the test was known to Your Majesty's illustrious father, when he honored with his friendship the hero of Chautauqua—the brave De Salaberry. And when the daughter of the Duke of Kent ascended to the Throne, the event was hailed as the dawn of an era which should bring to British and French Canada not only prosperity and progress, but the spirit of unity and goodwill. Under the influence of the great gift of constitutional self-government, conferred upon Canada in the early years of Your Majesty's reign, the country has made rapid progress. It has shared in the general advancement of the last half century, in the wonderful discoveries and application of science—the railway, the steamship, the telegraph, and their conquests of time and space; the multiplication of manufactures, the expansion of commerce, the blessings of legal reform, the diffusion of education, and in the wearing away of prejudices through increased intercourse between man and man. If the Empire's progress compares favorably during the last fifty years with that of the world at large, so does the progress of Canada compare favorably with that of the Empire. From a few scattered Provinces, it has become a great Federation, stretching from ocean to ocean, and linking by its iron path the European to the Asiatic portions of Your Majesty's domain.

It has been the good fortune of the people of Canada to enjoy, from time to time, the honor of the presence and countenance of several members of the Royal Family, and this relationship not only deepened the loyal devotion to the Head of the British Empire, but enhanced their regard for the wife and mother, their veneration for the memory of the husband and father.

Our earnest prayer is that He who is the Ruler of all nations and the King of all Kings, may uphold, direct and preserve Your Majesty for many long years to reign over a prosperous and contented people.

HON. MR. SCOTT—I have much pleasure in rising to second the address which has been read to the House by the leader of the Government offering our congratulations to Her Majesty the Queen on the attainment of the 50th year of her reign. The reign of Queen Victoria stands out in marked relief as the most eventful of which English history has any note. Since the days of the Saxon Heptarchy under King Egbert, a period of over 1,000 years, there has been no reign which at all can bear comparison with that of our present Sovereign. When one reflects

on the marvellous changes which have taken place in the last 50 years, the first thought that rises in ones mind is the gratifying feeling that one has been a participator in the history of that memorable period. My hon. friend has spoken with somewhat a prophetic feeling when he said he doubted if in the future as wonderful changes will take place in material progress as have marked the past half century. We know not what the future may produce, but this we can say, that the 50 years gone by since Her Majesty ascended the throne have been the most remarkable 50 years within the period of 1,000 years since the foundation of the British Empire. One can, perhaps, best appreciate the marvellous changes by going back to 1837. The news was conveyed to us of the death of William IV., and of the ascension of Queen Victoria to the throne, not by a cable message as it would be to-day, nor was it brought to this country by steamship as it would be at present, because at that period Prof. Morse was endeavoring to prove that messages could be conducted over a wire at comparatively short distances, and as distinguished a man as Prof. Lardner had convinced, to his own satisfaction, the scientists of his day that the Atlantic could not be navigated by steamships. The message was brought to this country, therefore, by sailing vessels. The people were assembled together in the different counties by heralds who had been sent out to notify them that on a particular day the royal proclamation would be read that Princess Alexandria Victoria had ascended the throne of her ancestors. I remember, fifty years ago, being in the town of Brockville, and hearing the High Sheriff, after having called the people together for that purpose, read this proclamation that had been carried across the Atlantic, occupying more weeks in its transport than it would days at the present time. No minute history of the present day could convey a stronger picture of the marvellous changes which have taken place in that period, than the circumstances which marked the beginning of Her Majesty's reign. Those two great factors, steam and electricity, were then about being utilized by men, and the wonderful revolutions that they have created are the greatest marvels which have taken place in the history of the world. But as was very eloquently noted by the hon. gentleman who leads this House, the Queen has shone more particularly in her attributes as a woman. In all these marvellous changes which have taken place she, herself, can not have gained any special credit beyond the credit that is due to her as a constitutional sovereign in holding the scales so justly and so equally between the various parties in the community, that no reflection for one moment is passed upon her by either party during that long period. I say the attributes in which she ought to be and is most honored are those in which she has set her people so admirable an example in the management of her own court. I will not for one moment draw a contrast between the court of Queen Victoria and the court of either of her uncles who preceded her, or any of the Georges her immediate ancestors. The contrast could not be made, one is so entirely and absolutely different from the others. To Her Majesty, we owe largely the great development of constitutional government. We know that although constitutional government was established long before the accession of Queen Victoria, yet the King exercised a kind of petty tyranny in defying very often the will of the people. Since Her Majesty ascended the Throne it is the people's voice which has ruled, and more particularly are we in this Canada of ours to feel grateful to the Queen, because it is in this colony that the most marvellous development of Constitutional Government has taken place since 1837. Our freedom—civil and political—is probably unequalled by that of any other community in the world. Our laws are just what we ourselves have made them. What is the will of the majority of the people is the law of the hour. We are in this country free from the class legislation which prevails in other countries, because we are, comparatively speaking, a young community, and we have arrived, probably, at the very highest pitch of civilization which gives to the largest number the greatest good. Hon. gentlemen, I am quite sure that in all the wide

Empire over which Her Majesty rules, there is not a people who will more joyfully and more earnestly unite with the rest of her dominions in offering to Her Majesty their congratulations on the occasion of the 50th year of her reign than the people of Canada, and I am sure it will be the earnest prayer of all of us that she may yet be spared for very many years to rule over her people who are so proud of so distinguished a Sovereign. With these observations I have very much pleasure in doing what I am sure all of us do, seconding what has been so well said by the leader of the Government in proposing this Address to the Queen for our adoption.

HON. MR. POWER—Before the question is put, I wish to direct the attention of the leader of the Government to the fact that there is a slight clerical error in the resolution. As I understand it the Address reads from the Senate and House of Commons. I believe the practice is that we speak for ourselves and leave a blank in the motion for the House of Commons, and the blank is filled up when the Address passes that House.

HON. MR. ABBOTT—On looking at the Journals, I find that the course described by my hon. friend is the proper one.

HON. MR. ABBOTT moved—

"That a Message be sent to the House of Commons by one of the Masters in Chancery to acquaint that House that the Senate has adopted the said Address to Her Most Gracious Majesty, and to request their concurrence."

The motion was agreed to.

ST. VINCENT DE PAUL PENITENTIARY.

MOTION.

HON. MR. BELLEROSE moved

That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will be graciously pleased to cause to be laid before this House, a copy of a letter and of a telegraphic despatch addressed by the Honorable Minister of Justice to the Honorable J. H. Bellerose, dated the 10th December, 1886; a copy of the reply of the letter; and also, copies of declarations made by the employés of the St. Vincent de Paul Penitentiary, on the tenth and eleventh of the same month, in reply to the questions put to them by the Honorable the Minister of Justice and the Honorable the Secretary of State on the administration of the St. Vincent de Paul Penitentiary.

The motion was agreed to.

BILLS INTRODUCED.

Bill (59) "An Act to amend the Act incorporating the Alberta and Athabaska Railway Company." (Mr. MacCallum.)

Bill (26) "An Act to incorporate the Kincardine and Teeswater Railway Company." (Mr. Reed.)

SECOND READING.

Bill (12) "An Act to revise and amend the Act to incorporate the Saint Gabriel Levee Railway Company." (Mr. Ogilvie.)

ONTARIO & QUEBEC RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. McKINDSEY moved the second reading of Bill (27) "An Act respecting the Ontario & Quebec Railway Company."

He said: This Bill is for the purpose of enabling the Ontario & Quebec Railway Company to possess, by lease or otherwise, that portion of the West Ontario Pacific Railway line between the River Detroit, opposite the city of Detroit, and the town of Woodstock. The Ontario & Quebec Railway at present have their terminus at St. Thomas, connecting at that place with the Michigan Central Railway, commonly known as the Canada Southern Railway. That connection is not considered sufficient for the purposes of the people of this country to get proper rates &c., and they desire to possess themselves of that railway for the purpose of making connec-

tion at Detroit, where they will have a choice of railways, with the American system. There are three places in the western part of Ontario where these railways centre, namely Port Huron, Windsor and the Niagara River, and the intention is, no doubt for the benefit of this country, that the railway system of Canada should centre in at least one of these three places. The object of the Ontario & Quebec Railway Company is to obtain the right to secure that portion of the road between Woodstock and London, now completed, as well as that portion between London and the Detroit River, which is now under construction. The Bill has passed the other House, but I suppose there will be no objection to it here.

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

RAILWAY ACT AMENDMENT BILL.

CONSIDERATION IN COMMITTEE POSTPONED.

The order of the day having been read —Committee of the Whole House on Bill (47) Railway Act Amendment Bill.

HON. MR. ABBOTT said—In accordance with the request made by some hon. gentlemen at the discussion of the second reading of this Bill, I have obtained and now lay before this House diagrams of the interlocking switch, and of the hurdle-gate. I place them on the table. With regard to the Bill, I have received intimation of several amendments that are to be proposed, some of considerable importance, and some that are practically little more than verbal changes, and therefore in order that these amendments may be thoroughly and effectually considered before coming under discussion in this House, and, as it were, the chaff separated from the wheat, I would move, with the permission of this House, that the Bill be not now taken into consideration by the Committee of the Whole House, but that it be referred to the Railway Committee of this House.

HON. MR. DEBOUCHERVILLE—I think there is a mistake. This is not the bill in which there is an interlocking switch mentioned. It is in bill number six.

HON. MR. ABBOTT—It is in both bills.

HON. MR. MILLER—I think the suggestion of the Hon. Leader of the House is one which best meets the convenience of those who may have objections to the bill.

The motion was agreed to.

The Senate adjourned at 5:30 p.m.

THE SENATE.

Ottawa, Tuesday, May 31st, 1887.

The SPEAKER took the Chair at 3 p.m.

Prayers and routine proceedings.

SUNDAY DESECRATION.

PETITION PRESENTED.

HON. MR. ODELL—I have the honor to present a petition which is of so singular a character that I desire to read it at length to the House. It is as follows :—

TO THE HONORABLE THE SENATE OF THE DOMINION OF CANADA, IN PARLIAMENT ASSEMBLED :

The Petition of the Electors of Black River, &c., N.B.,

Humbly Sheweth :

That Railway and Steamboat Traffic on the Lord's Day is an evil of great and growing magnitude in this country, a violation of Divine Laws, and a serious injustice and injury to a large number of persons who, in consequence of it, are deprived of rest on the Lord's Day, and, to a large extent, of the beneficial influences of the home and family, and of the moral and spiritual advantages of attendance at Divine Worship; and who therefore are in danger of becoming an isolated class liable to the inroads of infidelity and of socialistic theories full of peril to

the best interests of society. That your petitioners are convinced that Sunday railway and steamboat traffic is not necessary, but may be abolished without injury or loss, and with good results, to all persons and interests affected by it. That your petitioners are aware that the cessation of railway and steamboat traffic on the Lord's Day cannot be attained by a gradual advance towards that desirable consummation, but must be accomplished not by the consent of one company after another, but by the use of authority and the enforcement of law that will operate simultaneously throughout the entire Dominion of Canada and the whole of the United States of America. Your petitioners therefore pray your Honorable House to pass an Act of Legislature that will give authority to His Excellency the Governor-General of the Dominion of Canada to issue a proclamation prohibiting all Sunday railway and steamboat traffic in Canada on and after such date as a similar law shall come into operation in the United States of America.

And your petitioners, as in duty bound, will ever pray.

I draw attention to the prayer of the petition as I think it is important that in a matter of this kind we should know whether we are dependent upon our neighbors for such legislation.

HON. MR. ALMON—Is there anything said in it about American fishermen fishing on Sunday in Canadian waters, in the manner we heard of yesterday?

WESTERN CANADA LOAN AND SAVINGS COMPANY BILL.

THIRD READING.

HON. MR. ALLAN, from the Select Committee on Banking and Commerce, presented the report of Bill (6) "An Act to enable the Canada Loan and Savings Company to extend their business and for other purposes."

He said: I wish to explain that there is only one amendment to this Bill. That is to strike out the last clause. That clause was to extend the borrowing power of the Company. Objection was made to it by the Government and it was thought desirable, therefore, to strike out the clause. It is the only amendment to the Bill, and under the circumstances I beg leave to move concurrence in the amendment.

The motion was agreed to and the amendment was concurred in.

HON. MR. ALLAN—I move that the Bill be now read the third time.

HON MR. TRUDEL—Before the third reading of the Bill I wish to make a few remarks. When this measure was read the second time it was understood that an opportunity should be given to those opposed to the principle of the Bill to discuss it in Committee. This opportunity, of course, occurred to-day, in Committee, and although I do not intend to make a formal opposition to the third reading of the Bill, still I believe that the principle involved in such legislation should not be adopted here without protest so that in the future the passage of this measure shall not be invoked in favor of other Bills for like purposes which may present themselves with less favor to the House. I am willing to admit, after the statements which have been made before the Committee, that this Bill is not as objectionable as others of a similar character might be. The object of this measure is to give a Loan Company, which was originally chartered for purely local purposes, power to extend their operations throughout the Dominion. As far as I am informed, there has been no petition from any part of the Dominion asking for the extension of the operations of this company to other provinces, so that I am entitled to suppose that the powers asked for in this Bill are only sought for by the Company itself. In the province from which I come we have had in the past a great number of those Loan Companies which did not work very satisfactorily, generally speaking. I do not intend to occupy the time of the House in discussing the merits of those Companies; I shall content myself with stating that in my humble opinion, though there have been some exceptions, and some of those Loan Companies have been beneficial to the country and an accommodation to the public, the majority, and I think the great majority of them, have proved disastrous to the people of our province. I may be told that people to whom the money is offered are perfectly at liberty not to accept it, but I think it is the duty of Parliament to protect, to a certain extent at least, the people against their own weakness,

and this is one of those cases where Parliament ought to exercise its power in that direction. The principle to which I object is this : It is that of giving to a company created for purely local purposes, general powers which are not asked for by the people of provinces. If it were shown that the people of New Brunswick and Nova Scotia, for instance, had petitioned Parliament to have the powers of this company extended to other parts of the Dominion, I could see no objection to it ; but we are here giving power to this company to extend their business to every province, whether the provinces are satisfied or not. It may happen that in some parts of the Dominion the people have come to the conclusion that the operations of loan companies are not beneficial to the community, yet by this Act we authorize this company, against the will of the people themselves, to extend their business. I do not intend to make a formal opposition to this Bill, but some other company may come before us and invoke the precedent which we are creating today. It may be said, "what harm can possibly result from the fact that more companies may go into the provinces and offer to loan money to the people? It can have no other effect than to lower the rate of interest." Well, the establishment of branches may have another object. In the province to which I belong those companies are rarely established without an invitation being extended to the public to take stock in them. Disastrous results have ensued in some cases of the kind, the stockholders losing all their money. That has occurred in the case of certain banks. We have seen banking institutions, who were unable to continue their operations in one city, establishing branches in other parts of the country under color of working in the interest of the public. What was the result? The bank induced the people of the place to subscribe stock to the extent of $100,000 to $200,000, promising as an inducement to establish an office in the locality. It has happened in some such cases that the people who subscribed stock have lost 25, 50 or even 75 per cent. of the amount thus subscribed. I am satisfied that there is no reason to fear anything of the kind in the case of the company whose Bill is before us, but I want it to be well understood that I am opposed to the principle, and if this Bill were allowed to pass without opposition or a single remark in relation to it, the measure might be cited as a precedent on some future occasion in the case of some company. less entitled to public confidence, seeking incorporation.

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

NOVA SCOTIA BENEFIT BUILDING SOCIETY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (E) "An Act respecting the Nova Scotia Permanent Benefit Building Society and Savings Fund," with amendments.

HON. MR. ALMON moved that the amendments be concurred in. He said : The amendments were examined by the Hon. Leader of this House, by the Law Clerk of the Senate, and by Mr. Courtney, of the Finance Department, and all agree that there is nothing objectionable in them. They were also discussed in the Committee on Banking and Commerce, and as I am anxious that the Bill should go down to the House of Commons as soon as possible, I hope that the amendments will be adopted.

The motion was agreed to.

HON. MR. ALMON moved the third reading of the Bill.

HON. MR. BELLEROSE—I do not intend to oppose the Bill, but I cannot let it pass without making an observation. This Company has a right to lend money without restriction as to the rate of interest they may charge. I believe that this is bad legislation It is said, and I know it to be the fact, that just now money is cheap, and there is no danger that the Company will demand too high a rate ; but there are times when money is scarce, and in the history of the country we

know that at such times high rates of interest have been charged. I believe that the Bill as it stands is not in accordance with sound principles. I thought it my duty to make this statement now, so that under similar circumstances, on some future occasion, I may be able to remind the House that when a wrong principle is invoked, you never know where you are going to stop.

HON. MR. HOWLAN—As this Bill is very important to the people of our Province, I think it would be well to let the third reading stand for the present. There is no petition from Prince Edward Island, asking for this extension, and I think it is as well that we should have an opportunity to examine it carefully.

HON. MR. DICKEY—I concur in the suggestion that the Bill should be allowed to stand until to-morrow. I think it is very desirable that we should see exactly what we are doing. I beg to remind my hon. friend from the Province of Quebec who has objected to the extension of this Bill, that if we are to be guided by precedent in these matters, the first precedent we had for extending the powers of local companies to the whole Dominion came from Quebec—it was the celebrated Credit Foncier Bill, which I opposed very strongly on the principle that I did not like this kind of legislation. Having already stated my objection, I do not like to repeat myself or urge the arguments which did not seem to impress the House before. I quite sympathize with the argument made by the hon. gentleman from Quebec; I am of the same opinion, and feel strongly the injury that these Bills will do to the public, although I admit the great good that they will do the companies interested in them.

The third reading of the Bill was post poned until to-morrow.

BILLS INTRODUCED.

Bill (29) "An Act to incorporate the Manufacturers' Life Insurance Co."—(Mr. McKindsey.)

Bill (24) "An Act to incorporate the Goderich and Canadian Pacific Junction Railway Co."—(Mr. McCallum.)

LAVELL DIVORCE BILL.

SECOND READING POSTPONED.

The Order of the Day having been called for the second reading of Bill (H) "An Act for the Relief of William Arthur Lavell," and that the petitioner do attend at the bar and be heard by counsel,

HON. MR. KAULBACH presented to the House the certificate of the Clerk of the Senate that the rule with regard to the posting of notice on the doors of the Senate had been complied with.

HON. MR. POWER—I wish to call the attention of my hon. friend to the fact that this Bill does not seem to have been distributed, and while it is very desirable that it should be served on the respondent, I think it should be distributed amongst the members also.

HON. MR. KAULBACH—It is the usual form of bill asking for divorce, and I hope my hon. friend will not press his objection. Both parties are here and are anxious to proceed with this matter, and unless my hon. friend sees that some injustice will be done, I hope he will withdraw his objection.

HON. MR. POWER—When we read this Bill the second time we affirm its principle, and I do not think my hon. friend can expect us, to use a rather vulgar expression, to "buy a pig in a poke." The Bill is not before us, and I do not see how we can very well read it the second time. My hon. friend from Lunenburg has himself had bills put off this very session on the same ground.

HON. MR. CARVELL—I think it is only fair that we should have the Bill before us. My hon. friend says the House cannot be taken by surprise; I think the whole subject matter is a surprise, if I am correctly informed, and we had better delay the second reading of the Bill until it is before us.

HON. MR. KAULBACH—I must yield to the pleasure of the House; but my hon. friend behind me does not seem

to be taken by surprise, as he seems to know a good deal about the Bill.

HON. MR. CARVELL—The hon. gentleman misunderstands me; I know nothing of the Bill, for the simple reason I have never seen it.

HON. MR. SCOTT—This Bill appears to have been read on the 16th May and to have been distributed, but it is so long ago that hon. gentlemen must have forgotten it.

HON. MR. KAULBACH moved that the order of the day be discharged and that the second reading of the Bill be fixed for to-morrow.

The motion was agreed to.

THE ASH DIVORCE BILL.

THIRD READING.

The order being called for the consideration of the Report of the Select Committee to whom was referred Bill (B) "An Act for the Relief of Susan Ash,"

HON. MR. OGILVIE moved that the report be adopted.

HON. MR. POWER—There are some circumstances connected with this Bill which distinguish it from other bills of this character that generally come before the House. I find, on looking over the evidence, that the party petitioned against in this case, William Manton, obtained a decree of divorce from the Court in Massachusetts, some years ago; that at the time he obtained that decree of divorce he was domiciled in the State of Massachusetts; that amongst the papers which were given in evidence before the Committee was the exemplification of the sentence or decree of the Massachusetts Court, and I think that sentence or decree has been established to the satisfaction of the Committee and of this House as clearly as anything can be.

HON. MR. OGILVIE—No, no.

HON. MR. POWER—It has been established, as I understand it. The petitioner's own counsel put in evidence of this Massachusetts decree. I find that the first clause of this Bill says:—

"The said marriage between the said Susan Ash and the said William Manton, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever."

The fact is, that, in the view of the English law, the marriage has already been dissolved, and we cannot by an Act passed here dissolve that which has already been dissolved. I think that the hon. gentleman in charge of the Bill, if he wishes the Bill to go through in any shape, should alter the first clause and provide that the said divorce shall be confirmed in every respect, if there is any doubt about the validity of the Massachusetts divorce. I find on glancing over the evidence that the petitioner admits that she was notified of the proceedings for this divorce in the State of Massachusetts, and consequently she was bound—as her husband's domicile was in Massachusetts and the wife's domicile is the same as the husband's—by that notice and by the decree of the American court. Under those circumstances I do not see how we can very properly pass a bill here to dissolve this marriage which has already been legally dissolved. On looking at the original Bill and at the amendments which are proposed by the Committee, this fact becomes more clear, because I see that the Committee have struck out those words

"That on the thirteenth day of April, one thousand eight hundred and seventy-four, the said William Manton, without the knowledge or consent of the said Suzan Ash, and without collusion or connivance on her part, obtained a decree of divorce in the Supreme Judicial Court of the County of Suffolk, in the State of Massachusetts, one of the United States of America."

Now that fact although it has been struck out of the preamble of the Bill appears in the evidence which was brought before the Committee.

HON. MR. GOWAN—Alleged but not proved satisfactorily.

HON. MR. POWER—As I understand it, the exemplification of the decree of a foreign court under the seal of the court

is good evidence in our courts, and I see that that exemplification is amongst the papers laid before the House, and I just wish to call the attention of hon. members to two or three authorities (there are a great many of them) on the subject. In Foote's International Jurisprudence, page 474, it is laid down that

"If the court which decreed the divorce had jurisdiction to make such a decree, according to the estimate formed by English law of that jurisdiction, it is certain that such a foreign judgment will receive full recognition here as conclusive and binding, whether in a suit between the same parties, or between strangers to the original decree."

In the case of *Magurn* vs. *Magurn*, a case to be found in the Ontario Appeals reports, vol. 11, page 178, it is held that the jurisdiction to grant divorce depends upon the domicile of the party—that is, of the husband. Then a recent leading case on the subject is the case of *Harvey* vs. *Farnie*, in the House of Lords, which lays down that

"The English Courts will recognize as valid the decision of a competent Foreign Christian Tribunal, dissolving the marriage between a domiciled native in the country where such tribunal has jurisdiction, and an Englishwoman, when the decree of divorce is not impeached by any species of collusion, or fraud. And this, although the marriage may have been solemnized in England, and may have been dissolved for a cause which would not have been sufficient to obtain a divorce in England."

This divorce was granted in Massachusetts on the ground of desertion, and I might mention that the evidence of Susan Ash in this case before the Committee establishes the fact of her desertion of her husband. She admitted that she had deserted him, and she said it was on the ground of his cruelty, but further than the fact it was alleged that he sometimes drank a little more than was good for him, the nature of the cruelty did not appear, but she did admit her complete and absolute desertion of her husband. This was the case in the House of Lords:—

"A domiciled Scotchman married in England an Englishwoman. Immediately after the ceremony, the married couple went to Scotland and resided there as their matrimonial home. Two years after, the wife obtained in Scotland a divorce *a vinculo matrimonii*, on the ground of her husband's adultery only. The husband came to England and married there another Englishwoman, his first wife being still alive. In a suit for a declaration of the nullity of the second marriage, at the instance of the second wife:

"*Held*, affirming the decision of the Court below, that the divorce in Scotland was a sentence of a Court of competent jurisdiction, not only effectual within that jurisdiction, but entitled to recognition in the Courts of this country also."

While I feel that under ordinary circumstances I should not be disposed to interfere in the matter of a divorce bill, I think if we are going to grant bills of divorce, we ought to be careful that they are not granted in cases where there are reasonable and substantial objections to granting them; and in this case there are such objections. The woman deserted her husband. The marriage took place in Montreal, and the couple afterwards domiciled in Ontario. After living together a short while, she deserted him without any cause known to the law. Then he went to Boston and lived there several years, and acquired a domicile there, with the intention of not returning to Canada, and there began proceedings for divorce against his wife on the ground of desertion. She was served with the papers necessary in the case, and the divorce was granted by a competent tribunal, and I do not see under those circumstances how this Parliament can undertake to decree that the marriage is hereby dissolved. If the hon. gentleman will take his Bill in the form that this divorce in Massachusetts is recognized and confirmed, there would be less objection to it; but as it stands now I think it is altogether objectionable; and it is a question on which the opinion of the leader of the House would be particularly valuable and desirable.

HON. MR. GOWAN—I admit the gravity of the subject and the special gravity of it in reference to the petitioner in this case. My hon. friend opposite has pointed out what was, I think, an unfortunate clause inserted in this Bill—unfortunate, because it was not necessary for the purpose of the Bill to set forth the circumstances. It is what would be called bad pleading to set forth circumstances, while it would be quite sufficient to set forth the fact that adultery had been committed.

HON. MR. POWER—It could not be adultery if the man was legally divorced.

HON. MR. GOWAN—It sets forth circumstances which I think ought not to be set forth, and therefore it was properly eliminated from it by the Committee. Now, what has the House before it? It has before it the Bill amended by striking out the matter improperly set forth in the preamble that a decree of divorce had been obtained in Massachusetts. With regard to the evidence of a divorce in the United States, I think myself it is altogether incomplete and insufficient. Apart from the circumstance, a very serious one, for the people of this country, that the petitioner in this case, being a native of Lower Canada, the husband a native of Upper Canada, the latter going to a court of foreign jurisdiction and, as alleged, obtaining a divorce there, apart from that circumstance, I think myself that the evidence of the decree, if it may be so called, before the Committee was quite insufficient and therefore the Committee acted properly in eliminating the allegation respecting it from the Bill. What was the evidence that should satisfy a tribunal of this kind? My hon. friend will not deny that every tribunal is entitled to lay down for itself the manner in which it will take cognizance of the decrees of a foreign court. That doctrine I believe, my hon. friend will find in Ford on International law and I do not think there is any principle more freely admitted than that. Now what was the evidence produced here? I do not enter into the circumstances under which counsel for the petitioner produced this evidence, but certainly a document was produced, which professed to come from a court of the United States having, or supposed to have, jurisdiction in matters of this kind. That was certified by a gentleman describing himself as chief justice of the court; but whether he was chief justice or was not chief justice we have no evidence. It is usual for such a document to be supplemented by the evidence from the Governor, or of some other high functionary certifying that the gentleman who describes himself as chief justice was in fact the chief justice of a particular State. My hon. friend may possibly reply to me "all that is provided for by the Evidence Act, and that a decree coming under the seal of the court is to be taken as evidence conclusive of that decree." I am not prepared to admit that, although there is a clause in the Dominion Act respecting evidence in all proceedings over which the Parliament of Canada has legislative authority, the laws of evidence in force in the Province in which such proceedings are taken shall, subject to the provisions of any Act of the Parliament of Canada, apply to such proceedings. Now I take it that this by no means includes the high court of Parliament. It would relate, no doubt, to any criminal matters if the question came up as to the existence of a decree of a foreign court, in a Provincial court, but this by no means includes the high court of Parliament. It says that in all proceedings over which Parliament had legislative authority the laws of evidence in force in the Province shall prevail in proceedings to be taken in that particular Province. Now if we are to take the laws of any particular Province as a guide, are they to be the laws of Quebec, New Brunswick, or Ontario? It may be that they are the same in all those Provinces; I do not know whether they are or not, but all I mean to say is this, that this clause on its face does not expressly confer the power in matters before this high court of Parliament. I say, therefore, that there was nothing before the Committee to justify it in accepting the paper submitted as proper evidence of a decree having passed. Then, assuming for the sake of argument, that proper evidence was given of this decree, upon its face it carries with it an implication that the party was not heard, or, if heard, that what she alleged, if she alleged anything, against the decree was not taken into consideration. It is tru that the woman, when she was under examination, admitted that certain papers, of which she did not know the contents, were given to her at about the time that probably these papers would come to this country, but she said she gave them to her father and did not know what their contents were, although she may have surmised what they were. In one of the clauses the

allegation of the alleged decree is that

"This libel was entered in this Court at the last term thereof, and thereupon it was ordered that the libellant give notice to the said Susan Manton to appear before the justices of this Court to be holden at Boston, within and for the said County of Suffolk, on the fourth Tuesday of November, A. D. 1873, by adjournment from the second Tuesday of September, in the year last aforesaid, by serving her with an attested copy of said libel and of this order thereon, fourteen days at least before said fourth Tuesday in November, that she might then and there show cause why the prayer of said libel should not be granted."

Now that is a clear and distinct order of the Court, and it required, in order to give validity to the action of the Court, fourteen days' service before the 4th day of November. In this decree it does not allege that it was so, or at all events it leaves it ambiguous, because in a clause further on it said, "and the libel was then continued unto the present term"—that is the term in April, and then comes the decretal part "now the libellant appears and proves to the Court that said notice had been given as ordered, but the said Susan Manton, although solemnly called to come into Court, *doth not appear* and makes default."

Now, the statements are not consistent upon the face of this decree; it shows that the party was summoned to appear on a certain day in November, but it does not appear whether the Court did or did not sit on that day. The Petitioner may have appeared on that day. It goes on to say that the Court was adjourned until the month of April following, and then the allegation is, that said Susan Manton, although solemnly called —that is on the day the decree was made, the 7th day of April—failed to come into court. Now, if there were continuations of the Court, and the matter was not taken up on the day she was required to attend, it would be unrighteous and unfair to bind the petitioner in this case by an Act of which she had no notice. She may have appeared, for aught we know, on the day first named, but after the case was adjourned three or four times it is alleged, not that she did not appear on the particular day, of which she had no notice, but that "she doth not appear" on the day the decree was made in April, I say, therefore, the decree is bad on its face, and not an authority on which the Committee should act. I was on the Committee and know what passed and I think the evidence was incomplete on the two grounds I have mentioned—first, that it was not properly before us as a decree of the court; that the evidence is not sufficient in itself to prove that such a decree existed at all; and secondly, assuming, for the sake of argument, that the decree was proved, the first principles of natural justice seemed to have been violated and the judgment given against the party without an opportunity for her being heard. Now what is the position of this case? This woman seeks to free herself from the bond of marriage by applying to this her own court. What does her husband do? He goes to a foreign court, and if there be any favor to be shown I do not think that, acting as the highest court of the country, we should give effect to an action of that kind. In the one case the respondent repudiates the tribunals of his country. In the other case, the petitioner appeals to the court of the country, and I think, under all these circumstances, the Committee were warranted in the course taken. It was a mere matter of surplusage in the Bill. It was inferentially charged that the respondent committed adultery. The Committee were satisfied of the fact, for he had children by another woman, and they had positive proof that the petitioner was married in this country, she and her husband being British subjects. Under these circumstances, I think the Committee were perfectly warranted in striking out that of which there was not, to my mind, sufficient proof, and limiting the preamble so as to make it a mere naked allegation, that the respondent was guilty of adultery. Unless we are to discourage those who appeal to the tribunals of this country—unless we are to give a premium to those who appeal to the tribunals of another country, and unless we are to repudiate right feeling, I do think we ought not to give effect to a technical objection that the matter was contained in the Bill —that is to say, that we should support a decree of a foreign country. admitting it to be a decree for the purposes of

argument. But I am not prepared to accept in its entirety the views of my hon. friend that a decree in a foreign country is necessarily conclusive in Canada. No doubt the authority he refers to goes to support his contention, but if he looks into all the circumstances of the case he will find them very different from the circumstances of this case, and I am very far from accepting it as a broad proposition of law, that the decree of a tribunal in another country must be taken as conclusive in this country. In the very work to which he refers there is an expression used by Lord Penzance which I think has a very decided bearing on this case. Lord Penzance, than whom, as my hon. friend well knows, there can be no better authority, says it is just and reasonable that the differences between married people should be adjusted according to the laws of the community to which they belong. Now both of these people were British subjects, and all this woman asks, under peculiar circumstances, it seems but just she should have although they were not all brought out—it was a matter of delicacy to press some questions upon her—but it was proved that the husband acted with cruelty to her, a very young woman, whom he had married when she was quite a child. I think any objection to granting her petition would be unreasonable, having in view all the circumstances of the case. She was married undoubtedly to the respondent in this case; both husband and wife were British subjects; he left her, or at all events did not come to her, and she was obliged to depart from him for gross drunkenness and cruelty, and now she appeals to the laws of her country to make her, as she is entitled to be, a free woman. This will not interfere with the position of the man. He is happy, no doubt, in the freedom which he obtained in the United States. Thank God we have not arrived at the state that exists elsewhere in the readiness with which they grant divorce. The so called decree in Massachusetts was granted there simply and solely on the ground of desertion. I would not grant a divorce to any man or woman on any ground but that of adultery. I think it would be contrary to the law of God to do so; no matter what the cruelty would be, I never would be a party to consent to granting a divorce to any woman or any man unless adultery was charged and distinctly proved. Under these circumstances I do trust that my hon. friend will not press his objection, but that he will accept what the Committee have presented, and the Committee have presented this fact that they report the Bill with amendments, the amendments being simply to strike out that which was purely circumstantial—not necessary to be proved, The simple facts to be proved are these—the marriage; that he had children by another woman, and that there was no collusion. These facts were abundantly proved before the Committee, and the Committee shaped the Bill in accordance with those facts, and I do hope that these will be no objection to granting this divorce, believing that the woman is fairly entitled to it.

HON. MR. DICKEY—It has been usual in these cases for the Chairman of the Committee to explain the purport of any amendments that were suggested, and I was quite prepared to have taken that course in the usual way, and should have done so earlier had it not been for the fact that this matter has been postponed from time to time and has only come up now for adjudication. The question itself is not without difficulty, and certainly it presents to the House a most interesting problem. The Bill as originally produced before us, contained this allegation amongst others:—

> That on the thirteenth day of April, one thousand eight hundred and seventy-four, the said William Manton, without the knowledge or consent of the said Susan Ash, and without collusion or connivance on her part, obtained a decree of divorce in the Supreme Judicial Court in the County of Suffolk, in the State of Massachusetts, one of the United States of America, and that shortly thereafter, to wit, on the third day of September, one thousand eight hundred and seventy-four, went through the form of marriage with one Mary Ford Hatch.

Now that is the allegation in the Bill founded upon the allegation in the petition and in the notice—that a divorce had taken place in Massachusetts. That allegation appears on the face of the bill,

and I cannot bring my mind to agree with my hon. friend, who has just sat down, that it is a mere surplusage—it is an allegation of an important fact. On the principle laid down by the hon. member from Halifax, it is a most material allegation against the interest of the person who made it—an allegation against the claim that she makes in coming to this court for relief. This being the case, it is my duty to explain to the House how this matter came before the Committee. It came up in the shape of an exemplification of a decree of a court in the State of Massachusetts, which was produced by the counsel for the petitioner and placed before the Committee, and received without, as I am aware, objection being made to it by any person. I wish the House to understand this question plainly. When this was presented before me I was struck at once with its bearing upon the case, and, as is customary with me in deciding those cases, I thought it my duty to suggest to the counsel that it appeared to put a new complexion on the case, and called his attention to it at once, I said "Under these circumstances, according to your allegation and your proof, is there not already a divorce in this case granted, and will you not have to explain the difficulty in which you are now placed in asking us to give you a divorce when a divorce has already taken place?" This seemed to impress him, and the matter was postponed until the next day. He then applied to withdraw that exemplification. I said "No, you cannot withdraw it, because it is our duty, under the rules of this House, to return with our report all the evidence and vouchers placed before this Committee." So far the matter went. Then came up the question on a motion made to strike out these words, as an amendment. That also was carried by a majority of the Committee, I am bound to say against my opinion, although I took no part in the debate. Still my mind was not satisfied that it ought to have been done, but it was done, and done against the contention of certain members of the Committee. We then came to the conclusion that we would return the whole of the proceedings to the House, with this amendment in the preamble, striking out that allegation about the decree of divorce, because it had been decided by a majority that it should be struck out, and leave the whole House to decide; it is under these circumstances that it now comes before the Senate. I repeat, it is a matter not without difficulty, and very great difficulty, and I do not think it can be slurred over in any way as a matter that can be decided by appealing to our sympathies altogether. I confess our sympathies are naturally with the woman in a case like this, but, at the same time, I cannot help feeling that there is some sympathy due to the other woman—the second wife—and her family, if we treat this decree of divorce as waste paper, and practically decide that those people have been living in adultery for the last 12 years, and that their children, if they have any, are illegitimate. Therefore it is a serious question and not to be decided on nice points, but on the substantial merits of the case. As regards the petitioner here, the unfortunate part of it is (and I think it must present itself to the House as a thing very much to be regretted) that she has taken no steps with regard to this matter from the period of their separation in 1868—not even at the period of the divorce in 1874—she has never taken a single step until her application for this divorce appeared in the *Gazette*. That is a remarkable circumstance, and I suppose it has arisen from some change in her circumstances, with which we have nothing to do.

HON. MR. OGILVIE—Poverty was the cause.

HON. MR. DICKEY—I do not know that to be the case.

HON. MR. OGILVIE—I do.

HON. MR. DICKEY—It does not appear in the evidence. As to this divorce, my hon. friend has quoted authorities. I quoted those authorities last year, and the whole matter was discussed, on the celebrated Birrell case. I stated the law after having taken time to look into it, and I stated it in these words, and the decision I came to does not vary at all

from the authorities that my hon. friend, so far as I could hear them, has read. I stated then, and the House will pardon me for reading it in the language I used then, rather than to make a new statement, the principles of law :—

"It is a well defined principle of international law that the decrees of a competent foreign tribunal are recognized as *prima facie* decisions that should be respected in all other countries. This principle has been carried so far in England in relation to divorce, that the Courts of England, to which we look for precedents, have actually recognized divorces regularly granted in other countries, although the ground of divorce was such as would not be sufficient for obtaining a divorce *a vinculo* in England."

My hon. friend has quoted the Scotland case which I quoted myself, and it is entirely in point, because divorce in Scotland is allowed for a cause which was not a sufficient cause for divorce *a vinculo* in England, namely for adultery committed by the husband. That alone, without desertion or incest or cruelty or any other aggravating circumstances, would not be a sufficient ground for divorce in England, though it is in Scotland; though I quoted another stronger case than that, which certainly goes a very great way, and it shows how strongly the Courts will go to carry out this principle of international law. I quoted a case in which the parties had obtained a divorce in Prussia, and the question afterwards as to the validity of that divorce arose in England. It was a divorce *a vinculo* on the ground of incompatibility of temper only, a cause which would not be listened to a moment in England for divorce. It may be ground for a separation, but not for a divorce *a vinculo*, yet so decided were the courts in England that they were bound to respect the decisions of courts in other countries, they granted a divorce in the case. My hon. friend says that he is prepared to contest the principle that these divorces are absolutely and conclusively binding in this country. Of course my hon. friend, so far as he lays down that rule, is perfectly correct. Why? Because, as I have already stated, they are only *prima facie* evidence, and are only regarded as conclusive if something to the contrary is not shown. Last year we had to consider that question. I laid down the rule this way then :—

"The rule is clear and distinct that these decisions of foreign courts are recognized only *prima facie*, but they will not be respected if there is evidence of fraud or perjury on the part of the persons obtaining these divorces."

In the case before us last year there was evidence that a divorce had been obtained. Although it appeared to be regular on the face of it, when we came to sift the evidence, and got at the true inwardness of the case, we found that there was deficient domicile in Michigan; that the man lived altogether in Ontario, and he had sworn before a court that he was a resident of Michigan. The English decisions lay down the matter in this way: They say if the court has been deceived—if fraud has been practised on the courts, or if there has been perjury in getting the divorce, then they feel bound to decide that the divorce was not conclusive, and we so decided last year because there was clear evidence that the judge had been misled. I took the liberty of sending my own opinion and the decision of the Committee and the evidence, to the very judge who had decided that case in Michigan, and I am happy to say that after hearing it he was perfectly satisfied that we were right, and on account of the fraud that had been practised on him and on account of the perjury that the husband had committed by swearing that affidavit, he was not entitled to take advantage of that divorce. Is that the case here? I am sorry to say that I cannot see it. I see no evidence of anything of that kind in this case. I have taken the trouble to look into the laws of the State of Massachusetts, where this divorce was granted, and I find that the decree was in all respects conformable to the laws of the State. My hon. friend has made some remarks about the notice. The decree of the Court—which, as I have said already, is *prima facie* evidence of the truth—of the allegations that are in it, but only *prima facie*, and subject to be contradicted if they can be — states, amongst other things, that the notice was given.

HON. MR. GOWAN—Not on that day.

HON. MR. DICKEY—The order was :—

"That the libellant gave notice to the said Susan Manton to appear before the Justices of this Court to be holden at Boston, within and for the said County of Suffolk, on the fourth Tuesday of November, A. D. 1873, by adjournment from the second Tuesday of September, in the year last aforesaid, by serving her with an attested copy of said libel and of this order therein 14 days at least before said fourth Tuesday of November, that she might then and there show cause why the prayer of said libel should not be granted. And the libel was then continued unto the present term. And now the libellant appears to prove to the Court that said notice had been given as ordered, but the said Susan Manton although solemnly called to come into Court doth not appear and makes default."

Now, is that so? My hon. friend says that the woman stated she did not know anything about it. Does it appear that there was no such thing, that that is all imaginary, that there was no notice given to her? What is her evidence upon that point? It is this—she is asked by a member of the Committee :—

"Q.—Had you any notice at the time your husband applied for this decree of divorce in the United States that he was moving in that direction?

"A.—I think my father had.

"Q.—Did you receive any notice from him?

"A.—I received a paper, which I gave to my father."

She admits there that she gave a paper which was sworn to and which the Court decided was served upon her. She does not deny it.

The examination continues :—

"Q.—Did you receive notice that proceedings were to be taken in a court of justice for divorce?

"A.—I got a paper which I gave to my father. He told me that I was not to read it."

That is curious. Another gentleman, a member of the Committee, asked the question :—

"Q.—The paper was addressed to you?

"A.—It was, but I handed it to my father.

"Q.—Did you read it?

"A.—No.

"Q.—Do you know what its contents were?"

My hon. friend says that she did not know about the contents. Here is her answer :—

"A.—I believe it was something about getting a divorce."

So that there is no negativing the fact that she did receive notice there; on the contrary, she says she got a paper relating to this divorce. That is the evidence, and with regard to the decree itself we are placed in this unfortunate position that as far as I know anything of it, and I looked carefully into the cases last year, by all the rules of International law we are bound to respect the decree of that court as a *prima facie* decree and conclusive so far as it goes, until the contrary is shown. There is no evidence here in any respect to show, as there was last year, want of domicile, want of notice, or fraud in making out the case of residence in this country instead of the United States. There is no such thing as that, because the domicile of the husband, is, by law, the domicile of the wife; and the statement is made in this decree, which is put in by the parties themselves, that the husband resided for five years in the United States before he applied for a divorce. Therefore there was residence on which to found the proceedings under the Act of the State of Massachusetts which requires five years residence. Their Act was complied with. Let me remind the House, at all events the non-professional members of it, that the rule is, a divorce is respected as long as the decree of divorce follows the law, not of this country, but of the country in which the decree is given. Without wishing in any way to take an *ex parte* view of this case, I feel that it is a matter which is surrounded by a great deal of difficulty. It would appear at first blush from the circumstances that the woman was satisfied that she was divorced, and she took no steps to set herself right or to get another divorce, if that was not sufficient. It has that appearance at all events, and now we are asked, at this late date, to grant another divorce by Act of Parliament. I never hesitate when I see we are bound—and it is only when I feel we are bound to give a divorce—when the evidence is so clear we cannot get over it—to vote for divorce. But I do say that there is a natural shrinking in this House amongst all of us from touching those cases unless there is an absolute necessity that we

should do so, and should act. It is a very inconvenient duty. It is very unsatisfactory to us, and is at times very unsatisfactory to the parties concerned, but we do our best, though we feel disinclined to exercise the powers that the constitution gives us in this respect unless it becomes absolutely necessary. Here is a divorce already given, and where is the necessity for a second divorce? If the divorce decree granted by the court in Massachusetts is a valid one, this woman is free to marry again to-morrow.

HON. MR. OGILVIE—No.

HON. MR. DICKEY—If it is a valid divorce, and there ought to be some evidence to show that it is. The evidence, as far as we have got it, is that the divorce was strictly according to the law of Massachusetts.

THE SPEAKER—I would like to ask my hon friend who understands those cases thoroughly, whether it is his opinion that under a divorce granted by the court in Massachusetts, this petitioner could contract a legal marriage in this country which could not be interfered with.

HON. MR. DICKEY—I quite understand the question, and I am obliged to the Speaker for asking it, for it is too serious a matter to treat in any other way than frankly and candidly. In my opinion, as a lawyer, the divorce, if it is rightly carried out, without fraud, without perjury, and after due notice to the parties—is conclusive, unless they can show there was fraud or want of notice or want of domicile, which does not appear in the present case. Then what is the logical result? It is that this woman is divorced; that they are both divorced. One cannot be married and the other unmarried; they are both divorced and they for all intents and purposes unmarried, sole, and at liberty to contract matrimony if they so desire.

HON. MR. SCOTT—I do not rise for the purpose of entering into the merits of this particular case now under the consideration of the House; but I do feel that it is my duty, holding the views I do on the subject of marriage and divorce, to enter my solemn protest as to the impolicy of this House accepting the doctrine which has been laid down by my hon. friend behind me (Mr. Dickey) and singular to say my hon. friend from Halifax. The hon. Senator from Halifax holds views on that subject which are similar to my own, as to the indissolubility of the marriage tie; and in carrying out and sustaining that view I recognize it is our duty to throw all fair and proper impediments in the way of permitting the dissolving of that tie. It is notorious that in the United States year by year the facilities for obtaining divorce are becoming greater and greater until, notably in the very State of Massachusets, the marriage tie is practically gone; families are broken up; married couples are torn assunder and are remarried, until the effect on the social system is most painful to all observers of those peculiarities. Surely it is not expedient or desirable that the people of Canada, through their representatives, shall adopt their system, for that is practically what is urged by my hon. friends when they contend that a divorce obtained in one of the States of the American Union shall have legal effect in Canada. I shudder to think of it! I tremble at the consequences that would arise throughout the land if such a doctrine were to be accepted as the law of Canada. If you lay it down as a principle, and by common consent it is adopted that two persons living together as man and wife may, because of infirmity of temper or from other causes (because we know it does not require adultery or any high criminal act of that kind to dissolve a marriage in some of the United States) can secure a divorce in some of the States of the Union, it would be a most unsafe principle to lay down in Canada. The hon. gentleman from Halifax has quoted authorities to show, from his standpoint, that this principle ought to be recognized here. He quoted authorities from which I entirely dissent. We have had no high authoritive decision on this question as yet in Canada. The only case which has come up to the highest court in this country is the case that came before the Supreme Court two years ago. It was

an appeal from the judgment of the Court of Queen's Bench, and it referred to Americans married in the United States, and who had lived in the State of New York. After living there for many years the husband came to Montreal and resided there for some time. It was shown that the wife never resided in Montreal, but for a comparatively few months. She went back to the United States, and being dissatisfied with her husband she filed a bill for divorce and obtained it there. Money will accomplish anything, certainly in the shape of divorce, in the Courts of the United States. Even the dissolution of that marriage between Americans actually living in the United States, dissolved there under the laws of their own country, the Courts of this country refused to recognize. It is quite true that three judges of the Supreme Court—the Chief Justice, Mr. Justice Henry, and Mr. Justice Gwynn—held that the dissolution of marriage was proved under the law of the State of New York, but it was an extreme case. It was not a case of Canadians, one of whom went abroad for the purpose of obtaining relief from his mate; but it was the case of Americans born in the United States, living in the United States, one of them having come to Canada for a time only, the other, the woman, not having resided in Canada more than one year, and then simply from month to month. It was not such a case as had ever come before this Parliament. I entertain very strong views on this subject, and I hold that we ought not to be guided by English decisions in these matters. English decisions have gone very much further than it was ever intended that the Canadian Parliament should go. In England the circumstances are different; they have their courts which decide those questions just as we have courts here to decide ordinary and minor matters of contracts and quarrels; but we do not recognize a dissolution of the marriage tie in that way. Under our Constitution we say that divorce shall not be granted except by the Parliament of Canada, and is the Parliament of Canada going to relieve itself of the responsibility and burden that is thrown upon it wisely and properly by its constitution and say that the Legislature will recognize, under the comity of nations, the laws of other countries granting divorce? Are we, living alongside of a people who, I have no hesitation in saying, have no respect for the matrimonial tie, prepared to adopt their laws and their principles when a marriage is annulled in the United States, simply by a judge holding a Court in Chambers, with affidavits produced before him, not occupying probably as much time or involving as much investigation as the decision of a $100 contract would in Canada? Are we prepared to let it go forth that if all things are regular and proper—if the persons have conformed to the monthly domicile or yearly domicile, in the United States that we are prepared to accept that, and say it is quite proper, the marriage tie has been cut asunder under the law of the United States, and the parties coming back to Canada are free to marry again? I say it would be a most dangerous principle to introduce into Canada, dangerous in its consequences to society, because it is deplored by all civilized nations at the present moment that there is no country in the world where the marriage tie is held so lightly as in the United States. And what is it owing to? Simply to the facility with which the marriage tie can be undone. Married couples quarrel for the purpose of freeing themselves from what they consider an objectionable union, and obtain a divorce on the plea of incompatibility of temper. The statistics of all the courts of the United States prove that the greater the facilities for obtaining divorce the greater the number of divorces obtained annually, and certainly in the State of Massachusetts, it is perfectly appalling to read the record of divorces that are annually granted for singularly trifling causes. Under those circumstances, seing how this debate was drifting, I felt it my duty to enter my protest, at all events, against the principle being accepted by this House that we are in any degree bound by international law to recognize divorces granted in a foreign country. It was never contemplated in our Constitution that we should do so. If it was intended that courts of law could dissolve the marriage

tie, then why did not the founders of the Constitution provide for the establishment of a Divorce Court in Canada? When such a Court is established in Canada, it will be time enough to recognize the principles on which a court of one country is governed by the decrees of courts of another. It is the duty of Parliament to keep well within itself the power to dissolve the marriage tie. Canada will be all the better in the years to come if we hold to that principle soundly and wisely; I trust, therefore, that the loose doctrines which are now being propagated as to foreign divorces will be no more advocated in this House. I am quite sure they are not in accord with the better spirit of the people of this country. I know that they are held in horror by nearly one-half of the people of Canada whose opinions are entitled to respect. I know that in those churches which do reluctantly accept the principle of divorce, and notably the Episcopalian, the leading minds regard with dismay and terror the havoc that has been made in the social system in the neighboring country where the permission to annul the marriage tie is so easily obtained.

HON. MR. GOWAN—The hon. gentleman from Amherst made a reference to me, I should like to offer some explanation. He observed that no objection was made by any person to receiving an exemplification as proof of the fact of proceedings in the courts of the United States. Doubtless he did not hear me, but I think my hon. friend who was beside me heard me ask at the same time "is that evidence"? Whether the hon. Chairman heard me or not, I can say that at the time I felt that it was not evidence, and therefore I ventured to urge that the Committee should take the course that they did. Now the House is asked to ignore the action of the Committee—to say that the Committee was wrong, and that that was sufficient evidence of divorce which did not satisfy the Committee. I say, and I maintain that it was not sufficient evidence of divorce, that the decree was not properly proved according to the laws of our country. It was not properly proved, and further, I think my hon. friend will agree to this proposition that the proof of the law of a foreign State is a fact which should be established by evidence like any other fact. The court cannot take judicial notice of the laws of a foreign country. Now, what evidence have we here that that Supreme Court of the United States has power to grant divorce at all? What evidence have we here that the decree is final—that it is not to be followed by another proceeding? I believe as a fact that this woman who seeks divorce in this country, could not marry again, even in the United States, unless she went as a humble petitioner to the Court of Massachusetts and there obtained the necessary relief. Are we to sanction such a proceeding as that? I think it would be a horrible thing if we were to be guided and controlled by the laws of the United States in this matter, or indeed in any other matter. I say there is no sufficient evidence of that decree, therefore, I ask, was not the Committee right in eliminating it from the Bill, as reported? I say they were, and they just took the facts as actually proved. This man had children by another woman, and that was adultery. The fact of the marriage was distinctly and plainly proved, and unless we ignore a consideration of the facts and ignore them in favor of the man who is said to have obtained a decree in Massachusetts, I think this woman will fail to obtain justice. I repeat again that every tribunal is entitled to lay down for itself the manner in which it will take cognizance of the decrees of a foreign country. We had no evidence whatever that the court in Massachusetts had power to grant that divorce. Assuming for the sake of argument, that the decree was proved, there is no evidence that it was a final act; there is no evidence as to the position in which it leaves this unfortunate woman, and I believe as a fact, if I am right in my recollection of the reading of the Statutes of Massachusetts, the petitioner would have to go as an humble petitioner to the courts of that State in order to obtain permission to marry again.

HON. MR DICKEY—I have no doubt, after my hon. friend's statement that he did say, *sotto voce*, what he states

he did, but I can only say I did not hear it. I shall certainly not follow his bad example in making another speech.

HON. MR. OGILVIE—I am not generally very much afraid of saying what little I do say in this House, but I would require to have more than ordinary courage to rise before this hon. House after listening to this debate for the last two hours and take up more time upon the subject. It would be still worse for a layman, a non-professional man who, my hon. friend from Lunenburg some days ago thought, should hardly be on a committee of this kind at all, to speak after two of the most brilliant legal gentlemen that we have had in this House since they came to the Senate have spoken. I have listened to what the hon. gentleman from Amherst has said with a good deal of surprise. The hon. member from Amherst speaks of the divorce granted in Massachusetts as if he had the proof, and as though the Committee had the proof that there was such a decree in existence, and that that divorce was legal. He referred also to this woman allowing the matter to rest 8 or 10 years after her husband separated from her, and making no attempt to get the divorce. In the first place the committee did not think there was any proof before them that a divorce had been granted at all, nor has there been any proof before us until this day that a divorce had been granted. I certainly agree with the hon. member from Ottawa, when he speaks of the facility of obtaining divorce in Massachusetts. If he wants to get a little more experience in rapid divorce I would advise him to take a turn in Indiana, where only three weeks' domicile is required to get a divorce, and the legal profession there, I am told, have cards up to notify the people that if they stop over one train they will get a divorce in time for the next. The hon. gentleman from Amherst says that this is a matter not to be slurred over, nor should we be carried away by sympathy.

HON. MR. DICKEY—"Sentiment."

HON. MR. OGILVIE—I think "sympathy" was the word used. I do not know what he meant by that. I am not aware that sympathy has been appealed to by anybody in this House or in the Committee, except by the hon. gentleman himself, for he seemed more to plead for the gentleman who got the divorce, and against the woman, if I can understand English. I contend that the Committee had no evidence before it that there was a divorce at all; we had no evidence before the Committee that would be received in a Court of Justice that a divorce had been granted by a foreign Court. The hon. gentleman has contended that under the divorce granted by the State of Massachusetts either of the parties could marry again if they choose. I am sorry to tell the hon. gentleman that he is entirely mistaken, because there is no way by which the petitioner in this case could legally contract a marriage again except by going down to the State of Massachusetts and petitioning that foreign court, as an alien and a stranger, to have the decree of divorce made absolute.

HON. MR. DICKEY—She would have to apply to the judge.

HON. MR. OGILVIE—Yes, and to do that requires money. Had the statement not been made in the preamble that such a divorce existed, I do not think the hon. gentleman from Amherst would have said one word against granting this Bill to the petitioner, and he would have been satisfied that the evidence was complete. I think a large majority of the Committee would have been quite willing to give her the divorce for good and sufficient reason had this clause not appeared in the Bill. I certainly am obliged to the hon. member from Ottawa for having made it so clear, and in so much better language than I am able to use, that it is a very wise thing not to follow the laws of the United States on all occasions. As to this poor woman remaining so long without doing anything towards obtaining a divorce, the hon. gentleman on my left (Mr. Ferrier) knows her people well, and knows that she has been in poverty ever since she was deserted by her husband. It has been said by some that she deserted her husband, and that was the reason for

his getting a divorce in the United States, and that the evidence of cruelty she had suffered was not very clear. I can say for the information of members of this House that she told a lady friend—

HON. MR. KAULBACH—I must object. We must confine ourselves to the record and the evidence before us.

The SPEAKER—The hon. gentleman has a right to discuss the evidence.

HON. MR. KAULBACH—In discussing a question of law and questions of fact we must confine ourselves to the evidence before us.

HON. MR. OGILVIE—There has not been a speech made here to-day in which the rule has not been departed from, and why the hon. gentleman from Lunenburg should be so quick in taking me up I have only one explanation, which is satisfactory to myself, but I cannot give it to another person. I say the question was asked on the Committee as to the alleged cruel treatment by her husband, and the poor creature was so violently agitated, crying and almost in hysterics, that the gentleman who asked the question stated he did not wish to press it, as he was a physician and understood the reason why, and every person about the table felt that he was right.

HON. MR. DICKEY—He was quite right.

HON. MR. OGILVIE—Th petitioner told a lady that she could not describe before men the cruelty that her husband had practised upon her. If hon. gentleman think I am not doing what is right in making this statement, I am prepared to sit down, but I think I am. She was a poor young girl when she was married—almost a child. She was very harshly treated, cruelly treated, I think, by her husband and she left him. It is said that he asked her to go back and live with him some three or four years afterwards, but the evidence is that he was not very much in earnest about it. She has worked four or five years to earn money enough to make the deposit here of $200 for this divorce, and if it had not been for her old uncle giving her the rest of the money necessary to bring witnesses here, she could not have got it. The only objection to this Bill is that a divorce was granted in the United States to her husband, and that therefore she does not require one. I contend that we have no proof that there was such a divorce granted. Had that divorce not been mentioned in the petition the Bill would have been granted without doubt, and if this poor creature who has been working for a number of years to earn sufficient money to obtain this relief from a man who has deserted her and who is living very comfortably—and properly, so I suppose—with another woman in the United States, who is his wife according to the laws of that country, I do not see that there should be any objection to giving this woman the relief she asks for. The law of the State provides that "in case of divorce from the bond of matrimony the innocent party may marry again as if the other party were dead, and the marriage contract by the guilty party during the life of the other party, except as provided in the following sections, shall be void, and such parties shall be adjudged guilty of polygamy."

HON. MR. POWER—I presume the extract the hon. gentleman has just read is from the Massachusetts Statute?

HON. MR. OGILVIE—Yes, it is Massachusetts State law. The reason why the petitioner did not apply for a divorce before now is she was not able to afford it. I did not know it until to-day, but my hon. friend from Shawinegan knows her people, and knows the reasons that have prevented her, and that she should now be deprived of the relief she asks, by a technicality, I think would be a great mistake, and an injustice which I hope will not be perpetrated by this House.

HON. MR. KAULBACH—I hope that the House, in coming to a conclusion on this case, will not be prejudiced or warped in judgment by anything that the hon. gentleman from Alma has said

a woman has told him. It is not before us in the evidence, and that evidence cannot now be supplemented by the hon. gentleman's assertions. We must suppose that anything material to the issue has been brought out in the evidence taken before the committee, and to that evidence alone we must apply the law. We are now acting as judges to administer the law as it exists, not to make the law, and it is not recognized in any court that facts can go to a jury (much less simple assertions), or be presented to judges on the bench, which are not part of the evidence. Therefore I hope that in this case all outside talk, and anything that might prejudice the minds of hon. gentlemen against the respondent in this case, or in favor of the party who seeks the divorce, will be entirely excluded from their consideration, and that we, as guardians of the law, will apply the law and the law only to this case as it appears in the evidence taken before the Committee. What have we here? The respondent in this case has been served with a copy of the bill of divorce at the suit of the petitioner, in which the statement appears that he was married to the petitioner some twenty years ago; that some fourteen years ago he, without collusion or connivance on her part, was granted a divorce in the State of Massachusetts: that means a legal divorce; it can be nothing else. There is no charge of adultery in this Bill, as served on William Manton, except by implication. It may be asked, why he did not, on receiving the bill of divorce and notice, defend the action? Because he could not. The facts were plain and simple and could not be denied. The Bill as served upon him, alleged, affirmed, and recognized a legal divorce. It is a judicial admission of avalid divorce such as this House and every court must take cognizance of. Every statement in the Bill, every material allegation in the Bill as served on defendant is binding on the party who makes it and cannot be eliminated from it afterwards, and when it was served on the respondent it became binding on the parties and could not be omitted or struck out by order of any tribunal. Not only have the Committee endeavored to eliminate this important statement from the Bill, and that after legal documentary proof of the divorce was put in evidence by the petitioner, but they charge now the man with adultery, although the charge is inconsistent with the law and the evidence and with the statement in the Bill served upon him. If in a common matter of pounds, shillings and pence an action should be brought against a party for $50 or $100 that claim could not be increased. If any one had been indicted for larceny, does any hon. gentleman imagine that it could be changed by the order of a court into a charge of burglary? No, the Bill as presented with the evidence is before the House, the Bill cannot be changed under the law or the evidence here; we dare not, with the evidence before us make the allegation that the respondent is guilty of adultery. Look at the facts of the case. What would be the result of it? Not only would you here ignore what the Bill sets out and what the petitioner says and gives evidence of, namely that the divorce was a legal divorce in the United States, but, I feel I cannot too often repeat it, you would charge the husband with an offence which is not charged against him in this Bill, and condemn him for it when he is perfectly innocent. This woman had full notice of his application for a divorce in the State of Massachusetts, she admits that a paper in reference to it was given her, and the divorce having been granted, we must assume, unless there is proof to the contrary, that all the formalities of the law were complied with, no irregularity, no fraud, being set up, and the divorce was complete. That is clear law, and no one knows better than my learned friend the hon. member from Barrie that such a divorce is good and binding when there is no evidence of fraud or illegality, of which there is no evidence in this case and the *onus probandi* was on the petitioner. No attempt has been made to show that any provision of the Massachusetts law of divorce, under which this decree was obtained, had not been complied with. We have evidence of his then residence in Massachusetts and therefore I say we must take that divorce as complete and all the allegations in the Bill served on the respondent, and they only, as proved. Some hon. gentleman

has said that this man, Manton, should be here to defend this suit. He did not come here, why? The reason is manifest because what he was charged with he admitted. Not only is the declaration made in the preamble of the Bill that a divorce, which I expect means and means only a legal divorce ,had taken place in the State of Massachusetts, but we have verbal evidence of the fact. Not only does the petitioner admit that she was served with notice of the suit in Massachusetts, but her counsel produced before us conclusive and binding evidence of the fact and of the further fact that a decree was granted. We are bound here, in this Parliament, as well as other courts, by the laws recognized in the comity of nations and by international law. The hon. gentleman from Ottawa said that this court was not so bound; that we could set up a law for ourselves, but I firmly maintain and say, that by the comity of nations and international law, this, the highest court in Canada, is bound by the law in like manner, as if it were a court constituted by us to try offences. The power given to us by the British North America Act is to exercise a judgment in these matters, in conformity to known and recognized laws, but only to do so in carrying out the law—not what we individually conclude should be the law—to carry out law and justice is the only thing we can do. The moment we depart from what is law and set up a law for ourselves independent of that, the liberty of the subject and every safeguard which is thrown over us and our right, and the rights of the subject, would be lost. The authorities cited by my hon. friends from Amherst and Halifax, and which are substantially recognized everywhere, established the fact that if divorce is regularly granted by a competent tribunal, with no irregularity or fraud shown, we must accept it, no matter for what cause it may have been granted, or however much we may, by our laws, consider those causes insufficient to grant a divorce, and that principle is recognized in every part of the world where the comity of nations is respected. Therefore when my hon. friend from Ottawa endeavored to belittle the law as it exists, by saying that we should frown down and discountenance what is recognized as law in a neighboring country, the hon. gentleman has departed from the rules and principles which should and must guide us—which say that justice and law must prevail under all circumstances. *Fiat justitia ruat cœlum*, no matter what we may think of the law the United States. England has acknowledged it as the law, in the decisions cited by the hon. members from Halifax and Amherst; we have adopted it here in the Senate in former cases, and the Supreme Court of Canada two years ago did the same thing; we are bound to take it as law and be governed by it in this case. We cannot go back on the precedents cited, unless they are shown to be wrong. The old maxim must apply, *fiat justitia ruat cœlum*—the law must be carried out, though the heavens fall (2 Bishop on "marriage and divorce," 143 *et seq.*). It is clear that it matters not what country, or under what system of divorce laws the marriage was celebrated. As I said before, we cannot alter this indictment. We cannot charge this man with an offence which did not appear in the Bill originally. We cannot make a new Bill contrary to the evidence, because the preamble of the Bill which alleges that he obtained a divorce and married again has been absolutely proved. Not only was it taken judicial notice of, but the whole exemplification of the decree of divorce was clearly established. My hon. friend from Barrie has shown no authority for changing the Bill and for striking out a material allegation, and that after it is established by the evidence. Even the authority that he has cited has not—at least I have failed to see that it has—the slightest application to this case. He shows the laws of one Province are recognized in another only by one Statute, and in a certain way; that does not affect this case in the slightest. This decree of divorce has been granted in proper form; my hon. friend from Barrie has not shown that it is wrong in any respect. The certificate of divorce from the Clerk of the Court in which the divorce was granted is certified under the hand and seal of the Chief Justice of that State, and my hon. friend says that it was not

complete and perfect, and yet he has failed to show any defect. If he could have shown that it was not proved he was bound to do so, but we have only his *ipse dixit* for it; he has shown no evidence to sustain the statement, and it was put in evidence and by petitioner's counsel. Let us look at the merits of this case. What sympathy can my hon. friend have for this woman? what evidence have we that she is entitled to sympathy? There is an assertion in the preamble that her husband was guilty of cruelty towards her, but there has been no evidence brought forward to prove the correctness of the allegation, although it was a question for this House and for the Committee to decide. Evidence should have been furnished, if any could have been brought forward, to sustain the charge, and the only evidence submitted to the Committee on that point was that he was sometimes the worse of liquor. If every person who gets the worse of liquor sometimes was to be liable to be made the respondent in an action for divorce we would have plenty of work to do, but we do not recognize anything of the kind as just and proper ground for a wife to desert her husband or as ground for divorce, and we cannot grant divorce *a vinculo matrimonii* for anything less than adultery, and it is well that we should not by our decision to-day proclaim that divorce is made easy by Act of Parliament. This petitioner left her husband without his consent. She says herself that he had practised no acts of cruelty on her except that he occasionally got the worse of liquor.

HON. MR. OGILVIE—No, her statement was that he was habitually the worse of liquor.

HON. MR. KAULBACH—She was asked plainly how often her husband was the worse of liquor, and she said about once a week.

HON. MR. ROBITAILLE — Her statement was that he was always drunk.

HON. MR. KAULBACH—If you look at the evidence on page 6, you will find that she states there that he was under the influence of liquor about once a week. The Committee in the absence of the respondent, instead of endeavoring to get all the evidence, put their questions in one direction. This is painfully evident in reading over the report of the evidence. Every question material to her case was pressed upon her and urged upon her by suggesting the answer, and nothing of the rights of the other party were considered at all. I do not wish to say more about what was done in that Committee: I do not wish to direct my remarks to anything but the evidence before us, but I repeat it was painful to see, as the report shows, that every question was put to the witness with a view, if possible, to establishing her case against the respondent. I say there is no evidence of cruelty on the part of the husband; the fact that she said he was cruel to her is not sufficient to sustain her case. The Committee should have obtained the facts, and from them this honorable body could have decided whether the Respondent was cruel or not. When pressed to give facts in support of her statement, she declined to do so. She deserted her husband without his knowledge or consent; she remained away three years, and then when he came to see her she refused to live with him. There is no evidence that when he went for her on that occasion that he was intemperate in his habits. There is nothing to show that he was not a perfectly sober man, and we must presume that he was perfectly sober at the time, because it is to be presumed that in support of her case she made every allegation that she could make against him. Therefore we must conclude that there was nothing in his conduct at the time that he asked her to return to him that should have prevented her from going. We find in the first place that she deserted her husband without due cause; that she lived apart from him for three years; that she refused to return with him and that she continued to stay away without any cause. If she had had any cause or justification for her conduct she would have stated it to the Committee. But she did not do so. She preferred to remain with her father to going to her own home and living

with her husband. This is not a case that calls for our sympathy; it is certainly not a case in which the petitioner is entitled to a bill of divorce. I do not want to take up the time of this honorable House more than is necessary, but I feel strongly on this point. I think we would be acting inconsistently with law and justice if we should do anything to throw out this Bill of divorce. We are bound to recognize the decree of the Court of the United States; it is binding upon us according to precedent and the principles of law, and we cannot set ourselves up as superior to courts of law, and say that we are going to judge of the merits according to our peculiar notions of right, regardless of the law. We must take the decree which comes from that court in Massachusetts as the decree of a properly constituted tribunal which has legally and regularly discharged its judicial functions, and we are bound by the effect of its decision. I differ from some of my hon. friends on one material point: I say the decree of divorce granted by that court in Massachusetts separates the couple as fully as if they had never been married. My hon. friend from Halifax dissents from that view: I will show him that there is a perfect and entire separation and that this petitioner is just as free to marry again as if she had never been married before, that she became by it absolutely a single person.

HON. MR. OGILVIE—No.

HON. MR. KAULBACH—My hon. friend from Alma pretends that he knows as much about law as any lawyer.

HON. MR. OGILVIE—I know as much about law as some lawyers.

HON. MR. KAULBACH—I will not put myself in the position of combatting with him on questions of law.

HON. MR. OGILVIE—This is a question of fact, not a question of law.

HON. MR. KAULBACH — It is clearly a legal question, and I contend that the decree of divorce obtained in the United States completely and perfectly separated this couple, and that any authority put in my hon. friend's hands by the hon. member from Barrie, to the effect that the petitioner must apply to this Parliament for a bill of divorce, is not sound. I admit that one of the authorities cited by him has direct application to parties residing in the United States and who are citizens of that country but it is only collateral to the divorce. A divorce obtained in the United States, as in England, is perfect and complete and the parties can marry again, and it is only a question of penalties that may be applied under certain circumstances. The court has not decreed that either party shall not have the privilege of marrying again. If there is any question on that point I will read from Bouvier's Law digest—an authority which I believe nobody has ever disputed. I do not think there is an hon. gentlemen present who has studied law who has not read this. What does Bouvier say?—

"The consequence of divorce are such as flow from the sentence by operation of law, or flow from either the sentence or the proceeding by reason of their being directly ordered by the court and set down of record. In regard to the former, they are chiefly such as result immediately and necessarily from the definition and nature of a divorce. Being a dissolution of the marriage relation, the parties have no longer any of the rights, nor are subject to any of the duties, pertaining to that relation. They are henceforth single persons to all intents and purposes. It is true that the Statutes of some of the states contain provisions disabling the guilty party from marrying again; but these are in the nature of penal regulations, collateral to the divorce, and which leave the latter in full force."

Here we have the authority of a well known text writer, that the decree of divorce effects a complete separation. In this case there are no conditions, no disabling provisions, attached to the divorce granted in this case: it is simply a separation which permits the parties to marry again as if they had never met.

HON. MR. OGILVIE—Oh, no.

HON. MR. KAULBACH—We have the exemplification of judgment; there it is as plain as anything can be. The grounds for divorce in England are not the same as those which are recognized

in the United States. Bouvier says that:—

"It was never the practice of the English Parliament to grant a divorce for any other cause than adultery; and it was the general rule to grant it for simply adultery only—when committed by the wife, and upon the application of the husband. To entitle the wife, other circumstances must ordinarily occur, simple adultery by the husband not being sufficient."

In the case of the wife, her husband must have been guilty of

"Incestuous bigamy, or of bigamy with adultery, or of rape, or of sodomy, or beastiality, or of adultery coupled with such cruelty as without adultery would have entitled her to a divorce *a mensa et thora* or, of adultery coupled with desertion, without reasonable excuse, for two years or upwards."

I think I have said all that it is incumbent upon me to say. I could not have said less without stultifying myself and being a party to what I consider not only an injustice to both the petitioner and the respondent, but to a violation, I may say, of the laws of our own country, laws which we respect and venerate and on which we have acted, as the hon. member from Amherst has shown, in our decisions in other cases—laws which all nations respect, and by which we should be governed—and Parliament has no more right to say what shall constitute a divorce in another country any more than it has a right to change the constitution of the Court in Massachusetts which granted the decree. All we have to do is to deal with the law as it exists. I should be the last member of this House to consent to being a party to ignoring laws which are in existence in a civilized country, which are recognized everywhere by the courts of other countries, and which have been properly complied with in the case with which we are now dealing. No attempt has been made to show that there was anything irregular or informal about the granting of that decree by the Massachusetts Court: on the contrary, its regularity is recognized and admitted by the petitioner, and not only that, but it is stated in the preamble of this Bill, the indictment against the respondent. That he was lawfully married a second time, cannot well be questioned and yet we are now asked to strike out of the preamble the clause showing the divorce. We cannot do it: we must take the Bill and the evidence as a whole: we have taken judicial notice of it—it is there and cannot be eliminated. If that divorce is not binding in this country, why strike it out and ask us to take this irregular course in order to relieve a woman, who, on her own showing, deserted her husband and refused to return to him? We are asked to decide that she is entitled to a divorce, that the decision of a properly constituted Court in the United States is not legal and binding here, and we are asked to declare that this man who obtained a divorce twelve years ago in the United States and married again is a bigamist, that he has lived for twelve years in a disgraceful alliance with a woman to whom he is not legally married, and that his five children are illegitimate. We are asked to do this in a manner that is revolting to every principle of law and justice. I should be sorry if Parliament were to violate such principles and seek to try a man upon an issue which was not before him in the notice and Bill served upon him—to try a man for adultery when the petitioner proved through her counsel that he was properly married. If we consent to this change in the preamble, we charge him with a new offence—an offence which, had he been notified that the charge would have been made he would likely have sought to disprove before the committee. We should throw out this Bill. It has not a leg to stand on in law or in merits. If the petitioner suffered under any disability, if she were not at liberty to marry again, there might be some reason for this application; but she was not a citizen of the United States when the decree of divorce was obtained, and the Court could not inflict upon her, by any decree of theirs, anything collateral or outside of the simple divorce We have it plainly stated in that exemplification that she is a free woman. The decree of divorce says "that the bonds of matrimony between them are dissolved," and there is no occasion for this Bill at all. In order to grant her a divorce which is unnecessary, we are asked to violate every principle of recog-

nized law and justice to the respondent. I am sure that the majority in this House will not consent to do anything of the kind. I hope that the House will be governed by the law as it exists, and the authorities which have been cited, and dismiss this Bill as unnecessary. Even though it were necessary, the petitioner is the last person who should come here asking for relief, because she has been in fault from the beginning. If she had lived properly with her husband when she married him 20 years ago, and observed what she had promised at the altar before God to do—to stand by him, to take him for better or for worse, we would not now be asked to do an injustice to innocent parties, and the children of the second marriage, who have had no opportunity to be heard in their defence.

HON. MR. POWER—The hon. member from Ottawa has used language concerning myself which calls for explanation.

HON. MR. HAYTHORNE—The hon gentleman has already spoken.

HON. MR. POWER—I merely rise to make an explanation. The hon. gentleman from Ottawa gave this House to understand, as I took it, that I had acted in a manner unbecoming a member of the church to which I belong in taking the ground I had assumed in connection with this matter. I hope that on the question of divorce I am quite as sound a Catholic as the hon. member from Ottawa is, and in the present instance I think that he should have been slow to find fault with my conduct, because I was doing what I could to hinder this bill of divorce from passing, and that I think he will not deny would be my duty and his duty as members of the church to which we both belong. On the other hand, hon. gentlemen, we are all here members of a court, bound to see that our proceedings are conducted according to the law in force in this country. This bill of divorce comes up here, and it appears on the face of the report of the Committee—

HON. MR. HAYTHORNE—I rise to a question of order: the hon. gentleman is making a second speech.

HON. MR. POWER—I am making an explanation.

THE SPEAKER—The hon. gentleman should confine himself to the explanation.

HON. MR. POWER—I am confining myself to the explanation. The ground on which this divorce is sought is that the respondent was guilty of adultery. I have, as member of this parliamentary tribunal, to see whether that charge has been proved: if it has not been proved I cannot support the Bill. The Bill and the evidence show that this man was divorced several years ago according to the law of the State of Massachusetts, and I cannot see, looking at it as a member of this court, and not as a Catholic, that the allegation has been proved. I am bound, therefore, in every way to vote against the Bill.

HON. MR. HAYTHORNE moved that the debate be adjourned till tomorrow.

The motion was agreed to.

The Senate adjourned at 5.50 p.m.

THE SENATE.

Ottawa, Wednesday, June 1st, 1887.

THE SPEAKER took the chair at 3 p.m.

Prayers and routine proceedings.

NOVA SCOTIA PERMANENT BUILDING SOCIETY'S BILL.

THIRD READING.

HON. MR. ALMON moved the third reading of Bill (E) "An Act respecting the Nova Scotia Permanent Benefit Building Society and Savings Fund."

He said—I was afraid last evening, so much time was taken up with the case of

Mrs. Ash, that it would be continued to-day, and that this would be an "Ash Wednesday," as some of my legal friends are looking after legal quibbles in that Bill; but I see it is not to be the case, as that Bill has been put at the foot of the orders. The amendments to this Bill, which is now before the House, have been concurred in. They were made at the instance of the leader of the House, who subjected the Bill to a very severe criticism. He was assisted in that by the legal adviser of the Senate and likewise by the Deputy Minister of Finance, Mr. Courtney. There can be no doubt as to the propriety of those amendments, and as hon gentlemen are all anxious to hear my hon. friend from Lunenburg finish his brilliant speech on Susan Ash, I move that the Bill be now read the third time.

HON. MR. HOWLAN—When the Bill was about to be read the third time before, I rose in my place and asked that the third reading be postponed until to-day. Since then I have had time to look into the measure. I find that the provisions objected to by the leader of the House and by myself have been removed. I have therefore no further objection to the Bill.

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

KINCARDINE AND TEESWATER RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. READ moved the second reading of Bill (26), "An Act to incorporate the Kincardine & Teeswater Railway Company."

He said—This is a Bill asking for authority to build a railway from a harbor on Lake Huron in the County of Bruce to some point in the Village of Teeswater, to connect with the Canadian Pacific Railway. I think it has all the provisions necessary for a Bill of this sort in its different clauses, and I ask that it now be read the second time.

HON. MR. DICKEY—I should like to ask my hon. friend whether this Bill in any way conflicts with a Bill which we have already passed authorizing the construction of a railway from this same Teeswater to Inverhuron, a port on Lake Huron.

HON. MR. READ—I am not prepared to give exact information on the subject. I have no doubt, as Teeswater is an important place, they wish to construct railways to different points on Lake Huron. When the Bill goes to committee, these questions can all be inquired into.

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

THE SENATE DEBATES.

FIRST REPORT OF THE COMMITTEE.

HON. MR. DEBOUCHERVILLE moved the adoption of the first Report of the Select Committee on the Debates and proceedings of the Senate.

THE SPEAKER—I would like to mention to the Chairman of that committee, that I have been requested by the Law Clerk of the House of Commons to ask that a copy of the Senate Debates be sent to him officially.

HON. MR. DICKEY—There can be no objection to that.

The motion was agreed to and the report was adopted.

LAVELL DIVORCE BILL.

SECOND READING.

The order of the day being called for the second reading of Bill (H) "An Act for the Relief of William Arthur Lavell,"

HON. MR. KAULBACH presented the certificate of the Clerk of the Senate as to the posting of the Bill on the doors of the Senate according to the rules of the House.

The certificate was laid on the table.

HON. MR. KAULBACH moved that

Thomas Arthur Elliott be called to the Bar of this House to be sworn and examined.

The motion was agreed to on a division, and the witness was sworn at the Bar.

HON. MR. KAULBACH moved that the following questions be put to the witness, which was agreed to on a division:—

Q. What are your name, place of residence, and occupation or legal addition? A. Thomas Arthur Elliott, of the Town of Brockville, in the County of Leeds, Student-at-Law.

Q. Look at paper writing now produced and shown to you marked "A," intituled "An Act for the relief of William Arthur Lavell," and at the paper writing now produced and shown to you, marked "B" being an Order of the Senate dated the 16th day of May, A. D. 1887, both writings being certified by the Clerk of the Senate. Did you serve, or attempt to serve, copies of these writings with the certificates thereon of the Clerk of the Senate upon any person, and if so, upon whom, and in what manner, on what date and at what place? A. On the evening of Friday, the 27th day of May, 1887, I arrived in Detroit, in the State of Michigan, one of the United States of America, and was, on inquiry, informed that Ada Marie Lavell (*née* Canton) had been living in Detroit, but had left there, and was at that time in Europe. Upon receiving that information I proceeded to the office of the Detroit *Free Press*, of which newspaper W. G. Fralick, mentioned in paper writing marked "A" is City Editor, and there served him with a true compared copy of each of the said paper writings; the said W. G. Fralick having before such service told me that the said Ada Mary Lavell (*née* Caton) mentioned in the said paper writin s was in Europe, and at that time, he thought, she was in Spain. I also, on the morning of the 28th day of May, 1887, served a true compared copy of each of said paper writings on Ervin Palmer, a member of the firm of Palmer & Palmer, Attorneys-at-Law, who, as I was informed and believe, were Attorneys for the said Ada Mary Lavell (*née* Caton) by delivering the same to and leaving the same with the said Ervin Palmer, at his office in the said City of Detroit.

I served the said paper writings in manner aforesaid, believing then as I do now, that it was impossible to serve the said Ada Mary Lavell (*née* Caton) personally.

Q. Do you know, and how long have you known personally, the said Ada Mary Lavell (*née* Caton)? A. I do know her, and have known her personally for over eight years.

Q. Is the person referred to by you as Ada Mary Lavell (*née* Caton) the person from whom the Petitioner herein is seeking divorce. A. Yes.

Q. Do you know the Petitioner personally, and if so, how long. A. Yes, I have known him for over thirteen years.

The witness was then directed to withdraw.

HON. MR. KAULBACH—I move that the Bill be now read the second time.

HON. MR. FLINT—I wish to call the attention of the House to something in this Bill which I think is very wrong. It appears that this was a clandestine, or rather a false marriage, as set forth in the preamble; that the parties were married under feigned names, and therefore it strikes me that they have no right—either of them—to come to this House for redress. If we are to legislate upon these matters, I think we should have everything put fairly and squarely before us. Here is a man knowing what his name was, and here is a woman knowing what her name was, and they agreed to get married under a feigned name; consequently it strikes me that no marriage certificate can be brought forward to show that this party seeking to be relieved was married under his proper name and that she was married under her proper name. If we are to deal with these questions, I think we ought to deal with them candidly and fairly, and, although I am not a professional man, it strikes me that in all conscience we should not allow anyone to tamper with the marriage ceremony. There is also another fault in this Bill which it strikes me should have been remedied before it was submitted to this House, and that is the given name of the co-respondent is not inserted. There are a great many persons of the name of Fralick in this country, and a great many I know myself to be very respectable parties, but in this Bill the co-respondent is referred to as the "said Fralick" without any given name. Something should be done to prevent the possibility of people getting married under false pretenses and then coming down to this House for a bill of divorce.

HON. MR. KAULBACH—I can make no objections to the remarks of my hon. friend as regards the general question of divorce, but we are now dealing with this Bill. What my hon. friend has so well said can come before the Committee when it is appointed, and the Committee will no doubt carefully consider all the objections that have been raised. If they find that the objections are of such a character as will prevent the parties from obtaining a divorce they will so report, but at this stage of the Bill, I do not think we should enter into a general discussion on the question of divorce.

The motion was agreed to on a division.

THE SPEAKER informed the House that William Arthur Lavell, the Petitioner in this case, was in attendance below the Bar, ready to be examined by the Senate generally, or as to any collusion or connivance between the parties to obtain a separation.

HON. MR. KAULBACH moved :—

That the examination of the Petitioner in this matter, as well generally as in regard to any collusion or connivance between the parties to obtain a separation, be for the present dispensed with, but that it be an instruction to any Committee to whom the Bill upon the subject may be referred, to make such examination.

The motion was agreed to on a division.

ASH DIVORCE CASE.

DEBATE ON THE REPORT OF THE COMMITTEE CONTINUED.

The order of the day having been called :—

Resuming adjourned Debate on the Honorable Mr. Ogilvie's motion for the adoption of the Report of the Select Committee to whom was referred Bill (B) for the relief of Susan Ash,

HON. MR. HAYTHORNE said: The case which has occupied so much of the time of the House presented few unusual features until it came before the Committee for examination, and then it soon became evident that some complicated legal questions were likely to arise and hon. gentlemen are well aware that such incidents as I have referred to are not likely to escape the notice of our very experienced Chairman, the hon. gentleman from Amherst. He at once saw the case was likely to involve some curious questions, and the first day that the Committee met an arrangement was arrived at to adjourn for the purpose of summoning some witnesses, whose evidence was required, and for the purpose also of investigating some legal points to which the hon. Chairman had to refer. Accordingly the Committee met the second time, two or three days later, and witnesses were examined. The case at the second meeting assumed quite a different feature. It was then proposed to eliminate from the preamble of the Bill certain details relating to the divorce obtained by William Manton in the United States—in fact to omit from the preamble of the Bill whatever referred to that divorce, and certain statements with regard to the respondent and a certain Mary Hatch, with whom it was alleged he was living in a state of adultery in the State of Massachusetts. It was pretty evident, and must be so to every hon. gentleman here present, that this was a most material alteration of the whole matter, and also carried with it no small difficulty. In the first place, it seems a strange thing that such important features of the Bill should be suddenly, and without sufficient time for consideration, changed ; and, for another thing, that the requirements of these bills of divorce, always adhered to by the Senate—namely, that adultery should in all cases be proved—were not adhered to on this occasion. The Bill for the relief of Susan Ash was altered by omitting a portion of it, beginning at the middle of the thirteenth line down to the twentieth line, the words "living in a state of adultery" were also admitted. This made a material change in the whole case and it is partly owing to that fact that so long and tedious a debate has occurred. Now referring to the subject matter which was submitted to the Committee, we find that a marriage was contracted between this very young motherless girl

and a man considerably older than herself — as a witness examined by the Committee remarked, a man old enough to be her father. This marriage took place, the two left her father's house and lived together for a short time. Then after eight weeks residence together in their own house she returns on a visit to her father. Perhaps there is nothing very singular or unusual in this. The visit was not objected to by her husband, and after a few weeks spent with her father the husband comes for and carries her back again. In the meantime a great change has come over their domicile ; their home has been broken up, the Sheriff has seized the furniture, and the husband instead of taking his young wife back to his home to which he had originally brought her, is obliged to take her to a boarding house. This young wife complains of her husband's cruelty—that he was in a constant state of intoxication, and she stated in a manner which I think went to the heart of nearly every member of the Committee, if not of every member —and I must say is likely to have an effect upon every member of this House —that he had no sympathy for her youth. A second co-habitation of about eight weeks took place, and then the young wife left him again and returned to her father's house, and there she remained. It would have been well for her had she never left it at the first. She appears to have lived a very honest, respectable life from that time forward. The husband made one attempt three years later to induce her to resume co-habitation with him, but she refused. He then left Canada and took up his residence in the United States. It is just as well to observe here, concerning this man, that, although his wife deserted him, he had not himself treated her in a manner to which she was entitled. He had committed to his care a young woman in her sixteenth year, scarcely more than a child, and had there been anything really manly and good in him, surely under such circumstances the good and manly would have been brought out in him. Those fine qualities, had they been latent in the man at all, would have been elicited under the circumstances in which he brought home his wife to his domicile. They would then and there have made their appearance, but unhappily they did not, and we find also that financially the man was ruined. The establishment was broken up and his business was gone. There he was, a wreck at an early age, with almost a child wife. This is a rather important feature of the case. It seems to me that in this period of the man's life there was nothing to recommend him. If there was nothing in his character, nothing manly that could be drawn out under such circumstances, it appears to me hopeless to find any there at all. I think our English poet laureate has described such a state of things as would be desirable under such circumstances. He puts these sentiments in the mouth of King Arthur in the poem of Guinevere. He learns that the wife who has deserted him has taken refuge in a convent and there he discovers her lying at his feet in as great distress a woman could be. Some of the words which he used to her were these :

"For indeed I know
Of no more subtle master under heaven,
Than is the maiden passion for a maid,
Not only to keep down the base in man,
But teach high thought and amiable words
And courtliness—desire of fame,
And love of truth and all that makes a man."

Had these sentiments, or anything approaching them, prevailed with this man I do think that his conduct towards his wife would have been quite different from what it was. Feeling thus, as I am sure the Committee felt, and as I believe this House feels towards this unfortunate woman, I think our sympathies would be so excited towards her that perhaps we would be inclined at once to be prejudiced in her favor. But the fact remains that she deserted her husband. There can be no doubt about that. Probably she had ample reason to do so, but she did desert her husband and refused to return to him. Although this man at a comparatively early age of his life had nothing to recommend him, we should not conclude that there has never since been any improvement. No one will be more ready than the hon. member from Sarnia to admit that there is room for such improvement in any man. He knows very well that means exist which have very often had the effect of redeeming men from the perils and environments

of drink and made men out of individuals who were scarcely worthy of the name, and we may admit at least the possibility that this William Manton, at a later period of his life, was a somewhat improved character. He seems to have resided for some time in the United States; to have formed some sort of an establishment there, and later on he applies to the State of Massachusetts for a divorce and obtains it. A few months later he is married to Miss Mary Hatch in the province of Ontario, and takes her to his home in the United States. There they reside, and I think that perhaps this is the redeeming part of this man's character: that there he appears to have lived an honest, decent life, and to have supported his wife and family, and to him were born five sons and daughters. Now the allegation of this petition is that he is living in adultery in the United States, but I think with all deference to some hon. gentlemen connected with the legal profession who have spoken on this point, that there has been no special proof of this living in adultery. Some hon. gentlemen have said that there was no sufficient proof of the divorce and of the notice which Susan Ash should have received of this application, but Susan Ash in her evidence admitted candidly and fairly that she had received a document which she declined to open —which she handed to her father closed —by her father's advice, and this document she supposed, and it is almost certain, was a notice of the intended proceedings in the Divorce Court of the County of Suffolk, in Massachusetts. Now, I cannot admit that this woman was not cognizant of her husband's intention, taking all this into consideration: She had notice of the fact that he was taking proceedings against her; she was poor, it is true, and might have found it difficult to appear personally, but I think we have had experience in this House of women who have opposed such proceeding under similar circumstances. I have myself sat on Committees of this House on more than one occasion—several times I may say—when it was necessary the find the respondent's means of travelling and employing counsel—even means of sustenance while she was opposing the application for a divorce against her. I cannot suppose that in the United States such sustenance or assistance would have been refused her. It is certain that she might have employed counsel to appear for her. She knew, or might have known, that the divorce was applied for, and had she been so minded, and better advised, she would have applied for counsel. It is going a little too far, and straining a point, to say that Susan Ash was not sufficiently apprised of the proceedings taken against her. The divorce being granted, about six months afterwards William Manton appears in Canada and contracts a marriage with Mary Hatch. Now, some pains were taken by members of the Committee—by myself in particular, perhaps—to oscertain the conditions under which Manton appeared before the family and in the society in which the family of Hatch moved. I asked questions specially to learn that fact, and it appears that Manton made no secret of who he was or what he was. He admitted that he was a divorced man; that he had obtained a divorce in the United States. The witness, Jennie Hatch, a sister of Mary Hatch, was asked if her family were aware of the circumstances under which the marriage was sought for. She said they were, and that her father had not opposed the union. She also said, in answer to a question, that her parents were perfectly satisfied that the divorce was legal Then when she was asked whether her family presumed that William Manton was a free man, free to marry whom he pleased, she answered again "yes." It did not appear that Manton and the Hatch family had been acquainted for any great length of time. They were English people who had been only a comparatively short time in Canada, but it was certain there was no secret made of Manton's character and antecedents. It seems to me that this was the more respectable part of his life. I can understand that possibly he had adopted the blue ribbon in the interval; it appears at all events that he has lived a respectable life from that time; that he has maintained his second wife; that five children have been born to him, and that he is still living with this woman The allegation is that this couple, who were thus married, are living in a state

of adultery, and that the five children born to them are illegitimate. I cannot adopt that view of the case, with all the sympathy I feel for the unfortunate woman Susan Ash, I cannot adopt the view that that family are living in a state of adultery in Massachusetts. If they were living in Canada it might possibly be alleged that under our law they were living in a state of adultery, but it cannot be the case in Masachusetts, where the divorce was obtained under the law of that State, and he was competent to marry whom he pleased. At one period of the inquiry the Committee sought to relieve themselves of this difficulty by eliminating so much of the preamble as alleged adultery on the part of Manton with Miss Hatch, by removing from it several lines, which I read when I commenced my address; and also removing the words "living in adultery." This was done, I think, at the instigation of a member of the Committee who declared that he could not vote for the Bill unless adultery was alleged and proved. The Committee, with what we must venture to call remarkable facility, at once restored these words, and thus reconciled the scruples of the hon. gentleman who had protested against passing the preamble of the Bill without the allegation of adultery. But the adultery, if any, is such as I have described. It is certainly a strange kind of adultery where a man has married a woman legally in the State where he lives and resides with her as man and wife, and lives with her still, and to them are born five children. I can scarcely conceive that that comes up to crime ot adultery required by this House before we will grant a divorce. I only wish that some alternative could have been found. I do regret most sincerely that I cannot, looking at this state of things, vote for this Bill, but I would regret exceedingly that this House should refuse to grant to this woman the prayer of her petition, because she is a very deserving person. She has led a very painful laborious life, with few enjoyments, and she is still a comparatively young woman. What her intentions are I do not know, but if we could afford her relief without casting a heavy slur upon other parties, and upon the character of their children, I should very gladly accept the alternative. I cannot vote for this Bill as it stands, and for the reasons given I must vote against it. Undoubtedly I find it an exceedingly unpleasant duty to be concerned in this class of legislation. It is a duty we have, and it falls pretty heavily, as we have had experience, upon some members of this House; and I must say that all my experience goes, after serving many years on such Committees, to prove that some amendment is required in the laws of Canada with regard to this subject. I fully agree with many of the remarks which fell from my hon. friend from Ottawa and the hon. gentleman from Barrie. I perceive the great danger to the marriage state in Canada if it is made a constant and every day affair, that husbands and wives who disagree can go over to the United States and obtain a divorce there upon very easy and cheap terms, and thus relieve themselves of their marital obligations. I believe it would be a most dangerous and fatal thing to the future of Canada. The future of the country lies wrapt up in the sanctity of the marriage state, and anything which occurs to diminish that sanctity and to relieve parties of their obligations to each other, will lead to levity and want of forbearance in the marital relation which is anything but desirable; therefore the sooner some amendment to the marriage law is projected which will set this matter at rest at once as to what laws are valid in Canada and what are not, the better. I think we should be free from this sort of difficulty, and so long as the marriage law remains in its present doubtful position, so long will these difficulties occur. I felt it necessary to trouble the House with a few remarks, although it is not a subject congenial to me; but having been a member of the Committee, and having been the only member who voted against the preamble, I could not avoid stating to the House the reasons which operated in my mind for my action in the Committee. I may have done it feebly, still there are forcible convictions in my mind, and I cannot believe but they find an echo in the minds of many independent members of this House.

HON. MR. VIDAL—While fully recognizing the fact that ths debate has reached a very inconvenient length, and that members must be wearied with the re-iteration of statements relating to it, I do not feel that in justice to myself, and in justice to that committee of which I am a member, and in the discharge of the duty which I have to perform as a member of this House, that I can give a silent vote on this question now, though I might have done so at a previous stage. Such astounding statements have been made with reference to our position with regard to laws passed in the United States of America, that I feel I cannot allow them to pass without remark. Very much of what has been said, especially by the hon. gentleman srom Prince Edward Island (Mr. Haythorne), meets with my very cordial approval. Although at last a little measure of justice has been extended to the unfortunate woman who is an applicant for relief at our hands, I do not think her case has been presented to this House with sufficient fulness to enable us readily to appreciate her difficulty, to understand the very painful position in which she is placed, and the strong claim she has upon us to grant her that relief which alone can free her from it. Many of the statements which have been made, and of the objections presented, have been based upon the assumption that this divorce under the Massachusetts law is valid in Canada, which I do not admit. Our attention has been called to the fact that the Committee in their report recommend amendments to the Bill. The first amendment is the striking out several lines which mention a certain divorce which had been granted in the State of Massachusetts—which was, I think, very unwisely inserted in the Bill as one of the grounds why the petitioner should have relief. Now let us look into this matter fairly. Great fault has been found with the committee, and my hon. friend from Lunenburg has almost charged us with great stupidity or even with wrong doing, in so altering the Bill, and he insinuates that we laymen were not competent to deal with the question. It is true, we do not claim to be great legal luminaries, or to have the professional experience of the hon. gentleman from Lunenburg, but as a layman, (and I am sure other laymen think with me,) in questions of this kind a moderate portion of common sense, a fair understanding of the English language and ability to judge the evidence which is given, and to appreciate its value, are a great deal more important in such a case as that before us, than a full acquaintance with cases which have been decided in the courts, the intricacies and technical points of which we, with our limited capacity, cannot even understand. I think that this is a case where common sense and common justice and a simple process of reasoning are sufficient to satisfy this House of the propriety of granting this Bill. Although not a lawyer, I may venture to say something with respect to the legal virtue of this divorce because such great weight has been attached to it. I appeal to hon. gentlemen whether the long, learned and very energetic and forcible address of my hon. friend from Lunenburg yesterday was not at the very outset based on what we may call "begging the question." He commenced his remarks by stating that this was a genuine legal divorce which could be recognized in Canada, and upon that gratuitous assumption based his long speech. Now let us examine that divorce and see what it really claims to do. It was obtained in Massachusetts, under the law of that State. It is important to note what that law expressly provides and hon. gentlemen will excuse me for reading the two sections of it which relate to divorce—

Section 25.—In cases of divorce form the band of matrimony, the innocent party may marry again as if the other party were dead. Any marriage contracted by the guilty party, during the life of the other party, except as provided in *the following section*, shall be vain, and such party shall be adjudged guilty of polygamy.

I wish hon. gentlemen to note that in the language of the Act the person against whom the divorce is sought is the one considered guilty of the impropriety, and I wish also that they should observe that the following section is so intimately connected with it as almost to form a part of it; yet we have had hon. gentlemen standing up here, and saying, after

reading the 25th section, that the divorce is valid to free both parties. But what does the 26th section say?

Section 26.—When a divorce from the band of matrimony, except for the cause of adultery, has been granted under the laws of this State or any State or Territory in the United States, the Justices of the Supreme Judicial Court, or either of them, upon petition tyled by the party against whom the divorce was granted (if the party resided within this State at the time of granting the divorce), and upon such [notice] as the Court shall order, may authorize such party to marry again.

Now what is the exact position of this petitioner under the Massachusetts law? I contend that under that law she cannot marry again, that the husband only is free. What has astounded me more than anything else—it has shocked and horrified me—is the proposition that has been advanced here that we should regard the Statutes of the United States as binding here in Canada. I never fancied that such a statement could be made on the floor of this House, and especially with regard to divorce laws which, if submitted to us, we would not listen to for one moment, we would consider them so contrary to Divine Law and so inconsistent with the best interests of our people that we should at once eject them. To allow, as in many of the United States, the dissolution of the bond of matrimony for such flimsy causes as are permissable there, and then say it is to be the law of Canada, is a proposition which I trust the good sense of this House will never accept. One hon. gentleman has stated that one-half of that Massachusetts law is binding and valid, and the other half is not. It does not require a lawyer to see the folly of a statement of that kind, and it shows, I think, under that very Massachusetts law a strong argument for granting relief to this woman. Not only would it be recognizing the validity of the law to say there has been a divorce in this case, but it would be actually giving to Massachusetts law more strength, and greater effect that it claims for itself within its own jurisdiction. In the State of Massachusetts the decree is only a kind of partial divorce, not much more than an order of the court in Quebec, granting a separation from bed and board. It is not a divorce which leaves both parties free to contract marriage with others. That being the case, to say that this is a valid divorce here in Canada would be to assume the functions of a court of law, more especially if we were to be guilty of enacting such a wonderful piece of legislation as was suggested by the senior member from Halifax, by passing a law in this Parliament to make this particular divorce valid in Canada, it would be absurd. It is asking us to pronounce a judicial decision, almost a final one, upon a question which we literally know nothing at all about. I say it advisedly that we know literally nothing of it when judged by the rules of evidence in our Courts for almost every case. It is quite true there was presented before the Committee an exemplification of the decree of divorce. I do not remember whether it had the official seal affixed to it or not. The hon. gentleman from Barrie has already pointed out that in our Courts of Law that document would not be received as a valid and binding document without some additional evidence to show that the name appended to it of the Chief Justice was that of a man who really existed, and that he is Chief Justice; that we would want the certificate of a British Consul or of the Governor, or of some known and responsible person that such an official existed. Of course this would be simply a defect in detail, but it would be sufficient to throw out the document in a court of law. Not only has it come before us as a document without any corroborative evidence whatever, but there has been no evidence to satisfy us as to whether that divorce was obtained in compliance with the laws of the State in which it was obtained or not. Hon. gentlemen may remember that last year we had a case where the exemplification of a decree of divorce was brought before us, and a great deal of attention was given to it; the law was well inquired into at that time, and the Chairman of this present Committee, whose services in these matters are really inestimable, looked into it, and what conclusions did he arrive at. Did the Committee consider that exemplification sufficient? No, it will be remembered it was not considered worth more than waste paper and while

it had a seal and certificate; there was evidence to show that it had been obtained fraudulently, and that there had not been (even according to their own law), the length of domicile required. It was shown that there was other illegality in the proceedings, and as a consequence no attention was paid to that document. Yet the document before us to-day stands in the very same position as that did, and are we to take it for granted that because that paper is before us that the proceedings are proved to have been regular, and that there was proper domicile and proper notice? There was not a particle of evidence submitted to the Committee to show that such was the case, yet an hon. gentleman charges in the face of all those facts that we in saying that, that divorce is not a legal divorce, are setting ourselves up as judges of the law. The divorce might or might not be legal according to our law, but our decision upon it would not affect the decision of a court; so I think the whole argument as to the validity of that divorce should drop to the ground. I said that as I felt as a member of the Committee that it was my duty to speak on this subject, and I do think that the Committee has claims on the House. I am far from suggesting to the House that hon. members should not exercise supervision of the Committees and revise of their work, but I do claim that the Committee having been chosen by the House, it is fairly to be implied that the House has confidence in the knowledge, the integrity and honesty of the gentlemen on that Committee to deal with the question entrusted to them. When that Committee therefore has made a report almost unanimously, I hold that it is entitled to a certain amount of credit, and before the House should undertake to condemn that Committee and say that they had acted improperly in eliminating a part of the Bill, we should be very cautious and very sure of our ground, and not venture without careful consideration to set ourselves in opposition to a Committee who have acted in this matter in all honesty and with a sincere intention to do what is right and proper and legal in the premises. The elimination of those lines from the preamble of the Bill as it was before us at the second reading is nothing very extraordinary. It has been spoken of as though it were something very wrong. I admit the importance of the allegation in the preamble, but let us suppose for instance there had been proof before us that in some very material respect there was a defect in the proceedings by which the divorce was obtained in Massachusetts. There would then have been no difficulty in striking out the clause and nobody would have found fault with the Committee for doing so. I contend that there being no evidence afforded except the production of this one paper, without anything to sustain it, we were perfectly right and acted according to our duty in striking this reference to the divorce out of the Bill. If the Bill had come to us with the simple allegation that the husband was now living and had been living with another woman as his wife and had a family of children by her,—if that simple fact had been brought before the House, I question if there would have been a discussion at all upon it—the relief would have been granted, and I question whether this discussion on a technical point of law ought to stand as a barrier in the way of the petitioner obtaining relief. It is certainly a knotty point, and I would have hon. gentlemen remember that it is not a settled question in this country. No lawyer can say that there has been an authoritative settlement of the question of validity of divorce granted in the United States. I believe the only case which has come before our Supreme Court was tried in the Province of Quebec where the Court of Appeal adjudged that a divorce obtained in the United States was not valid in that Province. There was a division of opinion on the judgment, between the five judges, three maintained that it was not valid, and two maintained that it was. Appeal was taken to the Supreme Court here, and the position was reversed, three of the jndges maintaining that it was valid and two maintaining that it was not. When we see ten of the highest legal luminaries of the land divided five for and five against it is surely a most unsatisfactory position in which to have this important question, and I quite agree with the hon.

gentleman from Prince Edward Island in the necessity and importance of our having some legislation to guide us in this matter. I do think there should be, and that without delay, some law enacted, wherein the conditions on which the validity of divorce in the United States, and its extent, in Canada, should be clearly defined for our guidance In the meantime we are all at sea with regard to the final issue of that question. I hope the day will never come when divorce obtained in Indiana, will be held valid in Canada. A Canadian could go over there and after a few weeks' domicile become a divorced man. Surely it will not meet the views of the Parliament of Canada to allow the tie of marriage, so important in social life, to be dissolved under such flimsy pretensions as are held sufficient in some of the States. I think that this woman has the right to obtain from us the relief for which she has petitioned. If she wished under present circumstances to contract a marriage in the Province of Quebec, could she dare to do so? When we remember that the majority of that Court which decided that a divorce obtained like this was not valid is the Criminal Court of the country where an action for bigamy would be tried, and in which they would be the final judges (except, of course, reserving the right of appeal), no person with any degree of care or prudence would venture to marry in the Province of Quebec under such circumstances. The man has all the advantages of the divorce. He has married again, and I would like in connection with that fact to say this: I regret that it is found necessary to put in the words, "living in adultery," in this Bill. I concur in the feelings expressed by the hon. gentleman frém Prince Edward Island in that respect and would like very much that the use of that expression could be avoided; but when he spoke about the Committee so very easily and freely, assenting to their being retained, he does the Committee injustice. I felt as strongly as he does that the words should not be there, but I was bound to submit to the judgment of experienced legal gentlemen who said that those words were necessary to be inserted, in order to harmonize the Bill with our legislation; that no divorce is granted by this Parliament except on the ground of adultery, and he so strongly urged that it was important that it should be put in that he carried the minds of the Committee with him, I believe all of them feeling very likely that they would a great deal rather have avoided incorporating that statement in the Bill had it been possible. But what harm does that statement do? The respondent cannot, in the judgment of any right-minded man, be accused of criminal adultery. He has obtained in that country a legal divorce, which has rendered him free to marry another. And so with the lady he has married; I would not attach the least stigma to her. She had a perfect right to marry him, and was justified in believing that the divorce was a perfectly valid and legal divorce; so I do not think, although the term is put in the Bill, that it carries with it the reproach that it would seem to convey, and for which it is claimed that it ought not to be in the Bill. The words are very like the words in an indictment against the "peace, honor and dignity of the Crown, etc." The hon. gentleman laid much stress upon the statement that the adultery way not proved, though it was set out in the preamble of the Bill. The man, according to our law, is not divorced; therefore, according to our law, I contend the expression is correct, as he is living with another woman who is not his wife by Canadain law, and has a family by her. I do not think, therefore, the allegation is so seriously wrong as it has been described. It is said that the petititioner was cognizant of the proceedings which were taken for the divorce in Massachusetts. Now, I think it is rather attaching too much significance to what came before us in evidence. I do not think it fair to say that she was cognizant of that divorce when she absolutely did not know a single thing about it. The whole allegation rests on supposition. A certain paper was handed to her—*supposed* to be a notice of the proceedings taken. Why is it supposed so? Can anybody give me a reason why we have a right to suppose the contents of a document which was never opened and never looked at. It is quite possible it may have been a

notice, but the woman says she did not open it; she did not know its contents—she handed it to her father, and did not know anything about it.

HON. MR. HAYTHORNE—In the evidence she is asked "do you know what the contents are?" And she replied, I believe it was something about a divorce.

HON. MR. VIDAL—The question was put by myself in that way, did she not believe it was something in connection with a divorce and she made the statement that she believed it was, but did not know. Is that evidence that that paper was a notice of the divorce, even though she did believe it? I do not think it is fair to attach any importance to that fact and say that she was cognizant of the divorce. I say we are doing no injustice in declaring this divorce invalid. The man is resident in the United States; by the law of the United States, he is an honest man, rightly married to the woman with whom he is living, and his children are legitimate, and our passing this law will not in the least degree affect their position or character, or allow anyone to say they are living in adultery.

HON. MR. DICKEY—The hon. gentleman has removed the man's domicile from the State of Massachusetts to the state of adultery.

HON. MR. VIDAL—We would like to remove it farther now. We would like to remove him from any imputation of that kind whatever, by granting the divorce sought for by the petitioner, leaving her free, as she is entitled to be, in my judgment. I think it would be a great hardship that this woman should be put to the trouble and expense of establishing the legality of that divorce which was granted to her husband in Massachusetts, and surely it is wrong in us to require that, before she can take advantage of that divorce, she is to be put to all this trouble and expense. The granting of relief to the party from whom the divorce is obtained, is conditioned on their being resident within the State at the time of the passing of this divorce. Do not those words utterly exclude the petitioner? There is no relief for her. Her husband is relieved; he is married again, but there is no relief for this woman unless we, in our wisdom, and under the power vested in us, grant that relief, and I believe her cause is sufficiently strong to justify us in granting the prayer of her petition

HON. MR. CARVELL—A good deal has been said about lawyers, and, I think, in reference to this case and perhaps some others, it would be well if a portion of them were sent to "Banff." A greater mess could not possibly be made by a similar number of laymen, of this measure. Here we have a Bill brought into this House which begins by setting forth that a certain marriage was dissolved in the United States, yet this Bill wants this Parliament to repeat the dissolution. My hon. friend from Prince Edward Island objects to the insertion of the words "living in adultery," in the amended Bill, and without which, I think, there is no case for this House o grant the prayer of the petition. If we grant it at all we must grant it with those words in. My hon. friend from Sarnia objects to the law of the United States being introduced here, or having any influence in this Parliament, and he goes on for half an hour quoting from the very law which he thinks would be objectionable to this country. The fact appears to me that there was a marriage. One of the parties has been living and cohabiting with a woman not his wife. That woman has borne him children, and if they are not committing adultery according to the laws of Canada, they are committing adultery according to the law of God, and if they are it should be so stated, and the prayer of the petitioner should be granted if there is such a thing as divorce in Canada.

HON. MR. OGILVIE—The hon. gentleman from Prince Edward Island stated that the marriage took place in the United States, but the House will remember that the marriage between the petitioner and the respondent took place in Canada, in the Province of Quebec. They then went to live in Ontario. Subsequently the respondent

went to live in the United States, and in the United States got a divorce. He came back to the Province of Ontario again and married his second wife in Canada, without any reference to our laws whatever. If we are to recognize all the laws of the different States of the Union, and all their divorces, I am afraid that our marriage law will be of very little consequence in Canada, if anyone wants to go and live on the other side of the line. My hon. friend from Lunenburg spoke very strongly yesterday about this Massachusetts divorce. He used some pretty severe language about what the Committee had done, and what their views were upon it, and how hard it was to pass the Bill that is asked for now. He opposed it in every way that he could and acted more as a pleader than as a legislator. Perhaps it would be interesting to the House to be reminded of what the hon. gentleman said a year ago on a case very similar to this. In the discussion of the third reading of the Birrell divorce case, in which the effect of American Divorces came up, the hon. member for Lunenburg gave his views in very clear and unmistakable language, as reported on page 320 of the Senate Debates. He said:—

"This is a peculiar case, and it seems to me that although there was an apparent divorce, and one which for the cause assigned, desertion, would appear to stand good in the United States although bad here for that cause, a married woman apparently here and a divorced woman in the United States, there seems to be a conflict, yet although obtained by fraud on the court—and for a cause not recognized here—the decree stands good until such time as it is set aside. There seems to be a conflict between the authorities taking that position and those who say that no matter what view may be taken of international law, a foreign divorce does stand good until set aside when obtained for cause not recognized where the marriage took place. No doubt that is so: I think the authorities go that far and that this divorce obtained by fraud in Michigan is good there until set aside. Although that is the case still it was not necessary to set it aside, and it is difficult to be set aside after the party has again married, but we are quite competent to grant another divorce as regards the wife. That did not deprive her of the right to come to this Parliament to get a decree of divorce. The divorce is no answer to this application."

Those were the views of the hon. gentleman from Lunenburg one year ago, and I thought it would be interesting to members to know how very consistent that hon. gentleman is. I am very sorry that he is not now in his place to hear my remarks.

The Senate divided on the motion which was carried on the following division:—

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Hon. Messrs.

Abbott,	Macdonald (B.C.),
Allan,	Macfarlane,
Almon,	McInnes (Burlington),
Carvell,	Merner,
Clemow,	Montgomery,
Ferrier,	Odell,
Flint,	Ogilvie,
Glasier,	Plumb (Speaker),
Gowan,	Read,
Grant,	Ross (Laurentides),
Leonard,	Sanford,
Lewin,	Schultz,
McCallum,	Stevens,
McClelan,	Sutherland,
McInnes (B.C.),	Turner,
McKay,	Vidal,
McKindsey,	Wark.—35.
McMaster,	

NON-CONTENTS:

Hon. Messrs.

Baillargeon,	Haythorne,
Boucherville, de	Kaulbach,
Chaffers,	O'Donohoe,
DeBlois,	Power,
Dever,	Robitaille,
Dickey,	Ross (de la Durantaye).—13.
Fortin,	

HON. MR. OGILVIE moved that the Bill be now read the third time.

HON. MR. DICKEY—I hope my hon. friend will not press his motion today. This is a very important matter, and it is desirable on all hands that we should have an expression of opinion from the Leader of the House as to the subject that has been so long debated. We are entitled to some statement from the Government as to the course which ought to be pursued with this Bill, under the authorities that have been cited. Of course that question will come up legitimately on the third reading. We have had quite enough of this question for the last two days, and I think it is desirable that the third reading should take place to-morrow. I hope there will be no

objection to this course, as my hon. friend has substantially carried his point. There is that single question now remaining to be discussed at the third reading. Some members of the Senate, myself included, desire to speak on that point, and no good purpose can be served by the pressing of the third reading this evening.

HON. MR. OGILVIE—I would be glad to meet the views of the hon. member from Amherst, but I think there is hardly a member of the House who does not thoroughly understand this question as it is now, and I certainly think we ought all to be thoroughly and perfectly tired of it. We have had a very satisfactory vote on the report of the Committee, and had the Leader of the Government of this House been anxious to speak on this question he had ample opportunity. I do not know that it is any of our business to make him speak on the question if he does not want to do so. I do not know whether he does or not, but I have made the motion for the third reading after the Bill has been put off and discussed over and over again. I shall certainly try to bow with humility to the desire of the House, but I am sorry to say that at present I cannot agree to the suggestion of my hon. friend from Amherst to have the third reading postponed. I do wish to have done with it if possible, and therefore I press my motion.

HON. MR. DICKEY—My hon. friend has just stated that he would like to hear from the Leader of the House.

HON. MR. OGILVIE—I said that the Leader of the House had had an opportunity to speak if he had desired to do so.

HON. MR. DICKEY—My hon. friend will find that such a tone in this House will carry measures. The Leader of the House may not have considered it necessary to speak on the comparatively unimportant question of the report, but he may desire to express an opinion on the third reading as to whether this Bill should pass or not. I do not know whether he does or not, but I think we are entitled to some statement from the Government—either from the Minister of Justice or from the Leader of the House—as to this important question, because it relates to the marital relations of the whole Dominion. If we are to upset the rule as we previously understood it, I think we ought to have something from the Government on the point.

HON. MR. POWER—I do not think the Speaker, under the Rules of the House, has a right to put the question unless by the unanimous consent of the House. One of our fundamental rules is that no substantial motion can be made until at least one day's notice has been given. The motion for the third reading of the Bill is a motion which is substantial and requires one day's notice. And further, while that is the case, the rule of our House gives precedence to those motions over all others, unless otherwise arranged by the House. I cannot understand how this Bill can be read the third time when there has been no notice of any motion that it should be read. The notice on the orders of the day was the consideration of the report of the Committee. We have disposed of that now, and no further steps can be taken without notice.

HON. MR. VIDAL—It is the common order of procedure.

HON. MR. DICKEY—It is by unanimous consent.

HON. MR. VIDAL—I am quite sure my hon. friend has no desire whatever to force the Bill through the House, and if the Speaker decides that the motion is out of order he will let it stand.

HON. MR. KAULBACH—Certainly, this report of the Committee is the same as the report of any other Committee. We have just decided upon the report of the Committee, and the third reading of the Bill is another stage. In the matter of this kind it is of vital importance to know whether divorce decrees obtained in the United States are to be recognized in this Dominion or not. I would, myself, not be inclined to recognize

those decrees, but at the same time I feel that it is my duty to be governed here by what I know to be the law, as it is recognized not only in England and the United States, but also in the Supreme Court of Canada. I say, therefore, that before we take another stage in this matter, it is well that we should have an opportunity to learn what the Leader of the House has to say on the matter, learned in the law as he is, and what view the Government may take if hereafter we are not to sustain the decrees of legal tribunals in the United States. I, for one, would be glad of it, because I think it has not a tendency to improve the moral tone of the community

HON. MR. ABBOTT—It seems to be generally understood that a motion of this description cannot be put to the House—that a further stage cannot be taken without general consent. It is plain that that general consent does not exist in this case. Would it not be better for my hon. friend to move that the Bill be read the third time to-morrow?

HON. MR. OGILVIE—I shall be very happy to postpone the third reading until to-morrow. I move that the Bill be read the third time to-morrow.

THE SPEAKER—Heretofore it has been customary that those Bills be read the third time after the adoption of the report, but it must be with the consent of the House. It was not intended on my part to propose the third reading of the Bill if any objection was raised.

The motion was agreed to.

The Senate adjourned at 5:25 p. m.

THE SENATE,

Ottawa, Thursday, June 2nd, 1887.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

REPRESENTATION OF BRITISH COLUMBIA AND MANITOBA IN THE CABINET.

INQUIRY.

HON. MR. McINNES inquired whether it is the intention of the Government to give the British Columbia and the Prairie Division of the Dominion each representation in the Cabinet? If so, when?

He said: It will be within the recollection of hon. gentlemen that last year I brought forward a motion affirming that the three great natural divisions of the Dominion should be represented in the Cabinet. The grounds on which I made the claim were that, owing to the large amount of revenue they contributed their large area and even their population, they were entitled to such representation. I took the customs and excise returns for several years and showed conclusively that we are entitled to representation on that basis in the Cabinet. Since then the Trade and Navigation Returns for 1886 have been published, and I will now read to the House a statement of the exports, imports, and customs duties collected for the different Provinces. It is as follows:—

Provinces.	*Exports.*	*Imports.*	*Duties Collected.*
Ontario	$27,088,868	$39,069,475	$6,699,324
Quebec	38,171,339	45,601,694	8,258,861
Nova Scotia	8,071,513	7,840,244	1,663,087
New Brunswick	6,547,096	5,849,520	1,235,083
Manitoba	852,615	1,895,367	467,212
British Columbia	2,953,616	3,953,299	880,22[illegible]
Prince Edward Island	1,566,267	632,171	224,693
North-West Territories	.....	182,791	19,633

I may say that the other duties col-

lected in British Columbia made an aggregate of over $900,000.

HON. MR. DEVER—What do you call the other duties—excise?

HON. MR. McINNES—Yes, excise.

HON. MR. DEVER—You have not given the excise in the other Provinces, and why should you give them in the case of British Columbia?

HON. MR. McINNES—According to the figures which I have taken from the volume before me, you will find that British Columbia has contributed two-thirds as much as New Brunswick in customs duties, and more than one-half as much as Nova Scotia. I will not refer to the Province of Prince Edward Island, because I know my hon. friend from Alberton took exception to my quotation of figures concerning that province last year; nor shall I make an allusion to the larger Provinces of Ontario and Quebec. I may say, however, that British Columbia contributed the 22nd part of the customs revenue of the Dominion of Canada last year, to say nothing of Manitoba and the North-West Territories. Another claim that I put forward last year, which I think ought to be taken into consideration, is the fact that we have only one-seventeenth of the entire area of the Dominion represented in the Cabinet. It may be stated that the population is small in British Columbia and the North-West. I have no further figures to give of the population than I gave to the House last year; but I will say that the population of British Columbia has very materially increased during the last year, and that increase is almost certain to be more than doubled this year. I have every reason to believe if the census were taken to-day it would be found we have at least 75,000 to 80,000 of a population.

HON. MR. POWER—How many whites?

HON. MR. HOWLAN—Indians and all?

HON. MR. McINNES (B.C.)—We have probably 50,000 of a white population, not counting the Indians at all. However, we cannot state definitely what the population is until the census is taken, which will be in a few years. After making this statement, the then Minister of Justice, Sir Alexander Campbell, leader of the Government in this House, in replying to my arguments (I quote from page 147 of the Senate Debates of last year) is reported as saying:—

I do not quarrel with the hon. member from British Columbia for enlarging on the resources of his Province and telling us about the population, area and wealth and seeking to aggrandize his Provinces and the North-West. That is all quite proper and I hope and believe that in the future at some time or other British Columbia and Manitoba will be represented in the Cabinet. Undoubtedly they will have members in the Government when they arrive at that stage of population and influence which will give them the same position in the country that is now occupied by the older Provinces. When they reach that position, representation will not be granted them as a favor, but they will force their way into the cabinet.

Again on page 148, he says:—

"Everything else follows, and the representation which my hon. friend desires for British Columbia, will follow, as everything else will, when the Province attains the influence which every one expects it will to warrant it, and no one can safely go in advance of that position. Whenever British Columbia exercises that influence in the affairs of the Dominion at large, which it is sure to exercise sooner or later, then it will have its representation in the Government, and the same thing may be said of Manitoba and the North-West Territories. These things come by degrees. You cannot safely lay down such rule as the hon. gentleman proposes; you must allow the Government to be constituted in such a way as to enable it to command a majority in the House of Commons. You cannot lay down any other principle but that, and you will find that no Government has ever attempted to establish any different rule. The hon. gentleman thinks apparently that there might be a great many members of the Government, but everyone knows that the Government must be limited in numbers. You cannot increase the Government *ad libitum*. Look at the Government of the United States which consists of the President and seven members of the Cabinet. Look at the Government of England which consists of 16 members, and of those I think there is but one from Scotland.

I asked him then why not do the same as they do in England, give us an Under Secretary. His reply was this :—

There is a possibility there, of course; some future Premier might very likely adopt that idea. I myself give my assent to it so far as it goes, and so far as one can consider a question which has not taken a practical shape—that there might be under secretaries and the Government might consist of even fewer members than it does now; because those who have had experience in the Government of the country doubt the advantage of having so many ministers. I am sure if my hon. friends on either side of me were in the Government they would feel that it was a source of weakness to have as many in the Government even as there are now. It is impossible for fourteen men always to consult together. In this House we do not consult together; we make speeches to one another. I believe it would be better if there were fewer members of the Cabinet than we have at present; the hon. gentleman's scheme would make the number larger.

If we had under secretaries, having seats in either House of Parliament, I believe it would be a useful scheme and one which might hereafter be adopted. I see no objection to it, but to seek to fasten the hands of the Premier for the time being, and say that he must do this and that is an idea unknown anywhere, not practised anywhere, and which could be attended with nothing but evil and inconvenience.

Now, I wish to draw the attention of the House to this fact, that when the hon. gentleman made that reply to my remarks he was speaking not only as a member of the Government, but in all likelihood as the mouthpeice of the Government with respect to that particular policy, the representation of British Columbia and the North-West in the Cabinet. He lays down a principle which I do not believe in, that any portion of this Dominion will have representation in the Cabinet only when they are numerically strong enough to force their way in. He does not say that it is owing to merit or ability, but that whenever they are in a position to make their influence such as to compel the Government to recognize their claim they will receive representation in the Cabinet and not until then. There have been a great many conclusive answers to that policy given within the last few weeks. The vote given last night shows conclusively that British Columbia and the North-West hold this Government in their power, for the moment the fifteen members representing those territories west of Lake of the Woods see fit to withold their support or to vote against the Government that moment the Government is snuffed out like a candle. Even on the basis laid down by Sir Alex. Campbell, we are entitled to representation in the Cabinet and we should have it to-day. Another ground he (Sir Alex. Campbell) took was that the Cabinet was then too large. Has it since been diminished in numbers? No. They had 14 members in the Cabinet then; how many have they to-day? Fifteen, and allow me to say here I am sorry that although we have two members of the Cabinet in this House neither of them holds a portfolio, and I think it is treating this House with a disrespect that should be resented in some way or other if we are only true to ourselves. Instead of diminishing the number according to the declaration and doctrine, laid down by Sir Alex. Campbell, the number in the Cabinet has been increased. I find that Nova Scotia is represented in the Cabinet by three members with three portfolios, New Brunswick is represented by two, Quebec by five, and Ontario by five, making a total of 15. If that was the announced policy of the Government then I ask and claim that it should be carried out, and I hope they will not vacillate and change in that policy but give us the measure of justice which we ask and to which we are entitled. We do not ask as a favor but, according to the Government policy laid down by Sir Alex. Campbell, as a right, that the great country lying west of the head of Lake Superior should be represented in the Cabinet; for if this country is ever to amount to anything amongst the nations of the earth, it will be by giving representation to those western portions of the Dominion, and thereby assisting to develop the enormous recources of that but little known country. Some hon. gentlemen may say it is all very well to ask for representation, and put us off by saying that when the proper time arrives we will get it. I believe the time has arrived, yes, arrived years ago. I believe if we had been represented in the Cabinet long ago the country would have saved

millions of dollars in British Columbia in the administration of affairs there—notably in the building of the portion of the Canadian Pacific Railway by the Government,—would have saved millions in the North-West, and hundreds of precious lives in suppressing a miserable rebellion. I will not detain the House longer; I hope that the leader of the Government may give a satisfactory answer, and assure the House that at an early day British Columbia and the North-West Territories will each have representation in the Cabinet. I do not urge so much that we should have portfolio, as I do that we should have some one at the council board who would watch over our interests, although I believe we should have a portfolio. I did not ask for it last year, but what I did ask for was that they should have some person there to consult and advise as to the administration of the affairs of those distant portions of the Dominion, and I claimed that it would not entail one solitary cent of additional expense to the country.

HON. MR. HOWLAN—I do not rise for the purpose of interfering with my hon. friend in advocating that the western portion of the Dominion should have representation in the Cabinet. But I do rise on this account: that last year comments were made as to the smallness of the import revenue of Prince Edward Island. I did hope that the statements I made last year, taken as it was from the public reports of the province, should be taken as a fair and legitimate statement of the case. I showed last year that the revenue of the province was $911,422.95, instead of $242,600, as the public accounts of Canada show. I clearly at that time gave the items as follows, and I am only surprised that my hon. friend would not have remembered it, because last year it was a matter of consideration before the House: —

Customs	$591,600 00
Excise	136,400 00
Railway	144,504 00
Post Office	30,000 00
Northern Light	6.206 00
Sick Marines' Fund	684 46
Carried forward	$909,494 46
Brought forward	$909,494 46
Steamboat Inspection	279 72
Weights and Measures	657 14
Gas Inspection and Law Stamps	791 51
Fishery Licenses	80 00
Customs Seizure	230 00
	$911,422 95

A little explanation will be necessary, to those who did not hear my explanation on that occasion, to show how this difference between the apparent and the actual revenue of Prince Edward Island is brought about. We know that if we take the returns of revenue from the Province of Quebec, Quebec and Montreal are the first ports of entry coming up the St. Lawrence, and necessarily a large amount of duty is paid at those cities upon goods which afterwards find their way to the western portions of the Dominion. That would account for a great part of the six or eight millions of revenue credited to that province. So it is with Prince Edward Island. When our Island was an independent province, in 1872, the revenue was far in excess of $242,000, when her revenue tariff was nothing at all like the present tariff. At that time she was credited with all the goods imported from the United States and Great Britain, and the revenue coming from this, in the way of duties, was credited to her as will be seen on reference to the public accounts. Since Confederation the goods brought into the Province are bought in St. John, Toronto, Hamilton, Montreal and Quebec, and it necessarily follows, on taking up the Public Accounts, she does not receive credit for the duties paid on the goods imported by her merchants. What is the fact with respect to British Columbia? It is known that a large portion of the goods imported into that Province come direct from the place of manufacture, and as a consequence are credited in the returns with the amount of revenue derived from them; but even from the showing of my hon. friend, so far as revenue is concerned, that any portion of this Dominion should be represented in the Government if it pays large amounts of money to the Public Treasury—even by his own showing, the Province of British Columbia pays but one-twenty-second part of the revenue of the country, and it would follow from that, that she is not entitled

to representation in the Dominion Government until the Cabinet is composed of 22 members. That is the only fair deduction which can be made from the statement of figures submitted by my hon. friend. I am not here for the purpose of finding any fault with the views and opinions he has advanced, but I do find fault with the fact that I must be continually making this explanation every time the question of the representation of British Columbia is raised in this House, and I do hope we have heard the last of it. Prince Edward Island is taunted, when we ask for improvements, not only on the floor of this House, but in the House of Commons, with the smallness of its revenue, and we are told "you cost more to the Dominion of Canada than the Dominion gets from you." I contend that it is an improper way to look at the question. It is not a patriotic view. If Prince Edward Island has any particular rights she is entitled to them as rights, and even in her poverty she is not to be held up, as my hon. friend has held her up to-day, to the ridicule of the House.

HON. MR. McINNES—I beg to correct the statement of the hon. gentleman. I did not hold Prince Edward Island to ridicule or belittle her in any way; but to carry out my train of reasoning I had to give the revenue from imports and exports of the Province, but I did not for one moment try to belittle her.

HON. MR. HOWLAN—I am very glad to hear the explanation of the hon. gentleman, but it is due to myself to say that having stated in detail last year the sources from which the revenue of Prince Edward Island is derived, and the amount, the hon. gentleman sitting near me should have heard it and remembered it. I want it distinctly understood, so far as Prince Edward Island is concerned, that she contributes more to the revenue of Canada than she receives from the public treasury.

HON. MR. McINNES—It was most foreign to my thoughts to make any attack on Prince Edward Island, and I leave it to this hon. House if I could make out my case in any other way than that in which I presented it. I had to give the revenue of the different Provinces, the imports and exports, and if Prince Edward Island stand the lowest on the list, I am only sorry for it. I am sorry that her imports are not larger, and that her exports are not larger, and that she does not contribute more than is stated here in the blue book.

HON. MR. HOWLAN—She does contribute more.

HON. MR. McINNES—If we cannot take the official report given to us as reliable, and as being a true representation of the revenue of the Dominion, on what are we to rely? My hon. friend says that British Columbia is in an entirely different position from Prince Edward Island. I would remind him that British Columbia is importing largely, direct from Montreal, Toronto, Hamilton and other places, especially since the opening of the Northern & Canadian Pacific Railways. She is importing goods upon which the Customs duties were paid in Montreal and Quebec, just in the same proportion as they are in Prince Edward Island. I may say for the benefit of my hon. friend on my left that the reason why British Columbia has imported such very large quantities of goods, and pays such an enormous revenue according to population, is the fact that the great bulk of the population of that province are male adults, and are actively engaged in fishing, lumbering, mining and other pursuits that necessitate an enormous consumption of imported goods of a dutiable character. I state this in order to give some idea to hon. gentlemen who are not acquainted with the industries of that province, how it is we are importing and using such a large amount of goods, and why we pay so much revenue for so small a population. I hope my hon. friend will never again accuse me of being unpatriotic.

HON. MR. HOWLAN—I hope my hon. friend will not make the statement again that he has made with regard to Prince Edward Island.

HON. MR. McINNES—I would rather not make the statement, still when I find

it is my duty to do so I shall make it, notwithstanding the fact that I am ruffling the feelings of the hon. gentleman.

HON. MR. HOWLAN—You have not ruffled them at all.

HON. MR. McINNES—I was forced to do it, although reluctantly.

HON. MR. POWER—I do not think that the hon. member from Alberta is quite right in saying that British Columbia will not be entitled to a member of the Government until the Cabinet numbers 22.

HON. MR. HOWLAN—I did not say so.

HON. MR. POWER—I misunderstood the hon. gentleman.

HON. MR HOWLAN—I said that if the figures which the hon. member from New Westminster had given the House were worth anything, the result of those figures—the reasoning which he laid down himself—would be that. I did not give it as my opinion.

HON. MR. POWER—According to the figures given by the hon. member from New Westminster, British Columbia is now entitled to two-thirds of a Minister, I do not know exactly how we should proceed to give her that important fraction. Possibly British Columbia could claim one of the new officers proposed to be created by the Bill now before the other Chamber. That measure proposes to create a sort of inferior Ministers who will not have seats in the Cabinet, I understand, and whose salaries are to be about two-thirds of the salaries of the full blown Ministers. Probably British Columbia would be entitled to one of those, who might be recognized as equivalent to two-thirds of an ordinary Minister. However I may be allowed to say this with respect to the principle involved in my hon. friend's question, that while I never have been a very strong believer in what is called sectional representation—while I do not for instance think that Nova Scotia should always have two or three members in the Government or that Quebec or Ontario should always have five, I do think that when we find a case such as we have now—that the whole of the Dominion west of Lake Superior has no representation whatever in the Cabinet, —that such a case deserves consideration. If this were a homogeneous country—if we were a country even as homogeneous as the United States is—there might be some objection to the demand made on behalf of the western portion of Canada, but it is not; the interests of the different parts of this country are very dissimilar. The different Provinces are not well acquainted with each other, and this new part of the country which is growing most rapidly and is now being organized and civilized and assimilated with the rest of the Dominion, does need special representation more than any other part. I think for instance that it would be perfectly safe to leave Ontario without representation in the Cabinet, because the representation of the Province in the House of Commons and in the Senate is so strong that no injustice could be done it under our existing system o representative Government. How it would be when the new system which is foreshadowed by the proceedings in connection with the election of Queen's County, New Brunswick, comes into operation, I do not know; but as long as the people have any voice in electing representatives I think the provinces with large populations and large representations in the House of Commons can be trusted to take care of themselves, even though they have no representation in the Cabinet. But misfortunes which have befallen our western country—for instance, that most unfortunate difficulty which occurred two years ago in the North-West, not only involving great expense to the older provinces, but retarding the growth of the North-West Territories for several years—might not have occurred if that portion of the Dominion had been represented in the House of Commons, and certainly if it had been represented in the Cabinet. Now when the Government proposes most improperly to increase the number of members of the Cabinet, I think it is an excellent oppor-

tunity to give either Manitoba, British Columbia or the North-West Territories a representative in the Cabinet, who would be able to advise the Government as to the interests and wishes of the people of that portion of the Dominion.

HON. MR. ALMON—I do not see why Manitoba and British Columbia should complain of not being represented in the Cabinet. When I had the honor of being a member in the Lower House, Sir George Cartier, who certainly had as much influence in the Government as any other man, or for that matter as much as any two men there, was a member from Manitoba. It was only the other day that the Premier of this Dominion, Sir John Macdonald, was a British Columbia member. It may be said that he did not reside in British Columbia, but I have heard that there are gentlemen who represent British Columbia in this House who do not reside in British Columbia, but reside in Ontario, and therefore I think if there are such persons they have no right to complain that Sir John Macdonald, while representing British Columbia, did not reside in that province.

HON. MR. KAULBACH—I merely rise for the purpose of dissenting from the view expressed by the hon. member from Halifax (Mr. Power) that the rebellion in the North-West would not have taken place if that country had been represented in the Cabinet. I believe it would have occurred no matter what representation they had in Parliament, or in the Cabinet. We all feel, especially in the Lower Provinces, that we would like them to have as much representation as possible. I, for one, would be glad if the Government could see their way, in the interest of the whole country, to giving British Columbia, or any section of the Dominion west of Lake Superior, representation in the Cabinet. If it is convenient to give such representation, I am sure that nobody in the Eastern Provinces would object to it, but I do not think that such representation would so materially enhance the wealth and prosperity of the country west of Lake Superior as my hon. friend from Halifax seems to think. I do not believe that giving representation in the Cabinet will increase the industries of the country or add to its population. As far as the population is concerned, since my hon. friend from British Columbia has drawn a comparison between British Columbia and the Provinces of the East, I may say that the last census showed the white population of the Pacific Province to be about 20,000 altogether. That would be about a four hundredth part of the whole population of the Dominion, I think the comparison which he made between the different provinces was not advantageous to his case.

HON. MR. McINNES—The figures I gave were within a fraction of $50,000.

HON. MR. KAULBACH—Even taking my hon. friend's figures, the proportion would be about 1 100 of the whole population of Canada. My hon. friend said that the representatives coming from that part of Canada west of Lake Superior could defeat the Government if it failed to do justice to their section of the country. It is evident, therefore, since the Government is not defeated, that the western section of the Dominion do not consider this such a burning question after all. It is evident that the time has not yet come when the people of that country feel that it is of such vital importance to them as to make it necessary for them to rise in their might and defeat the Government. Pleased as I should be to see that portion of Canada represented in the Cabinet, I must say that my hon. friend has not shown that the people of that portion of Canada consider it a matter of very great importance that they should be so represented.

HON. MR. MACDONALD—I can well understand that a gentleman coming from one of the older provinces, where they have full autonomy, cannot look at this question as we do. We are living at a distance from the Capital, and we feel that every province should have representation in the Cabinet, not with regard to population or revenue, but as a province of the Dominion. There are certain local affairs in every province of which the Government should have the

most accurate knowledge so as to deal with them accurately and intelligently. That intelligence and knowledge they can only get from representatives fresh from the people. I expressed those views last year, and I repeat them now With regard to what the hon. member from Halifax (Mr. Almon) said about representation in the Cabinet, I may say that while we had a representative in the Government we were perfectly satisfied, but it was not continuous. We had representation for a short time, and during that time we never complained, but now that it has ceased we do complain. The most important affairs of the country—the fiscal policy of the Government around which nearly every other question centres, is adjusted and arranged in the Cabinet, and when it comes down to the cognizance of the people's representatives, it is a cast-iron rule through which we cannot break—even though we desire to do so. It is the policy of the Government, and they having a majority, even if we wished to have a change made we cannot very well accomplish it. I know very well that even with representation in the Cabinet the smaller provinces must bow and yield to the will of the larger provinces ; yet, even if those smaller provinces had a voice in the affairs of the country they would find it an advantage at times in adjusting the fiscal system and the taxation of the country. I can give the strongest and most cogent reasons why our Province should be represented in the Government. On more than one occasion it had been found necessary to send to British Columbia a Minister of the Crown to enquire into the public affairs of the Province ; and not only that, but to-day, and for the last eight years, the Government had an agent in British Columbia, in a confidential as well as in a public capacity, and it is said that that agent, in giving information to the Government here, has interfered with the just prerogatives of the people's representatives. Certainly, whatever ground there may be for this, it is certainly against the genius of parliamentary and responsible government. The people's representatives, fresh from their constituents, are the only channel through which the Government can learn what the country requires. I hope the Government will see the necessity of having every province represented in the Cabinet. It is necessary to the intelligent and proper government of the country. With regard to the remarks of the hon. member for Alberton about the taxation of the country, he ought to be very proud of the position his province occupies. The province that imports least and exports most in proportion is in the best position : it has all its wealth within its own borders. I should like to have my own province in the position that his occupies—able to export more than it imports—able to produce all that it requires for the use of its own people.

HON. MR. HAYTHORNE—I do not feel at all disposed to disparage the importance of British Columbia, but I think it is right to call attention to the principle which is involved in the question which the hon. gentleman has put before the House. It seems to me that the general adoption of that principle would lead to some very extraordinary and possibly to some unhappy results. We should be compelled, in that case, to have an Executive Council for Canada, without reference to the ability of its members at all. We should have to take gentlemen who, perhaps, might make excellent members of Parliament, but who would be quite incompetent to run departments or to conduct the public business in either House. That I think would be a most unfortunate thing for Canada, and if British Columbia or any other province feels herself aggrieved because of any want of competent representation, the remedy is in her own hands. All that the people have to do is to be careful in the selection of their representatives. Let them send to Parliament men of first-class ability, capable of making a position for themselves and holding it. In that case, whether those men are in opposition or hold seats in the Government, there will be no fear that the smallest of the provinces of the Dominion will be ill represented. In my judgment, the inquiry made by the hon. gentleman implies on his own part, and on the part of his discontented constituents, that they have no confidence whatever in their Government. It

seems to me that a demand for representatives on the part of every province of the Dominion implies that no province has the confidence that it ought to possess in the members of the Government, and that they feel that unless they are represented at that board and unless they have somebody there competent to take charge of their interests, they are sure to go to the wall. Now if there is any ground for such a charge as that, it must be manifest that we are about the most ill-governed country in the world—that we cannot trust our rulers out of sight unless we have some one to watch them. You must have some one to keep the keepers themselves. That is something to be deprecated by every means in our power. I wish for a moment to refer to the statement which the hon. member from Alberton has already answered. I am not going into a host of figures on this question, although I hold in my hand a blue book furnishing ample refutation of the statement that has been made as to Prince Edward Island as an importing and exporting province. The published returns have been based on the Custom House reports. It has been shown over and over again in this House that a very large portion of the exports of Prince Edward Island do not go abroad directly, but are exported through other provinces. If they are entered at all, they go to inflate the importance of adjoining provinces. It is so simply and easily remembered that it should set this matter at an end once for all. At the opening of navigation there appeared a statement in a local paper as to the nature and value of the week's work of two local steamers. One of these weeks since navigation opened, it amounted to $21,000. The exports comprised, amongst other things, quite a number of horses—some 25—and these were almost exclusively exported to the United States, but they did not go direct from Prince Edward Island to the United States. They were taken across to Shediac and other ports in New Brunswick, and thence sent to the United States. Consequently, when they left our shores they went to another province where they paid no duty and, being exported again from that province, they appear, if they appear at all in the reports, as a portion of the exports of New Brunswick. I mention this simply to show that the Custom House returns cannot be depended upon to show the exports and imports which should be credited to each province.

HON. MR. WARK—A discussion of this kind in the early history of the Dominion might have been more appropriate than it is now. Then all the provinces were represented in this House. There were five members of the Government who had seats in the Senate. Since then the number has decreased and the subject has therefore become less and less interesting to this House ever since. At the opening of this session we had not a member of the Government at all. Consequently we are not very seriously interested in this subject now—at least not so much so as we were earlier in the history of Confederation. But we had not been long in the Confederation until I, for one, made up my mind that the system, which might appear convenient, of having all the provinces represented in the Cabinet, would not last long. The result of my observation has been that when Governments have been formed, very superior men have been left outside, simply because they did not reside in such and such a portion of the Dominion, while other men, far inferior to them, have had to be taken into the Cabinet. I believe the time is coming, and not far distant, as parties are now formed when, if a party comes in the ascendant, the leader of that party must be left to select the best men in his party, no matter where they live. The hon. gentleman who puts this question says that he wants this western portion of the Dominion represented, but without portfolio. Of what use could a man from British Columbia be to the Government? He must live here and be on hand to be consulted on all occasions when his advice is necessary.

HON. MR. MCINNES (B. C.)—Even if it is only for the session it would be an advantage.

HON. MR. WARK—A great deal of the public business is done between ses-

sions. We will have to come to the system of the mother country sooner or later, and perhaps at no very distant period. The idea expressed by my hon. friend from Prince Edward Island struck me also. The best way to ensure representation in the Cabinet is to select very superior men to represent the constituencies, for they ought to have the preference. In England a Prime Minister called upon to form a Government never thinks of where his colleagues reside. He selects the ablest men in the party It is true, there is some compensation to the other section of the three kingdoms by selecting from them under secretaries, or junior Lords of the Treasury, or of the Admiralty, or some such positions as those; but the ablest men of the party are selected to fill the positions in the Cabinet, and I believe that we shall have to come to that in the end.

HON. MR. GIRARD—If I were personally concerned in this question I would not speak on it. I think the hon. gentleman from British Columbia who has brought this subject before the House, is quite justified in having donc so. The time has arrived, I think, when the smaller provinces have to be represented in the councils of the Dominion. We have been waiting long enough to be represented in the councils of the nation. I think our position is not well understood: we have been desirous of sending to the Senate and the House of Commons the best representative men available, and I think on the whole a good choice has been made. It is easy for those who come from more favored provinces to advise us as to the course to pursue to obtain representation in the Cabinet. At Confederation there was a kind of compact, or agreement, by which each province of the Dominion is entitled to a certain share in the Government: would it be right to say that there is not a sufficient number of qualified men in Ontario, Quebec or Nova Scotia, or any other Province of the Dominion, to represent them in the Dominion Government? Certainly not. Quebec is entitled to four or five representatives, Ontario to five, and the other Provinces to the remainder. We in Manitoba have been waiting for seventeen years to be represented in the Government in some way. I think the present state of affairs cannot continue much longer; there must be an end to it. It is in the interest of the Government, in the interest of the Provinces concerned, and in the interest of the Dominion as a whole that some means be found to do justice to British Columbia and the Prairie Province. We have been obliged, from time to time, to send delegations to Ottawa at a considerable expenditure, to represent to the Government the position of affairs in our Province. If we had had a representative in the Government that expense need not have been incurred, and the troubles which took place two years ago might possibly have been avoided. If the Province of Manitoba had been represented in the Government, perhaps the money then expended would not have been lost and many precious lives would have been saved to advance the interests of the Dominion. It was without doubt greatly the fault of the Government in not having appointed some one sooner to represent the interests of the vast North West Territory in the Government. I thought it was my duty, under the circumstances, to protest against the position in which we have been allowed to remain. I have been a friend of the Government, but at the same time I am a friend of the country I represent and of the North-West Territory, with which I have been identified for the last fifteen years, and as long as I have the strength to rise in my place here to speak for those I represent, I shall do so. Under those circumstances, I approve of what has been done by my hon. friend from British Columbia, and I think that the Government will understand before long that it is in their own interest that we should be represented in the Government and the Dominion.

HON. MR. ABBOTT—It is not my intention to prolong this debate. I do not intend to follow hon. gentlemen through the various arguments which have been used on this subject, but I would call the attention of my hon. friend who puts this question to the fact that his argument stands upon the basis only of the proposition that a certain numerical proportion of population, and a

certain proportion of revenue, render it essential that that special numerical proportion should be represented in the Cabinet. It is impossible, I submit to the House (and experience has proved it and will prove it), to adopt any such hard and fast rule in selecting members of the Cabinet. As a matter of fact, there is no want of communication between the Cabinet and the several provinces of the Dominion through the representatives of the people. These two Houses constitute the great council of the nation. Every portion of the Dominion, carefully divided up, is represented in this council, and everyone is entitled to have his views heard and his opinions considered upon every question that interests the country, and they are so heard. I can assure my hon. friends who have spoken that the interests of Manitoba, and of British Columbia, have never for a moment been lost sight of, nor their rights, nor their position in respect of representation. But I may say, also, that I am very much gratified as a member of this House, and the Government I represent are gratified, to learn how these western provinces and territories are progressing —how their wealth is increasing and their position generally is improving. I hope the time may soon come when we shall have representatives of those provinces in the Cabinet. I may say, however, that those provinces have all been represented in the Cabinet. There has been a Minister from British Columbia; there has been a Minister from Manitoba; there has been a Minister from Prince Edward Island—all those Provinces have, at one time or another, been represented in the Dominion Cabinet, and it is not really a question of so much population, or of revenue, as a question depending upon a great many other considerations. After all, upon whose voice does the existence of a member of the Cabinet depend? Upon the voice of this House, and upon the voice of the House of Commons—upon the voice of the people. There is no arbitrary power in any place to make anybody they please a member of the Cabinet. The approbation of Parliament is required every time an appointment is made. Having said this much, I can only say further, that all that has been said here on the subject by gentlemen from all those Provinces will receive the most careful consideration of my colleagues; but as to the question itself, it must be plain to my hon. friends that it is impossible for me to answer it. The question is, what do the members of the Privy Council propose to advise His Excellency to do. It is impossibe for members of the Privy Council to be asked to communicate to the House what advice they propose to give to His Excellency, or what advice they have given to His Excellency until they have his leave to do so; and I must simply point out to my hon. friend what the Government intend to advise His Excellency to do is not the proper subject of a question, and it is a question which it is impossible for a member of the Privy Council to answer.

HON. MR. MCINNES—I desire to make an explanation in reply to a statement made by my kind and sympathetic friend from Halifax.

HON. MR. POWER—The junior member?

HON. MR. MCINNES—Yes, the junior member. He referred to me as being a representative of the Province of British Columbia, but not a resident of it. Such is not the case. I was absent from my Province two years ago for a few months, as I had a perfect right to be. My home and interests are in British Columbia, and I do not know that it is any particular business of any one if I leave it occasionally for a few months. I returned to my Province last August; I remained there until six weeks ago, and I hope I am as much a representative of that Province as my hon. friend is of the Province of Nova Scotia, and I think it scarcely comes with good grace from him to make that charge, after it was made last year and I think sufficiently refuted. There is another statement that he made, and which was also made by the leader of the Government, to the effect that British Columbia and Manitoba have been represented in the Cabinet. Yes, it is true, by more than one member. Not only did Sir

John A. Macdonald represent Victoria for four years, but Sir Francis Hincks also represented the district of Vancouver, B. C., and Sir Geo. Cartier represented Manitoba. But I would remind hon. gentlemen of this fact: when were they elected? When they were forced to seek an asylum out of their own provinces, and I say it is not such representation as that we want in our Province. None of those men ever saw either of these provinces before they were elected to represent them or during the time they represented them; they knew nothing of the wants and necessities of that country and had no sympathy with the feelings of the people they were supposed to represent. Surely, out of the twenty-two representatives in the Senate and Commons west of Lake of the Woods, we can find men who can compare favorably with at least some of the members of the present Cabinet.

HON. MR. ALMON—Did British Columbia ever send here as clever a man as either of the three the hon. gentleman has mentioned; I say it did not, therefore I think it is rather a credit than a disgrace to the country to be represented by such men.

HON. MR. McINNES—Comparisons are odious, and I might, if I wished, make some other comparisons, but will refrain for the present.

HON. GENTLEMEN—Order, order.

THE SPEAKER—This discussion is entirely out of order.

The subject then dropped.

The notice of motion having been called for leave to introduce a Bill to amend the Indian Act,

HON. MR. ABBOTT said that in giving notice of this motion he had followed the practice of the House of Commons instead of the rule of the Senate. He would therefore move that the motion be dropped.

The motion was agreed to.

BILLS INTRODUCED.

Bill (54) "An Act to amend the Chinese Immigration Act."—(Mr. Abbott.)

Bill (65) "An Act to amend the Penitentiary Act."—(Mr. Abbott.)

Bill (76) "An Act to amend the Act respecting sick and distressed Mariners."—(Mr. Abbott.)

Bill (19) "An Act to amend the Law respecting Procedure in Criminal Cases."—(Mr. Abbott.)

ASH DIVORCE BILL.

DEBATE ADJOURNED.

HON. MR. OGILVIE moved the third reading of Bill (B) "An Act for the relief of Susan Ash."

HON. MR. DICKEY—I crave the indulgence of the House for a short time while I make a few explanations with regard to one or two points on which I think the situation of this Bill has been misunderstood. Before doing so I must first do an act of justice to the hon. member from Lunenburg, who was not in his place yesterday, when he was attacked by the hon. promoter of this Bill for his views on a former bill where his action in this House was reported as being entirely inconsistent with his action on this Bill. The hon. member quoted a part of the hon. gentleman's speech on that occasion, but in doing so omitted the most material part of it; and the effect of that was to create an entire misapprehension of the position which he had taken on that occasion. I think it is due to him and to the House that attention should be called to this, with a view to action on future occasions. The hon. member from Alma read a portion of the speech of the hon. gentleman from Lunenburg, and stopped short a sentence or two of what he said which was really the point of his remarks. After stating what had been contended he proceeded:—

If the evidence of service or any other evidence that he gave was material to this case, I very much doubt whether I should act upon it, because it is evident from what my hon. friend has said and what appears from the evidence that this divorce in the

United States was obtained by fraud and misrepresentation. His wife had not deserted him. The Respondent merely went to Detroit, not for the purpose of settlement, but if possible to get the appearance of domicile in order to obtain a divorce, of which she had no notice. He went there with *animus revertendi*. In the State of Michigan that is not sufficient: you cannot evade the law in that way. The first marriage was in this country and yet there the divorce which he obtained by fraud and misrepresentation is valid. There is abundant ground for setting aside a decree even in the United States, when it is proved that it was obtained by such means, and under the circumstances, the petitioner in this case is entitled to a divorce.

So that the hon. gentleman, so far from being against the Bill, was in favor of it, under the evidence that was given, and under the circumstances of that case. I wish also to correct one or two misunderstandings which I am sure my hon. friend from Sarnia will be pleased if I call his notice to them, in statements that he made in the ardour of his argument. He stated with regard to this Bill, because I took down his words, that on the occasion of a divorce of last year, no evidence of the decree was given, and the document was not received, and there was no evidence to confirm it.

HON. MR. VIDAL—It is a mistake; I never said so. I said quite the reverse. I had the whole facts before me, clearly and distinctly.

HON. MR. DICKEY—If so, I misunderstood my hon. friend. This, however, enabled me to add that the decree was placed before the Committee, and it was an exemplification of the decree just as in this case, and was received and considered, but evidence afterwards was given that it was obtained by fraud and misrepresentation, and therefore it was set aside by the Committee.

HON. MR. VIDAL—The hon. gentleman has almost stated the very words I used myself.

HON. MR. DICKEY—It shows the propriety of calling gentlemen's attention to a thing like that, what may appear to others to be a mis-statement. The hon. gentleman also conveyed the idea that the hon. member from Barrie contended that in this Parliament, the exemplification of this decree would not be received in evidence, nor would it be received in any court.

HON. MR. GOWAN—I did not say in any court.

HON. MR. DICKEY—My hon. friend did not go as far as that; on the contrary I think he said it might be received as evidence in a court, but not in the high court of Parliament, and therefore the argument had no material bearing on this. I also owe an explanation which I gladly make to the hon. the Speaker. In answer to a question which he put to me whether under a divorce passed in a foreign country the party would be at liberty to marry again, I answered speaking generally, most certainly he would; but I find in reference to this particular case now under consideration, that by the law of Massachusetts which govern those proceedings a party would be obliged to make an application to the court for leave to do so. The law is stated in this way:—

"When a divorce from the bond of matrimony, except for the crime of adultery, has been granted under the law of this State or in any Territories of the United States, the justices of the Superior Judicial Court or either of them, on a petition filed against the party or either of them against whom the divorce is granted, and upon such notice as the Court shall order, may authorize such parties to marry again."

HON. MR. VIDAL—I would ask the hon. gentleman if he has not left out a very important parenthesis which says that the party must be a resident of the State at the time the divorce is granted.

HON. MR. DICKEY—The domicile of the husband is by law the domicile of the wife and it becomes necessary afterwards on her part to make—

HON. MR. VIDAL—I challenge the propriety of reading as an extract from the law a clause and leaving out the most essential part of it.

HON. MR. DICKEY—That is substantially the case here, because the party who made that application had his

domicile there. The laws of Massachusetts, after all that has been said about this divorce, are not so very bad. In the first place, those laws require that there shall be five years consecutive residence in the State before a party can apply; and in the next place it must be a *bona fide* residence. He must not have come there for the purpose of getting a divorce. That is expressly stated in the Act which is before the hon. member, and which he can refer to if he likes, and it is only in such cases that he can proceed at all. After having proceeded and got his decree, the other party comes into this court as it were as a defendant. And the charge against him is that acting under that divorce—which was certainly good as far as he was concerned—he thought proper to marry again some two or three months afterwards, and that is made here a charge of his having committed adultery. It appears to me that it would be very difficult to make a case of adultery out of that. He was acting under the authority of the law of the country in which he was then resident, and under a decree passed in that country, which—however objectionable it may be to some gentlemen here—is certainly in force in that country where he contracted matrimony, although he had to cross the line temporarily for the purpose of doing it and take his wife back to his own home, which was his domicile and her domicile, and where he has lived with her ever since for the last 12 or 13 years. Yet it is sought here to be made a case of adultery in order to establish a ground for this divorce. Since in no possible way would a divorce be granted by this Parliament except for cause of adultery, I think it would be very difficult to make adultery out of that. The next position which it is necessary to consider in this case is the effect of that divorce in this country. I produced authorities the other day and I shall not repeat them, but the law is so clear that I find it has not been undertaken to be questioned by any professional man who has spoken on this question except the hon. member for Ottawa. The principle, which is a fundamental principle, that by the comity of nations the decree of divorce is recognized *prima facie* as conclusive until circumstances of fraud or such circumstances as I alluded to yesterday can be proved to set it aside; that it is recognized by the comity of nations, I produced English authorities, and abundance of them to prove. To my surprise the hon. member who is now our worthy leader of the Opposition, who has led this House and who may lead it again, undertook to state here that he could not recognize the authority of any of those English decisions—that they ought not to be recognized in this country.

HON. MR. SCOTT—Hear, hear.

HON. MR. DICKEY—My hon. friend may say hear, hear, but in the presence of professional men who have heard him I challenge that opinion, I stand upon the ground which I have stated, and which I have proved by authority after authority from the English cases, and I say that those authorities are in force in this country in the absence of any law on the subject in this Dominion. But I will go further than that, because I think it will not be difficult to show him that we have the authority of the judges of the highest tribunal in this country upon the subject. A case was referred to the other day, the case of Fisk and Stephens, which the House must have noticed, and my hon. friend merely referred to it; but he took care not to read any part of the decisions of the judges and left the matter as if it were unsettled.

HON. MR. SCOTT—I said that in the Supreme Court the majority of the judges were against it, but that it was not a parallel case to this.

HON. MR. DICKEY—The judgment in that case was delivered by two judges—Justice Gwynne and Justice Henry, and I find Mr. Justice Gwynne quotes Mr. Justice Story in his "Conflicts of Laws," Section 86, in which he says:

"Of the nature, extent and utility of the recognition of foreign laws respecting the state and condition of person, every nation must judge for itself."

Judge Gwynne, commenting on this, goes on to say:—

"Now admitting this to be so, I must

say it appears to me very clear that if the husband in Deck *vs.* Deck, instead of going to the State of New York, had gone to the Province of Quebec and had married there, the Courts of the provinces of this Dominion should not hesitate to recognize the validity of the decree made in that case, so as to entitle the wife to maintain a suit like the present in her own name as a *femme sole;* and if we should recognize such a decree made by the Divorce Court in England, I can see no principle upon which we should decline to recognize a decree of the Supreme Court of the State of New York, made under similar circumstances, for a cause which, by the law of the State of New York, is sufficient to justify a decree of dissolution of marriage."

That would have been, I fancy, strong enough but there is another opinion given by Lord Chancellor Blackburn, which my hon. friend from Sarnia would recognize as good authority, and which if he does not my hon. friend from Barrie will. Lord Blackburn in the Irish Court of Chancery recognizes the validity of a decree of dissolution of marriage made by a Scotch Court at the suit of a husband for desertion and nonadherence in the case of a domiciled Scotchman married in England to an Irish woman, who, while she and her husband were residing in England, deserted him there, although the cause would have been insufficient to warrant the granting of a decree of divorce by an English Court. And the ground of his decision was that the husband having been at the time of the marriage a domiciled Scotchman, the marriage, although solemnized in England was a Scotch marriage and therefore it was competent for the Scotch Court to pronounce the decree of dissolution although the wife had not appeared in the suit. This judgment is quoted with approbation by the Law Lords in in the House of Lords, in Harvey vs. Farnie in which case it was decided that the English Courts will recognize as valid the decision of a competent christian tribunal dissolving a marriage between a domiciled native in the country where such tribunals has jurisdiction, and an English woman, when the decree of divorce is not impeached by a speaking species of collusion or fraud and although the marriage may have been solemnized in England and may have been dissolved for a cause which would not have been sufficient to obtain a divorce in England.

That opinion strongly and tersely expresses the point, and it is one of the most recent cases. His Lordship goes on further to say :—

"We may and in a case of this kind, I think, should refer to the decisions of the courts of the United States, and of the several States, and to the statute law of the particular State in the tribunal of which the decree of dissolution of marriage was made, equally, as we would in a like case in the English Division Court refer to the decisions of the English courts, and to the statute law of England affecting the subject, all countries being equally foreign to the country in the tribunals of which the question arises, in the sense in which that term is applied to questions of domicile and the status of married persons; and so doing we should not in my judgment, hesitate to recognize the decree in the Supreme Court of the State of New York, in the suit instituted by the plaintiff against her husband for adultery, to be valid and binding upon the defendant."

It goes on further, and I hope it will not be considered unimportant in a case like this where there is a conflict of opinion between some hon. gentlemen to quote it. He says :—

"I am of opinion, therefore, that the validity of the decree should be recognised in the several courts of the Provinces of the Dominion. That upon one side of the line of 45 degrees of latitude the plaintiff and defendant should be held to be unmarried persons, with all the incidents of their being sole and unmarried, and that upon the other side of the same line they should be held to be man and wife is a result so inconvenient, injurious, and mischievous, and fraught with such confusion and such serious consequences, that, in my judgment, no tribunal not under a preemptory obligation so to hold, should do so."

I think we are that tribunal :

"Such a decision would, in my opinion, have the effect of doing great violence to that *comitas inter gentes* which should be assiduously cultivated by all neighboring nations, especially by nations whose laws are so similar and derived from the same fountain of justice and equity as are those of the State of New York and of Canada, and between whom such constant intercourse and such friendly relations exist as do exist between the United States of America and this Dominion."

I find the Hon. Justice Henry confirming these views, and he says :—

"I consider, therefore, that by the comity of nations respect must be paid to a legal decision and judgment of a foreign court

shown to have had jurisdiction over the parties, and the subject litigated by them and adjudicated upon.

In England there are cases to sustain that proposition, and many in the United States."

Now, we have got the decisions in England; and to satisfy my hon. friend who doubts the decisions of English Courts in this country, I produce the decisions of the highest courts in our own land, and under those circumstances it will be for the House to decide how far those decisions ought to govern. A great deal has been said, and a very inflammatory appeal has been made to the sympathy and sentiment of this House as to the great injury that would be done if we were to submit to such a rule as this; but let me say for one moment that this is not a rule unattended by great safeguards. In the first place, you have to conform in every particular to the law of the country where the divorce is granted. In the next place that decree must be made without any fraud or misrepresentation by any person applying for it, and further, he must be a *bona fide* domiciled citizen of that country for the time required by law. In some cases the time is only a year, but in this Massachusetts case it required five years residence, and the decree of the court states distinctly that he had those five years residence. That was only *prima facie* proved, of course, but there is no proof to the contrary, and there has been no suggestion to the contrary. The man was domiciled there from 1868 to the fall of 1873, when those proceedings commenced, and the best proof that he had a *bona fide* domicile was this, that soon after this unfortunate difference with his wife, in September, 1868, stung by the refusal of his wife to live with him left the country, went to the United States, remained there and only returned three years afterwards in order to entreat her to come back to him and be his wife, but she would not yield to it, and he was obliged to go back to the United States and remain there as a citizen, and continues there until this day. Something has been said about his bad habits, of his occasionally being intoxicated. There was some evidence as to that, but there was not a title of evidence to show that from the time they were together, at the time she complains he was under that influence, even with regard to that or any other point, he acted in an objectionable manner. As the hon. member from Prince Edward Island stated yesterday, "the man's conduct from that time forward was unexceptionable." I merely mention that in passing; it is not a very important element in this enquiry. It is shown that in every respect he had fulfilled every condition of the law. That he had a *bona fide* residence, as proved by the fact of his remaining there ever since. After vainly trying to get his wife to go back to him, he is obliged to resort to these proceedings, honestly and fairly, in order to get power to marry again. This lady did not do what she might have done in 1874—put in a petition to the judge stating that as the decree had passed she was anxious to be free also. The Act under which the decree was granted enables the judge to deal with such a petition, but instead of doing that she has chosen to remain twelve years without taking a single step to obtain her freedom. Now she comes to this House and asks us to pass an Act to give her relief. As regards these precedents in England I for one, am not ashamed to say that having taken a considerable part in the practice of law, I am an admirer of precedents which the constitutional law of all lands has produced. We have been told that England's liberty has been handed down "from precedent to precedent," and shall we now cut ourselves a drift from those precedents, and will the hon. member from Ottawa still say that we shall not recognize them? I leave the responsibility of so deciding with the House.

HON. MR. SCOTT—I do not propose to go into this discussion except so far as I have been adverted to by my hon. friend from Amherst. I stated the other day, and I state now, that it is part of our constitution not to recognize divorce. In furtherance of that proposition I hold in my hand the British North America Act, which vests in Canada alone the power to grant divorce. Until we establish a Divorce Court in Canada (which we can, if we think proper, do by Act of

Parliament) we are not in an analogous position to that occupied by England or the United States. In England and in most other countries Divorce Courts are established—constituted under the proper authority of Parliament—and those Divorce Courts recognize no doubt the laws of other countries as applicable to divorces that come before them for adjudication. In Canada we do nothing of the kind. In Canada we have no law on the subject: each individual case has to be dealt with by itself. Susan Ash may, or may not, according to the vote of this House, be entitled to a Bill of Divorce. Such cases are governed on no principle other than the individual opinions and judgments of the gentlemen who give their time and attention to the consideration of each particular case. There is no arbitrary rule laid down by which this House is compelled, under any circumstances, to grant a Bill of Divorce. Parliament may see fit to refuse every Bill of Divorce—may refuse to pass a single one. We are absolutely masters of the situation. We have not delegated our prerogative to any other tribunal. Until we do, it is simply a constitutional question whether divorce shall or shall not be granted in Canada. That being admitted, I lay down this corrollary, that being neighbors of a country where facilities for divorce are greater than in any other part of the world—whereas in Utah you may have as many wives as you like, in other States you are limited, it is quite true, to one at a time, but you can change them every 48 hours—I say it would be a monstrous proposition, living alongside of a country like that, for this Parliament to lay down a rule, or recognize a principle, even though Judges of the Supreme Court may have done so, that a man and wife who may have had a squabble under a momentary feeling of irritation, may cross over to Illinois or some other State where, after three or four weeks residence, they can obtain a divorce and come back to this country and be accepted under the the law of the Dominion as persons entitled to marry again. Whatever view this House may pronounce upon the subject, the moral sentiment of Canada will not sanction anything of the kind. Cases have been cited, but I base my views upon the powers delegated to Parliament under the British North America Act. I cited a case myself the other day, but I say that those casses are in no sense analagous to this, and cannot be until we establish a divorce court. Each individual case has to be dealt with by Act of Parliament, and there are no settled rules by which such cases shall be considered by Parliament. We may throw out all the cases that come before us, or we may pass one or more bills granting divorce; it purely rests with our discretion and until we formulate some principle on which divorce can be granted, I sav it is beyond the power of our courts of law to lay down the rule that divorce granted in a foreign country shall be recognized in Canada. The comity of nations does not apply at all, because divorces are not recognized in Canada. If they were the courts would be allowed to grant divorces. Having given the courts no such power it rests with the Parliament of Canada alone to say whether divorce shall be granted in the Dominion or not.

HON. MR. DICKEY—I beg to call attention to an authority.

HON. MR. SCOTT—I do not care a straw about authorities.

HON. MR. DICKEY—I was about to refer to the exemplification which is in evidence here and the authority mentioned the other day by the hon. member from Barrie. I quote now from the Revised Statutes of Ontario, page 784, section 31 of the chapter on administration of justice in which it is enacted that "any judgment, decree or any other judicial proceedings of any court of record in the United States, or of any State of the United States of America, may be proved in any suit, action or proceedings, either at law or equity, in Ontario, in which proof of any judgment, decree, or any other judicial proceedings may be required, by an exemplification of the same under the seal of the said courts respectively without any proof of the authenticity of such seal or other proof whatever, etc."

Now, here is the exemplification of decree under the seal of the Court. The

objection made was that it did not apply to the High Court of Parliament. I do not know where we can refer, in the absence of legislation, unless we refer, as we always do in these divorce cases, to the law of evidence as applied to marriage and divorce.

HON. MR. GOWAN—My hon. friend from Ottawa took, in a great measure, the ground from under my feet in the remarks which I intended to offer. The power exercised by the Parliament of this country entirely rests upon a single clause of the British North America Act, and that clause delegates to Parliament the power of dealing with marriage and divorce. That is the sole foundation upon which this enquiry is based. My hon. friend from Amherst made no reference whatever to the question of whether the decree of the Court in Massachusetts was proved or not. Latterly he has done so. We must deal with this I think as the Committee have reported it, and I, for one, consider that there was no proof whatever of the existence of such a decree. It is true that following Lord Brougham's Act (I think the 14th or 15th Vic.) the Act was passed, to which my hon. friend has read for civil proceedings and other matters in the courts of Ontario. A somewhat similar Act was passed in Quebec, and similar Acts, I believe, in the Maritime Provinces, but the Parliament of Canada has only dealt with evidence in the act found in the second volume of the Dominion Statute Book, and that clearly on its face does not apply to the proceedings of Parliament. Now if as I contended and as I believe the broad recognized principle of law is that every tribunal is entitled to lay down for itself the manner in which it shall take cognizance of the decrees of Foreign Courts, surely it belongs to Parliament, the highest court in the country, to do so. There is nothing in the decree put in that the committee should take cognizance of; nothing to assure them that it was a valid document—nothing but analogy to Lord Brougham's Act that would have entitled it to have been received in England—and therefore I for one, and I believe that other members took the view, that the alleged decree was not proved. My hon. friend has said nothing of the objection to the decree on its face as showing the woman was not heard. This I think is a very important part of the case, and I believe if some of those decrees of what he calls a foreign state were examined into and all the facts known, it would be found that they are granted frequently in a very loose way, outraging every principle of justice. My hon. friend speaks of the comity of nations. Surely he does not call the State of Massachusetts a nation? There is no comity of nations, in the sense in which he would argue, between this country and a State of the United States. There can be no such comity because the State of Massachusetts is only a part and parcel of the great United States and each State is a law to itself. I say and assert without the least hesitation that there was absolutely no sufficient evidence to justify the Committee in accepting what was submitted as evidence of a decree in the Court of Massachussetts. I go further and say that if an ordinary court of justice were satisfied with such evidence we are not bound to accept it, and we were entitled and every member of that Committee was entitled to have it proved in such a manner as would be satisfactory that it was valid and regular. I perhaps should express fully what is in my mind in this matter, and I go this length and would formulate in order that I may not be misunderstood, as my hon. friend has misunderstood me on more than one occasion, why I must vote for the third reading of this Bill. The action of the Committee in expunging from the Bill the statements, of which there was in their opinion, no sufficient proof (and we must recollect that this report has been adopted by the House) has been amply sustained by the vote of the Senate. The preamble of the Bill as reported justifies the action asked of the House, but I go further and say that even had a decree of divorce coming from the State of Massachusetts or any other State of the neighboring country been proved in a manner satisfactory to the Committee (which it was not)—had the law of the State on the subject been established by proper and appropriate

evidence and the decree been perfect in form (which this was not) still I should, as I view the question, hold that it had no force whatever in this matter —that the action of Parliament is not to be restrained or controlled by the action or proceedings of any foreign tribunal, and I may add, I believe it would be an intolerable evil if the bonds of matrimony entered into in Canada by British subjects could be severed by any tribunal outside of our own country. My hon. friend has quoted a great many cases, including one before our Supreme Court here. He has not added that that case has been appealed and the decision of the judges in the Court of Appeal may not be sustained, and I think possibly may not be sustained. Having regard to the circumstances under which we are enabled to deal with the subject as a Parliament, and having regard to the circumstances that we are surrounded by several States of the Union that grant divorce on very slender evidence to say the least of it. The decision of the courts may be right under the circumstances of the particular case, but I go this length and say that we are not bound by the decisions of the Supreme Court in matters of divorce, and I quite agree with my hon. friend from Ottawa when he says that Parliament is supreme in dealing with cases of this kind. The Report of the Committee was adopted by a large majority of the House and I am prepared to stand by it and to vote for the third reading of the Bill.

HON. MR. KAULBACH—I probably should not have risen to say anything on this occasion, as the hon. member from Amherst has elucidated the position which I took upon a former occasion, to which reference has been made far better than I could do it myself. I have to thank the hon. gentleman for having, without conferring with me on the matter, defended me. He saw that I had been unfairly treated and misrepresented yesterday by the hon. gentleman from Alma, who read a garbled extract of a speech that I made last session. It seems that the hon. gentleman stated in my absence that the force of my argument yesterday was fully met and refuted by a speech of mine made last session, in which I laid down the very reverse principle. As my hon. friend from Amherst has already shown the House, my remarks of last session were fully in accord with the opinions I expressed here yesterday, namely—that the jurisdiction of foreign tribunals over divorce, although they grant divorce on grounds not admitted in this country, is recognized by our courts, although the marriage may have taken place in this country. I find the principle laid down in the argument that I made last session, that we did not recognize divorces of the United States when they showed, or it was proved to us, that they were fraudulently or irregularly obtained, or not in accordance with the rules or the laws of the State where obtained. I said last year :—

> "'A foreign divorce does stand good until set aside, when obtained for cause not recognized where the marriage took place;' but I contended even farther than that, as is now shown by my friend from Amherst, "that a divorce regularly obtained in a foreign country according to the laws of that country—for the causes for which they allowed in that country—are binding everywhere, even where the marriage took place, unless set aside for fraud."

That is the position I took a year ago. That is the position I take now, and unless this Parliament will assume powers other than a court possesses, we must be governed by those decisions. If my hon. friend from Ottawa is right that we are not governed by the law—if we are not to apply to the evidence taken here the principles of law recognized in England, by the Supreme Court here, and by the Senate in former cases—if we are above the law, and are to deal with cases coming before us according to the caprice and whims of hon. gentlemen, without any regard to the principles of law, I must be satisfied, and can make no effectual objection. I frankly admit myself that I would infinitely prefer if we could ignore those divorces of the United States in this country—where many of us look upon marriage as something more than a civil contract. I would prefer if it were not possible for parties to go across an imaginary line, and because of some little family difficulty, or for any cause not recognized here, procure a divoree and have that dissolution

of the marriage contract recognized in this country. But I must bear in mind that I am here as a judge in this matter and bound to apply the law and the evidence, and declared by English decisions and by our Supreme Court, and therefore I can come to no other conclusion, under the law and the evidence and with a desire to treat the respondent in this case fairly, than that I have stated to the House. My position is this: We served on this man a bill of indictment; a judicial affirmation was made in that bill that he had been legally divorced in the United States; there was no charge of adultery in the bill. He not defending it, we had no right to alter that bill here. Not only was it an affirmation which the petitioner was bound by, but an exemplification was submitted to the Committee by the counsel for petitioner, to which no exception was taken. It was made part of the evidence and it could not be struck out of the exemplification, having been put in by the parties themselves, they were bound by it; but they not only now sought to strike it out, but they sought to charge this man with a new offence, a shocking offence utterly inconsistent with and wholly different from that with which he was charged in the bill served upon him. Therefore I say we are not doing justice to that man; we are not protecting his rights and the honor of himself and his wife and children, as we are bound by law to do, and as a court of law would have done. The hon. member from Barrie says that the exemplification was not properly put in; if so, the objection should have been made at the time in the Committee; but it was allowed to go into the evidence and to be incorporated in the report. We find here the certificate of the clerk of the court, with the seal of the court, and the Chief Justice identifies the clerk as being the properly authorized officer of that court. Therefore, I say you cannot by any possibility get over that. I should be glad to be relieved of my obligations as a judge here in these cases; but we are a court bound and governed by the laws and rules applying to evidence, and feeling my responsibility as a member of this High Court, I can take no other position than that which I have maintained in this case throughout. What I contended before, and what I contend now is this: that that divorce is clear and absolute; as there is nothing to show that it was obtained improperly; that all the rules were complied with, and that it is a divorce relieving both parties. Therefore there has been no violation of the law. The divorce was obtained on the ground of desertion. Was that denied? On the contrary it is admitted. If it had been shown that there had been no desertion the Committee might have properly concluded that there had been fraud in procuring the divorce in the United States and might properly have refused to recognize the decree, but the desertion is not denied. The divorce is perfect—just as much so as if the parties had never come together at all.

HON. MR. GOWAN—Does the hon. gentleman think that the evidence in proof of the existence of the decree would be good at common law.

HON. MR. KAULBACH—My hon. friend knows that we are not dealing wholly with common law.

HON. MR. GOWAN—Then, if not under common law, by what statute would you hold it good?

HON. MR. KAULBACH—By the one quoted by the hon. member from Amherst. The Ontario Statute, similar in effect to all Provincial Statutes.

HON. MR. GOWAN—That only applies to Ontario alone and not to the Dominion.

HON. MR. KAULBACH—Yes, but they do carry in effect. My hon. friend having admitted the exemplification put in by petitioner and it having been put in our minutes and declared part of the evidence, my hon. friend, it would seem, was derelict in his duty for admitting it at all if he thought as he now contends that it was not regular.

HON. MR. GOWAN—My hon. friend knows that it is contained in the evidence, and that evidence, which is not evidence,

is really expunged and treated as nothing.

HON. MR. KAULBACH—But it was not and is not expunged. I would like to have the opinion of the hon. Leader of the House on this Bill. It was stated yesterday, in my absence, that as regards the law under which divorces are obtained the whole of it, as contained in the Map and Statute, was not read—that there were clauses which did not free the Petitioner from the obligations of matrimony, and that in order to free herself she had to go before a Court and petition for her freedom. That is not strictly correct but even if it were that would be better than allowing fourteen years to pass without taking steps, although she was aware that this man was married and living with a woman who regarded her obligations to live with the man whom she had taken in the most solemn and formal manner possible to be her husband. As I have already most emphatically stated, the divorce was absolute, and both parties were made by it as single persons. I have the following evidence to show that, in Bouvier's Law Digest :—

"Being a dissolution of the marriage relations, the parties have no longer any of the rights, nor are subject to any of the duties, pertaining to that relation. They are henceforth single persons to all intents and purposes. It is true that the statutes of some of the States contain provisions disabling the guilty party from marrying again; but these are in the nature of penal regulations, collateral to the divorce, and which leave the latter in full force."

That is, as far as the separation is concerned, they are perfectly free and therefore the petitioner need not ask for a divorce in this court of Parliament. Therefore, glad as I should be if this Parliament could say that we are above the law as laid down in England, and as laid down by the Supreme Court here, and by ourselves in former cases, and that we are able to in these matters to act as we please, I feel bound by the law, contrary to my own sense of its wisdom, to recognize this divorce obtained in Massachusetts as valid. I am not one of those who approve of those divorces. I believe no country should divorce *a vinculo* except for adultery. I look upon matrimony as something more binding and sacred than a civil contract, and I believe that those sacred ties should not be dissolved in such an easy manner. Feeling as I do, and exercising my rights here, yet as a lawyer and exercising the duties of a judge as if I had the honor of being on the Bench, I can come to no other conclusion on the evidence and the facts before us than that this Bill should be defeated.

THE SPEAKER—(descending from the Chair)—I feel myself compelled to take a part in this discussion, being obliged to vote on questions of this kind as on all other questions in this House. I do so with much reluctance. I conceive that I should be derelict in my duty if, having some knowledge on this subject, on which I differ, with much respect, from some of the legal authorities in this House, I venture to make some observations in regard to it. The matter has been ably discussed from a legal point of view, but I think the question which we have before us in respect to this Bill turns mainly upon a contention which may be considered in another aspect, namely, that we are bound by the decisions of divorce courts in other countries and in this case by a divorce obtained from a court in the United States. It was contended—and contended with a great deal of force and fervor—that the comity of nations compelled us to accept any divorce judgment of a court of any of the several States of the Union, and to consider a resident of Canada free from the obligations of matrimony if one of the original contracting parties had obtained a divorce in the United States. It is contended that we are bound to accept such divorces, without reference to domicile or jurisdiction, provided they are not obtained by collusion or fraud, which probably could not be very easily proven in a matter such as we have before us, even if such had occurred—that we must accept such decisions as applying to the marital relations of the whole people of Canada. I cannot give a silent vote upon a matter affecting so largely the whole community of which I am a member, and if I can add anything to the information which the House

should have upon a subject of this kind, I know that you will pardon me for offering it. I hold in my hand a Manual of the Marriage and Divorce Laws of the United States, by Charles Noble, a distinguished legal authority of that country. It will be found, by referring to this book, that nearly all the thirty-eight States in the neighboring Union have different regulations in respect to divorce. Some offer greater facilities than others for dissolving the marriage tie. Only one, the great state of New York, refuses to grant divorces for other causes than those which govern the decisions of the Senate in granting divorce cases here. Within the last twenty years a great number of States have been added to the American compact. Each of those States has the right, under the Federal Constitution, to decide the status of its citizens and to legislate upon questions relating to divorce among other subjects. There are frequent conflicts of laws between those different States, which are ably set forth by Justice Story and subsequent writers. Mr. Noble says :—

"The new States admitted to the Union during this period, at least those north of the former zone of servitude, adopt the policy of legislating liberally towards divorce, and in many older ones, while the attention of those best qualified to regulate these matters was occupied with other concerns, persona grievances, set forth by third-class lawyers and a few sentimentalists, often formed the entering wedge by which systems of statutory law were completely changed, with scarcely any notice meantime from the press or leading jurists. Moreover, the laws adopted during this period not only increased in many instances the causes for divorce, (and we do not propose here or elsewhere divorces for many causes) but by these enactments discretionory powers were often vested in Courts and uncertainty and indefiniteness arrogated to themselves the title of law.

At the termination of the civil war, the condition of affairs relating to each of the topics under consideration was indeed deserving of general public attention."

HON. MR. KAULBACH—I do not like to rise to a question of order but I would like to know from my hon. friend why we should discuss the policy of the different States as to what should be divorce and what should not?

THE SPEAKER—I am not discussing the policy of the different States. It has been urged in this House that we should be governed by the laws of these different States as to the subject of divorce in Canada.

HON. MR. POWER—Nothing of the sort.

THE SPEAKER—That is what I have understood was urged, and I am merely showing what those laws are in the different States and I think it is perfectly pertinent to the question. The hon. gentleman has insisted upon it and other hon. gentlemen in this House have taken the same view, that the decrees of the courts of those several states shall be held to free from the marriage bond those residing here who have been divorced by decrees under such laws whether domiciled within the jurisdiction of the court or not.

HON. MR. DICKEY—That is the decision of Judge Gwynne.

THE SPEAKER—We should decide this question for ourselves. In New York divorce is granted for adultery only. In New Jersey and Maryland for adultery and desertion. In California for voluntary separation for one year with intent to desert (and this is the law in eight of the States); in nine of the States for two years; in thirteen of the States for desertion for three years; in three of the States desertion for five years is considered sufficient ground for divorce. In the State of Tennessee, which is one of the older States of the Union, which has a population nearly as large as that of Ontario, a man is entitled to get a divorce from his wife if he moves into that State and she refuses to go into it with him. Such a divorce my hon. friends from Lunenburg and Amherst insist should be recognized as valid in Canada. In three or four of the States absence for a certain period, with the residence of the absentee unknown, is sufficient to entitle the party to divorce. The contention of my hon. friend from Lunenburg may be thus summarized :—

"The authority vested in each State to regulate the status of its citizens necessarily

empowers it to determine that status which results from the marriage contract when the marriage tie is severed as to one party. By *ex parte* divorce the non-resident ceases to be husband and wife because she or he has no husband or wife, as the case may be.

"It therefore follows that it is sufficient for the validity of a divorce that one of the parties only be in good faith domiciled within the jurisdiction of the court which pronounces the decree or judgment and that the summons or citation need not be served personally on the defendant.

"These are in substance the views adopted from time to time by the courts of at least nine States, and some have gone so far as to assert that in the absence of fraud, etc., a divorce, valid where granted, is everywhere valid."

Now that is the contention of my hon. friend.

HON. MR. KAULBACH—Yes, that is it.

THE SPEAKER—My hon. friend from Amherst has cited the decision of the Court in the State of New York as being applicable to this case. He has cited the authroity of the Bench there, and I propose to give him one of the judgments of that court which I think will show him that it is not altogether certain that the State of New York considers a divorce in another State valid.

HON. MR. DICKEY—I do not wish to be misrepresented. I did not cite any American authorities at all. I merely cited the opinions of Judge Gwynne.

THE SPEAKER—The hon. gentleman spoke of cases in New York.

HON. MR. DICKEY—I spoke of divorce in New York, not of any decision of a court of the State of New York.

THE SPEAKER—In at least one case, however, this doctrine has been most emphatically and unequivocally denied. In the case referred to, decided by the Court of Appeals of the State of New York, 1879, People vs. Baker 76, New York, 78, Folger J., delivered the opinion that a citizen of the State of New York is not released by an *ex parte* divorce obtained by a wife in Ohio, although the parties were married there and the court granting the divorce had an undoubted *bona fide* jurisdiction of the wife's person; and, moreover, decided that a subsequent marriage contracted by the husband rendered him guilty of bigamy; although recognizing the general right of States to regulate the status of its own citizens, the court denied that "mere speed and facility" of judicial proceedings should yield to the other in these cases, and that the undoubted law in the State of New York is that foreign divorces will be recognized only when granted by courts having jurisdiction, of both parties and subject matter.

On the whole, then, it is obtrusively patent, as the New York Court of Appeal designed to make it, that even apart from the question of jurisdiction, which is always open, a divorce valid where granted is not valid everywhere.

The remedy suggested is an ultimate adjudicature by the United States Supreme Court where the most important points in controversy could be decided.

It is, however, the office of that court, as well as of all courts, in theory, to declare rather than to make the law, and the remedy, even if applied to its fullest extent, would be merely partial, and would by no means reform existing State laws.

The writer of the work to which I have referred says that attempts have been made to obtain decisions by the United States Courts on the principal points, in order, if possible, to provide a uniform law in such cases, but he says even that would not be satisfactory, because the cases are varying—every case must stand by itself; but he says distinctly that the conflict between States rights and the rights of the United States will prevent any legislation by Congress on the subject, and if we accept the dictum of those gentlemen who have laid it down that we must be bound by the decisions of the courts of any of the States of the Union on divorce cases, we must logically accept the dictum that we must be bound by the laws in regard to divorce of all those States—not of any particular one. We cannot accept one because its laws are more like ours than the laws of the others. We must take the whole of them, including the Tennessee Act,

which allows divorce if the wife refuses to follow her husband to that State. Having some regard for the sanctity of the marriage tie for which my hon. friend from Lunenburg professes such great respect—respect which he no doubt feels—I shall never consent by my voice or my vote to the acceptance of any such doctrine. I think it would be simply a monstrous thing if we should advertise to the people of Canada that the Senate have signified that it will accept as a valid divorce such a case as the one obtained in Massachusetts to which my hon. friend refers, and which is now before us, and by consequence any other, no matter how trivial the grounds upon which it was granted. This book is filled with startling statements in respect to the working of the divorce laws in the United States. They are a crying evil there. They are not accepted by the leading minds of that country as being conducive to public morals nor as so desirable as the gentlemen who think we should adopt them and make them part of our law, believe them to be. The writer says :—

"The new States admitted to the Union between 1830 and 1865 — at least those north of the former — zone of servitude, adopted a policy of legislating liberally towards divorce, and in many older States, while the attention of those best qualified to regulate these matters was occupied with other concerns. Personal grievances, set forth by third-class lawyers and a few sentimentalists, often formed the entering wedge by which systems of statuto y law were completely changed with scarcely any notice meantime from the press or leading jurists. An instance of such change may be found in a statute passed by the New York State Legislature in 1879 which permitted one divorce for adultery (the only cause for divorce in that State), to re-marry again after five years on proof of good behavior. This law, it is stated on good auth rity, was lobbied through the Legislature by a divorced husband for the purpose of enabling him to contract another marriage. Moreover, the laws adopted during this period not only increased, in many instances, the causes for divorce, but by these enactments discretionary powers were often vested in courts, and uncertainty and indefinitness arrogated to themselves the title of law. At certain times during this period such was the case at least in Connecticut, Indiana, Maine, Illinois, Rhode Island and North Carolina."

Thoughtful minds in the United States, men of the highest position, are and have been seriously engaged in the examination and discussion of this question. The number of divorces granted in Connecticut in 1849 was 91 ; in 1860, 310; in 1865, 404. In Massachusetts, Vermont, Rhode Island, Ohio, and portions of Maine and New Hampshire, statistics collected since 1865, show an almost constant increase up to 1878 or 1880, wholly disproportionate to increase of population. This statement may be found in the Rev. Dr. Woolsey's able work on divorce legislation, edition of 1882, page 227 to 245, which may be commended to those who wish to ascertain the condition of things in regard to the marriage and divorce laws of the several States, as set forth by one of the first authorities in the Union. In many of the States the greatest looseness of procedure was the rule and not the exception. The advertisement of the "specialist" offering to procure divorce "legally but without scandal or publicity and without residence on the part of the applicant," regularly appeared in the columns of the daily papers of certain cities, notoriously of Chicago, and it was well-known that in some States, all that was usually necessary for procuring divorce, was a dishonest lawyer and an accommodating referee.

I trust that in the interest of the well-being of society the Senate will show in this case that it emphatically repudiates any argument that a divorce in a State of the Union shall be binding upon a person domiciled in Canada and beyond the jurisdiction of such State. I regret that I have found it absolutely necessary not to give a silent vote in this case, and I have listened with great surprise and with great regret to the arguments of gentlemen who have contended that we were bound by the Massachussetts law of divorce and bound it by the comity of nations, when there is no nation in the case. Massachusetts is an individual State, a sovereign State, a State sovereign within its own borders, but one of the great union of independent States with which we have comity only through the Federal Government. We can only communicate with the United States as a Government, and not with any of the separate States.

But in those 38 States there are at least 25 or 30 different laws for granting divorce, each one offering greater facilities than the other. The Senate undoubtedly has supreme right over this question; it was given to us by the British North America Act. While we pay great respect, and must pay great respect to judical decisions, we are a law, in regard to this matter to ourselves, and I trust as long as we are so we will jealously guard the rights of marriage, that most sacred of our social institutions, and see that they are not impaired or lowered to a standard which is adopted in many of the States of the Union.

HON. MR. POWER—Inasmuch as no one, as far as I know, in this Senate has undertaken to defend the American system or to express admiration for the laxity of the laws of divorce of the several States, I can hardly understand the meaning of the numerous references we have had to that subject, winding up with the elaborate address of the Speaker. The question before this House is not the character of the divorce laws in the United States, the question is whether we shall finally read this Bill for the relief of Susan Ash. There are one or two reasons, which I think ought to be submitted to the Senate, why this Bill should not finally pass. In the first place, we are legislating on the rights of a man who lives in Boston, William Manton; and I cannot help feeling that the Committee of this House have practiced something very like a fraud upon that man. He was served with a notice of the Bill, second reading form, which recognizes in its preamble the fact that he had been divorced in the State of Massachusetts—that he had obtained a decree, and had obtained it regularly, if we take the words of the preamble in their ordinary sense. Now the Committee, without acquainting Mr. Manton of the charge, have altered the preamble and put it in such a form as to state that he has been guilty of adultery. That has been done without any notice to him. If he had been notified of the alteration in the preamble it is not at all improbable that he would have come here to defend his own cause and protect his reputation. That is one point which I think has not been considered. Another one is this: it does not follow as a matter of course that this Senate shall always grant a divoce where adultery has been shown. In England divorce is not granted for adultery on the part of the husband, unless coupled with some aggravating circumstance. According to the evidence of this woman she deserted her husband, deserted him without any cause known to the law.

HON. MR. OGILVIE—No.

HON. MR. POWER—The evidence is there and hon. members can read it. She did allege that sometimes he drank, but this is not a cause. The man went for her and got her to come back; she deserted him again, and he went a third time and asked her to live with him, and she would not. When this man found that his wife would not live with him, that she had deserted him, I want to know whether the wife did not conduce to the adultery, if this man was guilty of adultery, and is she in a position to come before this Senate and asked to be divorced? This man, if he has been guilty of adultery at all, has been guilty in consequence of her desertion and how can she ask to have the marriage relations broken up in consequence of that adultery of which she has been essentially the cause. What course was natural to that man? If he had been a religious and ascetic man, I presume he would have lived virtuously for the remainder of his life; but as his wife would not live with him, I do not think it is to be wondered at that he should have sought the society of some other woman, and that is just what he has done. My hon. friend from Ottawa said, and I understood that he was endorsed in that respect by one or two other members of the House, that this House was a law unto itself in matters of divorce. I hope that in the interest of propriety and justice that that is not the view taken by the majority of hon. gentleman. Under the rules of the House we are governed in all matters not expressly provided for, by the rules of the House of Lords. The House of Lords was a divorce court, and the rules which governed the House of

Lords as a divorce court, I presume govern this House. The practice has been that the Committees of this House have been governed by the rules which formerly governed the Committees of the House of Lords. Those Committees recognized the rules of evidence and the rules of law generally which were in force in other courts in England; and it has been the uniform practice since the establishment of this Confederation that the divorce committees of this House were governed by the laws which govern the other courts of the country as to evidence and otherwise, and I think it would be a most undesirable thing if the theory laid down by the hon. gentleman from Ottawa should be carried out, that we should have no rule and no law to govern any case except the whim or sentiment of the majority of the members of this House.

It being six o'clock,

HON. MR. POWER moved the adjournment of the debate.

The motion was agreed to.

HON. MR. ALMON—This discussion has been kept up by the lawyers in the House for the last two days, while the laity have been silent listeners. They have spoken one after the other until we, who want to get at the solid business of the country, are tired of it, and I think if we were to adjourn and allow the lawyers to meet in a private committee and talk themselves blind, and then, when they have done that, to meet again and go on with the business of the country, it would be better.

The Senate adjourned at 6:05 p.m.

THE SENATE.

Ottawa, Friday, June 3rd, 1887.

The SPEAKER took the Chair at 3 p.m.

Prayers and routine proceedings.

BERMUDA & CUBA STEAM SHIPPING COMPANY.

PETITION PRESENTED.

HON. MR. ALMON presented the petition of Joseph Wood, of Halifax, and others praying to be allowed to present a petition for an Act of incorporation of the "Bermuda & Cuba Steam Shipping Company of Canada," notwithstanding that the time for presenting petitions had expired. He explained that the reason why the petition had not been presented in time was that some of the petitioners resided in Bermuda, and there being no steam communication at present between Halifax and Bermuda, except by sailing vessels, or the circuituous and uncertain route via New York, the necessary documents had been delayed on the way. This fact showed the necessity of granting the prayer of the petition, as it illustrated the difficulty of communicating with the Bermudas.

The petition was received.

ONTARIO & QUEBEC RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (27), "An Act respecting the Ontario & Quebec Railway Co," with an amendment.

He said:—There is but one amendment to this Bill, and that seemed necessary from the fact of the point of junction, under the former Act, between these two railways being at Ingersoll and St. Thomas. By this amendment Woodstock is declared to be the point of junction. The amendment is made to avoid confusion, and does not seem to interfere materially with the Bill.

HON. MR. McKINDSEY moved that the report be adopted.

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

RAILWAY ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (47), "An Act to amend the Railway Act," with amendments.

He said:—The amendments made in the first clause are purely verbal—rather grammatical than otherwise, and do not affect the clause in any other way. There is a material amendment made to the second clause which conferred the power upon the Government at any time of making an order upon any company to adopt this invention, the interlocking switch; and the clause has been so amended as to make it no longer obligatory, but optional on the part of any railway, to apply for that order so as to enable them to do it and require the other company which crosses it to do their part of the work. There is a very necessary amendment made to the clause relating to the hurdle gates, although the amendment does not solely apply to that subject. It relates to gates over farm crossings, and the amendment arises from the necessity there was of prescribing the width of those gates, as there was no legislation on the subject; and the amendment, as the House will observe, requires the gates to be of sufficient width for the purposes for which they were intended. The most material amendment in the Bill is the last one, referred to there as clause "A," which repeals sub-section 2 of section 100 of the Railway Act. That sub-section is the one which has given rise to considerable discussion already in this House, and to considerable thought on the part of the Committee to whom the Bill was referred for several days past, and the result is that the Committee, after considering several amendments which were submitted to them with a view of making the clause plain, concluded that the decisions of the Courts in Ontario, up to a very recent period and subsequent to the enactment of that clause, have made the law so clear as to the compensation that should be given that there is no necessity for the clause itself. The construction given to it by the Courts in England had made it a very inconvenient clause and one that should not be in our legislation. We therefore proposed that the simple way to deal with it was to eliminate the sub-section altogether and leave the law as it stood before under the decisions of the Court, and that law, it is considered, affords a sufficient guarantee to owners of property to be acquired for railway purposes, where they have buildings upon it, that they will be protected in every way in their rights. The amendment to the preamble was necessary, stating the chapter of the Revised Statutes of the Railway Act and several particulars as mentioned.

HON. MR. ABBOTT moved that the amendments be concurred in.

The motion was agreed to and the Bill was ordered for third reading on Tuesday next.

INDIAN ACT AMENDMENT BILL.

FIRST READING.

HON. MR. ABBOTT introduced Bill (L) "An Act to amend the Indian Act."

He said:—The object of this Bill is to make some provision as to the details of the administration of Indian affairs. They are all of a minor, but necessary, character, and are intended rather to correct inadvertencies or to supply slight defects in the original Bill than to suggest any new principle or to make any change of importance.

The Bill was read the first time.

THE ASH DIVORCE BILL.

THIRD READING.

The Order for the Day being called,

"Resuming the adjourned debate on the Hon. Mr. Ogilvie's motion for third reading of Bill (B) for the relief of Susan Ash,"

HON. MR. POWER said—I have troubled the House often enough and long enough about this matter, and I am not going to trouble it much further.

There is just one point to which I wish particularly to call attention of the hon. Leader of the Government before he gives his opinion on the question, as I hope he will do this afternoon; that is that the observations which have been made with respect to the divorce laws of the United States, as to the shortness of residence in that country—a subject which has been spoken of a good deal—do not apply in this case. In this instance the party who got the divorce had been domiciled in the United States for a number of years, and has continued to live there, so that there is no question of *bona fides* at all. His proceedings appear to have been taken in perfectly good faith.

I said I hoped that the hon. Leader of the Government in this House would give us his opinion on the questions which have been raised in connection with this Bill. As hon. gentlemen are aware, these questions are of a very serious character indeed, and the decision which the House comes to upon this measure will probably be looked upon as establishing a precedent which will govern the conduct of committees and of the House in dealing with future divorce Bills. I am glad, as a member of the House, that we have as our Leader a gentleman who is so specially qualified to give an opinion upon the points which are raised in connection with this Bill, I do not suppose that I am exagerating when I say that the hon. gentleman stands at the very head of his profession in the Province from which he comes, and that there is hardly any one in the Dominion better qualified to give an opinion on a question of this sort than he. As the Government have been wise enough to place a gentleman with his qualifications at the head of this House, the Senate is entitled to get the benefit of their wise conduct in placing him here. There are not a great many acts of the Government of which I can conscientiously approve, but of their choice of leader for this House—seeing that they deemed it well to go outside of the Senate—I do most heartily approve. I am sure that every member of the House, except perhaps the hon. gentleman himself is most desirous that his opinion on this question should be stated.

HON. MR. ABBOTT—My hon friend quite overpowers me by the compliments he pays me, and creates a certain difficulty and diffidence in stating my opinion, because I profess no such infallibility in my legal opinions as the hon. gentleman accords to me. Still I am not sorry to have an opportunity of stating what my views are on this question; and I may say that in the conclusion which I have reached about it, my hon. friend, the Minister of Justice, entirely concurs. I have not had time to discuss with him the reasoning by which he arrived at these conclusions, but his are the same as mine. The reasons which I shall give, therefore, shall be my own reasons; the conclusions we both concur in, and probably also in the reasoning. There is no doubt whatever that the main question raised in this case is one of immense importance in this country. Our social fabric almost depends upon it, considering the position we hold towards our neighbors, and the extraordinary difference between their law and ours respecting marriage and divorce; and it is a subject which cannot be approached, I think, with the confidence that some of my hon. friends opposite have shown in dealing with it. The subject is one of great difficulty; it is one on which the most eminent jurists of England, Scotland, France and America have been divided, and it is one in which there is, according to my view, only one proposition on which they all appear to agree—that is, the one arising in a case like the present. I might just glance at the facts so that we may see exactly on what ground we stand. As respects the procedure and the nature of the evidence, I do not propose to offer any observations. My hon. friend from Barrie and others have treated that, and I think there is a great deal of force in what they have said on the subject, but I do not propose to go into those details; I wish simply to deal with this question in so far as it is a question of public interest and public law. The proposition contended for by those who insist that this divorce is valid is, that inasmuch as there has been a judgment of a court—a competent court in the place where it was rendered—we must accept that judgment as binding upon us, as declaratory of the dissolution of this

marriage, as effectually dissolving this marriage. Now there is a great distinction to be taken between an argument of that kind addressed to a court of justice, and an argument of that kind addressed to a tribunal like this. This House is, in this instance, acting not only in a quasi judicial capacity, but it is acting in a legislative capacity as well, and in determining to pass this Bill this House will decide in its legislative capacity that this marriage is dissolved. The effect of a judgment of a court in one country upon the judgment of a court in another, depends upon the comity between nations, and on this principle, that as both nations, being Christian nations and civilized nations, have determined to treat the subject matter of a judgment as a fit matter for discussion, inquiry and decision by their courts, then, out of, as it were, international courtesy, they treat the judgment of the court of another country upon that subject—the jurisdiction over which is common to the courts of both countries—as entitled to consideration and weight; and they give it by courtesy that consideration and weight involved in regarding it as *prima facie*, a correct judgment. That proposition, however, does not seem to me to apply to a case where one of those countries has not relegated the subject matter of the judgment to the courts—where, in one of those countries the courts have no jurisdiction over it. Where, therefore, the subject of the judgment is not a matter, the jurisdiction over which is common to the courts of both countries; the courts of one country are not called upon by any rule of courtesy such as that arising from the similarity of jurisdiction, to recognize the validity of the judgment of its neighbor. We stand in that position. We have not yet recognized the power of any court to deal with the question of divorce. We hold it to be a matter beyond the jurisdiction of the courts, while, on the contrary, on the other side of the line, the matter of divorce is so much within the jurisdiction of the courts that, as His Honor the Speaker has shown, there is scarcely any ground of difference between a man and woman living together as husband and wife, which has not been held sufficient to justify the dissolution of marriage. I agree therefore with the hon. gentleman from Ottawa, that there is nothing binding in the argument which claims judgment by a foreign court that kind of consideration and recognition in this House for a which that judgment would have before an ordinary tribunal upon a matter, the subject matter of which was common to both. But I am disposed to go further than that. If any confirmation were needed of the view which I take, it can be found, I think; but I will just refer to one authority at the risk of tiring the patience of the House. Perhaps the highest authority which exists on International law is Dr. Phillimore, and he draws this very distinction which I have drawn with regard to the position of the courts in two countries, both recognizing the jurisdiction of the courts of each other over the subject matter in question. He says, quoting Lord Stowell, who is also a high authority on International law:—

"The State ought to permit its judge to treat the Foreign Law as one of the sources from which, in the particular case before him it is to derive justice. It ought, as Lord Stowell observes, to make it a principle of its own law to adopt the law of a foreigner.

Nevertheless, there are exceptional restrictions which limit, in a commonwealth of States, the application of this principle of a Common Law; they grow out of the reason and nature of the thing. In every State there are various kinds of laws, the special nature of which is not in harmony with this principle.

To define the limits of these exceptional restrictions is among the most difficult tasks which can be imposed upon the jurist.

These exceptional restrictions partake of a political and of a moral and religious character."

He then proceeds to show what kind of cases this reasoning is applicable to. He says:—

"Christian States have been unanimous in recognizing, subject to the limitations and exceptions which have been mentioned, the general principle, that Marriage celebrated according to the *lex loci contractus*, is valid everywhere. But Christian States have been and are far from unanimous in recognizing the principle that a dissolution of the contract pronounced by the tribunal of one State is valid in another. Marriage has been said to be a contract *juris gentium*, but the dissolution of it has not been considered as *jure gentium* binding on all States.

It is, indeed, a question of private right, but one indissolubly united with public

order. The religious and moral elements which are the basis of the marriage contract bring the law relating to its dissolution under the category of those exceptional restrictions to the admission of Foreign Law, which have been mentioned at the outset of this volume."

Then he goes on to point out just the distinction I have referred to a moment ago, as to the change which has taken place in the principles applicable to the validity of foreign judgments since the privilege or power of granting divorce was vested in the courts. He says:

"The fundamental policy of England, with respect to the question of divorce, has recently undergone an entire change; the bearing of which ought, it should seem, upon all sound principles of comity, materially to affect the decisions of her tribunals upon the validity of Foreign Divorces."

Then he goes on to explain in what particular this operates, and he argues it as I have done—of course in much better language—that before the introduction of the system of trying divorce by the ordinary tribunals, in England, the force and validity of a foreign divorce was subject to stronger objections. The principle of admitting a foreign judgment would scarcely then be received as as law at all, and it was not until the system prevailed in England of leaving the question of divorce to the courts, that the extraordinary effect which has since been given to decisions of foreign courts began to be accepted as law in England. Leaving that question aside, is the judgment now before us a judgment which even under the present system in England would be accepted as being binding on the courts here? I think so far from this being answered clearly in the affirmative, it must be clearly answered in the negative, and I do not think, among all the cases I have heard cited in this House, there is one in which the principle which would be involved in holding this Massachusetts divorce valid has been affirmed. These parties were married in Canada. Their marriage domicile was in Canada. One, the man, went to live in the United States leaving the other here. He acquired a domicile in the United States, and there, in the courts of Massachusetts, he obtained this divorce. The wife did not appear in the divorce court, or subject herself to its jurisdiction in any manner or way whatever. Now, there are one or two cases where a judgment in a case like that has been held to be invalid and of no force or effect before a British tribunal. There is not, I venture to say, one case in which a judgment like that has been held to be binding upon a British tribunal. A few citations from this book of Dr. Phillimore's will indicate precisely the views which are held by English jurists on that subject. Perhaps it would not be amiss if I refer in the first instance, as we have French law here in a large and important section of our Dominion, to say that this is the doctrine held by the most famous of the French juris consults—while they recognize the va idity of a foreign divorce under its own law in respect of its own subjects, they refuse to accept in France the validity of a foreign judgment with respect to a person whose marriage domicile is in France. In England precisely the same doctrine I shall state one or two points, taken al- or very nearly the same doctrine is held. most at random in order that in this matter the House may see what has been the holding of the English courts. Dr. Phillimore begins by stating that the American courts will recognize a foreign divorce of American subjects, and he goes on to say that the Scotch courts hold the same doctrine.

"Divorce, they say, relates to a matter of *status*, and it is the duty and right of each country to decide—without reference to the *lex loci contractus*, or the domicile, or the allegiance of the married parties—upon questions of *status* simply as questions affecting the public welfare and order." But he says, "the Courts in England have refused to acknowledge the validity of any sentence of divorce *a vinculo matrimonii* pronounced upon an Eng'ish marriage celebrated in England between Englishborn subjects."

In a foot note p. 357, he quotes Lord Lyndhurst in the case of Warrender vs. Warrender as "*displaying the disgraceful* consequences" of this unseemly conflict between "the laws of two portions" of the same Empire.

He says; "It must be admitted that the legal principles and decisions of England and Scotland stand in strange anomalous conflict on this important subject. As

the laws of both now stand, it would appear that Sir George Warrender may have two wives; for having been divorced in Scotland, he may again marry in that country; he may live with one wife in Scotland most lawfully, and with the other equally lawfully in England; but only bring them across the border, his English wife may proceed against him in the English Courts, either for restitution of conjugal rights, or for adultery committed against the duties and obligations of the marriage solemnized in England: again, send him to Scotland, and his Scottish wife may proceed, in the Courts in Scotland, for breach of the marriage contract entered into with her in that country.

In rendering judgment in a very recent case, that of Dolphin *vs.* Robins, the doctrine I have been contending for was reiterated over and over again in different forms. In that case, the famous case known as Lolley's case, which was in favor of the proposition I have been contending for, was held always to have been in force, and that decision was, the unanimous opinion of the judges that Lolley was guilty of bigamy in a case like this, on the ground that no sentence or act of any foreign Court or State could dissolve an English marriage *a vinculo matrimonii*, being, "that no sentence or act of any foreign country or State could dissolve an English marriage." Then he goes on to say that Lolley's case has been frequently acted upon. In another case it was held:—

"That a Scotch marriage duly celebrated between a divorced wife and an Englishman who was thenceforth domiciled in England) did not give to the children of their union the character of 'lawfully begotten,' so as to enable them to succeed to property in England, for that the Scotch divorce had not dissolved the English marriage. The commendator concludes:—Again in another case, the Petitioner had her domicile in England and married there. She afterwards resided for two and a-half years, in one of the United States, and then obtained a decree dissolving her marriage. She then re-married during her first husband's lifetime. It was held that the Divorce so obtained could have no legal effect upon an English marriage, and admits that under those circumstances, in view of the introduction of divorce courts, the argument that divorce is *contra bonos mores*, which was formerly a strong one against the validity of foreign divorces cannot now, be righteously advanced in England."

I think these citations, (and I will not detain the House by reading a large number of them,) would seem to indicate that the proposition is held a valid proposition in England, that English people, married in England, having their marriage domicile in England, and getting divorced in a foreign country, will not be regarded in England as being lawfully divorced by the judgment of that foreign country, even since the introduction of the system of trying such matters by judges. But without going so far as England for our jurisprudence, we have here in Canada a judgment which was cited, to my surprise, by an hon. gentleman opposite, as establishing the fact that this judgment was valid. I speak of the case of Stevens and Fisk. That is a case in which the parties were married in the State of New York. They had their marriage domicile there, in addition to the mere fact of the solemnization of the marriage. They came over to this country for a time; one of them went back to the State of New York, instituted a suit there and obtained a divorce, and the question as to the validity of this divorce came up incidentally in the courts in Montreal. It was tried finally there by the Court of Appeal, composed of five judges, and three of those judges held that the divorce was invalid, and could not be recognized in the Canadian courts. That judgment was appealed from to the Supreme Court, and in the Supreme Court it was held by a majority of the judges that the divorce was valid. This judgment was cited as applying to this present case. Now, the difference between those two cases is one recognized throughout the whole of this jurisprudence. The most lax of the English cases allow, and I may say the French also allow, that the judgment rendered in a court of the marriage domicile, dissolving a marriage as between persons in its own jurisdiction, is a valid judgment elsewhere, and that is precisely what the judgment held in this case. The difference in the two cases, however, is that the marriage domicile (which hon. gentlemen know is considered of enormous importance in judging of the validity of a divorce) in the case of Stevens and Fisk, was in the United States, where the marriage was dissolved. This couple voluntarily submitted themselves to the marriage laws of the State of New York,

after having their marriage domicile there. Under that law their marriage was dissolved. In the case before the House at this moment, the marriage domicile was in Canada, where divorce is not a matter subjected to the jurisdiction of the court at all, and not recognized as capable of being pronounced upon by the courts at all, except in an incidental way; while the judgment was pronounced in Massachusetts, a foreign country, having no jurisdiction over the wife, she not having acquired any domicile in Massachusetts. That judgment may be a very good judgment, supposing it to have been regularly obtained, as far as the man is concerned, but it is not such a judgment so far as the wife is concerned, as is sanctioned by the doctrine laid down in the judgment in Stevens and Fisk. It is not a judgment that will be recognized in any of the courts in England, as I have shown from the citation from Dr. Phillimore. I think I can satisfy the House, in a very few moments, that the views of the judges in the Supreme Court rested mainly upon those distinctions—upon the distinctions between that case and this. So far from this matter being one on which everybody agrees, and which no lawyer will dispute, there were five judges held that this divorce could not be recognized as valid in this country, and five judges who held that it could be so recognized. It is unnecessary to go into the opinions of these five judges who took the broad ground, because there was no distinction made. As to the five judges who decided that it was valid, we perceive that their judgment rested mainly upon the distinction. Chief Justice Ritchie describes that as one of his principal reasons. The judgment of the other judges is printed at more length in the *Legal News*, and I can cite what they say from there in a more intelligible manner. Judge Gwynne describesthe facts as I have described them, that the marriage took place in the State of New York. "By the law of the State of New York," he says, "it was competent for the plaintiff to institute the said suit, etc." Then he describes the procedure. He quotes the same authorities which my hon. friend from Amherst quoted yesterday, none of which are applicable to this case, because they differ in respect of the marriage domicile. He says:—

"*A fortiori*, as it appears to me, should the decree of the Supreme Court of the State of New York between the parties to the present suit be, upon the principle of the comity of nations, recognised as valid in the Courts of the Provinces of this Dominion, for the marriage between the plaintiff and the defendant was, in the strictest sense, a New York State marriage. Both parties thereto were natural born citizens of the United States, and domiciled at the time of the marriage in the State of New York, which was also the domicile of origin of the plaintiff and in which she was resident at the time of her filing her petition for divorce and dissolution of marriage in the Supreme Court of the State, and the defendant, though at the time of the presentation of such petition, domiciled in the Province of Quebec, was personally served with the process issued out of the said Supreme Court in the said suit, and appeared thereto absolutely by an attorney of that court for that purpose duly authorized by the defendant. We may, and in a case of this kind, I think should, refer to the decisions of the Courts of the United States.

"There is no suggestion of the decree having been obtained by collusion or fraud, and the parties to that suit having been born natural citizens of the United States, and domiciled in the State of New York at the time of the marriage, and married under the law of that State, the marriage must be held to have been a New York State marriage, and the parties must be held to have become upon the marriage subject to the law of the State of New York relating to divorce by which law it then was, and continually hitherto has been, provided and enacted by statute that a divorce may be decreed and that a marriage may be dissolved."

It is quite plain, therefore, so far as the judge's decision was concerned, that his main reason was that the two people with whose case he was dealing, were in an essentially different position from the two people whose case we are discussing here. The authorities he cites all contain the same distinction. He speaks of the case of Meagher vs. McAllister, in which Lord Chancellof Blackburn, in the Irish Court or Chancery, recognizes the validity of a decree of dissolution of marriage made by a Scotch court, at the suit of a husband for desertion and non-adherence, in the case of a domiciled Scotchman married in England, to an Irish woman who, while she and her husband were residing in England, deserted him there. He says:—

"This judgment is quoted with approba-

tion by the law Lords in the House of Lords in Harvie vs. Farnie, in which case it was decided that the English courts will recognize as valid the decision of a competent Christian tribunal dissolving a marriage between a domiciled native in the country where such tribunal has jurisdiction, and an English woman."

Of course the descent of the parties was of no consequence; the important question was their marriage domicile, which in Farnie and Farnie, appears to have been within the jurisdiction of the Court rendering the judgment. I, perhaps, ought to refer to the judgments of the other judges. There are two judgments reported—they apparently rest mainly on the same grounds—the judgment of Judge Henry and the judgment of Judge Gwynne. Judge Fournier concurred, but he did not touch the question of the divorce. He merely held that the woman could sue, whether she was divorced or not. Judge Strong was of opinion that this divorce, although between persons married in New York and divorced there, was not valid. I do not think there is any object in my detaining the House longer. If this were a matter before a court and an elaborate argument were needed, it would be easy, probably, to multiply authorities to almost any extent, but I think I have said enough to show that there is no case in the Courts of England to which we have special reference in such matters as these, even since divorce was made a subject within the jurisdiction of the courts, wherein they have recognized the validity of divorces in a foreign country over English people whose marriage domicile was in England, and there is a broad distinction taken between them and others, in many cases in the book to which I have referred. In the same pages from which I have quoted there will be found numerous cases where the fact that only one of the persons resided within the foreign jurisdiction is considered to be a subject of great importance in determining the validity of the judgment. It has been held so frequently, that it is not necessary to quote the special authorities for it, that in matters of divorce, where the question of the domicile of the husband and of the wife who live separately becomes of importance, the general principle that the domicile of the wife is the domicile of the husband is not always accepted. There are exceptions, in which it is the interest and right of the wife to claim that she has a separate domicile from the husband. This woman never acquired a domicile in the United States; her husband alone acquired domicile there. She never subjected herself to the jurisdiction of the courts of the United States. She always remained in the country of her marriage domicile, and, in my opinion, she is entitled to the protection of its laws. I might make one remark on the subject which has been dilated on to some extent—that is as to the effect of this judgment on the second wife. I do not think that it has any effect upon her in so far as she is a subject of the United States. I do not know what the laws may be in the other States, but in Massachusetts, it does not affect her or her children at all; but if it did, the Courts in England have not hesitated to declare a man guilty of bigamy who had married before his first marriage was dissolved, in such a manner as to be held validly dissolved by English Courts, though valid when the decree was rendered. There are others to be considered as well as the second wife: there is the first wife to be considered, and if the question should arise who is to suffer injury by the passing of this Bill, the decision should be in favor of the first wife, especially as in reality the passing of this Act would really have no legal effect whatever upon this marriage in the United States or upon the status of the children who are issue of that marriage. I can only therefore, say in conclusion, that in my opinion, and in the opinion of my colleague the Minister of Justice, the judgment of divorce in this case is not binding in this country, and *a fortiori* it cannot be binding on this House.

HON. MR. KAULBACH—Will the hon. gentleman say whether a wife can have any legal domicile other than the domicile of her husband?

HON. MR. ABBOTT—I have just remarked that there are numbers of decisions in which it has been held, in the books from which I have been reading,

that the wife may have a domicile apart from her husband.

HON. MR. DICKEY—What is the date of that edition of Phillimore's International Law?

HON. MR. ABBOTT—The date is 1874—sixteen years after the introduction of the system of divorce in courts in England.

HON. MR. DICKEY—I thought so—thirteen years old. After the clear, lucid and able exposition of international law on the subject given by the leader of the House, having thoroughly sifted it out, I for one would be perfectly content to allow the third reading of this Bill to be carried on a division.

The motion was agreed to and the Bill was read the third time and passed on a division.

MONTEITH DIVORCE BILL.

SECOND READING.

The Order of the Day having been called:

Second reading Bill (J) for the relief of John Monteith, that Petitioner do attend at the Bar and be heard by counsel.

HON. MR. McKINDSEY presented the certificate of the Clerk that notice of the second reading of the Bill had been posted in the lobby of the House.

The certificate was read at the table.

HON. MR. McKINDSEY—In this case the Respondent is not in the country, and the Petitioner does not know her whereabouts. It is necessary, therefore, to put in affidavits of substitutionary service: I beg leave to present affidavits from several parties showing where the service was made.

The affidavits were read at the table.

HON. MR. McKINDSEY moved

That this House is satisfied with the proof adduced of the impossibility of complying with Rule 76 of the Senate, requiring personal service upon the party from whom divorce is sought, of the notice of the second reading, and a copy of the Bill for the relief of John Monteith.

The motion was agreed to.

HON. MR. McKINDSEY informed the House that the Petitioner was at the bar and ready to be examined and moved:—

That the examination of the Petitioner in this matter, as well generally as in regard to any collusion or connivance between the parties to obtain a separation, be for the present dispensed with, but that it be an instruction to any Committee to whom the Bill upon the subject may be referred, to make such examination.

The motion was agreed to.

HON. MR. McKINDSEY moved the second reading of the Bill.

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

HON. MR. McKINDSEY moved—

"That the Bill be referred to a Select Committee, composed of the Honorable Messieurs Gowan, Macdonald (B.C.), Clemow, Vidal, McCallam, McKay, McClelan, Read, and the mover, to report thereon with all convenient speed, with power to send for persons, papers and records, and examine witnesses on oath, and that all persons summoned to appear before the Senate in this matter appear before the said Committee, and that the said Committee have leave to employ a shorthand reporter."

HON. MR. KAULBACH—Exception was taken the other day to a remark of mine which I made in moving for a Committee in another case. I asked to have the name of a gentleman, not of the legal profession, on the list, and the hon. member objected to that. His objection I thought was well taken; he said he was not a member of the legal profession. It was so well taken that it caused a little amusement to the House; so much so that I felt the force of it and had to plead that it was a case of necessity, there not being a sufficient number of legal gentlemen in the House to form a full Committee. His remark no doubt was due to something I had said on a former occasion. What I had stated on that occasion was

that the gentleman who led the Senate some six years ago considered, that, as far as possible a divorce committee should be a judicial body and therefore, as far as possible formed of gentlemen of the legal profession.

HON. MR. HOWLAN—They would never agree.

HON. MR. KAULBACH—I am not discussing that point now. That was not only the expression of the leader of the House, but it was the consensus of the House as I understood; so much so that in all the committees subsequently selected, particular attention was paid by the leader of the House in appointing divorce committees to have them composed as much as possible of members of the legal profession. Therefore, in any remarks I made subsequently on the selection of divorce committees, I had no intention to detract from the ability of gentlemen of this House who were not members of that profession, certainly not of the gentleman who took exception to my remark. But now that we have decided that a divorce committee does not exercise judicial functions and does not take cognizance of legal questions as was formerly done, I am sure that legal gentlemen will feel that there is no necessity of being appointed members of such Committees. Therefore, I hope that in future I shall be relieved from taking any part in those Committees. It is not a pleasant duty at any time, and now, since it is understood that legal points are not involved in the consideration of these Bills, the services of lawyers on these Committees can be dispensed with. I find in the London *World* of May 10th, an article on the Dillon case, in which are quoted Gladstone's remarks on the Bradlaugh case, which was a semi-judicial inquiry—

HON. MR. ODELL—It was not a divorce case.

HON. MR. KAULBACH—It was like a divorce case, in this sense, that it was a semi-judicial inquiry—and Gladstone said :—

"Such a body was absolutely incompetent for the discharge of judicial functions. It had neither the knowledge, the training, the powers nor the judicial temper fitting it for such a work—the ascertainment of a question of Parliamentary right."

I thought that Gladstone's remark on that occasion would apply to the case before us, but now that these divorce cases are deprived largely of their judicial character, in future (at least I can speak for myself, I do not know what other legal gentlemen think), lawyers will be unnecessary on divorce Committees.

HON. MR. ALLAN—The legal profession are all going on strike.

HON. MR. McKINDSEY—I do not know whether the hon. gentleman has risen to make an objection to the Committee.

HON. MR. KAULBACH—I have made no objection to the Committe, but considering what took place the other day I thought it proper to make these remarks.

HON. MR. READ—As the hon. gentleman has made some reference to myself, perhaps it would be as well for me to have something to say on the subject. Some three years ago four out of the six divorce cases brought before this House were placed in my hands, and it was my duty frequently to consult the Leader of the House in connection with them. He never expressed to me that it was necessary that the Committee should be composed of lawyers; what he said was that it would be well to have a gentleman of the legal profession as chairman in order that the evidence might be taken in proper form. When the hon. gentleman from Lunenburg stated a few days ago that he thought these committees should be composed of lawyers, and then asked me to be a member of one of those committees, I thought it was time for me to object on his own reasoning on the matter.

The motion was agreed to.

FREE PASSES ON RAILWAYS BILL.

SECOND READING POSTPONED.

The Order of the Day having been called—"Conveyance of legislators and judges free of charge over railways bill,"

HON. MR. McINNES moved that the Order of the Day be discharged, and that the said Bill be fixed for second reading on Thursday next.

HON. MR. DICKEY—I must ask the Leader of the House, whose duty it is, I apprehend, to keep a sort of supervision over everything that concerns the honor and dignity of this House, whether his attention has been called to this Bill which was brought in a fortnight ago, which a week ago was fixed for second reading, and which is now postponed for another week? I should like to know whether it is consistent with the character of this House, and conducive to the interest of the Senate, that such a Bill should appear on our order paper and be continued from day to day and week to week, and whether it ought not in some way or other to dispose of it.

HON. MR. ALMON—I beg leave to move that this Bill be not read the second time on Thursday next, but that it be read this day three months.

HON. MR. SCOTT—I think the proposition of my hon. friend had better be allowed to go, and I trust that before next Thursday his better judgment may lead him to reconsider the matter and withdraw the Bill.

HON. MR. ABBOTT—I was about to say very much what my hon. friend opposite has stated. In point of fact, I notified my hon. friend, when the Bill was introduced, that I thought it open to very grave objection—that it was not competent for this House to take cognizance of it. That objection I propose to make when he moves the second reading. So far, I do not think that the postponments have been very extraordinary. I do not think we ought to apply a very stringent rule to hon. gentlemen who wish to have their measures postponed for a few days, but of course I do think there should be an end to it, especially as the terms of the Bill itself, perhaps, somewhat reflect upon the House. I fancy the House desires no such accommodation as this Bill would give them. Perhaps my hon. friend will proceed with the Bill next Thursday, when I shall make my objection one way or the other.

HON. MR. ALMON—If I am in order I shall insist upon my motion being put. If I am not in order I shall withdraw it.

HON. MR. SCOTT—The amendment is not in order.

HON. MR. ALMON—It is a pity that it is not.

HON MR. McINNES—The reason why I have asked that the order be discharged and placed on the order paper for next Thursday is simply to meet the objection raised by the leader of this House when the Bill was introduced—whether it is within the jurisdiction of this House to deal with a measure of this nature—and I have taken some legal advice on the matter and am looking up authorities. It is in order to satisfy myself that it is within the jurisdiction of this House that I ask to have it put off, and for no other purpose. I am really very much surprised at the strictures made on this Bill by the hon. member from Amherst. I do not think I am in the habit of putting off orders more than other members of this House. I have simply followed the usual custom in such cases in asking that the Bill be allowed to stand until Thursday next.

The motion was agreed to.

ALBERTA & ATHABASCA RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. McCALLUM moved the second reading of Bill (59) "An Act to amend the Act incorporating the Alberta & Athabasca Railway Company.

He said—This is merely an amending Act to enable this Company to negotiate land grant bonds. An Order-in-Council was passed granting them land to enable them to construct the road and this is merely for the purpose of issuing bonds.

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

MANUFACTURERS' LIFE INSURANCE COMPANY'S BILL.

SECOND READING.

HON. MR. MCKINDSEY moved the second reading of Bill (29), "An Act to incorparate the Manufacturers' Life Insurance Company."

He said:—This is a Bill for the incorporation of a company to carry on the business of Life Insurance in the City of Toronto. It does not differ from the ordinary Insurance Bill. The capital stock is $2,000,000, divided into shares of $100 each. I may say that when this Bill was introduced in the House of Commons it was incorporated with another Bill. The title at that time was "An Act to incorporate the Manufacturers' Life and Accident Insurance Company." In the committee of the whole of that House the portion relating to accidents was eliminated, and no doubt another Bill for that purpose will be brought in. There is nothing that I know of to interfere with its passage in this House.

HON. MR. KAULBACH—I would ask whether the shareholders, or the policy holders, will be confined to manufacturers?

HON. MR. MCKINDSEY—No, it is general.

HON. MR. KAULBACH—I do not wish to make an objection now, but it seems to me, after the explanation we have heard, that the Bill has a singular title—one which does not appear to indicate the character of the Company.

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

GODERICH & CANADIAN PACIFIC JUNCTION RAILWAY COMPANY'S BILL.

SECOND READING

HON. MR. MCCALLUM moved the second reading of Bill (24) "An Act to incorporate the Goderich & Canadian Pacific Junction Railway Company."

He said—This is a Bill to incorporate a company to build a railway from the town of Wingham, in the County of Huron, to the town of Goderich in the same County, a distance of about 35 miles. The road will pass through a very fine country.

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

The Senate adjourned at 5:15 p.m.

THE SENATE.

Ottawa, Monday June 6th, 1887.

THE SPEAKER took the Chair at 3 p. m.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported from the Committee on Banking and Commerce without amendment, were read the third time and passed:—

Bill (I), "An Act to enable the Canada Permanent Loan and Savings Co. to extend their business, and for other purposes." (Mr. Gowan.)

Bill (29), "An Act to incorporate the Manufacturers' Life Insurance Co." (Mr. McKindsey.)

THE BEVERIDGE AND TIBBET CLAIMS.

FIRST REPORT OF COMMITTEE PRESENTED.

HON. MR. READ, from the select Committee to enquire into the action

taken by the Government in respect to certain payments alleged to devolve on the Dominion Government to the Hon. Mr. Beveridge, Mr. Tibbet and others, presented their first report.

HON. MR. GLASIER moved:—

That the reference to the Select Committee of this Honorable House to which was referred the case of Tibbet, Beveridge and others—on which a preliminary report is made this day—be extended to inquire into and report upon any facts deemed necessary to bring the case fairly before the House, and the grounds upon which it is claimed that interest should be paid upon the amount which the said Committee reaffirms to have been due since the 12th day of November, 1856.

HON. MR. ABBOTT—I would ask my hon. friend to allow this to stand over until to-morrow to give an opportunity for considering the Report of the Committee.

The Report was allowed to stand.

MONTEITH DIVORCE BILL.

REPORT OF THE COMMITTEE PRESENTED.

HON. MR. GOWAN, from the Select Committee to whom was referred the Bill for the relief of John Monteith, presented their first Report, with the evidence taken before the Committee and the vouchers. He said: A few changes have been made in the preamble of the Bill, chiefly of a verbal character. Under these circumstances I move that the Report be considered to-morrow.

The motion was agreed to.

HARBORS OF VANCOUVER AND ENGLISH BAY.

INQUIRY.

HON. MR. MCINNES (B. C.) inquired—

Has the Government granted to the Canadian Pacific Railway Company the Foreshore or any portion of the Foreshore of the Harbors of Vancouver or English Bay, or the exclusive right to build wharves thereon? If so, when was the grant made, and what is the extent of the Foreshore given away to the Canadian Pacific Railway Company?

HON. MR. ABBOTT—Correspondence is now in progress between the Government of Great Britain, the Dominion Government, and the Canadian Pacific Railway Company in regard to that matter.

NEW PUBLIC BUILDINGS AT OTTAWA.

INQUIRY.

HON. MR. TRUDEL inquired

What were the conditions which were specified in the requests for tenders, but not included in the tenders of the lowest tenderer, and to which allusion is made in the fifth reply made by the Honorable the leader of the Government to the questions put by the Honorable Mr. Trudel on 20th May last?

2nd. What were the reasons for which the lowest tenderer declined to accept the contract, as alleged in the fourth answer of the Honorable the leader of the Government to the said questions?

He said: In order to call the attention of the House to the appropriateness of this question, I will refer hon. gentlemen to the answers given by the Government to the question put by me on the occasion above referred to, relating to the New Public Buildings in course of erection on Wellington Street, Ottawa. The leader of the House on that occasion gave several answers concerning those buildings, and amongst others said that tenders had been called for; that the contract was not awarded to the lowest tender, and that the difference between the price of the contract and the lowest tender was $17,025. It was added, on behalf of the Government, that the lowest tender had been withdrawn, and that it did not include some conditions which were called for and therefore it formed no criterion of the value of the work. It is well known that, in tendering for works of this character, a deposit of money must accompany the tender. If my information is correct, when the lowest tenderer withdrew, his deposit was remitted to him. I think it is in the interest of the public that the reason for this withdrawal should be made known. It may be thought, at first sight, that $17,000 is not a very large sum; but when we con-

sider the amount of the contract it will seem an immense difference. Tenders were called for the frame work to sustain the roof of this building, and on this small part of the work there was a difference between the lowest tender and the one that received the contract. The lowest tenderer was a man who deals in on roofing, and is well acquainted with that business; while the man to whom the contract was awarded is not known as a person having any experience in that business. It seems to me necessary, therefore, that we should go a little further, and that the Government should be asked what the conditions were which were specified in the tenders as called for and which were not included in the lowest tender. The better course might have been to move for papers, but I thought it was better first to obtain the information on a mere question and thus to save expense.

HON. MR. ABBOTT—My hon. friend has very clearly shown that the questions he is now putting are the logical sequence of the questions he put the other day. Of course the Government are happy to give any information in their power, and are, I think, in a position to answer those questions as fully as the hon. gentleman will require. The first question is:—

What were the conditions which were specified in the requests for tenders, but not included in the tenders of the lowest tenderer, and to which allusion is made in the fifth reply made by the Honorable the leader of the Government to the questions put by the Honorable Mr. Trudel, on 20th May last?

The conditions were as per following extracts from the specification, viz:—

The Contractor shall find, at his own expense, the piling ground which may be required for storing the roof materials, from their delivery until such time as he will be notified to begin the work of erection and during the progress of the work.

Messrs. Rousseau and Mather stated that they had not included this in their tender.

As regards the delivery and placing in position all the iron and other work, scaffolding, &c., any damage that may occur thereby and also any damage from whatever cause during the progress of the erection of any portions of the brickwork, cut stone or masonry or other work or any material that may be on the site, must be made good at the expense of the Contractor to the satisfaction of the Minister of Public Works or any person delegated by him.

Great care must be taken in placing the iron work in position, as the Contractor will be held responsible for any damage whatsoever or interference with other Contractors consequent upon its erection, and will have to make good all damage to the satisfaction of the Minister of Public Works or any person delegated by him.

When asked if they would sign the contract, Messrs. Rousseau & Mather declined as per following copy of their letter, viz:—

OTTAWA, 11 Aug., 1886.

"A. Gobeil, Esq.,
Sec. of Public Works.

Sir:—

"By reference to the specification, and after seeing Mr. Charlebois, the contractor for the New Departmental Building, we have come to the conclusion that we could not execute the work tendered for by us without interference with Mr. Charlebois, and that we would have to pay such a remuneration as would prevent us from fulfiling satisfactorily the contract, and under these circumstances we prefer before any decision is arrived at by the Government to beg leave to withdraw our tender and the accepted check accompanying the same.

"Your obedient servants,
"(Signed,) ROUSSEAU & MATHER."

The second question is:—

"What were the reasons for which the owest tenderer declined to accept the contract, as alleged in the fourth answer of the Honorable the leader of the Covernment to the said questions?"

The reasons are contained in the letter which I have just read to the House.

HISTORY AND RESOURCES OF CANADA.

INQUIRY.

HON. MR. BELLEROSE inquired,

"Whether it is the intention of the Government to have printed a French edition of the Book intituled: 'Colonial and London Exhibition, London, 1886—Canada: its history, productions and natural resources,' issued by the Department of Agriculture?"

HON. MR. ABBOTT—I was informed that this book was printed for use at the London Exhibition and not for circula-

tion among the people here. Its purpose, therefore, was attained when the Exhibition terminated, and it is not the intention of the Government to republish the book here in French.

BILLS INTRODUCED.

Bill (15) "An Act to incorporate the Imperial Trusts Company of Canada."—(Mr. Ogilvie.)

Bill (45) "An Act further to amend the Act respecting the Canadian Pacific Railway Company."—(Mr. Merner.)

Bill (43) "An Act to incorporate the Niagara Falls Bridge Company."—(Mr. McCallum.)

Bill (39) "An Act to authorize the Grange Trust (limited) to wind up its affairs." (Mr. Read.)

Bill (57) "An Act to incorporate the Prescott County Railway Company." (Mr. Clemow.)

Bill (35) "An Act to incorporate the Berlin & Canadian Pacific Junction Railway Company." (Mr. Merner.)

Bill (89) "An Act to incorporate the South Ontario Pacific Railway Company." (Mr. Vidal.)

Bill (M) "An Act to incorporate the Royal Victoria Hospital." (Mr. Abbott.)

HAMILTON CENTRAL RAILWAY COMPANY'S BILL.

FIRST READING.

A message was received from the House of Commons with Bill (38) "An Act to amend the Act to incorporate the Hamilton, Guelph and Buffalo Railway Company, and to change the name of the Company to the Hamilton Central Railway Company."

HON. MR. VIDAL, in the absence of Mr. Sanford, moved that the Bill be read the second time to-morrow.

HON. MR. POWER—I do not wish to object to these second readings, but under our rules a day should intervene between the first and second readings of the Bill. I understand that the Government bills which are on the Order Paper for to-day will not be proceeded with, as they have not been re-printed; and I was going to suggest that these bills, the second reading of which is now arranged for, should come on after these Government measures, because there are some of them as to which there is likely to be discussion and more important business may be deferred.

Hon. Mr. KAULBACH—It seems to me that according to the 41st rule of the House bills must take different stages on different days.

Hon. Mr. POWER—And a day must intervene.

Hon. Mr. KAULBACH—If there is not some special motion there must be an intervening day.

Hon. Mr. MILLER—The different readings of the Bill must take place on different days, but it is not necessary that a day shall intervene between the different readings.

ST. GABRIEL LEVEE AND RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. OGILVIE moved the third reading of Bill (12) "An Act to revive and amend the Act to incorporate the St. Gabriel Levee & Railway Company."

HON. MR. ABBOTT—Before this Bill is read the third time, I have an amendment to offer to the 6th clause to carry out its intention. That clause provides that the City of Montreal may assume this work on paying for it, and carry it on and finish it upon getting power to do so. A portion of it, however, will lie outside the limits of the City of Montreal, and therefore they will require, if they take it over, some of the powers granted by this Bill, in order to enable them to make it outside of the limits of the city. I move that the Bill be not now read the third time, but that the following words be added as a rider to the 6th clause:—"On assuming the

work the said city shall have the right to exercise all the powers of the company relating thereto."

HON. MR. OGILVIE—Not only am I satisfied with that addition to the Bill, but I thank the hon. the Leader of the Government, for having inserted it: I think it was necessary.

The clause was agreed to.

HON. MR. OGILVIE moved that the Bill, as amended, be read the third time.

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

INDIAN ACT AMENDMENT BILL.

SECOND READING POSTPONED.

The order for the day having been called—second reading Bill (L) The Indian Act Amendment Bill—

HON. MR. ABBOTT said: I regret to say that this Bill and the three following orders have not yet been printed, and I beg to call the attention of the Chairman of the Printing Committee to the fact. These Bills were introduced on Thursday last and it is now Monday. They are short bills—two of them very short—and it seems to me that they might easily have been got ready for our work to-day. It is a pity that we should be stopped at this stage of the session when we have plenty of time and we know that we shall presently be required to hurry ourselves very considerably. I move that the order of the day be discharged, and that the Bill be read the second time to-morrow.

HON. MR. READ—So far as the Chairman of the Committee is concerned he has done his duty. He has remonstrated, through the Secretary, with the printer, and I think that he has performed all that he is expected to do.

HON. MR. ALMON—Stop their pay

HON. MR. POWER—I was going to suggest that as the Government have control of the paying of the printers, they ought to put a little pressure upon them.

The motion was agreed to.

SICK AND DISTRESSED MARINERS BILL.

SECOND READING POSTPONED.

The order of the day having heen called—Second reading of Blil (76), Sick and Distressed Mariners Amendment Bill—

HON. MR. ABBOTT moved that the order of the day be discharged, and that the Bill be read the second time tomorrow.

HON. MR. MILLER—This Bill is only one of two or three lines. It is a simple amendment, to which I am sure there can be no objection. Under the law, as it at present stands, the Sick Mariners' Fund is open to American as well as to English vessels. The object of this Bill is to confine it to Canadian and British vessels.

HON. MR. VIDAL—I cannot see the slightest objection to the proposal of my hon. friend if there is anyone present in the House can state positively that no change was made in that Bill in the House of Commons.

HON. MR. MILLER — This Bill comes from the House of Commons.

HON. MR. VIDAL—But we may not have the Bill in the shape in which it left the House of Commons. What we have before us is the Bill as introduced in the House of Commons.

HON. MR. MILLER—The object of the Bill is simply this: As the law stands at present, we have what is called a Sick Mariner's Fund, formed by the payment of an annual tax upon vessels entering our ports during the season. Vessels that do not pay the tax are not entitled to have their sick thrown on the fund. There is now no restriction under the law, and American vessels have the

same rights as British vessels. The evil has been found, especially among the fishing vessels, that whenever they have sick mariners on board, they enter one of our harbors, pay the trifling fee required for the Mariner's Fund, and that enables them to throw perhaps two or three sick seamen on the fund. By paying a fee of $3 or $4, they throw an expense of $300 or $400 on the fund. I have often thought that it was an objectionable feature of the law, and have spoken to the Minister of Marine and Fisheries about it. I do not think there can be the slightest doubt as to the propriety of the proposed amendment, and I hope there will be no objection to the second reading of the Bill.

HON. MR. VIDAL—I am not in any way opposing the Bill. I think it is very necessary and desirable: I was calling attention to the fact that the Bill on our table, so far as we know, is not the Bill as it came from the House of Commons. It is the Bill as introduced in the House of Commons, and I was merely asking if some hon. gentleman could tell us whether the Bill was changed in the House of Commons or not. Reading the Bill at length at the table will meet all the difficulties.

HON. MR. POWER—I do not think it meets all the difficulty. It is true it is a very short Bill, but the principle is important, and naturally if the Bill, even if it were printed, has not been distributed it should not be discussed this afternoon. It has not been the custom in this House to discuss bills which have not been printed as they finally passed the House of Commons, and while I do not express any opinion on the principle of the Bill I doubt the wisdom of reading it the second time on such very short notice. It is not like a bill which is a mere matter of routine. I do not say that I differ from the hon. gentleman from Richmond on the question; at the same time as there is a very serious principle involved, we had better have the usual notice before the second reading.

HON. MR. KAULBACH—I think by reading the Bill at length at the table we will be enabled to understand the principle of it, and can then pass the second reading.

HON. MR. HOWLAN—If the Bill is as stated by the hon. gentleman from Richmond it is a very important alteration, which I should not like to see made. Up to a very recent period the fishermen of both countries were not classed as seamen, and the custom of the United States was, as regards American fishermen, if they got sick while in foreign waters, any expense connected with their attendance should be borne by the vessel, irrespective of the Government of that country. Not long ago an arrangement was made between the Government of Great Britain and the Government of the United States by which fishermen should be treated as seamen, and shortly after that it was arranged that American fishermen on coming into our waters, by paying to the sick Mariner's Fund, should be treated as American seamen. Under that arrangement if an American vessel comes into a Canadian Port and puts John Jones ashore sick and John Jones pays hospital dues, he is entitled to go to our hospitals, but formerly if his ship was a fishing vessel, and John Jones was put ashore sick he would not be treated the same as a seaman from a merchant vessel. It has been the custom of late years, that the seamen of all vessels paying to the marine hospital fund should be treated the same. The arrangement for hospitals and that kind of thing are made in the interests of humanity, and from high notions of benevolence, and I do not quite agree with the idea, after all that has been done in the interest of mariners, that a fisherman who falls ill in pursuance of his duty as a fisherman should be treated otherwise than a mariner who gets sick in doing his duty as a seaman. I have known a case where a fisherman has been put ashore with small-pox in the Maritime Provinces, and some six or seven hundred dollars were spent in taking care of him, which the vessel has had to pay. When we have well equipped hospitals these is no reason why a sick seaman should not be sent to hospital.

HON. MR. MILLER—Did my hon.

friend understand me to say that the Act referred to our own fishermen? This Bill does not refer to our own fishermen; it only refers to foreign fishermen.

HON. MR. HOWLAN—Then I say it is a very bad arrangement. A merchant vessel, according to our international agreement, when it pays hospital dues is entitled to send any of its sick mariners to our hospitals to be treated as seamen. Now, if one of our seamen goes to an American port and falls sick there he is entitled to be sent to an American hospital. I do not see any reason why, if the hospital dues are paid on one side or the other, the fisherman should not be admitted to the hospital. This difficulty was remedied by the arrangement between Great Britain and the United States and it would certainly be a retrograde step now to relieve fishermen from having access to our hospitals. Why should an American fisherman who pays hospital dues be treated differently from our own?

HON. MR. KAULBACH—There is a very good reason, and that is that American fishermen coming to our coast pay no hospital dues.

HON. MR. HOWLAN—They do.

HON. MR. KAULBACH—Only when they fall sick, and require to be sent to hospital. This Act will not apply to our fishermen, who will have the privilege of the hospital. It is only to apply to foreign vessels exclusively engaged in the fisheries.

HON. MR. ABBOTT—As there is a difference of opinion as to the provisions of this measure, the obvious course is to allow the second reading to stand over until we are able to discuss it intelligently.

The motion was agreed to, and the order of the day was discharged.

The Bill was ordered for the second reading to-morrow.

BILLS INTRODUCED.

Bill (25), "An Act to amend the Act to incorporate the Brantford, Waterloo & Lake Erie Railway Company"—(Mr. McCallum).

Bill (14), "An Act to incorporate the Collingwood General and Marine Hospital"—(Mr. Gowan).

MUTILATION OF BOOKS IN THE LIBRARY.

THE SPEAKER—Before the House adjourns I have to communicate to the Senate, under the direction of the Library Committee, the fact that at the last meeting of the Committee it was reported by the Librarians that extensive mutilations had been discovered in the works in the Library—that there had been mutilations of valuable records which cannot be replaced, and it was suggested that the Speakers of both Houses should mention the fact to Parliament, and to beg members to aid in detecting, if possible, or at all events in endeavoring to prevent any such occurrences in the future. Of course it is not for a moment to be supposed that anyone connected with Parliament has had anything to do with such proceedings; but those mutilations, doubtless, have taken place in the Library itself; because no one could carry books out of the Library and mutilate them and bring them back without almost a certainty of detection. In some places 20 pages have been cut out with a knife, and columns of figures in the records and public accounts have been cut by those who handled the books in order to save the trouble of copying them. There is a special report in regard to Nova Scotia matters, by Mr. Young, which some of our friends from Nova Scotia know is one which cannot be replaced, and that has been extensively mutilated.

HON. MR. SCOTT—That is the report on the fisheries.

THE SPEAKER—The Librarians are unable to say how those mutilations have occurred, but I know it is only necessary to call the attention of Senators to the fact to stimulate them in every way to assist the Librarians in their endeavors to preserve the reports. Files of newspapers have also been mutilated, and it

has been requested or ordered that the Librarians shall put up notices in the Library and Reading Room, drawing the attention of those who frequent the Library to those facts and stating on the order of the Committee that if anyone is detected in making those mutilations that most stringent measures will be taken to prevent a recurrence of it in the future.

HON. MR. ALMON—What is the object of those mutilations? Is it for the purpose of mutilation or merely to save the trouble of copying?

THE SPEAKER—I have not any idea that it has been done out of wantoness; I fancy that information was required, and it was more easily obtained by cutting the book than by copying it. In some cases columns of figures have been taken out bodily to save copying. One can see if that practice is continued that our records in some respects will be very imperfect, and it will be impossible to discover it until too late. If a book is taken into a recess of the library and mutilated there and put back on the shelf it is quite impossible to detect it at the time. I dare say when it comes to be known that it has been discovered and has been commented upon by Parliament, that it may restrain some of those unworthy persons who have been guilty of this vandalism.

HON. MR. ALMON—I trust that the police office and not this body will be the proper authorities to deal with those perpetrators if they can be discovered.

HON. MR. ABBOTT—I am sure that every member of this House will feel the strongest possible abhorrence of an Act so mean and detestable as defacing the books in the library; and I am sure that you, Mr. Speaker, as member of the Library Committee, will be aided by this House in any steps which may be taken to punish the guilty parties. I may also express to you, I think, the opinion and feeling which prevail in this House, that any step which the Committee deem necessary to take in order to protect our books and records will be heartily concurred in.

HON. MR. MILLER—This subject is not before the House for the first time to-day. Hon. members will recollect that in the Report of the Committee on the Library last year the question was fully discussed, and I think the report contained information precisely similar to that which has just been communicated to us by the Speaker. We caused the subject to be placed in as conspicuous a form as possible in the report, and it was requested that the Chairman, or the gentleman representing the Chairman in either House, should draw the attention of both Houses of Parliament to it. I regret to learn, notwithstanding the course adopted last year by the Committee, that ground for similar complaint exists now. It is really a most serious matter, and disgraceful to those connected with it. The Speaker has said that it could not be supposed for a moment that any member of Parliament would be guilty of any act of the sort. I am sorry to say that I am not without grounds for belief that members of Parliament do not all deserve the good opinion which his Honor has been kind enough to accord to them; therefore the unfortunate occurrence is much more deeply to be regretted.

HON. MR. TRUDEL—I suppose that the officers of our library are alive to their duty, but I may remark as a fact that I do not think there is any other library in the world where such liberty is left to almost everybody, to have access to the book shelves. I have had several occasions to work in different libraries in Europe, in England, France and Italy, and I have always been struck with the difference which exists in the regulations of those libraries. For instance not only are the public prevented from going to the shelves but they are not even allowed to go into the compartments where the books are, and the person who wants a book is presented with a catalogue, and he points out to the librarian the work which he wants. A seat is assigned to him, and the book is brought there by the officer, and he is not allowed to go out before he is properly discharged by the officer who presented him the book, who has an opportunity to see whether the book is

returned in proper order. I am not prepared to say that such a stringent rule should be adopted here, especially with members of both Houses, but I think the rules of the library should be changed. I may say that I have been on several occasions astonished to see with what facility I obtained not only permission to take the book with me from the library, but very valuable books are sent to all members who ask for them by mail. Of course it is very handy for us, but in the meantime it is very easy to see how far this system is objectionable, because when those books leave the capital it is a great inconvenience to parties who want to consult them, and cannot find them in the library; and ordinarily when those books come back they are seldom in the same condition in which they were when they left the library. I think that a great number of the books in the library should not be allowed to be taken out of it and the House should make some suggestion on that subject.

HON. MR. WARK—I have an instance of this mutilation which is a very extraordinary one. I went one day into the library and asked for a volume of the statutes of New Brunswick. I was informed that a Commission was then sitting in some room in the building revising the Consolidated Statutes of the Dominion and had that book. Shortly afterwards I called again and found the book on the shelf, returned, and when I came to turn over the leaves I found whole sections cut out of the book, and of course not only the section was gone but the opposite page was mutilated. I have an idea where the mutilation took place, and I thought it was an extraordinary thing that a book which was necessary to be found in the library, in order to save a little writing, should be mutilated in such a way.

HON. MR. ALMON—I think the hon. gentleman had a right to notify the police officers and have the parties who were guilty of this mutilation sent to the police office.

The subject then dropped.

The Senate adjourned at 4:35 p.m.

HON. MR. TRUDEL.

THE SENATE.

Ottawa, Tuesday, 7th June, 1887.

THE SPEAKER took the chair at 3 p.m.

Prayers and routine proceedings.

KINCARDINE & TEESWATER RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY from the Committee on Railways and Telegraphs and Harbors, reported Bill (26) "An Act to incorporate the Kincardine & Teeswater Railway Company," with amendments.

He said:—The two amendments in this Bill are of a very trifling character. They are the elimination of two of the names of the ten incorporators. In printing the Bill the names have been repeated only with wrong Christian names. The names of Fairburn and Scott were repeated, and at the instance of the promotors they have been struck out.

The amendments were concurred in and the Bill was read the third time and passed.

ALBERTA & ATHABASCA RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (59), "An Act to amend the Act to incorporate the Alberta & Athabasca Railway Company, with amendments.

He said:—I may state with regard to the amendments to this Bill, the measure professes to be an Act to amend the original Act to incorporate the Company. By that Act the Company were empowered to borrow some $20,000 a mile on the security of the railway, to give bonds and mortgages for that amount. They now ask for additional powers in reference to the grants of land which they are entitled to take over from the municipalities or the Government. They ask

for power to give security upon those lands, and to raise money, as the Act reads, to the extent only of the bonds, to the amount of $20,000 a mile; but as the language is uncertain, whether that is intended to cover the whole debt, or only the debt that was created under these land grant bonds in pursuance of this Act which we are now considering, it was thought advisable to make it plain and make it read that the aggregate amount to be borrowed on security of the railway, as well as the security of the land grant bonds, should not amount in the whole to a greater sum than $20,000 a mile. That seems to be a reasonable requirement, inasmuch as the whole expense of building a railway would not be much greater than that, and that is the amount the Committee has fixed as the limit for this purpose. The amendment was accepted by the promoters of the Bill, and I do not know that there will be any objection to it.

It was ordered that the amendments be taken into consideration to-morrow.

GODERICH & CANADIAN PACIFIC JUNCTION RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY from the Committee on Railways, Telegraphs and Harbours reported Bill (24) "An Act to incorporate the Goderich and Canadian Pacific Junction Railway Company," with amendments.

He said:—I may briefly explain the amendments to this Bill now, and if it is thought necessary to discuss them it can be done afterwards when the Bill comes up for concurrence. The first amendment is to Section 10 which provided that as soon as $30,000 were subscribed the Act should go into operation. We thought that was a very small sum, as only ten per cent. was required to be paid upon it, it would therefore only require a payment of $3,000, to set the whole machinery in motion. We doubled the amount so as to require $60,000 to be subscribed and ten per cent. paid. As regards the amount paid, the ten per cent., it is required that it shall be paid into a chartered bank. There was no provision for that in the clause as it stood, and it is provided that it shall be paid in as I have explained, and that it shall not be withdrawn from the bank except for the purposes of the undertaking. The amendments to Section 2, are merely verbal, except the principal one which requires the directors to hold twenty shares instead of ten, as their qualification for taking office. Clause 16, relates to the paid up stock and we strike out the latter part of the clause which gave too extensive powers to the shareholders to divide amongst themselves this paid up stock, and perhaps deceive the public as to the amount that was paid up. Therefore we confined it to its legitimate purpose of paying engineers, contractors, and for right of way etc. In clause 20 we struck out "debentures and other security," for the reason they had not been referred to before. The amendments to the 21st Section apply to the promissory note clause, and are simply to bring it into conformity with all our previous legislation on that subject. To that there was no objection made by the promoters. Clauses 26 and 27 are struck out as being needless under the General Railway Act.

It was ordered that the amendments be taken into consideration to-morrow.

PUBLICATION OF PUBLIC DOCUMENTS IN FRENCH.

INQUIRY.

HON. MR. BELLEROSE inquired—

Whether the Government intend having published a French edition of the Pamphlet already distributed in English, intituled: "Agricultural Colleges and Experimental Farm Stations," by Professor Saunders, F. R S.C.?

HON. MR. ABBOTT—I have to say in reply to this question that the Government do not propose publishing the entire pamphlet in French, but that they have had a synopsis carefully prepared containing the important portions of it, which will be issued with the bulletin of the Experimental Farm.

HON. MR. BELLEROSE—If the House will allow me, I should like to make a remark about the answers received to-day and yesterday to my questions. I do not contend, as for a right, to have these books printed in French, but that it is in the general interest of the country to make known to the world the importance of Canada and the advantages it presents to immigrants. I do not see why, therefore, such a large proportion of the population hailing from the Province of Quebec and other portions of the Dominion speaking the French language should be denied the advantage of having this information. I believe it would be only right to have a synopsis of those books published for distribution, not only abroad, but also among the French population of Canada. I may also refer to the letters published recently by English officers who are purchasing horses in Canada for cavalry abroad. It would be interesting to the whole country to be possessed of the information they contain, and I think they should be translated and printed in the French language.

HON. MR. ABBOTT—With reference to the volume spoken of yesterday, I would merely make this remark (referring to what I said yesterday) that the book is not intended for circulation in the Dominion. It was intended to serve as a sort of guide to the Exhibition in London, and I am glad to learn that my hon. friend does not persist that it should be printed. With reference to the question he has asked to-day, my hon. friend must have misunderstood my reply, because I stated that the Government proposed to have a synopsis of that phamphlet published in French and distributed with the bulletin of the Experimental Farm. With regard to other books, I beg to assure my hon. friend that my desire to have them published in French and circulated in my own Province is as strong as his and that it is the practice of the Government. I will call the attention of the Minister of Agriculture to my hon. friend's remarks, so that there may be no doubt about precautions being taken in future towards having such information disseminated in the Province of Quebec.

REMUNERATION OF PULLMAN CAR CONDUCTORS.

INQUIRY.

HON. MR. POWER rose to call attention to the inadequacy of the remuneration given to the conductors of the Pullman Cars on the Intercolonial Railway, and to ask whether the Government propose to increase the said remuneration.

He said:—I know that the matter to which I propose to call attention is one apparently of little moment, but still it strikes me as a case in which justice is not done to a deserving class. I think the House will perhaps excuse me if I occupy its time for some minutes. It is hardly necessary to lay down a general principle, which is recognized by everyone of common sense, that the pay which any employee receives should depend upon the qualifications which are required of him and the responsibility which devolves upon him. I may say here that "conductor" is perhaps not the technical name of those officers, because since the Pullman cars, so called, have passed into the ownership of the Government, the train conductor takes up the tickets for the Pullman car as well as the regular passenger tickets: otherwise I think there has been no change made in the duties of the officer who was formerly known as the Pullman car conductor. The conductor of the Pullman car is supposed to have, if not the manners of a gentleman, at least something very near them. He is supposed to be courteous, agreeable and intelligent; he has to keep accounts which are somewhat complicated, and keep them with accuracy. He receives, not all the money which is paid for berths on the car, but all the money except what is paid at the ticket offices and he is responsiblefor that money. He has also to see after the creature comforts of the passengers in the Pullman cars. He has charge of the *buffet*, and he is responsible, in a certain sense, for the property of all the passengers in his car.

HON. MR. MILLER—I thought that was the porter's duty.

HON. MR. POWER—The porter is supposed to be subordinate to the other officer, and the conductor of the car is primarily responsible.

HON. MR. MILLER—The porter does all that work that you have been alluding to just now.

HON. MR. POWER—I was not alluding to work. I say he is responsible for all the property of all the passengers in the car and for the food which is required on the car. As I understand, he has to look after the purchase of the food which is necessary for each trip. It will be seen, then, that this officer is a man whose responsibilities are very considerable and whose qualifications should be of a comparatively high order. He must be fairly educated, must be thoroughly reliable, well mannered, and courteous, and he ought to receive such pay as would be given at any rate to an ordinary clerk in an office or in a store. What pay does this officer receive on the Intercolonial Railway? He receives the pay of a laborer, and not of a very superior laborer. This officer receives $30 a month. Out of that very small sum he has to find a uniform—the price of his uniform is deducted from this small sum. He has to pay for nearly everything he eats, his meals at the way stations, his board at Montreal when he stops there over night, and if he does not happen to have a home at St. John or Halifax, he has to pay for his board there, and anyone who stops to calculate what he has to pay and what he receives will find that, with the utmost economy, this officer can barely keep body and soul together. Now you see that this officer is a responsible official. He has large sums of money coming into his hands. He has opportunities, if he is dishonest, to defraud the Government. I hold that the Government in paying this officer—I do not wish to be understood as making an attack on the Government at all, I am simply speaking of the case as it is—such a ridiculously small salary, puts in his way the temptation to defraud the public. If he has a family he cannot support them; he can barely support himself out of this small pay, and the consequence is, if he does not yield to the temptation of being dishonest, he must quit the service of the Government. That is what has been the general practice. Although the Government have had those cars under their control for a comparatively short time I think there have been a great many changes in the *personnel* of the conductors; and I may say I know of one who is now getting double, or more than double, the wages I have mentioned in the employ of another company, whose headquarters are at Chicago. There are several who have gone away and have left the service of the Government as soon as they came to know their business. You cannot expect that any man will remain where his pay is as small as that. In order to prevent any misapprehension I may say that my information on this subject was received some months ago from an officer who was no longer in the employ of the Government. He found that he could barely keep soul and body together in that occupation, and he left, as others have left. I think it is desirable that the Government should pay those men such sums as will enable them to remain in the service of the Government and to support themselves and their families decently, at any rate. I may call attention to the fact that the porter, who is supposed to be a much inferior officer in every way, is really much better paid than the conductor, who is the superior officer. The porter gets nominally only $25 a month, but every gentleman who travels knows that his emoluments are nearly double that—that nearly everyone who travels in a Pullman car when he gets to the journey's end remembers the porter—and the consequence is the inferior officer is paid nearly double in most cases what the superior officer receives. That I think is not a right condition of affairs. We should look at what the Pullman Car Company did. They paid none of their conductors less than $50. I do not know that they paid any of them as little as that—$60 and $70 were the regular rates which the Pullman Car Company paid their conductors—and notwithstanding the fact that they paid them such comparatively liberal salaries, the Company found it was necessary to employ detectives to see that those comparatively

well paid officials did not defraud them As far as I know, the Government do not employ detectives to find out whether they are defrauded by the present officers or not. The Company while they paid their superior officers double what the Government pay now, paid the inferior officer, the porter, only $15 a month, because, like business men, they took into consideration the gratuities which the porters habitually receive. While I believe in being economical in every reasonable way, I think the laborer is worthy of his hire, and I do not believe in paying what are practically starvation wages to officers so important as these conductors on the Pullman cars. I hope if the Government have not made up their minds to increase the pay of those officers that they will reconsider the question and deal more liberally with them in the future.

HON. MR. MILLER—While I have been in this House I do not think I have had the pleasure of listening to a longer or more able speech on such an insignificant subject as that to which we have been treated by my hon. friend. I do not intend to prolong the discussion, because time is valuable at this period of the session. I will simply remark that if every subordinate officer, who thinks that he is underpaid by the Government, can succeed in having his case the subject of discussion on the floor of Parliament, then Parliament will have little time to do anything else.

HON MR. DEVER—I think the House, on the contrary, should thank the hon. gentleman from Halifax for bringing up this subject. If the statement whichthe hon. gentleman has made is correct, and I have no doubt that it is (because he would not have brought it up if he was not thoroughly acquainted with the case), I think it is a great pity that officers of this class should get so small remuneration, especially when we take into account the fact that there are men who hold inferior positions about these public buildings in Ottawa who receive much larger salaries. It came under my notice, within a short time, that some of them receive $1,600 and perquisites who are not entitled to any more salary than the conductors on the Intercolonial Railway. I am not at all in favor of excessive salaries for officials, but if one class of officers who are known to be nothing more than ordinary laboring men can get $1,600, I think it is time that some revision should take place in the public service of this country.

HON. MR. ALMON—I think my colleague, the senior member from Halifax, has made out a very good case—indeed so plain a case that I think the only reason the Government did not increase the pay of these officers was because it would have been a reflection on the Government that my hon. friend so long supported.

HON. MR. POWER—My hon. friend is altogether wrong. It is only about two years since the Pullman cars were taken over by the Government.

HON. MR. ALMON—The hon. gentleman has referred to the *buffet* on the road between Point Levis and Trois Pistoles or Campbellton. It is only when fish are in season that you can get a good meal on that part of the journey. I contend that the Intercolonial Railway being intended for the benefit of the Lower Provinces, not only the railroad but the accommodation for passengers should be better attended to than it is. Likewise, I make a complaint again of stopping for one breakfast at Amherst and for another breakfast sixty miles further on, at Truro, and stopping for tea at Truro, and having to stop for another tea at Amherst, thereby lengthening the distance between Halifax and Moncton by twelve miles when it could be shortened that distance by a scrape of a pen.

HON. MR. KAULBACH—The hon. gentleman from Halifax has always contended that as far as the operation of the Intercolonial Railway is concerned it should be conducted on commercial principles. Whenever it was proposed in this House to keep down the rates on that railway, he has always contended that the road should be run to pay expenses. If my hon. friend had shown that the service was improperly perform-

ed because of the small wages paid, then because of the commercial principles he has laid down he might have cause of complaint; but he has failed to show to this House, that notwithstanding the changes, the service has been improperly performed. I am sure it is not for us of the Lower Provinces to complain that the Intercolonial is not a paying railway, as the rest of the Dominion is taxed to a large extent to keep up the road and reduce the fares, and it is not for us to complain unless it is shown that in consequence of the low wages the service is improperly performed.

HON. MR. ABBOTT—This debate has seized upon a larger field than I expected, and I am not prepared to go into many of the details which have been suggested in the other side. With reference to the details of the running of the road, which have been referred to by my hon. friend opposite, I would remind him that it is impossible for the Government to know all the improper stopages of trains for a few minutes, which may take place.

HON. MR. ALMON—Of twenty minutes.

HON. MR. ABBOTT—They cannot know of it without being informed, and if my hon. friend would address a note on an occasion of that kind to Mr. Pottinger, I have not the least doubt that the matter would be set right, and the conductor would be punished. All these matters must be managed by minor officers, and although the Goverment will deal with causes of complaint when their attention is called to them, still I hope the management, as a rule, will be found satisfactory. Now with reference to salaries, the fact that many people are paid larger salaries in other branches of the service, it is no reason for paying the men on the Intercolonial Railway higher salaries than they are getting. That subject will require investigation by itself. With reference to the conductors of the Pullman cars, there are no conductors of Pullman cars on that road. The train conductors perform all the duties of conductors of the Pullman cars. There are two men employed on the Pullman car. One is the porter who makes up the beds and performs other menial services which are necessary for the comfort of passengers. The other has charge of the buffet, if there is a buffet on board. Neither of those officers performs the functions of the conductor. I do not know what their salaries are, but I am informed that there is no difficulty in obtaining any number of efficient men for the salary that is paid. I presume that the conductors of the trains do not complain of their pay any more than most people complain, and I dare say any number of good men can be obtained for the salaries paid them. I do not think my hon. friend has made out a case for any particular remedy with regard to those people. The fact is, it is the desire of the Government and of this House, in common with all the people of Canada, that the Intercolonial railway should be run as economically as possible consistent with its efficiency.

HON. MR. POWER—This officer who attends the buffet does all that the conductor of the Pullman car did before, except that the train conductor takes up the tickets and returns them to the office. All the other duties which the other conductor formerly discharged are now discharged by this officer who has, in addition, to take charge of the buffet and is responsible for it. I believe in conducting the operation of the Intercolonial railway on commercial principles; but the ground I take is that no business man would conduct his business on the same principles that this road is now being conducted on by the Government.

HON. MR. ABBOTT—I would only say with regard to that, I speak from information I have from Mr. Schriber, who is engineer in charge of the road, and his statement is that which I have the honor to make to the House.

HON. MR. CARVELL—If the leader of the House, or any other gentleman in it, is under the impression that anybody on the Intercolonial Railway is overpaid, he may set his mind at rest that there is no extravagance in that direction.

THE ADDRESS TO HER MAJESTY.

HON. MR. TRUDEL—Before the orders of the day are called I respectfully ask permission of the leader of the House to call his attention to a fact which seems to me to be of some importance. The other day we voted unanimously an Address to Her Majesty on the occasion of her jubilee. Yesterday, or the day before, the matter came before the House of Commons, and there some members contended, with good reason, I believe, that one word in this Address should have been changed, and if I am well informed the reason given why the Address could not be changed was that it had been voted unanimously in the Senate, and there would be some little difficulty in making the amendment. It is for this reason I would respectfully call the attention of the leader of the Government in this House to the fact and ask him if it would not be possible in Council to see whether an amendment could not be agreed upon and proposed in the Senate. The address, referring to the old inhabitants of Canada states that they were "conquered." It was objected to in the House of Commons, and it was contended there that the word "conquered" could not apply to the case; that the country at the time was ceded by treaty. Everybody knows the history of that day. There were two battles on the Plains of Abraham. In the first the English succeeded; in the second they were beaten, so that in the last affair the advantage remained to the "old inhabitants," of the country. This word may seem to be of little importance to hon. gentlemen; on the other hand they will perhaps agree that it is quite proper that on this historical question no inaccurate statement should be set forth in such a document addressed to Her Majesty.

HON. MR. ABBOTT—I did not observe that there had been any debate in the Lower House, finding fault with the language of this Address. It is not so reported in the newspapers of this morning. No doubt my hon. friend is correct in saying that there was, but I am not aware of it.

HON. MR. TRUDEL—I saw it reported myself in the papers—perhaps it was in the papers of the day before yesterday.

HON. MR. ABBOTT—The Address was read here; it was published, and it was open to the inspection of everybody for several days before it was proposed in the Lower House and there it was passed without a word. Of course if there had been any proposal on the part of the House of Commons to alter this address there could have been a conference of the two Houses, and there would have been no difficulty about it. I dare say, since my hon. friend calls my attention to it, it would have been better to have left out the word he has referred to or changed the phrase in some other way. Whether it can be done now or not, I do not know, but I promise my hon. friend that I shall make inquiries and see how far we can make the phraseology of this address such as will be acceptable to every citizen of Canada without exception.

BILLS INTRODUCED.

Bill (62), "An Act to reduce the stock of the Ontario & Qu'Appelle Land Co. (limited), and for other purposes." (Mr. Vidal.)

Bill (66), "An Act to incorporate the South Norfolk Railway Co." (Mr. McCallum)

Bill (73), "An Act to incorporate the Bay of Quinte Bridge Co." (Mr. Flint.)

GOVERNMENT RAILWAYS ACT AMENDMENT BILL.

THIRD READING.

The Order of the Day being called for the third reading of Bill (6) "An Act to amend the Government Railways Act (as amended),"

HON. MR. ABBOTT moved that the Bill be not now read the third time, but that it be amended by striking out of the preamble the words "Chap. 38 of the Revised Statutes."

The amendment was agreed to.

HON. MR. ABBOTT moved the third reading of the Bill as amended.

HON. MR. MILLER—We merely strike out our own amendment, and therefore the Bill is not amended at all.

THE SPEAKER—The Bill is now as it came from the House of Commons.

HON. MR. MILLER—The motion should have been "that the Bill be now read the third time"—not "as amended."

HON. MR. DICKEY—Before the Bill is read the third time I should like to ask the Leader of the House whether any amendments in the general railway Act would apply to this Bill? For instance the amendment with regard to hurdle gates? Because we should like to have our legislation as uniform as possible. I presume it was with that view that the Bills have been allowed to stand until the present time. We have settled the matter as regards the general Railway Act, and it might be desirable to let this third reading stand until we see what is done with the amendments made in Bill 47.

HON. MR ABBOTT—There are several amendments to the amending Bill of the general Railway Act which do not apply to this Act, such for instance, as the use of the interlocking switch which the Government can order to be applied to any Government railway; but under the general Act they make the order only after being applied to for that purpose. There is a slight addition to the third section of the Act, with reference to hurdle gates, which I have no objection to, if my hon. friend from Amherst will move that it be added to the last clause of this Bill. There is still another amendment to the general Railway Act which is not applicable to this Act at all. The only one that could be made applicable to this Bill is the amendment to the hurdle gate section that it shall be of sufficient width for the purposes intended. If my hon friend from Amherst wishes we can have the Bill amended at the table in that way.

HON. MR. MILLER—Would it not be well if these amendments are to be made to refer the Bill back to the Committee of the Whole?

HON. MR. ABBOTT—I believe the amendments can be made otherwise as well, and as it is not at all complicated, it can be done at the Table by adding two or three words at the end of the clause.

HON. MR. DICKEY—The other amendments I quite agree with my hon. friend do not apply to the general Railway Act. The clause with reference to the interlocking switch only applies to the Government Railway, and they can do what they like with it; but this other is a general provision which may apply to the Intercolonial Railway or any other railway—that is to say the provision with regard to those hurdle gates, and the amendment I propose is simply this, that the gates shall be of sufficient width for the purposes intended.

HON. MR. ABBOTT—The words of he amendment are as follows: "and every gate at a farm crossing shall be of sufficient width for the purpose for which it is intended." If my hon. friend will move the amendment it will make it regular.

HON. MR. DICKEY—I move that the words be added to the last clause of the Bill.

The amendment was agreed to and the Bill was then read the third time, as amended, and passed.

THE RAILWAY ACT AMENDMENT BILL.

THIRD READING.

HON. MR. ABBOTT moved the third reading of Bill (47) "An Act to amend the Railway Act, as amended.

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

THE RIDDELL DIVORCE BILL.

SECOND READING.

The order of the day being called for the second reading of Bill (G) "An Act for the Relief of Fanny Margaret Riddell and that petitioner do attend at the Bar and be heard by counsel."

HON. MR. OGILVIE presented to the House the certificate of the Clerk of the Senate that proper notice had been posted on the door of the Senate. The certificate was read by His Honor the Speaker.

HON. MR. OGILVIE also laid on the Table affidavits setting forth the impossibility of effecting service of notice and copy of the Bill upon the Respondent. He said—I may state for the information of the House that every effort has been made to serve this second notice. It was by pure accident that the first notice was served upon the Respondent. They heard through the Canadian Pacific Railway Company where he was. He has been very erratic in his movements and has been travelling through the Rocky Mountains in all kinds of capacities, and none of his family knew his whereabouts for a long time. It was by accident altogether that the first notice was served upon him. In the case of the second notice every effort has been made to find him, but without success.

HON. MR. KAULBACH—Do the affidavits which have just been read contain what the hon. gentleman has just now stated?

HON. MR. DICKEY—As far as I could hear the evidence it amounted to this:—That this man had been in the service of the Canadian Pacific Railway Company and naturally it was through them that the information as to his whereabouts was obtained. They telegraphed to the place where he last was and he could not be found there, but he was said to have gone to Vancouver, which was at the extreme end of the line. They telegraphed to Vancouver and the reply was that the man was not known and could not be found there. I suppose they did not know where else to look for him. Apparently reasonable efforts have been made to discover where he is and I do not know that anything more could be expected. Of course that is merely a matter of opinion. I do not know that any other effort could be made except to send a messenger three thousand miles to look him up, and to pick up a man in that country from my experience would be a rather difficult operation.

HON. MR. KAULBACH—From the explanation given by the hon. member from Amherst it seems to me that sufficient efforts have been made, and as the first notice was served upon him it is not so important that the second notice should have reached him.

HON. MR. OGILVIE moved:—

That this House is satisfied with the proof adduced of the impossibility of complying with Rule 76 of the Senate, requiring personal service upon the party from whom divorce is sought, of the notice of the second reading, and a copy of the Bill for the relief of Fanny Margaret Riddell.

The motion was agreed to.

THE SPEAKER informed the House that the petitioner was in attendance at the bar of the House ready to be examined.

HON. MR. OGILVIE moved—

That the examination of the Petitioner in this matter, as well generally as in regard to any collusion or connivance between the parties to obtain a separation, be for the present dispensed with, but that it be an instruction to any Committee to whom the Bill upon the subject may be referred, to make such examination.

The motion was agreed to.

HON. MR. OGILVIE moved that the Bill be now read the second time.

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

HON. MR. OGILVIE moved—

That the Bill be referred to a Select Committee composed of the Honorable Messieurs Gowan, Turner, Sanford, McKay, McKind-

sey, Ferrier, Vidal, Montgomery, and the mover, to report thereon with all convenient speed, with power to send for persons, papers and records and examine witnesses on oath, and that all persons summoned to appear before the Senate in this matter appear before the said Committee and that the said Committee have leave to employ a shorthand reporter.

The motion was agreed to.

MONTEITH DIVORCE BILL.

CONSIDERATION OF THE COMMITTEE'S REPORT POSTPONED.

The order of the day having been read,

Consideration of the report of the Select Committee to whom was referred the Bill (J) for the relief of John Monteith.

HON. MR. GOWAN said: In moving the adoption of the report I would, in obedience to the rule of the House, mention a few unimportant alterations that were made in the preamble. The first alteration is merely to change "Muskoka" to "Parry Sound." The district is popularly known as the District of Muskoka, and Rosseau is spoken of in the Bill as being in that district, but it is really in the district of Parry Sound. The next amendment is merely to add the words "residence and domicile." The third amendment is of the same character. The fourth is also immaterial. It was positively stated that the Respondent was residing in the United States and there was quite sufficient evidence given to the Committee to warrant that statement, as both the Respondent and her paramour had stated it was their intention to go to the United States and they have not since been heard from. The Committee altered it as there was no absolute certainty that the woman was in the United States. The fifth amendment is to state that the marriage took place at Bradford, Ont. It was stated in the preamble that the marriage took place in Canada. The sixth amendment is a mere correction of the date of the marriage. It is correctly set forth in the petition, but through some slip or other the wrong date is stated in the Bill, and the correction is to give the date mentioned in the evidence. The seventh amendment is to insert in the Bill the fact, which appeared to be important, that the petitioner had four children by the respondent. The eighth amendment refers to the statement in the Bill that the Respondent is now living in adultery with Norris. It was thought proper to state what was positively known, and not to go further. The evidence leads to the inference that she is now living with Norris, but there is no positive evidence of the fact, and therefore the alteration was made on the face of the Bill to correspond with the evidence. With regard to the facts, there was the clearest possible evidence that the petitioner was married to this woman who deserted him in the most shameful way.

HON. MR. DICKEY—Where is the evidence in this case? It is not printed yet.

HON. MR. GOWAN—It ought to be. I have a copy but I do not know whether it has been distributed yet or not. If it has not been distributed, there is gross negligence somewhere. It ought to be in the possession of every member now. Of course, if the evidence is not before the House I do not care to press for the adoption of the report.

HON. MR. KAULBACH—As far as I am concerned, I am quite familiar with the case and I could not object to the adoption of the report in consequence of the evidence not being before me. I presume that the Bill charges the respondent with adultery. In my opinion, we should not pass any divorce Bill which does not contain that allegation. If the Bill asserts that the divorce is sought on that ground I have no objection to it,

HON. MR. GOWAN—Will the hon. member from Amherst waive the objection he has raised to the adoption of the report now?

HON. MR. DICKEY—Unfortunately I am not in a position to waive the objection. I merely called attention to it and I thought my hon. friend would at once act upon my suggestion. I am in an entirely different position from that

which he occupies. He is cognizant of all the facts, I daresay, while I am entirely ignorant of them. I cannot tell what evidence there is to warrant the Committee in making such amendments to the Bill, and I am in the same position as the majority of the House. The hon. gentleman's course is plain: the evidence is not printed, and the report should be considered to-morrow.

HON. MR. GOWAN—After what has fallen from my hon. friend I cannot persist in my motion. I move that the order of the day be discharged and that the report be taken into consideration to-morrow.

The motion was agreed to.

CANADIAN PACIFIC RAILWAY BILL.

SECOND READING.

The order of the day having been called—second reading of Bill 45, further to amend the Act respecting the Canadian Pacific Railway Act,

HON. MR. MCKINDSEY said—I regret to say that this Bill is not yet distributed. I therefore move that the order of the day be discharged and that the Bill be read the second time to-morrow.

HON. MR. MILLER—It has been authoritatively mentioned in the other House that the prorogation may be expected on Saturday week, but if the printing is delayed in this manner we cannot expect to get away before the 1st July.

THE SPEAKER—Some means must be adopted to expedite the printing. The printer is trifling with the time of the House.

HON. MR. MILLER—Cannot outside assistance be got to help on the work of the contractors?

THE SPEAKER—Something should be done to prevent the detention of the business of the House.

HON. MR. DICKEY—The suggestion made by my hon. friend yesterday, that a little pressure from the Government would be more effectual than anything else, is a good one. If it has not been applied I think it very desirable that it should be, or some steps taken to ensure that we shall not, at the tail end of the session, be prevented from considering the subjects brought before us.

THE SPEAKER—During my experience I have not known such delay in the printing to occur.

HON. MR. ABBOTT—I may say that I called the attention of my colleagues to-day to the matter and informed them that unless some additional means could be obtained to put the public measures before the Senate, the prorogation of the session would be delayed.

HON. MR. MCKINDSEY—I hope we shall have an opportunity of passing these Bills through their final stages and that we shall not suffer loss through the delay of the printer.

HON. MR. MILLER—Many of these Bills are ordinary acts of incorporation, or amendments to old acts of incorporation containing nothing very new, and they all have to undergo the revision of the Committee and perhaps in many cases the House would permit the second reading to take place now.

HON. MR. MCKINDSEY—I move that the Bill be read the second time presently.

HON. MR. DICKEY—I would like to suggest that while I highly approve of the course that is taken, and I think we should continue that course through the whole list of private bills to-day, yet at the same time before they can be considered in Committee it is absolutely necessary that they should be printed, and I hope it will not be taken for granted that they can slide through in this way. I think we are taking the proper course now to advance them a stage but they should be printed before they are considered in Committee.

HON. MR. MCKINDSEY—I will see that this is printed before it is taken up by the Committee.

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

HON. MR. MCINNES (B.C.)—I call the attention of the House to the fact that this Bill has not been distributed.

THE SPEAKER—The attention of the House was called to the fact that the Bill was not printed, but in order to facilitate its reference to the Standing Committee on Railways, Telegraphs and Harbors, it seemed to be the consent of the House that the Bill should have its second reading now and go to the Committee, in order to save time, because it has been announced that Parliament may very soon be prorogued, and in order to save the only intervening day, Thursday, the House thought proper to say that this and other Bills in the same category might be ordered to a second reading and go to the Railway Committee.

NIAGARA FALLS BRIDGE COMPANY'S BILL.

SECOND READING.

HON. MR. MCCALLUM moved the second reading of Bill (43) "An Act to incorporate the Niagara Falls Bridge Company."

He said:—This is a Bill petitioned for by parties living at the town of Niagara Falls to build a bridge across the Niagara River and for other purposes.

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

HAMILTON CENTRAL RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (38) "An Act to amend the Act to incorporate the Hamilton, Guelph & Pacific Railway Company, and to change the name of the company to the Hamilton Central Railway Company."

He said:—This Bill is a very simple one, merely providing for a change of the name and for filling vacancies in the Board of Directors and extending the time for the completion of the work.

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

BERLIN & CANADIAN PACIFIC JUNCTION RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. MERNER moved the second reading of Bill (35) "An Act to incorporate the Berlin and Canadian Pacific Junction Railway Company."

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

SOUTH ONTARIO PACIFIC RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR SANDFORD moved the second reading of Bill (89) "An Act to incorporate the South Ontario Pacific Rail ay Company."

He said—This Bill is to secure increased railway facilities on the peninsula for the cities of Brantford, Woodstock and Hamilton, and to furnish a connecting link for a trunk line from river to river.

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

PENITENTIARY ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (65)—"An Act to amend the Penitentiary Act."

He said:—This Bill is for the purpose of dealing with certain subjects of some importance, but still matters of detail

which are not suffieiently covered by the Revised Statutes. The first subject dealt with is that of salaries. At present the rule is that salaries may be fixed by the Governor in Council, as provided in the 33rd Section of the Act. Now it is proposed by this Bill to make a more specific and settled rule with regard to the salaries of officers. It is proposed to fix a minimum salary for each officer in each penitentiary, these salaries being graded according to the importance of the penitentiary, the number of prisoners, and so on; and also to establish a maximum salary. An officer who perform his duties satisfactorily, will be entitled to a regular rate of progress and the department will not be troubled with constant applications for increase of salary, as they are now. The next clause applies to gratuities. It appears that gratuities are now given to persons leaving the service, who have certain claims for services performed. It is proposed to put that on record as the law of the country; at present it is not in a satisfactory shape. Another subject is that of perquisites, which has attracted the attention of the Government. It has been found in some respects to be open to abuse; in fact, it is objectionable in principle. This Bill proposes to do away with the practice altogether, except the residences of officers, or being allowed to have convicts to cultivate their gardens, may be considered perquisites. This and another clause providing regulations for carrying out the law, are really the only subject matters dealt with by this Bill.

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

SICK AND DISTRESSED MARINERS' BILL.

SECOND READING POSTPONED.

HON. MR. ABBOTT moved the second reading of Bill (76), "An Act to amend the Act respecting sick and distressed mariners."

He said: With regard to this Bill there was some little informal discussion yesterday as to whether it should be read or not bfore it was printed. It is not yet printed. In any case there were some statements made with regard to it yesterday which I have not been able to verify. However, it is a very short bill, only four lines, and we might read it the second time now, and I will be better able to discuss the question to-morrow. I am informed that the object of the Bill is really to correct an error in the revised statutes, and that the law, before the enactment of these revised statutes, was what it is supposed to be made by this Act. That I have not verified, and an hon. gentleman has stated something to me which causes me to doubt it, but between now and to-morrow there will be plenty of time to look into the matter.

HON. MR. KAULBACH—I am opposed to the second reading to-day, because I am opposed to the principle of this Bill. I think the law as it stands now in the revised statutes is correct.

HON. MR. SCOTT—No change was made in the Bill in the House of Commons.

HON. MR. KAULBACH—The Bill consists of only four lines it is true, but they contain a very important principle.

HON. MR. ABBOTT—I do not wish to press the second reading now; I only want to get the business of the House forwarded.

HON. MR. DICKEY—It seems to me there is no objection to the principle, and if there is any change to be made in the Bill we can deal with that in committee. At this stage of the session I do not see why we should delay over the second reading of the Bill.

HON. MR. CARVELL—I think we had better let the Bill stand over, because although it consists of only four lines, it is a most important measure if the information I have received is correct. The idea is that foreign fishing vessels shall be exempted from paying hospital dues to the end that sick or dissabled members of their crews should be excluded from the hospitals. If that is the object of the Bill I think that no such legislation should be had.

HON. MR. ABBOTT—The object is not to exclude fishermen from any privileges they ever had: it is to restore the Bill to the position in which it stood before the revised statutes of last session were passed.

HON. MR. HOWLAN—I hope the statute will stay as it is. This Bill is a step in the wrong direction. When we remember that the British flag covers two-thirds of the carrying trade of the United States we can readily understand the importance of this Bill. Let me for one moment put before you an illustration: Two vessels start out, one under the American flag the other under the British. The American vessel fishes for cod until September and then goes into the mackeral trade and after that is over, comes to the Maritime Provinces for a load of produce. During that time one of her men becomes sick. Now, no country has a better record, not even Great Britain, for the care it takes of seamen than the United States. Every headland is lighted, every harbor is provided with a hospital, which is open to all the nations of the world, and I do not think we should for this paltry tax of 2½ cents per ton shut out sick seamen from any country from our hospitals. What is the man going to do in a case of the kind I have mentioned? The mariner must be sick from some chronic disease or be disabled by some serious accident and is he to be shut out from the hospitals of Canada on some paltry excuse of this kind? That was not the object for which hospitals were established. It is not in accordance with the spirit of the age—it is not in accordance with the policy of a powerful nation like Great Britain or of a young Dominion like this. It would be most unfortunate, especially at this particular time, if an American ship were driven by stress of weather, or any other cause, into one of our ports that she should be dealt with as is suggested in this Bill. Suppose a ship comes in without money and a sick or disabled mariner is landed who is refused admission to an hospital: I say it would be a most unfortunate thing, and I think that the good sense of the House will see that we should have our hospitals open, as they were intended to be, for sick or disabled seamen from any part of the world. Up to a recent time it was an open question whether a fisherman was a seaman or not—whether he was not a sort of land lubber or *quasi* sailor, but that has been settled. It often occurs that bank clerks, doctors and others who are broken down in health embark in those vessels and pass as fishermen. They get sick in the gulf and are landed, and under a consul's certificate they were formerly sent home as sick seamen. The law has recently been amended on that subject to put a stop to the practice. We have been treating the Uuited States on the same principle that they have been treating us. We have thrown open our hospitals to them. and they have thrown open theirs to us. We send a vessel to Labrador to the cod fishery: perhaps she meets with poor success and she is then put on the mackerel catch and at the end of the season takes her cargo of codfish, or mackerel, to the United States for the purpose of selling the produce of the whole season. She is still regarded as a fishing vessel. Suppose one of her men gets sick on entering the port of Boston, or some other port, how would we like if he were refused admission to a hospital and were thrown there at the mercy of the waves? That is not the way the American Government treats a man. You have to pay your two and a-half cents a ton, and if any of your men get sick the hospitals are open to them. We should reciprocate that, particularly as we are engaged largely in the fishing trade and especially at the present time there should be no small causes for irritation between the two countries. It would be a most unfortunate event if an American fishing vessel should land at some port of the Dominion with a sick seaman and be informed that he could not be cared for there unless the captain was prepared to lodge four or five hundred dollars security. Are we to say in such a case that we provide hospitals and medical assistance for our own seamen only? There is no reason in my experience, and I am sure in the experience of anyone who has had anything to do with marine matters, which would lead one to the conclusion that the hospitals should not be free to all on both sides of the line.

HON. MR. KAULBACH—As the Bill is not to be read the second time to-day I will not discuss the question. Many of those who would be excluded from our hospitals by this Bill would be Nova Scotia fishermen, because a large proportion of the fishermen in the United States are from Nova Scotia and the effect of this Bill would be actually to exclude the men who helped to build up those hospitals.

HON. MR. ABBOTT—I understood that I was submitting to the House whether they would take the second reading of the Bill this afternoon or not. I have told my hon. friend that there are two points on which I have received information which differs from his and we can verify it to-morrow and discuss the Bill at the next stage.

HON. MR. POWER—I do not think there is much to be gained by reading the Bill the second time now. In this case there is nothing but the principle of the measure at stake. The Bill can be read at length at the table if it is read the second time to-morrow, and I do not think the hon gentleman will feel that it is desirable to have a division on the second reading of this Bill in as thin a House as we have now.

HON. MR. ABBOTT moved that the order of the day be discharged and that the second reading of the Bill be fixed for to-morrow.

The motion was agreed to.

PROCEDURE IN CRIMINAL CASES AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (B)—"An Act to amend the law respecting procedure in criminal cases."

He said:—This is a Bill to make provision to clear up a difficulty which has arisen in connection with the appeals in criminal cases. The substance of the Bill, I think, is to be found in the 5th sub-Section of the 1st clause which provides as follows:

5. "Notwithstanding any royal prerogative, or anything contained in "*The Interpretation Act*" or in "*The Supreme and Exchequer Courts Act*," no appeal shall be brought in any criminal case from any judgment or order of any court in Canada to any court of appeal established by the Parliament of Great Britain and Ireland, by which appeals or petitions to Her Majesty in Council may be ordered to be heard."

I understand that there has been some doubt entertained by some people as to this right of appeal in criminal cases to the Privy Council. The Government have been of the opinion that there is no such appeal, and they have on more than one occasion, I think, carried out the sentence of the court disregarding applications, informal or otherwise, which were made to appeal. They are of opinion now that it would be advisable to settle this question once for all by an authoritative declaration of Parliament, and that is the main object of this Bill. The first Section merely repeats the law as it stands in order that the Section may be complete in itself in the new Act. The 2nd is the repealing clause, and the 3rd provides that the Act shall not come into force until a day shall be named by the Governor-General by proclamation, the object being to give an opportunity to discuss with the Colonial Office the question of appeal. The 4th clause is to make an amendment in order to procure greater accuracy in the revision of the Statutes. It removes an apparent exception to the writ of error in the Province of Quebec, and makes the law general. The 5th clause is the one which removes the appeal.

HON. MR. DICKEY—I believe that the Hon. Minister is quite right in saying that considerable doubt has existed on this point. I believe, as a matter of fact, that some two or three years ago, if I am not misinformed, an appeal to the Privy Council was made in the case of a person sentenced to death for murder, and so convinced was the Government that there was no such appeal that they hanged the man and got the decision afterwards. They were so impressed with the fact that the prisoner deserved to be hanged.

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

SECOND READINGS.

The following Bills from the House of Commons were read the second time without debate :—

Bill (25) "An Act to amend the Act to incorporate the Brantford, Waterloo & Lake Erie Railway Company."—(Mr. McCallum.)

Bill (14) "An Act to incorporate the Collingwood General & Marine Hospital."—(Mr. Gowan.)

The Senate adjourned at 5:35 p.m.

THE SENATE.

Ottawa, Wednesday, June 8th, 1887.

THE SPEAKER took the chair at 3 p.m.

Prayers and routine proceedings.

MODEL FARM FOR THE MARITIME PROVINCES.

INQUIRY.

HON. MR. HAYTHORNE enquired

That he will ask the leader of this House whether he is in a position to state the intentions of the Government with reference to the Model or Experimental Farm to be established at some convenient locality in one of the three Maritime Provinces?

He said :—I do not intend to make any remarks on this subject unless it should be necessary after the hon. Minister's statement, if he has any statement to make.

HON. MR. ABBOTT—I have to state, in reply to my hon. friend, that the Government have determined to establish an Experimental Farm in the Maritime Provinces, but the site of it has not yet been determined upon. It is now under consideration.

THE POST OFFICE AT PEMBROKE.

INQUIRY.

HON. MR. SCOTT inquired

1. Whether the Government have decided on the site for the new Post Office proposed to be erected at Pembroke?
2. If so, where will the Post Office be situated?
3. From whom was the land purchased?
4. What is the area?

HON. MR. ABBOTT—It is proposed to establish the Post Office on Pembroke street. The land was purchased from Thomas Deacon. The area is 76 by 130 feet—9,880 square feet.

HON. MR. SCOTT—What is the price?

HON. MR. ABBOTT—The price is not in the question, but I may inform the hon. gentleman that it is $2,500.

WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

INQUIRY.

HON. MR. HOWLAN inquired

If it is the intention of the Government to cause borings to be made during the present summer across the Straits of Northumberland, between Carleton Head, Prince Edward Island, and the Money Point, Cape Jourimain, New Brunswick.

He said :—Since I last had the pleasure of addressing this House on the subject of the subway under Northumberland Straits a survey has been made, as will be seen by the maps and plans which have for some time been displayed in the clothes room. In conjunction with this particular subject of the subway, and the difference existing between the Government of the Dominion of Canada and that of Prince Edward Island, with regard to carrying out the terms of confederation as arranged at the time Prince Edward Island entered into confederation, a delegation of two members of the Local Government—the leader of the Prince Edward Island Government and one of his colleagues—proceeded to England

last year to present a petition from both branches of the Legislature to the Imperial Government asking them to use their influence with the Dominion Government to c y out the terms of Confederation. They met in London Sir Chas. Tupper, the High Commissioner, and discussed the question there. It may be, perhaps, as well to inform the House that, some time previously the Government of Prince Edward Island had sent a petition through the Governor-General to the Imperial Government, and the Imperial authorities had called upon the Dominion Government to answer that petition. It was in answer to that petition this conference took place in London, the result of which was the following despatch,

From Earl Granville to the Marquis of Lansdowne.

DOWNING STREET, 30th March, 1886.

MY LORD,—I duly received your Lordship's despatch of the 19th November last, enclosing an approved report of a Committee of the Privy Council for Canada, forwarding, with other papers, a joint address to the Queen from the Legislative Council and House of Assembly of Prince Edward Island. This address prays that Her Majesty will require that justice be done by the Government of Canada to Her Majesty's loyal subjects of that province by the immediate "establishment and maintenance of efficient steam service for the conveyance of mails and passengers between this island and the mainland of the Dominion, both winter and summer, so as to place the island in continuous communication with the Intercolonial Railway and the railway system of the Dominion;" and further, that Her Majesty would be pleased to require that the Government of Canada should compensate the island for the loss which it is alleged has resulted to its inhabitants by reason of the non-fulfilment of the terms of Confederation in the particulars complained of in the address.

I also received your despatch of 30th January, with a further report of a Committee of the Privy Council on the subject of the delegation appointed to support the prayer of the address.

Since the receipt of these papers I have had the pleasure of receiving Mr. Sullivan, the Premier and Attorney-General, and Mr. Ferguson, the Provincial Secretary of Prince Edward Island, who had been appointed as delegates to Her Majesty's Government, and on the 24th of last month they attended here by appointment and favored me with a general statement of the circumstances under which the Legislature of Prince Edward Island had addressed the Queen. I explained to them that the Queen had no power, either by statute or otherwise under the constitution of Canada, to give any direction in this matter, and that therefore I should not be able to advise Her Majesty (who had been pleased to receive the address very graciously) to take any action upon it, but that it would give me much satisfaction if, by the exercise of any friendly offices which I could tender, I should be able to contribute to the settlement of a question in which the Provincial Governmont were so much interested. I added that I had confidence in the kindly spirit in which the matter at issue would be dealt with on both sides, and this led me to hope that some acceptable arrangement might be come to.

I then gave the delegates a copy of the report of the Privy Council of Canada, dated the 7th of November last, which they had not previously received, and I informed them that after receiving and considering the observations which they might desire to make upon that report, I should be happy to see them again, and, if it should be agreeable to both parties, to invite Sir Charles Tupper to be present, on behalf of the Dominion Government, at the interview.

On the 4th instant, I received from the delegates the statement, of which a copy is enclosed, and I communicated a copy of it to Sir C. Tupper, who favored me with his comments thereon in a memorandum, of which a copy is also enclosed. After perusing these papers I invited the delegates and Sir Charles Tupper to meet me at this office on the 12th inst. The delegates urged at length the claims and contentions of the province, and laid before me the plans of a submarine line of communication which they understood to be feasible. Sir Charles Tupper then justified and explained the action of the Dominion Government, adding personally, and not speaking under instructions, that if it could be shown that the scheme of a "metallic subway" is really feasible at a moderate cost, the Dominion Government would, no doubt, be ready to give their serious consideration to such a scheme.

As I stated in the earlier part of this despatch, although Her Majesty's Government is unable to take the question out of the hands of the Dominion Government, and although I have not seen more than a *primâ facie* opinion as to feasibility at a moderate cost of the proposal for its solution, I hope that it will be found to admit of a satisfactory settlement. On the other hand, the expectations of the Province in regard to the establishment of a constant and efficient communication with the mainland have not been fulfilled, but, on the other hand, the Dominion Government has shown that it has made considerable efforts to improve the communication in the face of serious physical difficulties, especially during the winter season. There seems to be reason for doubting whether any really satisfactory communication by steamship

can be regularly maintained all the year round, which makes it all the more important that the proposed "metallic subway" should receive a full and, if feasible, favorable consideration on the part of the Government of the Dominion.

The establishment of constant and speedy communication by rail would be a great advantage both to the province and to the Dominion; and I should suppose that the development of the traffic on the island railroads, and of the capabilities of the province generally, would produce a large direct and indirect return on the expenditure.

It would reflect great credit on the Dominion Government if, after connecting British Columbia with the Eastern Provinces by the Canadian Pacific Railway, it should now be able to complete its system of railway communication by an extension to Prince Edward Island.

I have, &c.,

GRANVILLE.

That was the state in which the matter was when we were discussing the question last year. Since then, through the kindness of the Government, who sent a corps of engineers to examine the bottom across the Straits between Cape Traverse, Prince Edward Island, and Cape Tormentine, New Brunswick, a series of boring and surveys were made last year, and we were also favored, by the influence of Sir Charles Tupper, with a survey made by Her Majesty's survey steamer now engaged in the survey of the lower St. Lawrence. That survey and report showed distinctly that there was no rock in the way, and the borings which were made on the line surveyed by the steamer every 1500 feet, samples of which have been, during the session, upon the table of the smoking room of the Senate, and have no doubt been examined by several gentlemen, prove distinctly that the whole bottom of the Strait is one natural bed of brick clay, than which nothing better could be found for the purpose of building this submarine tunnel. After we had received those plans and the samples, I moved in the earlier part of the session for a copy of the report which was made by the engineers with regard to those borings, which report has been laid upon the table of the House and I may be permitted to read it for the benefit of hon. gentlemen who may not perhaps have seen it.

GOVERNMENT RAILWAYS IN OPERATION.

OFFICE OF THE CHIEF ENGINEER,
Ottawa, February, 9th, 1887.

Sir:—

As authorized by the Minister I had a series of soundings and borings taken across the Straits of Northumberland between Cape Traverse and the Main Land on the line of the proposed location of the proposed Subway between the Main Land and Prince Edward Island.

Mr. Jonah was placed in charge of the work, which, owing to the lateness of the season, was difficult to accomplish, he, however, organised a working party and by devoted attention to his duties, succeeded in making a boring at each quarter of a mile for the first three miles and at each half of a mile for the balance of five miles. On the first five and a half miles the borings passed through sand and gravel until brick clay was struck. From 5½ to 6¼ through sand and hard grey sand to brick-clay; from 6¼ to 8 miles, the shore side of the main land through mud, sand and red clay to rock. The deepest water is 96 feet at 4½ miles from the Cape Traverse wharf; at 6½ miles a rocky reef occurs covered by 9 feet of water and about 10 feet of sand, with this exception the bottom is very uniform and satisfactory.

A plan and profile of the line of soundings and borings accompanies this report

I have the honor to be, sir,

Your obedient servant,

COLLINGWOOD SCHREIBER.

C.E. and Gen. Manager Government Railways.

A.P. BRADLEY,
Secretary.

This is the report which accompanied the plans which have been laid upon the table of the House and the specimens also. When we obtained those plans and specimens we laid them before several engineers. One in particular, Mr. Hayden H. Hall, who is the patentee of the caisson, which is being used for the purposes of laying those submarine tunnels or subways, thus gives his views on the matter.

He says:—

"I am very pleased with the survey. It shows that the work to be done is not very difficult, and there is nothing to prevent the tunnel from being bored. If the borings and soundings are equal on the 6½ miles line, I would choose that in preference to our first location; it would be more practicable to start the tunnel from, and end it at the shore line, instead of running into a wharf."

I may say, hon. gentlemen, that the reason why the six and a half miles line is sought to be investigated at the present time is merely this: that the line, as surveyed last year by the engineers, went from railway to railway, from the mainland to the island. It was a sort of diagonal line, such, for example, as a line run from the extreme corner of this room to the extreme corner opposite. By running the line straight across, instead of in a diagonal direction, it would shorten the distance to some six and a half miles. It is for that reason I have asked the Government whether it is their intention this summer to make similar borings on this six and a half miles line to those that were made last summer on the other line. I also made inquiries of Mr. Greathead, of London, England, who has been building subways somewhat different in plan from that of Hayden H. Hall, and in correspondence with him I found that some of those subways were in course of construction in London. I know that in the minds of many hon. gentlemen they have associated these London subways with the Thames tunnel, but if hon. gentlemen will look at the map of London, which I have in my hand, they will find that the Thames tunnel and Thames subways are both laid down. Four of these subways have been successfully laid and one is in course of construction. I thought it would be advisable to send samples of the borings of the Straits, as well as copies of these plans which were made, and ask for information from Mr. Greathead and Mr. Fowler consulting engineers, from their experience in laying subways in London if such a subway could be built under this plan across Northumberland Straits, and I will trouble the House to permit me to read their reply which will be found in the following letter from Mr. Vernon Smith. He was then in London on some other business, and I asked him to examine this subway, and say how it bore on the subject we were then discussing here.

LONDON, ENGLAND, March, 21st 1887.

Senator Howlan, Ottawa, Canada,

Dear Sir,—I am in a position to give you such information about the Subway as will carry the necessary weight to remove all scepticism as to its cost, durability and the details of its construction.

My friend Mr. Greathead was the engineer of the first Subway built in London now nearly ten years ago, from near the Tower to the Deptford side. This was a small affair, only seven feet diameter, but it was put down very cheaply and has now worked very satisfactorily since it was finished.

For some time it was unknown and unpopular, but for the last seven years an average of 3,000 people per day have passed through it, and it has not cost one cent in repairs. It has been the basis of all the other Subways, and Mr. Greathead has not less than six now in hand all on the same principle.

The best example complete and that can be examined in the City of London and Southwark Subway, (for particulars of which see engineering page 305, April 1st 1887) which when finished for traffic will commence in King William street, and end at Stockwell in the south side of the river. This is ten feet in diameter inside, and consists of two separate tubes each of which will be four miles long or eight miles altogether.

The portion finished is the section under the Thames which was completed from the shaft at Old Swan Pier, North of the Thames to the ventillating shaft of the Survey side, in fifteen weeks, a total length of 2,400 feet, a considerable length of the upper tunnel being only 12 feet below the keels of vessels at low water.

As Old Swan Lane under which it passes is only 16 feet wide, the two tubes are placed one over the other and continue so for about one-third of a mile when the lower one gradually comes to the same level as the upper one, and they then continue side by side. They will have a three foot six inch guage Railway through them, and be worked by ropes from an Engine House near the Elephant and Castle about two miles from either terminus.

The tube when completed as it now is under the River consists of a cast iron ring one and a quarter inches thick in the thin part, covered with three inches of Roman Cement, laid on like thick grout by hydraulic pressure, and which forms a perfect envelope or covering to the cast iron. These segments are built up from the inside under a wrought iron protection for the men and which is forced forward by hydraulic pressure. Going under the Thames the material was the dense London clay, but there were in places embedded in the clay big boulders of septania which sometimes went through to the water and took some time in getting out through the tube, and they were not allowed to raise them from the top as it interfered with the navigation. This required them ty be broken up sufficiently to pass through the air lock in the shield and delayed them a number of hours each time they were met with. The progress, however, throughout

was equal to 10 feet per day in each tub, and this progress could easily be double where they were not hampered with a heavy traffic. When I was in the tubes under the river, the shield was working under some heavy warehouses on the Surrey side, and was generally progressing about one foot an hour; the tube was perfectly dry and sweet, when lit with gas, and with plenty of fresh air.

From that point to the Elephant and Castle, about one and one-eighth miles, nearly 6,000 feet for each tube or about 12,000 feet altogether. Mr. Greathead expected to finish in about 6 or 7 months, the delay being that all the stuff excavated had to pass under the river, be raised vertically 90 feet, and then taken away very inconveniently, as there is only room for one barge to be moored at a time.

The contractor for this subway is ready to take up the Northumberland Straits Subway. The city men who have backed Greathead in the last seven or eight years can be enlisted for the finances, and all plans, plant, patents and expense can be passed from one to the other. The contractor will pay liberally for all past expenses and outlays, and take the Government subvention on account of the pay; taking a fixed price for the whole thing from shore to shore, Greathead and myself to be joint engineers at a fixed salary to cover all the engineering and one-half of the whole to be kept back until the subway is complete and cars passing from end to end.

Yours faithfully,

(Sgd.) VERNON SMITH, C.E.

That was the view held by Mr. Greathead, who was the engineer of those subways. I may say in connection with that he has now on hand a sub-way under the Mersey at Liverpool: hon. gentlemen will remember that there is a tunnel under the Mersey which was built some two years ago by Sir Charles Fox. As Mr. Greathead states they are now about to construct a sub-way under the Mersey, on the same principle as this one to which I have referred, which is to be twenty-three feet in diameter, with a view of putting through it a double track railway. I then sent the plans again asking for something definite with regard to this question of ours, giving him all the local details, and pointing out what I thought was the difference between the work he was engaged on in London and this one. He writes me as follows on the 10th of May:—

DASHWOOD HOUSE, 9 New Broad St.
London, E. C.

HON. G. W. HOWLAN,

President Northumberland and Straits Tunnel Company.

DEAR SIR,—Having examined all the plans, charts and borings made in recent surveys of the Northumberland Straits, and after repeated interviews with Mr. Greathead, Engineer of the City of London, and Southwark Subway, now approaching completion, which is about the same length of tunnel, and passing through (as far as may be judged by the borings recently made in the Straits), the same description of ground, I can, in connection with Mr. Greathead, assure you of the entire feasibility of the scheme, which presents not nearly the engineering difficulties that have been successfully overcome on the City and Southwark Subway, and can be as easily operated and maintained as the Tower Subway, also passing underneath the River Thames, which has now been completed, and in daily use for ten years, without costing anything for repairs.

We are further prepared to find you competent contractors, who will give you undoubted security for the performance of the work, and who have necessary experience and plant for completing it within three years, from date of commencement, and who will complete the whole, from shore to shore, on the following conditions:

I may explain before reading the remaining portion of the letter, that the Prince Edward Island Railway, as I shall show presently, has caused a great deal of loss and expense to the Dominion Government in running it, and in some conversation that I have with the Government those views were made apparent. I mentioned those facts to him, sending the details of that loss. He says:—

First—The Government to hand over in good working order and sufficiently equipped the existing Island Railway, which is henceforth to be operated by your Company on a tariff to be approved by the Governor in-Council.

Second. The Government to give the right of way for the subway, and the connection with existing railways at either end, over any of the public lands, foreshore, or under water, now in their possession, required for the road and stations at either end.

Third—The Government to pay for three years, the sum of sixty thousand dollars ($60,000) per annum, to the Company, as the presumed loss of operating the railway until the Subway is complete, this sum not however to be paid unless the books and vouchers to be produced prove that this loss has actually been incurred.

Fourth—After the expiration of the three years referred to in clause above, and provided that the Subway is in operation, the Government to pay two hundred thousand dollars ($200,000) per annum for fifty years in quarterly payments to the Company.

Fifth—The Government to allow all material used in the construction of the works proposed to come into the country duty free during the construction

Enclosed herewith is a reprint from London *Engineering* of a description of the Southwark Subway, which, since this was printed has obtained an Extension Act to Stockwell.

I remain,

Your obed ent servant,

(Signed) VERNON SMITH.

May, 10th 1887.

Here is the reprint from *Engineering*, showing the plans and diagrams of this sub-way referred to, showing the River Thames with the crossing, and also a diagram of the work, with the material and machinery used in constructing it. The description of the work is as follows :

"Before we go further into the question of the way in which the traffic is to be worked, it will be well to describe what the subway is, and how it is being laid. The route, as we have already stated, extends from the city to the Swan at Stockwell. This distance is 3 1-6 miles and for the first half of it Parliamentary powers have already been obtained. The Bill for the remainder has passed the House of Commons, and unless something unforseen should happen in the Lords, will become law this session. The first part of the route is shown on the plan below, and for the benefit of those not acquainted with London, we may state that the remainder is nearly straight, and is practically level. It runs down a wide road with broad footpaths often edged with gardens, or with shops built out from old fashioned houses. The up and down lines of the subway are absolutely distinct, each being carried in an iron tunnel. These two tunnels do not necessarily run side by side; as shown in the plan they commence together at the terminal station in King William street, but the down line falls more rapidly than the other, and before the Swan lane is reached, it has taken up a position exactly below the upper tunnel and removed from it by some five feet. This arrangement is adopted because Swan lane is too narrow to allow the two tunnels to run down it side by side without encroaching on the adjacent private property. At the bottom of Swan lane the tunnels enter the river bed, the upper one fifteen feet below the surface, and then the lower deviates a little to the right until the two are side by side. At the opposite bank of the river there is no convenient road for the subway to follow, and it therefore crosses under Hibernia Wharf into Borough High Strait, after which the tunnels maintain their relative positions. In plan they are side by side with about five feet intervening between them, but in section one is at a lower level than the other, in order to reduce the standing expenses at the station, by rendering it possible to work them entirely from one side. The passengers from the lower platform will pass under the other, and will ascend by a short tramp to the waiting room from which the lifts and staircases start. Thus the entire premises will be confined to one side of the street.

Each tunnel is 10 feet in diameter and is formed of rings of segments bolted together by internal flanges. Each ring is 1 foot 7 inches long, and is composed of six equal segments, and a short key segment with parallel ends. The flanges are 3½ inches deep by 1¼ inch thick, and are bolted together by ⅞ inch bolt. The circumferential joints are made by tarred rope and cement, and the longitudinal joints by pine strips. The method of erection is almost as simple as the tunnel itself. At the head of the subway, supposing a short length of tunnel to be already in place in the clay which underlies the River Thames, there is steel shield consisting of a cylinder six feet long and of sufficient diameter to slide easily over the portion of the subway already bolted together. The forward end of the cylinder has a cutting edge, while about midway of its length there is a bulkhead having a door in in it. Through this aperture the workmen move a part of the clay in front, cutting out a small chamber considerably less in diameter than the shield. When this has been done the shield is forced forward by six hydraulic rams fed by two hand pumps. The hydraulic cylinders are bolted to the shield, while the ram heads abut against the last ring of the completed tunnel. The cutting edge clears out an exact circle in the clay, forcing the material into the space prepared for its reception, from which it is dug out and loaded through the door into skeps for removal. As the shield moves forward it leaves at its rear an annular space, of about an inch, between the iron and the surrounding clay, and this is immediately filled with grouting to prevent any subsidence either of the tunnel or of the ground. The method by which this is accomplished is very ingenious, and is due to Mr. J. H. Greathead, the engineer-in-chief to the undertaking. The grouting, made of blue lias lime and water, is mixed in a wrought-iron vessel, provided with paddles which can be worked from the outside. The vessel is closed, and compressed air, at a pressure of thirty to forty pounds per square inch, is admitted to it, while the paddles are kept at work. By means of a hose pipe ending in a nozzle, the grouting is forced through holes let in the iron lining into the space between it and the

clay, until the entire cavity is filled with a shell of cement which fits it exactly, and forms an impermeable coat round the subway, protecting it from moisture and oxidation After the shield has been moved forward a ring of segments is bolted in, the rate of progress being about ten feet in thirty-four hours.

The works are being actively pushed on, and already one tunnel is completed from the north to south side of the Thames, and the second is following it. The plan of operations shows the same economy and respect for public convenience which marks the entire scheme. No street surface has been taken to form a contractor's yard, but in place of this a stage has, by the permission of the Thames Conservancy, been erected in the river behind the old Swan pier, and from this a shaft has been sunk through the river bed to the requisite depth. On the stage there is erected a crane which lifts the skeps of clay, and delivers them to a small tramway, along which they run to deliver their contents into barges; there is also a sand and an air compressor driven by a small engine, and a wooden office this constituting the entire present overhead plant of this great undertaking. The shaft is 13 feet in diameter, and is made of cast iron rings, each cast in one piece. The thickness of metal is 1⅛ of an inch, except at the bottom where it is thickened on the inside, contrary to usual practice, to form a cutting edge. This shaft was erected in the usual manner by removing the material from inside it with a grab and descends nearly to the crown of the upper tunnel. From this point it is carried down in brick work, mouthings for the two subways being made in it of the same material. There is no water to be dealt with, the tunnels being absolutely tight, and the work of extension goes most smoothly. Indeed it is impossible to realize, except by personal inspection, what a simple method tunneling in clay has become by the method employed by Mr. Greathead. This plan, however, is by no means restricted to clay, but can be modified to suit mud, sand, gravel and rock.

When the ground is so soft that it can be washed away, the method of removal by pick and spade is abandoned, and in place of this a constant circulation of water is maintained at the outer face of the shield by means of a pump. In the first instance, before the distance from the shaft becomes too great, a very simple plant will suffice. Two pipes, one bent over to dip into the river, are led down the shaft and along the tunnel to the shield, through which they pass, the one near the top and the other near the bottom. Water is drawn by a circulating pump from the river and forced out through the upper pipe against a bank of mud or sand which presses against the face of the bulkhead in the shield. The pressure thus created finds an outlet at the lower pipe, along which the current flows back to the shaft, carrying the solid material with it into the river or barge moored alongside the shaft. The two columns of water balance each other, and all the work required of the pump is to overcome the friction in the pipes and at the working face. As the work proceeds the friction, however, becomes a very important item, and other arrangements have to be adopted. Should there be any boulders in the ground they will become lodged at L and can be broken, by means of the bars, into pieces capable of passing along the pipe. If a boulder should prove refractory to this treatment an air lock would be erected in the shield or tunnel and the forward ends filled with compressed air until the cover of the receptacle could be removed safely and the boulder extracted bodily. In many cases, however, no such difficulty could be met and the process of pumping would suffice to remove the whole of the debris and deposit it in the tank. As the sand or gravel accumulated it would displace an equal quantity of water from the tank, which must have an outlet to permit the shield to move forward. For this purpose the pipe is carried backwards and up the shaft, and through this the surplus will escape. When the tank is to be emptied the valves e e e are closed to cut off all external pressure, and tubs K K filled with water are brought under the outlets f f. These dip into the tubs and when they are opened an interchange of the contents of the vessels F and K takes place. The sand descends into the tub while the water rises to take its place, the arrangement being exceedingly ingenious. To clear out the pipes the entire current can be sent from the pipe D direct to the pipe E through the connection P.

Clay, mud, sand, gravel and boulders do not exhaust, however, the list of substances to be met with in tunneling. There still remains rock to be dealt with, and for this Mr. Greathead has designed the appliances shown in figures three and four. Through the face of the shield A there projects a shaft carrying a two-armed toolholder O fitted with steel tools. The shaft is driven by a compressed air motor; and as long as the tools are in a satisfactory condition it is protruded so far through the shield that the holder stands in the position shown in dotted lines in figure four and bores its way through the rock. When the tools become blunted and require renewal, the holder is set horizontally and is drawn back under the hood end M. It is then set vertically, and the space under the hood is filled with compressed air to permit of a manhole being opened in the shield, and a man entering the chamber. After the tools on one arm of the holder have been removed, the shaft is rotated through 180 degrees, and the other set are renewed. The man then retires, closes the manhole, the shaft is pushed out again, and the work pro-

ceeds the fragments of rock being swept back by the current.

They will carry a double set of breaks to give perfect security. There is, however, only one part in which the gradients are steep enough to be of importance, that is, between the city station and the river, where the up line rises at 1 in 30, and the down line falls at 1 in 15. At other parts the line is practically level. A train will weigh about 20 tons gross, against 165 on the Metropolitan Railway; and of this, seven tons, or thirty-five per cent., will be passengers, against 15 per cent. on the railway. After the passengers have lighted, an operation not requiring more than 20 seconds, every carriage having separate inlet and outlet doors, the train will get away very rapidly, as the motive power will not have to start from a state of rest, and will be capable of exerting a greater tractive power, in proportion to the weight of the train, than ordinary locomotives. At the terminal stations both lines will converge unto a single track, and the trains will scarcely be detained longer than at the intermediate stations.

The cost of the new subway is estimated at £550,000, including land, buildings, stations and rolling stock; not a great sum for a railway, but yet many times larger than would be required for an equivalent tramway.

In conclusion we may state that the consulting engineer is Sir John Fowler; the engineer-in-chief Mr. J. H. Greathead, of 8 Victoria Chambers, Westminster: the resident engineer, Mr. W. J. McCleary; while the contractor is Mr. Edmund Gabbutt, of Liverpool."

I have often been asked, and the question has often arisen, whether any such sub-ways have been built before. In answer to that question I produce this plan of London showing the sub-ways under the Thames, and it will be seen that the matter is dealt with in *Engineering*, by Sir John Fowler, a well-known authority.

HON. MR. BOTSFORD—The first in England.

HON. MR. HOWLAN—It does not surprise me that this project is pooh poohed at and found fault with by some as a matter properly outside of what might be called practical politics, but I think after the facts have been proven, under the authority of such a man as Sir John Fowler, that such works have been built, we might properly come to the conclusion to err in very good company, as I will show in a very short time. One question which has generally been brought up is this, that owing to the great distance across these Straits it would be impossible to have a successful tunnel, the difficulty of ventilating it being so great. We know that there are several tunnels longer than this which have been successfully ventilated and on this question all the engineers who have examined the place and charts have agreed that in this matter of ventilation as well as the material of which the bottom is composed, nature has done everything—in other words, no amount of money that could be placed in the hands of a competent engineer could arrange the winds, the material at the bottom and the shores better for the purpose of securing good ventilation. It is said that while a tunnel constructed through a mountain above the water can be kept dry, necessarily there is an amount of dampness in a tunnel under water which must sooner or later destroy the work. We have evidence which does not bear out that impression. We have instances of tunnels all under water which are nearly as long as this projected sub-way. For instance if the banks of Northumberland Straits were as steep as the sides of this chamber, so that a vessel could run its bowsprit against them, it would be difficult to procure ventilation, but for a mile from the shore on each side of the Straits, the water is not more than six feet deep, and at two miles out it is only thirty feet deep. We know therefore that in such shallow water an embankment could be built for three-quarters of a mile on each side reducing the section to be ventilated to five miles, which is not a great distance, if we are to judge from results in other similar works. I have here an extract from the Cardiff *Mail* describing the tunnel under the Severn recently built, descriptions of which have appeared in many of the newspapers of England. The extract from the *Mail* is as follows:—

STEAMING UNDER THE SEA.

The Severn Railway Tunnel as Compared with other Great Bores.

The first passenger train passed through the gigantic tube linking the shores of Monmouthshire and Gloucestershire. Before those on board quite knew where they were a shrill whistle, a sudden darkening—for it

was now nearly broad daylight—and "We were in!" told them they were "in" and rushing down a clearly perceptible decline towards a point 100 feet below the bed of the broad estuary. In a trice watches were out and windows down, the first to keep time, the other to test ventilation. The inrush of the icy-cold air, as clear and as pure as if the trip across was being made in the old way—over instead of under the channel—showed the latter was all right. The submarine journey, if such it may be called, proved to be more like a run through a pretty deep cutting than through a tunnel four and a quarter miles long. For about three minutes and a-half after entering there was no mistaking the fact that a sharp gradient was being descended, then a momentary rumble as the train passed over the curves of the arc—for the tube dips in the centre—and then the locomotive, at an ever-decreasing speed, climbed the opposite gradient, to emerge once more into daylight in eight minutes and forty-nine seconds.

As before remarked, the ventilation of the tunnel is little short of perfect. During the construction of the work a fan over eighteen feet in diameter, discharging 60,000 cubic feet of air per minute, was used. This has now been replaced by a fan forty feet in diameter and twelve feet wide, made on the same principle as those used at the Mersey and a portion of the Metropolitan tunnels. The tunnel is twenty-six feet wide and twenty feet high from the double line of rails to the crown of the arch inside the brick work. The rails are laid on longitudinal sleepers. The tunnel has been lined throughout with vitrified bricks set in cement, and no less than 75,000,000 bricks have been used in this work.

This vitrified brick wall has a thickness of three feet in the crown of the arch beneath the shoots, but as the tunnel rises from this lowest point on a gradiant one in ninety one way and one in one hundred towards the Gloucestershire side, the thickness is gradually reduced to two feet and three inches.

The total length of the Severn tunnel is 4 miles 624 yards. The St. Gothard tunnel is 9½ miles, Mount Cenis tunnel 7½ miles, Ariberg tunnel (Austria) 6½ miles; there is a tunnel in Massachusetts 4¾ miles; the Standege tunnel, on the London and North-Western, is three miles long, and the Box tunnel rather less. But the special feature of the Severn tunnel lies in the fact that 7¼ miles of it have been constructed from 45 to 100 feet below the bed of a rapid flowing tidal estuary, offering engineering difficulties which make it the most remarkable tunnel in the world.

There would be no such gradient on the proposed tunnel under the Northumberland Strait. The deepest water that was met with on the survey last year was 96 feet. Bayfield's chart shows that on the proposed soundings I ask for today the average would not be more than about 60 feet or 10 fathoms, and as a consequence there should be no such gradient as the one I have referred to. Another advantage of the shorter line is that the water not being deep at the centre we should not have so much of an ascent both ways. I mention those facts so as to impress upon the minds of hon. gentlemen that the difficulties of ventilation are not of such very great moment as may at first appear. It is true that some hon. gentlemen—not in this House I am glad to say—have attempted to set up their opinions with regard to this particular question. As for myself, I have never set up my opinion. I am neither a civil engineer nor a mechanical engineer, but when I have the authority of some twenty of the best engineers not only in England, but in the United States and Canada, surely it is not too much to say that if I do err on this particular question I err in good company. The first engineer whose opinion is favorable is Sir Frederick Bramley, chief of the engineering corps in England. The next is Sir Charles Fox, who built this tunnel which I have been describing. The next is Mr. Greathead and his consulting engineer, Sir John Fowler. The next is Walter Shanly, of Montreal, A. L. Light, of Quebec, Prof. Bull, of New York University, and Geo. P. Rothwell, the engineering expert of the New York *Engineering and Mining Journal.* Then we have General McAlpin, who is well known in this country in connection with the harbour improvements in Montreal. He was previously known as the chief engineer of the United States Army and Navy for some fifteen years, and is now consulting engineer of some of the largest railways in the United States. Then we have General Newton who, up to a recent time, was chief engineer of the United States Army, and is now consulting engineer of the Arcade Railway, New York. Then we have Sandford Fleming, of Canada, and Mr. Onderdonk, who is also well known in this Dominion, having built the mountain section of the Canadian Pacific Railway in British Columbia. Then we have Marcus Smith, Ver-

non Smith, C. C. Gregory, W. R. Hatton, chief engineer of the Harlem River Railway, Professor Wahl, of the Franklin Institute, Philadelphia, which bears the reputation of being one of the highest institutions on engineering questions in the world. No man can launch before the 60,000,000 of people of the United States any question of machinery, or any question relating to engineering, unless he has got the approval of the Franklin Institute. It is an institution founded and sustained by wealthy men who have left money for its maintenance; and within those walls are to be found the best talent which money can secure throughout the world. This Institute has pronounced in favor of the enterprise. I will not trouble the House with reading the opinions of all those men, but I shall take the opportunity of quoting the opinions of two or three of them. The Premier of Prince Edward Island, looking over those plans and at this model, found some fault with the project inasmuch, he said, as he did not then think the subway could be built. I said, "the best thing you can do, as Premier of the Province, is to address a letter to Mr. Walter Shanly, C.E., asking the question and see what his reply will be." Mr. Sullivan did so, and put these three questions to him, after we got the borings :—

"Can this work be built? Is it practicable and feasible? How long do you think it would take in building it? For what sum of money could it be built?"

Mr. Shanly, under date of January 30th, 1886, answered those questions as follows :—

"I consider the construction of such an undertaking on the very ingenious plan proposed by Mr. H. H. Hall, of New York, to be entirely practicable, and that the work might be completed within three years from the time of actual commencement. As to the cost, I have not myself visited the locality, but have carefully examined the plans and soundings exhibited to me by Mr. Hall. I have had a great deal of information, but more will be required, that is to say, further surveys and borings are necessary before an accurate estimate of the cost of the work could be arrived at. My opinion is that it should fall within five millions."

Mr. McAlpin's opinion is that the work can be done. He says :—

"During the last three years I have frequently been consulted by Mr. H. H. Hall in regard to the plans of his patented process of subaqueous tunneling and have occasion to examine and advise in regard thereto and have carefully considered its applicability for operating under great depths of water.

The process of securing the machine at the proper level in the bed of the channel, that of forcing it forward as the excavation progresses (aided by the water jet acting upon the earth in front) the use of an incorrosive shell for the tube and many other devices to accomplish the object aimed at with the greatest economy have all been attained in this process.

From the descriptions which have been furnished to me of the character of the beds of the Northumberland Straits, where it is proposed to use this process, I am of the opinion it will accomplish the work in the most successful and economical manner that can be devised, and with judicious management there is no doubt in my mind of the complete success of this process at the Straits."

Mr. R. P. Rothwell, editor of the *Engineering and Mining Journal*, says :

"With ordinary care in construction, there should be no great practical difficulty or danger in executing the work of laying a tube of almost any dimensions in this way; and usually the cost of doing the work should be less than tunneling in heavy ground. I have had some experience in sinking a shaft by the use of hydraulic jacks pushing down a sinking frame corresponding to Mr. Hall's caisson, from the permanent lining corresponding to the tube, and from this experience I conclude that Mr. Hall's method, when managed with intelligence and knowledge of shaft sinking and tunneling, presents the elements of practical success."

Mr. A. L. Light, C. E., of Quebec, says :—

"I see nothing that is very difficult or impracticable in carrying out the scheme. I think if once unwatered and completed its working or maintainance afterwards, will probably be attended with very trifling expense. There may be difficulties about the ice, or danger from the anchorage of vessels, that I am not prepared to give an opinion upon, but I presume that upon these points, you have already obtained the information and are satisfied about the risks. I have not gone into the estimates, and can give no opinion as to their sufficiency, the few details given, are no doubt correct as far as they go, but you require very much more information as to the depths of water, the form of the bottom, and the material that will have

to be removed, before any satisfactory working estimate can be made. Dredging will have to be resorted to before the tube can be placen into position, and I see no reference as to the cost of this, probably because without special surveys and soundings any deductions from Bayfield Charts, must be mere guess work. After these surveys have been made, I shall be happy to go into the estimates, but without them I should be unwilling to commit myself to an opinion as to the cost of the work."

Mr. Bull Professor of Civil Engineering in the University of New York, also says:

"In September last I visited with Mr. Hall, Cape Traverse and Cape Tormentine, and made personal examination of the place where it is proposed to place a submarine tunnel to connect Prince Edward Island with the mainland, and after extending inquiries of those who have long lived in the neighborhood, and have been in the habit of navigating the straits both in summer and winter, we arrived at the firm conviction the location afforded great facilities for the object sought. Still further, a careful examination of the surveys made by Commander Orlebar, R. N., in 1886, and the soundings made since our visit, by Captain Philips Irving, having taken at each fifty feet across the straits from the pier near Cape Traverse to the end of the Jurimain Reef shows that the bottom of the straits is favorable for the building of the tunnel, there being no sudden depression in the whole distance, and the surface being mostly sand and gravel, giving a good foundation to rest upon. Thus with ordinary care and skill there will be no great difficulty in its construction under the method of Hall's patent. The precise cost cannot finally be determined until borings of the bottom are furnished, yet from all that we can glean from the data now within our reach, we would judge that the expense would not be far from $4,500,000."

Mr. Onderdonk writes as follows:—

NEW YORK, March 17th, 1887.

Mr. H. H. HALL,

DEAR SIR,—I have just completed a careful study of your method of constructing submarine tunnels.

The difficulties which presented themselves to me in the details of your method when I first looked into the matter a year ago, appear to me now to have been entirely overcome by your recent improvements, so much so in fact, that I do not now hesitate in pronouncing it as my opinion that there are many localities in which your system is the *only* practicable one that can be applied. Should you enter into any contracts of sufficient magnitude to warrant it, it is quite likely that if agreeable arrangements can be made that I should be willing to provide capital and undertake to put the work through as a contractor.

Yours very truly,

(Sgd.) A. ONDERDONK.

So that as far as the feasibility or practicability of the work is concerned we may come to the conclusion that it is practicable from that standpoint. But another question which comes up, and one that is very often put to me is. "Do you think that the Government of the Dominion of Canada would be justified in spending $5,000,000 for the accommodation of the 120,000 people of Prince Edward Island?" Now, for a moment I will waive the right of the terms of confederation, and I will say that no supporter of the Government—that no member of the Legislature who has any proper regard for his own reputation or for the reputation of his friends—should attempt to bring forward a question like this unless he can show clearly and distinctly that the work can be built without trenching upon what may be properly called the domain of unpractical politics. I did not then, and I do not now, ask this Government to give $5,000,000 to carry out the terms of confederation. I say those terms are to be carried out no matter what the cost may be. They are terms that were not made by the Province. Prince Edward Island was asked two or three times if she would accept those terms, before she did accept them; but they have not been carried out, and if I can prove to the satisfaction of the country that the money which the Government has been expending for the last 14 years in unsuccessfully endeavoring to carry out the terms, would construct this sub-way, and that not one dollar more would be added to the public debt of the Dominion than is being expended at the present time, then I think I have gone a great way in making the project acceptable to the country. If the Government are satisfied upon that point, they should not hesitate for a moment to assist in the construction of this work, which is necessary to carry out the terms of confederation. It is true that the eastern provinces, during the great debate which took place in connection with the inauguration of the Canadian Pacific Railway, consented that the work should be undertaken, be-

cause those provinces and the Dominion of Canada had pledged themselves to carry out the terms of confederation with British Columbia. I myself, in my place here, said that it was perfectly right and perfectly just that those terms should be carried out, and as far as we could safely do so we should pledge the resources of this country for the completion of that great work. There is no vote that I have given in the whole course of my public life of which I am more proud than my vote in support of the carrying out of that project. We were told that it was going to ruin the country, but we see that the road has been built, and I say that the same sense of duty which induced the Government to undertake and carry out that great work under the terms of its arrangement with the Province of British Columbia should also impel them now to carry out this subway project and comply with the terms of Confederation with Prince Edward Island. It was contended by a portion of the Press of this country that to carry out the terms of Confederation with British Columbia was an impossibility; we were even told in Parliament that the youngest man in this House would never see the completion of the Canadian Pacific Railway; that it was an impossibility; that it was "midsummer madness," yet most of us have lived to see it completed, and now that it is an accomplished fact we only wonder that it was not undertaken sooner. It is not so very long ago when the construction of the Grand Trunk Railway was looked upon as a wonderful undertaking. In the same way the building of the North Shore Railway was looked upon as a gigantic scheme. The inauguration of steam navigation on the Atlantic was, within the memory of some of us, looked upon as a doubtful undertaking; but we have become accustomed to those surprises, and if it can be proved beyond any question by a competent board of engineers that this scheme is practicable and feasible, and can be carried out within the sum of money which is spent at the present time, year by year, in endeavoring to establish continuous winter communication with the Island, I say that it is the bounden duty of the Government of Canada to try and complete this work. I have not tried to unduly press my views on the Government and on the members of this House and on the country, until I was perfectly fortified by the opinions of those eminent men whom I have quoted that the scheme was practicable. I ask the Government now to make a survey upon this short line, and to give us samples of the borings at every 1,500 feet, to put them before the engineers, and if the engineers are satisfied on examining those soundings that this work can be built for a subsidy of $200,000 a year, the Government should undertake it. Now I shall submit for the information of the House a statement showing the sums of money which the Government are expending at the present time in their effort to establish winter communication with the main land:

COST OF COMMUNICATION BETWEEN PRINCE EDWARD ISLAND AND THE MAINLAND.

WINTER COMMUNICATION.

Cost of the Steamer "Northern Light".	$60,737 00	
Interest @ 4%	2,429 00	
Depreciation 10%....	6,073 00	
Insurance 10%.....	6,073 00	
		$14,575 00
Maintenance to June 30th, 1884.....	$155,256 00	
Less receipts	38,143 00	
Loss in 7 years	$117,113 00	
or equal per year to the sum of		16,730 00
Total for "Northern Light"		$31,305 00
Pd for Iceboat Service for the last fiscal year	$5,982 00	
" Irving & Muttart for previous service.....	1,368 00	
" Str. "Neptune" last year	18,504 00	
		25,854 00
Total Cost for Winter Service...		$57,159 00

SUMMER SERVICE.

To amt. paid to P. E. I. Steam Navigation Company	$10,000 00
Paid for Telegraph Cable, not wanted when subway is finished	2,000 00

Paid for Steam Service between Charletown and Halifax	30 00	
P. E. I. Navigation Co. for Board of Mail Clerks	232 00	
		$15,232 00
Total Cost for Winter and Summer		$72,391 00

COST OF OPERATING THE PRINCE EDWARD ISLAND RAILWAY.

DEFICITS.

For the year ending June 30th, 1876..	$101,869 00	
1877..	97,931 00	
1878..	85,700 00	
1879..	97,457 00	
1880..	50,789 00	
1881..	71,992 00	
1882..	90,993 00	
1883..	106,638 00	
1884..	91,924 00	
1885..	52,619 00	
1886..	61,160 00	
Total deficit for 11 years	$909,072 00	
or equal to per year the sum of.....		$82,643 00

P. E. I. RAILWAY CAPITAL ACCOUNT.

This account stood on June 30th, 1875..	3,114,735 00	
do., do., 1884..	3,654,356 00	
Making a deficit of $539,621.00 in 9 years, during which the mileage was not increased, of the sum per annum of		59,958 00
		$142,601 00
Add to this the expenses of the Summer and Winter Communication as per page annexed ...		72,391 00
Total Cost of Winter and Summer Communication with P. E. I. and cost of operating the Railway		$214,992 00

It will be seen from this statement that the total expense of the summer and winter service, and cost of operating the railway amounts to $214,992, or in round numbers, $215,000 per annum. Now if for $200,000 a year we could settle this vexed question between Prince Edward Island and the Dominion, what loss would there be to Canada?

HON. MR. READ—Hear, hear!

HON. MR. HOWLAN—My hon. friend laughs, but I ask him how that would make a loss, when the Dominion Treasury would pay $15,000 per annum less than it now does?

HON. MR. READ—How would that save the loss in operating the railway?

HON. MR. HOWLAN—This Company offer to take over the railway and work it on a tariff to be approved by the Government, without assistanee from the public treasury. There are the facts and the figures as taken from the Public Accounts, showing the amount which the Government of Canada has paid annually for the purpose of carrying out this particular item of the terms of Confederation. If the Government of Canada can satisfy themselves by reports from competent engineers that the scheme is feasible, and that the railway will be taken off the hands of the Government, I would like to know how there would be any additional expense to the country involved in it?

HON. MR. READ—I do not suppose we may expect a loss for all time to come in operating the railway. It is not the general experience of railways.

HON. MR. HOWLAN—This English company propose to take that railway off the hands of the Government, and for a subsidy of $200,000 a year for fifty years will construct this subway. If the subway was never built it is not possible to reduce the expenditure on the railway to less than $116,000, basing our estimate on the traffic within the open water season when the railway pays. But it is well known that as soon as the Straits are frozen up the railway is run at a loss. If the Company took it over from the Government it would only require $200,000 a year to be taken out of the revenue of Canada instead of $215,000 as at present, and it would insure a settlement of this vexed question of winter communication. This is a burning question with the people of Prince Edward Island, and while I admit that the Government may have been doing what they consider the best they could to carry out the terms of Union, the terms have not been carried

out. I may say to my hon. friend that whilst the blessings of the National Policy have to a very great extent built up the small towns in other parts of the Dominion, the towns of Prince Edward Island have not received a similar impetus: we have not had the benefits arising from that policy. I may say—and I say it with the full consciousness of the import of the words I use—that as one of the delegates who made the terms of union with the Dominion, one of the most important features of the agreement, in my estimation, was the establishment of continuous communication with the mainland. I hope that the House will bear with me while I try to show that the population in the Western Provinces are as much interested in this subway as the people of the Maritime Provinces. From the spot where we are now standing to Georgetown, on the southern side of Prince Edward Island, we can go by rail, with the exception of this six and a half miles across the Straits. If we could complete that section by means of this subway, we could have the English mails landed at Georgetown and delivered at Montreal and the west twenty-four hours sooner than by any existing route. I may say, in connection with this feature of the question, that if there is one subject more than another that must necessarily engage the minds of the Government of Canada during the next few years, it is that of obtaining the quickest passage across the ocean. If we can by any means shorten the voyage we will attract to that short route a large portion of the travel and traffic that come from the West and go now by way of New York. Hon. gentlemen who are familiar with the subject will corroborate what I say—that a large number of the disastrous collisions which have occurred on the Atlantic seaboard are attributable to fog. As we increase the number of these ocean greyhounds on the Atlantic we will increase the danger of collision and the risk to life. If we can shorten the distance across the ocean and avoid that fog, to a certain extent, we will be accomplishing very important results. It is a well known fact that with regard to our mail communications on the Atlantic we are far behind other countries. While we have only two or three mails a week, there is a mail every day from New York. Then, taking the steamship lines crossing the Atlantic, we find that Compagnie General Trans-Atlantique stands No. 1; North German Lloyds No. 2; the Antwerp and Cunard lines No. 3, and a number of competitors for the fourth place. Those are facts beyond any question of doubt. While you can travel on land at the rate of 30 miles an hour by rail, you cannot go in a fog, on water, with any degree of safety (so I am informed by masters of Trans-Atlantic steamers) faster than 10 miles per hour in the Gulf. I speak more particularly of vessels coming up the Gulf of St. Lawrence. Georgetown has one of the best harbors that can be found in the Dominion. It is not only large and spacious, but it has two very large rivers which are navigable for vessels of six or seven hundred tons for several miles from the mouth. The distance from the Straits of Belle Isle to Georgetown is about 400 miles; the distance from the Straits of Belle Isle to Quebec is 762 miles—a difference in favor of the Georgetown route of 362 miles. It is 300 miles from the Straits of Belle Isle to the eastern point of Anticosti, where the Allan steamers first make, as can be seen from Commodore Fortin's plan (I am sorry that he is not in his place to-day); from the point of Anticosti to Gaspe is 100 miles; from Gaspe to Father Point is 202, and from Father Point to Quebec is 160 miles. Proceeding by rail to Moncton and thence to Georgetown by means of this sub-way, time would be shortened by 24 hours in forwarding mails and passengers. I will just show the House the distance by the different existing routes:

From St. John, N.B., to Liverpool is 2,800 miles.

From Halifax to Liverpool, 2,530 miles.

From Boston to Liverpool, 2,890 miles.

From New York to Liverpool, 3,070 miles.

From Philadelphia to Liverpool, 3,180 miles.

From Baltimore to Liverpool, 3,360 miles.

From New Orleans to Liverpool, 4,600 miles.

From Quebec to Liverpool, via the Straits of Belle Isle, 2,650 miles.

From Montreal to Liverpool, via Georgetown, 2,278 miles—the shortest route across the ocean by over 250 miles.

Now, with regard to fog. Anyone acquainted with the Straits of Belle Isle and the Gulf of St. Lawrence will remember on the Labrador—the Canadian side—of the Straits you have almost a perpendicular barrier of rock, while on the westerly side you have a less formidable coast. The prevailing winds throw the fog against that barrier on the Canadian side, and in making a passage by way of the Straits of Belle Isle the watchman on the outlook is very anxious to make the lighthouse on the eastern point of Anticosti. It must be made in order to get to Gaspe. All the difficulties to navigation in the Gulf have arisen inside the Straits of Belle Isle. If you take the Newfoundland side you have clear water free of fog, and instead of running at the rate of ten miles an hour, vessels could be run at full speed from that point to Georgetown. There is nothing to interrupt them and they could disembark their passengers, and the mails could be forwarded to points west of Quebec 24 hours sooner than by any existing route. That is the reason why I say, in my judgment, the gentlemen who represent the western portions of Canada have as much interest in the construction of this subway as we have ourselves. Because, after all, the Province of Prince Edward Island is Canada, and if nature had made a connection between Prince Edward Island and New Brunswick there is not a doubt where the transatlantic steamers would make their western terminus during the summer season.

The Allan line of steamers, which runs to Montreal *via* the Straits of Belleisle, as I am informed, discontinue their trips after the end of October; whilst they could run to Georgetown much longer. The straits could be navigated up to the first of January. The gulf, the straits and the harbor of Georgetown are entirely free of ice up to that time, and this short route would therefore be open for about eight months in the year.

HON. MR. KAULBACH—Are there no fogs hanging around Georgetown?

HON. MR. HOWLAN—Fog is almost unknown around Prince Edward Island. We have no such fog as is found in the Bay of Fundy and on the Atlantic coast. Fog is a very rare occurrence anywhere around Prince Edward Island. I think that the hon. gentleman will find that statement borne out by others who have as much, perhaps more information on this question than I have. In a certain place, which cannot be mentioned here, my name has been bandied around in regard to a certain letter which was given to me by the Leader of the Government of this country—Sir John Macdonald. It was asserted there that this letter was sent to me for electioneering purposes. I think I will be able to satisfy the House that as far back as March 1885 (when surely there could have been no expectation of an election taking place in Prince Edward Island) I asked this House to petition the Government to cause a survey to be made of the Straits of Northumberland with a view to ascertaining the feasibility of constructing this subway, and gentlemen from the Maritime Provinces irrespective of party bias, thought that it was a matter which ought to be examined, and that it would be necessary to spend some little money for the purpose of making the examination. The following is a copy of the petition, which is dated the 20th April 1885:—

OTTAWA, April 20th, 1885.

To the Right Honorable Sir John Macdonald, G.C.B., Premier of Canada, &c.

The undersigned members of the Senate and House of Commons from the Maritime Provinces, having examined a model and plan of a Subway across the Straits of Northumberland, as well as having read the Debate thereon in the Senate,

Respectfully request that the sum of Five Thousand Dollars be appropriated for a practical survey of said Straits, with a view of testing the feasibility of building such Sub-way.

We have the honor to be,

Very respectfully,

(Signed)

Senators:

Donald Montgomery,	John Ferguson,
John Glasier,	Thos. McKay,
A. E. Botsford,	Alex. McFarlane,
W. Macdonald,	R. P. Haythorne,
H. A. N. Kaulbach,	Pascal Poirier,
David Wark,	T. D. Sutherland,
William Jalmon,	W. H. Odell,
R. B. Dickey,	J. S. Carvell.
G. W. Howlan.	

Members of Parliament:

A. C. Macdonald,	Edward Hacket,
H. Cameron,	Henry N. Paint,
H. L. McDougall,	John McDougall,
Robert Moffatt,	P. A. Lanory,
Charles H. Tupper,	Charles J. Townshend
James Yeo,	Muney Dood,
D. B. Woodworth,	J. R. Kenny,
John Wallace,	K. F. Burns.
J. Wood,	

Since then, up to the present time, several letters have passed between Sir John Macdonald and myself regarding this matter, and I do not think it can be said that that correspondence could have any bearing on an election that did not take place until 1887. Several letters passed between us and we had several interviews as well. The first letter I wrote to him was as follows:

OTTAWA, March 10th, 1886.

TO THE RIGHT HON. SIR JOHN MACDONALD, K. C. B., *Premier of Canada.*

DEAR SIR,—Referring to our several interviews respecting the construction of a subway across the Northumberland Straits, between Capes Traverse and Tormentine, I beg to submit for the consideration of the Government the following propositions:—

1. The Government is expending annually at Prince Edward Island over two hundred thousand dollars, i. e.,

The loss annually on railway.

The cost and maintenance of *Northern Light*.

The subsidy to summer steamers, and

The expense of running the ice boats at the capes.

This sum cannot, in my opinion, be decreased however much it may be increased, as the present state of the winter and summer connection is neither satisfactory to the travelling public nor to the people of the Island.

2. With a view to make the Prince Edward Island Railway and subway remunerative, it will be necessary to build several branches which have been prayed for by the people from time to time, and which, in my opinion, are necessary, viz.:

From O'Leary station to the Western Shore.

From County Line station to New London and Rustico.

From Charlottetown to Belfast and Murray Harbor.

From Souris to East Point.

Those branches pass through some of the most fertile and prosperous parts of the Island, as well as tap the carrying trade from the Fisheries of the North and South Sides.

3. I am prepared to form a Company to build these Branches and take the Railway off the hands of the Government, complete the Subway across the Straits, and work the whole system, finding ample security therefor, to the satisfaction of the Government, on a tariff subject to the approval of the Governor in Council, thus affording—"Efficient steam service for the conveyance of mails and passengers daily, Winter and Summer, between the Island and the Dominion, and also placing it in a continuous communication with the Intercolonial Railway and the Railway system of the Dominion.

4. The Government shall deed to the said Company the Railway and equipment, with a right of way to said Subway.

That all materials for its construction shall come in free of duty and the Government shall pay or cause to be paid to the said Company, in half-yearly payments, the yearly sum of Two Hundred and Fifty Thousand dollars. Without being in a position to speak for the Government of Prince Edward Island, I may state that in my opinion such an arrangement as I have above proposed, would, if not altogether acceptable, go a long way towards a final settlement of the difficulties now existing between the Government of Prince Edward Island and the Dominion of Canada.

All of which is respectfully submitted by your obedient servant,

GEORGE W. HOWLAN.

After this we we had further correspondence and several interviews, the last being on the 28th January last, when he gave me the following letter:

EARNSCLIFFE, OTTAWA.

January 28th, 1887.

MY DEAR HOWLAN,—Referring to our several conversations and especially to the one of to-day, on your return from the south, I desire to repeat that the Government has shown its interest in your Subway already by the expenditure last year.

The Governmeut continues its interest, and is encouraged to make further examinations and surveys, and to submit those already made, as well as those proposed to be made, to a Board of Civil Engineers accustomed to hydraulic works, and works altogether or principally in the water, with a view of ascertaining—1st, the feasibility of construction; 2nd, the durability; 3rd, the danger of injury or destruction from any known causes, and, 4th, the cost. This all important point will be strictly scrutinized in Parliament, and it must depend on the

amount necessary for construction of the subway, whether the representatives of the people will consent to incur the expense.

The surveys and reports can be easily and speedily obtained, and I trust that the report will be such as to justify the Government in entering the project.

Believe me to be

Yours very truly,

JOHN A. MACDONALD.

The assertion has been made in another place that I used this letter as an electioneering document in Prince Edward Island for the purpose of securing votes for the Government candidates. One would have supposed that the gentlemen who made such assertions were the most innocent, spotless lambs in political life, and that it never entered into their heads to issue any circulars in their own interest or to ask the people of Prince Edward Island to consider this as one of the public questions of the day. I have on my desk here two circulars in English and one in French, which I may read for the benefit of the House. Another circular was also issued, concerning which, no doubt, the hon. Senator from Ottawa might, if so disposed, give us some information. These circulars were distributed in a secret manner, whilst my letter from Sir John Macdonald was openly read by me from the public platform and published in the newspaper press of the country. That letter from Sir John Macdonald was straightforward and showed that the Government of the day took an interest in this matter. I was not surprised that they hung back on a question of this kind, and that they took time to consider their answer. I have been a member of a Government myself and I know the duties and responsibilities which a Cabinet Minister assumes in dealing with a great public question like this, on which the public mind is not yet settled. I know that it is the duty of the Government to take every possible precaution to ascertain whether such a work is feasible before committing themselves to it. I have read a petition which was signed by every member from the Maritime Provinces except the one who has been sneering at this project in another place, and another who is not now in politics, Mr. Vail, of Nova Scotia. Those were the only two gentlemen from the Maritime Provinces on either side of politics who refused to sign that petition to the Government to have a survey made to ascertain the feasibility of this work. The former actually published a circular to say that by him and his influence alone was the survey obtained.

HON. MR. HAYTHORNE — Who was it?

HON. MR. HOWLAN—I will give the name and I will show you the circular too. Here it is (producing a printed circular headed "The Subway Scheme.")

I will read the hon. gentleman what it says :—

"When the Bill came down to the House of Commons Mr. Davies tried to induce the Government to look more favorably at the scheme. A careful perusal of the debate will convince the electors that the survey is due to the efforts of Mr. Davies."

What did those gentlemen do? They went in for the survey. They said in all their circulars "If you want a subway built support us and our party. We know that our friends will build you a subway. A subway is a good thing." They found that the people were in favor of it and they made use of that popular feeling. In every county in the Island this was a prominent question and the Opposition candidates issued circulars telling the people that if they wanted to have a subway built they should vote for them. A change of 650 votes in Prince Edward Island would have returned six supporters of the Government, and when I state this, hon. gentlemen can understand that there must necessarily be a large number of people in Prince Edward Island who were favorable to the subway. When that question was up in Parliament recently and a discussion took place upon it in the presence of gentlemen, many of whom knew nothing about the local aspect of the question—who, if anything, were predisposed against it—there was not one solitary word spoken in behalf of that large number of people who voted in favor of the subway. I will now give the House the figures showing how the vote was cast in the late election in Prince Edward Island. It is as follows :—

Liberal Conservative.	
Queens—Ferguson.....	3599
Kings—Macdonald.....	2398
Prince—Hacket	2763
	8760
Liberals.	
Queens—Davies	4382
Kings—Robertson.....	2434
Prince—Yeo	3184
	10,000
Lib.-Con. Votes.....	8760
Majority of Votes.....	1,240

HON. MR. HAYTHORNE — The polling in Prince Edward Island has nothing to do with the question that the hon. gentleman has brought before the House.

HON. MR. HOWLAN—I think it is due to a member of the Senate, when he has been attacked in another place, that he should, at all events in his own chamber, have an opportunity to reply. I think that it is only fair, when these members of another body have made an attack on me, that I should not be prevented from defending myself. I may tell the hon. gentleman further, that I have not yet broken any rule of Parliament; that I have a perfect right to refer to the subject in connection with the question before us. As I have shown, the difference between the votes cast for the two sides was only 1,240, and I may tell my hon. friend that if it had been known in Prince Edward Island that the gentlemen they elected to the House of Commons were opposed to this subway, some of them, at all events, would not have been returned to Parliament. That, the hon. gentleman knows, is beyond doubt. Members from other Provinces of Canada may consider themselves justified in finding fault with this project, but it comes with poor grace from those who represent Prince Edward Island, in view of the fact that nine thousand voters in the Province voted in favor of this subway. They thought it safe, one thousand two hundred miles away from home, to indulge in sneers and insinuations when this subject was up for discussion. What were the opinions of such men as Fowler, Shanly and Newton, compared with those of Davis, Walsh, McIntyre and Perry. You can see in their circulars that they all appealed to the people to vote for them, and promised that if their party were returned, they would build the subway. I say it was unpatriotic on the part of those gentlemen that they did not take occasion to say one word in the House of Commons in favor of this project. What did we ask for? Simply that an examination should be made and that the scheme should be submitted to a board of competent engineers, by whose opinions we were ready to abide. But those men wanted to condemn the scheme without a trial—there are no so blind as those who will not see, and a man who shuts his eyes to facts, certainly is not to be praised for his intelligence. At the least they should have been willing to have aided this work by their influence. It is an open secret in Prince Edward Island, that whilst myself and others in that Province are trying to find some intelligent workable solution of this difficulty, some of those gentlemen, at all events, have asked the Government to give them a contract for their steamboats and offered to perform this service. We have the reports of gentlemen competent to judge of these matters that it is impossible to solve this difficulty by steamboats, yet these parties, in another place, profess to be able to accomplish what the best engineering authorities say is impossible, simply because they happen to have some worn out steamships and they hope to get a contract which will give them employment. That may be, for all I know to the contrary, the reason for their opposition to this project. At all events, it is an open secret that they have applied for a contract to perform this service, and the people of Prince Edward Island have frowned it down. There is only the one alternative—either we must build this subway or build a tunnel. That is the conclusion that has been reached by intelligent men who have given any attention to the question. I do think at least there might have been one little spark of generosity and patriotism—one thought of the interests of Prince Edward Island—in the minds of those who sneered at this pro-

ject in another place. I say more, not one of them would have dared to make the same remarks in the presence of their constituents in Prince Edward Island. This question is one of the very highest importance to us. We have for many years had our minds fixed on this point: if you read the speeches delivered during the election contest in Prince Edward Island, you will see that they were all in favor of this subway; and the least that the representatives of Prince Edward Island in another place could have done was to have expressed the hope that the Government would grant a sum of money to make a survey to ascertain whether the project is feasible or not. That is the least they could have done for the people of Prince Edward Island who sent them to Ottawa as their representatives.

HON. MR. ABBOTT—I am sure the House is very much indebted to my hon. friend for the valuable information which he has laid before it on the subject of this subway. The calculations he has made as to its probable cost, the mode in which it can be constructed, and the funds out of which it can be paid for, I am unable to deal with. I suppose he does not expect them to be dealt with now. His object is gained, and it is a very praiseworthy object—in placing on record such evidence as he can procure of the feasibility of this tunnel. I might remark that the concession which the hon. gentleman asks for in connection with the tunnel is a very large one—the Prince Edward Island Railway and $200,000 a year. It is true that the Island Railway appears at the present to be run at a loss, and for some time past to have been only a source of expense to the Government, but that loss appears, from the figures which he read, to be diminishing and it is hoped that ultimately it will disappear altogether. However, I do not propose to discuss the question. My hon. friend's statement will be found in the official report and I shall take care that the attention of my colleagues is called to it. I will merely content myself to-day with answering his question. He asks:—

If it is the intention of the Government to cause borings to be made during the present summer across the Straits of Northumberland, between Carleton Head, Prince Edward Island, and the Money Point, Cape Jourimain, New Brunswick.

To that I have to say that the Government have not had the crossing between these two points as yet under consideration, but they will cause enquiry to be made as to the feasibility of it and if they find that any advantage can be gained by having borings made they will have them made this summer.

HON. MR. HAYTHORNE — I listened with considerable attention to the hon. gentleman from Alberton who has addressed you at considerable length, this evening, and I must say that so far as I am personally concerned, he has not a shadow of reason to complain. I have always given his project the most earnest support from the very first.

HON. MR. HOWLAN—That is quite true.

HON. MR. HAYTHORNE—Referring to an earlier portion of my political life, I may say that I was leader of the Prince Edward Island Government in 1869, when a deputation from the Government at Ottawa arrived in Prince Edward Island. The present Sir Leonard Tilley was the gentleman who principally took part in the discussion which arose at that meeting. One other gentleman in that deputation has since deceased: his statue is in bronze on the Parliament grounds—I refer to the late Sir George Cartier. A third is still living in Halifax, but is out of political life. He was long a member of this house—I refer to Sir Edward Kenny.

But it was with Sir Leonard Tilley, who is still a living man, a man with a memory, I had principally to assume the duty of conferring. It was my duty to tell him that the general feeling of the people of Prince Edward Island at that time was opposed to Confederation. I told him so plainly. I told him also that I thought there were methods by which their objections could be obviated. One of the methods that I pointed to was the maintenance of steam navigation

during the winter season between the Island and the main land. I explained to him the difficulties and inconveniences the Province experienced for want of means of getting off and on. These small words, "off and on," mean a great deal in the winter time in Prince Edward Island, and they meant a great deal more then than now, because much has been done to improve the communication there during the intervening years. The demand was made to keep open that communication, steam being the agent mentioned in the terms of Confederation, and accordingly attempts were made to keep navigation open by means of steam. They were found impracticable. Urging this question on the attention of this body session after session for years, I impressed upon this House the importance of improving the existing means of communication not only between Georgetown and Pictou, but by the ordinary route between the capes. This to some extent has been established, but we have also, I think, pretty well established this fact, not only by experimenting with the "Northern Light" as to what can be accomplished by steam against ice in such narrow waters as ours are, but in the more extensive Arctic voyages which have taken place in other parts of the world. The most experienced members in both Houses have, I believe, come to the conclusion that it is practically impossible to maintain permanently steam navigation in the winter season across the Straits of Northumberland. Looking at this fact, and still not willing to abandon the thing altogether, I have looked forward to such discoveries as science might make, and such improvements in the present known forces as to make this condition of confederation practicable, so that when my hon. friend opposite (Mr. Howlan) took up this question of the subway I was ready to give him every support in my power in promoting his scheme. I have watched the progress of this question as closely as a private individual perhaps can very well do, and I admit candidly that I have seen nothing as yet to convince me of the impracticability of the hon. gentleman's project. On the contrary, what I have seen of it leads me to the conclusion that the thing is practicable. But as I said several years ago when this question was first brought forward in this House, I hailed it as an opportunity which the Government ought readily to embrace with a view to enable them to fulfil to the letter the conditions of Confederation with Prince Edward Island, and I put forward this proposition to the notice of the leader of the Government of that day, whether it was not the duty of the Government to make such inquiries into this scheme as would enable them to decide whether it was practicable or not. If it was found to be practicable it was their duty, in my opinion, to take hold of the scheme and carry it to completion and thus fulfil the terms of Confederation. My hon. friend has on various occasions placed this proposition of his before the people of Prince Edward Island, and before the public in Canada, as one which parties with whom he was acquainted were prepared to take hold of and carry out at their own expense. When this was first brought before the notice of the Senate, the leader of the Government stated in his place that the Government were not prepared to give any substantial aid in the way of money or subsidies towards its completion, and in answer to that my hon. friend has I think declared everywhere that what he wants from the Government is not substantial aid but permission to go on. If they are prepared to give him any subsidy well and good, but his company are prepared to undertake this great work themselves, on their own responsibility, and carry it out to completion, and that their payment shall depend upon the success of the undertaking when handed over as a finished work to the Government. If that be so I can see no reason why such an offer should not be accepted. A somewhat similar offer was made to complete a subway on a smaller scale under the river at Charlottetown last winter, and I think the terms were nearly the same as I have stated now. The Legislature of the Province thought fit to reject that proposition, and it has been consigned to the waste paper basket for the present. I think myself it was injudicious to do so—that it would have been a wise step on the part of the Local Legislature to have accepted that offer and made the experi-

ment on a small scale. Had it been successful it would have been a strong inducement to commence and carry to completion the larger and more important undertaking. My hon. friend attached considerable importance to this as a Dominion work, and there I again completely agree with him. A great deal too much importance has been attached to the practice of calling everything that entails an expenditure connected with the crossing of those Straits and the keeping up of communication in winter between that Province and the mainland as specially a Prince Edward Island affair. I have met that argument so often that I am almost ashamed to refer to it again. How can anything connected with the conveyance of the mails and passengers be said to concern one party only? There must be surely two parties to every such transaction, and our experience tells us plainly that of all the travellers who cross the Straits in the winter only a small proportion are Islanders. They are men of business connected with commercial houses in different parts of Canada and elsewhere, commercial travellers, agents of manufacturers or officials, to whom mail communications are essential. Barely one-half of the travel can be said to be our own, and yet when any question of this kind comes up we are always charged with asking for something special in connection with our own Province. It is as much in connection with the rest of the Dominion as any other expenditure for mail purposes can be, and there is this in addition, that Canada is bound by the terms of Confederation to keep that communication open in the winter. If the Government cannot do so by steamships, then it is quite open to them to do so by any other means that are possible. I admit that up to the present time communication by steamships has not been found practicable, but I am not prepared to abandon the claim of my Province to it; nor do I demand that Canada shall attempt to perform an impossibility; but I hold her responsible for this—to provide for the present time the best available communication that can be had; if in the future by improvements in old methods, or the invention of new, a better mode of communication is discovered, then the Government shall adopt it. I consider that is a fair and reasonable demand and one which cannot easily be gainsayed. I regret that my hon. friend has introduced anything into this question like party politics. He has introduced the question of soundings, but he got beyond his depths when he got into local politics—a thing at all times to be regretted in dsicussing public questions, and particularly so in this case, because those six gentlemen whose conduct he criticises so severely have been returned by a large majority of the voters of our Province.

HON. MR. HOWLAN—Not very large.

HON. MR HAYTHORNE—They would not have come here if they had not obtained the confidence of the people It seems to me to imply a lack of confidence to impale a public man in a House like this without any notice. I had no notice myself that the hon. gentleman intended to criticise the conduct of those men; if I had I would have perhaps provided myself with rebuttal evidence. I recollect the circumstances to which my hon. friend refers, with regard to a certain letter from Sir John Macdonald. I happened to be in Charlottetown myself at the time. My hon. friend had a meeting in the market hall that evening. I did not consider it as a public meeting. I understood that an announcement would be made to that meeting that my hon. friend had a promise from Sir John Macdonald to carry out the subway. That was the belief we had in Charlottetown, and I for one felt exactly in this way: I am as earnest and desirous to have that subway as my hon. friend, but I say here, and I have said the same thing in my own province, that I would rather do without the subway for the rest of my natural life than abandon my political liberty for any such object. I believe that the hon. gentleman would have advanced his case considerably more if he had dropped party and local politics out of the question. No good can be done by that. I have given heretofore, and will give again whatever support I am able to this scheme, because I believe it is for the benefit of the country if it can

be carried out, and because I believe that it is practicable. My hon. friend might have employed some of the time of the House which he occupied in details of local politics, for a better purpose in showing the manner in which the industries of his province might be developed if as ready means were found of moving the produce of the Island in the winter time as in the summer. Only this very afternoon a subject was here mentioned which is closely connected with the subway. If the Experimental Farm concerning which I asked the question this afternoon is carried out successfully somewhere in the neighborhood of Prince Edward Island, if not on the Island itself, because it must be observed that if the subway can be constructed and carried into practical operation all objections which can be urged against the Island as a site for the Experimental Farm will be removed at once, and it will open a new era in the agriculture of the province, no longer will farmers depend on carrying their bulky produce to market and consuming a large portion of its value in freight, but they will concentrate it into a product of greater value, in fact they will learn how to carry the manufacture of agricultural products to a greater extent and so economize their expenditure for freight. In my province it has been the practice to export potatoes by the cargo, and many too often rot and are ultimately heaved overboard at the dumping grounds. Scientific agriculture will teach our farmers how to utilize those products now often wasted, and to condense them into articles which can be cheaply transported through this subway under the Straits of Northumberland to the markets of the world. Perhaps it is not right for me is this crude fashion, without preparation, to urge these questions before the House but it has occured to me, with regard to the opening of communication of the more important character which my hon. friend refers to, that Georgetown will be one of the important ports which is to become a future Atlantic port of the Dominion. At my time of life of course it cannot be expected that I shall live to see such undertakings carried out. Indeed while my hon. friend was speaking, my mind recurred to some words which fell from the hon. gentleman from DeSalaberry with regard to an expression which he objected to in the address recently passed by this House to Her Majesty the Queen. It seemed to me, if the hon. gentleman objected to the word "conquered" he had at all events this important result to look back to that his French ancestorss as pioneers had conquered some of the greatest difficulties to be encountered on this continent and they had shown remarkable sagacity in selecting its most salient points. There was Louisburg in Cape Breton, Port Royal, Quebec, Montreal, Detroit and quite a number of others. Notwithstanding the previous ignorance of this continent they had lighted upon all the leading salient points of the whole continent, but this very one which the hon. gentleman from Alberton referred to, Georgetown, was probably one of the earliest points discovered in the St. Lawrence. It is of record that Sebastian Cabot discovered the St. Lawrence and sailed up this strait and it is indeed still doubtful whether he did not enter the Gulf of St. Lawrence before Columbus discovered one of the Islands in America. That is a moot point still—but it is rather a singular fact that this line which my hon. friend refers to was actually discovered so many years ago by one of the first navigators who sailed up this great estuary of ours. Therefore should my hon. friend's vision be realised, it will be a strange concatenation of facts altogether, to find such a great change from the present routes take place. I hope my hon. friend may live to see this vision realized; but let me say this in all good faith and candor, I do hope that if the hon. gentleman intends to push this project forward and to recommend it to all parties, to all candid and thinking men in and out of Parliament, that he will cease to agitate it in connection with local party politics, but if he does not do so, by all means let him give us notice and we will be prepared for that discussion.

HON. MR CARVELL—It was suggested, while my hon. friend was on his feet, that it would be well if the Government would at once buy Prince Edward Island and make of it a sheep farm, and,

before he finished, the idea was enlarged to make it a cow park. The late lamented D'Arcy McGee, whose departure from amongst us I have always regarded as a national loss, suggested once in a visit to Prince Edward Island that he thought if the Government would only send a powerful tug down the River St. Lawrence and tow the Island up, and put it in the middle of one of the large lakes where it would be 100 miles from shore it would be a good idea. I almost wish the hon. gentleman from Alberton had the ability to carry out the suggestion, because if it was an island in the midst of Lake Superior it would be within the limit of the good Province of Ontario, and being there anything said in its interest would not so readily, I would almost say so universally, cause a smile when any of the hon. gentlemen from that favored Province undertook to speak of its rights. I would say briefly that there is very great misapprehension in reference to the position of Prince Edward Island in the Confederation. The bond which we have is a public instrument and all are, or ought to be acquainted with it. Hon. gentlemen should bear in mind that Prince Edward Island was courted; she was not the courting body, and that Province consented to become a part of Confederation on condition that daily communication with the mainland would be secured to them throughout the year. That was nearly fifteen years ago, and with the exception of spending a few hundred dollars at Capes Tormentine and Traverse no effort has been made towards establishing that communication since the steamer "*Northern Light*" was placed on that service by the Government of that day. Reference has been made as to how far this subway, if built, would be a provincial affair as benefiting Prince Edward Island. Those of us who know more about the traffic to and from Prince Edward Island and the mainland are able to assert most positively that the majority of those who cross the straits of Northumberland are not residents of the Island. Prince Edward Island is a large and profitable customer of the Provinces of Ontario and Quebec, and it happens in the spring of every year that from 30 to 60 commercial travellers, from Montreal, Toronto, Hamilton, and other cities of the Western Provinces, are found waiting sometimes two or three weeks for a chance to cross the straits that they may sell their wares and take orders for the manufactures of the upper provinces. In that connection it may not perhaps be out of place to refer to a statement made here the other day in the comparison between the trade of British Columbia and that of Prince Edward Island. It happens unfortunately that there is no authentic record in the public returns of the trade of Prince Edward Island. I think the export trade of the province was placed at a few hundred thousand dollars by the hon. gentleman from New Westminster. In the items of horses and eggs the Province shipped over half a million dollars worth that are not entered in the returns as exports of Prince Edward Island. The Province of Prince Edward Island received from the City of Boston alone in cash, $250,000 for eggs, and we have exported to the United States over $200,000 worth of horses; but as they go out entirely through New Brunswick we get no credit for having exported them. So it is with other items produced and shipped by Prince Edward Island, and for which other Provinces get the credit. Prince Edward Island is a large customer of the Upper Provinces. The passenger traffic across the Straits is largely from these older Provinces. We do not go out to buy goods. We remain in our offices, and the representatives of manufacturing and wholesale houses come to us and solicit orders, therefore I say that not one-tenth of the people who cross the Straits are from Prince Edward Island. While during all those years the bond that I have referred to was unfulfilled, we remained quiet. We thought that the Government had undertaken too much—ignorant of the condition of the Straits in the winter season they thought that they could send a steamer down there which could ply regularly and contend with the ice throughout the season. But they have found, as I have already contended, that it is a physical impossibility. With reference to the winter crossing which we have had from time immemorial the Government never did anything towards improving it until the winter before last. A little was

then done, but what has been done is still capable of much greater improvement. Some years ago, at the request of the Government, I furnished a memorandum giving my own ideas of how that route could be improved so that almost every day when there was not a heavy storm blowing, the crossing could be effected during the winter. Nothing has been done in that direction. This question is not an Island one; it is a Dominion work entirely, and emphatically a Dominion work, and as such it ought to be built by the Dominion. Prince Edward Island is not asking a favor; but merely reminding the Government of what is due to her. I say we waited until the scheme of the hon. gentleman from Alberton came up. I confess that when it came before me I pooh pooh it; I thought it was visionary; I thought my hon. friend was dealing with something certainly which he knew nothing about; but now that its practicability and its feasibility have been demonstrated, and that its cost will not be unreasonable, it is a matter that should receive the careful attention of the Government. The leader of the Government thinks it is a very serious thing to give away a railway which is costing us $50,000 or $60,000 a year. I do not think my hon. friend would take it as a kindness if the Government were to offer him that road on condition that he should operate it. I think the successful operation of that road is contingent upon the construction of the tunnel. If the tunnel is built there is no doubt the traffic of the road will increase; in the meantime its increase must be very slow indeed, while the working expenses cannot reasonably be diminished.

BILLS INTRODUCED.

Bill (122) "An Act respecting conveyance of liquors on board Her Majesty's ships in Canadian waters." (Mr. Abbott.)

Bill (126) "An Act to amend the Dominion Controverted Elections Act." (Mr. Abbott.)

Bill (127) "An Act to amend the North-West Territories Act." (Mr. Abbott.)

Bill (123) "An Act respecting the Defacing of Counterfeit Notes and the use of imitations of notes." (Mr. Abbott.)

Bill (121) "An Act to amend the Act respecting Canned Goods." (Mr. Abbott.)

Bill (44) "An Act respecting the Atlantic and North-West Railway." (Mr. McKindsey.)

Bill (67) "An Act to incorporate the Massawippi Junction Railway Co." (Mr. Cochrane.)

Bill (63) "An Act to incorporate the Kingston, Smith Falls & Ottawa Railway Co." (Mr. Clemow.)

Bill (55) "An Act to incorporate the Eastern Canada Savings & Loan Co., (limited)." (Mr. McFarlane.)

A COMPLAINT.

HON. MR. SULLIVAN—I wish to bring up a matter of great importance to a number of members who, like myself, are debarred from forming an intelligent opinion on the subjects under discussion in this House, owing to the impossibility of hearing what is said by those who sit on the front benches at the upper end of the Chamber. If any remedy can be found for it, I hope this House will consider it, if not, of course we will have to put up with it. If hon. members in addressing the House would not turn to the Speaker so much, but would address those directly opposite them, or incline a little towards the lower end of the chamber, it might be possible to hear them from where we sit. Very seldom is it possible for us to hear the remarks made by the Hon. Leader of this House.

HON. MR. ODONOHOE—I entirely agree with what has fallen from my hon. friend. We who sit at this end of the Chamber are at a great disadvantage; we cannot hear what is said by those who sit in the front benches on this side. That is particularly the case when the hon. leader of the Government addresses the House. If hon. gentlemen would bear in mind to address towards the clock on either side it would obviate the difficulty

HON. MR. CLEMOW—I may say that we who sit on the left side of the Speaker have the same difficulty.

The subject then dropped.

PRESCOTT COUNTY RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. CLEMOW moved the second reading of Bill (57) "An Act to incorporate the Prescott County Railway Company."

He said:—This Bill is merely to incorporate a company to build a railway in a part of the country which is badly in need of railway communication. The line will start from a point in or near the Village of Hawkesbury, in the County of Prescott, and run to a point on the line of the Ontario and Quebec railway in the County of Soulanges and to a point on the line of the Canada Atlantic Railway in Glengarry and to the river St. Lawrence near Cornwall. It is proposed also to construct a branch to the valuable mineral springs at Calédonia with a view to making them more accessible to the public.

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

SECOND READINGS.

The following Bills were read the second time without debate:—

Bill (M) "An Act to incorporate the Royal Victoria Hospital."—(Mr. Abbott.)

Bill (66) "An Act to incorporate the South Norfolk Railway Company.—(Mr. McCallum.)

Bill (15) "An Act to incorporate the Imperial Trusts Company of Canada."—(Mr. Ogilvie.)

GRANGE TRUST BILL.

SECOND READING.

HON. MR. READ moved the second reading of Bill (39) "An Act to authorize the Grange Trust (limited) to wind up its affairs."

He said:—This Company is solvent, and there is no authority to wind up any company that is not insolvent. This Bill asks for powers to wind up the affairs of the Grange Trust as it has not been found profitable.

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

ALBERTA & ATHABASCA RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. POWER, in the absence of Mr. McCallum, moved that the amendments proposed by the Committee on Railways, Telegraphs and Harbors to Bill (59) "An Act to amend the Act incorporating the Alberta and Athabasca Railway Company," be concurred in.

He said:—These amendments are of the usual character and are designed to bring the Bill into the same form as other bills of a similar character. As the object of the amendments is a desirable one, I presume there will be no objection to them.

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

GODERICH & CANADIAN PACIFIC JUNCTION RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. McCALLUM, in the absence of Mr. Dickey, moved that the amendments proposed by the Committee on Railways, Telegraphs and Harbors to Bill (24) "An Act to incorporate the Goderich & Canadian Pacific Junction Railway Company," be concurred in.

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

THE MONTEITH DIVORCE BILL.

THIRD READING.

HON. MR. GOWAN moved the adop-

tion of the report of the Select Committee to whom was referred Bill (J)—"An Act for the relief of John Monteith." He said:—When this matter was before referred to, I explained the few verbal amendments that were made in the preamble. I can only say that the evidence fully establishes all the facts set forth.

The motion was agreed to on a division.

HON. MR. MCKINDSEY moved that the Bill be read the third time presently.

The motion was agreed to on a division and the Bill was read the third time and passed.

PENITENTIARY ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (65)—"An Act to amend the Penitentiary Act."

In the Committee, on the third clause.

HON. MR. POWER said:—There is one provision in the second sub-section of this clause which may be open to objection. It provides that no officer shall be entitled as of right to any increase of salary, but his salary may be increased by the Minister of Justice. Of course, the honorable leader of the Government does not suppose that the present Minister of Justice will be capable of improper conduct, but it might happen in the future that we would have Ministers of Justice who would be small enough to remember something against an officer in some Penitentiary and decline to grant him an increase of salary to which he might be entitled. I think there should be some other way of regulating that matter—that unless it is shown by a report of the regular officer that a man is not entitled to increase he should get it *Primâ facie* he is entitled to it: if his conduct has not been good, he should be reported against.

HON. MR. ABBOTT—This is merely a precaution against anyone insisting upon having the graduated scale applied to him, whether he has been a deserving officer or not. My hon. friend will see there is no tribunal to which the matter can be referred except the Minister of Justice, who, of course, will have to obtain his information from the inspector or some superior officer in the Penitentiary. He must have a report from somebody in order to know whether the officials are performing their duties properly or not.

HON. MR. POWER—As far as I can judge, the Bill generally is an improvement on the existing law, but on this one particular point I do not feel quite satisfied. The hon. gentleman may not remember that there was a good deal of discussion in connection with the acts of the warden of St. Vincent de Paul Penitentiary, in which I imagine feeling, either of personal or of a political nature entered very largely. It would be a rather invidious position to place the Minister of Justice in to have to decide a question like that.

HON. MR. HAYTHORNE, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

The Senate adjourned at 6:15 p. m.

THE SENATE,

Ottawa, Friday, June 10th, 1887

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

HAMILTON CENTRAL RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (38) "An Act to amend the Act to incorporate the

Hamilton, Guelph and Buffalo Railway Company, and to change the name of the Company to the Hamilton Central Railway Company."

HON. MR. VIDAL moved the third reading of the Bill.

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

THE CANADIAN PACIFIC RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (45) "An Act further to amend the Act respecting the Canadian Pacific Railway Company," with an amendment.

He said: The amendment is merely to correct a typographical error in one of the sections. In connection with this Report of the Committee I would like to suggest that as the Bills are crowding upon us, if there is any desire that the prorogation of Parliament should take place soon, it would be well to suspend the 61st Rule, which requires a day's notice of these Bills to be posted in the corridor for the remainder of the session. It would greatly facilitate the business of the session.

HON. MR. McKINDSEY moved that the amendments be concurred in.

HON. MR. McINNES (B. C.)—By mistake the second reading of this Bill took place without my knowledge. I was very sorry that circumstances, over which I had no control, prevented me from being in the Railway Committee room to-day in order to draw the attention of the Committee to one clause, at least, of the Bill which was objectionable. I should like to have the third reading of this Bill postponed until Monday, as I wish to offer an amendment.

The motion was agreed to.

THE LAVELL DIVORCE BILL.

REPORTED FROM COMMITTEE.

HON. MR. KAULBACH, as Chairman of the Select Committee to whom was referred Bill (H) "An Act for the relief of William Arthur Lavell," reported the same with amendments.

He said:—The chief amendment is to strike out from the preamble the charge of bigamy. I shall not detain the House just now with any further remarks, as the report will come up for consideration at a future sitting of the House. I move that the report be received.

The motion was agreed to.

THIRD READINGS.

The following Bills were reported from the Committee, read the third time and passed without debate:—

Bill (14) "An Act to incorporate the Collingwood General and Marine Hospital." (Mr. Gowan.)

Bill (M) "An Act to incorporate the Royal Victoria Hospital." (Mr. Abbott).

AUDITOR OF THE MURRAY CANAL ACCOUNTS.

MOTION.

HON. MR. FLINT moved,

That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will cause to be laid before this House, copies of documents in reference to the appointment of A. F. Wood, Esquire, of Madoc, as Auditor or Arbitrator in connection with the Murray Canal; the sums of money paid the said A. F. Wood from time to time for his services; together with the vouchers therefor, and more especially for the month of November, 1886, giving the number of days of actual service, and the amount paid to him or to his order for that month.

The motion was agreed to.

SECOND READINGS.

HON. MR. MILLER—On reference to the Journal of the House of Commons of Wednesday evening last, I noticed that some 17 or 18 Bills were considered in Committee of the Whole, reported without amendment and read the third time and passed. It is clear that there

will be very little debatable matter about those Bills. They are all private measures relating chiefly to railway companies. I would suggest, as there is evidently very little debatable matter in them, that when they are read the first time, with the consent of the House the 41st rule should be suspended, and they be read the second time. The House would not meet to-morrow, but the Railway Committee could meet, and by the suspension of the 41st and 61st rules, these Bills can be all taken up by the Committee and considered, which would expedite business very much, and I have no doubt it is the desire of every hon. gentleman to expedite the public business at this late period of the session as much as possible.

THE SPEAKER—Do I understand that the suspension of the 41st rule shall be moved in each case after a bill passes the first reading?

HON. MR. MILLER—I was going to suggest that after each bill is read the first time that the gentleman in charge of it should move that the 41st rule be suspended as regards that bill, and that the bill be read the second time if the House has no objection.

EDMONTON AND SASKATCHEWAN LAND COMPANY'S BILL.

FIRST AND SECOND READINGS.

Bill (84) "An Act respecting the Edmonton and Saskatchewan Land Company (Limited)," was introduced and read the first time.

HON. MR. CARVELL—As this is a permissive Bill to enable the Company to receive shares of the Company in exchange for its own property, I move the suspension of the 41st rule of the House and that it be read the second time presently and referred to the Committee on Standing Orders and Private Bills.

HON. MR. POWER—I am not going to oppose the resolution of my hon. friend, but I think the better way for him to do would be to divide his motion. I was going to make this statement with reference to the proposition of the hon. gentleman from Richmond. I think we are all desirous of expediting the business of the House, that is, so far as it is consistent with due consideration of the measures that come before us. As a member of the Railway Committee, however, I do not wish to be understood as committing myself to letting every measure go to that Committee as a matter of course and not opposing it in this House afterwards, because I do not now object to the proposal to dispense with our rule, which requires the posting up of those bills in a hall of the House. I have some doubt as to whether it is wise to suspend that rule. I think there is some other business before the Railway Committee —that there are enough bills now to employ the Railway Committee to-morrow morning, and without suspending this rule the Committee can consider these Bills at the beginning of the week.

The motion was agreed to.

The Bill was read the second time under a suspension of the 41st Rule.

THE MIDLAND RAILWAY COMPANY'S BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (75) "An Act respecting the Midland Railway Company of Canada."

The bill was read the first time.

HON. MR. FERRIER moved that the 41st rule be suspended so far as it relates to this Bill, and that it be read the second time presently.

HON. MR. POWER—If the motion is put in that form I shall object.

HON. MR. MILLER—The hon. member has a perfect right to object to the motion being put in that form, but the motion, I contend, is perfectly regular; to assert that it is not would be to assert that a compound proposition is not in order.

HON. MR. BOTSFORD—One follows the other.

HON. MR. MILLER—There are two propositions, but two propositions relating to the same subject in a motion are perfectly in order.

HON. MR. ABBOTT—For the sake of saving time I would like to point out to my hon. friend from Halifax that the practice in the other House, which is very much the same as in the Senate, is to permit such motions to be made. I do not recall any motions exactly corresponding with this, but a very common motion in the House of Commons is to suspend the rule requiring notice of bills and that the hon. member having a bill in charge be allowed to introduce it.

HON. MR. POWER—I have not alleged that the motion of the hon. member from Shawinegan could not be put: I simply demurred to its being put in that way. It is not unusual, towards the close of the session, that a measure comes in to which some member may be opposed. Speaking for myself, there are many measures to which I am opposed on their merits as to which I would not take a technical objection that they are introduced or read contrary to the rules of the House. I think it is better to put the motions separately. However, I withdraw the objection.

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

HON. MR. ABBOTT—I quite appreciate what the hon. member from Halifax has said about the importance of preserving respect for these rules, but I am sure that if there is the least suggestion of undue haste before the Railway Committee in the case of any Bill, it will be allowed to stand over. In point of fact, it is in the Railway Committee that these Bills are discussed, and I do not think there can be any objection to this suspension of the rule. I move that the sixty-first rule be suspended for the remainder of the session in respect to private Bills originating in the House of Commons.

HON. MR. ALMON—Benjamin Franklin, in whom I do not take much stock myself, when a barrel of pork was brought into his father's house and they dined on it every day, a long grace being said at each meal, suggested that it might be better to say grace over the whole barrel of pork and save time and trouble. That being the case I think it would be well to move the suspension of the 41st rule and save the trouble of moving it for the second reading of every one of these Bills.

The motion was agreed to.

FIRST AND SECOND READINGS.

The following bills from the House of Commons were introduced and read the first and second times under a suspension of the 41st rule:

Bill (81) "An Act to confirm and amend the charter of incorporation of the Temiscouata Railway Company." (Mr. Bolduc.)

Bill (101) "An Act respecting the Richelieu and Ontario Navigation Company." (Mr. Guévremont.)

Bill (69) "An Act to incorporate the Equity Insurance Company." (Mr. Ogilvie.)

Bill (74) "An Act respecting the Grand Trunk, Georgian Bay & Lake Erie Railway Co." (Mr. Ferrier.)

Bill (72) "An Act to incorporate the Halifax & West India Steamship Co.," (limited). (Mr. Almon.)

Bill (106) "An Act to incorporate the Empire Printing & Publishing Co." (Mr. Gowan.)

Bill (88) "An Act to incorporate the Canadian Horse Insurance Co." (Mr. Gowan.)

Bill (83) "An Act to incorporate the Londonderry Iron Co." (Mr. Read.)

Bill (78) "An Act to incorporate the Canada Accident Insurance Co." (Mr. Vidal.)

Bill (82) "An Act to incorporate the Oshawa Railway & Navigation Co." (Mr. Read.)

Bill (49) "An Act to incorporate the Upper Columbia Railway Co." (Mr. Macdonald, B.C.)

Bill (48) "An Act to incorporate the Guarantee and Pension Fund Society of the Dominion Bank." (Mr. McCallum.)

Bill (60) "An Act further to amend the Act to incorporate the Western Assurance Co., and other Acts affecting the same." (Mr. Gowan.)

Bill (22) "An Act to incorporate the Canadian Society of Civil Engineers." (Mr. McCallum.)

Bill (85) "An Act to authorize and provide for the winding up of the Pictou Bank." (Mr. Power.)

Bill (71) "An Act to enable the Freehold Loan and Savings Company to extend their business, and for other purposes." (Mr. McMaster.)

BILL INTRODUCED.

Bill (N) "An Act to amend the Revised Statutes Chapter 51, respecting Real Property in the Territories." (Mr. Abbott.)

A QUESTION OF PRIVILEGE.

HON. MR. MCINNES—Before the orders of the day are called I wish to rise to a question of privilege. I have heard a great many reflections made upon the Senate in different quarters, but something has been brought to my notice to-day which I consider the greatest insult that it is possible to offer to this House, and I find it in one of the Blue Books. In the supplementary report of the Inspector of Penitentiaries for the year ending 30th June, 1886, on page 304, there is a foot note in connection with a letter written by the Honorable Mr. Bellerose to the Minister of Justice. The sentence previous to this note reads as follows: "Pardon me sir, I do not censure, but I have reason to believe that the honorable gentlemen who have accused Mr. Inspector in Parliament, in the press over their own signatures, and in official documents, had good reasons for doing so." This is a statement made by Senator Bellerose in a letter to the Minister of Justice. There is a star there, and the foot-note reads as follows: "The writer of this letter, Joseph H. Bellerose—honorable by accident and courtesy—is the only person who has made accusations in the press over their own signatures against Mr. the Inspector. Joseph H. Bellerose seems to think that any accusation which he sees fit to make, no matter how false, is equivalent to proof. J. G. M."

As I said before, if this House has any respect for itself, it will certainly put itself right as far as possible. An attack made upon any one member of this House is an attack made upon the whole body. It is a gross insult and indignity, which, I think, this House should resent. From what little I know of the Minister of Justice, I must say I refuse to believe that he would sanction such a note being made in any public document.

HON. MR. BELLEROSE—I thank the hon. gentleman who has called the attention of the House to the circumstance. I thank him also for having given me notice, before the sitting, that he would do so, because it gave me a few minutes to consider what I should do and say. The book to which the hon. gentleman has referred contains some very reprehensible attacks on a member of this House and one especially of a very serious character—the worst I have heard of in my long political career, and worse than I ever saw in a public document. It is not my intention to say much on this occasion since I am the party who has been selected in this House to be the object of attack and the occasion of a breach of the privileges of Parliament. To my mind the insult is greater to this honorable body, of which I am a humble member, than it is to myself. In May's Parliamentary Practice I find the following words:—"Interference with or reflections upon members have always been resented as indignities in the House of Lords or in the House of Commons in England." Again the author says: "Such offences have always been resented in England as indignities to the House." In this instance the circumstances attending the attack have made it even worse than it appears

in the blue book. On Monday last, the 6th instant, the hon. leader of this House, having laid before the Senate a supplementary report from the inspector of penitentiaries, I looked over it and found a good many bad references to myself, but on page 304 I found the most shameful of them all—an attack which is even more offensive to the House than to myself. I was then determined to bring the whole matter before the House as a question of privilege, but having as I generally do in all cases, reflected upon what would be the proper course I considered that I could not do so—that I could not attack the Inspector without attacking also the Minister himself, who is responsible for this book and everything it contains. Having heard so much from Nova Scotians of the honorable character and the straightforwardness of Mr. Thompson, I said to myself "it is impossible that the Minister of Justice has sanctioned this and he must have been, as Sir Alexander Campbell and myself have often been, deceived by the inspector." I therefore wrote to the Minister of Justice asking him if he would allow me an interview of five minutes. He answered that he would see me with pleasure on Wednesday at 10 o'clock a.m. I went to his office and when I showed him this foot note and asked him if he knew anything of it, his first remark was "It is a disgrace." He then told me that he knew nothing of it. He added "To prove to you that I could not know anything of it I will show you the letter written by yourself, the only letter which I have taken into consideration. You will see that there is no note there: I would not allow anything of the kind. No man has to make a note on a letter from a member of Parliament to the Minister of Justice." He sent for the letter and I looked at it and recognized it as my own and there was no note upon it. It appears then that the Inspector, having been ordered to prepare a copy for the bluebook, put this note on the copy sent to the printing office so that the Minister of Justice would not know that it was there until the book was circulated through the Dominion. Those are the facts. I considered then that it would be better for me to wait and not to bring the question before the House, but allow time to the Minister of Justice to vindicate both parliament and myself. In the meantime I will keep silent. I am well known in this country, especially in my own province. I care very little about these vile attacks. If I was not a member of this House I would not even sneer at them, but as I am, I must follow up this breach of privilege, though personally I would be ready to wait, under the circumstances, until I saw the outcome of the affair. I have some 40 or 50 pages of a statement prepared, which I intended to place before the Senate some of these days, concerning those troubles in the penitentiary. I have accompanied the statement with evidence and documents to sustain my charges, but after the conversation I had with the Minister of Justice I will wait to see whether anything will be done to punish the offence given both to this House and to myself. For four years I have been asking for an enquiry to discover the cause of those troubles which ended in the sudden death of a convict and the serious wounding of the warden and several other officers of the penitentiary, besides the very great expenditure connected with the revolt. I asked over and over again for an enquiry, and one was promised last year, but during the recess I was laughed at. The enquiry was never made, and why? Because the Inspector had continually been at work to show that there was no necessity for it. Even under those circumstances, badly as I was treated and knowing all I know and the mischief which has been done during the last 15 months, I have not said a single word in the way of an attack upon those men during this session. I have preferred to keep silence, knowing that I have done my duty, and leaving with the Government the responsibitity of all the evil which has been the consequence of their excessive trust in officials who deceived them, as, they must see now, was the case. If the Inspector perpetrated what it appears he has done, is he a fit man, I ask, for the responsible position he holds? If he did so in this case, how can the Minister rely on him or on his reports to dismiss officials or retain them in office? My warnings were received with contempt. The Minister ought to see now

that it would have been safer for him to pay a little more attention to my statements. The Minister of Justice acknowledging the guilt of his subordinate officer, I feel that it is my duty to say no more for the present on this question of the causes of the difficulties this penitentiary has been laboring under, so that I will wait to see how the Minister will deal with the guilty Inspector. As the hon. gentleman from British Columbia has said, the House is more interested in this matter than I am, because I have only my own reputation to protect. I am 67 years of age. I have always lived in this country and I am so well known that I cannot be injured by such villainous attacks; but the House has to show that it resents this disgraceful breach of privilege. It cannot tolerate such an outrage. It is for this House to take what steps may be deemed proper to protect its own dignity: for my part I will most probably wait until next session to give an answer to many other attacks made upon me by the Inspector, and which are found in the blue books. I will only add that in the blue books I am referring to, I will be able to prove that there are important statements which are not according to facts.

HON. MR. ABBOTT—Did I misunderstand my hon. friend when I understood him to say that the Minister of Justice knew of this note?

HON. MR. BELLEROSE—I said to the contrary.

HON. MR. ABBOTT—With reference to the note itself, I can only say that I entirely concur in the views taken by the hon. gentleman who brought this matter before the House, that this is a very grave and serious offence against the dignity and honor of this House. If I had been informed that he was going to bring it before the Senate I would be prepared to say what steps I should take under the circumstances. I have only heard of it this moment, and therefore I would ask my hon. friend to let it stand in order to see what steps I shall and ought to take in order to xindicate the honor and dignity of this House. In the meantime I shall bring the matter under the notice of the Minister of Justice. The offence is all the more grave, because it is one that has been perpetrated by an officer of the Government.

HON. MR. BELLEROSE—I said when I read the note that I did not like to bring it before the notice of the House because it was a matter for which the Minister of Justice was responsible, and knowing what I do of him I am content to leave it in his hands

The subject then dropped.

SICK AND DISTRESSED MARINERS BILL.

SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the second reading of Bill (76) "An Act to amend the Act respecting Sick and Distressed Mariners."

He said: This is a very short Bill, introduced for the purpose of correcting an error in the Revised Statutes. If I had known more about the Bill when it was first introduced I dare say we should not have had the discussion which has already occurred upon it. There is a small fund created by a tonnage duty on vessels for the purpose of assisting in the care and treatment of sick and distressed mariners coming into ports in Canada. By an Act passed in the 45th year of Her Majesty's reign it was provided that no vessel, whether British or foreign, employed exclusively in fishing or in fishing voyages, should be subject to this tonnage fund—in other words that no fishermen should be allowed the benefit of this fund. By 46 Victoria, passed two years afterwards, that law was amended, and the fishermen were brought under the provision of the Act and allowed the benefit of the fund. That was the state of the law when the Revised Statutes were passed. It came into force in March last. In the Revised Statutes there was a provision which left the matter so open that not only our own fishermen but foreign fishermen could avail themselves of this fund, which was not the provision of the Act 47 Vic., and which was not intended and was never the law here until the Revised Statutes

were brought into force in March last. It is to replace the latter in the condition in which it was, and in which it was intended to remain, that this short bill was introduced, which provides that :

No vessel which is not registered in Canada, and which is employed exclusively in fishing or on a fishing voyage, shall be subject to the payment of or shall pay any rate or duty imposed by the Act hereinbefore cited.

That is to say the fishermen who are to have the benefit of this hospital fund are Canadian fishermen. I was under the impression that perhaps my hon. friend was right in suggesting that we might be making a change which would be inconvenient, and possibly inhospitable ; but I find that the same rule applies in the United States. There the hospital privileges appear to be confined to the United States fishermen, and we are only keeping the law in the position in which it was in 1874, and are making it exactly the same as the American law in that respect upon this subject.

HON. MR. POWER—Perhaps the hon. gentleman will be good enough to read the short Act of 1884 so that members can understand it.

HON. MR. ABBOTT—I will first read the Act of 1882, so that hon. gentlemen can see the bearing of this legislation :—

"No vessel, whether British or foreign, employed exclusively in fishing or on a fishing voyage, arriving in any port in Canada, after the coming into force of this Act, shall be subject to payment of or shall pay any rate of duty imposed by the Act cited in the preamble to this Act, and its amendments."

The Act of 1884 provides :—

"Notwithstanding anything in the Act passed in the forty-fifth year of Her Majesty's reign, chapter nineteen, for amending the Act cited in the title to this Act, the master or person in command of any fishing vessel registered in Canada on his behalf, may pay the dues chargeable on such vessel under the Act last mentioned, before leaving on a fishing voyage from its first port of outfit; and if the said dues have been paid at such port on any such vessel, before leaving on a fishing voyage, in any calendar year, the master or person in charge of such vessel, and the mariners employed therein on such voyage, if sick, shall have the same rights and be entitled to the same benefits as those of other vessels on which the dues imposed by the said Act have been paid, in any Port where there is a Collector of Customs :—

By this Act, therefore, the benefits of the fund were extended to fishermen, which previous to that Act was not the case. The Revised Statutes makes no distinction at all as to the fishermen who may avail themselves of these privileges.

HON. MR. MILLER—Have you the American law on the subject ?

HON. MR. ABBOTT—I have not, but I have something equivalent to it. In the annual report of the Supervising Surgeon General of the Marine Hospital Service of the United States for the year 1886, he says :—

"When the service was supported by a tax on the beneficiaries, it was held that those only who had contributed to the fund could receive relief from it, but soon after the enactment of the law providing for the support of the service from the tonnage tax, applications for relief began to be received from fishermen, claiming that as their vessels paid tonnage duty they became contributors to the fund."

So that up to that time fishermen in the United States were on the same footing as Canadian fishermen were up to 1874. The matter was referred to the Solicitor of the Treasury, and on the receipt of his opinion the following circular was issued :—

"In accordance therewith persons employed on vessels of the United States engaged in the fisheries will hereafter be admitted to treatment under the same regulation and conditions as other American seamen."

That shows the position taken by the United States to be the same as our own, and to have been the same as ours all along. For a certain time they did not regard fishermen as seamen, and did not admit them to the privileges of this fund. They subsequently recognized fishermen as seamen, restricting to their own fishermen the benefits of the fund.

HON. MR. HOWLAN—When the matter was up the other day I took exception to the Bill, and I still take the same exception, regretting that such a Bill should be called for, because it says, "No vessel which is not registered in Canada, and which is employed exclusively in fishing, shall be subject to the

payment imposed by this Act," &c. Now, any vessel, engaged in fisheries in Newfoundland, in the same way, would not be entitled to the benefit of our hospitals. I find, on looking over the introduction of the Bill in the House of Commons, when the present Postmaster-General was Minister of Marine and Fisheries, the reasons he gives are found. Much to my surprise he quotes that fault is found by the American Government. As has just been stated by the leader of the Government, the authorities at Washington within a recent period have recognized fishermen as seamen entitled to the rights of Marine Hospitals by the paying of hospital dues. But this seems to shut out fishermen of all other nations. If, for example, our fishermen were in the habit of entering ports of the United States as frequently as American fishermen visit the ports of the Dominion, there would be no difficulty in the matter; but when the subject was under discussion in the House of Commons the Minister said :—

"I may say, Mr. Speaker, in moving this resolution, that we have had complaints from foreign fishermen on one or two occasions, and also from their Governments, that we have charged them sick mariners' dues."

MR. KILLAM—Will our fishing vessels, in case of sickness on board, be refused the benefits of the marine hospitals in our ports?

HON. MR. McLELAN—I think that the hon. gentleman will find that our vessels which are engaged simply in coasting, do not participate in these benefits; that no vessel, unless she pays such fees, participates in these benefits; and that, therefore, being exempt from these payments they do not share in the benefits.

SIR ALBERT J. SMITH—I think the hon. gentleman is mistaken when he says that our fishing vessels do not pay these dues. I think that they both pay the dues and participate in the benefits accruing from the fund. Of course the resolution implies that they are so liable now, as it is proposed to exempt them from the obligation; in fact they are liable for those dues as well as other vessels.

MR. KILLAM—Of course the resolution implies that fishing vessels are now liable to pay the dues, and may participate in the benefits of the fund; but what we wish to discover is: does the hon. gentleman intend to relieve these vessels of these payments, and prevent their participation in the benefits mentioned.

HON. MR. McLELAN—It is proposed to exempt both British and foreign fishing vessels from the payment of these dues.

SIR A. SMITH—That is wholly.

HON. MR. McLELAN—Yes.

MR. KILLAM—The fishermen object to these payments because the fund is kept up very largely by fishing vessels.

HON. MR. McLELAN—The payment per vessel is very small, about $3 in the year, and the expenditure has been very large.

HON. MR. BLAKE—As I understood the hon. gentleman, our coasting and fishing vessels do not pay these dues at all?

HON. MR. McLELAN—No.

HON. MR. BLAKE—And they do not obtain any of the benefits either?

HON. MR. McLELAN—They do not obtain any of the benefits.

HON. MR. BLAKE—They are not allowed to enter the hospitals and they pay nothing?

HON. MR. McLELAN—Yes.

HON. MR. BLAKE—And the hon. gentleman says that when they go on foreign voyages and do pay, and are entitled to these benefits, there are but very rare cases; and the foreign fishing vessels pay the dues only when they find a man sick on board, in order to get the benefits which the find confers.

MR. KILLAM—We must have further explanations; although the hon. gentleman's Bill may exhibit his intentions much more clearly. In case a fishing vessel makes two voyages to the banks in the summer, and takes a cargo to Halifax in the fall, will its crew be entitled to participate in these benefits? When will vessels have to pay? At what time of the year? I think the hon. gentleman is somewhat astray in his idea that the fishermen do not participate in the benefits of this fund. I believe they do.

SIR ALBERT SMITH—Where it is decided that vessels are liable to pay, they have to pay, and there is no exception in the Act at all. All fishermen are liable to, and all pay."

The point that was made with regard to fishermen as differing from the mercantile marine was, that the mercantile marine paid three times a year to this fund while the fishermen was only to pay once. Again when the Bill came up for final discussion, Mr. Blake took exception to the measure again. At page 1131 of the Commons Debates Mr. Killam says :—

"I suppose the hon. Minister can now give us explanations regarding the Bill. I am scarcely yet satisfied that there is any necessity for its introduction at all. He ought to be able to inform the House how much is spent upon the sick mariners of foreign vessels, and whether the larger amount of the fund is paid by the fishermen of our own vessels or the steamers that call at our ports.

HON. MR. McLELAN—Very little of the Sick Mariners' Fund is paid by the fishermen of the Dominion. All the small coast-

ing vessels coasting from one part of the Province to another, are exempt from the payment of these dues, or contribute very little; and in any case they do not participate in the benefits of it unless they go beyond the Province in which they pay the dues which entitle them to that advantage. Our own vessels which fish one part of the year, and the other portions make voyages beyond the limits of one Province, will therefore be called upon to pay those dues and will be entitled to the benefits of the fund. But foreign fishing vessels seldom enter our ports and pay any dues unless they have a sick mariner on board, in which case they enter the port, pay a few cents or dollars, and leave a sick seaman on our hands causing large expense. In one or two cases when that has not happened, but when they have entered our ports for this purpose, and been called upon to pay the sick mariner's dues, their Government has represented to this Government that it was an infringement of the spirit of the fishing treaty. It is thought, therefore, that it would be simpler and better to abolish the dues for vessels exclusively engaged in fishing, or when upon a fishing voyage."

That closes my objection, as far as I am concerned, if the Government of the United States will be benefited by leaving the Act as it is now on the Statute Books. I would rather see the broader ground taken, however, that our hospitals should be open to the fishermen of all nations; but if the Government of the United States has represented to the Canadian Government through the Imperial authorities that this law is an infraction of the Fishery Treaty, I withdraw my objection to the Bill.

HON. MR. POWER—I call the attention of the hon. gentleman from Alberton to the fact that the objection of the American Government that this tax is contrary to the spirit of the Fishery Treaty, which was in existence at the time the representations of the American Government were made, does not apply now, because the Fishery Treaty is not in existence.

HON. MR. KAULBACH—Did I understand you to say that this is a repealing Bill?

HON. MR. ABBOTT—No, it simply corrects a mistake and leaves the law as it was.

HON. MR. KAULBACH—As our trade with the United States is so large, it would seem to be a more humane thing to allow the fishermen of that country the advantage and the benefits of our hospitals.

HON. MR. CARVELL—They do not give that advantage to our fishermen.

HON. MR. KAULBACH—Well, we should set them a pattern in that respect. Many of our fishermen are employed in the United States, and considering the close relations existing between the two countries, I think it would be very much better to set them a good example and allow their fishermen to have the benefit of our hospitals. I do not think they are overcrowded, and fishermen are not a class who are very often seen in hospitals. Sometimes they have a sore finger from the prick of a fish hook, or something like that to be attended to, but seldom anything serious.

HON. MR. CARVELL—When I read this Bill a few days ago, I must confess that my feelings were similar to those expressed by the hon. gentleman from Lunenburg. I thought it hard that a sick sailor landing anywhere in Canada, should be refused the privilege of the hospital. I thought then that it was a new matter; but the explanation of the leader of the Government puts it in an entirely different light. If the law in the United States is similar to ours, and our fishermen have no privileges in the hospitals there, we must remember that the United States Government is represented in the seaports of Canada by consuls or consular agents, and no real hardship can occur to unfortunate or invalid fishermen. They have only to apply to their consul or his agent as coming from an American vessel and they are taken charge of by the consul and cared for, so that the hospital privileges are not so necessary for the United States fisherman as it would seem. This Bill relieves him of the privileges, and of the tax at the same time, and my objection to the Bill is removed.

HON. MR. MILLER—I would sug-

gest to the hon. gentleman to have the Bill read at the table at length the second time and save the necessity of sending it to the committee.

The motion was agreed to and the Bill was read the second time at length at the table.

HON. MR. ABBOTT moved the third reading of the Bill.

HON. MR. POWER—This law will now apply to British fishermen—Newfoundland fishermen, for instance, and other British subjects as well. It seems to me that inasmuch as there are no British consuls in our ports it ought to apply only to foreign fishermen who have representatives to look after their interests

HON. MR. ABBOTT—I would just remark to my hon. friend that charity begins at home, and that this fund is entirely insufficient to provide medical assistance and comforts for our own mariners, and it would be rather a large order to take upon ourselves the admission of this class of persons to our hospitals, whose expenses would have to be paid out of the funds of this country.

HON. MR. HOWLAN—One of the conditions of this Act under consideration is that the Governor in Council, under circumstances which may be deemed necessary, may make an allowance in cases of that kind. For instance if a Newfoundland whaler or sealer was driven ashore, or an American vessel was driven ashore in distress and the Captain lost overboard, this law provides that the collector of the nearest port can obtain for distressed mariners an allowance from the Government in such cases.

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

PROCEDURE IN CRIMINAL CASES BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (19) "An Act to amend the Law respecting Procedure in Criminal Cases."

On the first clause,

HON. MR. POWER—The leader of the Government might explain the object of the Eill.

HON. MR. ABBOTT—I thought I had explained the object of the Bill sufficiently on the second reading. Everybody is aware that there has been some attempt to obtain delays of execution in criminal matters by attempting an appeal to the Privy Council, and there must have been, I presume, some doub amongst lawyers as to whether or not such appeal existed. This Bill is simply for the purpose of setting that question at rest. Such an appeal has really been applied for, but the Government as hon. members know, were satisfied that no such appeal existed, and they did on one occasion, at all events, allow the execution of the sentence to be postponed to wait the decision of the Privy Council. It is considered to be expedient that this doubt should be set at rest formally by the enactment of the first clause in the Bill which is now before the House.

The clause was agreed to.

On Sub-section 5,

HON. MR. POWER said—I notice that in the chapter of the Revised Statutes from which this is taken, these words follow: "saving any right which Her Majesty may be graciously pleased to exercise by virtue of her Royal prerogative." I quite agree in thinking that it is not desirable that there should be interminable appeals in criminal cases. I think the Supreme Court is far enough and high enough to allow those appeals to go, as a rule; I simply rose to ask the Leader of the House whether he thinks we can take away Her Majesty's Royal prerogative to allow an appeal—whether any legislation of Parliament can deprive the Sovereign of the right to grant an appeal?

HON. MR. ABBOTT—On that point I imagine that an Act of Parliament will

bind all the courts and people within the Dominion of Canada so as to prevent any court in this country from taking notice of any proceedings of appeal to the Privy Council; but I am not prepared to go so far as to say that Her Majesty and her Privy Council could not grant permission to appeal if they thought proper so to do. Beyond that, I do not suppose we should go in this country. We could not probably deprive a subject of the right to go direct to the foot of the Throne for a remedy, but so far as we can do it we do it by this Act.

HON. MR. SCOTT—I belive, as a matter of history and practice, the Privy Council have declined to accept appeals after they had gone through the Supreme Court of Canada except with the leave of the Supreme Court itself. I do not know of any cases which they have entertained except when the Supreme Court here has given permission, so that practically appeals to the Privy Council are destroyed.

HON. MR. MILLER, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

CONVEYANCE OF LEGISLATORS FREE OF CHARGE OVER RAILWAYS BILL.

WITHDRAWN.

The order of the day having been called for the second reading of Bill (K), "An Act to provide for the conveyance of legislators and judges free of charge over railways,"

HON. MR. MCINNES said—Before going on with the discussion of the Bill, I may say that if I am allowed to make an explanation and put my views on this subject on record, I shall withdraw the Bill for the present.

HON. GENTLEMEN—Hear, hear!

HON. MR. MCINNES—If not, I shall contest my right to introduce a Bill of this nature and the jurisdiction of this House to deal with it as it thinks proper. The reason why I wished the second reading of this Bill postponed the other day was that I was not sufficiently prepared to give all the authorities to substantiate my view as to the scope or jurisdiction of this House to deal with measures involving the expenditure of money. Since that postponement took place I have consulted several authorities, and have come to the conclusion that it is competent for the Senate to pass this Bill. The reason why I do not propose to proceed with the Bill now is that we have a long list of measures on the order paper, and, unexpectedly, the Session is within a few days of prorogation, I have no disposition to prolong it. Besides, I am of opinion that quite a number in this House require some time to appreciate the real merits of the Bill. In the first place, I think that such a Bill as this ought to emanate from the Government, but the Government not having taken it up I thought it was well that a private individual should do so, and after it has been discussed I hope the Government, in the near future, will introduce a measure having the same objects in view. I am credibly informed that similar laws are in force in Italy, France and Belgium, and I am also credibly informed that it is one of the unwritten laws of England—that all legislators in those countries are conveyed free of charge over all the railways within those different countries. Such being the case I do not think that this is an extraordinary bill as a number of those who have criticized it have endeavored to make it appear. If it was considered necessary to enact such a law in the countries to which I have referred in order to prevent their legislators from becoming contaminated by influential railway companies confering favors on them, I cannot see how it can reasonably be construed into a reflection or indignity on the honor or integrity of Parliament as was contended by some in this House if this Bill should become law. I view it in a totally different light. It would redound to the credit of the Senate. My contention is that free conveyance over all railways ought to be made one of the perquisites or

privileges in connection with the position of a member of this House and a member of the House of Commons: that members of both Houses should be conveyed, free of charge, over all railways while travelling on public business in the interest of the State, as provided for in this Bill, and not place ourselves under any compliment to any railway company. We would thereby remove the possibility of becoming biased in their favor when they came before us asking for fresh favors: that we should be in such a position that no railway manager, whether of a Government or private road, should approach us and put us under any compliment or obligation to the extent of accepting a half-fare pass or a free pass over a railway as is the custom at present. In the Inter-State law passed a few months ago in the great country to the south of us, it was found necessary to insert a clause imposing a very heavy penalty on any railway company that would give a free pass to any legislator, and though I have not seen the Act myself I believe there is a heavy penalty imposed upon a legislator who accepts of any such free pass. If, therefore, members of Congress in the great republic to the south of us, whose population is twelve times as great as ours, who receive not one thousand dollars indemnity as we do, but five thousand dollars a year, and an equally liberal travelling allowance, if they found it necessary—in order to protect the rights of the masses, (the taxpayers of the country) against huge, unscrupulous, railway monopolies, and the political purity of their public men and judiciary—to pass such a law, I do not think that it is a reflection on either House in Canada if we adopt a similar law. My first intention was to bring in a bill embodying the principles of the American law on this subject, but on reflection I came to the conclusion it could be systematically violated and therefore less effective than the one I propose. For instance, although railway companies would not be allowed to give annual free passes, yet there would be nothing to prevent them giving free tickets through third parties, and thereby defeat the law. Apart from the Government railways we have practically only two great railways in Canada—the Canadian Pacific Railway and the Grand Trunk Railway. All the other railways have been or are being rapidly absorbed by these two great corporations. I base the justice of this measure upon the right of the Government and the representatives of the people of this country to compel those corporations to grant this small favor inasmuch as they have been liberally subsidized by enormous grants of money and of land. The Canadian Pacific Railway Company according to their own statement have received in cash $71,500,000 besides 25,000,000 acres of land. I believe the Grand Trunk Railway Company owes to the Dominion of Canada to-day something like $35,000,000. Yet some are unreasonable enough to say we have nothing to do with these companies. They owe a great deal to the people of Canada, and if they were compelled by law to carry legislators whether of the Federal Parliament or of the local legislatures and judges within their circuit free of charge, it would certainly be a very small tax upon them—it would be a small recognition on their part for the enormous sums the people of Canada have given them and which they are certain never to pay. You are all aware that it makes no difference in cost to a Railway train whether it carries fifty passengers, or fifty-one or fifty-two, the trains have to be run, and the wear and tear of the road is the same. Any one who has been in public life knows that members of Parliament spend a great deal more in travelling in the interest of their constituents and the public during recess than during the sitting of Parliament. I see no reason therefore why they should be compelled to bear that expense. The cost of a first-class ticket itself is not a great matter, but when you take a Pullman and dining car, also cab hire and hotel bills, it amounts to a considerable sum. Another ground upon which I think we might fairly ask that this Bill should become law is that if members of Parliament travelled more through this wide-spread country than they do, they would be in a better position to legislate on all subjects coming before them. I venture the opinion that there are very few in this Chamber who have made trip over the Cana-

dian Pacific Railway, and viewed the immense domain that lies west of Lake Superior and beyond the Rocky Mountains who have not gained a vast amount of valuable information which otherwise they never could have gained and which will prove valuable to to them in dealing with any measures coming before them and relating to that great western country. This Bill is the outcome of a resolution I brought before this House last year, in which I showed that great wrongs were done, or attempted to be done, by granting members who are in the habit of supporting the Government free passes and denying the same privilege to members opposed to the Canadian Pacific Railway monopoly and tyranny and opposed to the Government. I promised I would bring in a Bill this session, and here it is. Another reason, and—probably a stronger—certainly the most direct and recent reason for it, has come within the knowledge of every member of this House: namely, what transpired in the Commons immediately before the adjournment that took place in that House a few weeks ago. A member of that House called attention to the fact that supporters of the Government from the Maritime Provinces who desired to visit their homes during the recess received free passes over the Intercolonial Railway from the Minister of Railways, while those members opposed to the Government received none, but had to pay their full fare the same as any ordinary passenger. According to the published report, Sir Charles Tupper replied that he would see that the matter would be put right, and that those who had paid full fare should have their money returned to them. Now I submit that is placing members of the House of Commons or members of this House in a false position. Such conduct is manifestly unfair and unjust and unworthy of honorable men. As I said before the Opposition who are acting conscientiously in the interests of the country and are entitled to just as much consideration in travelling on Government railways as supporters of the Government, because they are equally taxed for the construction and maintenance of those roads.

HON. MR. ALMON—I rise to a question of order. I think the hon. Mr. Power, a steadfast opponent of the Government, and who has been such in this House ever since he became a member of it, has had a free pass over the Intercolonial Railway.

HON. MR. KAULBACH—That is not a question of order.

HON. MR. McINNES—The junior member from Halifax is a great stickler for order. But if I may be allowed to say so he is more frequently out of order than any other member of this House. I did not say that no Opposition member had a free pass, but that the rule was that the Opposition members did not get passes at least from the great railway corporations to which I have referred. An observation was made when this measure was last brought before the House by the hon. member from Amherst and repeated by the leader of the House. It is repeated at page 151 of the Senate Debates. The leader of the House said "so far I do not think that the postponements have been very extraordinary. I do not think that we ought to apply a very stringent rule to hon. gentlemen who wish to have their measures postponed for a few days, but of course I do think there should be an end to it especially as the terms of the Bill, itself, perhaps somewhat reflect upon the House."

HON. MR. ALMON—Hear hear.

HON. MR. McINNES—I desire to impress on this House that it is in order to preserve the dignity and purity of this House and the other branch of Parliament that I desire that this measure, or some similar measure,should become law.

HON. MR. ALMON—Hear hear.

HON. MR. McINNES—The junior member from Halifax may say hear, hear, but I would remind the hon. gentleman that he is one of the last men in this House who should attempt to attack or criticise any measure of this kind. I think those who live in glass houses should not be casting stones.

HON. MR. ALMON—State the glass house, please.

HON. MR. McINNES—It was to do away with the possibility of any member of this House being influenced one way or the other by railway companies that I introduced this Bill, and I claim that the honor and dignity of both branches of Parliament demand the enactment of some such law as I have imperfectly sketched. If some such measure is not adopted, we will all be open to the charge that is frequently made throughout the country—"There goes a dead-head passenger. He travels on a free pass—There goes a Government supporter—he is a dead-head,"—that is frequently said and it is too true. It is high time that there should be a stop put to these invidious distinctions and the stigma removed. We should place ourselves either in the position that we are to have free conveyance or that no railway company;should presume to offer a free pass to a legislator. Let us go on our merits and not allow ourselves to be placed under a compliment to any railway company let us be free and untrammeled. That is the position I think we should occupy—it is the true one and the quicker this House asserts its rights and the independence of parliament is maintained the sooner will they decide upon adopting some such measure as the one I have proposed.

HON. MR. ABBOTT—What does the hon. gentleman move?

HON. MR. McINNES—With the consent of the House I ask permission to withdraw the Bill.

HON. MR. KAULBACH—Probably my hon friend from British Columbia made a mistake when he said that every man should travel on his merits: every man should travel on the Company's roads. If men are to be favored in proportion to the benefit they confer upon the country I do not know how some members of Parliament might stand. It would allow a great deal of room for discussion.

HON. MR McINNES—The benefit some men confer on the country is to obstruct progress and uphold monopolies.

HON. MR. KAULBACH—So far as the Government Railways are concerned there should be no discrimination in dealing with members of Parliament: all should fare alike, and no preference should be given to anyone because of his political convictions. But when you come to a railway company it is another matter. They must manage their business to suit themselves. Even so far as the Government Railways are concerned, the hon. gentleman should bear in mind that every member of Parliament is paid the travelling allowance, which is much larger than the amount he is obliged to expend.

HON. MR. McINNES—Then do away with the mileage altogether.

HON. MR. KAULBACH—The same remark applies to judges. They are allowed a mileage for travelling on circuit. If people are to be favored in proportion to their merits and the benefit they confer on the country, other classes might with more propriety be considered, such as clergymen, who are not granted any travelling allowance as we are. If the principle which the hon. member suggests is to be adopted, the Government would be obliged to buy up the whole of the railways and throw them open to the public—run them as public highways.

HON. MR. McINNES—The sooner the Government take over the railways and run them in the interests of the country, the better.

HON. MR. KAULBACH—I do not see how we can control private railway companies in the exercise of their rights. It would be monstrous to think of it. I will not take up the time of the House with further discussion on the subject.

HON. MR. ALMON—As the mover of this resolution has alluded particularly to me I may be allowed to say a few words. I am very glad indeed that the Bill has been withdrawn. It

appears to me that it would be very humiliating for members of Parliament to approach the railway companies in *forma pauperis* and beg for passes. The suggestion comes with a very bad grace from gentlemen who do not reside in the place from which they are supposed to come when they draw their mileage allowance.

HON. MR. McINNES—I rise to a question of order. The hon. gentleman is stating what is not correct. I have travelled to my home in British Columbia and back here, and it is unworthy of a member of this House to make such a malicious and false statement. The hon. gentleman himself, I understand, was a deadhead over the Canadian Pacific Railway last year when he visited British Columbia, and probably all his relatives, too, were equally favored.

HON. MR. ALMON—I am very glad that the hon. member has withdrawn his bill. I am glad that such a disgrace has been removed from our books. As I have said, such a measure comes with very ill grace from any of us who live within a few hundred miles from this place and receive mileage allowance for travelling across the continent. I do not say that any member of this House does so—the doing of such a thing would be such a disgrace that I am sure nobody in this House would be guilty of it, or certainly if he did do so he would not venture to propose a measure of this kind for the consideration of Parliament. However, if such a thing is done by anybody it should be carefully looked into and it should be the duty of the Clerk of the House or somebody else to ascertain whether those who draw mileage allowances every session are obliged to travel the distance for which the mileage is paid.

The motion was agreed to.

ONTARIO AND QU'APPELLE LAND COMPANY'S BILL.

SECOND READING.

HON. MR. MILLER, in the absence of Mr. Vidal, moved the second reading of Bill (62) "An Act to reduce the stock of the Ontario & Qu'Appelle Land Co. (limited) and for other purposes."

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

BAY OF QUINTE BRIDGE COMPANY'S BILL.

SECOND READING.

HON. MR. FLINT moved the second reading of Bill (73) "An Act to incorporate the Bay of Quinte Bridge Company."

He said:—The object of this Bill is to incorporate a company to construct a bridge from the City of Belleville to the shore of Prince Edward County. The measure has been discussed in the Private Bills Committee in the House of Commons, and although it was met by a good deal of opposition there a large majority of the committee, about three-fourths, were in favor of it and reported it with only a few trifling amendments.

The motion was agreed to and the Bill was read the second tim.

CHINESE IMMIGRATION BILL

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (54) "An Act to amend the Chinese Immigration Act."

He said:—This is a bill to amend the Act as it appears in the Revised Statutes. The first clause provides that any woman of Chinese origin, who is the wife of a person not of Chinese origin, shall be admitted without paying duty. The next clause provides conditions as to the passage of Chinese through Canada.

HON. MR. MILLER—In bond.

HON. MR. ABBOTT—The company conveying them will be held responsible for the safe-keeping of the passengers and their safe delivery beyond the country. Clause 3 repeals the section of the Act which provides that persons of Chinese origin may leave the country

and, by getting certain papers, return to it; no limit of time was fixed for the period of their stay outside the country. It has been found that they can stay away so long that their identity is lost, and frauds are possible under the Act. It is proposed by this clause to reduce the time to three months, but on consideration I have thought it better to ask the House to extend the time to six months. Three months is not long enough to enable a person to travel to China, except by the very fastest vessels, and remain there for any time and return within the limit of time. The last clause repeals the 15th Section of the Act which provides that all duties, pecuniary penalties and revenue under the Act go into the consolidated revenue of Canada, except one-fourth of the entire amount which is paid to the province. It is proposed to make that amount which is payable to the province one-fourth of the net proceeds of all entry dues paid by Chinese immigrants, because there is some expense connected with the collection of those dues, and it is but proper that the amount of it should be deducted from the gross revenue before giving the Province its share.

HON. MR. MCINNES—I would ask the hon. leader of the Government if he has brought down the balance of those returns ordered by the House some time ago?

HON. MR ABBOTT—For the purpose of saving time and giving the hon. member the information he wished, I brought down a copy of a report made to the House of Commons on a part of the same subject as that involved in his own motion; but he points out to me that there are one or two particulars in which this return does not conform to the Address which he obtained. I have made inquiry about that, and I have to inform my hon. friend that in order to obtain this report we must get it from the proper officers. They were communicated with at once, but it will be quite impossible to get those returns within the next week or ten days. I should, therefore, like to go on with this Bill now, particularly as I do not see that the matters referred to in my hon. friend's Address have reference to this Bill.

HON. MR. MCINNES—I am surprised at the statement of the hon. gentleman, because the Chinese Immigration Act provides for those returns, as can be seen by referring to sections 13 and 15 The return that was laid on the table of the House a few days is one made in response to an address moved by Mr. Gordon, one of the British Columbia members of the House of Commons, and does not extend to the period mentioned in the address that I moved. It gives only a limited amount of the information I desire. I am sorry that it is not before the House. I hope that the hon. Leader of the Government will not insist upon carrying the Bill in its present form. I hope that he will expunge entirely the third section, which limits the time of return to three months.

HON. MR. ABBOTT—It is proposed to extend it to six months.

HON. MR. MCINNES—It would be better to put no limit at all. The Act is working very well. According to a newspaper which has always been very much opposed to Chinese immigration, over 50,000 Chinese have left the Pacific Coast within the last few years, and there are some 40,000 less Chinese there today than there were five years ago. I know from reports published from time to time in the British Columbia newspapers that large numbers of Chinese are leaving there constantly—that there are two or three leaving for every one that comes into the country—and therefore I think it would be better to expunge the clause altogether.

HON. MR. ALMON—I was very much in hopes that the leader of the Government would have brought forward this measure at an earlier period of the session, so that we might have had a long discussion on the subject and tried to wipe off this disgraceful Act from our Statutes. We are near the last decade of the nineteenth century: the beginning of the century did away with the slave trade; England abolished slavery in her colonies at an expense of £20,000,000.

The United States by the expenditure of a million lives and billions of money wiped away the blot of negro slavery from their land, yet we have enacted a law that the Chinese, because their skin is yellow and their eyes almond shaped, shall not live in this country. I appeal to this House —I appeal to the public generally beyond the walls of this House, whether this Act is not a disgrace to our country and whether it ought to be on our Statute books. It is against the feelings of humanity and contrary to the law of God. What is one of the first prophecies that we find in the Bible? What do we find in the ninth chapter of Genesis and the 27th verse—"God shall enlarge Japhet, and he shall dwell in the tents of Shem." It is commonly admitted that Japhet was the father of the Caucasian race and Shem of the Mongolian. If we permit this Act to remain on our Statute books we prevent the fulfilment of this prophecy. I it remains on our Statute books, how can the descendants of Shem and Japhet dwell together? I was accused a few moments ago of having travelled free over the Canadian Pacific Railway. I did so, but every member of this House had an opportunity of doing likewise, if he had availed himself of it.

HON. MR. MCINNES—Every member had not.

HON. MR. ALMON—I went to British Columbia, and I discovered that the feeling against the Chinese there was confined to a portion of the population. I had not been long there before I was called upon by a gentleman who said, "I have called upon you, Doctor, to express the thanks of a number of gentlemen in this Province to you for the stand you took in the Senate on behalf of the Chinese in this country." I said, "I am astonished at that, because this legislation was favored by your representatives." He said, "Yes, but if you Conservatives will pass laws which put the voting power into the hands of the laboring classes—if you lower the franchise as you did the other day, you must expect that the laboring classes will have a preponderating influence in the country and sway our elections, and therefore the men who are elected to the House of Commons will vote, not in accordance with their own feelings, but in accordance with the views of the laboring classes. The Chinese are peaceful and do not vote; whereas the English, Irish and Scotch have votes. They may be blackguards or drunkards but they possess the franchise and exercise it, and therefore they have more influence than those quiet cleanly people you see here." He said also: "If you go to the houses of those members who voted to exclude the Chinese from Canada, you will see that they all have Chinese servants, if they have men servants at all." I met others while in British Columbia, all of whom expressed the same sentiments, I dined at the house of one gentleman where there were two Chinese servants waiting upon the table. They were very good servants indeed, and I should be very glad to have them in my house in Halifax. I was also told by those connected with the construction of railways that the Chinese are as good laborers as you can find.

It being six o'clock the Speaker left the chair.

AFTER RECESS.

HON. MR. ALMON—I am very glad to hear that I was not the means of bringing the members back here this evening to continue this debate. The remarks which I made were induced by the feelings which have actuated me very strongly that the legislation against Chinese immigration was a blot on our Statute Book, and I felt it more especially, being a Nova Scotian. It is possible, though wrong in principle, that it may be for the interest of British Columbia, or the apparent interest of that Province, that this Bill should be passed; but certainly with regard to Nova Scotia, to which it also extends, it is not the slightest advantage whatever. A Chinaman coming to a Nova Scotia harbor in a vessel which has left China and may have been under the British flag for six months—which is about the time it would take him to come round by Cape Horn—finds he has fifty dollars of a poll tax to pay, and if he has not the money to pay it he is taken out of the vessel and

confined in jail while the vessel is in port. That is a thing which can happen under this law in Nova Scotia, the country which first liberated the slaves brought there by the United Empire Loyalists from the United States. Those slaves were freed, not by Act of Parliament, ro by any government, British or Colonial, but by the judgment of the Court. They had no law to guide them, and they refused to recognize slavery, merely because the public opinion of Nova Scotia was against it. Nova Scotia was the first country under the British flag that gave to Roman Catholics the right to sit in Parliament. Before the Emancipation Bill had passed in the British Parliament, the Legislature of Nova Scotia passed a law giving to Roman Catholics the same right as Protestants to sit in Parliament. I think it is a disgrace and an indignity that because a man has a yellow skin and an almond eye he should be dragged into prison because he has not $50 to pay to the Government. It is a disgrace which makes my blood boil when I think of it. Therefore it is, although I am not accustomed to much speaking and do not care to occupy the time of the House, I felt it my duty to rise and enter my protest against this legislation. I did intend to sit down, but my hon. friend from Arichat rather captured me and obliged me to make these remarks. I am a Conservative born and bred, and I think I shall die a Conservative; therefore I have to apologise for speaking against a measure which is introduced by the Conservative Government which I support. But there is a limit to my allegiance—in fact there are two limits. In the first place, any measure introduced by the Government which is not Conservative in its operation, I am bound to oppose. For instance, the Franchise Bill which we passed last year, and which increased the franchise without giving it the limit which it ought to have—education and a stake in the country—I was opposed to, and but for my personal friendship for Sir Alexander Campbell I would have voted against it. In order not to do so, I absented myself from the House. There is another thing which I decline to support the Government in, that is in measures which do not seem to proceed from themselves, but are initiated in order to catch some vote. We all know that principle has been sacrificed in trying to catch the Irish vote, in trying to catch the French vote, in trying to catch the working man's vote and in trying to catch the anti-Chinese vote, and even to catch the Prince Edward Island vote. Now I think the advantage of the Senate is that we are above all that. We have our duties to our conscience and our country alone to guide us, without the side issues which influence the members of the lower House and through them the Government; therefore I think any measure which is forced on the Government by any one of those interests I may oppose without violating my allegiance to the party to which I belong. Although this Chinese Bill was a Government measure I was opposed to it from its first introduction, and am strongly opposed to it now. From my little experience in British Columbia, I have come to the conclusion that a large minority of the people there are strongly opposed to the restriction of Chinese immigration. I took a good deal of trouble to inquire into this question, and I ascertained there, as the result of my inquiries, that the objection to the Chinese came from the laboring classes. I think, however, that the Caucasian race have got as good muscle as the Chinese, and I think the Nova Scotian, English, Irish or Scotchman can hold his own with the pick and shovel, as well as with his brains, against the Mongolian; therefore I cannot see why the Mongolian should be kept out of the country. I would remind hon. gentlemen that at one time there was a great jealousy in Nova Scotia against Scotchmen being imported into that Province, and there was a strong political feeling aroused on that question. I remember also a time when we did not like the Irish to come to Nova Scotia, but those prejudices have passed away and to-day they are among our best citizens. Although many of them commenced life in the new world with nothing but a pick and shovel, I fancy that their descendants are amongst the foremost of the blue-noses of Nova Scotia to-day. I have no doubt that this prejudice against the Chinese on the part of

the laboring classes in British Columbia will also pass away. But there is a nobler duty we owe to ourselves, which is this: we are told by Divine authority to go amongst all nations of the earth and Christianize them, but how can that be done? One missionary cannot go among a million Chinamen and expect to do a great deal of good; but let the Chinese come amongst us; let Shem and Japhet live together in the same tent, and then I think the beauty of the Christian religion not only from its precepts but its example by those who profess it, will do more to Christianize the Chinese than anything we can do in the way of missionary work in their own country. They tell me that the Chinese learn more vices than virtues from the Caucasian. I say it is not the case. I dare say that in seaport towns, our seamen who are without the benefits of religious teaching on board ship, and have no means of keeping up their religious practices—where Sunday is the same as any other day of the week—are not a fair example of the Christian religion to Chinamen; but let these men come on shore and live with us, and I think they will see the beauty of the Christain religion as it exists among the British people. But, hon gentlemen let me say to you that the Chinese religion is not at all a bad religion. I think that Budhism acknowledges one God and perhaps a number of offshoots from it; but I think it would not take very much to convert the Chinese, under favorable circumstances, to the Christian religion. There is another reason why I should like very much that the Chinese should be introduced amongst us. We all remember the old boast of Britain that the shackles fell from the hands of the slave the moment he landed on British soil; his labor from that out was his own, and the fruits of his labor he enjoyed. Such was the boast of England when almost every other country in the world acknowledged slavery. How will it be now if we pass an Act to say that there is a dividing line between Canada and the United States. Of what does it consist? Is it a river? No, it is not a river. Is it mountains? No, it is not mountains; the dividing line is, that in the United States a Mongolian is not a free man. Can we any longer point with pride to our flag and say that under that emblem all men, be they Mongolian, Circassian or Caucasian, are equally free? We all know that gigantic falsehood, the Declaration of Independence, which states that all men are born equal with equal rights and privileges, while at the same time the Americans had their slaves to prove the falsity of the declaration. That Declaration of Independence is supposed to have been written by Jefferson and Franklin. Jefferson, who was the third President of the United States, not only had slaves, but the report is—which I believe to be true—that a number of the slaves were his own children. Tom Moore, alluding to Jefferson, in one of his poems said:

"Or wooes, perhaps, some black Aspasia's charms,
And dreams of freedom in his bondsmaid's arms."

This was the man who wrote the Declaration of Independence which declares that all men are equal. I should like very much that this House, if it were possible, should do away with the whole of this Chinese legislation and let us boast that this in reality the land of freedom—that it is a land where no color line divides the people. If those observations have tired hon. gentlemen, they have given me a great deal of trouble to make them—therefore we are equal in that respect. The amendment I am going to propose, when this Bill goes into Committee, is to the clause which provides that the Chinese wife of a white man shall be admitted into the country free of duty. I shall move to strike out the word "white man" and provide that the wife of any man coming into this country shall be admitted without paying that frightful tax imposed upon her by law. My reason for this is that there are 15,000 Chinese in this country, and how many of them are women?

HON. MR. MACDONALD—Very few.

HON. MR. ALMON—I think I saw but two Chinese women in Victoria when I was there. Now, setting religion and questions of labor and color aside, is that

at all proper? If these men are addicted to vices of an unpronouncable nature, who is to blame for it? Is not the tax of $50 a head on Chinese wives at the root of it? Apologizing again for having detained the House with these desultory remarks, I shall make way for other gentlemen who are better able to express themselves on this subject than I am.

HON. MR. OGILVIE—I certainly should not have been the first to speak on this subject, but I have felt, without saying anything about it, from the first time I ever heard of this Chinese tax, (and have not yet seen any reason to change my mind), that it is a disagrace to our Dominion. What is the objection to the Chinese? What would the people on the Pacific coast have done without the Chinese? I have heard myself ladies in San Francisco say that if it had not been for the Chinamen doing their work they would have had to do it all themselves, as it was impossible to get assistance anywhere. I have heard from British Columbia that the Chinese make first-rate servants; that they are more honest than the average of servants, and the only fault that is found with them is that they come into this country and work more cheaply than others. If they do work for less money, they do not do as much work as a white man. But it is of little consequence whether they do more or less; I rose merely to express the conviction that I have felt ever since this tax was imposed on the Chinese, that it is a disgrace to our Dominion, and I hope it will not be very long until it is taken off, and Chinese are allowed to come free into our country.

HON. MR. KAULBACH—I am very much pleased at the remarks of the hon. gentleman from Halifax, and I am sure that what he has said must have struck the right chord in the hearts of every member in this House. If this law were confined to British Columbia alone, we in the rest of the provinces would not feel it so badly: but it is a law applying to the whole of Canada and I maintain that it is a blot on our statute books. When I look at British Columbia and see the vast territory they have, teeming with unbounded wealth which only requires abundance of cheap labor to develop it—when I look at their magnificent forests, and their rich mines, their beautiful fields and their teeming fisheries, and feel that it is only labor that is wanting to make that country rich and prosperous. I contend that there is every objection to restricting Chinese immigration. Where would British Columbia be to-day if it had not been for the cheap labor of the Chinese? We would hardly have had communication opened up with that Province to-day but for the Chinese laborer bringing the construction of the Railway to a speedy termination. I have seen those laborers in their tents on the prairie, quiet and peaceable, without immorality, as far as I could see, simple in their habits, intelligent and honest, performing their labor cheerfully and faithfully and with a degree of cleanliness about their tents and their persons which was not found amongst the other laborers in the same occupation. I say that the comparison is largely in favor of the Chinese. When I arrived in British Columbia I experienced the same thing. I did not see much drunkenness in British Columbia, but I certainly did not see a Chinaman drunk. I saw them in the field, in the fisheries and in the mine, cheerful and happy, and from what I heard of them they were honest and faithful in the performance of their duty. When I went into the chief houses of the place, I found Chinamen waiting on the table, cooking and doing the general work of the house, and the cleanliness and cheerfulness with which they seemed to perform their work struck me as being something uncommon and something which I had not found to that extent in Nova Scotia amongst ordinary servants, and I expressed then, as I do now, regret that we have not more of them in my province. The feature that struck me particularly was their cleanliness. I did not see a dirty Chinaman in British Columbia, and I went through the best and worst of their settlements. When I inquired what was the objection to the Chinese, the only complaint that I could hear was that they interfered with the labor monopoly and were reducing the rate of wages, and as a consequence they were obnoxious to

the laboring classes. We do not desire any monopoly of the labor market in this country. If the Caucasian cannot compete with the labor of the Chinamen, it will be to me a matter of surprise. But when we look upon this question from a humanitarian point of view; when we consider that we have gone into China and have broken down the wall of exclusion there, where they lived amongst themselves a law-abiding, industrious, happy people, and compelled them to open their ports and allow us to trade with them freely and unrestrictedly, are we not acting most inconsistently when we tell them we shall not allow them to come to our country and enjoy the blessing of civilization and religious instruction? England has everywhere progressed through her colonies, by forcing herself amongst other nations in all parts of the world, and though we look upon the Chinese as an inferior race, if we allow them to come amongst us and see our mode of living, we in that way shall do more to christianize and civilize them than by any effort that can be made by missionary societies.

HON. MR. MCCLELAN—I have no desire to protract this debate, but I cannot refrain from expressing my fullest sympathy with many of the sentiments expressed by the gentlemen who have spoken upon this question since I came here this evening. Ever since we passed the first legislation to restrict Chinese immigration, I have felt that it was legislating in the wrong direction, and it has always seemed to me a strange anomoly that the Government of this country who have been spending nearly half a million dollars a year for the purpose of assisting immigration into this country on one hand should be absolutely going to a great expense on the other hand to prevent immigrants from coming to our western shores. Anyone who reads carefully the history of that ancient and interesting country, China, will discover amongst the Chinese a great many things which are highly commendable and which will compare very favorably with the most Christianized countries. One thing which is noticeable is the general education of the people, the freedom with which education can be secured in that country, and the rewards which invariably attend assiduous attention to literature. They have undoubtedly many peculiarities: they have been a walled in nation, a nation without relations, almost, you may say, excluded from the rest of the world, with no freedom of intercourse with other nations. It is astonishing, when one comes to read closely the history of China, how many things there are that commend themselves to our favor and approval, and considering that Great Britain, to whom we are so proud to belong, has at the cannon's mouth almost broken down the walls of that country and forced them to engage in traffic in a drug of a most pernicious nature—it does seem a strange thing that one of the colonies of England shall be the first to exclude them from landing on its shores. It is very true that, so far as British Columbia is concerned, those who go there from China hardly come up to the average of the Chinese people. Naturally this will be the case when they are met with obstructive laws and the oppressive system of legislation which they find in this British colony. It would be surprising if it were otherwise. I was very much struck with an observation made by the junior member from Halifax with regard to that and with regard to the immigration which comes to us from China. There is one thing which would remedy this evil—if instead of meeting them with these restrictions, and refusing to recognise them as capable of exercising the franchise, we were, on their landing on our shores, to give them the franchise as we do other people we would hear them spoken of in a tone very different from that adopted in another place. Instead of being stigmatized, as they often are, I believe we would hear more of their good points and they would be spoken of favorably oftener. I am very glad to express my views perfectly in accord with those of the hon. member from Halifax. I trust before long this sort of legislation will be, at all events, very much modified from that which now exists on the statute books of Canada. In fact I see evidence already that leading Chinese statesmen are beginning to take hold of this matter of the treatment of their countrymen in

the colonies of Great Britain and in other countries, and very soon they will be able to make themselves felt as a nation, to command the respect of other nations and to force a recognition of their rights in other countries with which they have intercourse.

HON. MR. SCOTT—In common with others who have spoken on this subject, I feel that it is a very great reproach to the people of Canada that there should be on our Statute Book an Act restricting Chinese immigration, when we consider the history of China, in the last century at all events, and the difficulties that were thrown in the way of the British people effecting an entrance into China and trading with the Chinese. When it became evident that China offered a rich harvest to British merchants, great attempts were made year after year to get the Chinese to open their country and trade with the western world. We all know the repugnance which they felt to dealing with other countries, but their objections were overcome by what may be called the Christianizing influences of shot and shell. We burnt down some of their cities; we penetrated to Pekin and destroyed their palaces, and finally got them to understand our peculiar ways and to give us unrestricted trade with them. We insist upon the right of English people to travel all through China. We insist upon protection for our missionaries. If a Chinese mob in any part of the empire inflicts any personal injury on a British subject, immediately a man-of-war is sent to the coast and the people of China are warned of the consequences of treating outsiders in that manner. No sooner had they been taught our ways than they naturally came to this country, and they were met in the manner described by an hon. gentleman who has already addressed the House on this subject—met by a declaration that they could not enter Canada without in the first instance paying a fee of $50—that they could not pass through this country unless they were taken through in bond. The effect of that clause, which debars them from passing through the country except under such regulations as may be made by the Minister of Customs, really means that it is impossible for a Chinaman to travel through Canada unless he chooses to pay $50 for the privilege, because that is practically what it means. If a Chinaman enters the city of Montreal and wishes to travel overland say to Windsor or Sarnia; no railway company will accept the responsibility that is imposed on them by this clause unless there is a deposit made then and there. It practically means the prohibition of Chinamen passing through Canada. It strikes me that it is a monstrous proposition. However, it is in keeping with the whole tenor of the Bill. The first section provides that a Chinese woman who is the wife of anyone not of Chinese origin may be admitted to the country free of duty. We single out the Chinese: we say that any person marrying a Chinese woman, provided he is not a Chinaman, can bring his wife into Canada free of duty. That clause became necessary, as we all know, from the fact that a British subject who, after long residence in China had married a Chinese woman, brought her and a family of four or five children to British Columbia. Before his wife and family would be admitted to the country he had to pay fifty dollars on his wife and a duty on each of his children. There was a great outcry at the time about the impropriety and the indecency of it, but still the duty had to be paid. I suppose it was in consequence of that incident that this particular clause had been introduced in the Bill. It is quite clear that this is most objectionable legislation, at all events, as far as this Chamber is concerned. It is equally clear that it is entirely in the interest of, probably, not more than 15,000 people. It is not creditable to this Parliament that the 5,000,000 of the people of Canada are content to have this disgraceful Act placed upon the Statute books of the Dominion at the instance of 15,000 people, because I am told that the people of British Columbia are not unanimous in support of it. But suppose every white man in British Columbia were favorable to it. They do not number as many people as there are in Wellington ward, in this city, and are we, at the instance of as many people as could be put into one ward of this city, to impose

such legislation on 5,000,000 people? If a poll could be taken of the people of this country I do not believe you would find outside of British Columbia one person in every thousand in favor of this legislation. It has been forced upon us by the Province of British Columbia. If that province must have it, then let them have it; but I do say that we ought not at the instance of a fragment of the people of Canada, be made to enact laws which are discreditable to the country. We enter solemnly our protest every year against the restriction of Chinese immigration: we say that it is un-Christian, that it is contrary to the spirit of the 19th century, and we know that it must be a cause of very serious embarrassment to the mother country. We know that it has been a standing difficulty with the Imperial authorities in all their diplomatic relations with China. We know that it has been a constant course of embarrassment, and it is for us to say whether we shall be dictated to by a portion of the people of British Columbia in a matter of this kind, when it is so manifestly done from a purely local and selfish point of view. I do think it is discreditable to us, as a people, that all our finer feelings, all our sense of what is right and proper, shall be set at naught in order that the people of British Columbia shall have their way in reference to this Chinese question. The feeling in this Chamber, as expressed last year, is pretty unanimous and the Government are aware of it. When an attempt was made last session to add some obnoxious clauses to the Chinese Immigration Act we threw out the Bill by a large vote. Therefore, I think the only way to look at it is, if the British Columbians want this legislation let us make it a local Act to apply to British Columbia alone. We of the other Provinces do not want it; we all protest against it. There is a universal feeling against it—a feeling that it is discreditable to Canada and the sooner it is wiped off the statute book the better. I give notice that at the third reading of this Bill I will add a rider to it that the law affecting Chinese immigration in Canada shall be held to apply solely to the Province of British Columbia, and I am quite sure that the sense of this House will sustain that amendment; I am quite sure that the sense of this country will sustain it. I am sure that it is in accord with the view of at least five millions of the people of this country.

HON. MR. HOWLAN—I regret exceedingly that we have this Bill before us this session, on account of the feeling against it last session being so marked. I am not one of those who believe that we are far ahead of the Chinese in education or literature: it is an open question. So far as our actions are concerned, with regard to the treatment of the Chinese on this continent, I think we have very little to congratulate ourselves upon. I am not going into the history of this question, as we did last year, but it is a historical fact that the United States sought the Chinese. In 1849 they inaugurated the first emigration to the United States from China. A committee was appointed by the American Congress, the chairman of which was the Hon. Anson Burlinghame. He went to China with full powers to arrange for the emigration of Chinese to the western portion of the United States. He submitted statements to the Chinese Government, showing the great field there was for the industry of their people, and also led them to believe that they would be received, not only on the same terms as other nationalities, but with very marked consideration. The Chinese Government listened to those statements, but were not satisfied to accept them as they were made, and very properly sent a delegation composed of seven of the most capable and best educated men that they had to examine into the trade arrangements of the United States and into the every day life of the mechanics and operatives of the United States. These men, while travelling through the United States, were dined and wined from one end of the country to the other. They were praised by the press of the United States, and with the whole country in their favor they returned to their own land and reported to their Government; but it was not until 1853, four years afterwards, that the Chinese, after protracted correspondence between their own Government and that of the

United States, finally consented to let their people come to this continent. We know that the result of their coming to the United States has been the culture of the silk-worm in California, and to a very large extent the culture of the grape; the development of their great silver mines and the reclaiming of thousands of tons of gold quartz thrown away by the placer miners in the early history of California. Notwithstanding all that, there exists in the United States at the present time a strong antipathy to the Chinese — in portions of the United States, but not in all parts of the country. We had quoted here last session by a representative of British Columbia, the views of bankers, merchants, managers of large corporations and others, who have dealings with the Chinese, and all spoke of them in the most kindly terms, referring to their industry, their temperance, their abstemiousness, their closeness in making bargains and their faithful adherence to a bargain after it was made. It is a historical fact, beyond a question of doubt, and anyone who has paid attention to the great agitation in the United States up to 1863 will remember, that it was a question whether a sufficient number of men could be taken from the industrial population of the United States to build the great transcontinental railway, and the economists of the day sought Chinese labor and were able to appreciate the result of it, as we have been able to value it within the last few years in the construction of our own great transcontinental highway. A few months ago I happened to be in Washington, and met a very distinguished Chinaman there, who was master of all the principal European languages. He being a wealthy man, gave an entertainment in Washington, and what was the result? Nearly every man, woman and child in Washington went to his house. It was a large, fine structure, splendidly furnished. These uninvited guests ate and drank all they could and smashed his furniture. What must have been the opinion, entertained by that Chinese gentleman, of our boasted civilization? He not only spoke the English language fluently, but was familiar with French, German and Italian and was equal in culture and refinement to the highest graduates of our best colleges. What must have been his opinion of Christian civilization after his experience in Washington? Certainly it could not have been a high one. But while we are trying to exclude Chinese from our country what are the Governments of Germany and France doing at the present time? They are getting from China many young men to enter their colleges and are doing what they can to teach the Chinese language. They are also getting instructors from the various classes of the population in China to educate and instruct these young men with regard to the industries of China, with the view of entering into closer relations with those people—with a view to understanding the wants of that country and to learning very much that we might learn of the great industries of the Celestial Empire. That is what the people of France and Germany are doing, while we, on the contrary, shut those people out. I have never yet heard in any discussion of this question, on the floors of this Parliament or elsewhere, a single intelligent reason advanced why this young country should shut out these people but the single one that they interfere with white labor. How do they interfere with white labor? We have been told here, and it has not been disputed, that if you were to organize a regiment composed of English, Scotch, Irish, or Canadians, as we are proud to call ourselves, that no one will deny that they would be very much superior to the Chinese in physique and intelligence. We consider that we are greatly the superior of those people; then what are we afraid of? Are we to find fault with the Chinaman because of his industry, because of his frugality, because of his sending his savings home to his own country? Where is he going to send his savings? You will not allow him to invest them in this country.

HON. MR. MACDONALD—He cannot buy land.

HON. MR. HOWLAN—He is regarded and treated as an alien from the day he comes into the country, yet you find fault with him because he is not able to stand up and defend himself in the halls of Parliament, or take up the pen and

defend himself in the press, as we can do ourselves or get others to do for us. That is the way we treat the Chinese, and yet we boast of our great civilization. I always feel very small, in my own estimation at all events, when I reflect on this disgraceful condition of affairs. We impose a tax of $50 on every Chinaman who enters this country: for $50 the most profligate man, the greatest criminal in China may be landed on our shores. The amount of the tax is the great criterion. No matter what his character may be, if the tax is paid he is admitted to the country. On the other hand a man may be a gentleman of the highest education, the peer of any man in this Chamber in education and ability, and still he is classed with the criminals—he must pay his $50 before he is admitted into the Dominion. We know that in China there are several grades of men—there are as many classes as you find in European countries—but we do know this, that from the highest to the lowest, throughout every class of the population of China, there is a taste for education and a fitness for it, showing that the population of that great empire recognize and inculcate one doctrine—that is, obedience to the laws of the land. That is certainly not a bad trait in the character of the people. A gentleman who has lived for some time in the North-West, and who has had excellent opportunities of forming an opinion on the subject, says that it is a question, after his experience of the Indians in that Great Lone Land, whether we have anything to boast of in our modern civilization. He says, place 1500 white people out on the open prairie, with no laws to govern them, no force to call upon to quell riots and disorders, none of the restraints imposed upon the population of civilized lands, and it is doubtful if they would be as well-behaved as the Indians are. The gentleman who has expressed that opinion has been a great traveller, has been in nearly every civilized country in the world, and has reached middle life, and he is still doubtful whether, after all, we have anything to boast of in a comparison with the life of the Indians. I think this restrictive law on our Statute Book is a very bad precedent. We know that within a recent period a great step forward has been taken with regard to the manufacture of iron in Canada. We must necessarily, in the development of that industry, attract to our shores many people who are not here now. They must come from some other land; we have scarcely enough people here who can be spared from the ordinary industries of the country to enter this new field of labor. It is necessary, therefore, that we should attract to the country cheap industry, and where can we look for it with such certainty as to China? Where can we get people of more industrious habits than the Chinese? If you employ them and bargain to pay them so much for their work, they do not band together and force their employers to give them more. In every country where they are employed they keep to their engagements, whether they are good or bad. We have endeavored to make a great country of this Dominion by building a transcontinental road with its western terminus almost at the door of China. We are putting on lines of steamships to run between British Columbia and China and Japan with the hope of attracting to our shores the trade of the east. Those great countries are without railways and are about to construct them and must obtain the iron somewhere. We are about to develop the manufacture of iron in this country and we are endeavoring to cultivate an Asiatic trade in iron. We know that in all countries in which railroad construction is about to commence, iron is indispensable, not only for the building of the railroads, but for creating the machinery with which to construct them, and yet, while we are seeking to get a subsidy to cultivate that trade with China and Japan and endeavoring to attract to our country people to develop our mining industries, we put a tax upon an industrious people who seek our shores. We say to the Chinaman, "If you are in British Columbia and want to go to some other part of Canada you must be sent through in bond with a ticket on your back." Why? Because he is industrious, abstemious and honest in keeping his engagements? Is that a good and sufficient reason for discriminating against these people? Can we say that because

twenty or thirty thousand Chinamen in British Columbia have for two or three years performed their duties with faithfulness and accuracy—because they have been industrious, abstemious and frugal, that we are going to refuse them permission to transfer the scene of their labors from British Columbia to the eastern provinces unless they are ticketed like a package of goods and taken through in bond. Then, again, if by their industry they are able to save a certain amount of money and wish to return to their own country, they must come back within three months, or be treated as if they had never been in the country and made to pay the tax of $50 over again. We know that there may be many legitimate reasons why a Chinaman should be detained in his own country on visiting it so that he would not be able to get back within the limited period: is it fair, under such circumstances, that he should be taxed $50 because of circumstances over which he has no control? Suppose he has become part and parcel of ourselves: suppose he is in every way, except by the accident of his birth, a Christian citizen of the country, there is no distinction made in his favor: if he is out of the country for a longer period than three months he has to pay a tax of $50 on his arrival on our shores. I regret, after the expression of opinion that took place in this House last session, that the Government have thought fit to bring this bill before us again. I regret it as a Canadian. I think it is contrary to the interest of this young country in every possible way. I regret that we have such an Act upon our Statute book, when it is notorious that we are sending circulars broadcast over Europe asking people to come to the Dominion. We send them to Russia and welcome the Menonites. We send them to Germany and invite the Germans. I find it stated in the press of the country that some distinguished Germans have made an offer to purchase the Intercolonial Railway and establish immense iron works in Nova Scotia and to bring a thousand workmen from Germany to engage in this new industry. If those people come we will welcome them beyond a doubt, but it is a question in my mind whether those Germans would be one whit better than the same number of Chinese.

HON. MR. McINNES—They would be better to the country.

HON. MR. HOWLAN—I take issue with my hon. friend on that. You take the Germans and say to them "you shall not be allowed to have any homestead here."

HON. MR. McINNES—The Chinamen can buy land in this country.

HON. MR. HOWLAN—No.

HON. MR. McINNES—I know a number of them who own real estate.

HON. MR. HOWLAN—In the names of others?

HON. MR. McINNES—No, in their own names.

HON. MR. HOWLAN—Supposing they do own land, if they build houses and live as other citizens of the country do, why exclude them? They are not drunkards or theives—why persecute them? There is no reason but the one, and it has been very well stated here in this debate, that they have not the franchise. If they had votes and were able to send gentlemen to Parliament to represent them, I question very much if you would hear such unfavorable comments made upon those people. I hope to live long enough to see on the floor of this Parliament Chinese gentlemen who, by education and ability, are fit to represent and ready to defend their own people.

HON. MR. VIDAL—I have listened with very great satisfaction to the sentiments which have been expressed by every member who has spoken upon this Bill. It was to me a source of very high gratification last year when the Senate expressed itself so decidedly and pointedly against the proposition then made by the Government, (of which, by the way we are supposed to be very servile followers,) that it was thrown out, but I cannot agree with my hon. friend from

Alberton in his expression of regret that the Bill has been re-introduced to-day, because it has given rise to this discussion. I think it is a very great advantage that we have had this discussion, and have had the pleasure of hearing the noble sentiments that have been expressed here to-night with respect to this blot that is upon our statute books, and that we have had such very emphatic and distinct testimony as to the sobriety, the industry and general good behavior of those people whom by our law we would exclude from the country. I think, therefore, instead of it being a matter of regret we should be well satisfied that this discussion has taken place. I very fully concur in the sentiments which have been expressed with reference to the inconsistency of such a law being found on the statute book of any part of Her Majesty's dominions. It seems to me utterly incongruous with our idea of that freedom and liberty which every branch of the human family, no matter what their creed or color, is supposed to enjoy under the British flag, if they are peaceable and law abiding citizens. I think it is utterly inconsistent with the profession that we make as Christians. I can conceive of nothing more derogatory to our character as Christians than such legislation as we have now before us. The hon. member for Ottawa has expressed his determination that at a future stage of the Bill he will propose an amendment which will confine its operations to the Province of British Columbia. I think the whole measure is so bad, so utterly wrong and utterly indefensible, that I would not impose such a law upon British Columbia even. I do not believe that the majority of the intelligent respectable people of British Columbia desire such legislation. Whether they do or not it has been shown very forcibly to us to-night that they have no right whatever to impose on other parts of the Dominion such an obnoxious Statute. Does any other Province really wish that those Chinese should be excluded from their section of the Dominion? Would they not be welcomed in all the other Provinces? Why then should we have a law which prevents the Chinese from having the privileges which are so freely offered to them by the other Provinces? Instead of confining the operation of this Bill to the Province of British Columbia, my idea would be, recognizing the feeling in this House, and believing that the feeling is strong enough to sustain the view that I hold, why should we allow this law to remain on our Statute Book any longer? Let the Senate, at all events, do its part toward removing this foul blot on our legislation; let us in this Chamber at all events pass a law repealing this Chinese Immigration Act. It may not be acceptable to the other House, but it will show that we have proper views of British freedom and the responsibilities that are attached to our professions as Christians. I would greatly prefer to introduce a short bill simply repealing the Chinese Immigration Act than to add on a rider or final clause restricting the operation of the Act to British Columbia. I feel satisfied that if the hon. gentleman who now leads the Senate had been with us last year, and had heard the debate on this subject he would not have introduced this Bill this session. He would have so fully recognized and appreciated the feeling of the House on this subject that he would have at once told his colleagues that there was no use in introducing such a bill as this, that it could not be passed through the Senate, and I have no doubt that they would have been guided by his opinion on the subject. He had not the opportunity of being with us last session, and very likely took no particular notice of the animated and interesting discussion we had on this subject; therefore I can readily understand that he was not prepared to raise his voice against the introduction of such a measure. Why has this Bill been introduced? I was not present when the reasons were given, but I believe they were briefly explained to the House. I know that something has been said about the Chinese evading the law, and the difficulty of maintaining the identification of parties, &c. I attach so little importance to these things, so bad do I conceive the law to be, that I would not care how often it is broken; and so far from removing any difficulty in the way of enforcing the law I would rather increase the difficulty. The Bill as it now stands

contains some features which render it almost equally objectionable to the Bill which was before us last year. The junior member for Halifax has with great propriety called attention to a defect in the first clause and has expressed his desire to make an alteration in it. I concur in the view he expressed, but would go a little further: if we want to do the right thing, instead of putting a tax of $50 on Chinese women, I would give them a premium for coming. I believe it would be for the interest of this country to induce respectable married Chinese women to come to this country, instead of putting a tax on them. The second clause is, to my judgment, somewhat unnecessary, inasmuch as the old law provides that tourists and scientific men can pass through the country without a tax of this kind. I would be quite unwilling to put the matter so entirely and exclusively under the control of one individual as to say that all the regulations as to the passage of tourists and scientific men through Canada should be in accordance with and under such regulations as may be made by the Minister of Customs for such purpose—putting it in the power of one individual to make such regulations as would affect the whole of this matter—the entry, passing in and through our country of every visitor or tourist from China. I think it is entirely wrong and entirely unnecessary. Then I notice in the next clause, which provides for the issuing of permits to depart and return, that if the Chinaman does not return within three months his original certificate may be cancelled, and, on returning to Canada after that date, he is to be subject to a payment of a fee of $50 as in the case of a first arrival. I believe the Minister has intimated his willingness to extend the permit for a term of six months. My hon. friend from Alberton has shown that six months is scarcely time enough to go from Canada to China and return, if the Chinaman wishes to stay a short time with his friends and relatives. Further on I find that there is a sub-clause which, it appears to me, conflicts with clause 17 of the Act which it professes to amend. It also changes the penalty, and increases it very much. Under the former law the penalty was not to exceed $500. In this Bill it is proposed that the penalty shall not be less than $500, and a very serious addition to it of imprisonment for a term of not less than twelve months. A little further down I notice another change in the law, providing that certain portions of the money shall be returned to the province where the immigrant has landed. I do not like to treat this Bill with such disrespect as to move that it be read this day three months, and I am disposed to let it go to Committee, there to deal with the clauses that are thought desirable to amend: but I should certainly greatly prefer, if I got any encouragement from the House, to bring in a Bill to repeal the Chinese Act of last year.

HON. MR. SCOTT—Move it and you will be supported.

HON. CARVELL—I do not agree with the hon. gentleman from Alberton in his opening remarks in which he expressed regret that this subject should be again brought before the House. I think it is a matter of congratulation not only to the Senate but to the country at large that there should be another and better opportunity, such as has been afforded this evening, for hon. gentlemen to express their disapproval and disapprobation of the Chinese restriction legislation in existence in this country. I have always felt from the time the question first came before the House that it was legislating in the wrong direction, and is not creditable to us as Canadians and British subjects. I would be very glad if every hon. gentleman in this House would express his feeling against it, and that it should go forth to the world that the Senate of Canada has no sympathy with this unjust treatment of the Chinese.

HON. MR. DEVER—I do not wish to be considered as a great philanthropist in this House, but I rise to say that I wish to record my vote against the principle of this Bill. It is one of those measures that is completely hostile to my feelings as a liberty loving man. In this Canada of ours, instead of showing to the world that we are obstructionists, that we are not desirous of mingling with or having intercourse with the world, or

that we are coercionists, we ought, in the early career of our young nationality, to show that we are willing to open our arms to the people of the world and receive them hospitably, provided they show a disposition to co-operate with us and be industrious, law-abiding citizens. I oppose the measure on other grounds. I have some slight knowledge of the Chinese as they stand at present as a nation. I have some friends in China who have been placed there by the operations of the British family who made inroads into that country and have taken possession of a portion of it and who are certainly receiving great consideration from the Chinese. While we who are receiving those benefits from those people show a disposition to be unjust and unkind, I certainly do not wish to be considered as endorsing any such legislation. I have had letters recently from very near relatives of my own in China who are desirous of coming through Canada with their servants, two or three of whom would be Chinese, and in writing to me they expressed very great surprise that Canada should be so exclusive as to prevent the possibility of English speaking people coming through Canada with Chinese servants by enacting legislation of this kind. At that time I was not quite sure myself that there was such legislation on the Statute Book as would exclude them, but on inquiry I found it was too true, that in consequence of the restrictions on those people they are likely to change their route, and go to Europe via the Suez Canal instead of crossing over by the Canadian Pacific Railway. Seeing matters in this light I think it would be good policy on our part show to those people and show to the world that instead of shutting out cheap labor and people who are willing to come here and help to cultivate our soil and develop the industries of the country we, in this Senate, are not restricted and hampered by small and selfish considerations and that we are hostile to such legislation.

HON. MR. POWER—I am gratified at the discussion which has taken place on this measure, because it shows, what I had begun to fear was not the case, that when a subject comes up in which the members of this House take an interest they are willing to discuss it for a reasonable time without crying down the speaker who happens to have the floor, or without intimating very strongly that they desire to finish the order paper. That is the general rule in this House. A desire to clear the order paper seems to be the principal motive which actuates members of the House; but I am glad to see that when a Bill comes up which interests the House, hon. gentlemen seem to think that our time was not intended merely for the purpose of clearing the order paper but may be profitably occupied in giving expression to opinions calculated to do credit to the Senate and to Canadians generally. I do not think, if I may be allowed to say so after what has been stated by other hon. gentlemen, that the Bill before us deserves the condemnation with which it has been received. The Bill on this subject which came up last session did, and I was happy to add my little mite of condemnation to the general chorus of disapproval with which that Bill was received. The measure of last year was framed in view of the approaching elections, and was introduced I presume at the request of the representatives of British Columbia in the other Chamber to secure the votes of the labor element in their own Province. This Bill is a bill which, on the whole, rather tends to lessen than to render more stringent the provisions of the original Act.

HON. MR. SCOTT—No.

HON. MR. POWER—If the hon. gentleman will read the preamble, I think he will admit that it is so. It provides:—

> Whereas it is expedient to exempt the wives of persons who are not of Chinese origin, from the payment of any duty imposed by "*The Chinese Immigration Act.*"

That is relaxing the law as far as it goes, though not very far. I think it is suggested by my hon. colleague that the provision might go a little further without possibly doing much harm. The clause continues:—

> To make provision as to the transportation through Canada by railway of persons of Chinese origin, and to restrict the issuing

of tickets of leave to persons of Chinese origin who wish to leave Canada with the declared intention of returning thereto.

I do not think there is any provision in the existing law for the transportation of Chinese from one point in Canada to another. That is a step in a liberal direction in this Bill.

HON. MR. SCOTT—No, no.

HON. MR. POWER—If the hon. gentleman will show me any provision in the existing law under which the Chinese can travel through Canada, I shall be obliged to him. I do not myself see any provision in the existing law for Chinese to land in Canada and go across the country.

HON. MR. ABBOTT—No, there is none.

HON. MR. SCOTT—I have no doubt it will be read by the Customs authorities, who are not friendly to those people, as placing the most stringent restrictions on the Chinese, that it will control clause 8 of the Bill as being recent legislation.

HON. MR. ABBOTT—This extends to everybody of Chinese origin.

HON. MR. POWER—We can accept that provision as far as it is liberal, and strike out the remainder of it. Then the third clause is to restrict the issue of tickets-of-leave. We need not accept that portion of the Bill if we do not wish so to do, and inasmuch as there is some good in the measure we might allow it to go to Committee, and there deal with it in detail.

HON. MR. SCOTT—All the clauses are more stringent than in the old law.

HON. MR. POWER—The third clause is the only one which renders the law more stringent, and we can strike that out if we please. I think at this stage of the session it would not be wise to introduce a Bill to repeal the original Chinese Act, because it would have no chance of passing the other House, and would involve a considerable loss of time in discussion. Perhaps next year we might take up that question in the early part of the session instead of adjourning.

HON. MR. WARK—From the course this debate has taken I think there is not much probability of the Bill passing in its present shape. The hon. gentleman from Sarnia has proposed that a Bill should be brought in to repeal the present law. If we could accomplish that I should most heartily support it, but the result would be just to leave the law as it stands if we throw this Bill out. I think that instead of exempting from this tax the Chinese wife of any other nationality but a Chinaman we ought, if a Chinaman brings his wife, to exempt them both, because the probabilities are they are going to settle in the country. One great complaint against the Chinese is that they come here merely to earn money, and when they have earned it they leave the country and carry the money with them. If we would just alter the clause of this Bill to provide that when a Chinaman comes in with his wife and children they should be exempt from the tax altogether, I think it would be a great improvement. The hon. gentleman from Ottawa proposes to confine this legislation to British Columbia. I should like to go a little further and allow Chinamen to land in British Columbia and to cross over the mountains to where they can settle down on the prairie and become settlers, producing more than they can consume and adding to the wealth of the country. Another great complaint against the Chinese is that they work for lower wages than the white man. I think they are not popular with the saloons; I do not think they spend much money there; but although a great number of our people are quite indifferent on the Chinese question altogether, there are two classes with whom it is a live question, one who are violently opposed to their coming into the country at all, and the other class who believe that it is an arrangement of Divine Providence to allow them to come in here and bring them under Christian influences. Looking at the amount of money which the various Christian churches are spending in sending missionaries all the way to China to christianize the Chinese, when

they voluntarily come to our doors, as Christians we ought to send missionaries amongst them here. and when they do leave the Dominion to return to their own country they will go back as Christians to spread the blessings of Christianity in the land from which they come.

HON. MR. ABBOTT—The discussion has certainly assumed a very wide range, and I do not now propose to make a speech on the principle of the Bill; but I would suggest that as nearly all that has been said turns on the details of the measure, it might be as well to give it a stage now and leave it to the tender mercies of the Committee.

HON. MR. MACDONALD (B.C.)—I think I can speak with a little authority, coming as I do from the hotbed of this agitation against the Chinese, and first of all I may say that I fully agree with the opinions expressed by the majority of this House, and I wish to express my satisfaction at the fact that a people who have been treated so rigorously and ungenerously, who are unrepresented, and who have been hunted to the death, should have found representatives to stand up on the floor of this House and speak on their behalf. This Bill is a great improvement on the Act of last year, which was, to say the least, a diabolical Bill. I would suggest amendments, however, which might make this Bill a very great improvement on the law as it exists on the Statute Book. It will be impossible, if we repeal the Act in this House, to repeal it in the Commons; therefore, there is no use in trying it. The House last year passed on the Chinese Act, and they have passed on this Bill, adopting the principle of restriction in both cases. I think the first clause should be amended to provide that children, as well as their parents, should be exempt from the duty. Then, in the thirteenth section, if the time limit of the permit is extended to one year instead of three months, as it is in this Bill, it would be an improvement and it would be only reasonable.

HON. MR. ABBOTT—There is no objection to that.

HON. MR. MACDONALD (B.C.)—Then the fine and penalty are too severe. Instead of making it not less than $500 it should be not more than $500, and leave it in the discretion of the judge. If Chinamen have evaded the revenue in some few cases—which has not been proved, by the way—how much do the white men evade the revenue in every scale of social life? I think that those amendments to the Bill would be a great improvement to the Act as it now stands. We had a very long discussion on this subject last session. I then quoted a number of extracts from speeches and reports of gentlemen in California who had employed Chinese labor for years, and I showed plainly that they were an industrious, frugal and reliable people. The laborers of British Columbia object to the competition of Chinese labor, and although the Government resisted the demand for this legislation for a long time they finally gave way and imposed a tax.

HON. MR. HOWLAN—That is an excuse not a reason.

HON. MR. MACDONALD (B. C.)—My hon. friend from Ottawa spoke very warmly on this matter; if he had thought for a moment he would have remembered that it was the hon. gentleman from New Westminster and myself who called attention to this legislation last year when the Chinese Bill was before this House. When the first Bill passed in 1883, the the hon. gentleman and myself were in the same boat—we both agreed to that Bill without a murmur, and the only gentleman in this Honse who can claim to have been a consistent opponent of this legislation is the junior member for Halifax. He was the one who opposed it when it first came before us; he opposed it again when the amending Bill was before us last year, and he is now opposing the Bill before the House. In contrast to what we are now doing, what did we find done in China last year? The Governors of all the Chinese Provinces issued edicts to their officials all over the country that they should treat foreigners with the greatest kindness and courtesy; that they should treat them as their own

guests, and that they should specially treat missionaries with the greatest kindness and respect. That was done in China by Chinamen last year, yet in the face of this we put an excessive tax on Chinese coming into this country. Legislation of this kind has not a shadow of justice or right on its side. Dare we tax Frenchmen or Germans or Russians who have ships of war at their command to send to our shores? We dare not do it. Under the Treaty between England and China, Chinamen have the same privileges on British soil as the most favored nations. When that Treaty was made at the mouth of the cannon, those conditions were given to China, that they should be treated as the most favored nation, yet because they are not strong enough to protect themselves we break through all those solemn agreements and put a heavy tax upon them. This legislation first taxing Chinamen I agreed to against my conscience in deference to the opinions of the representatives from my province and in deference to the wishes of some of the people amongst whom I live. I must however mention the fact that a great change has come over the people of British Columbia within the last year on this subject. A few months ago there was a general election for the local house, at which every man over 20 years of age had a vote. There were four or five labor candidates, anti-Chinese candidates in the field, and I am happy to say that every one of them was beaten, and not only that but in every contract given by the Local Government and in every charter given by the Legislature a clause used to be inserted that no Chinese were to be employed or the charter would be forfeited. Last year they were not able to impose conditions of that kind in any contract or in any charter. A manly sentiment prevailed that I was glad to see, and I told the members of the Legislature that I was proud of it. I am particularly pleased to see the feeling that is exhibited in this House to-night in behalf of a people who are being kicked and abused, and hitherto have had no one to stand up in their defence.

HON. MR. HAYTHORNE—There is one remarkable incident connected with this Bill which strikes me, that is the strange unanimity which is exhibited here this evening. Every member who has addressed the House since recess has done so in terms pretty nearly indentical, and all opposed to the principle of this Bill. Various amendments have been suggested to it, but it strikes me that it is a difficult thing to amend a Bill based upon a wrong principle, and the principle upon which this Bill is based is a bad and cruel one. I remember speaking against the measure last year, and I based my arguments on the fact that it was opposed to all the principles on which the sources of the wealth of the country is derived. We know that no matter what the natural resources of a country may be they cannot be utilized without labor to develop them from their crude state. British Columbia seems to teem with natural resources, and what is chiefly required to develop those riches and disperse them across the Canadian Pacific Railway and over the ocean, to conduce to comfort, convenience and wealth in other regions, is an ample supply of cheap labor. It is true that similar objections have been raised in the United States against Chinese immigration, and it is only lately that the American Government paid a very large sum of money by way of indemnity to Chinese who had been injured and their property destroyed by an outbreak of white laborers. I do not call them United States laborers, because it is quite likely they were recent European immigrants; but it shows how cruelly those people have been treated in the adjoining Republic, when the United States Government, notoriously reluctant at all times to own themselves in the wrong, have found it actually necessary to indemnify those Chinese for the injury done them by American citizens. I think one might search far and wide in the early history of the world for an incident similar to this. The only thing that I know of which approaches to it at all, is the way the Jews have been treated at different times in the early history of European countries. It may be recollected that in our own country, in free England, Jews were cruelly treated in early days, and in

almost every town and country in Europe they were a tabooed nation, despised, hunted and abused, and as the Chinese have done in San Francisco, they were obliged to live in certain poor quarters and bind themselves together for protection. Even at the present day, in Russia, the Jews are under very great disabilities, and are generally distrusted. We, in England, are more generous of late years. We could no longer shut our eyes to the fact that here were a race of men, remarkable for their accumulation of wealth, for their integrity in every walk in life, and for their industry, excluded from representation in Parliament. It was not until about the year 1847 that the Bill to relieve the Jews of their disabilities was introduced in Parliament, and for eleven years after that, year after year, the Jewish question came up for discussion in the Legislature. I think it must have been about 1867 that Baron Rothschild was returned for the City of London at the head of the poll and that brought matters to a crisis. At that time the oath which was taken by members of Parliament was on the true faith of the Christian, an oath which no Jew could take. He might be a thoroughly worthy man in every possible relation of life, but notoriously he was not a Christian—he was a Jew, and therefore could not take that oath. A compromise was agreed upon between the two Houses that they should frame an oath for members returned to either House which could be taken by Jews as well as by Christians. The Jews were entitled to seats then, and have held seats in the British Commons ever since. Now, we are more cruel still to those Chinese, and I think we are standing in our own light most seriously when we do so. I believe that those disabilities which we impose upon the Chinese tend to the importation of a class of men far inferior to what we should get if we did not place those difficulties in their road. If it were not for the restrictions we impose on Chinese immigration the probabilities are that respectable families would come over and settle amongst us, and that would be a thing to be desired instead of objected to, where there is such a vast territory to be settled, and so much to be done which we have not hands or means to perform. Another point is this: the great Empire of China is very fast letting loose its old prejudices. It is on the high road now to civilization. China is bent now upon the introduction of the railway system, and it is quite likely that a vast amount of Chinese labor will be required in their own country, and we are not so likely to be flooded in the future with such immense numbers of Chinese laborers as we were threatened with in former years. We are projecting and intending to establish a line of fast steamships on the Pacific, amongst other things, and are we to limit the traffic on those steamships merely to carrying chests of tea? If a profitable passenger traffic should be established, are we to burden it with all sorts of difficulties by statute. It is against our rules to attribute motives. A gentleman while speaking has no right to attribute motives to another who precedes him; but I know of no parliamentary regulation which prohibits one from attributing a motive to a member of a government who attempts to introduce a new system of legislation, and I think it would be well to inquire into the motives which influenced the gentleman who brought a measure of this kind into Parliament. I have no hesitation in saying that in my opinion it was a mistaken understanding of the labor question. Labor is at the bottom of all this anti-Chinese legislation. I conceive myself that it will become necessary before many years have elapsed to legislate probably, or at all events very seriously to consider the new phases which are constantly developing themselves into this labor question.

I, for one, profess to be a thorough Liberal in that. I am for giving the greatest latitude to laborers to express their opinions, to combine for advancing their interests, or any other legitimate purpose but there is a limit to what a body of laborers should be permitted to do in a country like ours. They are free to work or to be idle—free to strike if they please, but we ought to say to them, "stop there: you are free to do these things yourself, but you shall not hinder others from doing the work that you reject, and if a Chinaman chooses to per-

orm work which perhaps is necessary to the last degree for the public convenience or comfort, he is not to be hindered in doing it because a body of white men, acting in union and exercising influence upon members of Parliament, wish to prevent him." They have no right to say that any body of immigrants shall not come into this country or work for whatever wages they are willing to take: it is an interference with natural liberty, an interference with the liberty of the whole country, and ought not to be permitted for one moment. I am willing to accord fully and freely to all laboring men such rights as are indefeasible, but I do not think we should allow them to become tyrants, whether the people over whom they domineer are Chinese or white men. We must stand up not merely for the rights of the Chinese, but for the rights of all who are willing to labor. I feel that we should be doing ourselves great injury by throwing unnecessary obstacles in the way of the introduction of this useful body of laboring men into the country. Since the House resumed, I have not heard from any one gentleman any of the old subjects of declamation against the Chinese; therefore, it is quite unnecessary for me or anybody else to defend them. If the Chinese are open to any objections on the ground of immorality or dishonesty, or if they violate our laws in any other way, I say by all means place them under the most rigid police regulations, but that is a very different thing from a prohibitory law, and I think the distinction ought to be quite clear between the two. Control the Chinese, by all means, when you have them here: if they do not behave as they should, compel them to obey the law, or banish them, but do not prohibit their entering into the country because of their nationality. I do not see how it is at all consistent with the treaties that Great Britain has made with China, for one of her colonies to place on the Statute book, and maintain there, such a law as we are called upon to discuss this evening. One other instance I recall of a nation injuring itself by refusing to grant religious liberty to its subjects, and another nation receiving those subjects and being benefitted largely by granting them an asylum: I allude to France at the time of the revocation of the Edict of Nantes. There were in France, at that time, a people who exercised their religion under a charter derived, I think, from the great Monarch. That charter was abrogated, and the consequence was that this large body of Protestants refused to remain in their native country; they exercised, in my opinion, a sublime act of courage and sincerity. They left their homes; they left whatever they could not carry with them, and established themselves in various parts of the United Kingdom. Their descendants are there to this day. They are to be traced by their names, and in many instances by other indications as well. They have always been a body of people remarkable for their high-toned morality, their industry, their taste and skill. To them England owes her success in the silk manufactures. In that particular branch they have always been exceedingly successful. Anyone who is well acquainted with the old country recognizes particular spots where these exiled Frenchmen have been settled for several centuries. We ought to look at these things and learn something from the lessons of history. It is no use to shut our eyes to facts. Here is an industrious population and we want industrious people in Canada. They offer to come to us, and we say "you cannot come except under certain conditions"; it seems to me that it would be wise, not exactly to reject the Bill, but to deprive it of its obnoxious features.

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

INDIAN ACT AMENDMENT BILL.

THE ORDER DISCHARGED AND A NEW BILL INTRODUCED.

The order of the day having been balled—second reading of Bill (L) "The Indian Act Amendment Bill"—

HON. MR. ABBOTT said: This Bill was handed to me without having had proper revision by the Minister in whose

Department it was supposed to have originated, and is so far from what it should be that I think the shortest way to dispose of it would be to ask the House to discharge the order. I therefore move that the order of the day be discharged and that leave be given to withdraw the Bill.

The motion was agreed to.

HON. MR. ABBOTT introduced a Bill to amend the Indian Act.

The Bill was read the first time.

RIDDELL DIVORCE BILL.

THIRD READING.

HON. MR. GOWAN moved the adoption of the report of the Select Committee to whom was referred Bill (G) "An Act for the relief of Fanny Margaret Riddell."

He said: As Chairman of this Committee I do not propose to dilate upon the sad circumstances under which the petitioner seeks relief—a husband leaving his home, disgraced by his own act, living in a state of sin and debauchery, his wife endeavoring honestly and earnestly to support herself and a little child. I do not dilate upon these details, but I simply confine myself to a statement of the facts set forth in the Bill, which were abundantly proved by the clearest possible testimony that could be submitted to any tribunal. It was proved that the woman was married in December, 1871, that she lived with her husband until 1875, that they had a child in 1873, that he left Montreal in January, 1875, having fled from justice, and that he was not then heard of or known much about until he appeared in the North-West.

HON. MR. POWER—I do not think it is necessary to go into the evidence, because it has been printed, and that is one of the public documents which hon. members generally read with a good deal of care.

HON. MR. GOWAN—I do not propose to go into the evidence. I was about to state that in July, 1876, the act was committed which is complained of in the Bill, and the offender was caught *flagranti delicto*. I will say no more, but simply move the adoption of the report.

HON. MR. KAULBACH—I am with my hon. friend who has presented this report in everything that he has said in favor of the petitioner. My sympathies are strongly with her, and I hope that she will get what she prays for. I believe she is entitled to a divorce, but I do not wish this House to affirm that certain facts have been proved when there is no proof of them. If it was essential to the passage of the Bill to find as has been found by the Committee, I would hesitate about making an objection—I would prefer to give a silent vote against the Bill in the interest of the petitioner, who desires to be free. I would refer hon. gentlemen to the 19th line of the Bill, and I propose to strike out the words beginning with "an" and ending on the 21st line with "aforesaid"; then also in the 38th line I propose to strike out the letter "s" from the word "acts". It may be supposed by some hon. gentleman that this amendment is not important, but I think it is necessary that our finding should be consistent with the facts. If gentlemen will look at the evidence carefully they will find that the words which I propose to strike out of the Bill should be eliminated in order to make it consistent with the facts as proved. There is no evidence of more than one act of adultery, and that act was not proved as it should have been. If a person commits larceny, it is not sufficient for somebody to go into court and swear that larceny was committed: the evidence must be more explicit. I do not suppose that any hon. gentleman wishes to pry into those affairs from a prurient taste, but it is the duty of members of a divorce committee to ascertain whether the charges made by the petitioner are sustained by the evidence or not. It has been the uniform practice of the British Parliament, and it is the practice of the courts now I think, never to grant divorce *a vinculo* except for adultery, and if for an act of adultery by the husband, it had to be coupled with such turpitude as by itself, without

adultery, would have entitled the wife to divorce *a mensa et thoro*—"from table and bed," or, as we say in English, "from bed and board"—and among other things desertion for more than two years without reasonable excuse was, of itself, in such cases, deemed sufficient. In this case, by eliminating the words to which I object from the Bill, the evidence sustains the allegations of the petitioner: although the one act of adultery is not proved as I consider it should have been, I think, coupled with the cruel desertion for 10 years, it is sufficient to entitle the woman to a divorce. I have looked carefully over the report, and I find evidence of only one offense. This man is a doctor, engaged in his practise in the hospital and outside of it, and there is not one title of evidence that he was guilty of general immorality. I therefore ask the House to eliminate these words from the Bill in order to make it right.

HON. MR. MILLER—That can come up at the third reading: we are now considering the report of the committee.

HON. MR. KAULBACH—If the hon. gentlemen who are promoting this Bill say they will look into the matter at the third reading I shall be satisfied to let the report go. I am sure that the petitioner in this case is not desirous of imputing to her husband anything more than is absolutely necessary in order to obtain this Bill. I was very favorably impressed with her, and if an amendment to this Bill would in any way interfere with its passage I should prefer to say nothing on the subject, but record my vote against it in silence. If I have any intimation that my suggestion will be taken into consideration I will not discuss the matter any further, but if not I shall have to deal with the evidence. I should like to know if the hon. member from Barrie will accept my suggestion?

HON. MR. GOWAN—I will answer when the hon. gentleman is done speaking.

HON. MR. KAULBACH—Then I shall have to analyze the evidence.

HON. MR. OGILVIE—There is not a member of the House who has seen the evidence but is satisfied, except the hon. gentleman.

HON. MR. KAULBACH—That is a very wild assertion to make. Is there any evidence at all, except vague report, that he was a drunkard, and frequented places of ill repute? Only in one case did he visit a place of the kind. He was a doctor who had outside practice, and I am sure doctors would not like, when they have to attend sick and infirm persons in places of the kind, to be charged with immorality. If my objection is not concurred in I shall be obliged, in order to sustain the position I have taken, to go over this evidence in order to show that my contention is right and I shall do it now.

HON. GENTLEMEN—Oh don't!

HON. MR. KAULBACH—I shall have to do it.

HON. MR. GOWAN—If the hon. gentleman noticed, when I was going into particulars I avoided these details. I was prepared to show the very opposite to what he has stated, but I felt a restraint, which perhaps he does not feel, in speaking fully. I was prepared to prove to the satisfaction of the House that every allegation of that Bill is fully sustained by the evidence.

HON. MR. KAULBACH—Then I am obliged to go on. My hon. friend says that his taste and ideas differ from mine, and charges me with having a prurient taste. I denounce the hon. gentleman for saying so: it is not worthy of him. Such a statement should not be made on the floor of this House, and I hurl it back with that indignation which such a remark deserves.

HON. MR. OGILVIE—It was correct though.

HON. MR. KAULBACH—I am sure the manner in which I stated my objection and my suggestion to make this Bill conform to the evidence deserved a better reception.

HON. MR. OGILVIE—You simply want to oppose the Bill.

HON. MR. KAULBACH—I am desirous that this Bill should pass, but in a proper form, and I think I ought not to have been treated by the hon. member opposite with the insinuations he has cast across the floor of the House. Now what is the position of the respondent? There is only one charge proved, and that not in a manner that would be satisfactory in a court of justice. The question was put in a broad way, and no one asked the witness what he saw on the one occasion on which he states that the respondent, to his own personal knowledge, was guilty of adultery. The hon. member from Barrie may think that a person must be possessed of prurient taste and a desire to pry into delicate matters, if he manifested a desire to elicit the truth, but there are cases in which we ought to have no feeling of delicacy when we are exercising judicial functions. The chairman of that committee was recreant to his duty when he allowed that question to go without any explanation of the circumstances. Who is this man on whose evidence the case rests? He was a servant of the doctor, a person under him, who comes over to this part of Canada. Why he left the North-West and came to Montreal we do not know, but during the whole enquiry it was evident that he was not possessed of the friendliest feelings towards the respondent. He came back here ten years ago, and he is not able to say if he made this statement on his return or only a year ago. He is perfectly oblivious as to when he made this important statement against a person who was his superior officer. He left the North-West in 1877 and he says that this doctor was a drunken character, and adds, "I am aware that this was not the first time he had doings with these persons." He does not know it of his own knowledge, except what was stated to him by other persons. Is that sufficient evidence on which to charge him with such offences? He speaks of the doctor visiting a house which may not have been of the very best character, but is that sufficient evidence to justify a charge of habitual offences against morality? He is asked: "Did you ever see the doctor go to that place?" referring to a place of evil repute, and his reply is, "I did just once." That is all the evidence. He does not say that when he saw the doctor going there any people were in the house. There is no evidence to justify the general charge.

HON. MR. GOWAN—Yes, there is.

HON. MR. KAULBACH—You cannot draw inferences; you must have facts. There is only the one offence proved, but, as I have shown, that one case is sufficient, with the clear evidence we have of cruel desertion of the wife for ten years on the part of the husband, to entitle her to a divorce. The respondent had no excuse for his absence, because he could have returned to his wife. The Bill would pass if it were amended as I have suggested, and I do not see why my suggestion should be met in such a hostile spirit. I am willing to have this Bill passed—

HON. MR. OGILVIE—You are taking a good way to do it.

HON. MR. KAULBACH—I think I am taking the proper way to do it.

HON. MR. OGILVIE—I think so, because any Bill that you oppose the House will pass.

HON. MR. KAULBACH—That is only the assertion of the hon. gentleman, but this House I believe is governed by principles.

HON. MR. OGILVIE—You think that nobody understands the Bill but yourself.

HON. MR. KAULBACH — The House is governed by principles and will not oppose or support a measure simply because of the stand I may take with regard to it. My hon. friend may think that this House can be led away by prejudice, and induced to pass a Bill because I, forsooth, oppose it. The assertion of my hon. friend is not becoming to a member of this House. It is a reflection on the members of this body.

HON. MR. OGILVIE—I do not require any lessons on what is becoming from you.

HON. MR. KAULBACH—I would be sorry if I did not set a better example in this House and out of it than the hon. gentleman, and when he has had as long parliamentary experience in this House as I have had, he will know how to conduct himself and make proper remarks—remarks such as one gentleman makes across the floor of the House to another. It is evident that the hon. member has only been a short time with gentlemen of the character of members of this House, otherwise he would have refrained from the remarks he has made on this occasion. I ask the leader of the House to look at the Bill and examine the testimony, and say whether there is a tittle of evidence to justify the finding of the Committee except the evidence as to one offence. As I said before, there is sufficient evidence to pass this Bill, and if there is anything that would prevent its passage, it is the discourteous manner in which I have been treated by hon. gentlemen on the other side of this House.

HON. MR. GOWAN—I trust that the House will bear with me, after the long speech we have had from the hon. member from Lunenburg, if I endeavor in a few words to point out wherein I think the Committee were fully justified in assuming, as a jury might assume, that a second act of adultery was committed by this man. First I would say that it is impossible to exaggerate the calm and excellent manner in which this case was presented to us. The counsel for the petitioner had evidently taken extraordinary care to frame his Bill in a correct manner. The evidence was fairly brought out, the case conducted with great propriety, and I do not think I exaggerate in saying that every member of the Committee believed that no similar bill this session had been conducted with more propriety or in a more becoming manner. It is always an advantage to any Committee—to any tribunal—to have a case well presented by the counsel conducting it. My hon. friend says there was no evidence to go to the Committee of the second act of adultery and he says a good deal of the man who gave his evidence before the Committee on this point and I must say without any exhibition of feeling. He left the matter in his mind, he kept it to himself, for several years, and it was only last year he communicated the facts to a brother of the petitioner. He did not himself recollect the time when he communicated it and was uncertain about it, but the brother recollected the time distinctly, and that he did not communicate to his sister for some time afterwards. With regard to the point which my hon. friend endeavors to make, that the evidence does not show the act of adultery sworn to by the witness Elliott. My hon. friend must be of a very unsuspecting nature if he supposes that the respondent—who was known to be a dissolute character—took a squaw into his bedroom for any good purpose; but the evidence is more explicit. Elliott swears that the respondent, when he took this woman to his room, asked him to leave it for a while, and when the door was opened he was caught in the very act of adultery charged against him in the Bill. It is also proved that he visited a shanty occupied by a half-breed woman and her daughters, who were known to be common prostitutes, and whose place was resorted to by men for the purpose of prostitution. The witness was asked the question, I think very properly, which brought out the facts—"Was it a tent or a wigwam?"—to which he replied it was a regular log-built hut occupied by a family of half-breeds; "and," he adds, "this woman, when her husband was away on the plains, the men were in the habit of going there to have connection with her and her daughters." Now, he was seen going there.

HON. MR. KAULBACH — Once only.

HON. MR. GOWAN—It was open to the Committee to infer what his motives were. If you saw a man who was living a creditable life, a man who was not indulging in drunkenness and debauchery, going into a place like that, you might attribute nothing to it, but where you

know a man has lived as *he* lived—one caught *flagranti delicto* with a squaw—where you see him going into this House you might infer that he went in for immoral purposes. That was all the Committee did. For myself, I could say—upon my honor upon my oath, I think it is amply sufficient to warrant a jury in finding a verdict to that effect. Every man has to value the testimony according to his own convictions; some underrate a fact, some persons exaggerate it, but that was the impression left on my mind. I have not charge of the Bill, and I simply move the adoption of the report. If my hon. friend, the member from Alma, wishes to withdraw it, I have not the slightest objection; I am merely contending for this that the Committee were perfectly justified in all their findings, and if my hon. friend opposite has the strong and kindly feeling that he declares he has towards the petitioner I am really sorry that he should impede the action of the House in dealing with the Bill. If there is not proof to satisfy his mind I beg that he will not assume that other minds will not be satisfied with the testimony that is put in. My hon. friend said a good deal on a previous occasion about the importance of having lawyers on a Committee of this kind. Well I sat there, the only lawyer amongst laymen on the Committee, and our relations were exceedingly pleasant indeed. I will quote to my hon. friend if he will accept as authority a sort of rhyming exposition of a perfect procedure, a little altered, and apply to this case:—

"Nine honest men have disposed of the cause, who are judges alike of the fact and the laws."

HON. MR. POWER—I do not want to have anything to say about this Bill, but at the suggestion of the hon. friend from Lunenburg I have looked through the evidence, looked pretty carefully as to the point which he referred to, but I am obliged to confess the evidence to my mind at any rate does not sustain the allegation as set forth in the preamble of the Bill and I do not think it is proper for this House to pass a Bill which alleges in the preamble something which has not been established to the satisfaction of the House. The leader of the House must feel that, as I presume he must have looked through the evidence himself and for my part I must concur with the hon. gentleman on my left that only one offence is proved. I may say also that the preamble is erroneous in another respect. It alleges that this offence took place during the respondent's residence at Edmonton. The proof is that it took place at Fort Saskatchewan which is some distance from Edmonton.

HON. MR. GOWAN—In a new country like that where boundaries are uncertain, places five, fifteen or twenty miles from a well known point are generally known by the same name.

HON. MR. POWER—There is but one offence proven, and, as the hon. gentleman from Lunenburg has said, that is sufficient to sustain the Bill. I presume this respondent is a worthless man but there is no reason why this House should by solemn statute declare that he has been guilty of more crimes than have been established, particularly as it is unnecessary that the allegation should be made, and I think the Committee might very well amend their report by inserting a few lines to the effect that the preamble should be amended by striking out those words.

HON. MR. OGILVIE—In reply to the remarks of my hon. friend from Halifax, I would state that picking up the evidence in print and reading it, is very different from being seated at the table and listening to the evidence as it is given. I do not for a moment doubt the correctness of what the hon. member from Halifax says, but I feel quite satisfied that had he listened to the witnesses as they spoke there, and to what was said generally, his impressions of the case would have been very different from what they are from merely reading the evidence. The offence is not often proven in such cases, as men who go about that kind of business do not generally take witnesses with them, and sometimes it is difficult to make the proof. The members of the Committee were perfectly unanimous in their opinion that they had not seen or heard any case that was so

perfectly clear as this one, and if those allegations in the preamble of the Bill are not proven as to "acts," I do not think there was a doubt in the mind of a single member of that Committee but what the statements contained in the preamble was true every word of it. One word as to what the hon. gentleman from Barrie said about having only one lawyer upon that committee. It was not my fault there were not three. I tried to get the hon. gentleman from Amherst to act upon it but he assured me that his railway bills took up all his time. I also tried the leader of the House and he would not act upon it, and I thought when I was naming the committee it was quite unnecessary to appoint the hon. gentleman from Lunenburg on it, as he religiously sat at and watched everything that was done on the committee, so I thought, he being in attendance, it would make a larger committee without having the trouble of appointing one.

HON. MR. KAULBACH—That is not correct.

HON. MR. OGILVIE—The hon. gentleman has told many things that are not interesting to the House. He has made some statements about myself that are not very complimentary to me. He has informed the House that he has no idea of opposing the Bill; he wants solely to put it right. But there is not a member of this House who cannot see that his criticisms are made from a pure desire to oppose this Bill simply because he has not charge of it. When he has not charge of bills of this kind he wants to oppose them all the way through. I have not the slightest doubt about it in my own mind. I have seen several of those divorce cases since I have been in this House and I never saw a case that was so clear as this. The lady petitioning for this divorce was advised to do so by her husband's mother and sisters and brothers, though I may be told, as I was told the other day by the hon. gentleman from Lunenburg, that is not in the evidence, as much as to say, "You are not telling the truth." Even though the hon. gentleman from Lunenburg does not believe me, there are a few members in the House who will believe that I do not intentionally try to misrepresent anything. The Bill is before you; the Committee were satisfied that the preamble was proven. I have to bow to the decision of the House whatever it may be, but I do not choose to eliminate one word from the Bill or from the preamble.

HON. MR. KAULBACH—I would ask the Leader of the House who is certainly supposed to take some cognizance of these matters as they pass through, whether in his opinion the evidence supports the allegations of the preamble of the Bill.

HON. MR. ABBOTT—I must confess that in such matters as this, where the House refers the questions of fact for trial to a Committee, the Committee hearing the evidence, and personally seeing and hearing the witnesses before, can judge of their credibility and capacity to describe a matter better than we can by merely reading the printed account of what they said. I should therefore be disposed to give as full faith and credence to the finding of the Committee as I would to the finding of a jury, provided there is evidence upon which they can find. It cannot possibly be denied that what the hon. gentleman from Barrie describes as the ground on which the Committee were satisfied that the other acts of adultery were committed, was evidence that a jury would appreciate if the question came before it, and in this instance it seems to have been so appreciated by this Committee, and they have come to the conclusion, seeing the witnesses, hearing them speak and judging of their credibility as men can do under such circumstances, that there were other acts of adultery committed by the respondent. It is expedient I think that all subjects for discussion in a case like this should be got rid of, and seeing by the manner in which this Bill is framed that the omission of the letter "s" would remove the whole objection of my hon. friends on the other side to this Bill and enable us to concur in it amicably I would propose the amendment. The recital is in a general way that there were various acts of

adultery committed by the respondent, and then one particular circumstance is described in the title. Then the Bill goes on to say "Whereas the said Fanny Margaret Riddell has proved the allegations of her said petition, and has established the acts of adultery above mentioned." etc. There is really only one "act" established by the evidence; therefore if the hon. gentleman who has charge of the Bill would consent to say "the act of adultery above mentioned" it would reconcile this one and the Bill could pass without dissent from anybody.

HON. MR. OGILVIE—I have no objection to the hon. gentleman's amendment.

The amendment was made by the clerk at the table by striking out the letter "s" from the word "acts."

HON. MR. OGILVIE moved the third reading of the Bill as amended.

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

CONVEYANCE OF LIQUORS ON HER MAJESTY'S SHIPS BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (122) "An Act respecting the conveyance of liquors on board Her Majesty's Ships in Canadian waters."

He said:—This is a Bill for the purpose of providing for the maintenance of discipline on board Her Majesty's vessels within the jurisdiction of this Dominion. It is a copy in substance and almost the same in words as the Act on the same subject in England, passed in 1853. One of the most important objects in attempting to preserve discipline on board ships is to prevent the sale of intoxicating liquors to sailors, and the clause in the Imperial Bill was framed for that purpose and has been found to answer admirably wherever it has been in operation in British waters. But it ceases to have effect in Canadian waters which are under our own jurisdiction. The subject was brought to the notice of this Government by a letter from Lord Granville pointing out that it was necessary to have similar rules here if possible to those which prevailed in British waters. The Bill has been framed on the English Act, which has worked well. The effect of it is to impose a penalty upon anybody who conveys or attempts to convey any spirituous or fermented liquors on board any of Her Majesty's ships or vessels. Power is given to the officers, commissioned and non-commissioned as well as to peace officers, to apprehend any persons found committing any offence against the provisions of the Act and bring him before a Justice of Peace.

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

DOMINION CONTROVERTED ELECTIONS ACT.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (126) "An Act to amend the Dominion Controverted Elections Act."

He said: This is a Bill making provision for two matters only. One is to remedy a difficulty which has occurred because one of the courts competent to try these matters has no registrar.

HON. MR. SCOTT—There is a clerk of the court.

HON. MR. ABBOTT—But no Registrar for the High Court of Justice for Ontario. The second object is to provide for a mode of selecting the judges who shall try the case, in such a way as to create a sort of rotation amongst all the judges and give every judge of the Superior Courts his share of this work. I fancy in every way it is a suitable and proper Bill.

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

NORTH-WEST TERRITORIES BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (127) "An Act to amend the North-West Territories Act."

He said:—This is a very simple Bill. The first clause is for the purpose of correcting some verbal inaccuracies in section 9 of the North-West Territories Act. The second clause is for the purpose of reviving the appeal which was given by the former Act from the decision of a stipendiary magistrate, which appeal was taken away absolutely by the Revised Statutes. It appears that there are some cases that were disposed of by the stipendiary magistrate, in which the right of appeal under the former Act had expired naturally; and therefore by the passing of the Revised Statutes those persons were cut out of their right of appeal, as they have no appeal under those statutes, because an entirely different Court is constituted to try those cases and before which an appeal from the stipendiary magistrate would not lie. This clause is simply to give those people the right of appeal which they had under the law when the judgment was rendered and which, the House will agree with me, they ought not to be deprived of by subsequent legislation.

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

DEFACING OF COUNTERFEIT NOTES AND THE USE OF IMITATIONS BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (123) "An Act respecting the defacing of counterfeit notes and the use of imitations of notes."

He said:—This Bill also has two objects only. The first is to remedy a circumstance, or to prevent the bad effects of a circumstance, which frequently occurs. A counterfeit or defaced note is presented to a bank clerk or a public officer concerned in the management of finances who is an expert in such matters. He discovers that it is a counterfeit or a defaced note, and he returns it to the person who tendered it, by whom it may be passed over to somebody else who is less familiar with such matters. The American law compels the officer or clerk who receives such a counterfeit or defaced note, to stamp it immediately as bad, so that no innocent person can be imposed upon by it. The first clause which is inserted in the Act is practically a copy of the provision of the United States law applicable to the subject, which has been found to work very well in that country. The second clause is intended to prevent the practice by which ignorant people are often defrauded in the country—the issuing by traders of a sort of advertisement in the form of a bank bill, which people sometimes succeed in passing off on credulous individuals, some of whom perhaps cannot read, as an actual bank note. It is made to appear as a bank note in all respects and those people are cheated and deceived by it. This Bill provides a penalty of $100, for:—

> Every person who designs, engraves, prints or in any manner makes, executes, utters, issues, distributes, circulates or uses any business or professional card, notice, placard, circular, hand-bill or advertisement in the likeness or similitude of any Dominion or bank note, or any obligation or security of any Government or any bank, or who writes, prints or otherwise impresses upon any such note, obligation or security, any business or professional card, notice or advertisement, or any notice or advertisement of any matter or thing whatever.

HON. MR. POWER—This is a measure as to the desirability of which there can be no difference of opinion. I rise simply for the purpose of calling attention to an amendment which I think the hon. gentleman might have prepared before the Bill goes into committee. It will be noticed that the first clause declares at the end of it that "if such a person wrongfully stamps any genuine note he shall upon presentation redeem it at the face value thereof." That is right and proper, but there is no penalty imposed on the officer for refusing to stamp the note, and the officer in many cases would

rather try and shirk the duty and not stamp it, unless a penalty is imposed for not doing so.

HON. MR. GOWAN—It is made a statutory duty.

HON. MR. ABBOTT—I will bring it to the notice of the Minister of Justice, and see if the amendment the hon. gentleman suggests is acceptable, before the Bill goes to Committee.

CANNED GOODS BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (121) "An Act to amend the Act respecting Canned Goods."

He said:—This is a very slight amendment of the Revised Statutes on the subject of Canned Goods, for the purpose of preventing frauds. The sub-section, which is as follows, explains the object of the Bill :—

"2. Every such package containing goods prepared from products which have been dried previously to being so prepared, shall, in addition, be labelled or stamped with the word "soaked," which word shall be plainly printed diagonally across the face of the label in large legible type at least half an inch in height and three eighths of an inch in width."

The difficulty has been that although the law required the word "soaked" to be stamped on the packages, it was done in such a way by being put in a remote corner and in small letters, that it was not observable without close investigation, and in this way goods that had been dried and soaked were passed off as fresh.

The motion was agreed to and the Bill was read at length at the table.

The Bill was then read the third time and passed under a suspension of the 41st rule.

ATLANTIC AND NORTH-WEST RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. MCKINDSEY moved the second reading of Bill (44) "An Act respecting the Atlantic and North-West Railway Company."

HON. MR. POWER—I am not going to oppose the second reading of this Bill. I had some conversation with the hon. gentleman who has charge of it and told him that I wished to say something about it when it came before the House. He asked me not to say anything at the second reading of the Bill as he was anxious to get it before the Committee. I did not wish to delay the progress of the Bill, but it was understood that I reserved to myself the right to discuss it at a subsequent stage.

HON. MR. MCKINDSEY—The hon. gentleman has correctly stated the understanding between us.

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

MASSAWIPPI JUNCTION RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. STEVENS, in the absence of Hon. Mr. Cochrane, moved the second reading of Bill (67), "An Act to incorporate the Massawippi Junction Railway Company."

HON. MR. POWER—I do not propose to detain the House at this hour by any lengthened observations on this Bill, but I wish to call attention to its nature. It will be remembered by hon. gentlemen that we have had at different times discussions on the Short Line Railway and the connection that was to be made between the railway system in the neighborhood of Montreal and the railway system of the Lower Provinces. Hon. gentlemen will remember that the great object that Parliament and the Government had, or professed to have, in view some years ago when granting large subsidies to the Short Line Railway, so-called, was to bring the trade of the west to a Dominion port in the east. Now, this Bill is comparatively an insignificant one, but it provides for a very important step in connection with that Short Line Railway. The ob-

ject of this Bill is to provide the means of constructing a railway from the Short Line, so-called, to a railway running down to Boston. The Canadian Pacific Railway Company have taken over the Short Line Railway and have spent now a large portion of the money, which was given for the construction of a road to the Lower Provinces, in building a road from Caughnawaga to the neighborhood of Sherbrooke. The road, the construction of which is provided for by this Bill, is to give a connection between that Short Line Railway and a road running down to Boston. It just comes to this, that the money which the country has voted for the construction of a railway to the Maritime Provinces has been used, and is being used, for the purpose of giving the Canadian Pacific Railway Company a connection with Boston and enabling them to make their Atlantic terminus at Boston. I am not going to dilate on that any further at present, but I say, it it is such an iniquitous thing that the traffic of this Canadian Pacific Railway should be diverted to American channels west of Lake Superior, I cannot see how it is such a desirable thing that it should be diverted to American channels east of Montreal.

HON. MR. STEVENS—I think it will be shown, when this Bill comes to be discussed before the Railway Committee, that there is no good or valid ground for opposing it, and I think it will be shown that the hon. gentleman's ideas are entirely erroneous with regard to the promoters of this Bill.

HON. MR. KAULBACH—I hope that what my hon. friend has just stated will be proved, because, if not, the statement of my hon. friend from Halifax that the trade will be directed to American lines by this railway, is a very serious one. I am very glad that he has brought the matter to the attention of the House.

HON. MR. DEVER—If the intention of this Bill is to prevent the construction of the short line railway that we in the Lower Provinces have been waiting so long for, it behooves every member from the Maritime Provinces to stand up here and oppose the measure. I cannot say that it is, but if it is the case, so far as the Maritime Provinces are concerned, it will be one of the most unpopular bills that could be introduced in Parliament.

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

KINGSTON, SMITH'S FALLS AND OTTAWA RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. CLEMOW moved the second reading of Bill (63) "An Act to incorporate the Kingston, Smith's Falls and Ottawa Railway Company."

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

EASTERN CANADA SAVINGS AND LOAN COMPANY'S BILL.

SECOND READING.

HON. MR. MACFARLANE moved the second reading of Bill (55) "An Act to incorporate the Eastern Canada Savings and Loan Company, limited."

He said: This is one of the ordinary bills extending to the Maritime Provinces the operations of a Company that has been in existence for some time in the Upper Provinces.

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

The Senate adjourned at eleven p. m.

THE SENATE.

Ottawa, Monday, June 13th, 1887.

The SPEAKER took the Chair at 3 p.m.

Prayers and routine proceedings.

AN IRREGULAR PETITION.

THE SPEAKER having called for the reading of petitions,

The petition of Daniel Shanks and others of the Division of De Salaberry, Province of Quebec, praying the Senate to hear and determine upon the qualification of the Hon. F. X. A. Trudel was taken up.

HON. MR. DEBOUCHERVILLE said:—I object to the receiving of this petition on account of its irregularity. I am ready to show that it is irregular, unless hon. members think it better to put off until a future day the discussion on this question.

HON. MR. PELLETIER—This is a very important matter, in which I believe all the members of the Senate are interested. The seat of a member of this House is in question. I only learned a few moments ago that an objection was to be raised, and as very few members of this House have had an opportunity to see the petition, I ask to have the consideration of it postponed until Wednesday or Thursday next.

HON. MR. ABBOTT—This is a matwhich interests every man in the Senate. Anyone one of us might be assailed in a similar way, and every one would desire, no matter against whom the petition may be (especially when it is against an old member like the hon. gentleman from De Salaberry) to have it disposed of at once. I do not see exactly the necessity of postponing the matter: I understand the point is one of order. If it is, I daresay it could be disposed of in a few moments, and while of course we must consider the position of the hon. member against whom the petition is presented, on the other hand we must consider the position of anyone who wishes to petition against him. We are so near the end of the session that the postponement of this matter until Thursday would be practically postponing it until next session. If there is a point of order raised, I would suggest that it is better to take it up now, and probably we can dispose of it in a few moments.

HON. MR. PELLETIER—Perhaps it would be better to postpone it until the hon. gentlemen have an opportunity to see the petition.

HON. MR. ABBOTT—The point of order appears to me to be a sound one and well taken, and, if so, why should we postpone the consideration of the matter at this stage of the session?

HON. MR. DEBOUCHERVILLE—In support of my objection to the reception of the petition, I will refer to May, edition of 1863, page 507:—

"It must be free from interlineations or erasures; it must be signed; it must have original signatures or marks, and not copies from the original, nor signatures of agents on behalf of others, except in case of incapacity by sickness; and it must not have letters, affidavits, appendices or other documents annexed."

If hon. gentlemen will look at the petition they will see that there are many documents annexed to it, and therefore I think it is out of order.

HON. MR. ABBOTT—I have examined this petition, and from the opinion expressed by May, which is endorsed by Bourinot, I think the petition out of order.

HON. MR. DEBOUCHERVILLE—I move that the petition be not received.

THE SPEAKER—I have no doubt that the point of order is properly taken. The conditions upon which petitions can be presented to this House are particularly clear and explicit. A petition, according to May and Bourinot,

"May be printed, but it must be free from erasures or interlineations, and the signature must be written, not printed, pasted upon, or otherwise transferred. It must not have appendices attached thereto, whether in the shape of letters, affidavits, certificates, statisticals, statements or documents of any character."

I am informed that this petition has every one of those objections. I think it has an appendix: it has affidavits, certificates and statistical statements, any one of which is sufficient to prevent the reception of the petition under our rules.

Under these circumstances the House cannot receive the petition.

HON. MR. ABBOTT—Under the ruling of the Speaker, no motion is necessary.

HON. MR. DEBOUCHERVILLE—Then, with the permission of the House, I will withdraw my motion.

THIRD READINGS.

The following bills reported from the Committee on Railways, Telegraphs and Harbors without amendment, were read the third time and passed without debate :—

Bill (43) "An Act to incorporate the Niagara Falls Bridge Company." (Mr. McCallum.)

Bill (57) "An Act to incoporate the Prescott County Railway Company." (Mr. Clemow.)

Bill (75) "An Act respecting the Midland Railway Company of Canada." (Mr. Ferrier.)

Bill (74) "An Act respecting the Grand Trunk, Georgian Bay and Lake Erie Railway Company." (Mr. Ferrier.)

Bill (82) "An Act to incorporate the Oshawa Railway and Navigation Company." (Mr. Read.)

Bill (49) "An Act to incorporate the Upper Columbia Railway Company." (Mr. Macdonald B. C.)

Bill (63) "An Act to incorporate the Kingston, Smiths Falls and Ottawa Railway Company." (Mr. Clemow.)

Bill (67) "An Act to incorporate the Massawippi Junction Railway Company." (Mr. Stevens.)

SOUTH NORFOLK RAILWAY COMPANY.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (66) "An Act to incorporate the South Norfolk Railway Company," with an amendment.

THE SPEAKER.

He said: I might explain, with regard to this amendment, that it is to strike out two lines of the latter part of the third section, which gives to provisional directors all the powers of directors. As we have always eliminated such provisions as that, these words were struck out so as to leave them with the power of provisional directors only.

The amendment was concurred in.

HON. MR. McCALLUM moved the third reading of the Bill.

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

TEMISCOUATA RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (81) "An Act to confirm and amend the charter of incorporation of the Temiscouata Railway Company."

He said:—This amendment is intended to correct a serious mistake in the description of the route of the railway. It occurred in this way: The Bill empowers the Company to build a branch from Edmonton, in the Province of New Brunswick, to a point at the mouth of the St. Francis river. There are two St. Francis rivers, one in New Brunswick, emptying into the river St. John, and the other in Quebec emptying into the river St. Lawrence: The Bill as it came before us gave the impression that both were in the Province of Quebec, and was worded in such a way that the branch was to be made at the mouth of St. Francis river Quebec; but it was found, on examining the map, and from the local knowledge brought to bear on it by the Committee, that it was intended to be the St. Francis, emptying into the St. John river near Edmonton, and the Bill was amended in that way, so as not to require the company to build a branch from Edmonton back again to the mouth of the St. Francis which

empties into the St. Lawrence. The promotors of the Bill agreed to the amendment at once when their attention was called to it.

The amendment was concurred in.

HON. MR. BOLDUC moved the third reading of the Bill as amended.

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

BERLIN & CANADIAN PACIFIC JUNCTION RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (35) "An Act to incorporate the Berlin and Canada Pacific Junction Railway Company."

He said: The first amendment was found necessary in order to make clear the point of junction between these railways. When it was mentioned to the promoters they at once saw the necessity for the transposition of words, and the amendments were made without any objection. The second amendment relates to the same clause as in the former Bill, which refers to the powers of provisional directors and this amendment was to strike out the words which gave them all powers of directors.

The amendment was concurred in.

HON. MR. MERNER moved the third reading of the Bill as amended.

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

THIRD READINGS.

The following Bills, reported from the Committee on Banking and Commerce without amendment, were read the third time and passed without debate :—

Bill (78) "An Act to incorporate the Canada Accident Insurance Company." (Mr. Vidal.)

Bill (85) "An Act to authorize and provide for the winding up of the Pictou Bank." (Mr. Grant.)

Bill (48) "An Act to incorporate the Guarantee & Pension Fund Society of the Dominion Bank." (Mr. McCallum).

Bill (60) "An Act further to amend the Act incorporating the Western Assurance Company and other Acts affecting the same." (Mr. Gowan.)

Bill (71) "An Act to enable the Freehold Loan & Savings Company to extend to their business and for other purposes." (Mr. McMaster.)

Bill (88) "An Act to incorporate the Canadian Horse Insurance Company." (Mr. Gowan.)

Bill (39) "An Act to authorize the Grange Trust (limited) to wind up its affairs." (Mr. Read.)

Bill (101) "An Act respecting the Richelieu & Ontario Navigation Company." (Mr. Guevremont.)

Bill (69) "An Act to incorporate the Equity Insurance Company." (Mr. Ogilvie.)

Bill (72) "An Act to incorporate the Halifax & West India Steamship Company," (Limited.) (Mr. Almon.)

Bill (83) "An Act to incorporate the Londonderry Iron Company." (Mr. Read)

EASTERN CANADA SAVINGS COMPANY BILL.

THIRD READING.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (55) "An Act to incorporate the Eastern Canada Savings & Loan Company" (limited), with amendments.

He said :—There are three amendments to this Bill. The first is hardly more than a verbal one. The other two amendments were to correct an error which, in some unaccountable way, crept into one of the clauses of the Bill. By the first paragraphs of the Bill the Company were to be allowed to be organized

and go into business when they paid up $50,000 upon the subscribed capital of $100,000. In this clause the words "one hundred thousand dollars" were put by some strange blunder in the place of "fifty thousand dollars," so that one clause of the Bill contradicted the other, and prevented the Company from going into business until $100,000 was paid up. These two amendments are to correct those errors.

HON. MR. MCFARLANE moved that the amendments be concurred in.

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

THIRD READINGS.

The following Bills reported from the Committee on Standing Orders and Private Bills without amendment, were read the third time and passed without debate :—

Bill (84), "An Act respecting the Edmonton and Saskatchewan Land Company (limited)—(Mr. Carvell).

Bill (14), "An Act to incorporate the Collingwood General and Marine Hospital"—(Mr. Vidal).

Bill (73), "An Act to incorporate the Bay of Quinte Bridge Company"—(Mr. Flint).

Bill (22), "An Act to incorporate the Canadian Society of Civil Engineers"—(Mr. McCallum).

Bill (106), "An Act to incorporate the Empire Printing and Publishing Company"—(Mr. Vidal).

LAND SCRIP IN MANITOBA.

MOTION.

HON. MR. SCHULTZ moved—

"That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will cause to be laid before this House a Return of all Scrip issued by the Department of the Interior, in lieu of the outer two miles of, or in connection with, the River Lot Survey of the Red, Assiniboine, Salé and Seine Rivers, in the Province of Manitoba; together with the date of issue, quantity of each issue, cause of issue, to whom issued, how, when and where issued, and the names of parties applying for the said Scrip."

HON. MR. ABBOTT—There is no objection to the address, but I regret to say I cannot promise my hon. friend that there will be any return to it for some little time, as it will take five or six weeks to prepare it.

The motion was agreed to.

BILLS INTRODUCED.

Bill (O) "An Act to repeal the Chinese Immigration Act." (Mr. Vidal.)

Bill (93) "An Act to amend the Act respecting the Department of Finance and the Treasury Board." (Mr. Abbott.)

Bill (138) "An Act to provide for the payment of a yearly allowance to Godefroi Laviolette, late Warden of the Penitentiary of the St. Vincent de Paul." (Mr. Abbott.)

Bill (07) "An Act respecting the Department of Trade and Commerce.' (Mr. Abbott.)

FIRST AND SECOND READINGS.

A Message was received from the House of Commons with Bill (96) "An Act to incorporate the Dominion Oil Pipe Line and Manufacturing Company."

The Bill was read the first time.

HON. MR. VIDAL moved that the 41st Rule of the House be suspended, and that the said Bill be read the second time presently.

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

SOUTH ONTARIO PACIFIC RAILWAY COMPANY.

THIRD READING.

HON. MR. SANDFORD moved the third reading of Bill (89) "An Act to incorporate the Niagara & Woodstock Railway Company."

HON. MR. POWER—I understand the Leader of the Government has prepared an amendment to this Bill.

HON. MR. ABBOTT—No.

HON. MR. POWER—There is one point in this Bill to which I would wish to direct the hon. gentleman's attention. I noticed that there are provisions in this measure which properly come under the criminal law, and when the Statutes of Canada were being consolidated these provisions were, as far as possible, consolidated also, and one can readily see that it is a most undesirable thing that provisions imposing severe penalties and constituting crimes should be embodied in private acts. No one would dream for a moment to look for a provision constituting a crime in a Bill incorporating this Railway. I think it is the duty of the hon. leader of the House to look into this Bill in that respect.

HON. MR. ABBOTT—I was not aware that the hon. gentleman had before alluded to this matter. He is quite right in his criticism of the 27th clause, but when the Bill was before the Committee, it was found that a similar clause was in many other Acts of the same kind, and therefore it was allowed to be passed over. On looking at it, however, I think it is better to strike it out as the matter is already provided for in the criminal law.

HON. MR. SCOTT—I should object to this amendment and for this reason. There have been introduced into several private bills clauses of this kind for the purpose of calling public attention to the subject provided for. This a clause which provides for a particular subject matter connected with this Bill, and I maintain that the public ought to be acquainted with the criminal law, and will have a better opportunity of becoming familiar with this particular part of it when it is incorporporated in a Bill of this kind. It ought to be like the laws of King Alfred, made as public as possible. I think, in the public interest, and in the interest of all concerned, it would be infinitely better if a single clause, even if it be taken from the criminal law, should be allowed to be put into those bills as notice to the public when it is particularly connected with the enterprise for which the Bill is introduced.

HON. MR. POWER—I fail to see the force of the hon. gentleman's reasoning. According to the theory of the hon. gentleman each railway corporation should have a criminal law for itself.

HON. MR. SCOTT—No. This does not come under the general railway act, though the general criminal law would apply to it.

HON. MR. POWER — The clause provides

> If any person forces or attempts to force any gate or guard of the said bridge, or the approaches thereto, or if any person wilfully does or causes to be done any act or acts whatsoever, whereby the said bridge, its lights, stationary works, machinery, fixtures or other appurtenances thereto are obstructed, impaired, weakened, destroyed or injured, the person so offending.

Now if any person forces or attempts to force a gate on one railway the penalty should be the same as if he attempts to force or forces it on another railway. As it is now the criminal law makes a general provision which applies to all those cases, and I think it would be a most unwise thing to incorporate it in this private Bill.

HON. MR. SCOTT—There is provision made in the general Railway Act for offences to which this particular clause is not applicable for the reason that there are very few railways crossing rivers of this character. We have already on record the terrible accident which occurred at the crossing of the canal a few years ago. It is necessary that at the crossing of a deep chasm like the Niagara River, ample provision should be made to protect the public on both sides, and the public would have more satisfactory notification by having this clause in the charter giving the bridge company special powers. If you look at the General Railway Act you will find there is a clause for misdemeanors that apply to all railways. The clause under discussion

should not be in the General Railway Act, because it only applies to railways having bridges of this character and I think it would be a great mistake to emasculate the Bill by leaving it out of this Bill.

HON. MR. ABBOTT—To make this discussion regular I move that the Bill be not read now the third time, but that the 27th section be amended by striking out the word "and" in the 13th line and the three last lines of the clause.

HON. MR. SCOTT—Making it a misdemeanor.

HON. MR. ABBOTT—These are the lines to which my hon. friend from Halifax has referred as making it a criminal offence which is already defined as a crime by the criminal law. The Minister of Justice has a strong opinion as to the impropriety of encumbering private bills with these criminal clauses. The subject has received a great deal of consideration and it is thought better that the definition of crime should be confined to the general law and made applicable to all crimes of a similar character rather than be put into an act authorizing a private work. The argument which the hon. gentleman from Ottawa urges in favor of it does not seem to justify the encumbering of private bills with a definition of a crime. If it was necessary in the construction of a bridge to put in a crimes clause appropriate to that subject, it would be equally appropriate to insert in a bill respecting promissory notes a provision respecting forgery, and so on with every subject matter on which we legislate. The criminal law should contain, as it appears to me a definition of crimes of all kinds, and it is to the criminal law that everyone would look for the knowledge of what constitutes a crime and not to a private bill incorporating a private company. It appears to me that the public would be more likely, if there were a choice of two modes of defining this crime, to be aware of the nature of it, and the punishment provided, if it were inserted in the criminal law only than if it were inserted in this Bill : and I cannot see, therefore, any reason for inserting it in this Bill where it obtains less publicity than by inserting it in the criminal law. I think, as a matter of order, and in the interest of good legislation we should not put these definitions of crime into private bills.

HON. MR. SCOTT—I cannot at the moment refer to them, but I know that in a number of Acts clauses of that kind are provided for special crimes, peculiar to the subject matter referred to in the Act. I find in the General Railway Act a provision for the punishment of persons wilfully obstructing an engineer. Now there, in that instance, is a part of the criminal law in the Act relating to railways. I do not know that the criminal law provides for the punishment of persons injuring bridges : perhaps it does. Has my hon. friend looked into it ?

HON. MR. ABBOTT—I have not examined it, but the Minister of Justice informs me that the criminal law provides a penalty for the offence. If it does not I shall take care that it does, because the propriety and necessity of it is strongly felt by the Minister of Justice, and if my hon. friend will show me that there is no provision for it in the criminal law, I shall see that the defect is remedied.

HON. MR. DICKEY—As Chairman of the Committee, I may be expected to say a word on this subject. My attention has been called not for the first time today, to the provision to which objection is taken. I was the first to invite the notice of the Committee to the clause as unusual, and, as it appeared to me, an incongruous thing to be found in a section of a Railway Act. I was answered in this way, and the answer appeared to me a very fair one, that this was not merely a Railway Bill, but it was a Bill for constructing bridges, and that this provision was intended to apply accordingly. The suggestion was made that there was no existing legislation which would apply to it, and therefore it was necessary that this clause should be in the Bill. It was further stated that in other Bills a similar provision was incorporated, as could be seen by reference to our Statute Book. I was satisfied with

that explanation and let the Bill pass. The discussion is narrowed down now to a very fine point; if there is a provision in the criminal law applicable to this case, perhaps it would be, as the minister says, not very good legislation, because it might be drawn into a precedent hereafter, but if the minister is not ready to point out existing legislation which applies to this case, then the clause should be there, because it is certainly necessary to protect valuable property like railway bridges. Without giving an opinion on the matter, I simply confine it to this—if there is no existing legislation on the subject it ought to be in the Bill; if it is already provided for by legislation it need not be in the Bill.

HON. MR. KAULBACH—To meet that, the leader of the House says that if the Criminal Act does not provide for it caae will be taken that some such provision shall be made. I think, rather than establish this precedent, we had better see that it is within the scope of the criminal law.

HON. MR. ABBOTT—The general Criminal Act provides rather more amply, I think, than this law does for this offence—at all events sufficiently. Clause 35 is as follows:—

"Everyone who unlawfully and maliciously pulls or throws down, or in anywise destroys any bridge, whether over any stream of water or not, or any viaduct or aqueduct over or under which bridge, viaduct or aqueduct any highway, railway or canal passes, or does any injury with intent and so as thereby to render such bridge, viaduct or aqueduct, or the highway, railway or canal passing over or under the same, or any part thereof, dangerous or impassable, is guilty of felony and liable for imprisonment for life."

That applies particularly to this case.

HON. MR. SCOTT—Is there anything about the lights?

HON. MR. ABBOTT—Clause 27 provides:—

"Everyone who unlawfully and maliciously cuts, breaks, throws down, or in anywise destroys any fence of any description whatsoever, or any wall, stile, or gate, or any part thereof respectively, shall on summary conviction be liable to a penalty not exceeding five dollars over and above the amount of the injury done."

There are provisions respecting injury to machinery and to almost every kind of stationery work by name. I think the Company would be quite sufficiently protected by the law as it stands, but if, upon examination of the law, there is any way in which it can be amended, if it requires amendment, then that provision ought to apply to all bridges. We have heard no complaint, and there has been no case that I know of where the law as it stands has been found insufficient. As I say, if there is any particular in which the law requires to be made perfect, or as nearly so as possible, then, of course, the general criminal Act should be amended so as to make it applicable to all similar structures.

The motion was agreed to.

HON. MR. SANFORD moved the third reading of the Bill.

HON. MR. O'DONOHOE—This is an application for legislation by the Canadian Pacific Railway Company. That is is admitted, although apparently the Company here is under another name. It seems to me that this application of the Canadian Pacific Railway Company needs from us considerable attention, for this reason: A private company obtained a charter some years ago to construct a road in the very locality through which a part of this road was intended to run. Already there is in existence there the old Great Western Railway, now part of the Grand Trunk Railway. A charter was granted by the Ontario Government to the Niagara Central Railway Company to construct this road, and that company has obtained bonuses to a considerable extent. The town of St. Catherines aided the project to the extent of $16,000, and the Company have expended upon the work a large amount. The Company have also procured from the Dominion Government a charter, making the line of Dominion importance. When in that position, before proceeding with the work, they negotiated with the Canadian Pacific Railway Company to transfer to them

the works. The Canadian Pacific Railway Company made certain propositions which will be best understood when I read the following letter from Mr. Van Horne to the President of this St. Catherines Company :—

CANADIAN PACIFIC RAILWAY COMPANY.

OFFICE OF THE VICE-PRESIDENT,
MONTREAL, September 24th, 1885.

Lucius S. Oille, Esq.,
President St. Catharines & Niagara Central Ry. Co., St. Catharines, Ont.

DEAR SIR,

I have only now been able to lay your letter of the 8th instant before our Directors. The matter has been discussed informally, and our Directors have expressed a willingness to make an arrangement for operating your line in case it should be built in a substantial manner—similar in general character to the Ontario & Quebec Railway, located so as to reach the principal interests on the Welland Canal as you have indicated your intention of doing and extending continuously from a point on our line at or near Cooksville to the Niagara frontier, paying for the use thereof 35 per cent. of the gross earnings, the Canadian Pacific Company furnishing the rolling stock.

Our Directors are inclined to the opinion that if they have all the rolling stock to furnish the payment of 35 per cent. of the gross earnings will be very liberal, and all that the Company could afford. In this connection I would again urge upon you the importance of making an arrangement, if possible, with the Hamilton & Northwestern Company.

Yours truly,
W. C. VAN HORNE,
Vice-President.

The reference to the Hamilton and North-Western Railway Company was simply for the purpose of passing near Hamilton over the beach there. Upon the strength of this letter from Mr. Van Horne this company expended its money. It has expended $50,000 already in cash and constructed eight miles of the road-bed, ready to receive the rails, the most difficult part of the line, and has upon the ground rails, and through the cost of the rails and other expenditure they have laid out in all $250,000. They have incurred obligations to a very large extent, and on the strength of his letter have gone on with the work. Hon. gentlemen will see that if the Canadian Pacific Railway Company be allowed to run the new line that they ask leave to construct along the same route contiguous to this railway, two being there already (that is the contemplated one and the Grand Trunk Railway) you will have three railways running there, and the point is this, that the Canadian Pacific Railway Company on whose credit the money has been expended, if they go on under this Bill will entirely destroy the value of the stock. It is true the Canadian Pacific Railway Company say "we will give you what money you have disbursed." I submit that a great corporation like the Canadian Pacific Railway Company must not be permitted to deal in this way with a private and weak company. Of all the companies that come into this House to ask for powers, not one has such influences as are behind the Canadian Pacific Railway. There are four cities, many of whose representatives have places in this House, (and I do not say that their influence is undue or improper,) but their influences are joined with the Canadian Pacific Railway Company in destroying this private enterprise. I do not believe, if the influences were as powerful again, that this House will permit any interference of that kind without at all events saying to the Canadian Pacific Railway Company. "If you want this road and if the Parliament of Canada think it is in the public interest that you should get it, then before you take it you must indemnify those men not only for their disbursements in connection with their enterprise but you must relieve them of their obligations. That is a fair proposition, and I have the utmost confidence in the character of this hon. House to believe that no weak company can be driven to the wall through its vote on occasions like this. My proposal if you are satisfied that in the public interest this route is demanded, is to protect the vested interest of the local company by saying to this vast corporation that they not only get their works, but they must assume their liabilities also. For that equitable purpose I have drawn up an amendment which it will be difficult for any reasonable man, or judge, if it came before him, to resist. There is promised

to this line, I may say, from the Dominion Government, a subsidy of $3,200 per mile: that, as well as the other assets, will be handed over in case of an agreement between the two Companies. I move that there be added to the end of the third clause the following words:—

"Provided always, that before availing themselves of the powers hereby granted in respect of that part of the line between St. Catharines and the Niagara River, the Company shall pay to the St. Catharines and Niagara Central Railway Company their actual expenditure and interest thereon, upon and in respect of the railway undertaking between the St. Catharines and Niagara River, and shall also assume all the liabilities under all the *bona fide* contracts of the St. Catharines and Niagara Central Railway Company now existing, and in case of dispute as to the amount of such expenditure and liabilities to be assumed by the Company, the question as to such amount shall be submitted to the arbitration of two persons, one to be chosen by the Company and the other by the St. Catharines and Niagara Central Railway Company, and a third to be appointed by the persons so named; and such reference, including the appointment of arbitrators, and the third arbitrator or umpire shall be subject to the provisions of the 'Common Law Procedure Act of the Province of Ontario' and the 'Judicature Act of Ontario,' and upon such payment and assumption of liabilities, or in the event of dispute as aforesaid, upon giving security to be approved by a Judge of any of the Divisions of the High Court of Justice for the Province of Ontario, or if the St. Catharines and Niagara Central Railway Company shall refuse to accept such payment or security the Company shall be entitled to take possession of and use any work done by the St. Catharines and Niagara Central Railway Company or said portion of the Railway, and the said Company are hereby authorized to and shall at the time of making such payment thereupon hand over to the Company in so far as they can lawfully do so all the plans, moneys, rights, claims and bonuses acquired or held by them in connection with said portion of said railway: Provided that the Company shall, within sixty days from the passing of the Act, declare its intention to take over the said work and the St. Catharines and Niagara Central Railway Company shall not during the said sixty days enter into any new contract."

Now the proposition which I have read is one that I consider eqitable and fair. The reason it is proposed is this, that this private company feels that against the vast influence of the Canadian Pacific Railway it would be utterly powerless, but I call your attention again to the letter upon the faith of which they have gone on, and expended their money and incurred other liabilities, and I think that this House, a judicial and not a political body, will look at the right of the matter and do what it should to protect the weak against the strong. I trust there will be little difficulty in carrying this amendment to the Bill.

HON. MR. SCOTT—The hon. member from Toronto has assumed a number of circumstances of which there is no evidence before the House, and, certainly, there was none before the committee. In the first place the charter that we have under consideration is a charter for a through railway line which practically extends from Windsor, opposite Detroit, through London, Woodstock, Brantford and Hamilton to the bridge over the Niagara River. Not a word is said about St. Catharines. One of the gentlemen who appeared before that committee was extremely sensitive lest the company should avoid going to St. Catharines. He said he was extremely anxious that the Canadian Pacific Railway should run through St. Catherines. I believe it is to be a part or the line, but there is no reference whatever to St. Catherines in this Bill, and there certainly was no evidence of it given before the Committee, nor would it matter, for it does necessarily follow that the line which this Company will occcupy encroaches on any other line between St. Catherines and the Niagara River. I say the question of vested rights is not a difficulty which arises in this particular case. The St. Catherines & Niagara Central Railway Company was incorporated under a charter of the Provincial Legislature, granted as far back as the 4th of March, 1881. It was chartered to construct a line from St. Catherines to some point at or near the village of Bismark, thence to a point near the village of Smithsville, both in the County of Lincoln, to Caledonia or a point at or near the Canfield station of the Grand Trunk Railway, where it was to intersect the Hamilton & Northwestern Railway near Hamilton, and was to have a branch of the said line to the

village of Queenston in the County of Lincoln, It appears that the portion of the line which the South Ontario & Pacific may encroach upon was really the last thought of the promoters of the St. Catherines & Niagara Central Railway. The objective point of that railway seemed to be Smithsville. The Committee were not aware that the South Ontario & Pacific Road would really be intruding on the charter of the St. Catharines & Niagara Central Railway if Smithsville was one of their objective points. Five years elapsed and nothing was done by the latter Company. They several times applied to the Local Legislature to have their charter amended, and they got a charter to run from Hamilton to Toronto on ground which was already occupied by another company. They also obtained a charter to approach the city of Hamilton by a spur, and the Company had power to do almost anything they pleased in the counties of Haldimand and Lincoln, and it would be almost impossible for any other company to get through those counties under the rights this Company seemed to hold under their charter. They were getting some financial assistance from St. Catharines, and it was quite evident it was essentially a line the promotion of which struck at vested interests, and which I maintain were interests that were not respected either by the Provincial Legislature or by the Federal Parliament, more particularly in that narrow gut between the head of Lake Erie and the end of Lake Ontario, where the objective point of so many of our railways is the Niagara River. But this railway is a through line from Windsor through the cities we have named to Niagara River. Its objective point is different from the Niagara & St. Catharines Central Railway, inasmuch as they, the South Ontario & Pacific, have authority to construct a bridge below the Falls. It was evidently intended that they should approach the Niagara River somewhere about the Cantilever Bridge or Suspension Bridge of the Grand Trunk Railway. In 1884 they obtained a bridge charter and the objective point was in the neighborhood of Queenston, and it will be seen that in the present Bill before us St. Catharines is not alluded to as the point which they may even touch and the gap becomes much wider as they approach the Niagara River, one objective point being Queenston and the other below the Falls. It is assumed that the money expended by the St. Catharines and Niagara Central Railway Company will be of some benefit to the South Ontario and Pacific Railway, but that can be established in no sense unless they touch St. Catharines and run over the same country between St. Catharines and the Niagara River. There is really no evidence of that being the case, but there is the fact that the objective points at the Niagara River are different, one being below the Falls and the other being in the vicinity of Queenston. Gentlemen who know the locality can practically appreciate the fact. But there is this to be said, that the promoters of the St. Catharines and Niagara Central Railway have now had six years to build this road and they do not appear to have expended as yet more than $50,000 in the project. It cannot be said to be in the interests of the people of this country that a railway charter granted by the Provincial Legislature should stand in the way of a through line, because a portion of the through line traverses a section of the country which locally another railway has a charter over. I do not think for a moment that can be seriously argued. The hon. gentleman from Toronto says that in 1885, Mr. Van Horne wrote a letter to this Company. I think he did write that letter, and the question was asked before the Committee whether the offer contained in that letter had been accepted by the St. Catharines & Niagara Central Railway Company, and the promoters of the road were not able to say that it was. It was quite apparent that nothing had been done on the strength of that letter, at all events within a year, and it was thought to be rather too preposterous to assume that persons had advanced money on a letter written a year before wirhout making enquiry whether the letter was still in force or whether the proposition was one which Mr. Van Horne would carry out in 1886 or 1887. But there is this fact which must, of course, satisfy the House more than any other,

and that is the matter was thoroughly discussed in the Lower House, and it was there referred to a sub-committee of the Railway Committee to report on all the facts. That sub-committee reported to the general Committee that they had passed the Bill as it stands. The subject was thoroughly discussed in the Railway Committee of this House, and the members of the Committee seemed to be fully satisfied that there was no reason why the Bill should be staid in its progress. But the attention of the Committee was not drawn to a number of points, a substantial one being that which I have drawn the attention of the House to to-day, that the charter of the St. Catherines and Niagara contract was granted as far back as 1881, and to-day it was shown that they had only partially constructed or thrown up a road bed over eight miles with an actual expenditure in that long term of only $50,000. I do not think the Federal Parliament would be justified in obstructing the construction of a through line across those counties because it happened to enter on a territory which was occupied by a local railway. That local railway was a provincial one, and it has not yet acquired a vested right, before the Federal Parliament certainly, because it only comes in before us the present year for a Federal charter, and therefore it can have no priority over the Bill which is now before the House.

HON. MR. O'DONOHOE—During the present session an Act has been passed declaring the St. Catharines and Niagara Central to be a railway for the general interest of Canada.

HON. MR. SCOTT—Yes, it has gone through Parliament this session, *pari passu* with this Bill, and therefore it cannot be contended that it has acquired any vested interest, because the two Bills are being considersed in the one session of the same Parliament. It is only over a certain section of the line that the St. Catharines and Niagara Central has this charter, obtained in 1881, which it practically forfeited because it had not begun construction for five years. It would have lost its charter but for the fact that it was revived at its termination, very properly, by the Local Legislature, but the Company ought not to be allowed to keep in perpetuity a statute of that kind in force against other corporations that are ready to expend money and build this railway. It is quite clear as the objective points of the two roads are different that they are not running over the same ground more particularly as St. Catharines is not mentioned in the Bill. It was pointed out forcibly that Smithsville is the point through which the road might run. If they run through Smithsville the Company would say this is our special property because it is on our line. The main line to St. Catharines is through Smithsville so that Smithsville really belongs to the St. Catharines and Niagara Railway Company. I make this explanation as showing to the House that the subject was thoroughly discussed before the committee and adjudicated upon, and my hon. friend, perhaps, is not aware that at the third reading of a private Bill, if he proposes to place on record an amendment, it is due to the House that notice of it shall be given on the order paper. This he has not done, and, therefore, his amendment cannot be entertained.

HON. MR. OGILVIE—Before the Railway Committee, and the day previous to the meeting of the Committee I saw the promoters of this railway, and the hon. gentleman from Erie in stating his case, said that $260,000 had been expended and various large liabilities besides that had been incurred by the Company. Now, certainly two of the gentlemen who are at the head of this railway told me themselves, in this building, that they had expended only between $50,000 and $60,000, and had incurred liabilities altogether which might come to $150,000. So it makes a vast difference as to the question of fact when the hon. gentleman from Erie speaks of this large Company over-riding this small Company. The hon. gentleman spoke as if this matter had not been looked into, and as if the House were passing this measure without due consideration. But I can assure gentlemen who were not on that Committee or in that room, that it was all carefully discussed and looked into, and that was the

place to have brought forward necessary amendments, if any were needed, instead of now bringing in an amendment which is nearly as long as the Bill itself. Certainly hon. gentlemen should not be led away under the impression that this is a big railway company that is trying to over-ride a smaller one. It was all thoroughly discussed in the Committee, and instead of $260,000 being expended, besides large liabilities as stated by the hon. gentleman from Erie—

HON. MR. O'DONOHOE—I beg the hon. gentleman's pardon. I stated that $60,000 was the disbursement, but that the liabilities incurred amounted to $260,000.

HON. MR. OGILVIE—My hearing is as good as that of any hon. gentleman in this House, and the statement certainly was $260,000. Very little complaint was made against this Bill in the Committee Room, and all seemed to be thoroughly satisfied with what had been done that day. I do not think any injustice is being done to any company or any individual, as this company is quite willing to take over the works of the St. Catharines & Niagara Central Company, if they are prepared to give them up, and pay them all the money they have expended.

HON. MR. POWER—Why not put that in the Bill?

HON. MR. SCOTT—I rise to a point of order. I ask the Speaker whether this amendment is in order without notice on the third reading of the Bill.

THE SPEAKER—It is provided and laid down as a rule that—

"Upon the third reading, in the case of a private Bill, no amendment may be made except of a verbal nature, and if it is wished to make any material change the Bill must be referred back to Committee of the Whole. Under the rule previously cited, a day's notice must be given of any important amendment at this stage. A Bill may, however, be amended on the third reading after notice. Sometimes on a motion for third reading a Bill will be again referred to the Select Committee for the purpose of further considering it."

This will be governed by the rule requiring notice. Therefore, the amendment is not in order.

HON. MR. POWER—The hon. gentleman may move, if he pleases, that the Bill be committed to a Committee of the Whole House to be amended.

HON. MR. SCOTT — Not without notice.

HON. MR. O'DONOHOE—I move that the Bill be referred to a Committee of the Whole House for the purpose of amending it in the direction of my motion.

THE SPEAKER — The Bill cannot be amended without notice. The question before the House is on the third reading of the Bill.

HON. MR. POWER—As I understand the authority read by the Speaker it is to the effect that an amendment cannot be moved to a private Bill on a third reading, and that we cannot refer it to a Committee of the Whole for the purpose of being amended?

THE SPEAKER — Unless notice is given; you cannot do it without notice.

HON. MR. POWER—I should like to see the authority for a moment.

HON. MR. DICKEY—The Speaker has already decided the question.

HON. MR. POWER—The authority of the Speaker in this House is not exactly the same as the authority of the Speaker in the other House, and it is customary to discuss here points of order. This very bill has been already amended at the instance of the Leader of the Government and at my suggestion.

THE SPEAKER—No objection was made. I was asked to give my authority. If the hon. gentleman will allow me I will again read the authority.

HON. MR. MILLER—I do not think

there is any doubt about the point of order at all.

HON. MR. POWER—I call the attention of the Speaker to the 44th Rule of this House, which says :—

"A Senator may, at any time before a bill has passed, move for the re-consideration of any clause thereof already passed."

HON. MR. MILLER—Notice is understood. A substantial amendment of this kind cannot be made without notice.

HON. MR. POWER—I have known the hon. gentleman from Richmond himself to allow amendment to private bills under similar circumstances.

HON. MR. MILLER—The hon. gentleman is mistaken : he is reading from rule 44 under the heading of "Public Bills."

HON. MR. POWER—I did not propose to say anything with regard to this Bill ; because I had not any particular objection to the third reading ; but I think the course taken with respect to it both in the Committee and in the House renders it necessary that a little attention should be paid to it.

THE SPEAKER—It being six o'clock I leave the Chair.

AFTER RECESS.

HON. MR. POWER—I rather regret that I have been, through the force of circumstances, obliged to say anything about this Bill. I do not wish my position in connection with it to be misunderstood. I was not opposed to the Bill. On the contrary I was in favor of it because I think on the whole it is beneficial measure. But it happens that the promoters of the Bill were numerous and powerful, and the people who were seeking to have the Bill amended so as to protect rights which they felt they had, were not very powerful and not very numerous, and it seemed to me that in the committee there was a disposition on the part of those who had a giant's power to use it like a giant and not give the smaller party a reasonable hearing. It was a case of the weaker vessel going to the wall, and it was because I thought that it was the disposition in the committee, where this Bill was discussed, not to give a fair and reasonable hearing to certain amendments which were proposed, that my sympathies were naturally influenced in favor of the weaker party. As I understand, the Bill is not now in such a position that it can be amended without the common consent of the House, and that consent it is clear cannot be had. I wish to say that, in addition to the general principle of giving a weak party fair play and a fair hearing, there is another feature in connection with this Bill which deserved some consideration, and that is, we are establishing a bad precedent, by legislation of this kind. The St. Catharines and Niagara Central Railway Company had got a charter from the Local Legislature of Ontario. The charter was secured some years ago, and the Company not being very strong did not do anything under their charter for some considerable time. That charter was continued by the Ontario Legislature and a bill declaring it to be a work for the general advantage of Canada and confirming its local charter has passed both Houses of this Parliament. The promoters of that Bill, the Niagara Central Railway Company, have spent a considerable sum of money in the construction of their Railway. That money has been spent between St. Catharines and Niagara Falls. The Canadian Pacific Railway Company come in and take a charter which overlaps the charter of the Niagara & St. Catharines Railway Company. The line upon which the smaller company propose to build their road will be a portion of the line which the Canadian Pacific Railway propose to build nnder the charter which is now before us. The Canadian Pacific Railway Company as a matter of course cannot be competed with by this local company and it must go to the wall. They have done a certain amount of work, and for that work, I think they ought to be compensated. The principle of granting a charter to cover just the same ground which is covered by an existing charter, where the people who hold the existing charter have commenced to work, is a very dangerous one. I fancy if it is

understood in England and the United States that the holding of a charter from the Canadian Parliament is no guarantee that another charter will not be granted to cover the same ground in the same session or the session after, it will be very difficult for promoters of railways in Canada to secure money in the money markets of the world. The precedent is a very dangerous one in that way. But supposing the ground taken by the hon. gentleman from Ottawa is correct, and that this Company is not in a position to build this road which they have undertaken to build which may be the case; it seems to me it was the duty of the Railway Committee to have inserted a provision in this Bill that the people who had built a few miles of the road should be reimbursed for their expenditure, and I regret very much that there is no provision in this Bill for that reimbursement. It may be that the demands of the promoters of the existing Company were greater than they ought to be, but possibly if a little time had been given—if the matter had been discussed more deliberately and temperately befor the Railway Committee, a reasonable agreement might have been arrived at, and the Bill would not go through in the shape in which it is now. There is no provision made that the men who have spent money in this undertaking will be reimbursed for their outlay. The new road may go just over the line that they have built, and then they will be that much money out of pocket.

HON. MR. MCCALLUM—Anything that I may say, I do not suppose it will change the opinion of members of this House, as far as this Bill is concerned, but as a member of the Senate I consider it my duty to make a few remarks on this question. If I am to take for granted what the member for Ottawa says, that this road is intended for a through line, I am satisfied that the Canadian Pacific Railway themselves if they consider which is the best route, will never go under the mountain. I am not afraid of the Canadian Pacific Railway. I have been their friend when they wanted friends, but I think they should take warning by what has occurred in this country before. The Great Western Railway was built as a through line from the Niagara to the Detroit River. The influence of Hamilton got that road to run through Hamilton—down into the basin, and had the effect of destroying the railway as a through line. It could not compete with other lines that were built on the level flat above the mountain. The loop line was built and the result was to embarrass the company in the money markets of the world, and I consider that the Canadian Pacific Railway Company is to-day committing the same blunder. If what the hon. member from Ottawa says is true, that they intend this as a through line, they are making a great mistake. If it were intended as a local line it would be right enough. Does any one suppose that if it were intended as a through line it could compete with a line where a locomotive of the same power will haul one third more on that level flat back of the mountain than they can going under the mountain? They have to go ten or fifteen miles out of the way to go under the mountain. I am not opposing this Bill. The village of Smithsville has about 1200 inhabitants. I am not advocating the interests of Smithsville, but I am advocating the interests of a certain locality for several miles back of the mountain that has no railway facilities, although it has been taxed for the construction of the Pacific railway and other lines in this country. As far as the Niagara Central is concerned, I have not very much to say. I suppose the Niagara Central Company went to work and built that railway to benefit their people, and probably as a matter of speculation, but I consider that the action of this House is doing away with vested rights. This Company got a local charter, and Parliament has just passed a bill confirming that charter; it only awaits the sanction of the Governor-General, and yet we are here sacrificing their property by this Bill. I do not like to speak of what took place in the Railway Committee other day. Why, this Bill was passed with levity and laughter over the interests of this Company being sacrificed! By enacting this Bill you give the Company the right to build another line under the mountain, making three lines of railway in a stretch of country only two miles

wide, whereas there is no railway for thirty miles on that flat country back of the mountain. You may say that is none of our business—let the Company build a railway where they think proper, but the more the railway costs and the more expense is involved in running it the more will have to be taken out of the people to make it pay. The only amendment I would offer to the Bill—I am satisfied it would not carry, because I offered the same amendment in the Committee on Railways and Canals—is to omit the word "Hamilton" and let the company build the road from Brantford to the Niagara River, taking the best line they think proper. If that were done I am satisfied they would take the line I advocate.

HON. MR. KAULBACH—I am a member of the Committee on Railways, and I do not think what was done would justify the hon. member in saying that there was any approach to levity or what the hon. member from Halifax said about the weaker party not having an opportunity to have their views fairly considered. I am sure the Committee considered every statement that was made to them patiently and considered the question carefully. So far as the vested rights of railway companies are concerned I do not think the weak company should have the right to block the way any of railway enterprise. If you look at that portion of Canada where this railway goes, I believe you will have not merely two or three lines there, but half-a-dozen in a few years, and to say that a weak company shall get an Act of incorporation and hold it for years without performing any work, in order to speculate on the charter is absurd. I do not say it is the case in this instance, but I believe that companies holding charters which they cannot use are causing great injury to the country. In this railway business I believe in the survival of the fittest. If this company cannot compete with the stronger one let it go to the wall.

HON. MR. POWER—If your money were in the weaker company you would not think so.

HON. MR. KAULBACH—I should be careful not to invest my money in weak stock. If this Company have spent money in any works which will be of value, I believe the South Ontario Pacific Railway Company will be likely to take it off their hands; but they can hardly ask this House to compel that Company to pay for what would be of no value at all, and it would not be in the public interest to do so.

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

CANADIAN PACIFIC RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. McKINDSEY moved the third reading of Bill (45) "An Act further to amend the Act respecting the Canadian Pacific Railway Company."

HON. MR. McINNES (B.C.)—When this Bill came before this House on Friday last there was an unusual conversation, not a debate, going on over one of those notorious divorce cases that had occupied the attention of the House for several days previously and this Bill was read the second time without my knowledge and I think without the knowledge of my hon. friend to my right, in whose charge it was. However, I immediately drew the attention of the House to the fact that I wished to offer an amendment and also to the fact that the Bill was not printed in Senate form but was only before the House as it came from the House of Commons. Now, there has been no sitting of the House since Friday until to-day and I had no opportunity of giving notice of amendment until now. I have given notice that I will move an amendment, a very short and not very important one, to this Bill on Wednesday, and I ask my hon. friend to let the Bill stand over until then. If he does not I shall be compelled to go on now to give some of the reasons why I ask to make the small amendment that I propose, and I am certain that as soon as the House is in possession of the facts which I am prepared to give them, there will be only one conclusion and that is that the

amendment ought to be carried. Does my hon. friend consent to postpone the third reading of the Bill until Wednesday?

HON. MR. MCKINDSEY—No.

HON. GENTLEMEN—Go on.

HON. MR. MCINNES—The reason why I propose to make this amendment is this:—You will find in the 19th line of the preamble of the bill the following: "That under the powers already possessed by the Company it has constructed branch lines to the City of Vancouver and to the City of New Westminster." I desire to strike out the words, "to the City of Vancouver," and for the following reason: A little over one year ago the Canadian Pacific Railway Company undertook to extend their line—not to build a branch—but to extend the main line from Port Moodie to Vancouver. They passed through private property and took possession of the whole foreshore of Burrard Inlet for a distance of twelve miles. They passed through property that a few months before realized at the rate of two or three thousand dollars per acre, and all the Canadian Pacific Railway Company offered those property-holders was from $20 to $30 per acre. The consequence was that the property owners applied to one of the Supreme Court Judges of British Columbia to restrain the Railway Company. The application was granted. The Canadian Pacific Railway Company then applied to another British Columbia Supreme Court Judge, who gave a different decision altogether. The result of these conflicting decisions was that the case was brought before the full bench in British Columbia and four out of the five judges decided that the company had no right whatever under their charter to extend their road from Port Moody to Vancouver. The consequence was, an injunction was placed on the company and the work was stopped, and not until some three or four months afterwards did the Canadian Pacific Railway Company attempt to do anything in the matter. Finally the company succeeded in getting a man who owned fifty acres of land in Vancouver, through which the company's road passed taking about one-fifth of an acre altogether for railway purposes, to allow his name to be used and to appeal the case from the Supreme Court of British Columbia to the Dominion Supreme Court. The case was brought to Ottawa and it was to all intents and purposes the Canadian Pacific Railway Company vs. the Canadian Pacific Railway Company. Instead of bringing out the strong points or the arguments in favor of sustaining the decision rendered by the British Columbia Court they were suppressed. The decision of the full bench of the British Columbia Court was reversed and the injunction was dissolved. Almost immediately after the adverse decision of the Supreme Court of the Dominion—the real parties aggrieved—those who had been wronged by their property being taken away from them—some twelve of them in number—applied to the British Columbia Bench for an appeal to the Supreme Court here. That application was granted, and I may say further that the necessary funds to carry it from the Supreme Court of Canada here, if they give a similar judgment to what they did before—are on deposit to carry the case to the Privy Council of England, and I have the word myself of two Supreme Court Judges of British Columbia that if the case is brought before the Privy Council it will be reversed in less than five minutes. We are asked in the 5th section of this Bill to enact that "the location of the branch line of the Company between Port Moody and the city of Vancouver is hereby ratified and confirmed." Now, hon. gentlemen, why should they come here to this Parliament and ask for a ratification of their illegal and unwarranted and unauthorized acts? Because they know and feel that it was an illegal act, otherwise there would be no necessity for them to be here asking us to legalize their wrongdoing. I have no fault to find with the other portions of the Bill. The extension to New Westminster and other places is all right as far as I know, but I do ask in the name of Justice that these poor people, whose property has been taken away from them, should have their rights protected. I have no interest whatever myself in the property in question and am perfectly disinterested, but

I ask in the interest of those poor wronged people that that portion of the Bill I mentioned be expunged. It cannot injure the Canadian Pacific Railway Company. The road is built and run into Vancouver and I only ask to have this portion of the Bill expunged so that it will not prejudice the case that is now pending in the courts. I think it is only reasonable and just and I hope that the House will take that favorable and consistent view of it. If the decision of the Supreme Court of Canada is confirmed by the Privy Council then the Canadian Pacific Railway Company have only to ask to have this extension confirmed and I am sure that I for one will not object to it, but in the meantime I do ask that that portion be expunged.

HON. MR. KAULBACH—Will they not be obliged to pay for the land they go through even if this Act is passed.

HON. MR. SCOTT—The hon. senator has made rather a grave charge against the highest court of Canada in stating that they have become parties—I could scarcely believe my ears that he intended to convey the full meaning his words imply—that they have become parties to a fraud.

HON. MR. MCINNES (B. C.)—I said nothing of the kind. What I said was this: that the Canadian Pacific Railway Company got a certain individual in British Columbia to allow them to use his name to make an appeal here.

HON. MR. SCOTT—And that the Canadian Pacific Railway paid the expenses; that the case was not argued and the facts were not brought out before the Courts.

HON. MR. MCINNES (B. C.)—Yes, I said the trial was a sham and I say so still.

HON. MR. SCOTT—I understood the hon. gentleman correctly; it is a reflection on the Court and if the hon. gentleman would read the judgment he would withdraw his words which reflect on the highest Court in Canada. The case was ably argued before the full Court. It was not only argued on behalf of the Respondent, Major, by his counsel but it was also argued by no less a gentleman than Mr. Albert Ritchards, Q. C., who happened to be in Ottawa and asked to be allowed to be added to the list of counsel on behalf of the Respondent. If I were to read the points he took my hon. friend would say that he took the strongest points that possibly could be made. They necessarily were few. They simply were limited to the interpretation of the statute which gives extraordinary power to the Canadian Pacific Railway Company to build what other railways were not allowed to build—branches in all directions. They could build branches 500 miles in length. They are to-day building a branch line from Sudbury to Sault Ste. Marie.

HON. MR. MCINNES—This is not a branch; it is an extension of the main line.

HON. MR. SCOTT—This other that I speak of is a line running almost everywhere with the main line to Sault Ste. Marie. If the hon. gentleman has read the decision of the Supreme Court he will see that each one of the judges says in his own language that it would be a very extraordinary thing to say that this company could not build a railway some 12 or 14 miles in a particular direction where it was authorized to build in every other direction for 500 or a 1000 miles. As one of the Judges put it, Judge Gwynne, he says on the argument of the respondent himself, he could not contend that there was not ample power under the law for the Pacific Railway to have gone eight or ten miles on their own line and by a devious course to have gone down to the harbor so that they would not then have been extending the terminal line from Port Moody. The Court considered it altogether too ludicrous an explanation to give to the law, and they very properly considered that there was ample power. The curious part of the judgment is that the learned Chief Justice in British Columbia, who felt himself bound to differ from the judge before whom it came in the first instance—that is Mr. Justice

Grey, a gentleman who is probably known to many of our Senators as having occupied a seat in Parliament some years ago, and who now occupies a high position in British Columbia—decided that the Company had ample power under their charter. In the appeal from his judgment, Chief Justice Begbie uses those extraordinary words. He says with reference to the conclusion that he had arrived at after reading the language of the statute strictly :—

"I do so necessarily, with regret, because I think the decision contrary to the interests of everybody in the Province, including the plaintiffs themselves."

In the face of that one would scarcely contend that there were any merits. The learned Chief Justice, commenting upon that paragraph of Mr. Justice Begbie's decision says :—

"It will, therefore, no doubt, give pleasure to the Chief Justice, as it is most satisfactory to me, to feel that this Court has been enabled to arrive at a conclusion which must be gratifying to everybody within the province (It is evident the hon. gentleman from New Westminster is alone excluded from the gratification) and it ought to be equally so to the Plaintiffs. It is not often in controversial litigation that it is made apparent that the interests of all parties, the public included, are identical and are secure by the judicial determination of the controversy."

Justice Strong concurred; Justice Fournier, who had been Minister of Justice, says :—

"I think the point is very clear. The Canadian Pacific Railway Act says that the consolidated Railway Act of 1879 shall be applicable to the Company in so far as it is possible and as far as its provisions are not repugnant." The question is whether we find authority in the Canadian Pacific Railway Act to extend their line of railway, and this seems to me to be given in such plain words that I cannot see how the contrary can be suggested.

I think there is very little room for interpretation. The reasoning of Mr. Justice Gray is so convincing that I cannot but adopt his conclusions. Mr. Justice Taschereau says :—"I am of opinion that this Bill should be allowed for the reasons given by the Chief Justice."

Justice Gwynne says :—

"It is I think of no importance whether the work proposed to be constructed by the Canadian Pacific Railway Company be called a 'branch' or an 'extension.' I can see no difficulty in a branch line of railway being constructed from the extremity of the main line. But whatever may be its most appropriate designation I concur in the opinion that the Governmedt have power under their Act of incorporation to construct it subject to the provisions of the Consolidated Railway Act as to acquiring right of way."

Now we ourselves have provided in the general railway Act, which is applicable to the Pacific Railway Company that they cannot take a foot of this ground without first paying for it.

HON. MR. McINNES—But they have taken it without leave or license.

HON. MR. SCOTT—They cannot do so without first depositing with the Court a sum equivalent to double the value of the land. Therefore, no possible injury could be inflicted upon dissentient parties, but it would foil them in the attempt to squeeze a large sum of money out of the corporation, because if it were held that the Canadian Pacific Railway Company were proceeding in violation of their charter, it must be apparent to everybody that every acre of land which they traverse, and every acre on either side of the line down to Vancouver is largely increased in value, and that the owners of the land must have received a large increase, and must be receiving a larger sum than they could possibly have reason to expect under another condition of things.

HON. MR. McINNES—The lands in question have very materially depreciated in value.

HON. MR. SCOTT—Will the hon. gentleman tell this House that before it was contemplated to build the Pacific Railway the land was sold for within three or four hundred per cent. of what it will sell for to-day? I ask any sensible man if the effect of constructing a railway in a country like that must necessarily depreciate the value of land along the interval of fourteen miles traversed by the road?

HON. MR. McINNES—I say in this instance the land intervening between Part Moody and Vancouver has been depreciated between two and three hundred per cent. in value. It is true that at Vancouver itself the land has gone up

probably ten thousand per cent. in value, but the value of the land along the foreshore especially in the neighborhood of Port Moody has been rendered valueless by the action of the Company.

HON. MR. SCOTT—It is absurd to tell anybody who is at all conversant with the effect of the building of railways in this country that the construction of the Pacific Railway introducing a traffic of the character of the Pacific Railway traffic, is going to depreciate the value of property. Supposing it were, and if there were anything in the reasoning or arguments of my hon. friend, which I am somewhat incredulous to believe—the Canadian Pacific Railway Company would pay the depreciation. They have to submit themselves to the law of the country in expropriating property and if they have gone on and taken this property without paying for it they can be forced into the courts and made to pay its value. The Company are bound to name their arbitrator; the land owner names his arbitrator and they two agree upon the third. Can any injury be done under such circumstances? We had this discussion up incidentally before the Committee, but it did not appear that under our system of granting compensation to land owners that any single instance could be quoted where in Canada in the 12,000 miles of railway that have now been built a land owner has been specially injured by the construction of a railway over or in the vicinity of his property because such ample provision is made under our law to give compensation. It is a notorious fact that the award is always given against the railway company and therefore no special harm can arise to those parties owning property between Vancouver and Port Moody.

HON. MR. McINNES—Injury has been done.

HON. MR. SCOTT—No doubt it injured property at Port Moody, when the company carried the railway on to Vancouver. Take the City of Pembroke for instance. When the railway ran up to Pembroke property had a boom there. When the railway was continued on to the west the Pembroke property did not go up to the same extent and so it is with every town and village in Canada. Once you cease to limit a railway to a particular point, property will not continue to rise as it does at terminal points.

HON. MR. McINNES—You were a member of the Government that did limit the terminus to Port Moody.

HON. MR. SCOTT—I assume that the Company paid for their property at Port Moody and if they have not paid for it they are still liable for payment. Supposing it to be possible that they have not paid for it, the Pacific Railway Company would be liable as a trespasser, not merely for the value of the land, but for the trespass that they had committed in building their line illegally. The hon. gentleman says that this case ought to be appealed. This Parliament is not going to favor any appeal unless a case of hardship can be shown. I do not think the Privy Council would take up this appeal. It depends entirely on the construction of our own statute law and I do not think that the Privy Council would differ from the construction put upon the statute by the five judges whom I have named because they all give their reasons, and my hon. friend has really no ground for saying that this case was not fairly argued, because as I have already shown him not only was the counsel for the Respondent present, but—

HON. MR. McINNES—Were the five judges here unanimous?

HON. MR. SCOTT—No; Judge Henry dissented; but I will read you a part of the argument of Mr. Richards, Q.C., who was present and argued the case, showing that it was not a sham.

HON. MR. McINNES—It was a sham.

HON. MR. SCOTT—The plaintiffs' contention was that Port Moody was made a terminus under the charter. Mr. Richards was counsel in a similar case pending against the Company, and asked leave to be heard as *amicus curiæ*. By consent of counsel for appellants such

leave was granted. It did not seem that the appellants' counsel were very much alarmed at anything that could be brought out in an argument against their case. Mr. Richards said :—

"The Company are seeking to exercise the right of eminent domain, and must have express authority to do so. Section 25 of the charter shows what extension means. See Pierce on Railways (1), Morawitz on Private Corporations (2). The Company can build the road to Port Moody and build branches, but there is no authority to extend the road beyond Port Moody. Large sums of money have been expended by property owners at Port Moody on the strength of it being the terminus of the road."

The learned counsel here referred to several authorities, so that it is really not fair to the Supreme Court of Canada to say that they did not give the matter due consideration. If the hon. gentleman will only take the trouble of reading the long judgment in my hands, I think he will discharge them of being *particips criminis* in any attempt of the Canadian Pacific Railway Company to do an injustice to the people of Port Moody. I hope the hon. gentleman is not serious in pressing his amendment. It is not one which the House can now consider, particularly in a case where our courts have held that they have authority to deal with the subject, and the effect of the amendment would simply be to endeavor to throw confusion into the work already constructed and in operation, and to weaken the securities on which moneys have been advanced in consequence of the construction of that line.

HON. MR. MCINNES moved that the Bill be not now read the third time, but that it be amended by expunging the first six words in the 19th line of the preamble and also the first eight words in the 17th line of the fifth section. He said :—I do not know after the special pleading of the hon. gentleman from Ottawa that he has convinced the House that there is any urgent necessity why this Bill should be passed in its present form. I have here sufficient information to occupy two or three hours of the time of the House to quote portion after portion of the judgments rendered by the different judges of British Columbia and of Judge Henry of the Supreme Court—but I consider it would be only a waste of time.

HON. MR. SCOTT—There were five judges to one.

HON. MR. MCINNES (B.C.)—I should say that there are good and sufficient reasons for believing that the Act was an illegal Act. What I want to impress upon the House is this ; that the Canadian Pacific Railway Company can suffer no injury whatever by not confirming this particular action of the company, and the Bill had better lie over for another session, and until such time as this appeal is decided. The hon. gentleman insinuates that he is not sure whether an appeal has been taken. I have stated that the appeal has been taken. I think that ought to be quite sufficient. The appeal was granted last March.

HON. MR. SCOTT—Have the Privy Council consented to it?

HON. MR. MCINNES—It was only a few days too late to have it up before the sitting of the Supreme Court here that closed only a few days ago. I think it is wrong to force this measure through, because it will be actually forcing it through, by not giving me an opportunity to move the amendment of which I gave notice to-day if the third reading is postponed until Wednesday.

HON. MR. MCKINDSEY—I submit that the amendment is out of order under the 70th rule of the House.

THE SPEAKER—It is urged by the hon. Senator for Halton that the amendment comes within the rule of order which was decided during the afternoon session of the House. I have no doubt of the fact that this amendment also comes within the same rule. It is an important amendment on the third reading, and is therefore out of order, without a day's notice. The question is now on the third reading of the Bill.

HON. MR. POWER—I wish to call the attention of the leader of the

Government in this House to the fact that in passing this Bill in its present shape we are establishing another dangerous precedent. It appears that there is important litigation going on now in connection with the subject matter of the 5th clause of this bill, and by passing the 5th clause we are deciding litigation in favor of one of the parties, and I think it would be only proper and becoming that a rider should be added to the Bill, that nothing in this bill shall affect pending legislation.

HON. MR. ABBOTT—If the litigation were of a serious character, undoubtedly I should feel it my duty to protect the litigants if they needed protection; but the Supreme Court appears to me to be the final tribunal of this country. This case has been argued there and decided there by the Supreme Court. The Government have no doubt upon the subject themselves, and the country is largely interested in the securities of this road not being kept in a state of vacillation as to their value by constant attempts at litigation—and they conceive that this would be nothing more than an attempt at litigation. The Government hold over $20,000,000 of bonds secured on this road, and the question whether those bonds extend over the road and extensions of the road should be set at rest, and for these reasons I do not think I should be called upon to interfere.

HON. MR. McINNES (B.C)—I have another motion to make in amendment. I move that the Bill be not read the third time, but that it be read a third time on Wednesday next. It appears that the force of the argument used by the hon. gentleman from Ottawa and the leader of the Government is that the Supreme Court here have decided against the property owners.

HON. MR. SCOTT—No, not against the property owners.

HON. MR. McINNES (B.C.)—Yes, against the property owners.

HON. MR. SCOTT—No, they have decided in favor of the Company's right to extend the line; the private owners have their remedy under the law.

HON. MR. McINNES (B.C.)—But supposing that the judgment of the Supreme Court in this case is reversed by the Privy Council, in what position will the property owners be then? Does any hon. gentleman tell me that their case will not be prejudiced by the action of this House? This is, I contend, legalising a wrong Act. The Company go to work and do certain things without a shadow of authority, because they are powerful, and then months afterwards they come here and ask Parliament to legalize what they have done. If their act was legal, what necessity was there for them to come here and ask for this legislation? They knew that they were doing wrong when they undertook to extend the line to Vancouver; they know now that they are wrong in asking for this legislation and I contend that if we do not check them at the present time, and give an opportunity to those persons who have given liberally of their limited means to test the legalty of the action of the company in this matter, it is doing them a wrong and we are helping the strong and powerful and oppressing the weak and powerless who cannot help themselves.

HON. MR. McKINDSEY—I oppose the hon. gentleman's amendments for two or three reasons: one is that the hon. gentleman from New Westminster had an opportunity of giving notice of his amendments two or three days ago, and did not take advantage of it.

HON. MR. McINNES (B.C.)—I beg the hon. gentleman's pardon.

HON. MR. McKINDSEY—The hon. gentleman had his resolutions prepared a couple of days ago and discovered then they were out of order, and he is taking this occasion to move for the purpose of throwing this Bill over and delaying it in this House.

HON. MR. McINNES (B.C.) I call the hon. gentleman to order. He is imputing motives.

THE SPEAKER—State your point of order.

HON. MR. MCINNES (B.C.)—The hon. gentleman from Halton is putting words in my mouth and attributing motives to me that are not correct. The amendments I move I drafted here to-day. I had not an opportunity to move in this matter and give notice two or three days ago as the hon. gentleman states, for the very good reason that there has been no sitting since the second reading of the Bill, so that he is not correct in stating what he does.

HON. MR. MCKINDSEY—The hon. gentleman knew on Friday last that this Bill was to be read the third time to-day. I saw those resolutions myself, and when the hon. gentleman saw this afternoon that he could not move them in the House to-day successfully, he asked me to put off the third reading until to-morrow so as to give him time to give notice. I told him I could not do so, and notwithstanding this he has moved resolutions which are entirely out of order, and I am satisfied that the one he has now moved is simply for the purpose of throwing us over.

HON. MR. MCINNES (B.C.)—That is not correct, and you have no right to say so. It is an ungentlemanly act to make the statement after I have denied it.

THE SPEAKER—The motion is now on the amendment of Mr. McInnes that the Bill be not now read the third time, but that it be read the third time on Wednesday next. The motion appears to be lost. The question is now on the main motion that the Bill be read the third time as amended.

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

REAL PROPERTY IN THE NORTH-WEST TERRITORIES BILL.

SECOND READING

HON. MR. ABBOTT moved the second reading of Bill (N) "An Act to amend the Revised Statutes, Chapter 51 respecting Real Property in the North-West Territories."

He said:—This is a Bill for the purpose of changing the registration districts of two of the territories. As the Territories Act in the Revised Statutes is drawn, it has been found that there is some irregularity in the description contained in it, of the division for registration purposes of the Provisional District of Alberta and of the Provisional District of Saskatchewan. The greater part of this Act is devoted to the re-division of these two districts. I do not understand that there is any very material alteration of their boundaries. It is rather a correction of the original boundary than a change of boundary. The first five clauses of the Bill are devoted to that purpose and to validating the registration which may be made in accordance with this correction of the dividing line. The 6th section repeals the section of the Territories Real Property Act which provided for an appeal composed partly of stipendiary magistrates and partly of judges. There are no longer any stipendiary magistrates in the Territories and this clause adjusts the court so that the appeal now lies to the judges of the Supreme Court instead of composite court composed partly of judges and partly of stipendiary magistrates. That is the change made in section 138, and the only one. There is a slight change in form "F." There was a redundance in the certificate, which repeated a section contained in the Act. That was considered unnecessary, and it is left out of the Bill.

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

THE CHINESE IMMIGRATION BILL.

IN COMMITTEE.

HON. MR. ABBOTT moved that the House go into Committee of the Whole on Bill (54) "An Act to amend 'The Chinese Immigration Immigration Act,'" He said:—I feel myself in rather a pe-

culiar position in the House with respect to this Bill. In the first place, I am afraid if I were obliged to speak candidly. I might concur in a good many of the sentiments I heard so eloquently urged last night. If it were a matter to be decided by my own personal feeling and the feelings of this House, it seems probable that a large majority of the members of this House would not only not send this Bill to Committee, but would reject it altogether, and my hon. friend from Sarnia (Mr. Vidal) has introduced a bill to repeal the Act; but I do not know that we can altogether be guided by our opinions in the abstract as to the propriety of the law, or as to the advantage of retaining it. I presume the law was really passed in deference to what appeared to be the almost universal opinion of the inhabitants of one of the Provinces of which this Confederation is composed. In order to maintain the harmony which ought to prevail in a Confederation of this description, it seems to me that very frequently concessions must be made by the majority to the minority, and I presume that this Chinese Act was a concession bill, probably, from the majority to the minority. At this moment, although in this House I think opinion is about equally divided as to the Bill,—

HON. GENTLEMEN—No, no!

HON. MR. ABBOTT—At this moment I fancy a very large majority of the people of British Columbia would feel themselves outraged, their wishes despised and treated with contempt, if we were summarily to repeal the Chinese Act and leave them without this protection which they are so thoroughly convinced, it appears, is necessary for the welfare of their province. However, to-night the question of repeal does not really come up. This Bill, as the House knows, was introduced, in a large degree, for the purpose of softening the rigor of the existing law. I admit that in one or two cases it does not do that; it makes the law more severe than it is at present. For instance, in fixing the limit of three months for the return of visitors to China from Canada, it is making it more stringent than the Act, in which there is no limitation of time whatever. In making those penalties absolute instead of fixing a maximum, the law is made more stringent than it was before, but in allowing the Chinese to travel through a portion of Canada without requiring them to pay the entrance fee, and in admitting the Chinese wife of a European without paying any fee, the Bill relaxes the severity of the law. So, it appears to me to-night that the question is this: shall this Bill, now before the House, be taken up and passed? I do not ask that it shall be passed as it is, because I propose myself to offer some amendments; but the question is, shall this Bill be passed in so far as it relaxes the stringency of the existing law? It is for the House, if they desire to make amendments of more importance, perhaps, than I suggest, to do so: of course, the only question then will be, if they make amendments so extensive as to impair the law itself, whether the Bill would be proceeded with. I just throw out this suggestion—which if I were at liberty to act as I choose myself, I would probably adopt as my guide—that we should put this Bill before the Committee and amend it in some respects, thus bettering, by so much, the position of the Chinese, and approaching, by so much, the consummation which, I daresay, a good many members of the Senate desire, the entire repeal of the law itself when the proper time arrives. I propose to make the time limit twelve months instead of three.

HON. MR. KAULBACH—Strike it out altogether.

HON. MR. ABBOTT—I would not greatly object to putting it out altogether. I do not think it is likely to be of any great advantage. Then of course if that clause be struck out, the two sub-sections which make this fine of $500 absolute would disappear, and the law would remain in that respect as it was before. The fourth clause is, I think, perfectly just and proper if the law is to remain in force—that in dividing up the fees collected under the Act the expenses of collecting it should first be deducted. That of course the House will concur in thinking a reasonable proposition. With

reference to the first clause, some hon. gentlemen remarked when this Bill was under discussion last week, that the children of a Chinese woman by a European husband, should be admitted free, but on reflection no doubt the House will preceive that the children follow the nationality of their father, and not of their mother; so the object sought by describing the children in the Act is attained without it.

HON. MR. DICKEY—I have a strong opinion as to the course we ought to adopt in all common prudence. We have here a Bill which in some measure relaxes these restrictions, and in some particulars tightens them still more. We have now an opportunity, with this Bill before us, if we were serious in our expression of opinion last year, to nullify the provisions of the Act. I think it would be most unwise of us to lose the opportunity of doing so, and to run against the popular sentiment on the Pacific slope, however unreasonable we may consider it to be. By amending and passing this Bill, we will escape the appearance of trying to suddenly remove from our statute books an Act which was demanded by the almost unanimous feeling of the people in British Columbia, therefore I think the prudent course would be, instead of trying to repeal the Act of which this is an amendment, to take the opportunity that this Bill affords us to improve the existing law; especially after the intimation that has already been given to us by the Leader of the House. If we are to have legislation on this point we had better see how we can improve the Act on the Statute book, making it as good as we can, instead of trying to strike down a measure whose object is to make it less objectionable. If it would have no other advantage, it would show the people there what the opinion of the Senate is. That feeling has already been sufficiently expressed against the Act itself, and it will be a warning that unless some legislation is introduced to mollify the operation of that Act, the next movement will be, at a future session, to repeal it altogether. Already a Bill has been introduced for that purpose, and that will be sufficient notice of the course the Senate is likely to take in the future.

HON. MR. KAULBACH—We can do both: we can amend the Act in the way proposed by this Bill, in the interest of the Chinese. The Leader of the Government in this House has been very conciliatory. The suggestion that I made to omit altogether the clause limiting the time in which a Chinese may return to the country was accepted by him. We can modify this Bill and yet not be prevented from passing our opinion upon the Bill introduced by the hon. member from Sarnia. If we can improve this Bill in the interest of liberty and freedom, and make the Chinese in this country not what they are now, mere serfs and slaves—if we can improve their condition we should do so, and it seems to me that we would not thereby deprive ourselves of the opportunity of expressing our entire disapproval of the Chinese Act.

HON. MR. VIDAL—The Act which this Bill proposes to amend is so incurably bad that I think there should be no time or effort expended upon trying to make slight improvements upon it. If I interpret rightly the feeling of this House, I think they would be more disposed to wipe this frightful blot from our Statute Book than to make a very trifling amendment, slightly removing difficulties encountered in enforcing the Act, and at the same time by some of its clauses making it more obnoxious to us. If the hon. leader would consent to let the expression of the Senate be taken upon the Bill which I had the honor of introducing, which perhaps could be read the second time to-morrow, there would be no time lost. We could get the expression of the House upon that main question—will they unite by a good majority to expung this objectionable statute from our books? If they will not, then the way will be open to make this Bill as unobjectionable as possible; but the House will observe that if we now go into committee and try to improve this Bill, it is quite obvious that the Bill which I have introduced will be out of place. We could scarcely, after making these amendments to the Act, vote for a bill to repeal the Act altogether. It does not give the House an opportunity to express an opinion on the essence of the question, and that is,

should such a law at all be on our Statute Books. My opinion is the sooner it can be got rid of the better. As to the circumstances under which the Act was passed, they have been accurately stated. The argument has been urged here very properly that one province has no right to ask the other provinces to make such a concession as that. It is not a concession of some unimportant matter. It is a concession of the fundamental principle of the British Constitution. It is the enormity of the concession I object to. I would go a great way to meet the views of any of the provinces, but I am not prepared to go the length of abrogating the principle which makes Britain the glorious Empire it is. I think therefore if the hon. Minister would but consent simply to postpone this Bill until to-morrow, and let the House have an opportunity of expressing its opinion upon the Bill I have introduced, it will facilitate matters. Otherwise those who wish to have the law repealed must vote against everything in this Bill and make it as difficult as possible to enforce the Act, with a view to showing their determination to have it expunged. It is not a very pleasant position to be in. Speaking for myself, if I could not carry my own views, I should give my best efforts to make this bill as unobjectionable as possible. If the Minister would do this it would facilitate matters and save a great deal of time to-night. I know from the feeling manifested in this House that every clause will be a subject tor discussion.

HON. MR. SCOTT—After the debate on this Bill which took place last week, I will merely point out the compromising character of the proposition to go into Committee on a bill of which we all disapprove. It is not merely the details of the law that we object to : it is a bad law in principle, and cannot be improved or made acceptable by alterations or changes. If the Senate is really sincere and earnest in the announcement that hon. gentleman made the other evening, then we ought to give effect to our individual opinions. Certainly the sentiment of the Senate seemed to be that the Act should be wiped off the Statute Book. I think, therefore, that the proposition made by the hon. member from Sarnia is a very proper one—that before going into Committee on this Bill an opportunity should be given the House to say whether this Act should be allowed to continue any longer. I am pretty well advised that public opinion has changed materially in British Columbia since the Chinese law was first enacted. We have found, to my surprise, two Senators from British Columbia, not certainly advocating this law, but rather regretting its existence on the Statute Book. At the time the Act was passed the Chinese population in British Columbia was, I believe, treble what it is to-day. Chinamen find that the Canadians are not such a charming class of people that they care to remain among them. We know that serious riots have taken place on several occasions, when the poor Chinamen have been badly abused, and the consequence has been that their numbers have seriously diminished. Unless it would occasion great inconvenience, I do think it would be better that this law should be wiped off the Statute Book altogether. It certainly does not affect other provinces of the Dominion, and they ought not to have it apply to any province but British Columbia. Under this Act they cannot enter the country at one port and leave it at another without paying $50. A Chinaman landing at Boston and wishing to pass through Canada to Detroit cannot do so without paying $50, and he has to wait a week or so at Detroit before he can get it back.

HON. MR. ABBOTT—Not at all.

HON. MR. SCOTT—The clause, as I understand it, renders the railway company liable and is any railway company going to be responsible for that $50 unless the amount is deposited?

HON. MR. ABBOTT—There are many ways of securing the railway company without putting up the $50.

HON. MR. SCOTT—The Chinese cannot pass through Canada except under certain regulations. Section 8 of the Chinese Immigration Act provides that if a railway company should fail to

comply with the regulations made by the Minister of Customs and take the Chinese passenger out of Canada at the designated port of exit within the time specified in the undertaking, they shall, in addition to the entry dues payable, be liable to a penalty. Now they have got not only to pay the $50 but a good deal more if the Department chooses to exact it. We know very well of late years that the Customs Department has been accustomed to doing all they can to squeeze out of the unfortunate Chinese and I do not care to trust the poor Chinamen to the tender mercies of the Department.

HON. MR. ABBOTT—If we put off this Bill and wait for the passage of the Bill repealing the Chinese Act, which I think it likely, if the House determines to vote on its merits, will probable receive the votes of the majority in this House, what will be the consequence? he Bill will go down to the Lower House and be rejected there, or more probably it will never come to a vote; it will be put on the orders of the day, and there it will remain, so that we will not know until the end of the session whether the Bill sent down by us will be passed or not. In the meantime a bill which will afford some kind of relaxation to the stringency of the existing law will lapse here, and the benefits, if there are any, which might be derived from amending that law will all disappear. It seems to me that a good deal of the argument on this subject is rather in favor of amending the law and allowing it to die a natural death, which it is most likely to do. My hon. friend from Ottawa says that public opinion is changing in British Columbia. It is changing in British Columbia, but I am satisfied that it is not changed to such an extent, that the repeal of this law would not be a very severe shock to public opinion in that Province, and would not be regarded by a very large number of people in British Columbia as an outrage. It is quite true that we have a right to vote according to our individual opinions, and it is quite true that possibly we ought not to have this disability thrown in the way of immigration. But as to what is said of its being a violation of the British constitution, it is not long since the British constitution was tainted with slavery, which is a much worse thing than is to be found in the Chinese Immigration Act, and the British constitution was none the worse for it in the end. The fact is that the British Constitution is nothing but a compromise. The working of the Government of England under its constitution, during the whole of its existence has been nothing but a compromise, and is nothing but a compromise now, and it has been preserved in its position by yielding, here a little and there a little, now and then, to the exigencies of the occasion in order to avoid violent convulsions perilous difficulties and violent strains upon the constitution. By that means it has been preserved intact, and improved from time to time, until it is in the position we find it today. Here, we are a young country with a province a long distance from us, and these distant provinces are not very slow in taking offence at many things; and although we might think here that this statute should be repealed, British Columbia might take offence if a law, which they have so vehemently demanded, and which we passed only two years ago, should be suddenly struck from the statute book. As I said a moment ago, in my opinion the necessity for the measure, and the spirit which sustains the measure, are both dying out. The Chinamen, as my hon. friend from New Westminster has stated, are leaving British Columbia in large numbers. That is the reason he gave for not extending the three months permit system—that they are not coming in as large numbers, and that the Chinese population is diminishing. As they diminish, the competition with native labor, which the influx of a large number of those people induced, will be relaxed, and in a short time public opinion will have so far changed in the process which the hon. gentleman from Ottawa referred to a moment ago, that the demand for the Chinese Act will cease and those of us who think this is a Bill which we cannot altogether approve of, finding that the necessity for it has ceased, shall be in a position to repeal it altogether. In the meantime we have an opportunity of amending it. I do

not mean to say that I am throwing this Bill down on the table in order that any member may deal with it as he pleases, but I do say that its clauses may be intelligently discussed and improved, as far as the principle of the Bill will admit. I am prepared to relax or altogether expunge anything in this Bill which may be considered as making it more stringent than the law as it stands, and there will certainly be some advantage to be found in this Bill in favor of Chinese immigration. We have therefore this alternative before us. If we amend this Bill, we shall to some extent soften the severity of the Chinese immigration law. If we drop it now, or put it over, and pass a bill repealing the Chinese law, I think we may safely believe that that bill will not become law, and the remedial bill will die as well as the bill which is introduced for the purpose of killing the Chinese Act altogether. I think, therefore, that I am acting in the interest of the country and of this House, in suggesting that we should endeavor to amend this Bill as far as we reasonably can, and that we should not at this moment pass any act repealing the Chinese law. Being of that opinion, I do not feel like agreeing to my hon. friend's suggestion that we ought to put over this Bill, and give him an opportunity of carrying his own, which will, of course, render it impossible to proceed with this Bill during this Session.

HON. MR. MILLER—I do not think anything more can be said than the leader of the House has already said on this subject. There is on the Statute Book a law which is obnoxious to members of this House. A bill is submitted to Parliament which relaxes some of the provisions of that law, and the question is, no matter what our private opinions may be with regard to the Act itself, whether we should not avail ourselves of the opportunity of passing those remedial clauses which the Bill on the table contains. I think the best thing to do under the circumstances would be to allow the House to go into committe on this Bill and get through those clauses which, may not elicit a great deal of discussion, and then report progress and ask leave for the committee to sit another day. In the meantime a division might take place on the Bill of the hon. gentleman from Sarnia. In that way we could get a decision on his Bill before this measure would be reported from committee. It would save time if that course were pursued and the object in view could be served.

HON. MR. GIRARD—I concur in the opinion expressed as to this Bill. When the Chinese Immigration Act was passed, it was with a certain amount of regret that I saw it placed on our Statute Book; at the same time once it became law I accepted the provisions of the law and now that it is being amended I cannot see how we can refuse to accept those amendments which are for the purpose of relaxing its severity. If the amending Bill which is now before the House were rejected, the law would remain as it stands and the Chinese whom we want to relieve would be the sufferers. I have grave doubts as to the propriety of introducing a Bill to repeal the Chinese Act at this stage of the session. The Bill before us will have the effect of increasing the Dominion revenue and under these circumstances it seems to me it is not the duty of any member, except he is a member of the Government, to introduce a bill which will have the effect of diminishing in any direct or indirect way the public revenue. My intention is to oppose the Bill introduced by the hon. member from Sarnia upon that ground, while at the same time I shall take the opportunity to express my feelings in favor of the end which that hon. gentleman has in view. I want to find a way to relieve the Chinese in British Columbia of the disabilities under which they labor; at the same time we must await the proper time, as it is now too late in the session to properly consider so important a measure. In my opinion it would be better to have such a bill eminate from the Government.

HON. MR. WARK—I wish to make a suggestion with regard to this measure. There is a mode of meeting such a difficuty, which has not been adopted in this Senate, but which was frequently adopted in both branches of the Legislature in

New Brunswick for twenty-five years; that is, to attach a limitation clause to the Bill, and then if it is desirable at the end of the term that the law should be re-enacted it was done by a Bill of one section. On the other hand, if public opinion was such that the law ought to expire, it was allowed to expire. The proposition I would make is this: that we attach a clause to this Bill to the effect that this Act and the Act of which it is an amendment shall continue in force until the first day of January of next year, and from then until the close of the next session of Parliament. That would give the Legislature an opportunity of continuing it or allowing it to die out.

THE SPEAKER—Those of us who remember the exciting discussion which took place on the Bill of last year will bear in mind that the greatest stress was laid on certain clauses of the Bill which are affected by the Bill now under discussion. The leader of the Government having signified his intention to make this Bill as far as possible an ameliorating Bill, it seems to me that those who wish well to the Chinese in the Dominion and who desire to aid them in the position in which the legislation passed last year has placed them, would stand in the way of the Chinese by jeopardizing this Bill in the manner it is proposed to deal with it. It is not likely that any sweeping amendments made by this House to the Act would pass through the other House this session, and the consequence would be that the Chinese would be wounded in the house of their friends. It seems to me that the best way will be to accept this Bill and deal with it in the kindly spirit suggested by the Leader of the House, and as urged by my hon. friend from Arichat and my hon. friend from Manitoba. The question of repealing the Bill, undoubtedly may carry in this House but it cannot pass the other House, and to defeat the measure now before us would leave some of the provisions which were strenuously objected to last session in the position they now are, and injure those whose condition we desire to ameliorate. The first clause is one which changes the provision which was most strenuously objected to in the House last session—the one in regard to the passage of Chinese immigrants through the country—as it were passing through in bond—which is here modified and ameliorated. As to the other provisions in the Bill which are objected to the Leader of the Government has signified his desire as far as possible to meet the wishes o the House, and I am of the opinion that we should allow the Bill to go to Committee and see how far the Government are prepared to go. If we undertake to attach a rider to this bill which will limit the operations of the Act, it will probably be defeated in the other House, and to postpone this measure until a bill is brought in to repeal the Act would have the effect of suspending this measure so that it could not pass this Session.

HON. MR. VIDAL—I very fully concur with the sentiments expressed by the hon. gentleman from Richmond. The object I had in making the suggestion I did was to save time. If we go into the Bill a large amount of time will be occupied. If it is a fact that a large majority in this Chamber, holding the same sentiments that I do, are determined to repeal the Act, I wish to settle that question first. Are we determined to repeal the Act, or shall we consent to make an amendment to it which may in some slight respect be an improvement in the law as it stands? I do not think myself that the improvements to be made to the Act by this Bill will change my opinion at all about the losing of the Bill. I would just as soon lose the Bill itself so that if we should adopt the repealing bill and it is not reached in the other House, or is lost in the other House, I do not think this amending bill would be a very great loss, if by that means it did not reach its final stage this Session.

HON. MR. MACDONALD (B.C.)—It is not possible to repeal the original Act. If the repealing Bill passes this House, it would not pass through the Commons. On Friday I said I would accept this Bill with three amendments, which the Government have agreed to accept, and the Bill will then be an improvement on what we now have. I think that the

wisest thing for the friends of the Chinese to do is to accept this Bill with the proposed amendments—to extend the permit time, and to strike out the punishment clause. It would be a great shock to the laboring men of British Columbia, as the leader of the Government has said, to repeal the Act without notice, and the wisest course we can adopt now is to accept these amendments, and during the next session of Parliament repeal the Act if necessary.

HON. MR. HAYTHORNE—I think some good would result if the leader of the Government would accept the suggestion from this side of the House to defer the committee on this Bill until tomorrow, because it will give him an apportunity, knowing as he does now what the sense of the House is on this measure, of meeting the committee tomorrow with amendments to the different clauses which would likely meet the sense of the whole House, and in that light it will be an advantage to postpone until tomorrow the referring of the Bill to the Committee. It seems to me to be more desirable that a measure of this sort should emanate from the Government than from a private member. If it goes before committee now, I think from the feeling of the House it is pretty clear that it will almost cease to be a Government measure.

On the preamble,

HON. MR. ABBOTT moved that the preamble be amended so as to read, "whereas it is expedient to amend the Chinese Immigration Act, etc."

The amendment was agreed to.

On the first clause,

HON. MR. ABBOTT—I propose to ask the Committee to pass this clause as it stands.

HON. MR. MACDONALD (B. C.)—Is the hon. gentleman aware that half-breed Chinese children are taxed when they come into British Columbia?

HON. MR. ABBOTT—I was not aware of that. If so, it is clearly illegal.

HON. MR. MACDONALD (B. C.)—They do so now in the Custom House. Would it not be better to decide the thing by amending this clause?

HON. MR. ABBOTT—If the hon. gentleman is aware of it, of his own knowledge, I will inquire into it.

HON. MR. MACDONALD (B. C.)—There were three half-breed Chinese children who had to pay the tax.

HON. MR. VIDAL—There is a possibility of a Chinese woman marrying a European, and her children being subject to this tax.

HON. MR. ABBOTT—I do not understand how it is. There is no better understood principle than the one that the son of a British father is a British subject.

HON. MR. MACDONALD (B.C.)—There was a great fight here with the Government in a case I referred to to get back the money paid as a tax upon these three children.

HON. MR. ABBOTT—If the Government ordered the money to be paid back again the hon. gentleman will see that they considered that it was an illegal tax, and it is not likely to occur again.

HON. MR. ALMON—I beg leave to move an amendment to line 13: After "who is the wife of" insert "the person who accompanies her and who can produce a certificate to that effect from the British Consul of the port from which they embark." The object of my amendment is, that any Chinese woman, whether the wife of an Englishman or a Chinaman, on producing a certificate from the British Consul that she is married to the man she accompanies, shall be admitted free of duty. We all know the difficulty about the Chinese in this country is that they do not settle here, and the reason is that they are too poor to bring their wives and families with them. I think it is much more necessary that the Chi-

nese woman who has a Chinese husband should be allowed to be admitted free than when her husband belongs to any other nationality.

HON. MR. SCOTT—I had myself, without any concert with hon. friend, prepared an amendment in the same direction, because it did seem to me that under this law a Turk or a Japanese marrying a Chinese woman could bring her into this country free, but a Chinaman could not bring his wife with him if she belonged to his own nationality. We have been charging the Chinese with profligacy and at the same time we say to them "You cannot bring your wives and families into the country with you unless you pay $50 of a tax." It is an outrage. I think it is a mistake and contrary to the first principles of morality. The amendment which I would propose is "No duty shall be payable under the Chinese Immigration Act upon any woman who is of Chinese origin who accompanies her husband, and no duty shall be payable on children under 12 years."

HON. MR. ABBOTT—Perhaps my hon. friend will say how many wives a Chinaman should be permitted to bring into this country?

HON. MR. SCOTT—I should limit him to one. There would be no difficulty in that: the Chinese pass through the Custon House like bales of goods: there has got to be an invoice with them and there is a correct account kept. They are tolled off in such a way that the Custom House officers can lay their hands on them. Therefore I think the Government should be prepared to accept that proposition, which is only reasonable on the face of it. We have no right to discriminate against the Chinese especially. A man of any other nationality marrying a Chinese woman can bring his wife in free, but a Chinaman cannot.

HON. MR. ALMON—I shall be very willing to accept that amendment. I merely put in my amendment the words about a certificate, because I thought we might be met with the argument that the woman might not be married.

HON. MR. DICKEY—I must say this is a peculiar mode of ameliorating the condition of the Chinese. Here is a Bill that proposes a very easy test—that a woman can come in by paying $50. What does my hon. friend propose? He proposes to increase the difficulty by obliging the woman to bring a Consular certificate with her that she is married to the man she accompanies.

HON. MR. ALMON—That she is a married woman?

HON. MR. DICKEY—I agree that the provision of the clause ought to be extended to all married women. I would suggest the following words: "No duty shall be payable under the Chinese Immigration Act in respect of any married woman of Chinese origin." That is comprehensive: it is simplicity itself. I am perfectly willing to add the rider that the member for Ottawa puts upon it and to admit her children under 12 years. I hope the leader of the Government will not make any objection to that.

HON. MR. ABBOTT — My hon. friends will perceive that this provision would be practically setting at naught the Act altogether, so far as Chinese women are concerned. I do not know, and I do not think that any hon. gentleman here knows exactly what effect or duration the marriage ceremony has amongst the Chinese, or what that marriage ceremony is. I suppose the knowledge can be acquired, but certainly we ought to have it before we legislate on the subject. If it is, as I understand it to be, in the first place, that they are not restricted by their own laws to one wife, and in the next place that there are different tribes governed by different marriage laws, which we should have to find out in order to deal with them—then in fact we would, by allowing any woman to come in who is married, be admitting as many Chinese women as wish to enter the Dominion. My hon. friend may say that it is right and logical to admit as many as wish to come. That is the principle which he advocates which guides him in supporting the Bill for the repeal of the Chinese Act, but the effect of this amendment would simply be to admit as many

Chinese women into British Columbia as choose to come. There is no possibility of disputing it. Both my hon. friends have more desire to throw ridicule and cast an air of absurdity on this Bill than they have hope of carrying this particular clause, but nothing they can say to those who believe that the Bill is improper and a violation of the constitution will make that part of it any worse. We have to deal with the Bill on the principle on which it is constructed; that principle is that there shall be certain restrictions on the admission of Chinese into British Columbia—namely every man, woman and child of Chinese origin who comes into British Columbia shall pay $50. The wife of a European can come into British Columbia by this clause: are my hon. friends to take the position of saying that in fact the Chinese wife of a European shall not come in without paying $50? It is quite evident that the majority in the House of Commons will not sanction the principle of admitting as many Chinese women and children as choose to come. If my hon. friends conceide that position that the addition of this amendment would practically open the door to them all, are they prepared to insist upon that amendment with the absolutely certain result that they would not obtain what they profess to desire to obtain—the right of a Chinese woman, married to a European, to come in without paying the duty? The Government in their Bill offer them that: they say it is complained of that a Chinese woman married to an Englishman cannot come into the country without paying a duty of fifty dollars. The Government say, "very well; let that woman come in." My hon. friends say "No, that woman shall not come in unless every Chinese woman is allowed to come in on the same terms."

HON. MR. ALMON—My amendment is "accompanied by her husband."

HON. MR. ABBOTT—Can my hon. friend tell me what the law of marriage is in China or whether the marriage lasts for one hour, 24 hours, or 24 days? I do not suppose any member of this House can say what the law is in the hundreds of tribes that constitute the Chinese nation. How are we to find out whether the woman is the wife of the Chinaman she accompanies or not?

HON. MR. ALMON—Get a consular's certificate.

HON. MR. ABBOTT—There is no means of devising any system by which we can confine the admission of Chinese women to those who are lawfully and permanently married to those men they happen to be with when they come to the country. It is not within the bounds of any possible organization that we can establish in British Columbia. I offer my hon. friends an amendment which will enable a woman who is married to a European to come in free, and I have just to ask them whether they will accept that. Of course I am not in a position to say that this House shall not amend the Bill in the direction suggested; I would not presume to hint at such a possibility, but it is quite plain that it is impossible to expect that the other House at this moment, unless they are willing to repeal the whole Act, will pass a law which admits as many Chinese women into British Columbia as wish to come. I would ask my hon. friend therefore to give them this measure of relaxation of the law as it stands, and allow the Chinese wife of a European to come in free and not insist upon admitting all Chinese women free.

HON. MR. VIDAL—I should think that the hon. gentleman's argument applies against his own Bill, because under its provisions a Chinese woman claiming to be the wife of a Burmese or Japanese is admitted free. It seems to me that the objection he has urged would be equally strong as applied to such cases. The more you look at the matter the clearer it becomes that it would be better to throw out the Act altogether.

HON. MR. DICKEY—There is a principle in this clause, which is to admit the Chinese wife of a European. We simply propose to extend that proposition to Chinamen so that they can bring their own wives with them. I put it to my hon. friend if there is any question of

policy or morality that is against that amendment? Is it not desirable, in the interests of morality, that the Chinaman should bring his wife with him to this country instead of resorting to those communities that hover around those men who are away from their wives. The hon. gentleman says that we would be admitting a host of wives. We are offering no words that convey a stronger meaning than the clause itself, because my amendment is in respect to any married woman of Chinese origin. What does the Bill provide,—for the admission of a Chinese woman who is the wife of a person not of Chinese origin—a married woman of Chinese origin. If we are to have any relaxation at all in that direction, I do not see what objection there could be to extending it in the manner I have indicated. Would it not be better to allow a man to bring his wife free of charge to live with him than to admit him without his wife—or to impose a tax of $50 upon his wife? I think we ought to go further even than that: I think we should admit admit a woman if she is married or a widow.

HON. MR. POWER—I do not think we ought to embody any more "sweetness and light" in this Bill than the House of Commons is likely to stand. If we make the amendment suggested by the hon. member from Amherst the House of Commons will not stand it. If the House of Commons is educated up to accepting that amendment, it will accept the bill of the hon. member from Sarnia to repeal the Act altogether. We will send that bill down the same day clause is about as much as we that we send this, and they can have their choice; I think that is the better way. I think that, as it stands, this first can expect the House of Commons, as far as we know their views, to take, and I think we had better pass it as it stands.

HON. MR. MILLER—If I thought there was any chance whatever of the House of Commons acceding to such an amendment, I would be prepared to vote for it, but I am satisfied, even without the assurance that we have from the leader of the Government in this House, that there is no proability that the House of Commons under the guidance of the Government, will agree to so sweeping an amendment as that proposed by my hon. friend from Amherst. As the hon. member from Halifax (Mr. Power) says, if they are prepared to go that far they will be prepared to repeal the Act altogether. I think the difficulty raised by the hon. leader of the House is insuperable: it is based upon our ignorance of the marriage laws of China. We do not know what constitutes marriage in China.

HON. MR. DEVER—If my hon. friend will allow me, I will tell him.

HON. MR. MILLER—I shall be happy to learn when I resume my seat. This amendment would open the door to admit any number of Chinese women into the Dominion, and I do not believe that the Government, or the House of Commons, will be prepared to accept so sweeping an amendment. Are we going to risk what is certainly an amelioration of the law by seeking to get what we are not likely to obtain? There is no probability of such an amendment as that which has been proposed and advocated by the hon. member from Halifax (Mr. Almon) and the hon. member from Ottawa (Mr. Scott) getting through the House of Commons; therefore I think the sensible, prudent course for us to adopt is to take the little good we can get in this Bill and on some future occasion look for a more sweeping amelioration of the harsher provisions, if not for the repeal of the Act altogether.

HON. MR. DEVER—I happen to hold in my hand a work which I think will give some information on the contract of marriage in China. It is a book written by a traveller who speaks of the laws, religion, learning, etc., of the Chinese. Referring to matrimony, he says:

"Great respect is paid to old age, and parents exercise much power over their children. The family tie is far stronger than in any part of Europe."

HON. MR. O'DONOHOE—That is not relating to marriage.

HON. MR. DEVER—I think it is. The writer continues :

"Polygamy, and personal—not hereditary—slavery, are authorized by law, but are not extensively practised"

HON. MR. SCOTT—I cannot recognize that there is any amelioration of the law as it stands by taking that paragraph. The Leader of the Government when first bringing this under our notice, was sceptical about a case such as that referred to by the hon. member from British Columbia—that a Chinese woman accompanied by a foreigner (an Englishman I believe he was) should be subjected to this penalty.

HON. MR. ABBOTT—That is not what I said.

HON. MR. SCOTT—The hon. gentleman spoke of the children more particularly.

HON. MR. ABBOTT—The children I said could not be : in that case the money was refunded.

HON MR. SCOTT—It was refunded only after the matter had been discussed in the press throughout Canada. I say there is no amelioration in this clause. As to the marriage law in China, the same argument would apply in the case of a Japanese or a Turk, yet under this Bill a man belonging to either of these nationalities could bring in a Chinese woman as his wife. It surely could be no more difficult to prove the marriage of a Chinese woman than to prove the marriage of a Japanese. Then there is another point showing our inconsistency in this matter : we allow Chinese women of the worst character to enter the country on payment of a fee of $50 a head. You apply the same rule to the Chinese woman of evil repute as you apply to the respectable wife of a Chinese citizen. Now I think that is utterly repugnant to every principle of right or propriety. As to the opinions of the House of Commons, I think we are unnecessarily sensitive on that point. We should at least give the House of Commons an opportunity to express an opinion on this subject. If they knew that our views on this subject were so strong, I think the House of Commons would be found to be in line with us. However, if the Bill comes back to us, we can amend it, but it is not fair to say to this House, "If you do not pass this Bill, you can get no improvement in the law." If there is any honor in holding the opinions we have expressed on this subject, then let us adhere to them. To say that because the House of Commons entertain different opinions from ours, and therefore we must back down, is not a proper or valid reason for asking us to accept this Bill in its present shape. Since last year I think the opinion of the House of Commons on this Chinese Act has undergone a very marked change, and if we amend this Bill in the manner proposed, it is probable that they will accept it.

HON. MR. MACDONALD—If I felt convinced that this amendment would be a benefit I would accept it, but it will do more harm than good. A Chinaman goes to China and buys his wives, brings them out to this country and sells them to the highest bidder. The hon. member from St. John (Mr. Dever) has told us that polygamy is practised in China, and therefore if you adopt this amendment you admit a dangerous precedent. Let us take the amelioration that this Bill grants so far and let us try to get more next time.

The Committee divided on the amendment of Senator Almon which was adopted ; contents 16, non-contents 14.

HON. MR. GIRARD, from the Committee, reported that they had made some progress with the Bill and asked leave to sit again.

INDIAN ACT AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (O) "An Act to amend the Indian Act."

He said :—This is a Bill which is practically an amendment of the procedure under the Indian Act. It does not

touch any principle, but improves the machinery and working of the Indian Act. The first clause provides in what way the claim of a person who is entitled to be a member of the band of Indians shall be investigated and provides the mode of doing it. The second clause gives the power of forcing witnesses to come forward to be examined so as to enable the superintendent to decide that question. The first, third and fourth clauses refer to the license for cutting timber on Indian lands. At present, for instance, under section 27 of the Act, the Indians are in the habit of cutting valuable timber—timber which is really too valuable for fuel, and this is to regulate that, and to prevent them from using any pine or large valuable timber for fuel purposes alone. So also with the 35th section of the Act, which deals with another question. The object of this Bill is to prevent railway companies claiming and taking under the expropriation clauses of the Act more land than is necessary for the purposes of the railway. The 66th clause enables the officer to seize timber illegally cut on an Indian reserve. The spirit of this is to be found in the 62nd clause of the Act as it stands, but it relates to cases where the timber is cut in violation of the license, it does not give the power to seize where timber is cut on land where no license has been granted, and it is to obviate that difficulty that this clause is provided. So also the 63rd clause is a mere extension of the principle as to the protection of timber. It gives the same power with respect to timber cut on reserves, as to timber cut on Indian lands. I need not go through the Bill, clause by clause; the whole measure is simply an improvement and correction of the revised statutes, and an expansion of the principle where it needs expansion with the exception of the last clause which provides for cases of intoxication and prostitution.

HON. MR. MACDONALD—There are some matters in connection with some land troubles in British Columbia which I wish to discuss in connection with this Bill. It is now too late in the evening, and as I would rather have an opportunity of doing so to-morrow, I would ask that the next stage of the Bill be allowed to stand until then.

HON. MR. SCOTT—I have not a copy of the Indian Act about me, but I notice the only important clause of this Bill is the fifth which reads in this way:—

> The thirty-fifth section of the said Act is hereby amended by striking out the words "If any" in the first line thereof and by substituting therefor the words following, that is to say:—"No portion of any reserve shall be taken for the purposes of any railway, road or public work without the consent of the Governor in Council, and if any."

At present, as I understand the law, the Provincial Legislatures have it in their power to grant charters to Companies to cross Indian reserves. That they can do by authority of the Indian Act. I have not been able to examine the Act. Perhaps my hon. friend would be able to say whether it is intended to take away that power and to make this matter subject to Order in Council?

HON. MR. ABBOTT—My impression is that it has that effect; but the explanation given to me by the Minister is that the intention is not to prevent the taking of land necessary for right of way for railways, but to prevent taking more land than is necessary for right of way. I propose when the Bill goes into Committee to amend it as suggested by a memorandum given to me by the Minister.

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

LIQUOR ON BOARD HER MAJESTY'S SHIPS IN CANADIAN WATERS BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (122) "An Act respecting the conveyance of liquors on board Her Majesty's Ships in Canadian waters."

In the Committee, on Sub-Section *b* of Clause 1,

HON. MR. POWER—In the second sub-section the expression every person

who "approaches" is used. Should the intention not be described?

HON. MR. ABBOTT—The intention is there: any person who approaches for the purpose of conveying liquors on board any of Her Majesty's ships or vessels.

On Sub-Section 3—

HON. MR. POWER—I do not rise for the purpose of moving any amendment to this sub section, but I think this Bill is intended chiefly to apply to the harbor of Halifax. It is not an unusual recreation for the people of Halifax to row out in boats and to approach Her Majesty's ships in the harbor and listen to the bands playing and other amusements of that sort. Under this clause any petty officer could come down on a boat which happened to come near those ships and search the boat. I think that is a power which should hardly be given to a petty officer.

HON. MR. ABBOTT—This power has been given under the Imperial Act, and has been in operation for about thirty years, and has been found to work well. It would be difficult to make any distinction. It is hardly credible to suppose that any petty officer of Her Majesty's ship would be allowed to make a wanton or offensive search of a boat in which there were respectable citizens. Of course the object is to prevent liquor from being surreptitiously brought on board ship.

HON. MR. MILLER—It is possible the inconvenience might arise to which the hon. gentleman from Halifax alludes, but I think it is highly improbable, and it is so utterly impossible to make a distinction that I do not think it is advisable to amend the clause. It is not to be conceived that an officer wearing Her Majesty's uniform would wantonly or improperly interfere with persons of the class indicated by my hon. friend.

Hon. Mr. DICKEY, from the Committe, reported the Bill without an amendment.

The report was adopted and the Bill was read the third time and passed.

THIRD READINGS.

The following Bills were reported from the Committee of the whole, read the third time and passed without debate.

Bill (126) "An Act to amend the Dominion Controverted Elections Act." (Mr. Abbott.)

Bill (127) "An Act to amend the North-West Territories Act." (Mr. Abbott.)

DEFACING OF COUNTERFEIT NOTES AND THE USE OF IMITATION NOTES BILL.

THIRD READING.

The House resolved itself into a Committee of the whole, on Bill (123) "An Act respecting the defacing of counterfeit notes and the use of immitation notes."

In the Comittee on the first clause.

HON. MR. POWER—The hon. leader of the Government will remember that when this Bill was at its second reading I called attention to the fact that there was nothing which rendered it compulsory upon the bank officer to stamp a counterfeit note in the way in which the Bill provides, whereas there is a penalty if he wrongfully stamps it. I think under the circumstances the officer would shirk his duty and would not stamp it.

HON. MR. ABBOTT—I suppose the general practice would apply that where a party neglects a duty imposed upon him by a statute he is liable to punishment. There is really no penalty required. The whole clause is far from being a stringent one, still it is a move in the direction to prevent bills from getting into circulation when found to be counterfeit. This clause is taken from one of the laws of the United States upon this subject, where it is said to work very well.

HON. MR. POWER—Perhaps the hon. gentleman would be good enough

to point out the enactment which provides that every officer who neglects his duty is guilty of a misdemeanor.

HON. MR. ABBOTT—I think there is no question that under the common law an individual who neglects to perform a duty imposed upon him by statute is guilty of misdemeanor.

HON. MR. HOWLAN, from the committee, reported the Bill without amendment.

The Bill was ordered for third reading to-morrow.

The Senate adjourned at 10.45 p.m.

THE SENATE.

Ottawa, Tuesday, June 14th, 1887.

THE SPEAKER took the chair at 3 p.m.

Prayers and routine proceedings.

LEAVE OF ABSENCE.

THE SPEAKER—Before proceeding with the business of the day I have to inform the House that I have given leave of absence to the second clerk of proceedings, Mr. Boucher, on account of affliction in his family. I presume the House will have no objection.

BRANTFORD, WATERLOO AND LAKE ERIE RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (25) "An Act to amend the Act to incorporate the Brantford, Waterloo & Lake Erie Railway Company" with certain amendments. He said:—Those amendments are rather of an important character; at the same time we considered them necessary in the interest of good legislation, and they were accepted by the promoters of the Bill. The first amendment is to strike out the first clause, which gave unlimited borrowing powers to the Company in addition to the power which they already possessed under the Act of which this Bill is an amendment. One of the clauses of the original Act of incorporation gave the company the power to issue bonds and mortgages to secure their borrowing to the extent of $15,000 a mile. The Bill itself increases the borrowing power to the sum of $20,000 a mile. They had that, and that being considered the limit, it was not thought wise to extend it by another clause to an unlimited power of borrowing. In the sub-section of the clause which legislates upon the mortgage part of it, there was an omission of the usual requirement that this mortgage should be deposited in the office of the Secretary of State and notice given to the public through the *Canada Official Gazette* of such mortgage. That has been added to the Bill to make it conformable to our legislation. The third amendment occurs in the fifth clause by striking out sub-section two in the Bill which gave unlimited powers to the provisional directors to do all acts which the directors of the company when they were chosen could do, including the amalgamation of the company and those borrowing powers I have just referred to. These amendments, although important and absolutely neeessary, are still not of such a character as to interfere with the passage of the Bill; and at this stage of the session I apprehend there will be no objection to the amendments being concurred in.

HON. MR. MACCALLUM moved that the amendments be concurred in.

The motion was agreed to.

HON. MR. MACCALLUM moved the third reading of the Bill as amended.

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

THE GLASIER & TIBBETS CLAIM.

MOTION.

HON. MR. GLASIER moved—

That the reference to the Select Committee of this Honorable House to whom was referred the case of Tibbets, Beveridge and others—on which a preliminary report was made on the 1st instant—be extended to inquire into and report upon any facts deemed necessary to bring the case fairly before the House, and the grounds upon which it is claimed that interest should be paid upon the amount which the said Committee reaffirms to have been due since the 12th day of November, 1856, which report is as follows:—

COMMITTEE ROOM No. 2,

WEDNESDAY, 1st June, 1887.

The Select Committee appointed by order of your Honorable House on Friday, the twenty-second day of April last, to inquire into the action taken by the Government and payments made or recommended, since the report of a former Select Committee presented to this Honorable House on the 17th March, 1881, by the Honorable Mr. Read, Chairman, and adopted by concurrance of the Whole House on the following day, in relation to "the circumstances of a debt alleged to "devolve upon the Dominion Government "by the British North America Act, and said "to be now due to the Honorable Benjamin "Beveridge, James Tibbets and others, but "the payment of which is withheld for "some cause unknown," beg leave to make their First Report, as follows:—

That your Committee having heard the statements of the Auditor General and of the Deputy Minister of Justice, in reference to the matter referred to, your Committee find it appears that the Government of New Brunswick agreed to the payment of twenty thousand two hundred and sixty-three dollars and thirty one cents($20,263, 31), of the amount of twenty-one thousand six hundred and eighteen dollars and twenty-five cents ($21,618.25), which the former Select Committee of your Honorable House reported on the 17th March, 1881, was due by New Brunswick to Canada on the 12th November, 1856, and which your Committee also find to have been so due at the last-mentioned date.

The whole question now appears to your Committee to be as to the right of the claimants to interest upon the said amount of twenty-one thousand six hundred and eighteen dollars and twenty-five cents ($21,618,25), from the time at which payment thereof was due. Your Committee is of opinion that the Order of Reference does not give them power to consider this question, and they beg leave to ask further instructions from your Honorable House thereon.

All which is respectfully submitted.

ROBERT READ,
Chairman.

He said:—I shall have to make some little explanation of this motion to the House. This committee has been already appointed and the claim has been of long standing. I suppose I might write a book on it. The committee have taken up the matter referred to them and made a report and they now ask for further powers to make up the interest on the amount which they have reported. I find that when this question came up a great many years ago, the Province of New Brunswick, where I was born and lived, at the time received a very large sum of money out of this country for timber dues. They had collected some $60,000 from 1843 to 1851, and when the matter came up for settlement in 1856 they settled with the claimants partly and in doing so awarded me a certain amount of money. That award hung along for two years, from 1856 to 1858, on which they gave something—a kind of scrip or promise that they would get their money sometime. The people had to use this paper immediately and lost their interest. In 1878 a Commission was appointed in New Brunswick to enquire into the matter and they paid over that difference in interest. I want to show you the way they used to treat people in those days. I know several people who got from two hundred to four hundred dollars on their claims up to 1858 on what was settled in 1856, and the Government had in their hands at that date some $34,000 after paying some of the claims. Not satisfied with that, the Government put on an export duty on this timber by which they collected some $18,000 more into their hands. Finally the claims on this fund were transferred to Canada, and the Federal Government were to indemnify us for our loss. A commission was appointed to fix the balance due to the claimants, and they reported the amount as being $21,618, on which the Government paid some $20,000, which left a balance still. In 1877 the first amount was paid. When the Mackenzie Government was in power they took up the

matter and fixed the balance on the 30th August, 1877, which left to the claimants a considerable sum of money unpaid on that amount. In 1878 I was promised my pay in full by two Ministers of the Cabinet, with the interest granted by the Order-in-Council. Then the matter stood until the next Government came in, when I was promised again by a Cabinet Minister that I should be paid. However, it was referred in 1881 to a Committee, of this honorable House and that Committee reported that there was $21,618 due. The Committee to which the matter was referred this session re-affirmed that report. They show what has been paid and what has yet to be paid, leaving a balance of so much. What I now ask the House is to instruct the Committee to make a report, in addition to what it has already made, on the interest on the unpaid claim already proven up to the present day. I have been annoyed and tormented about this some twenty or thirty years, and have got no satisfaction out of all the promises that have been made to me. The whole question before the House now is whether this Committee is to have power to make up the interest on the amount that is due. The New Brunswick Government are up here now asking for interest on money that is due to themselves, and I do not see why they should refuse to pay interest on money that is due by themselves.

HON. MR. ALMON—What year did the claim first commence?

HON. MR. GLASIER—In 1843.

HON. MR. ABBOTT—I regret very much to have to object to the granting of this motion, but my principal ground is one which really does not bear upon the merits of the question at all. It is more especially to save time and trouble, and to try to bring about a speedy conclusion to the claim which my hon. friend makes. I dare say many members of the House are aware of the nature of this claim, but I think it is necessary to say a word or two about that in order to make clear what I have to state to the House. It appears that there was a dispute between 30 and 40 years ago between the old Province of Canada and the Province of New Brunswick as to their boundary. A joint survey was had the expense of which was to be paid equally by the two disputing parties. Canada spent more in the survey than New Brunswick did, and an inquiry was made as to how much New Brunswick would owe to Canada. The report made by the Committee appointed to inquire into it was that New Brunswick owed Canada $21,618.25. New Brunswick took up the question and considered the amount that ought to be paid, and they decided that they were indebted in the sum of $20,263.31. That is the amount which New Brunswick was willing to pay. My hon. friend and others obtained a sort of assignment or order from the Government of Canada—

HON. MR. GALSIER—Excuse me, I was not in the assignment.

HON. MR. ABBOTT—What I mean to convey is that the money which Canada was to receive from New Brunswicw was to be paid to these gentlemen of whom my hon. friend was one, in consideration of a claim he had in respect to some timber licenses. There is no question about all these facts I believe. They are all quite plain: This amount of $20,263.31 was to be paid by New Brunswick to Canada, and it was agreed that instead of going to Canada it should be paid to these claimants. They have received all that sum with the exception of three or four hundred dollars which the Government is willing to pay, but which the party entitled to it is not willing to take. That is the position in which the matter stands. There is no dispute about it. I have read over the journals containing the report of the committee, with the various reports and correspondence submitted to them, and I have read the evidence taken before the committee this session, and I see no possible shadow of a doubt about any one of the facts in the case, or any necessity for evidence, or any point on which evidence can be taken, and my hon. friend has not stated any point on which evidence could be taken. I think it cannot be disputed that on the 12th November, 1856, there

was a sum due by New Brunswick to Canada of $20,263 31 ; that Canada was to pay this sum, when it got it from New Brunswick, to these gentlemen ; that Canada has got that sum from New Brunswick and paid it to these gentlemen, or tendered them the small balance remaining in their hands, and they have refused it, and there the matter stands. The claim which they now make is for interest from the 12th November, 1856, to the present day. Canada has no objection to their receiving that interest if New Brunswick will pay it, but Canada obviously is not indebted in any interest to these gentlemen, because Canada has not received the money. Canada paid the money over pretty much as it received it : it has no money, and it owed no money on which interest can be demanded. Of course it is a well-known and undisputed principle of law that the Crown is not liable for interest except under a contract or Statute : that the mere fact of owing money does not impose any obligation on the Crown to pay interest. In this particular case the debt is due really by New Brunswick. My hon. friend says that the debts of New Brunswick were assumed by the Dominion at Confederation. That also is very true ; but it has been, as I am informed, and I believe I am correctly informed, the universal practice for Canada not to pay a pre-confederation debt unless the province which was alleged to owe it admitted its liability, or unless a judgment of some court pronounced it liable. New Brunspositively refuses to pay any more, and there is no judgment of any court ordering Canada to pay any more. In point of fact, an action has been taken for the purpose of compelling Canada to pay it, and this action has been dismissed on demurrer, with leave, as I understand, to amend. The suit was principally based upon an Order-in-Council, in which it was contended that there was a recognition of the right of the parties to interest. I do not find that recognition very clearly shown in that Order-in-Council.

HON. MR. GALSIER—It is there.

HON. MR. ABBOTT—At all events, the Supreme Court here refused to recognize what was contained in the Order-in-Council as a basis for a judgment, and dismissed the action. It could not be an absolute dismissal, but they made some order which prevented the action going any further on that basis, and gave leave to the parties to amend the suit and state any other ground of action they had against the Dominion. As respects that suit, it was brought by one of the claimants to this fund, the largest claimant.

HON. MR. GLASIER—The assignee.

HON MR. ABBOTT—I dare say it was the assignee, but he became a claimant by having the debt assigned to him. My hon. friend, lest too much time should expire before putting his claim in, wrote this letter to the Minister of Justice in 1883 :—

OTTAWA, 20th April, 1883.

SIR,—The Government having determined to grant the fiat for the trial, in the Exchequer Court, of the Petition of Right, claiming the balance of that portion of the New Brunswick debt—on the basis of the Order in Council of 30th August, 1877—standing in the name of James Tibbitts, and assigned by him to William Dunn, I have the honor to enquire whether this will be a test case and the other amounts, as well as the Tibbitts claim be settled on the basis of such decision as may be arrived at therein.

Should this not be so, I would of course have now also to proceed by Petition of Right so as not to have to begin only when the other trial has been completed ; but if the one, as a test case, will govern the whole it is needless to incur the additional expense. I should like in that case, however, to have the fact fully stated in writing, so that in case of accident or death it may be of record.

I have, &c.,

(Signed) JOHN GLASIER.

The Hon. Sir Alexander Campbell, Minister of Justice, &c., &c., &c.

This letter was answered as follows :—

DEPARTMENT JUSTICE, Ottawa,

2nd May, 1883.

SIR,—With reference to your letter of the 20th April I am directed by the Minister to say that so far as your case depends upon any legal principle involved in the Dunn case, any final decision of the Courts in

respect of such principle will be accepted as applicable to your case.

I am, &c.,

(Signed) GEO. W. BURBRIDGE, D.M.J.

The Hon. Judge Glazier.

Now the position of the affair is just this, as I have said: here was a claim against the Province of New Brunswick practically owned by these gentlemen: the Dominion undertook to pay this claim as they collected it: New Brunswick paid it, and the Dominion have given it to the claimants: New Brunswick denies that anything more is due: the Dominion says we cannot tax Ontario, Quebec and all the other Provinces to pay a claim against New Brunswick which that Province denies, unless some court orders us to do so. My hon. friend and his claimants brought suit to get an order to compel them to pay it, and that suit is still pending. The first stage of that suit has been unfortunate. The Government could do no more than issue a fiat to enable them to go before the court, and the suit was brought. My hon. friend comes forward and claims the benefit of this suit and the Government gladly accord it to him. If the claimants can obtain a judgment of the Exchequer Court holding the Government responsible for the money it will be paid: but it would be a violation of the rights of the other Provinces if a pre-confederation debt, disputed by a Province, is to be paid out of the funds belonging to the whole of the Provinces, without some constraint, some decision of a court holding that the amount was due. Now, that is a very accurate and exact statement of the affair as it stands. My hon. friend wishes this Committee to take further evidence.

HON. MR. GLASIER—No, we do not ask that as regards the debt. All we ask is, that they be empowered to enquire why it should bear interest and make up the amount.

HON. MR. ABBOTT—My hon. friend will see that a previous committee reported, and this Committee confirms that report, that this debt was due on the 12th November, 1856. There have been various payments made since that date, and any clerk, or anybody, could make up the amount of interest that is due, if any is payable on this claim. If it is contended that this Government is bound to pay six per cent. interest on a claim against a province which that province cannot be made to acknowledge, then any clerk can make up the calculation; there is no necessity for appointing a committee of this House or giving instructions to a committee to meet for the sole purpose of making up the amount of interest due on the money paid. The fact is, the question is one of law, in the first place, whether the interest is due by the Province of New Brunswick. If interest is due, this Government will have to pay it, because the Government of Canada assumed the debt of New Brunswick at Confederation. But the Government refuse, and the judgments of courts seem to indicate that the Government was right, in point of law, in refusing to pay interest. There is a judgment of Jessel, Master of the Rolls, deciding that no interest is claimable from the Crown except under Statute or contract. That principle has been adopted by the Supreme Court here in the Queen vs McLean where the judgment is made to turn on the same point. The question is before the courts; let them decide it. I cannot see that anything more can be said on the matter.

HON. MR. GLASIER—What are the other claimants, who are not before the courts, to do? After the case came into the court, I wrote that letter to know how I would be treated. That is still in the court; New Brunswick never consented to pay one dollar. This Government has paid money without the consent of New Brunswick at all. They paid over $18,000, and then they stopped until New Brunswick consented to make further payments, and then the balance was paid. Now I wrote that letter which has been quoted, knowing that this case was before the court, and we were led to believe that the matter would be speedily disposed of, I wanted to know whether I had to look further or not. That is not the difficulty, but there is this technical hitch on it, as there the case lies with costs on it to the amount of $800, New Brunswick has paid interest on part of that money and she is now seeking

interest; I know where all this difficulty comes in. All I ask is that this Committee make up the interest. It is a simple thing to do; let it go for what it is worth, and the Government can decide whether they will pay it or not.

HON. MR. READ—The hon. leader of the Government has stated the case pretty fairly and very clearly. There are, however, some circumstances that he has not brought out out exactly, and it is well to begin at the beginning of this matter. The Dominion of Canada granted licenses in 1842-43 to certain parties to cut timber on territory belonging to Canada as it was supposed and as it turned out to be. When that timber was cut it had to go down the River St. John. It was seized in New Brunswick and held there for costs and charges which these people had to pay, and which formed the subject matter of this dispute. They paid the money, and subsequently, this territory being in dispute, the British Government issued a Royal Commission to have a survey made. Each province took portions of the survey that was made, the cost of it to be taken out, as far as it went, of what had been collected for timber. When the account came to be adjusted, it was found that New Brunswick owed Canada in March, 1856, over $21,000. Of that amount, over $20,000 they have agreed to pay. Now the whole matter comes down to a question of interest. If they owed the debt did they in justice or honesty owe interest upon it. It is a question of the strong against the weak it seems to me. It is all very well to talk about getting the decision of a court, but law means money. I am told now that before they can move again over $700 or $800 has to be paid. New Brunswick admits that the Province owed $20,000 at a certain time: then in all justice the parties who have been looking for that money from year to year, are entitled to interest. I may not be lawyer enough to read the Order-in-Council, but, as far as I understand it, in 1877 Canada passed an Order-in-Council setting out in the schedule how much each of these people were to receive, and made up interest on the amount. One claimant wanted some money and found a man who was willing to purchase his claim. That purchase was made with the consent and knowledge of the Government, and he took every means in his power to find out whether the claim would be paid by the Government without trouble. His claim is $22,000, I believe, and he was paid $10,000 upon it once. This is the man who brings the suit. Under all those circumstances, if New Brunswick owed the money at all, certainly one would think they ought to pay it; that is my own view of the matter. There are many other things in connection with the subject which I would like to state, but I know that the House is not inclined to hear much about it: it is purely a question whether or not, in all honesty and justice, New Brunswick has a right to pay interest on the debt which she admits she owes. If the Government are not liable for interest on their debts when they pay them they should be made liable.

HON. MR. CARVELL—"The Queen can do no wrong" is an axiom I have listened to for many years, and for one I would be very glad to believe it, but I cannot help feeling that if the Queen, through the Privy Council of Canada, should take the course of repudiating a debt honestly due, she would be guilty of a very great wrong. If I understand this question at all, as it has been stated by the hon. gentleman from Quinte, and I think the Leader of the House has also admitted it, there is no questioning the fact that there is an amount due those parties who are represented by my hon. friend at a certain time long past, and the Governments of New Brunswick and Canada have had the use of that money at four, five or six per cent., according as they have been paying interest for money. Leaving out the legal technicalities of the question and letting equity come in, if this money is due, the Government have had the benefit of it, and surely they are not disposed to be enriched at the expense of a comparatively weak, or the really weak suppliant in this case. I will go further: not only is the Government in equity bound to pay the interest at four, five or six per cent. on this amount, but it is only fair to say that the interest at the bank rate which the unfortunate sup-

pliant has been obliged to pay—say seven per cent.—is equitably, if not legally due. But I cannot at all understand how the Government, and more especially the Parliament of Canada, could be a party to using funds for their own benefit to the disadvantage of the suppliants in this case. If this money has been due from 1856, I should go still further. If it is a matter that is undisputed that this money was due as long back as 1856, I should say that all expenses which have necessarily been thrown upon the mover of this resolution and his associates should be reimbursed by the Government of Canada in addition to the interest at the larger rate I have named. I do not think that any gentleman in this House, acting as an arbitrator between two individuals, could possibly take any other view. The Dominion of Canada, as has just been stated by the leader of the Government, assumed the debt of New Brunswick. I cannot remember the time when the Government of New Brunswick, as it exists to-day, or any other Government would hesitate for a moment to acknowledge the claim of my hon. friend. There was a time when his influence in the country was such that no Government who hesitate for a moment in paying any fair claim that he would make. I feel warmly on this matter. I feel that my hon. friend ought to be reimbursed to the uttermost cent every dollar that he is out of pocket. I have an idea that he has spent nearly half the amount of his claim in his numerous trips to Ottawa from his remote home, over a thousand miles from here, to look after this money. These expenses he cannot put in his claim, but I do think that interest at the rate money has cost him, and the costs which he has incurred in trying to get what is manifestly due to him, should without hesitation be paid. I say if the law is against him in such a flagrant case as this, the House ought to step in, and the Government ought to step in if necessary, and take charge of New Brunswick and see that the amount is paid. It is a case of the strong against the weak, in which the weak has no show; but I think if this House expresses its opinion it will help and stand by my hon. friend.

HON. MR. TRUDEL—I happened to be, some years ago, a member of the committee which reported on this question. Unfortunately I did not follow up the details of the case so as to be able at present to discuss the particulars; but it seems to me that there are two questions in this matter, and while I take for granted all that has been so clearly stated by the leader of the Government, I do not think it would be proper or fair to refuse to accede to the recommendation of the committee. The leader of the Government has stated the merits of the case, and I am afraid that in case a vote should be taken or a decision should be arrived at in the sense indicated by the leader of the House, it would practically amount to a decision of the merits of the case. This is not the question which is before the House. The question is shall the Committee receive further instructions to inquire about this matter of interest. The Committee found that they had not the authority to inquire into that branch of the question, and they have come to the House to ask for further instructions, and further authority to look into other details of the matter. It is well known that the power of Parliament is supreme in those matters, and I would go so far as to say that supposing there has been a judgment of the highest tribunal on the question it would not follow that Parliament would not have the right to appoint a Committee and instruct that Committee to inquire into the equity of the case. Parliament might come to the conclusion that though the claimant was debarred from asking for justice on account of the fact that costs would be proscribed, it does not follow that Parliament would not in the interest of equity say that the claim should be inquired into and payments made. I do not think it would be fair to refuse the recommendation of the Committee and prevent further inquiry that would put on record the whole case in order that the claimants may have every possible chance of obtaining justice. This is one of those peculiar cases that sometimes arise, and although the Leader of the Government has observed that the Province of New Brunswick has refused to pay any further sum, it

might happen that the case should be presented in such a way, and such proof should be put on record that the Government of New Brunswick themselves would be brought to consent to the payment on account of the equity which exists in favor of the claimants. I expressed my humble opinion as a member of this House that all possible power should be given to this Committee, and it will be time enough for the House and for the administration to say whether they will pay any further sum or not, after the Committee report. I happened to be in the Committee the other day and I heard that the Deputy Minister of Justice had introduced into the question some further evidence in the shape of documents which ought to be explained, and I think it would not be fair to refuse to the interested parties an opportunity to put in evidence on those new documents to counteract the effect of such testimony.

HON. MR. DEVER—I take the liberty, as one of the members of the Committee, to say a few words on this matter. I fully concur with the Leader of the Government in this House that this question will have to be solved in a court of justice. I do not think that anything which we can possibly do here will enforce payment of the amount, but it is our duty, as honest men who wish to do justice between man and man, to get at the bottom of this matter and see if this claim is a just one. With reference to one remark that the Leader of the House made (and he seemed to dwell upon it particularly), that New Brunswick has throughout refused to pay the amount of this claim, and that therefore Canada should not be called upon to make the amount good, I might ask the House a question: Did they ever yet know a culprit who would admit his crime, or did they ever know of a debtor who did not care to pay, admit his indebtedness? I should think the best judges in this matter would be the parties who investigated it, and the opinion of the former committee was that the amount claimed was honestly due. Our opinion on this question was not based so much on the evidence on behalf of those parties or on behalf of New Brunswick as on the evidence of the officers of this Government and of the Government of Old Canada—men high in position and trust in this country, such as the Auditor-General and the Finance Minister of Canada. Those gentlemen came before us and solemnly declared by word of mouth, and by documents taken from the public archives, that such and such amounts were honestly due by New Brunswick, not as her own money, but as the money of Canada paid over to New Brunswick under an arrangement between those claimants here and the Government of old Canada, that the amount after the most severe investigation was found to be by those officers in our presence $21,618.25 due by New Brunswick to Canada on the 12th day of November 1856. It has been said that this claim has been denied. As a member of the Committee I find on the contrary that the principal amount was paid or nearly paid, and that the whole question rests in a simple denial of the liability to pay interest on this amount. After a solemn investigation of this matter six or seven hon. members of this House, with the best evidence before them, came to the conclusion that the amount of $21,-618.25 was due by New Brunswick on the 12th November 1856 as cash. I ask any commercial man—I ask any banker or any gentleman who has ever dealt in finance, if that amount of simple cash due at that time should not bear interest until the time the debt was liquidated and paid? This is the question before the House. This is the question that the committee found they had not power to pronounce upon, and it is why they come back to this House for further power. There is no question as to the amount due; the only question is if this was cash should it bear interest and what interest should it bear from the date it was due. We could not go further. We simply presented the case to you and it is not a matter of the slightest importance to me except simply that it is a duty which I have to acquit myself of and it is for you to decide whether you will send us back again to pronounce on this matter or not.

HON. MR. ALMON—I think after what we have all heard from the leader

of the House there is no doubt that legally he is correct; but the question of the equity of the case arises in the mind of this assembly and that is the question for us. We are certainly not judges or jurors; but the case stands thus: in 1843, before a number of us in this House were born, the hon. gentleman from Sunbury had a claim against the Governor-General of Canada and the Government of New Brunswick for a sum of money that he had paid them. It is said Quebec is not liable for that. Legally not, but morally is she not bound to see that New Brunswick pays that money? He paid Quebec money that he ought not to have paid.

HON. MR. ABBOTT—The ground of the claim is this: that in the survey of the boundaries between the old Province of Canada—that was the Province of Quebec which lay alongside of New Brunswick—which was to be made at joint expense, Canada paid a sum of money which entitled her to claim back from New Brunswick about $20,000, and that sum of money Canada agreed should be paid to these claimants when received from New Brunswick.

HON. MR. ALMON—I do not at all understand the argument of the hon. Leader of the House. I do not see if New Brunswick and Quebec owe a certain sum of money why they should say, "We are going to pay the claim out of money appropriated to settle the boundary—paid out from a different source altogether." I do not at all see the force of the contention of the hon. member on that point. I was going on to say that I think the Leader of the House put it from the legal point of view, and if we are here to exact the pound of flesh and take no blood with it, I agree with his contention; but I do not thing we are Shylocks here. I think we are to judge of the equity of the case. We have all read, or ought to have read "Bleak House" which Dickens published and which I think had the effect of sweeping away the Court of Chancery. You would ask an old man, who is many years past the allotted span of life which the Psalmist gave, to go to a court of law. He has been in law now for nearly forty years and you tell him "It is true you have an equitable claim—New Brunswick owes you this money and we feel that it does; but go back—go to law again. If the small span of life that God has given you should be prolonged perhaps in ten or twenty years the whole thing will be settled." Is not that enough to disgust us all with law? How was the Court of Chancery done away with but by pointing out the delays and ruin and starvation of families waiting until the Court of Chancery could decide their cases. It has been admitted by high authority that not only has my hon. friend a just claim but that he has a legal claim, though owing to his lawyers not having been as astute as the lawyers opposed to him his case had fallen to the ground and he has been put aside not that he had not justice on his side. Now he is told that he must go all over the case again. Would it not be more generous to have the case sifted to the bottom, and if the money was due in 1843 certainly the interest is due now. It is all very well to say that we have not the power to make New Brunswick pay, but I am certain if you put the question before anybody in Nova Scotia that we owed money, no matter how, they would settle it to the utmost farthing, and I am sure Nova Scotia and New Brunswick are so nearly allied that their feeling is the same as ours in that respect. As long as we shilly shally and tell the hon. gentleman that as long as he can drag his legs up here—and there are just as good burying grounds in the vicinity of Ottawa as on the banks of the St. John—and carry this thing on until he dies, you cannot expect that New Brunswick will say no. You leave him to Cæsar and to Cæsar shall he go; you leave him to the Senate of the Dominion and the Senate has told him he must go to law to have this matter settled. Supposing the money is due by New Brunswick and we decide so, New Brunswick must pay it. The Dominion has the money in its hands. New Brunswick comes every year for a portion of its subsidy; why shall not the Dominion deduct for the hon. gentleman the interest that is due and give New Brunswick the balance? I think from what I know of New Brunswick, and I judge from what I know of

Nova Scotia, they will not quarrel with you for doing so.

HON. MR. GLASIER—The Leader of the Government has made a statement to-day that I never heard of before. Take the amount of this claim which I have against New Brunswick. They said "We give you that as compensation for losses you sustained." There was no understanding of any kind which the Leader of the Government states to me to-day. It is a new phase that comes up to-day. There is no book to show it and I disputed the thing altogether.

HON. MR. ABBOTT—I do not know that I have the right to speak again on the matter, but I do not think the hon. gentleman (Mr. Almon) is dealing fairly with the Government in attributing to it any desire to oppress any one or to take advantage of its position to commit any injustice. It is a very good reason perhaps for going as far as possible, where it is a case of the weak against the strong, but I do not recognize that that principle should go so far as to say that because the weak make a claim, the strong must pay it whether it is a good and valid claim or not. It is a great misfortune to my hon. friend if he has a good claim that he should have to fight for it for 40 years, but it cannot be denied that for 24 years, at the period when he deservedly possessed such great influence in the country, this claim was due, and the claim for this interest was only made recently. I do not think that it was spoken of till 1881.

HON. MR. GLASIER—Will the hon. gentleman excuse me. If he turns to the Order-in-Council of 1877 he will see where it all comes in.

HON. MR. ABBOTT—Yes I mean 1877. But he says the claim originated in 1843, and confederation did not take place until 1867, there was a considerable interval there. I am not inclined to deal with this matter on any such grounds exactly as have been taken. I do not think it is fair to require the Government to depart from the rule which they have laid down, and the propriety of which I never heard disputed before, that when called upon to pay a preconfederation debt of any province, they should be satisfied that it is due and that the province shall sanction it; or if the province disputes the propriety of paying it, as New Brunswick does in this instance, the Dominion should have some other kind of sanction for taking the money of the people to pay the debt of the province. That is precisely the course that the Government have followed in similar cases up to this time. That is precisely the course which the Government is following in this case. They are told by New Brunswick that the debt is not due; that they are not bound to pay this, and they say "Very well, in this case we do as we do in every other case. We will pay it if New Brunswick admits that it is due; or we will pay it if New Brunswick disputes it, if we are ordered to pay it by the Courts; and we will facilitate proceedings in court in order to get judgment." On that account they gave the fiat, and there the case stands which the hon. gentleman asks shall be applicable to him, when it is decided. And that practically makes my hon. friend a party to the case. That is the exact position of the thing. Does this House think proper to hold that the practice of the Government as to paying pre-Confederation debts is wrong, and that it ought to pay those debts when there is no means of ascertaining their legality, or even if they consider them totally illegal, as they do in this case, because there are distinct decisions of the courts which are to the effect that this claim is unfounded in law, and there is no legal claim on the Government for this interest? My hon. friend stated that the Government had had the benefit of this money: they never had—they never had the money. They are not in the position of owing a debt of which they had the benefit, and retaining that money and refusing to pay interest. They are just in this position, that there was an agreement to settle the claim out of the funds to be obtained from New Brunswick. I can read the evidence in no other way, and my hon. friend (Mr. Scott) in his report of 1877, takes exactly the same position that I take to-day: he recognizes that out of

the funds to be obtained from New Brunswick on this debt are to be paid those claims to the extent to which they were admitted by New Brunswick. He recognized nothing more. He recommended that the claim be made on New Brunswick for the whole amount, interest and all, in order that it might be got for this claimant, but there is no recommendation that I know of that interest shall be paid these gentlemen whether it is collected or not. My hon. friend (Mr. Trudel) talks about making more researches, and sifting this to the bottom. What more evidence is required—what is there to sift? Everyone will admit—everyone would have admitted in 1881, —that the sum of money was due on the 12th November, 1856. Now the question whether there is interest due on this money or not is a legal question, and therefore to be decided by the courts. If it is a question which Parliament thinks proper to settle by Act, ordering the Government to pay it whether it is due or not, that is another consideration altogether: of course it is in the power of Parliament to do so.

HON. MR. DICKEY—It could not originate here.

HON. MR. ABBOTT—If in point of fact that sum of money was due on that day, and the circumstances are before the House, every member of the Senate is just as competent as the Committee to decide whether interest is payable or not. If the members of this Committee desire to re-assemble, and conclude whether interest should be paid on what they might consider to be an equitable ground, I do not see that there could be any great objection to that, but of what advantage would it be to anybody? The Committee comes before the House and says (what I assume it may say, what some hon. gentlemen have already said) that inasmuch as this money was due on a certain day, the Government ought to pay interest upon it. I do not know that that would justify the Government in paying interest. How could the Government appropriate money to pay a debt which they are satisfied is not due, merely because of my hon. friend's position, age, &c. My hon. friends will see it is a serious matter to take the financial administration out of the hands of the Government on considerations like those.

HON. MR. TRUDEL—I think that the Committee is not going so far as the hon. gentleman seems to believe. The Committee ask only to be allowed to make the case as good as possible, even for the Government to re-consider the matter. If there are documents and points of fact which have not been put before the Committee, and there is reason that they should be put before the Committee without deciding anything as to the merits of the case, would not the hon. leader of the Government think it fair to give an opportunity to the Committee to put them on record?

HON. MR. DEVER—The leader of the Government seemingly is under a misapprehension that I or somebody else said that the Government of Canada is responsible for this debt and should pay the interest upon it. I did not say that. My position is that if New Brunswick owed the principal, which I believe New Brunswick did, then if anybody is to pay the interest that Province should pay it, and by our report here, if you will read it, you will see that we express that opinion.

HON. MR. ABBOTT—I was about to read the report in answer to what my hon. friend has said. The Committee do not ask to take any more evidence on this subject. No more evidence is necessary.

HON. MR. GLASIER—We do not want any more evidence of the debt.

HON. MR. ABBOTT—There is no demand to sift this matter further. This is what they say:—

"Your Committee find it appears that the Government of New Brunswick agreed to the payment of twenty thousand two hundred and sixty-three dollars and thirty-one cents ($20,263.31), of the amount of twenty-one thousand six hundred and eighteen dollars and twenty-five cents ($21,618.25), which the former Select Committee of your Honorable House reported on the 17th March, 1881,

was due by New Brunswick to Canada on the 12th November, 1856, and which your Committee also find to have been so due at the last-mentioned date."

There is no question about that at all. New Brunswick owed that money on the 12th November, 1856. Now, what does the Committee say :—

"The whole question now appears to your Committee to be as to the right of the claimants to interest upon the said amount of twenty-one thousand six hundred and eighteen dollars and twenty-five cents ($21,618.25) from the time at which payment thereof was due. Your Committee is of opinion that the Order of Reference does not give them power to consider this question, and they beg leave to ask further instructions from your Honorable House."

What they want is simply to be permitted to form their opinion from the premises laid down by themselves and concurred in by everybody, whether or no under those circumstances, considering the fact that the money was due at that date, the Government should pay interest on that sum from that date. There are the facts for this House to form an opinion on if it thinks proper, Everything is there, and there is no more sifting to be done—the facts are there, and no one disputes them. My hon. friend correctly says the only thing to be done is to calculate the interest to this date. I understand, of course, that the hon. gentleman wishes to obtain an expression of opinion from the Committee that the Government of Canada ought to pay this interest due by New Brunswick, but I do not know whether the Committee would commit themselves to an expression of opinion of that sort. Of course it will be entirely within their own discretion if they re-assemble, but it does not appear to me that it would be furthering my hon. friend's cause in any way. He is in a position to go to the Government and say "here is the finding of the Committee that this sum is due; it has not been paid; it has been lying there so many years: the Government are not obliged to pay it, but I ask them to take it into consideration." The only other course is to go before the Exchequer Court.

HON. MR. GLASIER—That will take three years.

HON. MR. ABBOTT—No, a judgment could be obtained much sooner. The claimants can get a judgment to say whether the Government should pay interest or not, but it is not fair to attempt to take the financial administration of the country out of the hands of the Government and compel them to violate a principle on which they have been acting for 21 years. If a province admits a debt is due, the Dominion Government will pay it: if not, they await a judicial decision before making a payment. That is exactly the position of the Government in this matter. My hon. friend says he wants the Committee to be permitted to make up the amount of interest. I do not see that that is a function of a Committee of this Hon. House. My hon. friend opposite (Mr. Scott) concurred in the report of the Deputy Minister of Justice in 1877, a paragraph of which is as follows :—

"There is much to be said in favor of this view, but as, in my opinion, Canada is not legally liable for the losses in question, I think that without the consent of Ontario and Quebec, the distribution asked for cannot be made."

Further on he says :—

"That the moneys to be received from New Brunswick in respect of the disputed territory above referred to, be paid to the respective claimants *pro rata*, according to the amounts of their respective claims; subject in the cases of Mr. Glasier and Mr. Tibbets to the special conditions mentioned below."

Then he recommends that an account be sent to the Lieutenant-Governor of New Brunswick bearing interest at 6 per cent., claiming interest in order that it may be paid to these gentlemen. That shows that the view of hon. gentlemen then was exactly the view of the Government now, that whatever properly goes to these gentlemen should be paid, but that this Government should not be called upon to pay interest on the debt unless it is admitted by New Brunswick or payment is sanctioned by a decision of the court. I do not know that the matter is of such importance as to take up much time of this House. I do not know that there is any grave or substantial reason of state to prevent the committee re-assembling and reporting whether they consider this interest is due

or not, but I think it is more in accordance with our views, that when the facts are presented to the House by a committee, we are quite as competent to form an opinion on them as the committee.

HON. MR. SCOTT—I wish to call the attention of the Minister to a feature of this case which removes it from the category of ordinary claims against the Crown. It rests upon a license granted by the Province of Quebec to cut timber. That license carried with it a covenant on the part of the Crown to protect the licenses against all comers and goers. I venture to say that in no Province of the Dominion would the Crown feel itself exempted from relieving a person from all damages in consequence of his being led into financial embarrassment on the representations of the Crown. The representatives of the Crown in New Brunswick seized timber improperly and compelled parties to pay fines and costs which were improperly put into the exchequer of the Province and used to pay the debts of the Province. I say, therefore, the position is entirely different from that of an ordinary claimant against the Crown. Certainly the Crown, as represented by the Government of Old Canada, was bound by every principle of honor to protect the licensees from the consequences of such acts. I lay that down as a principle which cannot be controverted.

HON. MR. ABBOTT—My hon. friend is not disputing my argument at all. I do not dispute anything he is saying. I simply say that this Government does not propose to discuss, and it has not been its practice to discuss, the legality or the validity of a pre-confederation debt with regard to any province; it takes the ground with regard to that debt that unless the province admits it. or it is held to be good by a decision of the court it cannot be paid.

HON. MR. SCOTT—My hon. friend will find, if he will look at the records since 1867, that when a province has endeavored to repudiate a debt it has been forced to pay it, and if a province attempts to evade payment of an honest debt for which in point of honor and point of law the two older provinces Ontario and Quebec were liable by every principle of law and equity, it became in some degree the duty of the Federal Government to insist upon the payment of the debt by New Brunswick. I find in the communication to the Lieutenant Governor of New Brunswick dated the 11th February, 1878, page 251 of the Journal of the Senate, that I wrote the following :—

"I enclose statement of account showing how this balance has been arrived at and also a copy of the Report of the Canadian ex-Commissioner of August 1863."

"Interest at the legal rate prevailing in New Brunswick has accrued upon this sum, but only from the date of the adjudications of the 12th November 1856, although it appears that New Brunswick had the use of the money for a period of 12 years before then."

The Minister is correct to the letter in what he says, but I do not say that there are elements about this claim that take it out of the ordinary category, and because the honor of the Crown, as represented by Ontario and Quebec at all events, and the Crown as represented by New Brunswick is involved, it warrants the Federal Government in taking more than the ordinary line they would follow in dealing with cases that arise from time to time as to the liabilities of the various provinces to individuals. The peculiar features of the case take it out of that category and imposes a higher moral obligation on the Government to see that this claim is paid. New Brunswick had the use of the moneys of certain persons for a period of twelve years. Surely nobody would say that these parties should not be entitled to recover the interest on that money from New Brunswick; but no charge is made for that; the interest does not begin until twelve years after New Brunswick had the use of this money. I draw attention to these particulars points and while the Minister is right in the abstract it is not certainly the way in which a Government should talk to the subject. Here is the Crown as represented in New Brunswick, Ontario and Quebec and by the Federal Government. The Federal Government is the strong body, and I think it is their duty to see when, any of the smaller

provinces attempt to evade payment of a debt that is essentially so honest as this one, that the money is taken from any belonging to that province that the Federal Government happens to have on hand, has to pay the debt. Since that time New Brunswick has made and been paid claims that had not one-tenth the merit of this. New Brunswick has had many claims since Confederation and I say on these various opportunities it became the duty of the Federal Government, as the trustee for the whole people, to see that New Brunswick paid and discharged a debt that has so just and honest a basis as this particular one.

HON. MR. CARVELL—I do not always succeed in making myself understood, but I have no hesitation in saying that the statement given by the Minister is perfectly plain to me, as it is to him. When the hon. Minister said that they never had the money and therefore are not liable to pay interest on it, I commenced by saying that the Queen could do no wrong—that the Crown, at that time represented by the Province of old Canada, had granted certain privileges to the claimants here. There came a time, after the boundary line was agreed upon, when the Crown was represented by the Province of New Brunswick. Subsequently, and at the present day, the Crown has been represented by the Privy Council of Canada. If these parties suffer they suffer at the hands of the Crown, and, therefore, I say if that claim was just—and there seems to be no difference of opinion on it—the amount has been agreed upon and the claimants are entitled to be paid the whole of it with interest. It is for the Government of Canada to see that justice is done. I do not hesitate to express my opinion that the Government of Canada should see this interest paid and then let the question as to whether it is the Government of Canada or the Government of New Brunswick that should stand the shot be decided by the governments—and not by the unfortunate petitioner through the courts, fighting first the Government of New Brunswick and then the Government of Canada. He has been doing that for thirty or forty years. If you allow equity to enter into the case at all, settle it in that way: give my hon. friend what he claims, and what every member in this Chamber believes to be his just dues.

HON. MR. POWER—When this matter was brought before the House by my hon. friend this Session, I did not think it had any business here, and I am very much of the same opinion still. When the matter was brought up in 1877, the Government of that day decided that in their opinion the money was due to the claimants and that it should be paid in a particular way. A change of Government took place and after the lapse of some years my hon. friend complained that the money had not been paid as he thought it should have been under the decision of the previous Government, and he asked for a Committee of this House to inquire into the question as to whether he and his friends should have got more than they had received, and whether he was entitled to a further sum from the Government. That Committee investigated the matter thoroughly and made a report which settled the whole question. They stated that a certain amount was due up to a certain time, how much had been paid up to 1881, and how much was then due. That was the whole case. What is the use of sending a Committee out to find whether the interest has been paid or should be paid? That is a matter that this House cannot settle. The report of the Committee cannot affect that at all. The Committee have made a report recognizing my hon. friend's claim as far as they can, but they are not in a position to settle the question of interest. The members of the Committee have their opinions about the payment of interest and the members of the House have theirs, but an expression of that opinion will not assist my hon. friend in the slightest degree. It is a matter to be settled between my hon. friend and the Government, and we have nothing to do with it. I think it is an undesirable thing to have the time of this House and its committees taken up with matters of that kind where our action could be of no possible good.

HON. MR. O'DONOHOE—I desire to know from the hon. leader if the

amount of money found to be due was paid by the Government of Canada, because it has not appeared to me, from what has been said, nor in anything I have heard or read, who paid the amount that has been paid on this claim.

HON. MR. ABBOTT—The amount was paid by New Brunswick to Canada and by Canada to the claimants, with the exception of some $340 which one of the claimants declines to accept.

HON. MR. O'DONOHOE—Was the amount paid to the Government of Canada just as an amount *per se* to apply to this particular debt, or was it an amount that came in an account between the two provinces?

HON. MR. ABBOTT—No; they paid it on account of this debt. They admitted a debt to the extent of $20,263.31 and that amount was paid to this Government and by this Government paid to the claimants.

HON. MR. DICKEY—I think my hon. friend, who has taken an active part in this matter, must be satisfied with the discussion that has taken place—a discussion which I have no doubt must have a very strong effect in his favor upon the Government of the country, and I think it would be hardly wise to diminish that effect in any way by forcing a division on this question. I think it would be just as well to let the matter drop, and I am sure my hon. friend in that way will have all the good effect that could be obtained.

HON. MR. READ—The claimants feel that they are placed at a disadvantage. Evidence has been produced that they did not expect, and they have not had an opportunity to rebut it. I wish to mention this to the hon. leader of the House, because I know that it is a point on which they feel more anxiety than anything else—to have an opportunity to rebut the evidence that has been furnished to the Committee.

HON. MR. O'DONOHOE—The suggestion dropped by the hon. the leader of the House, it seems to me, in favor of the applicant might be well adopted without further trouble—that is, that the Committee should re-assemble and go as far into the matter as they please, and make a further report.

HON. MR. ABBOTT—No, I oppose that.

HON. MR. DEVER—When the Committee were delegated to ascertain why this amount was not paid, new evidence was brought in to find out why this amount was not paid since a former Committee of this House had recommended its payment. The evidence brought in recently was rather opposed to the claimants here and we did not feel disposed to allow any further evidence to be taken in the matter though we knew that fresh evidence, hostile to the interests of these men had been introduced, until we came back to this House to ask your permission to further investigate this matter and allow these men to bring in evidence that would clear away the effect of the recent testimony submitted. That would be the object of the Committee in reassembling again—to allow the parties to bring in rebutting evidence against the new evidence that was introduced the other day.

HON. MR. GLASIER—That is what has been done. I could have rebutted that evidence had I been given an opportunity to do so.

HON. MR. HOWLAN—I hope my hon. friend will be satisfied with the discussion which has taken place. It must have occurred to him that even if this Committee should reassemble and report that a certain sum is due him it is doubtful if it will better his position at all. The Government are not bound by the recommendation of that Committee. It is well known that the initiation of money votes necessarily belongs to another branch of Parliament, and therefore I do not see any good that is going to be served in this matter. I think my hon. friend should see that the impression of the House is favorable to a kindly consideration of the claim, and under the circumstances I must concur in the position taken by the Leader of the Govern-

ment, that until the claim is established by a legal tribunal the Government are not in a position to stop this money from the New Brunswick Government. As I understand it, the New Brunswick Government absolutely refuse to pay the claim. Then what position is the Fedral Government in to stop this money from any sums in their hands payable to the Government of the Province? They cannot do it, because the local Government would say at once, "We are not legally bound to pay this money and until we are legally bound to do so we will not pay it." I hope my hon. friend will see that the spirit of the House is kindly and friendly to him under all the circumstances, and I hope that this will lead to an amicable settlement of the case by the Government.

HON. MR. GLASIER—I would request permission to withdraw the motion.

HON. MR. ABBOTT—I shall certainly communicate to my hon. colleagues the strong opinions expressed in this House on the subject.

The motion was withdrawn.

A QUESTION OF PRIVILEGE.

HON. MR. ALMON—Before the orders of the day are called I wish to direct the attention of this House to the way in which the Debates of the Senate are reported in the newspapers. You are all aware that when the first reports of the proceedings of the House of Commons in England were published by Dr. Samuel Johnson, he headed them "The Reports of the Assembly at Lilliput," and then under that heading he gave reports of the debates and proceedings of the House in his own peculiar phraseology. The reports which appear in the morning *Citizen* are headed "The Debates of the Senate," but the speeches there reported might have been made in Lilliput; they certainly were not delivered in this Chamber. I thought that on this Chinese question I had spoken with no uncertain voice. I will read the resolution which I moved last evening.

"No duty shall be payable under the Chinese Immigration Act in respect of any woman of Chinese origin who is the wife of the person who accompanies her, and who can produce a certificate to that effect from the British Consul of the port from which they embark"

It is very plain, that the object of that resolution was to free Chinese women from taxation on landing in British Columbia and to encourage the immigration of decent Chinese women into this country. Now let us see what our friend of the *Daily Citizen* reports me as saying—God forbid that I should give the credit to any newspaper but to the one which deserves it.

HON. MR. ALMON moved an amendment to the effect that a Chinese woman coming into Canada do produce a certificate of her marriage from the British Consul at the port at which she embarks.

I certainly thought I had stated my views clearly—in fact had reiterated the thing until the House was tired of hearing me; still my remarks were reported in that way. That is only one instance. Now we will see how I was reported on a previous occasion in speaking on the Chinese question:—

"The Hon. Dr. Almon said that England has done away with the slave trade in her colonies at the expense of twenty millions of money."

Now if Dr. Almon had spoken such arrant nonsense I think he would have been jeered at, and many of his hon. friends would have been very apt to trip him up. I never said that England had spent $20,000,000 to do away with the slave trade in her colonies; I said that she had spent a good deal of money to do away with the slave trade throughout the world by attacking ships that were carrying slaves to Brazil and other countries.

HON. MR. MILLER—She bought out the slave trade of her own colonies for £20,000,000 sterling.

HON. MR. ALMON—I am further reported as saying:—

"The feeling against the Chinese was confined to a small portion of British Columbia."

Dr. Almon said nothing of the kind; he said there was a large minority that

was opposed to it. I am sorry that my sight is so bad that I cannot read in this light, or I should point out more inaccuracies. If these young Samuel Johnsons who sit down there at the reporters' desk did that of their own will and accord I would not blame them; but for these newspaper reports of our debates we are paying $200 or $300 a year. Would you believe it gentlemen? Are they worth it? I will say no more on this subject, and if the reporters on this very illustrious paper, the *Citizen*, will promise not to mention my name in any respect in the paper I shall forgive him; but if I see my name published again in connection with anything that I notice in this House I shall certainly bring up the question of stopping the money that is paid for falsifying our speeches.

HON. MR. OGILVIE—I think the hon. gentleman is very fortnnate, because he found a word of what he did say in the report of his remarks. The *Free Press* of Friday evening last reported the proceedings—they made out a report of their own, published it in the paper and stated that the House had adjourned about two hours before the House actually did adjourn. They made statements in the report that never were made in this House at all. I have said out of this House what I now say inside of it, that you cannot possibly rely on one word being correct that is published either in the *Citizen* or the *Free Press*, and if the Senate of Canada have got any money to spend to have themselves reported in the newspapers here it is time they should make a change, or had better keep the money, because the reports, two-thirds of the time, have not a shadow of resemblance of what takes place in the Senate.

HON. MR. ALMON—Is the other paper, the *Free Press*, paid for the report also?

HON. MR. OGILVIE—I believe so.

HON. MR. DICKEY—While I sympathize with the hon. member from Halifax I certainly cannot complain that I have been misreported, for I am bound to acknowledge that the reporter of the *Citizen* most consistently and severely ignores any remark that I make.

HON. MR. ALMON—It is also reported that I objected to the Chinese coming into Canada because they have "almon eyes.', Well, the "Almon eyes" are not quite as good as they used to be some years ago, but I would not object to that if the Almon words were not misreported.

IMPERIAL TRUSTS COMPANY OF CANADA BILL.

REPORTED FROM COMMITTEE.

HON. MR. ALLEN, from the Select Committee on Banking and Commerce, reported Bill (15), "An Act to incorporate the Imperial Trusts Company of Canada," with certain amendments.

He said:—I desire to explain very briefly to the House the nature of those amendments. This Bill from the House of Commons is to incorporate a Company having for its object the executing of trusts and administering estates, and as a safe deposit company and for the transaction of all business in connection therewith. When the Bill first came before the Committee it was objected that in certain respects it was *ultra vires*—that the Company asked for power to transact their business throughout all Canada, and the powers asked for in certain paragraphs of the Bill were clearly in conflict with the laws of some of the Provinces in which they seek to do business. In paragraph 3, the Company ask for power to "accept and hold the office of trustee, receiver trustee, assignee (other than under an Act relating to insolvency) executor and administrator, guardian of any minor or committee of any lunatic." Now, by the laws of the Province of Quebec companies are forbidden to act in that capacity, and the whole clause conflicted in that way with the laws of one of the Provinces in which they sought to carry on business. The matter was referred for the opinion of the Minister of Justice and the Leader of the House, who conferred upon the subject together, and the result was the striking out of the greater

part of clause 2, and the whole of clause 4—the clauses which were objected to—and putting in this amendment which, I think the House will see, makes the whole matter perfectly proper and does not in any way infringe upon the civil rights of any Province. The amendment is that the Company shall only be authorized to exercise those powers if appointed thereto in accordance with the law of any Province in which they may do business and in so far as under such law they may legally do so. I presume the House will not object to give concurrence to the amendments presently as there is very little time to get them through the Commons.

HON. MR DICKEY—It is very difficult to follow amendments in such an important Bill as that, with so far reaching provisions, and it will be just as well that we should have an opportunity of considering them before reading the Bill the third time.

The amendments were concurred in and the Bill was ordered for third reading to-morrow.

QUESTION OF PRIVILEGE.

HON. MR. McINNES—Before the orders of the day are called I would like to ask the leader of the Government if he can state when he will be prepared to inform the House as to what action will be taken to vindicate the honor and dignity of this House against the attack that has been made on it by some person in the report of the Inspector of Penitentiaries?

HON. MR. ABBOTT—As I stated the other day I would do, I have conferred with my colleagues. I brought the matter more especially under the notice of the Minister of Justice in whose Department this officer is, and I can assure the House that my colleagues feel as warmly as this House can do, the gross impropriety that has been committed by the official inserting this note in the report without the authority of his superior officer, and in contempt of this House. I may say that he has received a very severe reprimand, and steps have been taken to mark the sense of the Government in another way, and it is now under consideration what further steps will be taken on the subject.

NEWSPAPER REPORTS OF THE SENATE DEBATES.

THE SPEAKER—I am rather an old stager in public life, and I am not in the habit very often of taking notice of newspaper reports of my remarks. I was about, however when the hon. gentleman from Halifax rose, to call the attention of the House to the report of the proceedings of the House yesterday, as published in the newspapers and to say that while I am perfectly willing that everything I say in this House shall be reported, I object entirely to having language put in my mouth which I never used at all. There is a sentence reported with regard to some remarks which I made on the Chinese Bill. I never said one single word which is published in that short report. It places me in a false position, and while I have never in my life before, that I know of, paid any attention to such reports, I can assure hon. gentlemen that the remarks I made on that occasion were not made either in the spirit or the sense or the language in which they appear in this eight or ten line paragraph. It is erroneous from beginning to end, as will be seen by anyone who chooses to compare it with the reports of the official shorthand writers employed by this House.

HON. MR. KAULBACH—I seldom look at the summary of our debates published in the newspapers; but I think the Speaker of this House has scarcely any ground of complaint, because the speech which he gave on the divorce case the other day was published in full, while the remarks made by other members of the House on that question were entirely ignored.

HON. MR. HAYTHORNE—It never was my opinion that the House would receive any satisfaction from the summary of the debates which is made to appear in two of the daily newspapers. My reasons for thinking so are these; it takes a peculiar skill to condense a debate on

the one hand, and at the same time do justice to the remarks of the speakers, and on the other hand to convey a complete description of the debate to the public; and I was of opinion myself when the scheme was adopted that it would be just about so much money thrown away. I am of that opinion still, and it would seem to me to be a judicious thing on the part of the House, as so many gentlemen have been aggrieved by the erroneous statements attributed to them in the newspaper reports, to officially call the attention of the Debates Committee to the subject. I have no doubt if that is done the Committee can soon be called together and they will take such action as they may deem necessary.

THE SPEAKER—I only complain of the report of my speech evolved out of the inner consciousness of the reporters—a speech which I did not make at all.

IMMIGRATION ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

HON. MR. ABBOTT—I beg leave to introduce Bill (2) "An Act to amend the Immigration Act," and if the House agrees with me in the view I have of this Bill it may be possible to take more rapid steps in passing it than is usual. By the 24th section of this statute it is enacted that the Governor-General may by proclamation, whenever he deems it necessary, forbid the landing in Canada of any criminals, and to order them to be transported back to the port in Europe whence they came with the least possible delay. Now, information has reached the Government from various sources, not of an official character as yet, still of a character that is indisputable, that there is a probability of a consignment of surplus criminals from the penal station of New Caledonia to the Pacific coast. The authorities there have found it necessary to get rid of them, and it is currently reported and believed by the Government here that those criminals will be shortly shipped to the Pacific coast of America. Orders have already been issued by the Secretary of the Treasury, prohibiting the landing of those criminals in San Francisco—which is understood to be their intended destination, and immediate and energetic steps have been taken to put the custom house officers at that port on their guard to prevent those prisoners from being landed on the shores of the United States. If that is done, there seems to be some probability of our being favored with a visit from them in British Columbia, and it is important that we should be put in a position to prevent their landing in that province, or at all events only upon such conditions as will insure their being sent elsewhere. The clause is defective in this respect, that it only contemplates the landing of criminals from Europe, and not any from the Pacific, and I would propose to add after the words "whence they came" the words "or elsewhere," because it may not be possible to send them back to New Caledonia. I have an amending Bill in my hand which will strike out those two words "from Europe," and add those two words "or elsewhere" to the clause of the Bill.

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

The Bill was then read the second and third times, under suspension of the rules, and passed.

BILLS INTRODUCED.

Bill (100) "An Act respecting the Waterloo & Magog Railway Co." (Mr. Stevens.)

Bill (111) "An Act to amend the Supreme and Exchequer Courts Act and to make better provision for the trial of claims against the Crown." (Mr. Abbott.)

FIRST AND SECOND READINGS.

Bill (103) "An Act to incorporate the Cobourg, Blairton & Marmora Iron and Railway Co." (Mr. Read.)

LAVELL DIVORCE CASE.

THIRD READING.

The order of the day having been called—consideration of the Report of the Select Committee to whom was re-

ferred Bill (H) for the relief of William Arthur Lavell—

HON. MR. KAULBACH said—I am very desirous of taking up as little time as possible in the discussion of this question, especially as I believe that a large number of the members of this House have read the evidence. I anticipate there may be some debate upon it, and I feel that I would not be doing justice to the case and the report of the Committee if I did not say something now. The Bill, as hon. gentlemen will see, has been changed in the Committee. The only substantial alteration is that we have struck out the portion which charges the respondent with bigamy and also with continuing to live in adultery. The marriage between the parties is proved and the adultery is charged as a consequence. The Committee considered in this case that it was not desirable to place anything more in the Bill than was absolutely necessary to its finding. I do not consider that there was any question of law at all in this matter. My hon. friend opposite (Mr. Gowan) who was associated with me, unless he has received new light on the matter, fully agrees with me as to the validity of the marriage. I do not, therefore, wish to discuss, until I hear him, the case from the legal point of view. The questions before you are: did these parties know each other, did they consent to marry each other, and did they marry each other? In order to make this case as plain as possible I have made a brief of the facts, as shown in the evidence reported by the Committee. As the evidence is not of a character which would be displeasing to anybody to read, but is rather interesting, I will read the facts as stated to the Committee:—

The petitioner, Doctor William Arthur Lavell, aged 22 years, resided in Merrickville in 1882. The respondent, Ada Marie Caton, aged 20 years, resided in Newburgh with her parents. On the 28th September of that year she was staying with her uncle, Rev. W. Brethour, at Milton, and on the evening of that day met petitioner, by appointment, at the railway station, and he went with her from the train to her uncle's. They had known each other for eight years, and some six months previously they were engaged to be married, by and with the consent of her parents. No date was fixed for the wedding. Her parents knew he was keeping company with her with intent to their marriage. He loved the girl and desired to make her his wife. They both agreed to be married under assumed names. They had talked it over and it was a mutual understanding, and for that purpose the following morning (29th September) they went together to Hamilton and secured a room at the Royal Hotel. He then went to a license issuer and obtained a marriage license. He then went to Rev. Mr. Sutherland and appointed a certain hour that day for their marriage, and at that hour, two o'clock, the petitioner and respondent drove to St. Mark's Church in Hamilton and were there married by the Rev. Robert Borden Sutherland, Rector of said parish. They then duly entered their names in the parish registry changed to and as Arthur Vane and Marie Herbert. The two witnesses present at the ceremony signed their names in the register, and so also did the officiating Rector, who gave evidence before the Committee that there was nothing unusual about the marriage—that the license was in the usual form, signed by the Lieutenant-Governor, and sealed, and that they were married according to the rites and ceremonies of the Church of England. They then went back to her uncle's, where they stayed a few days. Then they went to her brother's and stayed with him a few days. Then they went to her parents' and stayed with them a few days. The petitioner then went back to his practice in Merrickville. She then recognized him as her husband in her letters to him. He swears that they would have lived together had he been financially able to support her as his wife; that he frequently after their marriage went to see her at her parents' house, and in November or December following she told him that somebody had proposed to marry her. He positively objected, giving the reason that she was his wife. She did not tell him who had proposed to her, but on the 6th February he received a telegram from W. G. Fralick to meet him that day, and they met accordingly that afternoon in Napanee in the *Standard* office, when Fralick told him he was going to marry Miss Caton on the 15th of that month. Petitioner replied, "I have something to say in the matter." Fralick then asked him if he referred to the escapade ceremony between petitioner and Miss Caton, and said that he had legal advice that it was utterly void. The petitioner refused to admit it was void and said he would go and see her about it, and Fralick said he would also go to Newburgh. The petitioner immediately went to see his wife about what Fralick had told him, and objected strenuously to her being engaged to Fralick. She said legal advice had been sought and their marriage was not valid. The petitioner told her that he believed it was valid, that he could not see how it could be otherwise. She then showed him a letter purporting to be signed by Sir

Alexander Campbell, which letter caused him to cease further opposition until the afternoon of the day that Fralick wae to marry her, when he got a telegram from Fralick, asking petitioner to meet him, Fralick, immediately, when things would be arranged to petitioner's satisfaction. They met at Westbrook. Petitioner then asked Fralick what he wanted. The following is the sworn statement of petitioner of what was then said, arranged and agreed upon between petitioner and Fralick:—

"He said he had received a letter from James Bethune the night before stating that the marriage between myself and Miss Caton was legal and binding, and in the face of that fact he could not go to Newburgh and marry her. I asked him if she was aware of this fact, and he said no. He was on his way to New York. Finally, after conversation—I do not know what we were talking about—I decided to go to Newburgh and see her, and if necessary have a second marriage performed—make a clean breast of the thing to her parents and have a second marriage performed if necessary, but in the meantime I asked him to send a telegram to her stating that he could not be there. She was in ignorance of the fact that he was going away.

"Q. Was the telegram sent? A. Yes. He wrote out a telegram stating that he could not fulfil his engagement in Newburgh that night, but a friend would be there to explain it. There was no telegraph office at Westbrook, so I took the telegram with me. He started from Kingston, and I went on to Newburgh. I went to Odessa, and on the way there I decided that instead of going to her house I should telegraph her brother, and ask him to meet me at a place two miles on the one side of Newburgh, and explain matters to him, and have him do the explanation. I sent both telegrams off from the Odessa office to Newburgh. I then drove to this point, it is called Clarke's Mills, and tried to find her brother, but he was not there. I then drove to Newburgh. I went to the hotel, and sent word over to her father's house to her brother that I was there, and asked him to come over and see me. Word came back that he was not there. I then sent a note over telling her that I was at the hotel, and asking if I could go over. She sent back word 'No!' I decided then that I would wait until morning."

On the very day that the marriage took place, he told the petitioner that he was going to the United States and sent a telegram to the respondent that Lavell would explain the cause of his absence. The petitioner arrived at Newburgh that night, and in the morning learned that the marriage had taken place at three o'clock in the morning. The evidence of that second marriage is clear and indisputable. Then, we have the evidence of Dr. Leonard that Fralick and the respondent lived together as man and wife at a hotel in Napanee, that he (Dr. Leonard) recognized them as a married couple, and was employed by Fralick to attend her as a physician.

I think we have here a clear case, and I will wait now, having the facts before us, to hear the views of hon. members. The facts are so logical and forcible that anything I might say might dissipate their effect rather than simplify and bring them intelligently before you. I wait simply to hear what new light, if any, has appeared to my hon. friend for whose accommodation I have deferred the consideration of this report until to-day.

At 6 o'clock the Speaker left the Chair.

AFTER RECESS.

HON. MR. GOWAN—I rejoice that I had not to enter upon this case close to the dinner hour. I am afraid I would have found hon. gentlemen very impatient if they were obliged to wait for their dinners. I think it is Bulwer who says that a good dinner always lubricates business and I trust hon. gentlemen have dined well and are prepared to listen patiently to the few remarks which I propose to make. I must first thank my hon. friend opposite (Mr. Kaulbach) for the courtesy he has shown in postponing the debate at the time he did to enable me to be present when he introduced the report. I am very much obliged to him, as otherwise it would have prevented me from going to a place to which I desired to go, or it would have compelled me to bring up questions which I proposed to enter upon at another time. I might also, before I enter upon this case, make some reference to words which passed between my hon. friend and myself in the previous debate. If the House understood me to say anything that was unkind or unfair towards my hon. friend, or if he so understood it himself, I wish him to understand it was not in my mind—it was very far from my intention. My hon. friend was speaking upon the partially presented case that I offered, and I think I replied across the floor that I had a delicacy

which my hon. friend did not have in presenting the case. I meant nothing by that remark beyond this, that my hon. friend might view the presence of strangers outside the bar in this way: he might say, well "if they choose to be here I do not hesitate to say what I think necessary to say in their presence," but I really had in my mind this more especially: I knew my hon. friend's ability for going very close to subjects without actually treading upon what was unpleasant, and dealing with matters very much in the way that a person walking through a quagmire, accustomed to it, and skilful in finding his path, would be able to do with perfect safety to himself, while a less expert person would not be able to do it. He might walk quite close to the quagmire, and yet feel perfect confidence in himself, and feel perfectly safe in doing so, while a less expert person than himself would be utterly unable to accomplish the feat. I felt that I was perfectly unable in that particular to do as my hon. friend had done, and therefore I replied across the floor that I had a delicacy which perhaps he did not feel. I cerainly never meant to convey an offensive meaning. It was not in my mind, and found no utterance on my lips, but my hon. friend seems to have taken it up in a sense that I never intended, and possibly some other member of the House may have taken it up in the same sense, therefore I feel it due to myself, to the House, and to my hon. friend to make this explanation. I propose now to deal with the Report and the Bill before the House. I have not the faculty that some hon. gentlemen possess of presenting their views in a condensed form. I am not able to think as well as some hon. gentlemen can upon my feet, and I desire to make up in labor and application what I am wanting in ability. I have therefore endeavored to place this case in as brief a form as possible that I may not weary the House.

I was a member of the Committee from which this report comes. I regret I cannot assent to it as it stands. The case is beset with difficulties legal and moral—and in some of the conclusions arrived at by a majority of the Committee I cannot agree. Having regard to these considerations I must say I do not think the case was disposed of in that full and exhaustive way its importance demanded. This was due partly to the natural anxiety to get the Bill as rapidly advanced as possible, coming in as it did late in the session, and partly to the fact that there is incompleteness in procedure and no very definite rules laid down for dealing with cases of the kind.

I would ask the House to bear with me while I offer a few remarks.

I do not wish that the petitioner should be shut out from all relief from the unfortunate position in which he placed himself—nor do I desire that the respondent "the weaker vessel" should suffer in her feeling and reputation even if she did join with the petitioner in the wrong committed in connection with her first marriage. My desire is simply that equal, even-handed justice should be done to the parties concerned, while preserving to this House and to Parliament its character as custodian, if I may so put it, of morals and the well-being of society; and I am sure that every member of this House will rejoice with me if we can find a solution of the difficulty the position presents in a way that will be just towards those immediately concerned, and consistent with the principles that should guide and govern the highest tribunal in the land—the High Court of Parliament. Parliament is no doubt supreme, and in its legitimate sphere of operation is not subject to control or review by any Court in or out of the Dominion—the ordinary Courts expound the law Parliament makes and enacts. Considerations of moral effect or of expediency may well be allowed to influence in any measure before Parliament, for the supreme law is the welfare of the people—individuals may suffer, individual rights be diminished or abrogated that the greatest possible good may be wrought for the greatest possible number for *salus populi suprema est lex.* I hope and believe the Parliament of Canada will ever be animated by the highest considerations and will act in a wise and temperate spirit—so that its doings will always commend themselves to all temperate and thinking men who never judge rashly and hastily. But should it be made to appear that the well being of society may be compromised by

a particular line of action, right and truth and the welfare of the people cannot be conceded even to amiable sympathies. Poets may be allowed to enhance by metaphors and similies the loveliness of mercy—they may tell us that it droppeth like the gentle dew from heaven, but reason never dethroned justice to put mercy in her seat. The whole law respecting marriage and divorce, and especially divorce proceedings before Parliament, urgently demands a full consideration and new statutory provisions to make the law intelligible and uniform, and the remedial proceedings effective — and especially the rules of this House need a thorough revision, for they are indefinite and imperfect, and in some respects contradictory. They are embarrassing to the practitioner, to officers, and to all engaged in the administration of the law, and do not effectually guard against imposition upon the House, and doubts and difficulties are constantly cropping up causing embarrassment and loss of valuable time. Perhaps I should add that wild license of even enlightened discretion needs perhaps to be wisely restrained by statutory limits. I do hope the Government may take up this subject and deal fully and effectually with it at an early date, not that I would desire to see a divorce court established. I would rather leave the law as it is. But to return to the matter in hand: The Report now before the House adopts and recommends a bill introduced for the relief of William Arthur Lavelle seeking to dissolve his marriage with Ada Mary, his wife—so far as the ceremony of marriage can make her such—on the ground of adultery. The petitioner does not come before us as an ordinary suppliant for justice, seeking relief because of acts of sin and crime committed by another: he comes to us with unclean hands asking Parliament to loose him from bonds which he himself tied, accompanied by falsehood and fraud, and I need only to read from his own evidence before the Committee to show that such is the case.

The Petitioner when under examination was asked several questions. I was exceedingly anxious to inform myself upon the subject and I desired to afford him the fullest opportunity of answering if he could and show to the Committee an excuse, if he really had one, for his improper act. He was asked:—

Q. You stated that you were married under a false name; can you offer an explanation to this Committee how it was that you deceived the authorities, deceived the minister, and were married under a wrong name? A. No, I really cannot. I cannot offer any explanation.

Q. What motive had you for assuming a false name? A. That is something I do not know.

Q. Had you any talk with her on the subject that you would be married under a false name? A. Yes.

Q. What was that? A. Just an agreement to that effect.

Q. But why? A. I do not know.

Q. It seems a strange thing that you, a man 22 years of age, should deliberately go to an issuer of licenses, give a false name, then afterwards appear before a minister of a church, and go through the ceremony of marriage under a false name, and sign a false name in the book. Can you offer no explanation or excuse whatever for that conduct? A. I cannot offer any explanation or excuse.

Q. Then the position you assume is this: You come and ask Parliament to relieve you from the consequences of an act of your own, voluntarily entered into, and based upon fraud and falsehood, and yet you offer no explanation whatever of the circumstances under which you assumed this false name? A. You speak of fraud; I do not know exactly what you mean by it.

Q. Is it true or false to give a name that did not belong to you? It strikes me as a proceeding in its inception based on fraud giving a false name and allowing the woman to whom you were married to give a false name. A. The only excuse I can offer is the fact that I did not consider that this was a marriage between two names; I considered it a marriage between two persons.

It might seem that he was somewhat flippant in that reply, but it did not occur to me that he meant to be flippant. In reply to that I said to him:—

"You may be right in law; can you give any reason that would appeal to our moral sense for the course you took?"

His answer was "I cannot do it."

He admits appearing before the issuer of marriage licenses and making the affidavit required by law. He is asked by the Hon. Mr. Vidal:—

Q. In obtaining the license, did you make any solemn declaration, as has been suggested is required? A. I made an affidavit.

Q. Can you give any reason for not doing

it in your own name? A. That was not necessary, I understood, in the affidavit. Of course, I did not tell the issuer of the license that I was assuming the name. The affidavit that I made, if I remember it correctly, was to the effect that the consent of the parents had been obtained, on account of her being under age.

He admits that he made it under a name not his own and arranged with the woman he married that she also should assume a name that was not hers. He admits that he gave in these false names to the minister who performed the ceremony, and standing in the House of God he listened to the solemn words of the ritual and with the falsehood in name at least on his lips he went through the ceremony to its close—with what grace does such a man come before us for relief? It may be said the woman was also an assenting party—we know only from his statements that she assented to and participated in the fraud. We had not her version of the facts and she did not participate in the fraudulent procurement of the license—but admitting both to be equally guilty to the extent named, she was a woman, and much younger than he was, and it is not unnatural to suppose that his will dominated hers. Fortunately the marriage was never consummated, for what could a man expect from a woman united to him under such circumstances? What could the woman expect? how could she bring herself to honor and obey the man who had joined with her in outraging a sacred rite? The House will easily understand that the question of the validity of the marriage under the circumstances was anxiously considered by the Committee, and my hon. friend from Sarnia was, I believe, the only one entertaining insuperable doubts whether the marriage was good in law and he expressed himself as desiring to have some decision of the courts setting the point of difficulty at rest. I now feel his was a wise and reasonable suggestion. I had myself doubts, but in the brief opportunity I had for looking into the question and without the advantages of having the particular point argued, I did not feel myself justified in going against the strong expression of the Chairman and other members of the Committee on the question of the validity of the marriage, notwithstanding the use of false names. I thought that the principle involved was the intention of the parties, and I was ultimately led to think the evidence before might warrant a conclusion in the affirmative. Not without hesitation in my own mind, I yielded on that point. There was certainly some evidence to go to us in the petitioner's statement that the parents consented—the point was not I think as fully considered as it ought to have been, either as a question of fact or as respects the effect of non-consent of parents, the respondent being an infant. It is true, a minority of the Committee anxiously desired to have before them the mother, who is yet living and not far off and to take her evidence on the point, but the Committee declined to assent. Perhaps if it had been more strongly pressed they might have assented. In thinking over the matter since I have asked myself, ought we to have relied on the broad and general statement of the petitioner, for he was not closely cross-examined on the point—we were not bound to accept his evidence as establishing this important fact. I asked myself—why, if the parents consent, all this secrecy and deception—why go a distance from her home to be married, —why obtain a license in fraud of the law —why assume and be married under false names, and falsely sign the Church Register. The petitioner himself says on page eight of the evidence :—

"I do not mention any date when the consent of her parents was obtained," and in reply to the chairman afterwards he said "it must have been six months before the marriage," and to other questions his replies were:

A. It is a fact that the consent of her parents had been obtained to our marriage. I do not mention any date.

By the Chairman :

Q. How long before your marriage was that? A. It must have been six months, I think.

Q. Did they recognize you as keeping company with their daughter with the intention of marrying her? A. Yes.

Q. Did the parents consent to the ceremony being performed? A. No, not at that time.

By the Honorable Mr. Clemow :

Q. The parents knew nothing of it at that time, I suppose? A. No.

Your understanding was that your parents or her parents would not have agreed to the marriage? A. I suppose they would, but I was not able to support a wife.

Then he is asked by Mr. Clemow:—

Q. You swore you had the consent of her parents to the ceremony? A. No, not to the ceremony, to our marriage.

Q. Then the affidavits of Mr. and Mrs. Caton, the father and mother of Mrs. Fralick, to the effect that they never gave their consent to the marriage, are false? A. I give my own evidence.

Q. Did you not agree to break off her engagement with Fralick and marry her then at once, notwithstanding your financial condition? A. I did.

Q What was your object in asking her to break off the engagement if you were sure that your marriage with her was good? A. I do not know except for the satisfaction of her own people.

Q. They were dissatisfied? A. No.

Q. They were dissatisfied, in that they supposed it was not binding? A. They might have been if I was willing to go through another ceremony.

Why, if he had the consent of the parents to the marriage, did he not speak of it when he knew Fralick's intention, and that he was at her parent's house for the purpose of being married. He dates the consent six months before his marriage actually took place, and it certainly is quite consistent with the evidence that the parents may have changed their minds. Such was the evidence respecting the parents consent, and the Committee might well say, "we do not accept the fact of consent as proved," but they did in effect do so. What the Committee would have done had the consideration to which I have adverted been urged before us I cannot say. I venture to think the House will not accept the consent of the parents as proved—on the contrary, will think the facts and circumstances go to show there was no consent to the marriage that took place. The parents may have sanctioned the attentions of the petitioner to their daughter, but that is quite a different thing. The House is asked to declare the marriage a good one. Is it prepared to do so? It may be good or it may be void. That particular point of consent was not argued before us, and if the question of the consent of the parents is an essential—one would naturally desire, as my hon. friend from Sarnia suggested, that all the evidence available should be exhausted. It may be suggested that the respondent should have secured the attendance of her mother; but it may be said also, with perhaps equal force, why did not the petitioner obtain her evidence and thus, if he could, thereby confound his own statement that he had the parents' consent. At all events counsel for the respondent declared that he thought certain documentary evidence he had, showing as he stated the absence of consent, would be received in evidence, but the Committee rightly, I think, were unable to accept them as evidence. I am not prepared to say that the law is *quite* settled in the Province of Ontario as to validity of marriage, without consent and not consummated, with a minor. Had the petitioner been able to show that his marriage had been pronounced upon before the ordinary courts, even in a collateral matter, it would have freed the question from some of its difficulties. This was done in another case before Parliament some years ago. As to the question of the validity of the marriage of a minor without consent, under the adoption of the laws of England by Upper Canada Act 32, George III, as the rule for the decision of all controversies relative to property and civil rights by a clause in the Statute of George II, the marriage wanting consent would be absolutely void, but there is a decision not apparently fully argued or brought out on this point and not very express or strong in terms going to show that the particular section, by reason of inapplicability, would not extend to Canada. that decision was put in evidence before Parliament in 1869 in the case of John Horace Stevenson, and certainly does not appear to have been accepted as law. At all events, an Act which was passed for his relief, in the first clause declares: "The said marriage between the said John Horace Stevenson and the said Maria Elizabeth Foote is and shall be henceforth null and void to all intents and purposes whatsoever." The evidence in the Stevenson case shows that the marriage took place by license, the parties were married under their proper names, but the license was obtained under a

statement false in fact that Stevenson was of the full age of 21 and that the consent of parents was obtained. I daresay some hon. gentleman who come from that neighborhood will remember the distressing circumstances of that case. The father of the young man was well known: he had been Speaker in the Ontario Legislature in the time of Sandfield Macdonald's Government and occupied a very good position in society. The opinion of the court was elicted in an action in the name of the Crown, at the instance of the Attorney-General, upon the bond, and judgment given for the Crown, and an exemplification of the judgment was put in.

The Stevenson Bill was not for divorce but to declare the marriage void under the circumstances and to enable him to marry again—a very wide and important distinction between the two, the Bill now before the House being for divorce.

I am not aware what the law on the subject of marriage is in the other provinces or whether consent in the case of minors is essential. I am told it is so in Lower Canada—and I recollect a case very similar to the present appearing in the public press, but I have been unable to lay my hand upon the report. The facts were in some particulars similar—there was a fraud on the law in obtaining a license—the girl being under age—her parents or guardians not consenting, but the licenses was in the names of the parties and they were married by their true names, and according to my recollection the full court in Lower Canada pronounced the marriage void. I do not care to give the name of one of the parties but it will be in the recollection of every one that an unprincipled scoundrel, who called himself Lord Kintyre, or some such name—a most accomplished and designing vagabond—inveigled this young woman into a marriage which was never consummated. In that case the single element wanting was consent, and the court held the marriage to be absolutely void. The marriage of the respondent in this case, which subsequently took place in her parents presence under her fathers roof—we cannot suppose that would have suffered to take place if their parents knew of the first marriage or if they heard of or believed it to be a valid one; and if that marriage is a good one—and who will venture to assert positively it is or is not?—the allegation in the Bill that she had committed adultery with Mr. Fralick would be a cruel falsehood before God and man, and an Act for divorce following would be bottomed on a wicked injustice.

In every view of the case the House will not fail to bear in mind the marriage was never consumated and may be described as an inchoate marriage.

I make no objection to giving the petitioner relief if it can be granted without casting an unfair stigma upon the respondent—and to speak of the moral aspect of her conduct—the petitioner himself admits she had legal advice that the first marriage was void and no impediment to her marriage with Fralick and this came out in the examination by her own counsel.

It may be said that the respondent has been married and is the petitioner to be condemned to perpetual celibacy. The question before the House is upon the case he presents in his Bill, namely, that he was married, and that his wife committed adultery. I think the House would hesitate on the evidence before it to affirm either proposition without a fuller examination or the decision of one of the ordinary tribunals on the question if the validity of the first marriage in some way or other obtained. My hon. friend, the junior member from Hamilton in Committee, put the question to me—"Notwithstanding the improper conduct of the petitioner, still did I not think that withholding action on that account would be a very severe punishment—put in that way I admitted and still freely admit I think the punishment would be greater than the offence. But let us look at the other side, the part of the respondent, if she married on the strength of opinions from professional men that the first marriage was void—and the petition admitted such was her contention and that she showed him an opinion and expressed her determination to act upon it before her second marriage, then would it not be a terribly severe punishment to brand her with adultery especially when it may turn out that the opinion she acted on was well founded.

I feel strongly the case of the petitioner, as presented, has not been sufficiently considered, is not ripe for a decision. If the matter could, as before the House of Lords in England, in certain cases, be completed next session I would urge its postponement till then, but this could not be done without the authority of an Act of Parliament. I have tried to show the difficulty of the position on this Bill, and how unjust it would be to pass an Act in the form reported by the Committee. I have anxiously, most anxiously, considered the subject and now submit for the consideration of the House what I think would be a just solution of the difficulty, and one perhaps not unsatisfactory to the petitioner or respondent. I approach it with diffidence, for I have not made the law and practice of Parliament a study, and have had small time for examination into the matter since the solution occurred to me—but I hope my hon. friend the leader of this House, will in this case also exercise the same spirit of courtesy and love of fair dealing he has abundantly shown forth since his first appearance amongst us and, if what I have to suggest commands itself to him, bring his ripe knowledge of Parliamentary law and procedure to our aid in shaping the proceedings in the direction that occurs to me as offering a just solution. The Bill in its present shape ought not in my judgment to be allowed to pass, but I would not desire to shut out the petitioner from relief. I think that if the report was sent back to the Committee for reconsideration, or sent back with directions to shape the Bill simply declaring that the marriage—if the House so thought, was void—it would leave the petitioner free to marry and leave no stigma upon the respondent seeing that the marriage was an inchoate one—never having been consumated. If this or something to the same effect could not be done I think it would be proper and right that the House should hear argument on the question of the validity of the marriage, or refer it to the Committee to do so with power to hear further evidence on any matter-of-fact respecting which they desired further proof. Perhaps it may be suggested this might throw the petitioner over to another Session—possibly, but not probable, I think. But he has waited some time already, and even the delay of another year would not be a very serious matter. But there is yet time to take the course I have suggested, if it can be done, and avoid making a grave mistake possibly and working a serious wrong. There has not been, I repeat, sufficient time for a through examination of this case. The legislation asked is not of the ordinary character, and a hurried determination if wrong, would be irreparable. There may or may not be a feeling in this matter—or the means and form of proceeding may possibly be thought non-essential, if the man is set free. I am unable to reconcile such a course with the Rules of Ethics—it would seem a justification of the means by the end. I shall bow respectfully to the decision of the House, whatever it may be. I wish I had longer time and more ability to present my views. I do earnestly appeal to every member of the House for a full and candid consideration of this case and what I have feebly presented. Little may be due to my individual expression, but hon. gentlemen will feel that by whomsoever uttered the principles of truth and justice are eternal and demand respect.

HON. MR. VIDAL.—Could the hon. gentleman suggest any alteration of a few words in the Bill?

HON. MR. GOWAN—Not of a few words. I think that the Bill might with care be framed on the basis of the Stephenson Bill. The first clause enacts that the marriage of John Horace Stephenson and Mary Elizabeth Foote is and shall be henceforth null and void to all intents and purposes whatever. The second clause enacts that he may marry again, and the third clause enacts in the usual form that the issue of said marriage is declared legitimate. Now speaking of the judgment given on the bond, the effect is to declare that such marriage was not illegal and void notwithstanding the infancy of the petitioner and the absence of consent. The preamble recites a judgment declaring "that the marriage was not void" in the particular case and

under the particular circumstances, and yet in the first clause, over-ruling that decision Parliament enacts that the said marriage between the said John Horace Stephenson and the said Mary Elizabeth Foote "is and shall be henceforth be null and void to all intents and purposes." If my hon. friend opposite chooses to take the course of referring it back to the Committee and recasting the measure so as to make it a bill of that kind, so that it shall not injure the respondent nor assume that to be law which I think is not law, this would be a good model to follow, and I should be happy to give any assistance I could to make that change in the Bill.

THE SPEAKER—Does the hon. gentleman make any motion?

HON. MR. GOWAN—At present the ground I take is that the report should not be received in its present shape. The question I believe is on the adoption of the report, and I have been trying to show that the report in its present condition, and with what it asks, and the Bill it reports ought not to be adopted for the reasons I have given. These reasons I supposed would have suggested to my hon. friend opposite, or some other hon. gentleman, that it would be better to refer the Bill back if it is to be preserved I have no objection to a vote being taken on the report as it stands, but I shall certainly vote against it in its present shape. If the Bill was brought in in a form similar to that of the Stephenson case I would be prepared to support it, but I cannot vote for that which assumes to be law that which is not law, and which interferes with rights of a very serious character, and above all brands the woman with adultery when it may turn out that the first marriage was absolutely void, and that consequently there has been no adultery.

HON. MR. FLINT—I have been acquainted with the Caton family, from the grandfather down, for about 50 years, and a more respectable family is not to be found in Ontario. They have always borne a good character, and with regard to the Fralick family, I have been acquainted with them nearly as long, and I have never heard a word against their moral character in any way. I therefore feel an interest in this case, from the fact that I do not like to see a lady branded with adultery, when I do not believe there is any such crime in the case. Having looked over the evidence carefully, I find that in the first place this marriage was under false names; that the issuer of marriage licenses and the minister of the Church of England were imposed upon to perform a ceremony which I consider should never have taken place. It appears from the evidence given by this man Lavelle that both himself and the respondent were consenting parties to the fraud, but it should be taken into consideration that Lavelle was of age and that he had been liberally educated. He was a medical man, and at the time practicing his profession. This young lady, on the other hand, had been living in her father's house, except when she was visiting her relatives, and had not that opportunity of knowing what might be right or wrong with reference to the marriage tie that he had. This being the case, I think that he was altogether to blame in inducing her to go with him to be married under a false name. Under such circumstances, morally, whether the law would bear them out in it or not, I consider it was no marriage at all. That is the ground I take in reference to that part of the question. The second marriage was performed by a Methodist minister at her father's house. That marriage, I consider, was legal according to the laws of Ontario. It is quite evident from Lavelle's evidence that he was rather reticent—that at times he knew a good deal and at other times very little. When it was necessary that he should know something he did not know it. Can any hon. gentleman believe that a young man who had received a liberal education did not know what he was doing and what he was talking about? I cannot, and consequently I think his whole evidence was given with a view to try to deceive the committee, as far as possible, and to get a bill of divorce against this young woman whom he had led into the scrape himself, and who will be a sufferer all her life if she is to be branded with a charge of adultery. Not

only will the stigma be attached to herself, but also to her widowed mother and all the rest of her relatives. The father is beyond the possibility of being injured by slander. The late Allan Caton was a man of first rate standing: he had been ill for quite a length of time, and I believe that the course which was taken by this man who had frequented Allan Caton's house from time to time, and made it his home under false pretences, was one of the means of hastening Allan Caton's death. Consequently I can have no compassion for the young man whatever. The evidence shows just what kind of a character he is. He states in his deposition, in the most positive manner, that he had the consent of the parents to this marriage with their daughter. I do not believe a word of it. I hold in my hand here the affidavit of Allan Caton who is now dead, and the affidavit of his widow both of them declaring that they never gave their consent to anything of the kind. As a further proof that he did not, why did not Lavelle, after this bogus marriage had taken place, go to the parents when he found that this man Fralick wanted to marry the girl and tell them what had taken place? He knew well enough that she was to be married to Fralick, yet he kept the first marriage in the dark and advised her to do so.

Now, three years and a-half after her marriage, he comes here and asks to be relieved from the consequences of his own act by obtaining a bill charging Mrs. Fralick with adultery. I think that it is most unfair on the part of the young man. I do not think he is deserving of the least consideration. Is this House to be dealt with in that way? If we are to give this young man relief and the poor woman is to be branded with adultery, how many cases are we going to have of young men getting married clandestinely and then coming to us for divorce? I think this Bill should have been thrown out at once when it was introduced and never brought before the Committee.

With regard to the lady herself, in the exemplification which I have here she swears positively the opposite to what Lavelle has stated, but unfortunately she was living in the United States and knew nothing about our laws and her attorney was not familiar with them either and was not able, consequently, to present her evidence in a form which would be received by the Committee. It seems to me that it is very hard indeed to brand this lady with adultery. I for one cannot consent to it and I am a little surprised at the course taken by my hon. friend who has charge of this measure. I fear that he his rather a woman hater—if he will excuse me for saying so—because in many divorce cases which have come before this House his sympathy has been against the weaker sex and I am led to the conclusion that he is inclined to favor the male gender rather than the female. However, whether that is the case or not, I can see no good reason, in view of all the evidence that we have before us, why we should brand this lady with an offence of which I do not believe she was guilty, and I do hope that if the hon. gentleman cannot see his way to amend the Bill so as to leave out that part of it, that the good sense of this House will reject it altogether.

HON. MR. VIDAL—I think my hon. friend from Barrie has left this matter in a very incomplete shape and in order to supplement his action and give it effect I move that the report be not now adopted but that it be referred back to the Committee for further consideration. The hon. gentleman having alluded to my action in the Committee, I think it is necessary in my own defence that I should explain it. I cannot go the full length of my hon. friend from Belleville. I almost wonder, knowing him as well as I do, that he should seem to show such a hard unforgiving spirit, and be so ready to punish. While I entertain very much the same view that he has expressed with reference to the conduct of this young man, I am not disposed to visit his offence with that very severe penalty which has been justly characterized by the hon. member from Barrie as being out of proportion to the offence which has been committed. I do think, however, that he has very little claim for consideration from this House in the way of appealing to its sense of justice. I think rather that in dealing with him in the way I propose to do we are

extending very great clemency to him and not dealing with him according to his deserts. My idea is that coming to this House as he does with a case originating in falsehood and deception that he has very little claim to our consideration. I would have been disposed almost to vote for the rejection of his Bill on that ground alone, that having by his own fault and deception got himself into a very improper and false position he had no right to come to the supreme Court of Parliament and seek relief from the consequences of his folly. I would have been disposed to throw out the Bill on that ground alone, but having a feeling of the necessity of extending forgiveness to others, as I hope to be forgiven myself for many and great offences, I am disposed not to insist upon that, but rather to extend relief to this young man if it can be done consistently with justice to others. That there is very great injustice done to Mrs. Fralick by this Bill I believe; and I fully concur in the sentiments expressed by the hon. member from Barrie as to the wickedness, injustice and wrong that would be done to this woman by placing on our statute book a Bill charging her with adultery. I never can give my consent to such a law going on the statute book in that shape. If the relief can be afforded—and it seems to me, by the precedent quoted by my hon. friend from Barrie, that it can be—to the young man without making this gross charge against an innocent woman then I am perfectly willing to join in assisting the passage of that Bill, and I believe there will be no objection to it anywhere. If my hon. friend would consent at once to the reference of the report back to the committee with a view to so recasting the Bill, that that end can be attained, it is all that he could desire and it would be carried then without any dissentient voice in the House at all. It may be asked why I consider this woman is innocent. I will tell you why, and I think from the evidence given before us that my position can be very fully sustained. The young man can give no reason or explanation that can satisfy any man as to why fictitious names were used—why this deception was practised. He gives no reason whatever for it. It is quite true that the statement of the respondent (as she is sometimes called) Mrs. Fralick was not before us in evidence and here, perhaps, I have an advantage in not being a lawyer. I can quite understand how gentlemen trained in the courts and accustomed to the usages and rules of law cannot see anything that is not strictly legal evidence—certain rules must be adhered to which prevent them from receiving what is clearly testimony, if it does not come in the right shape. Of course I, as a layman, am free from any feeling of restraint of that kind. Why is it that we have not the testimony before us of Mrs. Fralick, conclusive and distinct, that she did not understand the ceremony to be a marriage? That she did not give her consent to it as a marriage? Why is it not before us? The lawyers say it is not evidence, but still it is a fact all the same. Her counsel, not very familiar with the proceedings of our courts, brought what he thought was quite enough to justify him in not having the respondent before the Committee. He brought with him a document under the official seal and signature of his own court. He thought surely the practice in his own court would suffice, and he himself swore to the authenticity of the document. He naturally thought that that document would be received for what it was worth by the Committee, but the Committee would not look at the paper at all, yet that document contains the woman's statement upon oath of the whole transaction, contradicting in many essential points the statement made by the petitioner, and yet it is not to be considered, and why? Because it did not come before us in the right way. If the respondent were brought here, and I believe that she would have come had she known it was necessary, she would establish the fact conclusively that according to the legal authority cited, that marriage ceremony was not a valid marriage—that there were essential features to its validity which were wanting in that contract. Apart from that legal point, what do we find her doing? We find when she was made aware that this difficulty was in the way, which she had intended only as a kind of confirmation of her engagement, what did she do?

She took the advice of four eminent jurists in Ontario, three of them Q. C's., who all agreed in giving her the opinion that the marriage was not valid. With such a document in her possession, with her own knowledge that she did not intend that ceremony to be a marriage, and there was wanting the essential feature to make it valid, knowing these facts she married another, and is anyone going to say under those circumstances that she has committed adultery with this man? I say it would be a shame to charge her with such a crime under the circumstances. It would affect, of course, her character, and would be cast up most likely also against her children by this genuine marriage. Does it not strike hon. gentlemen as a fact corroborating this woman's view that when this ceremony took place, and they came back to her uncle's house immediately after the ceremony was performed in Hamilton, they did not appear as man and wife—but as Mr. Lavelle and Miss Caton, and they never came together as man and wife! Is it at all a likely thing that a young man twenty-two years of age, having gone through that ceremony, and both of them considering it a valid marriage—that they would never have come together as man and wife? Is it at all likely that he would have made no remonstrance when he understood afterwards that she was going to be married to another man; yet he never appeared to make any claim that she is his lawful wife? All these things prove to my mind that while consenting to the ceremony she did not consent to the marriage, and that she did not expose herself to be charged with the crime of adultery. If the Bill can be framed, as it evidently can, in such a way as to declare that this was no marriage at all, and the petitioner is left at liberty to contract matrimony with some one else without casting any slur on the character of the respondent, why does the hon. gentleman not consent to it, and allow the Bill to be so amended and passed through the House?

HON. MR. WARK—What was the respondent's age?

HON. MR. VIDAL—She was under age—19 or twenty—and the affidavits of both her parents, not admissable as evidence in law courts, are to the effect that the ceremony took place without the consent of her parents. When I asked that the mother of the respondent be brought before the Committee to give evidence on that point, the Committee voted it down. Under the circumstances it will be my bounden duty to resist the passage of the Bill, when I see that there is a way open by which the relief can be afforded without doing this gross injustice to this innocent woman.

HON. MR. GOWAN—In seconding this resolution I desire to say a word or two upon the evidence that was offered by the counsel for the respondent, and in excuse for him, as I think he is entitled to be excused. He proposed to submit this evidence *de bene esse*. Under the Act in England it could be done, but they have powers there that we do not possess here, and the remarks I made would apply here as to the necessity of improving the law respecting marriage and divorce, so as to include the authorizing of taking depositions in other countries by commission, and continuing a case from session to session, as is the case in England. In England a divorce court has been established, which takes up all the cases in England. India divorce cases are still tried before the House of Lords, and are referred to a committee of the whole to determine the facts. I am not surprised that the gentleman who appeared for the respondent here was not acquainted with our law with regard to divorce, nor with the procedure. I confess I do not understand it myself after applying myself diligently for two sessions to it, it is so full of contradictions, and so much has to be collected from precedents scattered all over the books. Our statute law in regard to these trials is exceedingly defective, so I am not surprised that the gentleman who represented the respondent in this case should fail to apprehend the fact that we could not use the deposition of a deceased witness—an *ante mortem* deposition made in another case, and in another country. I am exceedingly happy to second this resolution, because I am anxious to find a solution which

would not punish too severely the petitioner in this case, but I never can consent to the passing of any Bill which will cast a stigma upon this woman and her family, and may be a reproach for all time to come to her children.

HON. MR. CLEMOW—I have listened to the long arguments of the gentlemen who have spoken, a couple of them lawyers well versed in law, and therefore I may appear at a disadvantage as a layman in the few remarks which I may make. But having been on that Committee and having taken part in the proceedings, I may say that I think the strictures which the hon. member from Trent has tried to pass upon the Chairman of the Committee are perfectly uncalled for. I think that the Committee evinced every disposition to mete out substantial justice to all parties. The members of the Committee were just as anxious to protect the rights of the woman in this case, as any hon. gentleman in this House. For my part I took special care that all the legal phases of this case should be decided by the professional gentlemen of the Committee. The hon. gentleman from Barrie assented to the first proposition that the marriage ceremony as conducted upon that occasion was perfectly legal. That question being disposed of, I then applied the best judgment I had to decide upon the facts as they were reported in evidence, and I came to the conclusion that both of those parties upon that occasion were consenting to this ceremony. I find that upon the evening of the 28th this young lady met this man at the train and accompanied him to the house. Next morning she accompanied him also to the train and proceeded to Hamilton, and there proceeded to a church, went through the ceremony of marriage—and the marriage ceremony of the Church of England is a very impressive one. When the question was asked "do you take this man to be your wedded husband?" she said "yes." That dispelled from my mind at any rate, any doubt that she was a fully consenting party to the arrangement. She knew what she was doing. It was not done in haste. There was lots of time, and lots of opportunity, and after the ceremony she signed in her own hand the register that was kept by the Minister of the Church. I think all the circumstances go to show that she was a consenting party, and that she knew very well what she was doing. There was no haste; she was not a young, giddy girl eloping with her lover; she was a girl of 19 or 20 years of age, and knew just as well what she was doing on that occasion as the man himself; therefore I think it is very wrong to say that any undue advantage was taken of the respondent in that marriage. It is true it was a foolish act, and the petitioner himself cannot account for it; but I can account for it in one way. He was determined to get that girl. He was not then able to support her. He knew, as we all know, that delays are dangerous, and therefore he thought that by taking this course he was secure in the future. He says he was financially unable to maintain a wife, and all the facts, to my mind, prove that such was the real feeling that actuated him at that time. They left the church together, and he passed a considerable time in company with the girl, amongst her own relatives? Does any hon. gentleman believe that the parents or guardians of that girl, seeing him in company with her for a long time, did not know she was engaged to him? If that is not the case, it is beyond my comprehension. I believe that they well understood that the petitioner was engaged to the girl, and that sometime they would be married. It is unfortunate perhaps that more evidence was not adduced, but that is the fault of the parties undertaking this case. They might have brought the respondent and her mother before the Committee and taken their evidence. It is stated that there were affidavits from them, but this evidence was not produced, and I cannot judge of a document that was not in my possession. I judged by the evidence before me, which is convincing and conclusive, and I have no doubt, according to that evidence, that the marriage was legal, and if that was the case, I think this Senate has no alternative but to grant a decree of divorce to the petitioner. It is true that it may be a hardship to the woman, but there will always be hardship in such cases on one side or the other. This respondent afterwards took

advantage of this man. It is said that he had no opportunity of arguing the question with her; but I think he swore positively that on many occasions he did tell her that he would not agree to her being married to another man, because he considered that the marriage in Hamilton was valid, and that it had been carried out in good faith. Fralick had made up his mind to abandon the idea of marrying her after receiving another legal opinion from Mr. James Bethune. Therefore you will see that he also was not exactly certain that she was free; but by some means or other he changed his mind and married the girl at an unseasonable hour, two or three o'clock in the morning, when the petitioner had actually gone to her father's house with the intention of making all the reparation that a man could make and of showing this girl that he was so anxious to make her his wife that he would have another ceremony performed for the purpose of confirming the first one. A man could not do more than he tried to do under the circumstances. He tried to make all the reparation in his power, but this man Fralick inveigled the girl and secured her affections so that she could not get out of the difficulty. I contend that the first marriage was perfectly legal, that she was a consenting party as much as he was, and that they had a perfect understanding before hand that they should secure themselves in that way against the future. Of course it is unfortunate that it is necessary for the purpose of this divorce to insert in the Bill that it is for the cause of adultery. As I understood, in a previous case, the very gentleman who now urges the House to expunge that word from this Eill was the very gentleman who then contended that it was utterly impossible for this Senate to grant a divorce except on the ground of adultery. That being the case I do not see how the hon. gentleman can blow hot and blow cold for the purpose of making his own particular point.

HON. MR. GOWAN—The hon. gentleman is wrong. I have proposed a solution which will free this petitioner from the disability under which he labors; but I still hold the opinion that no divorce should be granted by Parliament except for cause of adultery, and what the hon. gentleman from Sarnia has proposed, and I have seconded, is a resolution to refer the Bill back to the Committee that it may be divested of objectionable matter and to have it declare that no marriage existed, and thus enable this petitioner to marry again if he wishes.

HON. MR. VIDAL—If the House will kindly permit, and my seconder will consent, I would ask leave to withdraw my motion in order that the amendment may be made in the Bill, and that it be read at the table and the whole matter may thus be disposed of at once.

THE SPEAKER—With the consent of the House the hon. gentleman can withdraw his amendment.

HON. MR. CLEMOW—I am anxious and desirous to do anything that can possibly be done in a legal way to dispose of this question satisfactorily. I certainly cannot dissent from the hon. gentleman's proposal if it is legal and right. I have acted on that assumption throughout. I have taken the best advice I could get legally, and I have satisfied my mind, taking the law from the legal gentlemen, and I think I am as competent under such circumstances to decide on the facts as any gentleman of the legal profession in this House. I have not a legal training, but I do say that I have some common sense, and I can judge of facts as they come before me. I am acting as a juror in this case, and I have given my opinion according to the best of my judgment. I know neither of the parties. I have no feeling one way or the other. If I had any feeling on one side it would be on the side of the lady, but I divest myself of sympathy and consider myself in the position, of a judge and I am discharging my duty in that capacity according to the light I have of what is right and true, and that is the principle by which I shall be guided in any matter that comes before this House. We have a very unpleasant duty to perform as members of a divorce committee, but so long as the law remains on our statute book as it is, we have got to take it as it stands

and carry it out conscientiously. I have always understood that the fundamental principle of divorce in this country is adultery, and no divorce can be granted by Parliament under any other circumstances. I should like if it is possible to expunge that word, "adultery," from the Bill, but acting on what I believe to be the law and the fact I consider it impossible. The Committee tried to make the Bill as easy as possible, because they did not consider that any undue severity should be exercised towards the lady. However, she has placed this man in a very unfavorable position, because if this marriage is a legal marriage and he should contract another marriage in this country he would be considered a bigamist in the eye of the law, and I question very much if he could get any honest woman to marry him under the circumstances. While we are ready to mete out justice to one party, we should be equally ready to do justice to the other in the discharge of what I consider a very unpleasant and onerous duty—a duty which I am sure none of us would voluntarily take upon ourselves.

HON. MR. CARVELL—The hon. gentleman will remember that we have it on high authority that where there is no law there is no transgression. I think I am safe in saying that in the opinion of a very large majority of the members of this House there was in this case no marriage. If the House so decides, of course there could be no adultery. If the House decides that there was no marriage, of course the petitioner will by that means get the relief he asks for.

HON. GENTLEMEN—No, no, no.

HON. MR. DEVER—Not before a Court of Justice.

HON. MR. CARVELL—The petitioner will get the relief he asks for and there will be no charge of adultery against the respondent, and no one will be injured by the action of the House.

HON. MR. KAULBACH—I am quite willing that this case shall be decided in the House without referring it back to the Committee, and whatever decision is arrived at, of course I must yield to the will of the majority; at the same time I think it is but fair to myself and fair to the petitioner that the case should be put clearly before the House. I am surprised at the new light that has dawned on the hon. gentleman from Barrie. Certainly after having the case fully before us, and after adjourning to consider the facts and the law, the hon. gentleman came back and said that he had no doubt on his mind that this was a valid marriage, that the parties had consented to it—that they had signed the register, and that it was binding in law. I have got his words before me. After full consideration that was the consensus of opinion of a large majority in the Committee. I do not think it is fair now to introduce into this argument evidence which is not before us. I am not in the position of my hon. friend from Trent, of knowing something about those people. I do not know them, and do not want to know them in judging their case. I look at the facts, and the evidence as far as we can get it, and decide upon that, apart from all personal feeling, and it is fortunate for the House that we are not all in the same position as the hon. gentleman otherwise we might be carried away by those feelings which he endeavored to impress upon the House. It is not fair in a case of this kind that illegal evidence should be admitted, or that reference should be made to it in order to prejudice the case. The respondent had counsel. She could have come here personally, and if she wanted to deny those allegations that it was not by violence or fraud she was inveigled into this marriage, she could have come before the Committee and said so. We must therefore admit that the evidence given by this young man was honestly and fairly given, in the absence of all contradiction. The case was fully considered in every respect by the counsel who conducted the defence on behalf of the respondent, and we have a case which is perfectly clear. The petitioner himself admitted that he had courted this girl for eight years, that he was engaged to her for six months before the marriage, that the parents were consenting parties to this engagement—of

course not knowing about the date of the marriage for it was kept a secret—that the girl consented to go with him, met him at a station, took him to her uncle's house, next day went to Hamilton with him, put up at a hotel there, and they then took witnesses with them and went through the solemn ceremony of the Church of England, signed the register and had everything done in the most formal manner, the respondent being a lady of 20 years of age. The petitioner swears positively that the parents were consenting parties to the marriage, and that he was keeping company with her, up to the time of the marriage, with the approbation and consent of the parents. If she wanted to make a defence she could have shown that she had been deceived and that the marriage was illegal. She could have produced the letter which it is alleged she got from the lawyers. I believe that letter, said to have been written by Sir Alexander Campbell, was a spurious letter, that it was never written by Sir Alexander Campbell at all, and that he never gave as his opinion that the marriage was illegal and that if she had the letter it would have been put in as evidence. I do not wish to be hard on the respondent; it is possible that she was imposed upon, and that the letter was obtained by Fralick himself before he went to New York and agreed to given her up. After telling the petitioner that he was going to surrender all claims that he had—that he (the petitioner), was legally married to her and saying that he would go to the United States, and write her a letter that would exdlain everything to her parents. What does he do, he marries her that very night. The next morning, to the astonishment of every one, it is announced that this woman is married. The minister who performed the ceremony says that he was very much surprised that he should be called upon at three o'clock in the morning to marry a couple, but the parents explained that it wes an emergency. It shows clearly that there was something wrong—that they were fearful that this petitioner might turn up and stop the marriage, and therefore this ceremony was performed at that unusual hour. If these people were as honorable in character as my hon. friend from Trent represents them to be, I am sure they would not consent to their daughter being married in such a manner. I am willing, if the House thinks this can be settled here, to have the change made. I believe that this man is entitled to a divorce. I believe that adultery has been clearly proved. We have the clearest evidence that the marriage ceremony was performed in a proper manner, but if the House thinks proper to eliminate from the Bill the charge against the woman, I have no objection. I am not such a woman-hater as my hon. friend would represent me to be I say that but for the society of woman I would not be the man I am; they are the guardian angels of men, and they keep us from many wrongs and evils. When my hon. friend thinks I am opposed to the sex he makes a statement which is contrary to the record of my life; but, much as I respect the sex, I am not one of those who will be led away by their wiles or fascinations, when they come to this House asking for divorce, to do an injustice. I must treat them then as a judge would treat any litigant coming before him, and deal with them regardless of my personal sympathies, in the light of the evidence submitted. In this case, in my opinion, the fault was more with the young woman than with the man. The petitioner swears that he loved the girl and tried to secure her as his wife; the evidence shows that he did everything honestly and fairly, that he was willing to recognize her as his wife, and the only reason why they did not live together was that he was not in a position to maintain her properly. I think instead of that showing a bad disposition on the part of the young man, it is worthy of commendation. If the House recognized that first ceremony was a solemn marriage, entered into without fraud or deception between the parties, and are disposed to relieve this man from the marriage which, from no fault of his own, he has not consummated in the proper way, I believe we can so recast this Bill as not to throw any unnecessary reflection on the respondent, and I am willing that the change shall be made.

HON. MR. GOWAN—I think the hon.

gentleman has misconceived what I said before the Committee, for I am quite sure he would not desire to misrepresent what I said. When the question came up before the Committee the great point that was pressed upon us was that the marriage took place under false names, and what I said was in reference to that. The question with regard to consent was not debated at the time, but even if I had taken a particular ground and my opinion changed, I would not hesitate to express the changed opinion. My remark was that the marriage was perfectly good as far as the false names and false residence were concerned, but the question of consent was not argued by counsel or in Committee at all.

HON. MR. KAULBACH moved the adoption of the report.

The motion was agreed to on a division.

HON. MR. KAULBACH moved that the Bill be now read the third time.

HON. MR. VIDAL moved in amendment that the Bill be referred to a Committee of the Whole House presently to make certain amendments.

The motion was agreed to.

HON. MR. HAYTHORNE, from the Committee, reported the Bill with certain amendments, which were concurred in.

The Bill was then read the third time and passed on a division.

THIRD READING.

Bill (123) "An Act respecting the defacing of counterfeit notes and the use of imitations of notes." (Mr. Abbott.)

THE PRINTING OF PARLIAMENT.

REPORT OF THE COMMITTEE ADOPTED.

HON. MR. READ moved the adoption of the third report of the Joint Committee of both Houses on the printing of Parliament. He said:—This report recommends that certain documents be printed and certain others be not printed. It also recommends that Mr. Mortimer be allowed an additional 5c per volume for binding, as the volume is much larger than his contract specifies. It also recommends that the furnishing of stationery for Parliament shall remain under the control of each House, as at present, and that the Act respecting public printing and stationery be amended to that effect. It also recommends that $200 be given to Mr. Botterall and Mr. Boule as an increase of salary.

HON. MR. ABBOTT—This second resolution of the Committee conflicts with the provision which Parliament has made for the Department of Public Printing and Stationery, and in the other House, in the corresponding report, this resolution has been struck out. I move that the second clause be struck out of this report.

HON. MR. POWER—If that second resolution expresses the opinion of the Joint Committee, as I understand it does, and if the opinion of this House is the same as that of the Joint Committee, then it does not follow that it should be struck out, but that we should leave it there as the expression of our opinion.

HON. MR. ABBOTT—The difficulty is that those reports are supposed to correspond with each other in both Houses, and my hon. friend from Quinte can explain better than I can why this provision has been struck out in the other House. It has been struck out, and we have no right to say that we shall adopt the report with that resolution in it.

HON. MR. READ—It was expected that the House might possibly have been divided upon this question, but from what I can understand from the Chairman of the Committee it has been struck out in the other House, and I suppose, I do not say positively, the Government resisted. The report has been held over from day to day on account of the Government resisting this portion of it, and I suppose there will have to be an Act of

Parliament passed this session to carry out the object of the report if it is adopted.

The motion was agreed to. The report was then adopted.

CHINESE IMMIGRATION REPEAL BILL.

WITHDRAWN.

HON. MR. VIDAL moved the second reading of Bill (P) "An Act to repeal the Chinese Immigration Act."

He said—I do not propose to occupy the time of the House by speaking on this Bill as I should do if the subject was only now for the first time introduced to you. The question has been so fully discussed in another form, that I really embody in this Bill what I think to be the prevailing sentiment of the House.

HON. MR. ABBOTT—I am sorry to take any formal objection to my hon. friend's bill, but I presume if it were passed it would not make such difference in the state of the law this session. The Chinese Immigration Act is a measure which imposes a tax and creates a revenue in favor of the Crown, and I do not think it is within our jurisdiction to pass a bill repealing it. I take exception to the hon. gentleman's motion by stating that it is out of order.

THE SPEAKER—I think the Bill is clearly out of order as it appropriates or takes away from the Government a certain portion of the public revenue. Section 53 of the British North America Act provides as follows :—

"Bills for appropriating any part of the public revenue, or for imposing any tax or impost shall originate in the House of Commons."

Bourinot, p.p. 471 and 472 says :—

"The Senate will not proceed upon a Bill appropriating public wrong that shall not within the knowledge of the Senate have recommended by the Queen's Representatives."

This Bill affects the public revenue and it is perfectly clear that we cannot deal with it in this House.

HON. MR. VIDAL—I bow to the Speaker's decision, but if the Chinese Immigration Act is considered to be a revenue measure why are we asked to amend it?

HON. MR. MILLER—We have made an amendment which is clearly out of order, to the other Bill.

HON. MR. VIDAL—It strikes me that the same rule must apply to this Bill that applies to the Chinese Immigration Act. We cannot therefore amend the Chinese Immigration Bill; we have either to take it as it is or reject it.

HON. MR. ABBOTT—That question will have to come up, no doubt.

HON. MR. VIDAL—It does appear to me as extraordinary that this should be the rule. I can easily understand that if we found the word "Chinese" anywhere between cheese and cigars in the tariff bill that we could not touch it, but it is an extraordinary thing that we cannot amend a public Bill simply because there is a penalty attached from which the Government derive a revenue.

HON. MR. ABBOTT—There is also a tax of $50 a head on every Chinaman coming into the country, from which the Government obtain a revenue, and you might as well strike at any other portion of the revenue of the Dominion in the same way.

HON. MR. MILLER—I have no doubt when a Bill comes before Parliament in which there is a taxation clause incidental to the subject of the Bill it can be amended if the amendment does not interfere with the taxation; but by this Bill you strike out the taxation clause as well as all the other clauses.

The Bill was withdrawn.

FINANCE AND TREASURY BOARD BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (98) "An Act to

amend the Act respecting the Department of Finance and Treasury Board."

He said:--This is a Bill merely to change the constitution of the Treasury Board. By the law as it stands the Treasury Board is composed of five of the Ministers belonging to the Queen's Privy Council of Canada whose offices are described by Statute. By this Bill it is proposed that the Governor-in-Council shall have the right of selecting the Ministers who shall form the Treasury Board. Of the five Ministers named by the Statute perhaps there would be some who might not be familiar with matters of trade and commerce, and it is thought better that the Government should have the privilege of selecting as a Treasury Board five of the Ministers who are the most conversant with those subjects.

The motion was agreed to and the Bill was read the second time at length at the table.

HON. MR. ABBOTT moved that the Bill be read the third time under the suspension of the 43rd rule.

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

GODEFROI LAVIOLETTE PENSION BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (138) "An Act to provide for the payment of a yearly allowance to Godefroi Laviolette, late warden of the Penitentiary at St. Vincent de Paul."

He said: The preamble states the cause of this Bill, that Godfroi Laviolette on the occasion of a serious outbreak in the St. Vincent de Paul Penitentiary in April, 1886, rendered valuable services which largely contributed to the quelling of the outbreak, and in the performance of his duty on that occasion he received injuries resulting in permanent infirmity and incapacity to continue the performance of the duties of warden. It is proposed as a special case that he shall receive the allowance mentioned in the Bill, that is to say the sum of $2,600 a year, and a further sum of $1,000 to cover expenses entailed by his removal from St. Vincent de Paul.

HON. MR. POWER--Another hon. gentleman has given notice of an important amendment to this Bill, and as I gather that prorogation is not likely to take place until Thursday of next week, I do not see any reason why we should depart from the usual custom of discussing this Bill on the second reading.

HON. MR. MILLER—It is clearly a money Bill, and we have not the power to amend it.

HON. MR. ABBOTT—The receipt of this pension does not disqualify Mr. Laviolette from becoming a candidate for the House of Commons or for an appointment to the Senate. I rather think we have in the Senate now gentlemen who are in receipt of pensions. This is not an office of emolument under the Crown. Perhaps under the circumstances the Bill might be read at length at the table.

HON. MR. BELLEROSE—It was my intention to move an amendment to this Bill, but I have spoken to the Leader of the House and I find that my objection to the Bill has been removed.

HON. MR POWER—Then I withdraw my objection. The minister might tell us what the warden's salary has been.?

HON. MR. BELLEROSE—It was $2,600 a year, and fuel, light and residence, etc., in addition.

HON. MR. POWER—Then I understand the officer has been superanuated on full salary?

HON. MR. ABBOTT—No; he now receives only $2,600 a year, but as warden he had his dwelling, light and other requisites which amounted to a considerable sum over and above his salary.

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

HON. MR. ABBOTT moved that the Bill be read the third time presently under the suspension of the rule.

HON. MR. BELLEROSE — I will not take the time of the House at this late hour of the evening to make any remarks on the question of the Ste. Vincent de Paul Penitentiary, but I feel bound in justice to myself and in justice to Mr. Laviolette and other parties to say that I completely contradict part of the statements which are found in the supplementary report of the inspector and statements made in a speech in the debate on this subject in the House of Commons. No doubt the Minister of Justice has been deceived, as he has been in another instance, with respect to the report referred to by the hon. gentleman from New Westminster. As I said the other day I will wait until the Department of Justice has determined what they shall do in the important matter brought to our notice the other day by a member of this House. Probably I will have an opportunity at another time to show where the difficulty lies, and to put before the Senate the true condition of affairs at St. Vincent de Paul.

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

REAL PROPERTY IN THE NORTH-WEST TERRITORIES BILL.

THIRD READING.

The House resolved itself into a Committee of the whole on Bill (N) "An Act to amend the revised statutes, Chap. 51, respecting real estate in the Territories."

HON. MR. DEBOUCHERVILLE from the Committee reported the Bill with one amendment.

The amendment was concurred in and the Bill was read the third time and passed.

THE INDIAN ACT AMENDMENT BILL.

The House resolved itself into a Committee of the Whole on Bill (O) "An Act to amend the Indian Act."

In the Committee on the second section,

HON. MR. POWER—This clause proposes to give very unusual and extensive power to the officer of the Government. It says that the Superintendent-General (one might not object so much to him) but his deputy or other person specially authorized by the Governor-in-Council,

"shall have power, by subpœna issued by him, to summon any person before him and to examine such person under oath in respect to any matter affecting Indians, and to compel the production of papers and writings before him relating to such matters; and if any person duly summoned neglects or refuses to appear at the time and place specified in the subpœna upon such person duly served, or refuses to give evidence or to produce the papers or writings demanded of him, may, by warrant under his hand and seal, cause such person, so refusing or neglecting, to be taken into custody and to be imprisoned in the nearest common gaol, as for contempt of court, for a period not exceeding fourteen days."

The authorizing of this officer, who may not be a very superior kind of man, by a mere warrant under his hand, to cause a British subject to be cast into jail for a period of two weeks, is a very excessive power to place in the hands of such a person. I think that the proper thing to do is to provide that any person who refuses to produce shall be liable to a fine and imprisonment upon conviction, but I don't think that the officer who is holding the enquiry should be allowed on his own motion to send a man to gaol. He is given all the powers apparently that a Court is given in case of contempt. No one knows better than the leader of the House with how much jealousy the power of the Court to imprison for contempt is regarded by the people at large. It is a power that is necessary in the case of a Court, perhaps, in order to prevent disorderly conduct in the presence of the Court, and to prevent in that way the business from being impeded. But to provide a person, who may be appointed

by the Superintendent General to conduct an enquiry of this kind, shall have power to issue subpœnas and by a warrant under his hand send a man to gaol, is going too far. I think some less summary process of punishment should be provided than that.

HON. MR. KAULBACH—This clause seems to be giving extraordinary powers, and certainly the Minister must have some good reason for granting it. I would ask the leader of the House whether the agrarian troubles in British Columbia have not prompted the framing of this clause?

HON. MR. ABBOTT—This clause, as stated in the note handed to me by the Minister, contains exactly similar powers to those given to the Minister of Interior, his deputy or other persons specially authorized by Order-in-Council to investigate and settle disputes as to land; and as it has worked well there, and there has been no difficulty of any kind in connection with it, it would be properly applicable to cases of this kind. Of course it is absolutely necessary that if there should be a dispute of this character as to whether a claimant is a member of a band of Indians, or as any other matter affecting the Indians, somebody must enquire into it; but it is not supposed that the Superintendent General or his deputy can proceed a great distance to make such enquiries, and the person who is appointed to make it must have the right to compel witnesses to attend and to obtain papers or anything else necessary to form a decision in the matter. It is clearly to be presumed that where enquiries of importance are to be made proper persons will be appointed to make them. There has been no complaint under the other Act, and there can be no reason why the same power should not be given in relation to the Indians where the questions to arise would probably not be as important as the questions arising relating to lands.

HON. MR. POWER—Supposing that the leader of the House were engaged in important and professional business in the city of Montreal, and supposing that some comparatively inferior officer of the Interior Department were investigating a question concerning the Oka Indians, and supposing my hon. friend received a subpœna from this inferior officer summoning him to leave his important business and to go down to this little tribunal at Oka, would my hon. friend then think it a very admirable and reasonable provision that if he did not forthwith respond to this subpœna he was liable by warrant of this inferior officer to be summarily incarcerated in jail?

HON. MR. ABBOTT—I am subject precisely to that sort of jurisdiction now. Any person trying a case at Oka could summon me now and send me to jail if I did not come.

HON. MR. MILLER—No matter how inferior the jurisdiction might be.

HON. MR. ABBOTT—This person would just have the powers of a judge of the lowest class court of record.

HON. MR. POWER—As I understand it our subpœnas do not run in that way. The witness who does not attend is liable to a penalty but he is not liable to be immured in jail.

The clause was agreed to.

On the third clause,

HON. MR. POWER—Will the hon. gentleman say why sub-section 5 of Section 26 is repealed?

HON. MR. ABBOTT—It is repealed because the Superintendent-General has already the power to grant licenses in reserves under another section of the Act. There is a repetition in the Act which is unnecessary. If my hon. friend will refer to Section 54 and Section 27 he will find this authority repeated.

HON. MR. POWER—Perhaps the Minister will tell us what the difference is between this new clause and the old one.

HON. MR. ABBOTT—It is a repetition of the former clause with an addition of two or three lines. It is for the

purpose of preventing Indians from cutting valuable timber for fuel. It is found that those Indians are reckless and that they destroy any amount of timber to burn it.

The clause was agreed to.

On the 5th clause,

HON. MR. ABBOTT said:— The amendment proposed is to place at the commencement of the clause these words:—No portion of any reserve shall be taken &c. without the consent of the Governor in Council." It was the impression of my hon. friend from Ottawa, and my own also, that this clause was in the Railway Act, and that it was improper to put it here. The note that was given to me by the Deputy Minister stated that it was for the purpose of preventing the railway from expropriating more land than was necessary. That is not the object. The object is that when the Railway Company want to obtain land belonging to the Crown, they must obtain the consent of the Governor in Council. It puts Indian lands which are held under the control of the Dominion Government on exactly the same footing as Government lands, so that, so far as the Indian lands are concerned, they must obtain the consent of the Governor in Council. When that consent is obtained the valuation goes on just the same as in the case of Dominion lands.

The clause was adopted.

On the 6th clause,

HON. MR. POWER said:—The original section 62 says "that when the Superintendent General or any officer acting under him receives satisfactory information, supported by affidavit made before a Justice of the Peace or any other competent authority" the timber may be seized. These important words "supported by affidavit" etc., are omitted from the clause that we are now asked to pass and the officer or agent of the Superintendent General may seize any timber, etc., cut without authority on any Indian lands or reserves wherever found. Perhaps it has been found necessary to confer this arbitrary power upon the officers of the Department, but I do not think the requiring of an affidavit to enable the officers to seize was a very objectionable thing.

HON. MR. ABBOTT—The 58th clause, which deals with timber cut under license, requires that the dues shall be paid wherever the timber may be found. The object of this clause is to put timber cut in trespass in exactly the same position as timber cut where there is a license. It has often been found that the necessity of obtaining an affidavit, when the timber has been cut under the very eyes of the inspector, has led to the timber being lost. This amendment is to enable the officer to seize without going through the formality of obtaining an affidavit.

HON. MR. POWER—These formalities, no doubt, are inconvenient, but I think we ought to be a little more tender of the liberties and rights of the subject.

HON. MR. ABBOTT—This timber might be cut hundreds of miles away from any Justice of the Peace, and put into the water and floated away while the officer was seeking for an affidavit.

The clause was adopted.

On the 8th clause,

HON. MR. POWER asked for an explanation.

HON. MR. ABBOTT—This was asked for by the Grand Indian Council of Ontario and Quebec at its session in 1884. It is to enable the Superintendent-General to take the right which the Indian has of participation in the property of the band as well as his annuity and pension to support his family, if he deserts them.

The clause was adopted.

HON. MR. GIRARD, from the Committee, reported the Bill without amendment.

FIRST AND SECOND READINGS.

The following bills were introduced, read the first time, and without debate read the second time under suspension of the 41st rule.

Bill (99) "An Act respecting the Ottawa & Gatineau Valley Railway Company." (Mr. Clemow).

Bill (120) "An Act respecting the New Brunswick Railway Company." (Mr. Lewin).

Bill (61) "An Act to amend the Act incorporating and relating to the British Loan & Investment Company Limited." (Mr. Vidal).

Bill (98) "An Act to revive and amend the Act incorporating the Anglo-Canadian Bank." (Mr. Turner).

MANITOBA & NORTH-WESTERN RAILWAY COMPANY'S BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (109) "An Act respecting the Manitoba and North-Western Railway Company of Canada."

The Bill was read the first time.

HON. MR. GIRARD moved that the 41st rule be suspended and that the Bill be read the second time presently.

HON. MR. POWER—I do not think this Bill has been distributed. The rules of this House should not be dispensed with unless there is some real necessity, and inasmuch as we are not likely to get away from here before the end of next week I do not know that it is necessary in this case that the rule should be dispensed with. There is another fact in connection with those measures which come before us at the close of the session—they are usually Bills which require to be watched closely. I do not know anything about this Bill, but if my hon. friend will tell me that the measure is a good one and there is no reasonable objection to it, I shall not oppose the second reading.

HON. MR. GIRARD—I have followed the usual course in moving the suspension of the 41st rule in this case, as the session is drawing near its close. This is not a new company; the Bill is an amendment to a charter already in existence and the road to which it refers is a very important means of communication in the North-West. I am not in a position to explain the Bill now, but I will be prepared to give ample explanation to-morrow when the Bill goes before the Railway Committee.

HON. MR. CLEMOW—If this Bill is the same as the one introduced in the other House, I give notice that I shall oppose it.

HON. MR. ABBOTT—My hon. friend knows very well that the Bill will be thoroughly considered in the Railway Committee, and if there are any defects in it they will be discovered there. At this stage of the session, which I am not at all sure will last as long at the hon. member from Halifax says, I think it would be as well to let the Bill be read the second time and referred to the Railway Committee, where it will be carefully scrutinized.

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

The Senate adjourned at 11.20 p.m.

THE SENATE,

Ottawa, Wednesday, June 15th, 1887.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported from the Committee on Railways, Telegraphs and Harbors, were read the third time and passed without debate:

Bill (103) "An Act to incorporate the Cobourg, Blairton & Marmora Railway and Mining Co." (Mr. Dickey.)

Bill (99) "An Act respecting the Ottawa & Gatineau Valley Railway Co." (Mr. Clemow.)

THE NEW BRUNSWICK RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (120) "An Act respecting the New Brunswick Railway Co.," with certain amendments.

He said—The first amendment is intended to correct an omission which was made in the clause which, as it stood, read that the Trustees of those bonds should be executed instead of the conveyance, and it was necessary to introduce those words into the Bill, as it was the intention that the conveyance and not the trustees should be executed. The next amendment is to strike out the seventh clause. That clause was to the effect that the Fredericton Railway, one of several roads which were leased to the former owners of the New Brunswick Railway, should be declared a railway for the general advantage of Canada; but on looking at the Statutes we found it had been already so declared and therefore the clause was unnecessary and was struck out. The next amendment was that which relates to making the Railway Act applicable to this Company. The Railway Act, by existing legislation, has already been made applicable to all the railways connected with this line, forming part of the line leased to this Company, but had it not been made applicable to the New Brunswick Railway Company; and the amendment that was made was to strike out the words, "other companies," to which the Act has already been made applicable, and to make it applicable to the New Brunswick Railway Company's Bill. The amendments were made with the entire consent of the promoter of the Bill.

HON. MR LEWIN moved that the amendments be concurred in.

The motion was agreed to.

HON. MR. WARK—Will these amendments affect in any way the holders of the first mortgage bonds?

HON. MR. DICKEY—No, most distinctly not. We inquired into that point and we satisfied ourselves that it does not in any way affect the existing bonds of the Company.

HON. MR. LEWIN moved the third reading of the Bill.

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

MANITOBA & NORTH-WESTERN RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs & Harbours, reported Bill (109) "An Act respecting the Manitoba & North-Western Railway Company of Canada," with amendments.

He said:—I may explain briefly that the amendment was rendered necessary in consequence of the wide language of the Bill in the preamble and in the first enacting clause. This company was originally empowered to extend the line from a place called Birtle to the northern and western boundaries of Manitoba, but it was at a specified point, the mouth of Shell river, wherever that river might be. They now ask, and not unfairly, as they have extended the main line beyond Birtle, that the point of departure, beyond the main line, in order to project this branch, should be changed. They still retain the language of the existing incorporation Act but without the qualifications as to the terminal point, which is entirely undefined; but they ask for power to go from Binscarth to any point on the northern or western line of the Province of Manitoba, covering an enormous area. With the assent of the promoters of the Bill we limited that point to a point north of their present main line. That would leave them the alternative, if it was necessary, to go to the North-West corner of Manitoba, or the northern part of Mani-

toba, in their endeavor to get further north, but they could not go to any point that was south of their main line. The amendment has been accepted and I see no reason why it should not be at once concurred in. The defect in the Bill was a serious one, giving them unlimited power to wander all over the Province of Manitoba, even down to the boundary.

HON. MR. GIRARD moved that the amendments be concurred in.

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

SECOND READING.

Bill (100) "An Act respecting the Waterloo and Magog Railway Company" (Mr. Stevens.)

THIRD READINGS.

Bill (96) "An Act to incorporate the Dominion Oil Pipe Line and Manufacturing Company." (Mr. Vidal.)

Bill (62) "An Act to reduce the stock of the Ontario and Qu'Appelle Land Company (limited) and for other purposes." (Mr. Vidal.)

THE CANADIAN PACIFIC RAILWAY TERMINUS AT ENGLISH BAY.

ENQUIRY.

HON. MR. McINNES enquired:—

In the event of it being decided that the Dominion Government has the disposition of the Foreshore of the Harbors of Vancouver and English Bay, has the Government promised the Canadian Pacific Railway Company the said foreshore, or any portion thereof, or the exclusive right to build wharves thereon?

He said:—I put a question somewhat of the same nature as this a few days ago and received an answer that I did not hear at the time—an answer, as far as I am able to judge, which can mean a great deal or mean very little. I hope that the leader of the House will give a definite answer to this question.

HON. MR. ABBOTT—I think I gave a perfectly definite answer to the question which my hon. friend asked before, and I am prepared to give him an equally definite answer to this one. The Government has not promised the Canadian Pacific Railway the foreshore, or any part thereof, or the exclusive right to build wharves thereon.

QUALIFICATIONS OF SENATORS.

MOTION.

HON. MR. BELLEROSE rose to move

That the following be made a Standing Order of the Senate, "the Senators being summoned to consider the same, pursuant to Rule 17 of the Standing Orders of the Senate:"

Whenever an application shall be made to the Senate, either by Petition or otherwise, to deprive a Senator of his seat in the Senate on any of the grounds of disqualification mentioned in the British North America Act, 1867, the applicants shall deposit with the Clerk of the Senate, before the making of such application or presentation of such Petition, the sum of one thousand dollars to meet the expenses of the Senator whose seat may be attacked in defending the same, and in case of the failure of any such application, the said expenses shall be taxed by the Chairman of the Committee to whom the subject is referred for investigation, and shall be paid by the Clerk on the certificate of the Chairman out of the said sum of one thousand dollars.

He said:—I believe that the resolution of which I have given notice speaks for itself, but I may say the idea occurred to me of putting this matter before the House when the other day I saw a petition againts the hon. member, from De Salaberry, the reading of which was refused by this House. In such cases hon. members should only pay attention to petitions when they are properly prepared and put before the House. It is evident that that petition was in no way a document which ought to have been received by this House. The time has arrived, I think, when we ought to do something so as to be prepared for all eventualities which may arise. In this instance, the hon. gentleman who is complained against is well known, and we in Quebec are aware of the fact that he is a responsible

man. I know, for my own part, in the division that he represents he has a property which is certainly not worth less than eighteen or twenty thousand dollars besides nearly $70,000 which he may possess over any property qualification and moveables. It shows that those who petitioned against him did not pay proper attention to the matter before asking us to occupy our time in such an enquiry. I believe in this instance the petitioners were men who could pay the costs, but a case may occur in which wealthy men may call upon persons who have no means in the division to petition against some member, and if the petition fails costs cannot be collected from them. Though we ought to open the door fully to all who wish to move against honorable members of this House, at the same time we should try and adopt such rules as will prevent irresponsible parties, who wish to work mischief, from accomplishing their object. I believe it is only by establishing rules of this kind that we can prevent them from doing so. Since I gave this notice, some gentlemen have spoken to me on the subject, and there seems to be a general opinion that something should be done. I did not think that I should please every one by this notice, but I intended it merely to ascertain the opinion of the House, and if that opinion was favorable, to ask gentleman better able than I am to enquire into the matter to see what is best to be done, because I believe that while providing that those who petition this House in such matters should show they are responsible persons by depositing a certain sum of money, on the other hand something ought to be done to require the member petitioned against to pay the costs if it should be found that the petitioners had good grounds for their action. It the House will allow me I shall not move this resolution, but submit another on the same basis. I move that this matter be referred to a committee composed of the leader of this House, the leader of the Opposition, and Messrs. Dickey, and Miller and the mover, with instructions to enquire into this matter and report to the House.

HON. MR. ABBOTT—I entirely concur in the theory on which my hon. friend's draft standing order rests. I think there should be some provision to secure members of this House from attacks of this description by irresponsible persons and to compel them to pay expenses if the member attacked maintains his position in the House. At the same time I think if we make a provision of that description we should also make provision for the payment of the costs by the member whose seat is attacked, if the petitioners should be successful. There is also another question which I must consider, and that is how far we shall be thought to be shutting the door against enquiry into our qualifications by compelling too large a deposit, or too onerous conditions as to the presentation of a petition of this description. The sum of $1,000 is the sum fixed in the Lower House also, but it must be remembered that a contest for a seat in the Lower House involves questions of fact, extending over a whole county—allegations of corruption which sometimes require a large number of witnesses and involve a larger amount of costs, as a general rule, than would be involved in trying the qualification of a member of this House. I think this Committee, to which I have no objection, should consider that and settle what would be a fair mode of giving this security—whether in fact it might not be given by sureties instead of depositing money. Then there is another question at the bottom of the whole thing, whether we can, by a standing order, make a condition of that description. That might be considered by the Committee. It is a very simple question. I perceive that the regulations with regard to the other House are fixed by statute and it may be a question whether they should not be made by statute in this House. I merely make these remarks with a view of indicating to the Committee the subjects which I think they should consider in this behalf and I have no objection whatever to the appointment of the Committee which the hon. gentleman moves for.

HON. MR. GOWAN—I entirely agree in the justice of the principle that this resolution imports, and I rise merely for the purpose of offering a suggestion that might, perhaps, be taken into considera-

tion if the Committee meet to decide upon the matter. If security is given, or if money be deposited, the House will have control of the money, and if money be odered to be paid by the person petitioned against, in the absence of some provision of law, I really do not see how it can be enforced. Doubtless the Committee will take all these matters into consideration, and either frame it into a statutory enactment, if necessary, or otherwise make appropriate provision. It would be an outrageous thing if hon. gentlemen in this House should be subjected to appeals of this kind, sometimes causelessly and improperly made and suggested by malice or ill-will.

The motion was agreed to.

IMPERIAL TRUSTS COMPANY'S BILL.

THIRD READING.

HON. MR. OGILVIE moved the 3rd reading of Bill (15) "An Act to incorporate the Imperial Trusts Company of Canada."

HON. MR. DICKEY—I am much obliged to my hon. friend from Alma for his courtesy in allowing this matter to stand over until to-day, and I must say that I do not regret having asked him to do so, because it has enabled me to examine the Bill. I find that most important amendments have been made in some of its provisions which, as the Bill was brought in, were very objectionable, and that it has been improved, certainly, very considerably. There is only one thing to which I would like to call the attention of the leader of the House, and that is that the clause which provides that at least 10 per cent. of the capital shall, by one or more calls, be paid in one year from the incorporation of the company, and that every year thereafter at least a further 10 per cent. shall be payable until the whole has been called in, is not incorporated in this Bill. That position is rational and unobjectionable in our legislation, and is particularly applicable to companies asking power to perform trusts. This Bill provides that twenty-five per cent. of the money shall be paid up in the first instance, but there is no provision in the Bill, if we do not incorporate this 18th clause, for the protection of the public or which will require the company to pay up anything more, except as a mere matter of internal regulation. In such an important matter I trust that the Leader of the House will see the necessity of some modification of the sweeping repeal of that clause, and that the company will be required to pay up some portion of the capital every year for the protection of the public whose interests are deeply concerned in a measure like this.

HON. MR. OGILVIE—I think that the hon. member from Amherst has not quite taken up the idea of the Bill. There is very little money required to carry on the proposed business. It is the liability of the stockholders and directors that is the best guarantee, and there is no use in paying up money that is not required to carry on the business. The best guarantees for the best insurance companies in the world are to be found in the standing of the shareholders and directors, and it is the same thing here. If they do not get first class stockholders and directors, the company will not succeed, because they will not have the confidence of the public. The best possibile security that the public can have is not that the stock is all paid up, but that the stockholders are liable to be called on at any time. It is not the intention to call up the whole of the stock of this or any similar company. Some of the best companies of the kind on the other side of the Atlantic have not 10 per cent. of the stock paid up, and yet their shares are selling at four and five per cent premium.

HON. MR. ALLAN—This company is not like the companies established in Europe for receiving deposits and loaning money. If they were required to call up the stock in the manner suggested by the hon. member from Amherst, they would have more capital than they would require, whereas the character of the stockholders and directors is the best possible security that the public can have.

HON. MR. ABBOTT—I noticed this clause and the amount required to be paid up; but it appeared to me that as this company is not to incur the usual liabilities of loan companies, but is simply to give security for performing its duty faithfully, as any private individual might do, it was not necessary to have more than this amount called up.

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

ATLANTIC AND NORTH-WEST RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. MCKINDSEY moved the third reading of Bill (44) "An Act respecting the Atlantic and North-West Railway Company."

HON. MR. POWER—I think that the present is a good opportunity to say a few words on the question of the Short Line. I have in former sessions taken up a good deal of the time of the House in dealing with that subject; but I think its importance to the section of the country from which I come was my justification. I do not propose to take up very much time at present, but I simply wish to place the present position of this Short Line question before the Senate. I have not, I regret to say, made the preparation that I should to do it; but the case is a rather clear one and I hope to be able to make myself understood. Most hon. gentlemen remember how the Short Line originated. An agitation in favor of it arose in the Lower Provinces. The people there felt that, while they were paying their proportion, and a very considerable proportion it was, of the expenditure for the Canadian Pacific Railway Company and of other expenditures in the western part of the Dominion they received no return. For the $70,000,000 expended by the Government on the Canadian Pacific Raitway the Marine Provinces received no return whatever. They naturally feel that that was not a satisfactory state of things, and their dissatisfaction came to a head when they found from the reports in newspapers that the Canadian Pacific Railway Company were negotiating with certain parties in the city of Portland, with a view to having their Atlantic terminus in that city. The people in the Maritime Provinces contended that it was a most improper thing that the Atlantic terminus of this great Canadian undertaking, which had been paid for practically altogether by the people of Canada, should be in a foreign country. Meetings were held and speeches made, resolutions passed and delegations appointed to bring the views of the people of the Lower Provinces before the Government and Parliament. As a result of this agitation—at least I take it that it was largely so, and that was the opinion of the people of the Lower Provinces interested in the matter—a Statute was passed in 1884, giving a considerable subsidy to what was called the Short Line Railway. I shall read the language of the Statute from the Report, page XXXIII of the Department of Railways and Canals of this year:

"For the construction of a line of railway connecting Montreal with the harbors of St. John and Halifax by the shortest and best practicable route, after the report of competent engineers, a subsidy not exceeding $170,000 per annum, for fifteen years, or a guarantee of a like sum for a like period on the bonds of the Company undertaking the work."

It will be observed that this line of railway was to be built by the shortest and best route from Montreal to St. John and Halifax, and it was to be determined what was the shortest and best route on a report of competent engineers. I do not propose to go again over the ground that was covered last year and the year before, but, as a leading Conservative paper in Halifax remarked, it was quite evident that the engineers, although they surveyed a great many lines, did not survey the shortest and best route, but kept away to the north or south of it. However, that matter has been discussed and settled, and there is no particular object in discussing it again. The feeling in Halifax on that subject was almost unanimous. The most earnest Conservatives were just as strong in their hostility to the route selected on the recommendation of the Chief Engineer as were the strongest Liberals. There was no

difference of opinion. The statute to which I have referred was amended in the year 1885, and the wording of the subsidy clause was altered. The clause of the Act of 1885 will be found at page lxiv. of the Railway report of this year, and it is as follows :—

"For a line of railway from the south bank of the St. Lawrence River, opposite or near Montreal, to the harbors of St. Andrew's, St. John and Halifax, *via* Sherbrooke, Moosehead Lake, Mattawamkeag, Harvey, Fredericton and Salisbury, a subsidy, not exceeding eighty thousand dollars per annum for 20 years, forming the whole, together with the subsidy authorized by the Act 47 Vic., chap. 8, for a line of railway connecting Montreal with the said harbors of St. John and Halifax by the shortest and best practicable route which the line above described is found to be, a subsidy, not exceeding $250,000 per annum, the whole of which shall be paid in aid of the construction of such line of railway for a period of 20 years, or a guarantee of a like sum for a period as interest on the bonds of the company undertaking the work."

I have stated very briefly what the origin of the Short Line Railway was, and I have before now stated what its object was. What the people of the Lower Provinces wanted was the shortest and best possible connection between Montreal and the system of railways in the neighborhood of Montreal and the Lower Provinces. They wanted to get the shortest and best line between Montreal, the commercial centre of Quebec and St. John and Halifax the two commercial centres of New Brunswick and Nova Scotia. The Bill before us and the report of the Canadian Pacific Railway Company show what the Short Line really is—these taken together with the report of the Department from which I have just read. I wish to call the attention of hon. members to the annual report of the Canadian Pacific Railway which was published the other day. At page 18 of this report I find the following language :—

During the past year, the Atlantic and North-West Railway Company, an organization controlled by this Company, and created for the purpose of securing the necessary connections with the Maritime Provinces and the Atlantic seaboard, entered into an agreement with the Dominion Government to construct the "Short Line Railway," so-called, extending from the south end of the new St. Lawrence bridge, eastward by the way of Sherbrooke and Lake Megantic, and across the State of Maine to a connection with the railway system of the Provinces of New Brunswick and Nova Scotia.

This agreement provides for the payment by the Government of a subsidy for twenty years of $186,000 equal to £38,486 6s. annually, for that section of the "Short Line" extending from the St. Lawrence bridge, near Montreal, to Mattawamkeag in the State of Maine, where junction is made with the Maine Central Railroad, over which permanent trackage rights have been secured on favorable terms to Vanceboro on the New Brunswick boundary, where connection is made with the New Brunswick Railway. Under the same agreement, a subsidy of $63,400 equal to £13,027.10 per annum for twenty years for the construction of a line from Fredericton to Moncton is also provided for.

The Atlantic and North West Railway has been leased in perpetuity to the Canadian Pacific Company, at a rental equivalent to the interest on the mortgage bonds, less the amount of the Government subsidy, and this lease you will be asked to confirm.

The "Short Line" traverses, in the Province of Quebec, a well developed agricultural country, and touches a number of important manufacturing towns and cities. Crossing the State of Maine, it opens up a valuable timber and mineral region, and, connecting with the railway system of that State, it will at once bring to the other lines of the Company a large and profitable traffic. The saving in distance between Montreal and St. John, N.B., as compared with the Intercolonial route, will be 279 miles and between Montreal and Halifax 101 miles.

It is expected that this line will be completed detween Montreal and Mattawamkeag, and a connection established with the Maritime Provinces, by the end of the present year."

Hon. gentlemen will see that the Canadian Pacific Railway Company expect that the road will be completed from Montreal to a point in the State of Maine where it will connect with the railway system of that State, during the present year. But the report of the Department and the report of the Canadian Pacific Railway Company both show that nothing whatever has been done in the Lower Provinces in connection with this work. When this subsidy Act, an extract from which I have read, was passing through the House of Commons in 1885 amendments were moved to provide that work should be begun between Fredericton and Moncton simultaneously with the beginning of the work on the western end of the road. Those

amendments were voted down, but the impression was left that the work would be gone on with forthwith; and now after the lapse of two years we find that no work whatever has been done in the lower provinces. Nothing has been done in New Brunswick; and, until something is done there, the practical shortening of the line to Nova Scotia will amount to almost nothing. The road as proposed to be constructed will shorten the distance to St. John considerably, but not as much as it might have been shortened. I find that in this report it is stated that when this road is completed the distance to St. John will be 279 miles less than by the Intercolonial Railway and the distance to Halifax 101 miles less. A road might have been constructed which would shorten the distance from Montreal to Halifax 200 miles and to St. John 325 miles; so that the road is not going to be, by any means, the shortest practicable; and it was shown that the shorter route was a better one in other respects. As I have said, the object of this Short Line was to give the Lower Provinces a better connection with Montreal; and the agitation was begun because it was thought that there was a disposition on the part of the Canadian Pacific Railway Company to make their Atlantic terminus in the United States, and the people of the Lower Provinces thought that, if it was so undesirable, as Parliament and the Government deemed it was, that the traffic of Canada should be diverted into the United States west of Lake Superior —even though it was to come back into Canada, as was proposed by the Sault Ste. Marie line south of Lake Superior —surely the Parliament and the Government which so absolutely opposed any route which would allow the traffic to be diverted west of Lake Superior—even though it were diverted only for the time being and for a short portion of the journey from West to East, would not allow the business of this national road to be diverted to a foreign port as its Atlantic terminus. That is a much more important matter to the country than the diversion for a portion of the journey between Manitoba and the Eastern end of Lake Superior. Looking at that and realizing what the feeling in the Lower Provinces was, what were the facts? That two years ago this money was voted by Parliament. In the latter part of 1885 a contract was entered into by the Government and these parties or a contract was made and endorsed by the Government under which work has been going on between Caughnawaga and the International boundary in the Province of Quebec. The money which was intended to connect Montreal with the Lower Provinces has been spent in improving the connection between Montreal and Sherbrooke or some point in the neighborhood of Sherbrooke, and I find at page lxv of the report of the Department of Railways for this year how the subsidy has been divided up. It says that:—

> An estimate of the cost of the several sections of the surveyed line, as adopted, was made as a result an Order-in-Council was passed on the 14th June, 1886 dividing the subsidy as follows:—For the portion from the River St. Lawrence to Lennoxville, 100 miles, $71,100; the portion from Lennoxville to Moose River, a point about 8 miles east of the western boundary between the Province of Quebec and the State of Maine, 89 miles, is covered by the International railway already constructed. For the portion, 134 miles long between Moose river and Mattawamkeag, a station on the Maine Central Railway $115,500; from Mattawamkeag to Harvey station on the New Brunswick Railway, a distance of 81 miles, running arrangements have been made over existing roads; for the portion, 113 miles between Harvey and a point on the Intercolonial Railway near Salisbury station, $63,400, the remaining distance by the Intercolonial Railway to Moncton, being 10 miles and the total distance between the River St. Lawrence and Moncton being 527 miles."

Lennoxville is three miles from Sherbrooke. This is a portion of the route over which there were already two roads. The Grand Trunk Railway has a very good road from Montreal to Sherbrooke and Lennoxville, and there was another line running south of the Grand Trunk Railway which also went to Lennoxville; so that this expenditure was quite unnecessary for the purpose for which the Lower Provinces required the Short Line; yet $71,100 of this subsidy of $250,000 has been appropriated to that section, and it is almost the only portion of the road on which any substantial

work has been done. What is the result of this expenditure? It is that in a few weeks we will have a new line of railway—practically it is a new line—from Caughnawaga, opposite Montreal to Sherbrooke. The line is altogether new from the St. Lawrence River to St. Johns, Quebec, and almost altogether new from the St. Lawrence to Waterloo, and the Company are asking power to take over certain small roads which lie between St. Johns and Sherbrooke; and in a few weeks the Pacific Railway Company, by the aid of this subsidy which was intended to bring the traffic of the Canadian Pacific Railway to the Atlantic ports of the Dominion, will have two short lines to Boston and other places in the United States. The Short Line connects at St. John's with a road running down to Boston and other ports in the United States; and at Waterloo it crosses and connects with the South Eastern road, a road which is owned by the Canadian Pacific Railway, and is used by that Company as a line for their traffic from Montreal to Boston and Portland and other American ports. That I am not speaking unadvisedly is clear from the fact that in the same report of the Canadian Pacific Railway Company from which I quoted a minute ago, I find the following on page 18:—

"The completion of the St. Lawrence bridge was delayed by an unusually early and severe winter, and through the dilatoriness of the contractor for the superstructure. It is not yet completed, but it will be open for traffic within four or five weeks from this time; and by the same time the western section of the "Short Line" from the bridge to St. Johns, P. Q., will have been extended to a connection with the South Eastern Railway, establishing a direct and independent connection with that system, and forming, in connection with the Boston and Lowell Railroad, a direct line between Montreal and Boston, bringing the traffic of the New England States within easy reach of the Canadian Pacific, and affording the shortest practicable line to the Atlantic seaboard."

I am not finding any fault with the Canadian Pacific Railway Company for doing the thing which as a business company they think best in their own interest. I simply call the attention of the House to the fact that the doctrine laid down with respect to other portions of the line in former years and laid down very emphatically in the other Chamber during the present session is that traffic should not be diverted into American channels and to the fact that this Short Line subsidy was declared to be for the purpose of hindering the traffic of the Canadian Pacific Railway from going to American ports and for giving it a short route to our own ports. Here we have the first portion of that subsidy which has been earned, expended in building a road to enable the Canadian Pacific Railway to get to Boston by the shortest and best practicable route. It was quite clear during the past two years that it was not the intention of the people who had control of this subsidy to build by the shortest and best route to the Lower Provinces at all. They are getting the shortest route to Boston and other American ports, and as a sort of incidental thing they are going to get a connection with St. John and the railways of the lower provinces. There is another feature about this transaction which I think ought to be animadverted upon. Hon. gentlemen all know that the Grand Trunk Railway and the Canadian Pacific Railway are competitors for the business that goes from Montreal to the United States and for the traffic that comes back. Now the Government step in and subsidize one of these competitors. I think the Canadian Pacific Railway Company have got enough from this country to be able to compete, without further Government assistance with the Grand Trunk Railway for the American business, and I do not think it is fair to the Grand Trunk Railway that the Dominion should interfere to aid the company which is competing with them for that business. I think that we ought to have stood by and let the two companies fight the thing out between themselves, I do not think we ought to use the public money for the purpose of breaking down one of these corporations.

We see what the result, so far, of this Short Line agitation has been and what has been done with the public money which has been spent in connection with that object—or which is supposed to have been so spent. I do not propose to detain the House much longer, but I shall call attention

very briefly to what is likely to be done for the Lower Provinces. Hon. gentlemen may remember that the alleged reason why the present route for the Short Line was adopted was that the Chief Engineer of railways in his special report made in 1885 declared that the route selected was one mile shorter than another line from the Intercolonial which ran north of Moosehead Lake in the State of Maine, instead of going south. The line going north of Moosehead Lake would not have been tapped by American roads and would not have brought traffic to American ports before it got to St. John. The truth is that that statement of the Chief Engineer was not correct in any sense; but even if it was, that calculation was based on the supposition that the road was to go across Moosehead Lake, and it was declared at that time that there was to be a bridge across Moosehead Lake, whereby some 13 miles would be saved, and in that way route No. 6 was made a mile shorter than the competing route. At that time it was understood also, and the engineer's calculation was based on the supposition, that the two lines were to start from the end of the Victoria Bridge. Inasmuch as this so called Short Line starts from Lachine, the road is really some 35 miles longer than that other route which might have been selected. The report of the Canadian Pacific Railway Company, putting the most favorable face upon the matter, shows that as regards Halifax, and that means Moncton and all points east and south of Moncton, the shortening of the distance from Montreal which will be effected by the construction of this road will be only 101 miles. When we take into consideration the character of the road, the fact that the summit level at the border of Maine is 1800 feet, some 600 feet higher than the highest summit level of the Intercolonial Railway—when we take into consideration that in addition to the grades being much more severe than on the Intercolonial Railway there are a great many more sharp curves than on the latter road, and the character of the road bed is not up to that of the Intercolonial Railway, it is quite clear that the saving of 101 miles is really no great object. We pay public money to build a road 101 miles shorter than the Intercolonial, built by the country, and which is calculated to take away the business from that road and make it far more than now a non-paying undertaking. If this road had been built by the shortest and best line we would have shortened the distance 200 miles and there would have been no heavy grades or high level to get over, and it would have been some considerable advantage to Nova Scotia to have had that line constructed. The distance to St. John is shortened more of course than the distance to Halifax. The distance to St. John is shortened 279 miles. It might have been shortened 50 miles more, and the character of the new road would have been better than the character of this road will be. As far as one can judge just now very little more is likely to be done in the immediate future than has been done. I understand that in Maine a connection has been made with the Bangor and Piscataquis Railway which runs from the south end of Moosehead Lake to Old Town near Bangor. An arrangement has been made with the Maine Central Railway under which the traffic is to go over that American road. It goes first to the City of Bangor, and it can go from there to Bar Harbor or Mount Desert or Sullivan, in Maine, which are harbors practically as good as St. John. From Bangor it has to go a very long distance over the existing American road and the New Brunswick Railway to St. John, N.B. A great deal of work has been done, as I have already stated, but I understand that no contract has yet been entered into for the construction of any railway whatever in the Lower Provinces. If the original plan had been carried out, a railway should have been built from Harvey to Fredericton in New Brunswick, and another from Fredericton to Salisbury on the Intercolonial Railway. Nothing whatever, as I understand, has been done in connection with these two pieces of road, and we have no guarantee that those portions of the railway will ever be built, and if they are not I have no hesitation in saying that so far as Nova Scotia is concerned the money that has been spent and is being spent for those subsidies is completely thrown away—that Nova Scotia

will not be in any appreciable degree benefited by the construction of this road in Quebec and in the State of Maine. Having discussed this question at length on former occasions I do not propose at this stage of the session to discuss it any further, but I cannot help saying, looking at all the circumstances of this case, that it does look as though almost from the inception of this Short Line movement—since this agitation was got up in the Lower Provinces—the Pacific Railway Company or their friends had conceived the idea of capturing the movement and getting hold of the subsidy which was to arise out of this agitation in the Lower Provinces and using it for the purpose of enabling them to get a better connection with American ports. Up to the present day at all events the sole result of this agitation is that the Pacific Railway have had a large sum of public money given them to make a much better connection than they had with the port of Boston, and to enable them to worst the Grand Trunk Railway in the fight for the American traffic. I cannot help saying, as a member coming from the Lower Provinces that this is indeed a very melancholy and very unsatisfactory result of the agitation and discussion which has gone on for the last three or four years.

HON. MR. KAULBACH—I do not think this subsidy granted to the Short Line Railway was intended to hinder any trade from going down to the United States. The idea was to give the Lower Provinces more direct and shorter communication with the Upper Provinces, Montreal in particular, and to give us an opportunity of getting our full share of the trade of the country going east and west. I do not understand how the Government are subsidizing any line of railway to carry the trade into the United States at all. I do not understand that to be the case, but I must say it is in the interest of the whole country. I am sure the Pacific Railway Company are anxious to get the trade of the United States if they can, and to bring it up over our railways and by that means benefit the whole line, even to Halifax, if they can, instead of having the trade with Boston and Portland entirely in the hands of the opposition company. If they can get a large share of that to come up over the Pacific Railway all through Canada, certainly it is in the interest of the whole Dominion. Therefore, looking at it not from a sectional point of view but in the interest of the whole Dominion, I do not think that it is a disadvantage to get communication with the ports of the United States. In doing so I do not think the Lower Provinces will be injured, if we have got the best line. I am not saying that the line running to St. John and Halifax is the shortest—I am not enough of an engineer to say so. Looking at the map I would suppose that it is not the shortest, but it may present engineering advantages which will make it a practicable line. I contend again that the money granted was not to hinder the communication with the United States at all but our object was to have a closer connection with the upper provinces, especially with Montreal, and to give us a fair chance of a better and larger trade than we have.

HON. MR. ABBOTT—I do not propose to say very much on this question, but I do not like to allow my hon. friend's remarks to pass wholly without comment. My hon. friend complains that this is not the shortest and best line. That is a question that I do not propose to open up. That question has, I know, received the fullest possible discussion before it was determined upon, I think in this House as well as in the other—at all events I know it did in the other, and engineers were consulted. Engineers of eminence made their reports upon the various lines suggested, and this line was selected for as being the best line for the purpose. I have before me a little map which is issued by the Department, and which is to be found in the book from which my hon. friend quoted a moment ago. I perceive by this map that this line is nearly as straight as it could be laid down with a ruler from Montreal to New Brunswick. There are two or three small jogs between Sherbrooke and Montreal. These are being corrected by the line which is being constructed, and upon these corrected portions being

straightened, the line between Montreal and New Brunswick will be as nearly an air line as it is possible to be.

HON. MR POWER—That map does not represent the line however.

HON. MR. ABBOTT—I take it as representing the line. It is issued by the Department, and the line is marked upon it and I take it to be as correct as maps usually are. That that line will shorten the route to the Lower Provinces ports cannot be disputed. If I had known what my hon. friend's line of argument would be, I could have furnished him with figures to show that the saving of distance by this route is as great as by any practicable route. That is all I propose to say about that. But my hon. friend complains of the way in which this subsidy has been granted. In the first place he says it was wrong, there being a competition between two great railway companies, to subsidize one competitor and leave the other out. My hon. friend must remember that at the time this subsidy was granted the Pacific Railway Company had nothing whatever to do with the subsidy. The Government did not know the Pacific Railway Company in the matter at all. The granting of the subsidy was made at the urgent request of the Lower Province members, and in the interest of the country generally that there should be a Canadian winter port, Canada having already one, if not two, conveniently available summer ports, to which the traffic of the interior could be carried, Quebec the main summer port of interior Canada, and Montreal which has to a large extent become a seagoing port in consequence of the deepening of the St. Lawrence. This subsidy then was not granted to one of the great competing companies, and I think, so far as I know the facts, was not granted with any view of being enjoyed at any future time by either of these great competitors. Now my hon. friend attributes the origination of it all to the Canadian Pacific Railway Company. The Government knew nothing of the Canadian Pacific Railway in the matter at all until after the line had been settled and the contract had been made with the International Railway Company of Canada to built is Short Line as far as Mattawamkeag. The International Railway Company had already constructed a portion of the line from Sherbrooke to the boundary of Maine. It controlled the International Railway of Maine, which had a charter for building its own line from the boundary to Mattawamkeag, and its contract included the construction of a line from the end of the Canadian Pacific Railway Company's Bridge to Sherbrooke. The Canadian Pacific Railway Company acquired this building contract from the International Railway Company, and I venture to say that no step could have been taken in the interest of the Lower Provinces and in the interest of this line, than the Canadian Pacific Railway Company, a strong company, undertaking to perform what the International Company, which was eminently a weak company, undertook to do, and doubtless would in course of time I presume have carried out. But instead of the slow progress which might have been expected from the International Company, the Canadian Pacific Railway Company has already obtained the money for the construction of the entire road to Mattawamkeag, and so far from using it to build a railway in the Province of Quebec, the Government are aware that the whole road to Mattawamkeag is at this moment progressing and under construction; and the result of the operations, I understand, will be, that a connection with Sherbrooke will be completed within a very short time (a few weeks) and the main portion of the road to Mattawamkeag will be constructed this autumn, leaving only two or three difficult points, according to the information the Government has received on the subject, to be finished by this time next year. I venture to say that that result could not have been obtained by the company with whom the contract was first made. At all events, in all reasonable probability, the line could not have been completed so expeditiously. The vigor of the Canadian Pacific Railway Company, as displayed in the rest of its construction, is manifested in this instance: it has pushed on this road as it has pushed on other lines that it has built. My hon. friend

is wrong, therefore, in supposing that this line is not being vigorously pressed to the boundary of New Brunswick. In strict accordance with the plan laid down a few years ago, it is to connect with the New Brunswick railway at the boundary of New Brunswick, and only a portion of the subsidy which was granted for the purpose of establishing a line to Maritime seaports has been appropriated for the construction of this line to Mattawamkeag. There is ample means left to construct such connecting lines as may be needed to perfect this short line, as soon as the Mattawamkeag section is completed. I do not know what my hon. friend's experience has been in the construction of railways, but I should be glad if he can point out to me any railway in the Dominion of Canada that has progressed as fast as this short line railway has done since it was commenced. I do not think he can do it, unless he applies his scrutiny to the company that is constructing that line. But my hon. friend says that the line is being constructed only to afford communication with American ports. He says that the agitation was commenced by the manifestation of a desire on the part of the Canadian Pacific Railway Company to establish its winter port at Portland. That so-called negotiation was very much exaggerated. Our friends in the lower provinces took great alarm at it, but it never amounted to anything. There was a kind of picnicing visit and a luncheon at Portland at which I was present, and a very pleasant day we had there, but beyond that occasion there never was a shadow of negotiation for a winter port at Portland. It was undoubtedly proposed, and the company were invited to visit Portland and see the harbor and the facilities it afforded. They went there and saw them, and that was practically the amount of the negotiation. Long before the commencement of the agitation in the Maritime Provinces, based on the supposition that the Canadian Pacific Railway Company was establishing a winter port at Portland, the parties interested at Portland had been politely informed that it was not the intention of the Canadian Pacific Railway Company to establish a winter port there. That was stated in the other House at the time: I do not know whether the letter was made public, but the fact was announced long ago, and long before any agitation arose in the lower provinces based on this supposed intention to establish the terminus of the Canadian Pacific Railway Company at Portland. I just wish to comment on one or two more of the points which my hon. friend raised. He seems to consider—in fact he stated—that the subsidy was granted to the short line to prevent the Canadian Pacific Railway Company from seeking ports in the United States. I think that was his statement. Now, in the first place, the Canadian Pacific Railway was not under the consideration of the Government at all when this subsidy was granted. In the second place, if the Canadian Pacific Railway Company had been a contracting party, and this subsidy had been granted directly to them, it would not have been granted to prevent the Canadian Pacific Railway from seeking an outlet in the United States. The object of it was the substantial one of obtaining direct short communication with the harbors of the Maritime Provinces. It was to give those Provinces a direct connection with the interior of Canada. It would be impossible to conceive that a railway company building a road could be prevented from effecting connection with other points to which traffic could be carried. That idea rests on the fallacy that a company which builds a road to any particular place is bound to carry all its traffic to that place. In point of fact there is no such obligation on any company. All it can do is to provide ample and convenient facilities for traffic to go to such and such a point, and then it rests with the parties at that point and elsewhere to determine by their action whether the traffic will go there. The great object in granting this subsidy to the Short Line Railway and to other railways similarly situated is to facilitate the establishment of direct and easy communication with our own ports. Every Government, every man who values his country, wishes to see the traffic kept within the bounds of the country as far as can be. Every one desires that—at least most people desire it. My hon. friend

says he brings this subject of the diversion of traffic to foreign seaports to the attention of this House in consequence of the argument which has been so strongly pressed in another place, that the Canadian Pacific Railway, the through line of this Dominion, should not be tapped in the far west and its traffic should not be diverted in the far west into the United States and so carried down through that country to the seaboard.

HON. MR. POWER—My hon. friend misapprehends my position about that. I referred rather to the objection taken, when the Company was being incorporated, to their being allowed to go south of Lake Superior and coming into this country again at Sault Ste. Marie.

HON. MR. ABBOTT—I understood my hon. friend to refer to the debates that had taken place recently on the subject. The principle has been laid down continuously by a section of our people that there should not be any obstacle to the trade of our country being carried over the border to foreign seaports. The political friends of the hon. member from Halifax in another place have maintained that principle within a few days—that there should be no obstacle to carrying the trade of the North-West across the border in Manitoba, and that these very seaports for which he has argued so eloquently just now, should be deprived of all this traffic by its being carried away from them at a point 1200 miles west of this; that this traffic should not any longer be carried for 1500 or 2,000 miles through the Dominion of Canada, benefitting the country through which it passes, and the seaports of Canada by the trade it brings to them, the ocean trade it attracts—that it should not be carried over our own lines and to our own seaports; but that it should be allowed without obstacle to be diverted from Canadian lines at a point 1200 miles west of here; and that the section of the Dominion constituting the old Province of Canada and the Maritime Provinces should be deprived of the whole benefit they might be expected to derive from the construction of the Pacific railway and their immense expenditure upon it; by allowing the traffic of the great North-West to be diverted to build up foreign companies, and foreign seaports. That is the proposition which has been urged elsewhere by the political allies of my hon. friend, the converse of which I understood my hon. friend to be adopting, insisting that the internal traffic of the Dominion after it has come down to the Province of Quebec must not be diverted to foreign seaports. His friends desire that it should be diverted to a foreign country in the west, but he contends it should not be diverted to a foreign country in the east. Well, I prefer his position to that of his friends. I say it should not be diverted at either point, and I wish my hon. friend would apply his talent, research, and industry, which I perceive in the short time I have observed his conduct in this House to be almost without limit, to assist in preserving for the whole of Canada the traffic and trade of the great North-West and to contend as strenuously as he has done to-day with reference to the east, that that traffic and trade should not be diverted in the west from Canadian carriers and Canadian seaports where such division would be very much more injurious to the country than at the point at which he erroneously infers it is to be done down here. But in point of fact, as I said a moment ago, the object of subsidizing this road is to provide for the public, easy access to our own Maritime ports on the seaboard. That that result will be reached, the measures which the Government have taken will ensure; and so far as I can judge and the Government can judge, those steps have met with the approbation of the great majority of the people. I think therefore that my hon. friend has nothing to complain of in the conduct of the Government in respect of this particular line. The subsidy was granted to a company which was probably not as strong as it might have been, but it was the best means that offered for procuring the construction of this railway at that time. The construction has now fallen into the hands of a strong company; it is in rapid and vigorous progress at this moment; and direct connection between the Maritime seaboard, and the western portion of the continent, will be complete, absolutely complete by this time next year. I think that is as much as could be ek-

pected from the Government: that is as much as was expected from this subsidy; and contrary to many cases where expectations have been raised; I think in this instance they will be duly realized.

HON. MR. POWER—I wish to say a few words in reply to what has fallen from the leader of the Government in this House. He has told us that there was a good deal of discussion in the House of Commons at the time when this route was adopted for the Short Line Railway, and that the members of that body appeared to be satisfied that the best route had been selected. Now, it is true that there was a vote ratifying the route which the Government had selected; but I should like my hon. friend to name any proposition so absurd that it would not, if introduced by the Government, have met with the approval of the majority of the members of that House of Commons. But there happened to be in that House one gentleman, a strong Conservative and supporter of the present Government, a man who, I think, is recognized as being in all engineering matters at the head of his profession—that is Mr. Walter Shanly—who represented an Ontario constituency in the late House of Commons as he does in the present House. What did that gentleman say, after hearing all the arguments and reading all the evidence on the question? He said that he was not in a position to decide, and that the Government would not be justified in selecting a route on the evidence before them. He said it was their duty to make further surveys and inquiries so as to ascertain what was the best line, and to adopt that line: that the country had many times lost large sums and had made serious mistakes through proceeding too precipitately with public works. The result already has justified that member's remarks, because the route that was selected by the House of Commons at that day—selected by the Government and ratified by the House of Commons—was across Moose Head Lake to Matawamkeag, and the Company have already been obliged to abandon that line. The matter of the route was discussed at length here and in the other Chamber. I am of opinion (of course my opinion may not be worth much on that point) that the Government were decidedly worsted in the argument on that question, and I think Mr. Shanly's opinion is much more valuable than that of the Government majority. Having made that statement as to the choice of a route which has been condemned almost universally in Nova Scotia by persons on both sides of politics, the hon. gentleman went on to tell us that the Government knew nothing at all of the Canadian Pacific Railway in connection with the Short Line at the time this subsidy was granted. I am not going to quote the debates of the other House: I could quote from them if I wished to do so, but the fact is that the very argument the hon. gentleman has used here to-day in favor of having this road constructed by a strong company was advanced two years ago in support of the adoption of this route. The argument was used that the Canadian Pacific Railway Company would build the road if this route was selected, and it was to the interest of all concerned that that company should build it—that it was a great mistake to let it go from Richmond, the terminus of the Grand Trunk Railway, because then the Canadian Pacific Railway Company would not build the road. Now the hon. gentleman who, if he did not know this, was one of the very few persons in the House of Commons who were not aware of it, tells us that the Government knew nothing of the Canadian Pacific Railway Company when this matter of route was settled.

HON. MR. ABBOTT—The grant was made a year before that discussion took place.

HON. MR. POWER—The first grant in 1884 may have been made. There is this other fact: I think everybody knows how very friendly the relations between the Minister of Railways and the Canadian Pacific Railway Company have always been since the organization of the company. I do not repeat the charge, but it was stated quite openly and publicly that the reason why the International route had been selected

was that Mr. Pope, the Minister of Railways, was the principal owner of that road; and the Canadian Pacific Railway Company were very intimate with Mr. Pope, and there is no reason why in 1884 they might not have had their eyes on a thing which they were quite prepared to undertake in 1885. I never denied the vigor of the Canadian Pacific Railway Company in doing work that they take in hand. They have shown great energy in this matter: I think they have shown great vigor in everything they have taken hold of; but their vigor in this instance has resulted in the construction of a short line to Boston, and the object of the subsidy was to get a short line to Halifax and St. John. So far, we have not in the Lower Provinces reaped any advantage from their energy. The hon. gentleman, referring to the proposition to select Portland as an Atlantic terminus, says he was at a picnic which took place there, and that the speeches which were made were simply picnic speeches. Hon. gentlemen will see how strong the prejudice against making an American city the Atlantic terminus of the Canadian Pacific Railway must have been when mere picnic talk aroused such a feeling in the Maritime Provinces. We have now the declaration of the Canadian Pacific Railway Company that they have got, by means of this subsidy and by means of the Short Line, a direct and independent connection with the South-eastern system, forming, in connection with the Boston & Lowell, a direct line between Montreal and Boston. I have never said that it was not desirable that the Canadian Pacific Railway Company should have a short line to the Atlantic seaboard at Portland or Boston: I simply say that that was not the object of granting this subsidy — that the declared object of the subsidy was to get to our own maritime ports, so as to enable them to compete with the American ports and to bring as large a proportion as possible of the traffic of the Canadian Pacific Railway to our own seaboard instead of allowing it to be diverted to American ports. So far the result of our labors has been that a short line has been established to Boston, so as to facilitate the shipment of freight at Boston and the bringing of freight by way of Boston to Montreal, instead of having it shipped and landed at Canadian ports. The hon. gentleman referred to the fact that certain Liberal members of the House of Commons voted to allow Manitoba another outlet for her produce.

HON. GENTLEMEN—Hear, hear.

HON. MR. POWER—Hon. gentlemen say hear, hear: what are we doing now? We are simply ratifying an arrangement which shall allow an outlet, to all our produce that reaches Montreal, at American ports. I have never stated whether or not I opposed or favored the monopoly now enjoyed by the Canadian Pacific Railway Company in Manitoba.

HON. MR. ALMON—I think all the Liberal papers in Nova Scotia are in favor of diverting the traffic of the North-West to the United States lines south of Manitoba.

HON. MR. POWER—I have not read all the Liberal papers in Nova Scotia, so I cannot say.

HON. MR. ALMON—All the Halifax Liberal papers are in favor of it.

HON. MR. POWER—I do not know that I am responsible for the editorials in the Halifax papers. I have never expressed an opinion on the subject, and the Liberal Party in the House of Commons was not, by any means, unanimous in the vote that was taken. It is one of those questions as to which there may reasonably be two opinions, and the Liberal party have not, as a party, voted one way or the other. The leader of the House spoke of the fact that the Canadian Pacific Railway Company had nothing to do with this bargain with the Atlantic and North-West Railway Company.

HON. MR. ABBOTT—I said the International Railway Company—not the Atlantic and North-West Railway Company.

HON. MR. POWER—I find there are several schedules to the Bill which is now

before the House, the Bill which practically confirms what has been done. The first schedule is the lease or agreement between the International Railway Company of Maine and the Alantic & North-West Railway Company. Now who represent the International Railway of Maine? W. C. Van Horne, President—

HON. MR. ABBOTT—Those deeds were passed last summer. They do not apply to the inception of this railway.

HON. MR. POWER—The Atlantic and North-West Railway Company is represented by Donald A. Smith, President, and C. Drinkwater, Secretary. I think these names have been seen in connection wilh the Canadian Pacific Railway very frequently. The next deed is signed by W. C. Van Horne, President, and J. Davidson, Secretary, on behalf of the International Company, and by Donald A. Smith, President, and C. Drinkwater, Secretary, for the Atlantic & North-Western Company.

HON. MR. ABBOTT—What is the date of all these documents?

HON. MR. POWER—These documents are dated last fall. Then a final agreement between the Atlantic & North-Western Railway Company and the Canadian Pacific Railway Company is signed by W. C. Van Horne, Vice-President, and Chas. Drinkwater, Secretory, for the Canadian Pacific Railway Company, and by Donald A. Smith, President, and C Drinkwater, Secretary, for the Atlantic & North-Western. I may add that it is quite well known that a number of gentlemen who are intimately connected with the directors of the Canadian Pacific Railway, and whose friendship and intimate relations with the directors were generally known, were the leading spirits in the Atlantic & North-Western enterprise.

HON. MR. ABBOTT—I may be pardoned for saying these are the arrangements which the Canadian Pacific Railway Company made after it acquired from the International Railway Company the contract for completing the Short Line. That was last summer.

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

THE INDIAN ACT AMENDMENT BILL.

THIRD READING.

HON. MR. ABBOTT moved the third reading of Bill (O) "An Act to amend the Indian Act."

HON. MR. MACDONALD—Before the third reading of this Bill I would like to say that no more important matter can come before Parliament than questions affecting the Indians, and none requires more careful consideration by the Executive; no Department requires for its sub-officials careful, honest and conscientious men than the Indian Department does, and I trust that hon. gentlemen will not think me inconsiderate of the patience of the House if I deal with this question for a short time. The land question lies at the bottom of all the troubles with the Indians. In the North-West, the Government of the Dominion having the lands under their own control, and the police regulations as well, can settle disputes more easily than can be done in other parts of the country. In British Columbia, for instance, the administration of Indian affairs is more or less hampered by dual authority. There the Provincial Government have control of the land, and they control the police regulations; whereas the Dominion Government exercise some supervision under the Indian Act over Indian affairs in that Province. Government is multiplied and the Indian is bewildered. The Dominion Government in the North-West have acknowledged the Indian title and have seen the necessity to extinguish the Indian title with all Indians willing to surrender by treaty; whereas in British Columbia the local Government do not acknowledge the Indian title at all, not even the title of possession. It seems to me, therefore, a strange anomaly to find by the report which is brought down by the Indian Department that the Deputy Superinten-

dent Vankoughnet contradicts the policy of the Dominion Government by finding fault with the missionaries who have the courage to support the Indian contention that they, the Indians, have some rights to the soil. The Deputy Minister also wrongfully and cruelly accuses those devoted missionaries of giving evil advice to a people whom they have raised by their unceasing efforts from a state of heathenism and degredation to one of civilization and industry.

I quote now from the Report of Indian Affairs of 1886, pages x and xi, as follows:—

In British Columbia the survey of the reserves on the North-West coast which were allotted to the Tsimpscheam Nation, in 1881, occasioned dissatisfaction amongst some of those Indians, they having become imbued with an idea, fostered among them by evil advisers, that they were the legal owners of the entire country. The misbehavior of the Indians in the matter of the survey was, it is feared, the result of evil counsel given them by those who should, from the position occupied by them towards the Indians, have been their advisers for good instead of for evil. This is all the more to be regretted, in view of the fact that one at least, if not more, of those suspected of having used their influence with the Indians to instigate them to the committal of the acts of lawlessness above described, was for many years largely instrumental in promoting their welfare and indeed in reclaiming them from their condition as savages. But of late years owing to chagrin at the action of the Church Missionary Society, in whose service the work had been from the outset carried on, in refusing its sanction to certain changes inaugurated or proposed to be introduced in the ritual of the Church of England at Metlakahtla, which resulted in the appointment of Bishop Ridley as overseer of that mission and of the other missions of the Church of England on that coast, bitter antagonism has been displayed; the former lay incumbent of the mission being the leader of a very large contingent of the Indian population, whose feelings towards Bishop Ridley and his adherents has led them to the commission of acts which cannot even be justified on the ground of law, much less on that of Christian amity.

These are the words of the Deputy Minister based on suspicion, and charging high minded Christian men with giving evil counsel—men who have devoted a lifetime to giving good counsel, and teaching loyalty and respect for the laws. I thought reports were intended to deal with matters-of-fact, and not to build up theories on suspicion.

Hon. gentlemen may know that there were agrarian troubles last year at the civilized Indian village of Metlakahtla—a village now of about 1000 souls founded by Mr. Duncan, one of the most successful missionaries in the world. When he first came to the country he commenced work at the native village of Fort Simpson, and after making some progress with the language he sent to the chief a message that a white man had come, not to barter, but to bring them a message from the white man's God and to teach them a knowledge of those things in which the white man was superior to the red man. This excited the curiosity of the Indians and secured him an audience. He was warmly received by the chiefs and the people, who regarded him as some supernatural being. Gradually he attained their confidence, and after a while opened a school at the house of one of the chiefs. The first pronounced opposition came from the medicine men, who, seeing their own power waning, laid a plot to assassinate him. His boldness and the timely intercession of one of the chiefs saved his life. By degrees his influence over the tribes was extended. He did not confine his exertions to preaching, but showed the natives the practical side of civilization by initiating them into the use of tools and in various ways improving their hunting and fishing implements. At the end of four years he found about him a fair number of sincere converts. But experience had shown that the proximity of the trading-post retarded his work, and he resolved to remove his followers and found an isolated model community. Metlakahtla, the site of an ancient Tsimshean village, was chosen for this purpose. He pulled down his schoolhouse and rafted the materials to the chosen spot. Fifty men, women and children followed him. Each member of this community subscribed to a set of rules. They promised to give up "ahlied," or Indian deviltry, medicine men, gambling, painting their faces, and drinking liquor, and agreed to be cleanly, industrious, liberal and honest in trade, to build neat houses, to send their children to school, to pay the village tax, to rest on the Sabbath and attend religious instruction.

Extraordinary as it may appear, the new settlement became in a few years a veritable Acadian village. School-houses and a church were built, new industries introduced, roads were made, wells and drains dug, a saw-mill erected, and taxes for these public improvements laid and paid with regularity. It is not to be supposed that the Indians relinquished their barbarous customs without a struggle. The difficulties often appeared insurmountable, but Mr. Duncan's zeal and ingenuity finally triumphed and Metlakahtla became in many ways a model community. The increased measure of civilization entailed increased taxes and outlays, and to meet these Mr. Duncan introduced new industries and facilitated the old ones by purchasing a trading vessel, whereby the natives could do their own transportation down the coast and secure a better profit for their produce. After a while a new church and enlarged and improved private buildings became necessary, and they were erected, together with a town hall, dispensary, reading-room, market-house, blacksmith, carpenter, cooper and tin shops, work sheds and a soap factory. Not the least important undertaking was the building of a massive sea-wall to protect the village. And thus prosperity continued. The public improvements were largely the result of the profits accruing from the schooner, the store and the trading expeditions of the villagers, but were assisted by the contributions of friends of the mission and Mr. Duncan's private funds.

Last year this Village of Metlakahtla exported probably the value of $60,000 of which $40,000 was for canned salmon and this takes the highest price in the English market. These Indians had grievances respecting their land and reserves which they represented by deputation and petition to the proper authorities. Delays took place; they received no reply. Unexpectedly a surveyor appeared on the scene for the purpose of surveying the Metlakahtla reserve, but the Indians, without violence, refused to let him proceed as they had not yet received a reply to their petition.

Mr. Hall, the Hudson Bay Agent, at Fort Simpson, wrote alarming letters to the Indian Commissioner Powell on the attitude of the Indians, recommending that the Missionaries Duncan & Company and Crosby should be punished, and that a strong force be sent up the coast without delay. I now quote from Mr. Hall's letter dated Fort Simpson, September, 1886.

I have just returned from Hazleton and got your letter of the 19th inst. on my arrival.

The Metlakahtlans, in large force, have camped beside Mr. Tuck and forcibly prevented him from making any survey.

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When I passed I saw Dr. Bluett in the camp of the Metlakahtlans. He had not called on Mr. Tuck and his presence there should I think be considered criminal. That Duncan & Co. are at the bottom of all this there can be no doubt and for all that it may be hard to prove that such is the case.

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Tomlinson is now up Skeena reported to be spreading disloyalty and every effort is being made to secure the sympathy of the Fort Simpson and Hydahs.

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A display of force and determination is now required and real punishment should be meted out to the ringleaders, not excepting Duncan & Co. and Crosby.

Mr. Hall's hostility to those missionaries can only be accounted for by his wishing to dispose of them as rival traders—who may interfere more or less with the Hudson Bay trade. His idea of justice must be very crude when he considers that Dr. Bluett's presence in the Indian camp is criminal.

Bishop Ridley has also written alarming letters to Commissioner Powell intimating all kinds of false rumors against his fellow missionaries, the destruction of the village by the Indians or their departure for Alaska. There are two things about which the Bishop is most anxious—that the old people should not be left behind at Metlakahtla to be a burden on the church, and that the saw-mill should be preserved. I now quote from Bishop Ridley's letter dated at Metlakahtla, March, 1886:—

The most strenuous efforts are being made by Mr. Tomlinson to induce these Indians to go to Alaska. He is said to represent to them that Mr. Duncan has written to say that if any hold back now the United States Government will visit them with something unspeakable. He also urges haste because if they do not leave before the Indian agent arrives they will not be allowed to remove

their property, which includes the saw mill, workshop, cannery, store, school, church and village hall. He also promised work to all able bodied men who will go to Alaska, and 120 acres per head for $12 only.

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It will be impossible for the few loyal ones to attempt to guard those buildings without proper authority.

It would lead to fighting, a thing to be avoided to the last extremity.

But if a magistrate or Indian agent were kept here for three months with only Mr. Anderson, and power to call others to be constables the destruction can be prevented.

Unless this or something of the kind is done at once this village will see a catastrophe before long.

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If you linger until the steamer starts on her next voyage you will brobably be too late.

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Mr. Tomlinson is impressing on the Indians the most erroneous ideas of an Indian agent authority, frightening them very much.

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There will be no resistance offered I feel persuaded. It will be shocking if any mere official routine is allowed to tie your hands at this emergency.

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The Alaskan exile becomes more and more distasteful to the people. On this account a new scheme has been set on foot. David Leark is to purchase from Government a tract of land on the Skeena within reach by the tides.

There a salmon catching and curing establishment is to be set up and work found for the young men who will form a village free from Indian's land and the bondage to be imposed by the Indian agent here.

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The object seems to be to so far depopulate this village that only old people will remain who cannot work and so be a burden on the church.

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Something should be done. Why cannot a ship of war be stationed here for part of the summer or until the dangerous men have gone away.

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I am most anxious that the saw mill should be preserved. We are in daily expectation of the Boscowdy, I will keep this open until after she arrives."

Hon. gentlemen will be surprised to hear after all this alarm, that Metlakahtla is still standing, and my belief is that the Indians have no intention to destroy a single building there.

Commissioner Powell, on the receipt of those inflamatory letters from Mr. Hall and Bishop Ridley, writes in very strong terms to the Superintendent General of Indian Affairs recommending that a strong force be sent to the North, that evidence be taken to discover the guilty parties who are inerting the Indians—this reference is to the missionaries. The Commissioner calls the Superintendent-General to task for acting on previous suggestions by removing those he had from time to time assured him had been teaching disloyalty. Meaning of course the missionaries. I now quote from the letter of Indian Commissioner Powell to the Superintendent General dated at Ottawa, 13th October, 1886:—

I have to state that on my arrival here from Kootenay on the 8th instant, I received letters from Mr. Tuck, copies of which Mr. Moffat had already forwarded to the Department

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The last named officer had also telegraphed me at Kootenay respecting the troubles at Matlakahtla and I replied advising him to confer with Mr. O'Rielly, or if absent with Mr. Trutch, and suggesting that steps should be taken in connection with the local Department of Justice to protect Mr. Tuck's survey party, and to arrest if possible to obtain evidence, the real guilty parties who are exciting the Indians in their very reprehensible conduct. Finding that nothing had been done, I at once sent you a cypher telegram, copy of which is appended hereto.

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That the Metlakahtla Indians were being joined by those at Fort Simpson, and that Mr. Tomlinson is visiting the Skeena country inviting the Indians in the section to take united action with those of Metlakahtla and prevent either the allotment of further reserves in that district or the survey of those already assigned on the North-West coast.

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That there has been no Stipendiary Magistrate on the coast for the last year nor do means exist of enforcing any law among the natives there.

That the decisive steps to remedy the evil by assuming control of the reserves and removing those who I have assured you, from time to time, have been teaching disloyalty, have not been taken and from having been, originally a quarrel between the Bishop of Caledonia and Mr. Duncan, it has now became one of hostility which is being waged by Mr. Duncan and his adherents against the Government and all connected therewith. The Indians are

being assiduously taught to disrespect the authority of any officers who come among them, asserting that the "Queens" law (meaning Imperial law) will eventually uphold them, and they will have nothing whatever to do with "Canadian law" or those who are sent to administer it.

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If a gun vessel could be dispatched at once, with police authority and efficient Stipendiary Magistrate on board, who with the agent would have power to eject from a reserve any person who had not your authority to remain (vide Indian Act, Sec. 23) and if possible to obtain evidence to arrest persons guilty of inciting Indians to insubordination the difficulty in my opinion would be effectually met. Without such or similar support in case of necessity, I need scarcely add that the establishment of the Department in this province is of very questionable utility."

There is one feature of this case of which I must express my admiration—that is the cool and calm judgment of the Superintendent-General after receiving those ill-advised fire and sword letters. He showed his appreciation of the men concerned and of the circumstances—and simply telegraphed to the Provincial Premier as follows:—

"Important survey should be sustained by your Government."

A gun vessel was ordered to Metlakahtla, but previous to her departure, Mr. Duncan, the missionary, who happened to be at Victoria, waited on the Provincial Premier, and told him that if the Indian Reserve Commissioner would go to Metlahahtla that he would accompany him, and he felt assured that all disputes would be settled quietly, and that there was no occasion for a ship of war to go up. The Premier, in my hearing, replied that the ship would proceed and the Metlakathlans must take the consequences. What course did those Indians take on the arrival of the ship of war? Did they hide or lie in ambush as bad, guilty Indians naturally would? No, hon. gentlemen, they did not, but they behaved in a civilized, manly way. They petitioned the captain, setting forth their grievances and asking for protection, and stating that they were not aware that they were breaking the law, as they had been advised to the contrary, and that they had no desire to offer any resistance. The reply and report of the captain are, upon the whole fair and manly. After stating the origin of the mission, and the work done to the time of Bishop Ridley's advent, when progress was suspended, he deals with the causes of the recent agrarian troubles. I now quote from the report of the captain of H.M.S. *Comorant*, dated from that ship 22nd Nov., 1886:—

The majority, following Mr. Duncan, insisted on the representatives of the Church Missionary Society removing themselves as they were causing dissension, while the latter, having a following of about one-seventh of the community, refused to move. Then followed numerous petty persecutions practiced by the majority (known as Duncan's Indians) on the minority, the result being that many rejoined the majority, though a resolute few stuck to the Bishop. At the same time questions relative to the Indians title to the land were raised.

In 1884 matters assumed such proportions that a Commission was sent up in Her Majesty's Ship "Satellite" to enquire fully into the business. The Commissioners reported that the cause of disquitude might be classed under the following heads:

1 The claim of the Indians to have recognized their title to all the land.

2 The severance from the Church Missionary Society.

3 The fact that the two acres at Metlakahtla known as Mission Point was not part of the Tympsean Indian Reserve; that it is at present in occupation of Bishop Ridley as temporary agent of the Church Missionary Society to which Society it was promised to some twenty years ago by Governor Douglas at the instance of Mr. Duncan.

4 The Indian Council at Metlakahtla with reference to these points the Commission pointed out (a) that the question of Indian title was constitutionally decided as now existent, and that they considered that the Reserves allotted were quite sufficient (b) that the Indian Council was a source of danger since they made laws for themselves irrespective of the laws of the land.

They then suggested two courses.

1. To ask the Dominion to buy out the interests of the Church Missionary Society in their improvements upon Mission Point, and upon the reserve with a view of turning the two acres of the improvements over to the Indians, as part of the reserve, observing that if this should be adopted the Indians should be plainly given to understand that it is accession.

2. To assert, and if necessary by force of arms, the rights of the Province to the two acres by the survey of it as Government land.

The Commission when they were at Metlakahtla had explained that they had been sent by the Government especially to enquire into all their grievances and that these would duly be laid before them.

Two years passed away, and as far as I can make out, nothing, in spite of repeated questions, was communicated to the Indians, except that the matter would be duly considered.

In September, 1886, i.e. nearly two years after the Commission sat, Mr. Tuck, a Government Surveyor, was sent by the Provincial Government to survey the whole of the land proposed to be a portion as a reserve for the Metlakahtla Indians preparatory to turning it over to the Canadian Government as such reserve.

The Indians took this opportunity of asserting their rights to the land by refusing to allow this survey to proceed and at the same time built a house on the two acres as an assertion of their right to that land.

The position taken by the offenders was: that they had been compelled to the step they had taken.

1. To bring the question before the courts, they having repeatedly forwarded petitions and sent deputations about the matter which had been simply put on one side.

2. That if they permitted the survey to be carried on it would be said that they acquiesced in the apportioning of the reserve.

3. That they were ignorant that they were breaking the law in keeping the surveyor off what they considered their land (no treaty on giving up that land having taken place.)

4. That they were very sorry that they had unwittingly broken the law.

5. That the presence of a man-of-war was quite unnecessary as they had no intention of resisting, and they looked upon it as an attempt on the part of the Government to intimidate them.

The demands or requests of these Indians now are (I have it on Mr. Tomlinson's authority).

1. A guarantee that their claims to certain hunting grounds on the Naas River will be acknowledged with a view to their being recompensed should these grounds be specially appropriated later on.

2. They wish certain clauses in the Indian Act not to apply to them when they come under it.

3. The removal of the Church Mission from Metlakahtla and the absorbtion of the ground in the Indian Reserve."

By the report it will be seen how reasonable the demands of the Indians are, but now they say that they would not remain at Metlakahtla even if those demands were granted—that, they would only take the land of forefathers as their right, and not out of charity from the Government, and that they have no faith in the Commissioner or the Government.

I now come to the most painful part of the duty which I have taken on myself—in defending innocent persons from malicious attacks,—that is to expose the inaccuracy and partiality of the Indian Commissioner for British Columbia as shown in his report for 1886. I regret having to do this, as that gentleman and myself have been on friendly terms, except when we differed on Indian matters—but even at the risk of severing friendship I cannot allow such men as those missionaries—Duncan, Tomlinson and Bluett to be maligned without uttering the truth. No one knows better than Commissioner Powell what those men have done in the cause of civilization and Christanity—what a self-sacraficing life they have led and the noble results they have achieved, but because they and the Metlakahtla Indians would not bend to all the Commissioner's wishes he has turned against them, and the Indians have lost all faith and trust in him, and will have nothing to do with him.

I now quote from the Report of the Indian Commissioner for British Columbia, 1886:—

Even the promises of the Joint Reserve Commission to them have not so far been carried out or acknowledged, and, in some instances, indeed, reserves of land, solemnly assigned to them, have been alienated and sold. It is therefore wonderful to report to you a peaceful condition among any of the tribes thus treated, and certainly one's congratulations cannot be attended under such circumstances with any consciousness of the ordinary fairness or justice with which a large number of the aborigines of British Columbia are at present meeting.

These are the sentiments of the Commissioner with respect to the treatment of the Indians by the Provincial Government, and yet he and the Deputy Minister malign and condemn those who dare to have the courage to maintain the rights of the Indians. So much for the consistency of officials.

In writing of the absence of constables and lock-ups in different parts of the country, he says:—

"On the North-West Coast, also, the situation in this respect is even more to be deplored.

"Here, the largest reserves are occupied and, in fact, in charge of those who are ostensibly missionaries, but who, in reality, have other interests and have assumed full control and guidance of the Indians in their temporal as well as spiritual affairs, advis-

ing them to repel any agent of the Government, and thereby, up to the present time, successfully preventing the introduction of the Indian Act, or any of those consequent measures so necessary for the formation of legal councils to regulate the reserves apportioned to Indians, and promote among them obedience to constituted authority."

In reply to this charge, I would say that the missionaries alluded to are real and faithful missionaries in every sense, and this is well known to the Commissioner. The statement that those reserves are occupied and in charge of those who are ostensibly missionaries is quite a misrepresentation. They live, it is true, amongst the Indians for their improvement and guidance, and such accusations are cruel and unjust.

Missionaries who have developed other interests than those for which they were originally engaged are naturally enough jealous of any interference whether by Government or their employes. In Mr. Duncan's case, owing to representations and various reports by ecclesiastical authorities, the Church Mission Society created the North-West Coast district into a separate diocese, and Dr. Ridley, as Bishop of Caledonia, was sent out and assumed direction of all the society's missions. Differences immediately arose between these gentlemen, which led to the severance of Mr. Duncan's engagement with the society, and having formed what he termed the Independent Church of Metlakahtla, the contest for ultimate supremacy has been a protracted and bitter one. The extensive mission buildings erected by the society are located on two acres of land, set aside and held in trust by the Provincial Government, and the most violent efforts have been made by Mr. Duncan's adherents to seize the property and drive the bishop from thence. Threatening notices, riotous assaults, and every kind of intimidation have, for the long period which has since elapsed, been tried in vain and the place has only been held, it would appear, *vi et armis*.

Here again, the Commissioner is led away by partiality and ill-feeling. I assert that Mr. Duncan has not developed any new interest, has developed no interest inimical to missionary work. For the last twenty-four years he has worked in the same lines, developing trade, industry, frugality, civilization and Christianity. No violent efforts were made to drive the Bishop from the two acres. Had such been the case, he could easily have been driven off. Notices were served on him to leave, but not threatening notices. Let the Commissioner produce the notices and substantiate his assertions.

"The council has seized the large church built in part by the contributions of those whom they oppose, togther with the large schoolhouse to which the Department granted aid.

They razed to the ground a large store standing on the property of the Church Mission Society—removing by force the material, and re-erecting it in another locality for themselves.

They have taken possession of the gaol or provincial lock-up—holding the keys, and they do not hesitate to impose fine or imprisonment upon any whom their boycotting system cannot reach. It is indeed painful to write thus of one whom I greatly admired in the past, and whose success in putting a complete stop to the liquor traffic, I have had such pleasure in recording, but Mr. Duncan's interests have completely changed."

This part of the Commissioners' report is entirely at varience with truth. The church had always remained in the possession of Mr. Duncan and the Indians who adhered to him, consequently there was no occasion to seize it. They had possession of the school house also, but for a time gave it up to the Bishop, and afterwards resumed possession. If they had no right to do this, why did the Commissioner not deal with them? The store which the Indians pulled down was their own property, and they removed it for two reasons—first, on account of its being partly built on the two acres in dispute, and secondly, they wished to have it where they considered it more convenient. The keys of the lock-up they had always held, as Mr. Duncan and his fifty Indian constables maintained law and order in that northern country for twenty-five years. No imprisonment took place under Indian rules by the Indians. No boycotting was resorted to, but nearly the whole of Mr. Duncan's adherents, many of whom have a share in the trade of the place, agreed amongst themselves, under penalty of a fine, not to purchase anything at the rival store of Bishop Ridley, and in one case a fine was levied. In this part of the report the animus of the Commissioner is plainly visible. He accuses the Indians of doing certain things, and winds up by turning the weight of those accusations on Mr. Duncan, as if he constituted Indians—council and all.

Every effort of the Commissioner for years has been to thwart and degrade

Mr. Duncan, and drive him from Metlakahtla. A few years ago it was found necessary to remove Bishop Ridley from the Commission of the Peace in which he had recently been placed, and, in order to save his pride, Commissioner Powell recommended that Mr. Duncan be removed from the Commission also. Such treatment, without cause, of a man who had done so much in the interest of law and order, and who had been a Justice of the Peace for twenty-five years, was most unjust, harsh and arbitrary. The Commissioner ought to be the last person to malign and attack those missionaries, knowing as he does the noble work they have done. Other interests have been developed, but not by the missionaries. I leave the Commissioner to answer by whom.

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

TRADE AND COMMERCE BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (7) "An Act respecting the Department of Trade and Commerce."

He said: This is a Bill for the establishing of a department of the Government to be called The Department of Trade and Commerce, which it seems our rapidly increasing trade and foreign connections specially require for the purpose of having a member of the Government whose duty it would be to attend particularly to them. It has been thought also that the Ministers who are now at the head of the Excise and Customs Departments might be dispensed with by placing those departments, which are purely administrative departments, under the charge of the Minister of Trade and Commerce, and establishing, as it is contemplated to establish, in place of the Minister, an inferior officer who would be known as a controller who would be the permanent deputy heads of those offices, and would be responsible to Parliament—that is to say would have seats in Parliament and not necessarily be in the Cabinet. Not necessarily in the Cabinet but be in Parliament. It is thought that the duties which are now performed by the Minister of Finance, might to some degree be performed by this Minister of Trade and Commerce, who would have more especially under his charge and direction all questions connected with the tariff, and that he and the Minister of Finance together would constitute, not exactly a Treasury Board, but something of that nature—a consulting board with reference to the supplies and the inposition of duties. In these ways it is expected that the appointment of a Minister for this important Department of the Government, corresponding to a large degree with the President of the Board of Trade in England, would be useful and might, if properly managed, be made the means of exercising some economy in these Departments, and it is for this purpose that the Government propose to establish the department.

HON. MR. SCOTT—I intend to offer a few observations on this Bill, but I shall do so at the next stage.

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

SUPREME AND EXCHEQUER COURTS BILL.

SECOND READING.

HON. MR ABBOTT moved the second reading of Bill (111) "An Act to amend 'the Supreme and Exchequers Courts Act' and to make better provision for the Trial of Claims against the Crown.

He said:—This Bill is intended to make quite a revolution in the mode of trying claims against the Government. At present there are two tribunals which have the power to try such claims, the Exchequer Court as a branch of the Supreme Court and the Board of Dominion Arbitrators. The decision of the arbitrators, though as good as might be expected from a court of that kind, have not been satisfactory. The questions at issue are frequently tried by one arbitrator: there is an appeal from his decision

to the Board of Arbitrators, and the Board of Arbitrators to the Exchequer Court, and from the Exchequer to the Supreme Court, so, in fact, to settle the price of a piece of land which the Government may require for a Post Office or Custom House, there may be three or four appeals from the first tribunal, all the other tribunals being under the disadvantage of not seeing the witnesses or hearing the evidence, but having to depend upou the written testimony to form a judgment. These functions are intended to be performed by a Judge of the Exchequer Court.

HON. MR. SCOTT—A new judge.

HON. MR. ABBOTT—There will be a new judge appointed to assist in performing these duties, but the Board of Arbitrators will be abolished. The object is to have these matters dealt with by a tribunal in which most people will have more confidence than they feel in the existing tribunals.

HON. MR. KAULBACH—What is to become of the arbitrators?

HON. MR. ABBOTT—The arbitrators will cease to hold office.

HON. MR. SCOTT—I suppose the remark that I made with reference to the preceding Bill will apply to this: I will defer my remarks to a future stage. My hon. friend did not say that it was a motive of economy that prompted this Bill.

HON. MR. ABBOTT—I think I might have said that.

HON. MR. SCOTT—They are very much on a par, as they both create new office, and it is not generally in the interest of economy to do so. The Dominion Arbitrators are not to be abolished: as they drop off they cease to exist, but the Governor-in-Council has power to name others in their places up to three. There are at present four arbitrators, but it rests entirely with the Governor-in-Council to name those official referees who are to discharge minor duties. Under this Act I notice there is to be a new judge who is to fulfil the functions now performed by the Board. The public mind seems to have centred upon who is to be the judge. To some extent the bill is a measure which will meet with commendation, inasmuch as the questions that now come before the Board of Arbitrators are in many instances extremly important, and complicated with legal questions wich the Dominion Arbitrators may not be considered competent to decide, as none of them are lawyers.

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

THE LIBRARY OF PARLIAMENT

REPORT OF THE COMMITTEE ADOPTED

HON. MR. ALLAN—moved the adoption of the Report of the Joint Committee on the Library of Parliament. He said: This report contains very little more than information. It refers briefly to the necessity of reprinting certain volumes of the debates of the Senate and the House of Commons, and the Librarians have been ordered to procure an estimate of the cost: also the great desirability of having a new edition prepaired of the Canadian section of the American catalogue of the Library, and makes that a recommendation to both houses. It than adverts to the very hands of the donation made by one of our colleagues of a valuable collection of Prince Edward Island Statutes. It also adverts to what the Speaker of this House has already drawn attention to, the lamentable mutilation of valuable pamphlets and books in the library. The only paragraph which really amounts to a recommendation is a unanimous request that the electric light be introduced into the library.

The motion was agreed to.

COMMONS AMENDMENTS AGREED TO.

The amendments made by the House of Commons to the following Bills originating in the Senate were concurred in:

Bill (D) "An Act to incorporate the

Teeswater and Inverhuron Railway Company." (Mr. Dickey.)

Bill (C) "An Act to enable the Western Canada Loan and Savings Company to extend their business and for other purposes." (Mr. Allan.)

FIRST AND SECOND READINGS.

The following Bills from the House of Commons were introduced, read the first time, and under a suspension of the 41st rule, read the second time without debate:

Bill (125) "An Act to incorporate the Manufacturers Accident Insurance Company." (Mr. McKindsey.)

Bill (149) "An Act to amend the Act of the present Session entitled 'An Act to incorporate the Kincardine & Teeswater Railway Company'." (Mr. Dickey.)

Bill (87) "An Act to revive and amend the charter of the Quebec & James' Bay Railway Company, and to extend the time for commencing and completing the railway of the said Company." (Mr. Dickey.)

Bill (105) "An Act to incorporate the Hereford Branch Railway Company." (Mr. Dickey.)

The Senate adjourned at 6:10 p.m.

THE SENATE.

Ottawa, Thursday, June 16th, 1887.

The SPEAKER took the Chair at 3 p.m.

Prayers and routine proceedings.

KINCARDINE AND TEESWATER RAILWAY COMPANY'S AMENDMENT BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (149) "An Act to amend the Act of the present session entitled 'An Act to incorporate the Kincardine & Teeswater Railway Company, with an amendment."

He said:—I may explain that this is a Bill to supply an omission in the Act of the present session incorporating this company. The omission was the name of one of the townships through which the railway is to run. Through no fault of the committee, or of this House, but solely from some neglect on the part of the promoters, this township was omitted, and owing to the peculiar language of the Bill, specifying that the line shall pass through certain townships, it was deemed necessary by the promoter of the measure in the House of Commons that a Bill should be introduced to supply that omission by including the town of Kinloss. After the Bill arrived here and was submitted to the committee, strange to say they found that the name of another township—the Township of Goderich, I think—was not in the Bill, and it was found necessary to insert it, and that is the amendment. There is no objection to the amendment that I know of, and therefore, in the absence of the promoter of the Bill, I move that the House concur in that amendment.

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

HEREFORD BRANCH RAILWAY COMPANY'S BILL.

THIRD READING

HON. MR. DICKEY, from the committee on Railways, Telegraphs and Harbors, reported Bill (105) "An Act to incorporate the Hereford Branch Railway Company," with an amendment.

HON. MR. STEVENS moved that the amendment be concurred in.

HON. MR. DICKEY—The amendment relates entirely to the promissory note clause, and is to bring it into conformity with our other legislation.

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

THIRD READINGS.

The following Bills, reported from Standing committees without amendment, were read the third time and passed without debate :—

Bill (87) "An Act to revise and amend the Charter of the Quebec & James' Bay Railway Company, and to extend the time for commencing and completing the railway of the said company. (Mr. Dickey)

Bill (100) "An Act respecting the Waterloo & Magog Railway Company." (Mr. Stevens.)

Bill (125) "An Act to incorporate the Manufacturers Accident Insurance Company." (Mr. McKindsey.)

Bill (98) "An Act to revive and amend the Act incorporating the Anglo-Canadian Bank." (Mr. Turner.)

FRENCH CANADIAN REPATRIATION.

HON. MR. TRUDEL rose to call the attention of the Government to the movement in the direction of returning to Canada which is being organized among the Canadians in the United States, notably in the Cities of Lawrence and Lowell, in the State of Massachusetts, under the direction of Dr. Janson, Dr. Leprohon and other Canadians; and inquire whether it is the intention of the Government to do something towards encouraging this movement by way of grants of land to societies for organizing such movements which are in course of formation or which may hereafter be formed.

He said :—The fact which I allude to in this notice of motion is, it seems to me, of very great importance. About a fortnight ago a Canadian, Dr. Janson-Lapalme, of the City of Lawrence, in the State of Massachusetts, wrote to the French press of our Province that he had succeeded in organizing a colonization company composed of 327 heads of families, French Canadians, all intending to return to Canada after making proper preparations. This fact, it seems to me, is one of great importance. It is hardly necessary for me to remind hon. members of the efforts which have been made to bring immigration into this country. Neither is it necessary for me to say that immigration has been the most powerful agent in creating the prosperity of the United States. It is a well known fact that it is the immigration from the different parts of Europe, which has developed the immense resources of the Great Republic, and it is to the same agent that the rapid progress of this country is due. In the presence of this fact it is but natural and expedient to inquire whether it would not be possible to generalize this movement which seems to have started in two of the manufacturing cities of the United States—for those 327 families who intend to return to Canada are only from the two cities of Lowell and Lawrence. The French Canadian population which has emigrated to the United States for the last 30 years is very considerable, and without making a special study of it, one can hardly realize its extent. I have had occasion during the last few years to visit many of the cities of the United States which offer the greatest attraction for French Canadians, and where are their most important groups, and I may say that I was not only astonished at their numbers in those cities, but at the degree of prosperity, and the relative importance which they had acquired in those cities—especially the cities of the New England and Western States. Seeing that this large number of our countrymen have left Canada, while Canada is so desirous of increasing her population, brings up an important social question which, to be treated as it deserves, would require more time than I would venture to take at this period of the session. I may be allowed, however, to quote a few figures to give this hon. House a slight idea of the extent of the emigrating French Canadians to the United States, and I will afterwards speak of the prospect of bringing back to Canada a certain proportion of them.

As far as I could ascertain, there are about 200 places in the United States where the French Canadians are organized and constitute communities having most of them their own churches, schools and institutions distinct from the rest of the population. I would not say that they are perfectly organized everywhere but there are at least that number of places where they are grouped together and form not only parishes, but in a great many important centres, several parishes.

In some statistics which I have succeeded in obtaining, I will quote the following figures relative to the French population in the United States. There are in Fall River, 14,000; Lowell, 12,500; Lawrence, 4,500; Worcester, 6,500; Holyoke, 9,000; Brookfield, 4,500; Biddeford, 7,000; Lewiston, 8,000; Nashua, 4,500; Manchester, 12,000; Cohoes, 5,000; Plattsburg, 4,500; Seneca Falls, 5,500; Chicago, 30,000; Woonsocket, 8,000; Bay City, 4,000; Detroit, 8,000; St. Paul, 5,000; Minneapolis, 4,000; Troy, 4,500; New York, 10,000.

I have taken only the figures above 4,000, but there are, besides these places, about 180 centres where the French population exists in considerable numbers—in 25 other places they are under 4,000, but above 2,000; in 45 places they are above 1,000 and under 2,000; in 50 places over 500 and less than 1,000; and about 60 places where they are above 100 but below 500—making altogether, according to the best calculations (and it is easy to perceive the difficulty of arriving at very precise figures, because the United States census is not so carefully taken as ours and does not give the population by nationality, creeds, &c., as we do here) a French-Canadian population of between three-quarters of a million and 800,000 in the United States. These figures show what the increase in our population would have been in Canada had we been able to keep this population within our own borders. In two of those 200 cities there are 327 heads of families organized in a colonization society, who are ready to repatriate themselves, and have taken the first steps towards their return to Canada. It shows what might be done in other centres of population in the United States where this French population exists in considerable numbers. This movement had its origin about two years ago. Last year the press of the Province of Quebec published letters and documents showing that this colonization society had succeeded in uniting 105 of its members in declaring themselves ready to return to Canada. But to-day that number has increased to 327 families and, I may add that I conceive them to be the best possible immigrants, because all of them are relatively in good circumstances as is proved by the fact that they have decided not to return until they have made preparations for the move. They have decided to come and settle in groups in part of the Province of Quebec and buy as many lots as there are families intending to return and to apply their savings, after purchasing their lots, to perform the first settlement duties and build houses and barns so as to be in the position of well to do farmers the moment they come. As far as we can judge those 327 families consist of about 1,800 souls, so that if they succeed in returning to Canada, and I see no reason why they should not, because the movement is far advanced now, it would be at once an addition of nearly 2,000 to the population of the country, not due to the work of agents and entailing no expense upon the country. They are negotiating with the Quebec Government to obtain certain concessions, but if any are made in this case it will be because the Government consider it will be in the interest of the Province and not because it would be necessary to assist these parties themselves. Now if we calculate that these 327 families will represent a capital of between $1,500 and $2,000 to each family, it gives immediately half a million of dollars as an addition to the wealth of the country without going into further details, it is possible to calculate what might be done if the same movement could be inaugurated in the 200 French Canadian centres in the United States. I do not see why in the course of perhaps less than five years we could not secure a return of Canadians to the fold of the Dominion to the number at least of 50,000. I have just stated that the French Canadian population in the United States amount to about 800,000. In those figures I do not include others of French origin in the United States, such as the French population at New Orleans, or the French population of the Madawaska, which is composed of Acadians. I have taken only the figures, as far as I could recollect them, of that part of the French population of the United States which comes from immigration from Canada.

I know that there are some who would

not consider it a great advantage to bring back that population to Canada. I would not be surprised if most of the hon. gentlemen in this chamber were under the impression which I entertained a few years ago, that many of our poor countrymen in the United States consisted mainly of men who had emigrated there because of disorderly habits and were not a desirable element of the population. That opinion is entirely erroneous. Of course those who emigrated to that country within the last 30 years cannot have become bankers and millionaires, but I do not hesitate to say that as a whole they form a very important element of population and that a great number of them are, relatively, at least, in very good circum stances. In fact I was told two years ago that one of the best grocery establishments in the State of Massachusetts was owned by one of those men whom I know personally. I would not like to go so far as to say that it is one of the strongest, but I do not hesitate to say that it is one of the most remarkable of the wholesale houses of that part of the United States.

I have here a map which perhaps possesses no great merit as a work of art: it has been drawn from a religious point of view. It is called the French Canadian Catholic Church in New England. It gives the most important centre where there are parishes and groups of population, and on each side there are figures showing the numbers of the French Canadian population in the whole of that part of the United States called New England and the State of New York. I have myself seen many of those parishes, where the population 25 years ago, and some as recently as 15 years ago, were nothing but poor laborers. They have succeeded in building churches some of which are worth a good deal more than $50,000; some of them even, $100,000, comfortable parsonages and convents costing from twenty-five to sixty thousand dollars. What gives them their strength in those places is their parochial organization. When we consider the amount of money which all these buildings cost we are forced to the conclusion that the population who did all that is not an undesirable element. The statistics which I have are rather imperfect, but still, we have an approximate idea of the circumstances of this population in the New England States, New York State and some of the most important centres of population in the west; and also a fair idea of the social condition of our countrymen there. I will now give some figures which will enable us to judge of the progress which has been made by this population. They have at present 96 French Canadian schools, among which, as I have already said, there are some that cost more than $50,000. They have 201 mutual, national and benevolent societies incorporated or organized, taking the place of life insurance. I had occasion to attend some of the national meetings at which the secretaries of those societies furnished official returns of the financial position of those organizations, and I was astonished to see the degree of prosperity which those returns indicated. I do not pretend to say that those societies possess large capital, but they all have money and many of them have several thousand dollars in the Savings Banks. There are 201 of those societies. There are 135 French Canadian priests, though in several states no member of the Catholic clergy is French Canadian. For instance in the State of Connecticut, where there are large numbers of French Canadians there is not a single French Canadian priest. Their clergy come from Holland. Those Dutch missionaries were in the early times the best adapted for those missions because the Catholic element at that time was composed of French, German, Italian, English, Irish, Scotch, etc., and those Dutch priests could most of them speak five or six languages so that up to the present time in the State of Connecticut the priests are principally Dutch. Of French Canadian physicians and surgeons having licenses from the Canadian universities, there are 209. There are 23 newspaper editors, 28 lawyers, 28 elected judges. It is well known to hon. gentlemen that in the United States judges are elected every two years, and 28 French-Canadians at the present time have been elected to that position. There are 45 city councillors. I could not succeed in obtaining the number of French-Canadians who had been elected to the Local Legisla-

ture. In the State of Maine I believe there are four; in the State of New York I know two of them, and I think there are at least as many there city councillors. Of dry goods merchants 85, tea merchants 24, general stores 156, tailors and outfitters 96, ready-made clothing 61, furniture and cabinet stores 105, grocery stores 430, licensed druggists 107, contractors, builders and architects 268, coal and wood merchants 88, carriage manufacturers 114, proprietors of paint shops 107, harness manufacturers 96, butchers' establishments 167, bakers' establishments 155, jewellers' stores 54, hotel proprietors 152, restaurants 169, barber shops 417, confectioners 49, boot and shoe stores 132, notaries 31, blacksmith shops 189. There are about 250 school teachers, if we take into calculation members of religious orders and the Christian brotherhood, who are rather numerous in the schools. So that these figures give: Those practising professions and educated men are 749, traders 1,769, heads of rather important establishments , manufacturers 1,046, being proprietors of their own establishments, manufacturing, not by millions, but having good establishments. All these constituting 3,780 men, who are at the head of establishments and whom we may consider as belonging to leading classes. This is what that unfortunate population of emigrants who left their country, many of them under the most painful circumstances, have succeeded in doing in the course of about 30 or 35 years. This is an element amongst which I consider Canada might succeed in choosing several thousands—perhaps 50,000 or 100,000—emigrants to come back from the United States to settle in Canada. Taking the figures above cited, which could be procured only in part of the Canadian centres, as an average of the general conditions of that people, I do not hesitate to say that we can find in no other country a better element, and as I stated before, if we take as an example what is now going on in the cities to which I have alluded, Lawrence and Lowell, and if we consider what is the element there which seems to be anxious to return to Canada, we will find that it is the best of the French Canadian population of those cities, who would bring with them a certain amount of acquired wealth and would contribute not a little to the progress and prosperity of Canada. There is much to be said on this question. In my humble opinion it is one of the most important social questions which can be offered for the consideration of the Canadian Parliament. I will not go into the question at any greater length to-day. I have no right to make a suggestion to the Government as to what should be done. Still I might say before putting my question to the Government that it seems to me a country like Canada, with so many millions of acres of land which are lying idle, wanting nothing but population, and with immense natural wealth to be developed, when there is such an important element who claim to be Canadians and claim themselves still as belonging to our country something should be done to recall them. Something should be done to recall them, even supposing we should not do more than we do for the general immigration from the different countries of the world. If my memory serves me well, I think there was voted the other day $329,000 for immigration expenses for the current year. I speak subject to correction. But supposing one third or one fourth of this sum were given, not in money but in colonization lands? Supposing 50,000 acres of land were given annually during a certain number of years to encourage those French Canadians to return to Canada. And in order to prevent the inconvenience of having parties to whom lands were granted and who might desire to leave them afterwards, the Government might give those lots not to private individuals but to colonization societies, even, if necessary, under very strict conditions. For instance with the condition that after a certain time, if there were not a certain number of lots built upon and inhabited, that the other lots should be paid for at the same price and under the same regulations as the public lands of the Dominion are sold by the Department of the Interior. Of course, it is not my duty to advise the Government and I simply make the suggestion and in doing this I think that the Government of Canada would secure for our country a large immigration to certain parts of the Dominion and would succeed

in bringing in an element of population adapted to our climate and who may be very easily educated to the requirements of the country. The Government would in that way also bring into the Dominion many millions of dollars in cash and would largely assist the revenue of the country. I would not leave hon. gentlemen under the impression that nothing has been done. In some of those cities that I have mentioned there are emigration offices. I know that some of those offices have done creditable work but I think in the meantime that this mode of trying to bring back the French Canadian population in the United States by immigration agencies has not proved successful and I think the system of colonization societies would be much better and would not cost a single cent in money to the country. Estimating the value of our lands at their highest present value, it would not cost the country as much as the working expenses of our imigration agencies in Europe and would give much better results.

HON. MR. GIRARD—I wish to take the opportunity of thanking the hon. member from DeSalaberry for the interesting subject he has brought before the House to-day. He has certainly shown by his remarks a feeling of true patriotism and interest for his country. It is a well understood elementary rule of political economy that population constitutes the wealth and strength of a country. We may be in possession of large tracts of land, great natural resources in different ways but the true wealth of a country is its population. Every year we are expending large sums of money sending agents to England and the countries of Europe to induce the people to emigrate to Canada, while the hon. gentleman from De Salaberry has laid before us the fact that there are 800,000 people of our own race who are disposed to return to us from the United States.

HON. MR. POWER—No, no.

HON. MR. GIRARD—We have a large tract of land to put at their disposal, and I think it would be only right on the part of the Government to expend a certain amount of money for a purpose which will not only contribute to the increase of the population in the Dominion, but at the same time towards the development of our wealth and importance. It is not necessary for me to say that the province which I have the honor to represent offers many advantages to immigrants. They can there find liberty, peace and plenty and land in abundance. I do not know to what part of the Dominion those immigrants should be directed, but beyond doubt there is no other place which offers so many advantages as the Province of Manitoba and the North-West.

HON. MR. MILLER—Or Nova Scotia.

HON. MR. GIRARD—No doubt each hon. gentleman would make that claim for his own province, but I can assure the House that there is but one motive that actuates me in the suggestion which I make and that is the true interest of the Dominion at large and I again say that Manitoba and the North-West Territories offer more advantageous than any other part of the Dominion for immigrants. When he is there he understands at once that he cannot easily go back—he is at a long distance from his old home and he is forced to settle down and make his home in the new country. It is not the first time that such a movement has been on foot and we succeeded in settling two or three parishes with well-to-do citizens in Manitoba who are assisting in common with the rest of the community in the progress and development of the country and at the same time making a good living for themselves and their families. Supposing a certain amount of money is expended to induce those Canadians who are settled in the Eastern States to return to Canada, they may after a time express their regret at leaving the United States and wish to return. They find advantages in the United States which are not perhaps so easily found in the Province of Quebec or in the older provinces of the Dominion. They are here obliged to work hard for what they earn, and they are so near the cities

which they will have left that the money expended in bringing them back to Canada would be uselessly expended, as they would return to the United States. It is certainly in the interests of the Government instead of expending large sums of money to induce people to immigrate from Europe, to devote it to repatriation of a people who are ready and willing to come back and live amongst us, men whom we know, people who are familiar with our institutions and who know the requirements of our country. In Manitoba we have got amongst us a race of strangers. They are a small community in the Dominion —the Mennonites and Icelanders. They may be a very good people, and in the future may do their share towards developing and promoting the interests of the country, but at the present they are strangers among us; they take no interest in our municipal system, or in our system of defence. If these people are considered an acquisition to the country, hon. gentlemen will admit that people whom we know, who are not strangers, and who would be immediately disposed to take their part in the government and advancement of the country, would be much more desirable as immigrants. I heartily thank the hon. gentleman who has called the attention of the House to this question, and I hope some effort will be made to meet his views on this subject.

HON. MR. KAULBACH—I was at first under the impression that this motion was confined to the French-Canadians in the United States, but on reading it carefully, I find that it extends to any Canadians resident in the United States. The remarks of my hon. friend as to the prosperity of the French-Canadians in the Eastern States rather show that they would require a large amount of encouragement to make them return to Quebec. My impression is that there is a large number of Canadians in the United States who have gone there with the idea of making it their temporary home, and there is now a desire in the hearts of many of them to return to their own country. I think my hon. friend has done good service in calling the attention of the Government to the fact, and I hope the Government will hold out such inducements to them to return as are reasonable. We have a large quantity of unimproved land in the North-West, and I hope the Government will take every reasonable means to bring about a return of Canadians, the desire of whose heart is to return to Canada if proper inducements are offered to them.

HON. MR. GOWAN—I have listened with a great deal of attention and interest to the remarks made by the hon. gentleman from De Salaberry. I think that this House and the country are largely indebted to him for the trouble he has taken in procuring the statistics that he has presented to the Senate, and I entirely agree with him in one point, at least his suggestion, that an appeal should be made to the patriotism of those people to come back to the home that they have left. I think it would be a dangerous thing for one to commit himself to any aid, or to a specific proposition for aid, nor is the subject in that condition now that one could with propriety pass an opinion upon it; but in respect to the proposition for an appeal to the patriotism of the French Canadian people, I am with him heart and soul. Everybody knows that the strongest feeling of the human heart is love of country, love of fatherland, and I do not think that the native Canadian is defficient in that sentiment. My hon. friend opposite (Hon. Mr. Turner) can tell the story of the Scotsmen, mutineers from their ship, in one of the loveliest spots in the Pacific; they were entranced with the loveliness of the Isle in all its tropical beauty, the perfection of the climate, the gentle and attractive ways of the natives. They doubtless thought "if there be an elysium upon earth it is here." In vain were the appeals to obligation which duty and the service imposed, but when the songs of their country sounded in their ears their hearts were touched and their cry was: "Lochaber na mair, we'll gang haime!"

And if my quiet, grave friend opposite (the Hon. Mr. Merner) even now, long as he has been in Canada, heard ringing in his ears the *Ranzdes Vaches*, I am sure it would quicken his pulse to the boundings of his youth, for he would look back through the vista of years and see the

"after-glow" of the glorious mountains in his early home and the loved ones he left for this far-off land. Yes, he would be touched as few men could be touched save on the subject of love of country I know myself that although my recollections of home are but boyish recollections, still the love of my native land is strong in my heart to this hour—our island home, ocean's green child, the homestead of our hearts, and we Irishmen feel that Nature's God has smiled upon her to make her beautiful and "beautiful is our darling, our diamond of the sea." And though discords' storms have darkened her; though the flash of infidelity and socialism and lawlessness have spread desolation like as it were from a Upas tree through the land, bright freedom will yet break free from the passions of the hour. That sun of freedom which comes from and is generated by religion and which is nurtured by education and which has emblazoned on its banner equal rights to all—equal rights to the rich and the poor—yes, *that* bright sun will yet break free from passions of the hour—then shall we not love her? Shall not Irishmen still live in their own green isle? Yes, we will love her, for drowned in tears or wreathed in smiles, dear Erin is our home.

"Mavourneen sure our hearts are thine."

And thoughts of thee will ever, home of our childhood, twine round our souls, the fairest, the purest, and the sweetest flowers from memory's wreath. Yes, the love of home and fatherland is one of the strongest and dearest sentiments that can fill the human heart. If the hon. gentleman from DeSalaberry appeals to the patriotism of his countrymen, if he appeals to their love of their native land, or if my hon. friend Mr. Bellerose, who is so eloquent, would as a French Canadian go amongst them and remind them of the beautiful land they left, speak to them of the lovliness of the surroundings and remind them of their happy early days, I am sure he would touch their hearts. If he spoke to them of the times and scenes when they sung in the words of the Irish poet Moore (as translated by one of their own bards) "*Qain le rapide approche et le jour finit,*" and voiced at St. Annes their evening hymn, I think he would not fail to touch their hearts. If they have anything of the characteristics of my own countrymen I am sure they would be touched to the very soul, and while I am entirely at one with the hon. gentleman from De Salaberry who brought this motion before us that we should make earnest appeals to the love of country of the Canadians, I am not prepared to adopt or to commit myself to any particular method for the disbursement of money or anything beyond what I say. I have been touched to the soul with what the hon. gentleman said, by this appeal to his countrymen and the natural desire to get them back to Canada. I know the character of the French Canadian people. I know their quiet domestic ways; I know their gentleness and that when they are free from false teachings and evil influences what excellent citizens they make, and I would rejoice to see them brought back again, provided always they retain a love for their native land, and a love for British institutions. I am not desirous to bring back amongst us those who are imbued with republican principles. I am not desirous to bring back amongst us those who view the United States as the Paradise of earth, but I am anxious to bring back every true hearted Canadian who loves his country and who loves the Queen and values the laws. We live in a free land, a great and glorious land and we know that here there is work for all, and bread for all, and room for all, and that the humblest man in the community can hope for and aspire to the highest position to which he can by raised by the people and the highest honors that can be conferred upon him by the Crown. If the Canadian people, such portions of them as are animated by feelings of that kind—love of country and love of our good Queen and all our institutions—can be induced to come back well and good; but for God's sake do not seek to induce, by grant of public money or otherwise, men of shattered faith or men who are imbued with republican principles to come amongst our people. I hope the House will excuse me. The subject which the hon. gentleman has touched upon I feel deeply, and perhaps I have intruded

upon the patience of the House too long. I desire to see our friend Jean Baptiste amongst us again, (I am sorry he ever left us) but I hope no material or other inducement will be held out to those who do not retain their loyalty and attachment to the British Crown, to come back and disseminate principles which are repugnant to the feelings of every loyal man in Canada.

HON. MR. ABBOTT—I entirely agree with the sentiments expressed by the hon. gentleman from Winnipeg, as to the value of the information we have had from the hon. gentleman from De Salaberry. I must say that the facts which the statistics he has given us have exposed to us are as painful and regrettable as the information he gives us is valuable. It is a lamentable reflection for us that there are nearly one million of our people in a foreign country who ought to be here cultivating our fields, improving our Dominion, and increasing its population, and yet there they are, doing no good to us, and, I have no doubt, in a great degree, they desire to return to us if they could do so. I need not say that I sympathise with the hon. gentleman from De Salaberry, as every true Canadian must do, in desiring the return of those people, and their re-association with their friends relations and countrymen in the land of their birth. And I can assure the hon. gentleman that everything the Government can do for the purpose of inducing them to return, and in furthering their interest when they do return will undoubtedly be done. The value of those people cannot be over estimated, and is not over estimated by the hon. gentleman from De Salaberry. I have no doubt that they have been attracted to our neighbors mainly by the large manufacturing institutions which have given them employment and which have converted great numbers of them into trained workmen increasing their value to any community very largely indeed by that process. Great numbers of those whom he has been describing as practising professions and possessing valuable industries and occupations in the United States, probably could not be induced to return to this country; but there must be, and I know from information I myself have, that there are, numbers of them who would return and who will I hope return. I believe that the local Government for years past and not only the local Government but private institutions acting under the auspices of the local Government, have been engaged in the work of getting those people back again. As regards this Parliament and this Government there is not so much that can be done in the way of land as perhaps my hon. friend seems to contemplate. Of course in the North-West, where we have the finest territory, now open to cultivation, in the world, all these people may receive lands, may be placed upon farms in a state absolutely ready for cultivation, without costing them anything, and any amount of land can be given to them that they desire to have and can usefully occupy. The project of giving those lands to colonization companies has not been under the consideration of the Government. The attempt to settle the country by means of colonization societies has so far not been very successful, and I believe it has been practically abandoned; but these colonization societies of which my hon. friend speaks, I know have operated successfully in Lower Canada, and have been instrumental, in many cases, in settling large tracts in the Province of Quebec; and I have no doubt if they were to direct their attention to the North-West they would be equally successful there.

The inducement which the country is offering, or the measures which this country is taking to bring immigrants from Europe, are in a large degree different from those which might be used in the case of the expatriated Canadians. The great object of the missions of emigration agents in Europe is to make the people there understand what we can offer them—to let them know what sort of a country this is, what sort of land we can give them, and what advantages they can possess here. Now these 800,000 people in the United States know all about this as well as we do. They require no one to tell them what Canada is, or what advantages they would gain by coming here, either in the way of property, or of a free constitution. The emigration missionaries, therefore, are-

not required in that country, as they are in Europe, for the same reasons as they are in Europe, though no doubt they could be employed usefully in many instances, and I believe they are so employed in many centres of Canadian settlement. In answer to my hon. friend, all I can say is that the Government entirely sympathize with the feelings he has expressed as to the propriety and advantage of endeavoring to repatriate our friends in the United States: that in so far as it lies in their power they will co-operate in any judicious, carefully-prepared plan for assisting in bringing them back, and placing them, when they come back, as far as their landed territory, which lies at some distance from here (and which has not, so far, been greatly favored by our friends of lower Canadian origin, I am sorry to say) will permit. They are quite prepared to look favorably on any project that will tend to bring back our countrymen from the United States.

HON. MR. BELLEROSE—I cannot allow this occasion to pass, as a representative of the French Canadian race, without expressing my thanks to the hon. member from Barrie for the kind words he has expressed for our people. He may be sure that there is no one amongst us who would wish or desire to see any coming from the United States except those that have ever since their departure from Canada kept alive in their hearts that loyalty to our Queen which we ourselves entertain. It is a well known historical fact that Canada has been retained to the British Crown through the loyalty of the French Canadian population, and I am sure that we, who have been given such a large measure of freedom, are not the race to show ingratitude by swerving from our allegiance to the Empire of which we are citizens. The hon. gentleman and every member of this House, may be sure that amongst the French Canadian people no annexationists can be found. Though we cherish in our hearts an affectionate sentiment for the land of our fathers, which is but natural to the human heart, we are as loyal to the Crown under which we live as any portion of the population in the British Empire, and if occasion should arise to display it in defence of our land from an invading host, our people will be found in the future, as they have been found in the past, ready to fight with our fellow countrymen of different origins under the British flag.

OBSTRUCTIONS TO FISH IN RIVERS.

INQUIRY.

HON. MR. MCMILLAN inquired:—

Is the Government aware that the ascent of fish up the River DeLisle in the Counties of Vaudreuil and Soulanges, is prevented by certain mill-dams which are unprovided with fish-ways or fish-ladders?

2. Is the Minister of Marine and Fisheries prepared to determine it to be necessary for the public interest that fish passes should be constructed in the said mill-dams, as provided for by "*The Fisheries Act*"?

3. If the Government is not aware of the said prevention of the ascent of fish, will the Minister of Marine and Fisheries cause inquiries to be made, with the view of providing proper fish passes, if these be found necessary?

He said:—I may say by way of explanation that this river empties into the St. Lawrence at Coteau du Lac, in the county of Soulanges. In following it to its source you pass through parts of the counties of Soulanges, Vaudreuil, Glengarry and end in the county of Stormont. Near its mouth I believe there is a mill-dam; there is another in the county of Soulanges about twelve or fifteen miles from its mouth and a third in the county of Vaudreuil, at none of which, I am told, has any fish-way been provided, and consequently the fish cannot ascend the river. These obstructions have existed for several years, and my inquiry is made with a view to bring the matter to the notice of the Government, and having it investigated so as if possible to have the evil remedied.

HON. MR. FLINT—Do they float timber down the river in the spring?

HON. MR. MCMILLAN—Part of the way; they float saw-logs down for about ten or twelve miles, but they do not float any other kind of timber, and I do not know there is any sawdust in the stream,

because the saw-mill to which these logs are floated is run by steam and is near the mouth of the river. Of the other dams that I speak of, two are used in connecton with flour mills.

HON. MR. FLINT—Do the logs pass over those dams to reach the mills?

HON. MR. MCMILLAN—The mill owners are obliged by law to open their dams temporarily to let the logs pass.

HON. MR. FLINT—Then the question arises, how it is possible to keep the fish slides on those dams. I have had some experience in floating timber down stream, having lumbered for many years. On the river where I was conducting my operations the Government sent an agent to warn me to put fish slides on the dams, so that the fish could get up the river, but when he came to look at the dams and when he saw the quantity of timber that had to pass over them, he admitted that nothing could be done in that direction, because the timber passing down the stream every year would carry away the fish slides. He so reported to the Government, and nothing was done about it. In that stream the fish could not have gone very far—only three or four miles. Unless there is some provision by which the fish slides could be taken up before the logs pass over the dam, they would be ruined every year. I speak from experience, and I thought it but right to let the hon gentleman know the difficulty in the way of keeping fish slides on those dams where timber has to be floated down every year.

HON. MR. POWER—The hon. gentleman from Trent Division has probably had a good deal of experience in connection with those dams, but I think his experience has not been very extensive in connection with fish passes of an improved pattern, because there is no doubt that in the Lower Provinces, at any rate, fish ladders are used which do not interfere in any appreciable degree with the passage of logs down the river. I am very glad that the hon. gentleman from Glengarry has called attention to this matter, because the law for the preservation of fish and the protection of rivers is habitually violated from one end of the country to the other: at least it is in the Lower Provinces, and I judge from the observations he has made that the same rule holds good in the Upper Provinces. It is no doubt true that the interests of the lumbermen should not be interfered with unnecessarily, but the fishing interest is at least as important as the lumbering interest. Lumbering is essentially a transient business—the lumbering which consists in getting timber down the rivers after it is cut is at an end when the forests are removed, but the fishery is a business which, if properly protected, will last forever. I hope that one effect of the inquiry of the hon. gentleman will be to direct the attention of the proper Minister to this matter and to lead to a more thorough enforcing of the law for the protection of fish in the future.

HON. MR. DICKEY—I quite agree with what my hon. colleague has said with regard to those fishways in Nova Scotia, and I was rather surprised to hear the hon. member from Trent give his experience in a contrary direction in the Province of Ontario. In Nova Scotia we have had large experience of these fishways: I speak now of the same improved kind to which my hon. friend has referred. They have been made through a great many dams on our fishing rivers, and I have never yet heard of a fishway being injured by the logs, nor of a fishway obstructing the passage of logs, for the reason that the fishway is in the bottom of the river and the logs generally float on the top. I am happy to say that we have a patented fishway in the Province of Nova Scotia which has been in a great many places very successful. I do not want to go into that subject except to state a fact, which I am very happy to be in a position to mention. In the United States patents have been taken out and efforts have been made in a variety of ways and in a great number of the States to get a successful fishway for the passage of fish up and down streams, but none of them succeeded until the patentee of this fishway which is in operation in Nova Scotia, went last year to the United States at the instance of the authorities of the States of Con-

necticut to relieve a trouble that they had there. He was called upon to put a fishway in a very large dam in that river. His project was so successful that the authorities have given him an unlimited order to make similar fishways through the various other dams, and they have actually purchased out his patent for a certain district on that river. Therefore my hon. friend may feel assured that the difficulty can be overcome when so practical a people as the Americans have never found these fishways interfere with the passage of logs, but that they do assist the passage of fish up and down the river and enable them to go to their natural haunts for the purpose of spawning. I think the House is indebted to the hon. member for calling attention to a matter the interest of which is not confined to the particular district which he represents.

HON. MR. KAULBACH—In the part of Nova Scotia in which I reside there has been a long struggle between the lumbering interest and the fishing interest, and they have conflicted to such an extent that both have been injured in many ways. Prosecutions occurred which are now happily settled in the way that the hon. member from Amherst has explained. The Rogers fishway has been put in within the last year or two on many rivers and has been found successful beyond even what I supposed it could be. I know in one river in the county from which I come the advantages of it have been seen, and if anything I could say could encourage other districts to settle the difficulty between the lumbering and fishing interests by this means, I would consider that my words were not wasted.

HON. MR. ABBOTT—I quite agree with my hon. friends that the fish question is a very important one and that it is likely to become much more transient than the lumbering interest from the fact that fish are destroyed in and out of season and these obstacles exist in rivers preventing the access of the fish to the spawning grounds. Unfortunately, the operation of the fishery laws has been thrown a good deal into confusion by the judgments of the Supreme Court, declaring that the Dominion did not possess jurisdiction over streams, and they are practically limited in their jurisdiction to the estuaries and the shores. However there is, I believe, still power to compel the erection of fishways. I have to say to my hon. friend, in reply to his question, that the attention of the Government has not been called to the fact that there are no fishways in the dams on this river: that they were not aware of it until he called attention to the subject; that they will cause immediate inquiries to be made into the matter and will take such steps as may be found to be judicious and expedient and necessary for the protection of the fish in the river.

THE CANADA TEMPERANCE ACT.

MOTION.

HON. MR. SULLIVAN moved:—

That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will cause to be laid before this House, copy of the Returns made to the Commissioner of Inland Revenue by the several parties licensed to sell alcohol liquor in the United Counties of Leeds and Grenville since the adoption of the "Canada Temperance Act" in said Counties, giving the names of the parties authorizing the sale, the quantities in each case, and the names of the parties purchasing.

He said: This motion does not require any explanation at my hands. I simply wish to obtain some information as to the working of the Act in those Counties.

HON. MR. ABBOTT—There is no objection to the address, but I may tell my hon. friend that there has been only one return made in a very fragmentary way, and that can shortly be laid before the House.

The motion was agreed to.

BILLS INTRODUCED.

Bill (92) "An Act to amend the Acts relating to the Harbor Commissioners of Montreal." (Mr. Abbott.)

Bill (115) "An Act to amend the Dominion Elections Act and to remove doubts as to the right of certain persons to vote at election of members of the House of Commons. (Mr. Abbott.)

Bill (41) "An Act respecting the Department of Customs and the Department of Inland Revenue." (Mr. Abbott.)

Bill (77) "An Act respecting the Oxford Junction and New Glasgow Branch of the Intercolonial Railway." (Mr. Abbott.)

Bill (P) "An Act further to amend the Act respecting the Department of Finance and the Treasury Board." (Mr. Abbott.)

Bill (134) "An Act to enable the St. Martin's and Upham Railway Company to sell its railway and property." (Mr. Miller.)

FIRST AND SECOND READINGS.

Bill (104) "An Act to incorporate the Canadian Powder Company." (Mr. McCallum.)

Bill (90) "An Act to revise and amend the Act incorporating the Quebec Railway Bridge Company." (Mr. Ross, Laurentides.)

Bill (118) "An Act respecting the Guelph Junction Railway Company." (Mr. McKindsey.)

Bill (117) "An Act respecting the Western Counties Railway Company." (Mr. Kaulbach.)

Bill (124) "An Act respecting the Ontario & Pacific Railway Company." (Mr. Dickey.)

DEPARTMENT OF TRADE AND COMMERCE BILL.

SECOND READING.

The House resolved itself into a Committee of the Whole on Bill (7) "An Act respecting the Department of Trade and Commerce."

HON. MR. SCOTT—I proposed to make some observations on this Bill before going into Committee, but as it is a twin sister of the Bill that is ordered for second reading to-morrow I shall postpone my observations until that Bill comes up for discussion.

In the Committee, on clause two.

HON. MR. POWER—I wish to advert to one fact which appears on the face of this Bill. It was understood that we were to have a reconstruction of the Cabinet; it was not to be an increase—just as long ago the tariff was not to be increased, but to be readjusted. This Bill was not to increase the expense of the Government, but simply to readjust the working of the Department. If it were really a readjustment instead of containing provisions to appoint deputies to this Minister and such other officers and clerks as may be required, we should have a provision made for taking the officers who are now employed in other Departments and putting them into this Department. I cannot help expressing my objection to the character of a measure of this kind. We have infinitely more government than we want, and this Bill provides for still more.

HON. MR. ABBOTT—It is impossible to say at this moment in what way the details of the organization of this Department are to be carried out, but I take it for granted—in fact I believe it is the intention that the deputy shall be taken from one of the other departments. Of course it is not necessary to make any provision in the Act to take the deputy from another department; that can be done by the executive itself. I do not know that it is altogether a settled fact that these two departments, Inland Revenue and Customs, will be placed under this new department, Trade and Commerce. That is a suggestion which fell from one of the members of the Opposition in the other House and is under consideration. The intention is to take the deputy head from one of those departments.

The clause was agreed to.

On the third clause.

HON. MR. POWER—I think that the

Government ought to define a little more accurately than is done in this clause the duties and powers of this Minister. Any gentleman can read this clause as he may, and he will know as little of the duties and powers of the Minister after as he did before reading it. The clause reads:—

> The duties and powers of the Minister of Trade and Commerce shall extend to the execution of laws enacted by the Parliament of Canada, and of orders of the Governor in Council, relating to such matters connected with trade and commerce generally as are not by law assigned to any other Department of the Government of Canada.

I was under the impression that all questions relating to Trade and Commerce were now by law assigned to some Department or other of the several departments of the Government. The clause continues,

> "As well as to the direction of all public bodies, officers and servants employed in the execution of such laws and orders."

I think that clause leaves the mind of the reader in a delightful state of haze and uncertainty as to what the duties of the Minister are to be. It is not at all improbable that that haze is an intentional one.

HON. MR. ABBOTT—I imagine that my hon. friend is quite right about that, not that it should be characterized as a "haze," but as leaving to the discretion of the Government in the organization of this Department the precise duties which the Government will impose upon the head of the Department of Trade and Commerce. There are now three departments which have to do with matters of trade and commerce—the Finance, Customs and Inland Revenue, and in what precise way those duties will be distributed, of course, must depend on a more particular consideration of the duties of each of these departments. It will depend upon convenience. The object will be for the Governor-in-Council to assign such duties to this officer as may be most advantageously performed by him, and at the same time to distribute the other duties connected with trade and commerce—if they are not all given to him—to the Ministers of other departments.

HON. MR. POWER—The fact is it means just that the Parliament gives a sort of blank cheque to the Government to do what they please, and the Parliament has no control over the organization of this Department at all. If we allow the Government to define the duties of all officers that are to be appointed, and then allow them, as they have done in the past year, to issue Governor-General's warrants to the extent of two million dollars, I think we might just as well hand the whole of the Government of the country over to them at once and dispense with Parliament as being a useless expenditure.

HON. MR. ABBOTT—My hon. friend must perceive that as the entire work of the Government throughout the Dominion is now divided amongst thirteen departments, any reorganization must involve a vast amount of consideration. It would be impossible, without grave consideration, to make out a schedule or tabular statement of what each minister will do. If these details cannot be left with the Government, I would like to know, to follow my hon. friend's line of argument, what the Government is for? It would be no use in having a Government at all if these details were to be governed by Parliament itself. Parliament itself governs by a Committee of Ministers appointed by itself, and questions of executive detail, which hardly can be brought in detail to Parliament, must be left to the Governor-in-Council.

HON. MR. SCOTT—As I understand the two Bills, after reading them very cursorily, the Ministers of Customs and Inland Revenue are wiped out absolutely—the duties performed by those two officials are to be centred in the Minister of Trade and Commerce. He absorbs those two Departments proper, and becomes the head of both. Under him there is to be a controller of Customs and a controller of Inland Revenue. He may under this clause assign to them such other duties and powers as the Queen's Privy Council of Canada may think fit, but it is quite clear that the duties, under the law as now defined in the sister Bill which has just come into the House, of the Minister of Customs and Minister of

Inland Revenue are to be assigned to him. I cannot myself see where the saving comes in, inasmuch as there is to be a controller of Customs and a controller of Inland Revenue and although their salaries are not to be as high as that of a Minister of the Crown having a seat in the inner circle, yet I think myself that under our institutions and under the system which prevails in Canada, once we allow two additional ministers, the two additional ministers will become members of the Cabinet. That is the ultimate result of a proposition of this kind, and the saving in the meantime of the difference between the salaries of the controllers who are to have seats in Parliament and that of Ministers. They are to be practically responsible ministers. They take the position, if I am right, of the under secretaries in England. They go out with the Government of the day and they are named by the Premier of the day. They are responsible in the same way that their colleagues in the Cabinet are responsible. The only difference is that they hold the anomalous position that was once held in former years in old Canada by the Solicitor-General, he being a member of the Government but not a member of the Cabinet. If I read the Bill carefully I assume that is the interpretation to be put upon it. I do not propose at the present moment to go further into the matter, because it will come up very much better under the Bill that is to be read the second time to-morrow, therefore I shall defer any further observations I have to make upon it until that Bill is before us.

HON. MR. KAULBACH—The number of departments is not increased by this Bill.

HON. MR. DICKEY—The hon. gentleman from Halifax has remarked that the object of this Bill is to concentrate power in the hands of the Government. Unfortunately it is not the only instance in our legislation where there has been a resort to that expedient. I am afraid it has been carried too far; at all events it is not without abundant precedent in our legislation, this system of leaving the details of a measure to be regulated entirely by the Government.

HON. MR. GOWAN—I understand the objection of my hon. friend from Halifax is to the third clause. I do not quite apprehend his position. I thought he was objecting to conferring those large powers upon the Government rather than tracing them out in the act, but if that is the point he objects to my hon. friend will remember there is scarcely an Act framed in England with regard to the procedure of the courts that fully traces out all the duties of the officers thereof or the manner in which they are to be performed. It is entirely left to the Judges to frame rules of procedure by which the object of the Act may be carried out and if the Judges who are certainly not directly under our control are entrusted with that power, I think the Government who are directly responsible to Parliament may be well entrusted with powers of an analagous nature. I can see nothing more in this than is conferred on the Judges of ordinary courts of justice to trace out the duties of the officers of the Court, and I think it would be safe to leave it with the Government of the country to trace out the duties of the Minister of Trade and Commerce.

HON. MR. POWER—We have already more heads of Departments than any other country in the world, yet the Government bring in a measure providing for an additional head of a Department. The Government allege that another officer is necessary, but it seems to me that it is the duty of the Government to point out as it has not yet been pointed out here, how this officer is necessary and for what purpose he is necessary; and when the Government points that out, the purpose for which he is necessary should be embodied in the Bill. The truth is, I think it just means this: the Government desire for some reason or other to have an additional head of a Department, and to have the patronage which an additional head of a Department necessarily involves, and they come down to Parliament, knowing that their supporters will support anything which they propose, and introduce this measure without the necessary explanations and without the details which such a measure should embrace.

HON. MR. GOWAN—Suppose the course taken by the hon. gentleman from Halifax were adopted, and all the particular duties of the heads of this proposed Department were defined in this Bill; and suppose some unforseen circumstance should arise which would present a case not provided for in the Act, the Governor-in-Council would be utterly powerless to deal with it as they could not go beyond the purview of the Act. Therefore it strikes me as very important that power should be vested in the Governor-in-Conncil to make the necessary rules and regulations, if at any time an unforseen circumstance should arise with which they could not deal if they were tied down with hard and fast lines.

HON. MR. ABBOTT—The purpose for which this Minister is appointed, and a deputy created, I mentioned on the introduction of the Bill. The intention is that the Minister shall have under his charge all matters relating to trade and commerce, more particularly the tariff and "such matters connected with trade and commerce generally as are not by law assigned to any other Department." This is to be *par excellence* the Minister who deals with all questions connected with trade and commerce. Now in reality the appointment of this Minister is a reduction in the number of Cabinet Ministers He takes the place of two Cabinet Ministers.

HON. MR. POWER—Who will remain as controllers.

HON. MR. ABBOTT—The will be truly the heads of departments. The difference will be that they will be obliged to be in their places in Parliament, as Under Secretaries in England are, to explain many things which, perhaps, the Minister holding the present position of member of the Cabinet would not be able to do.

The clause was agreed to.

HON. MR. MILLER, from the Committee, reported the Bill without amendment. The Bill was then read the third time and passed.

COURT OF CLAIMS BILL.

REPORTED FROM THE COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (111) "An Act to amend the Supreme and Exchequer Court Act and to make better provision for the trial of claims against the Crown."

In the Committee, on the third clause,

HON. MR. POWER—Before this clause is passed I should like to ask some explanations from the Leader of the Government. The Bill proposes to continue the present Exchequer Court. The second clause provides for the appointment of a new judge, and it seems to provide that this judge is to be completely independent of the other judges of the Supreme Court. It gives him power to make rules of procedure for the government of the Court and for other purposes. It occurs to me that it would be much better to have appointed an additional judge of the Supreme Court whose duty it would be to deal with the business heretofore done by the Exchequer Court and also to provide that the rules should be made, not by that judge alone who would be a new appointment, but by all the judges of the Supreme Court including the new judge. The hon. gentleman will see that this Bill contains provisions that are a little awkward in case of illness or absence of the judge who is thus provided for. If he were a judge of the present Supreme Court, in case of his disqualification or absence, one of the other judges would take his place, and a provision of that kind might be made. On the whole that would be a more satisfactory way of constituting the court than the one which has been adopted.

HON. MR. SCOTT—It is quite evident that this Bill establishes an independent tribunal which has had no existence in Canada before; because, as has been observed by the hon. gentleman who has just taken his seat, our present Court of Exchequer is an offspring of the present Supreme Court, and the duties of that court are discharged from

time to time by a member selected from the judges of the Supreme Court. It is an independent tribunal with indpendent officials, authorized to make independent rules and to consider those questions which heretofore have come, some of them, in the first instance, before the Dominion Arbitrators and those questions which have, as a rule, come before the Exchequer Court. The only justification, in my mind, for the proposition of the Government would be the assumption that the Supreme Court of Canada has more work than it is really capable of discharging. I am not aware that any complaint has been made by that court that it has been overburdened with work. On the contrary, take the last sittings of the court as an indication of the volume of cases before it, and it was considerably less than what the court certainly would have been equal to, that is comparing the labors of that court with those of the Court of Appeal in Ontario say, where the number of cases would be very much greater certainly than the number before the Supreme Court at its last sitting. I may speak without being properly informed, but I am not aware that any remonstrance has come from the Supreme Court against the duties assigned to it under the law as it now stands. It seems to me that there is no such justification for the Government appointing a new official who is to have an independent tribunal of his own. The assumption that he would discharge the duties of the official arbitrators, I find is also negatived by the 11th clause, which provides that the present arbitrators shall, as they cease to live, cease to be members of the Dominion Board of Arbitrators, and I notice that the Government are authorized under this Act to name three official referees who are to be an adjunct of the Court of Exchequer and to discharge the duties that are from time to time to be allotted to them by the judge of that court, the presumption being that in minor cases, or in the taking of evidence at remote and distant points, or where a multiplicity of business happens to come before a judge, a referee could be sent to different places in the Dominion for the purpose of gathering evidence. I do not at present see where the special advantage will be gained in the proposition that the Government have submitted to us. It hinges, of course, entirely upon the question whether the judge from time to time allotted to do the Exchequer business has felt overburdened, and whether it has occupied his time unduly and taken him from duties that ought to be discharged by a judge of the Supreme Court. It will be observed that the Act provides that there are to be registrars and other officers of the court with liberal salaries, and one very marked feature of the Bill is that it provides that a judge of the County Court may be selected to fill the position of judge of this court. Whether there was a judge of a county court in view at the time this Bill was drawn I am unable to say, but it appears that Parliament is about to provide that he, at all events, will be eligible, being now a judge of a county court. I am free to admit that the duties of the Dominion Arbitrators are year by year apparently becoming of greater importance, that complicated questions of law and fact no doubt come before them, and that of recent years there are many more appeals from that Board than formerly, owing to the nature of the subjects with which they have had to deal, and I quite recognize that the Government, or Parliament, should have to consider that in the future it would be proper that the Chairman of the Dominion Board of Arbitrators should be a barrister having those qualifications that would fit him for the position of a Judge. Having myself had some experience of the practise prevailing before that Board, and knowing how it might be improved, I am free to confess that that would be an important proposition. Of course the one the Government now submit for our consideration is altogether of a larger and wider character. It is one that is going to cost also a very considerable additional sum. It is argued, also, that the ability of a judge who is of an educated mind—educated I mean in legal questions—will enable him more readily to adjudicate questions which come before him, and will occupy less time than is occupied in adjudicating cases by the Board of Arbitrators, who are all laymen, and that will be an excuse for this; but I can see that the same results might have

been accomplished by, as a vacancy arose in the Board of Arbitrators, filling it by appointing a gentleman who would have all the qualifications of a Judge. It is not now necessary that all the Board should be present at one time: I think that the Department under which that Board exercises its function has the power to allot to each member of the Board duties at different points. It is only when large subjects are up for consideration that the Board meet collectively and consider the cases in a body. The point upon which I think it would be desirable that Parliament should be advised is whether this Bill is the result of a demand—not a demand, perhaps, but a remonstrance, from the Supreme Court of Canada that their duties were quite full enough without having to be burdened with appeals coming from the Dominion Board of Arbitrators, and the court was unable to supply a judge from their number to perform the duties that appertain to the judge of the Exchequer Court. If the Supreme Court require that assistance, as the hon. member from Halifax observed, it might have been thought best to add an additional judge, although that, I recognize, would be open to this objection that it would be making the court numerically too large.

HON. MR. GOWAN—My hon. friend from Halifax thinks that the proper remedy would be to appoint another judge. "If the court has not sufficient business to occupy it why employ another judge," but I think a little consideration will show my hon friend that it requires a person of peculiar aptitude for this work, and a great deal of it is I think, so far as my recollection goes, entirely new. Work, new and important, will be before an Exchequer Court under the very large jurisdiction given to them, and the exceedingly wide range involves a large amount of technical knowledge and an entire devotion to that branch of jurisdiction in order to give efficiency.

HON. MR. POWER—I said that a judge should be appointed specially to do this duty.

HON. MR. GOWAN—The hon. gentleman would confine the appointment to one of the judges of the existing court.

HON. MR. POWER—I would make him a judge of the Supreme Court too.

HON. MR. GOWAN—As I was saying this position requires peculiar technical knowledge, and we know that in England the perfection is obtained and the excellence in their judgments is due to the special selection of men who have peculiar fitness for the special duties that are assigned to them. Even now although there is one Supreme Court in England, in some of the provinces certain branches of the law are handed over to a department of that court, and there is always an advantage of having men trained specially to deal with subjects of particular jurisdiction and thus they attain superior excellence in dealing with them. Under the 15th section it is provided:—

> The Exchequer Court shall have exclusive original jurisdiction in all cases in which demand is made or relief sought in respect of any matter which might in England, be the subject of a suit or action against the Crown.

Now that is a very large branch of jurisdiction and involves, as I said before, an immense amount of techinical knowledge but it does not stop there. It goes on:—

> The Exchequer Court shall also have exclusive original jurisdiction to hear and determine the following matters:—
>
> (*a.*) Every claim against the Crown for property taken for any public purpose;
>
> (*b.*) Every claim against the Crown for damage to property, injuriously affected by the construction of any public work;
>
> (*c.*) Every claim against the Crown arising out of any death or injury to the person or to property on any public work, resulting from the negligence of any officer or servant of the Crown, while acting within the scope of his duties or employment;
>
> (*d.*) Every claim against the Crown arising under any law of Canada or any regulation made by the Governor in Council;
>
> (*e.*) Every set off, counter claim, claim for damages, whether liquidated or unliquidated, or other demand whatsoever, on the part of the

Crown against any person making claim against the Crown.

The Exchequer Court shall have and possess concurrent original jurisdiction in Canada,—

(*a*) In all cases relating to the revenue in which it is sought to enforce any law of Canada, including actions, suits and proceedings by way of information to enforce penalties, and proceedings by way of information *in rem*, and as well in *qui tam* suits for penalties or forfeitures as where the suit is on behalf of the Crown alone;

(*b*) In all cases in which it is sought at the instance of the Attorney-General of Canada, to impeach or annul any patent of invention, or any patent, lease or other instrument respecting lands;

(*c*) In all cases in which demand is made or relief sought against any officer of the Crown for anything done or omitted to be done in the performance of his duty as such officer;

(*d*) In all other actions and suits of a civil nature at common law or equity in which the Crown is plaintiff or petitioner.

Now these, or nearly all of these, involve very full and special knowledge. I think that the value of the court will be largely promoted by having an officer specially devoted to the disposal of subjects that are comprised in the clause giving the jurisdiction. My hon. friend made some allusion to the judges of the Supreme Court not having made any claim that they are overworked. I do not know how that may be, but this I have heard on good authority that there are some 40 or 50 cases now undisposed of, and the judges have not been able to prepare their judgemnts in them. If so many judgments yet remain undisposed of it certainly argues that the present court is not adequate to dispose of all the business before it. Doubtless in many of these cases, involving difficult questions and coming from every part of the Dominion, it is necessary that the judges should confer after the matter is discussed and argued, and it frequently takes a very long time to argue and debate amongst themselves, so without saying that there is any undue want of effort on the part of the judges of the Supreme Court in preparing and delivering their judgments, the fact remains, I believe, that a very large number of cases remain undisposed of, showing that the force at present employed is not sufficient. I think on the ground of special jurisdiction alone, whatever the cost may be, the public are entitled to have those cases fully and effectually disposed of and in such a way that there will be no appeal. I am a strong believer in the system of single seated justice, and although the court is so constituted that there is but one judge, there is an appeal given to the whole Supreme Court, so that I fail to appreciate the strength of the argument of my hon. friends opposite on either of the two points—either that there should not be a special court constituted or because the court as now existing ought to dispose of such cases, and I think, therefore, this law should be enacted. I presume the Government are in possession of sufficient facts to inform them whether the court is adequate to deal with all the cases coming before them with the rapidity that justice demands. The court may be able to deal with all the cases in the course of time, but prompt justice is always the sweetest, and the sooner people are out of pain and know what their rights are the better. I consider this a very desirable and necessary measure.

HON. MR. TRUDEL—According to sub-section 4 of section 3 "the Judge of the Court shall reside at Ottawa or within five miles thereof." It is true that by the 20th section the judge may sit at any time and place in Canada for the transaction of the business of the Exchequer Court or any part thereof. I think that the Government out to take into consideration the convenience of litigants. The regulations made by the court might be that its sittings would be held only at certain places and nowhere else, and poor persons who would be obliged to come before the court would be unable to incur the expense, which would be practically a denial of justice.

HON. MR. ABBOTT—My hon. friend will see, with regard to the judge travelling, that the intention is that he shall go round to different places, as the judge in Exchequer has usually done, and elaborate provision is made here for

his travelling expenses. It is true he will have the power to make rules, but they are to be subject to the approval of the Governor-in-Council, and must be laid before Parliament within fifteen days after the opening of the session, so that even if he were to attempt to do what my hon. friend suggests is possible, and which I agree with him would be practically a denial of justice, he is subject in such matters to the control of the Government and of Parliament. Where there is a liberal allowance made for travelling expenses judges do not usually object to travelling.

At 6 o'clock the Speaker left the Chair.

AFTER RECESS.

The Committee resumed.

On the 6th clause.

HON. MR. MILLER—What is meant by the term, "moving expenses?" Does it mean travelling expenses?

HON. MR. ABBOTT—The present judges are allowed moving expenses. It is really travelling expenses. I do not know why they use this phrase. I understand the present judges are allowed their Pullman fares, and I think "moving expenses" mean car fares and cab fares and that sort of thing. It is the rate in force for all the Superior and County Court judges.

The clause was agreed to.

On the 9th clause.

HON. MR. TRUDEL—Under the present system there is a Board of Arbitrators and those arbitrators constitute a regular tribunal with a secretary who has been in office for some years. I would like to know if it is the intention to continue the same officer as registrar of this new court.

HON. MR. MILLER—This does not interfere with the present registrar.

HON. MR. TRUDEL—I see that the Dominion arbitrators are mentioned as special official referees.

HON MR. ABBOTT—There is no mention of the secretary in the Bill.

HON. MR. TRUDEL—Last year there was a Bill before Parliament which did not pass, and if I recollect well it was provided in that Bill that the Secretary would be continued in charge of the register. I call the attention of the leader of the Government to this matter, because it seems to me rather extraordinary that a public officer, after so many years of faithful service, should be totally ignored in this reorganization.

HON. MR. ABBOTT—My hon. friend does not perceive that the law does not deal with the position of the arbitrators at all or with the secretary. He belongs to the Civil Service, and he has his rights and will undoubtedly claim them, and if he has been as efficient an officer as the hon. gentleman suggests, it is quite possible that he will receive another appointment. The Government do not propose to include in this Bill any statutory provision respecting the appointment of the gentleman who is to act as registrar.

HON. MR. MILLER—I have read the Bill through, and I do not think it interferes at all with the office of secretary to the Dominion Arbitrators. Whether it is the intention to allow that office to exist after this Bill goes into operation I do not know, but in any case his rights will be considered by the Government.

HON. MR. ABBOTT—He is a Civil Service officer.

HON. MR. TRUDEL—I cannot see how the arbitrators, even as special referees, could act without a secretary.

The clause was agreed to.

On the 11th clause, second subsection,

HON MR. ABBOTT—The present Board of Arbitrators cannot very well be dismissed, they will serve as special referees in small matters and in that respect will always be useful; but when they are incapacitated through death or any other cause from acting it will be necessary to appoint some body to continue their duties and it is proposed to appoint refrees who will be paid by fees according to the work they do, instead

of receiving, as the present arbitrators receive, salaries of a thousand dollars per annum. The sub-section provides that as vacancies occur in the office of official arbitrators the Governor in Council may appoint official referees not exceeding three in number. My attention was called to this clause, that it was making provision for the appointment of three official referees besides the official arbitrators now in office. Of course that is not the intention. It seems to me pretty clear, but a word or two might be put in to make the intention more clear, if necessary.

HON. MR. MILLER—I think myself that "vacancies" being alluded to in the first part of the clause "As vacancies occur in the office of official arbitrators" it will govern the appointment of the others.

HON. MR. ABBOTT—I think that limits it. I am sorry the hon. gentleman from Ottawa is not present as he called my attention to this provision.

HON. MR. TRUDEL—My opinion is that any appointment to be made is covered by the fact of vacancies occurring.

The clause was agreed te.

On the 20th clause.

HON. MR. TRUDEL—I wish to ask the leader of the Government whether it would not be possible to amend this clause? It provides that the judge of the Exchequer Court may sit and act at any time and at any place in Canada for the transaction of business of the court. Supposing the judge should decide that he should not sit out of Ottawa except in extraordinary cases, then, according to this section, the Parliament could not interfere. Of course those regulations are always subject to the sanction of Parliament, but the law is there, and I would like to have some provision that the intention of this Bill is to continue the old practice of conducting the inquiries in the Superior Court nearest to the place where the cases originate and where it is to the interest of the parties to have the *enquete* held.

HON. MR. ABBOTT—The difficulty I see in the proposition of the hon. gentleman is this: That in point of fact it would be limiting the power of the judge to sit in a place where the claim occurs. There might be a question arising within forty miles of the Superior Court of this town for instance, and the witnesses and the people who are interested, under the hon. gentleman's proposition would all have to be dragged forty miles to the court. Sections 65 and 66 give complete control over the rules and I should prefer not to limit the jurisdiction of this judge and compel him to sit at a place which might be at a great distance from the spot where the inquiry would arise.

The clause was agreed to.

HON. MR. VIDAL from the Committee reported the Bill with amendments.

The amendments were concurred in, and the Bill was ordered for third reading to-morrow.

CHINESE IMMIGRATION BILL.

The Order of the Day being called that the House do resolve itself into a Committee of the Whole on Bill (54) "An Act to amend the Chinese Immigration Act."

HON. MR. VIDAL—Before the Speaker leaves the Chair I wish to say I purpose to bring before the House in connection with this question, and at this stage of the proceedings, a very important matter—a matter respecting our powers and privileges which I think is involved in the discussion on the Bill on which the House is about going into committee. I think this is a suitable time to do it, but if it will facilitate the business of the House, and I shall be allowed to do it at a subsequent stage, I should prefer to postpone my remarks until the third reading of the Bill, as I know that there are some members not present to-night who are very anxious to take part in the discussion.

HON. MR. ABBOTT—In reply to my hon. friend I beg to say that at any stage of this Bill I shall make no objection to

the hon. gentleman raising the question which he intends to lay before the House, and possibly it can be done on concurrence in the amendments, when I shall raise a point of order also which will be quite *apropos* to the question which the hon. gentleman intends raising.

The House went into Committee on the Bill.

In the Committee.

HON. MR. ABBOTT—Before moving the second clause I wish to say a word, with the sanction of the House. This clause is a clause which permits the Chinese to travel through the country, and it is expected that there will be considerable travel of that description from one end of the country to the other, even from the Eastern Provinces to British Columbia, and from San Francisco to the east by way of British Columbia. It is a relaxation of the existing law. The law does not permit the Chinese to travel through the country. This Bill will permit them to do so, making the railway and steamship companies responsible for the payment of the tax, and of a certain fine in addition. I have consulted with some of those carriers on the subject and they say that they anticipate no difficulty at all in making arrangements to do this business. They have a short form of bond; this bond secures them against the amount which they will have to pay if the Chinaman leaves the country without paying the duty. In that way the railways and steamship companies take the risk, and if it will give to the carriers some encouragement, and facilities for the Chinese to move about. Those who are against the Act, and think it a bad Act, cannot object to it being thus amended and made more liberal in its terms.

The clause was agreed to.

On the third section.

HON. MR. ABBOTT—By this clause it is proposed to restrict the period during which a Chinaman may absent himself from the country, and may return again under papers. I propose to strike that out altogether, and I find in the Chinese Bill a provision with regard to fines and penalties which I think is too onerous altogether. The law provides that a Chinaman committing any of those frauds, described in the Act, shall be guilty of a misdemeanor and should be liable to a penalty not exceeding $500, or to imprisonment for a term of not less than twelve months, or both. I propose to strike out the words "or both" in the original law which I think will be an improvement. Then there only remains but one clause which is so obviously just that I can see no objection to it. That is clause 15. At present all revenues derived under this Act are paid into and form part of the consolidated revenue fund of Canada, and the Government then pay to the province within which these duties are collected, one-fourth of the amount. It is considered hardly fair that the Dominion should pay all the expenses of collecting the fund, and therefore it is proposed to amend the clause and provide that one-fourth of the net proceeds of all entry dues paid by Chinese immigrants shall at the end of every fiscal year be paid out of such funds to the province wherein the same was collected. I hope the House will sustain me in this. I do not see any object to be gained, any principle to be vindicated, or any advantage to be secured in any way by the friends of the Chinese, in preventing the Government from relaxing those rules even to the small extent which this Bill proposes they shall be relaxed.

The right of travel is certainly an important one. It is important to these poor people and to the carrying trade of the country. The propriety of preventing a man from being fined $500 and being imprisoned also seems to me to be quite indisputable. I observe that some gentlemen who have spoken, find fault with this clause as it stands in the Bill because it fixes the amount of the fine and the term of imprisonment, leaving nothing to the discretion of the judge. I propose to strike out the words "or both" so that a man cannot be both fined and imprisoned.

HON. MR KAULBACH—Then you are not going to limit the amount of the fine and the term of imprisonment?

HON. MR. ABBOTT—I will leave it to a maximum—not more than $500, the amount to be left to the discretion of the judge, not exceeding that sum. It appears to appeal to our sense of humanity, however much the Chamber may desire it—supposing a majority of the Chamber did desire it—in view of the impossibility of affecting in any way the existing Chinese law, I really cannot believe that hon. gentlemen will prevent its being ameliorated in the meantime. It certainly is a step in the right direction: that cannot be denied, and I cannot see any reason why we in the exercise of that calm judgment which is supposed to be a particular appurtenant of the Senate, (and no doubt is) should reject this Bill. Even those who are most strongly opposed to the Chinese law ought to see, since it is plain they cannot get that Act repealed this session, that they will by rejecting this Bill refuse the small measure of relief which we propose to give to the Chinese in this country.

HON. MR. MCINNES—Do you propose to strike out the third section altogether?

HON. MR. ABBOTT—Yes.

HON. MR. MCINNES—What about the time limit?

HON. MR. ABBOTT—There will be no time limit. In San Francisco, where they certainly dislike the Chinese as much as our friends in British Columbia do, there is no time limit fixed.

HON. MR. DEBOUCHERVILLE—I do not object to the Bill. On the contrary, I am very glad to see that the Government intend to diminish the penalties against the Chinese, but how can you reconcile this with the decision of yesterday that we have not the power to diminish the penalty? That was the reason given by the Speaker, if I remember correctly, in ruling the Bill of the hon. member from Sarnia out of order.

HON. MR. ABBOTT—The answer to that, my hon. friend will perceive, is very simple. The limitation which has been made in the first clause I maintain is out of order, and that I propose to discuss with my hon. friend on concurrence, when he will also have an opportunity of discussing the question of privilege which he proposes to bring before the House, and which I understand to be maintaining his right to introduce the Bill which was ruled out of order; but the two clauses which I now propose to pass do not affect the revenue at all. They do not touch it. They come to us from the other House and I propose to have them pass as they came to us.

HON. MR. DEBOUCHERVILLE—According to the existing law a Chinaman may be condemned to pay so much money and to imprisonment also: by this amendment he cannot be punished by both fine and imprisonment. If he is sent to prison the Government will lose the amount of the penalty.

HON. MR. ABBOTT—My hon. friend will perceive that the rule against amending money bills does not extend to the mere enforcement of a penalty for an offence; but in this case my hon. friend will see that we do not take away the penalty. The Court may still condemn him to pay the penalty. We only say that if the Court condemns the man to pay a penalty it cannot send him to jail. In any case, as I understand the rule, the imposition of a penalty as punishment for an offence does not come within the prohibition of initiating money bills in the Senate, but if it did, I do not think this clause would interfere with the revenue; it only prevents the infliction of two punishments.

HON. MR. MILLER—It is laid down in Bourinot that an amendment which incidentally affects a penalty is allowed in the Upper House. This amendment affects the penalty and it is allowable. To-day, making a little research on the subject, I discovered another principle which was new to me laid down in May and it is this—that where the House has power to amend a clause in a money bill it has power to strike out the clause: that is contended for by very eminent men in the House of Lords in England.

The clause was adopted.

HON. MR. ABBOTT moved that Section 3 with all its sub-sections be struck out.

The motion was agreed to.

HON. MR. ABBOTT moved that the following be inserted "Sub-section 2 of Section 13 is amended by striking out therefrom the words 'or both.'"

HON. MR. HAYTHORNE—I wish to call the attention of the leader of the Government once more to the excessive nature of the penalty in sub-section 2. A Chinaman who is unable to pay a fine of $500 is to be imprisoned twelve months. Let any hon. gentleman imagine the effect of twelve months imprisonment on a Chinaman; it would make such a change in that man's life that if he were to live fifty years afterwards he would never cease to condemn the white race for their cruelty. Could not the hon. gentleman reduce that to a shorter term of imprisonment?

HON. MR. ABBOTT—My hon. friend will see that the offence is a serious one—it is for forging a certificate, or personation. I think, myself, that twelve months imprisonment for the offence is rather tyrannical, but by the amendment which I propose to make my hon. friend will see that the magistrate may imprison the offender for any term not exceeding twelve months at his discretion. The offence for which the punishment is provided is a very serious one.

HON. MR. MCINNES—I think it would be a very desirable thing to fix a minimum. In the Indian Act the penalty for supplying an Indian with liquor is a fine of $500 and I think the minimum is $200.

HON. MR. ABBOTT—My attention was called to that provision of the Indian Act, and if it had not escaped my mind in the exciting debate of that evening I would have struck out the minimum and left the amount of the fine to the discretion of the magistrate, as is done in this Bill.

HON. MR. HAYTHORNE — The position of the Chinaman under this Act is similar to that of the traveller in Europe half a century ago. In those days you could not pass through any country in Europe without having a passport. He was required to have that passport vised and could only go to the place which that vise indicated. The very fact that those passports were exacted rendered breaches of them quite frequent. I never heard that such penalty as £100 sterling or 12 months imprisonment was exacted by the most rigid police in Europe for infraction of the law, yet you impose this heavy penalty upon a Chinaman who may have no idea of the nature of the crime he is committing.

HON. MR. ABBOTT—My hon. friend will see the difference between such a case and forging a passport or personating. This is a case of where a man is convicted, not only of forging what is equivalent to the passport, but of coming forward and personating another man knowingly. I do not think there is any danger of injustice under this clause.

HON. MR. MILLER—The two cases are not alike at all.

The clause was adopted.

HON. MR. GIRARD, from the Committee, reported the Bill with amendments.

BILLS INTRODUCED.

Bill (116) "An Act to amend the Act respecting the Department of Agriculture." (Mr. Abbott.)

Bill (139) "An Act to provide for an additional subsidy to the Province of Prince Edward Island." (Mr. Abbott.)

Bill (146) "An Act to amend the Speedy Trials Act, chap. 175 of the Revised Statutes." (Mr. Abbott.)

Bill (133) "An Act respecting the Manitoba South Western Colonization Railway Company." (Mr. Vidal.)

The Senate adjourned at 9 p.m.

THE SENATE.

Ottawa, Friday, 17th June, 1887.

THE SPEAKER took the chair at 3 p.m.

Prayers and routine proceedings.

SECOND READINGS.

The following Bills were reported from Committee, and read the second time under suspension of the rules.

Bill (133) "An Act extending the time for the completion of the Manitoba South Western Colonization Railway Company. (Mr. Vidal.)

Bill (132) "An Act to incorporate the Canada Atlantic Steamship Company." (Mr. Power.)

ST. MARTIN'S AND UPHAM RAILWAY COMPANY BILL.

SECOND READING.

HON. MR. DICKEY, in the absence of Hon. Mr. Miller, moved the second reading of Bill (134) "An Act to enable the St. Martin's and Upham Railway Company to sell its railway and property, and that the 41st rule of the House be suspended as regards this Bill.

HON. MR. ALMON—It seems to me that this is a case, the sale of a railway, in which the public ought to be notified that such legislation is asked for. It must strike every member of this House that it is a very grave step that we are taking.

HON. MR. DICKEY—My hon. friend has not perhaps looked into the Bill, nor have I done so very closely; but I have looked into it sufficiently to be aware that the object of the Bill is to secure the construction of a railway in the Province of New Brunswick which at present is in rather a languishing condition for want of funds, and that this legislation is rendered necessary by the fact that parties have offered to take up the road and finish it without delay if this legislation is passed; therefore I think it is a Bill which recommends itself to our sympathy. The road is one from the village of Hampton in the Province of New Brunswick, and extends from that point of connection with the Intercolonial Railway to the Village of Quaco in St. Martins, on the Bay of Fundy, a very popular summer resort. The Committee have acted wisely in recommending the suspension of the rule. If there ever was a case in which a Bill deserved the support of the House this is one, and I hope my hon. friend will allow it to pass.

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

THIRD READINGS.

Bill (104) "An Act to incorporate the Canadian Power Company." (Mr. McKindsey.)

Bill (124) "An Act respecting the Ontario Pacific Railway Company." Mr. Dickey.)

Bill (118) "An Act respecting the Guelph Junction Railway Company." (Mr. McKindsey.)

BRITISH CANADIAN LOAN COMPANY'S BILL.

THIRD READING.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (61), "An Act to amend the Acts incorporating and relating to the British Canadian Loan and Investment Company (limited)," with amendments.

He said:—When this Bill came up from the House of Commons it empowered the Company to borrow money on deposits and debentures to the full extent of its subscribed capital, upon which 20 per cent. had been paid up. The Committee did not consider it proper that they should have that power so far as borrowing money on the deposits was concerned. The Company are, therefore, by this amendment, only permitted to borrow to the amount of their paid up capital, and they are allowed to issue debentures to the amount of their subscribed capital.

HON. MR. VIDAL moved that the amendments be concurred in.

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

WESTERN COUNTIES RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (117), "An Act respecting the Western Counties Railway Company," with amendments.

He said:—The amendments are, in the first place, the consolidation clause, to make the clause complete and congruous. The second amendment is with reference to the depositing of the mortgage deed for securing the bonds in the office of the Secretary of State. It is the usual amendment, that notice of that deposit should be published in the *Canada Gazette*. The other amendments relate entirely to the promissory note clause to make it conformable to our legislation.

HON. MR. KAULBACH moved that the House concur in the amendments.

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

QUEBEC RAILWAY BRIDGE COMPANY.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (90) "An Act to revive and amend the Act incorporating the Quebec Railway Bridge Company," with certain amendments.

He said:—It is to be regretted that necessity should arise for making those amendments, but the Bill seems to have been hastily sent to us, at the same time I may state that the amendments, after being explained, will not require much time to consider them. The first amendment refers to the bonds which are authorized to be issued, and as there is a provision that agencies may be established in other countries for the sale of those bonds, it is necessary to give authority for them to be issued without their being under the seal of the company, and the words are therefore struck out, as they have been in other bills. The second amendment is to strike out clause 23, which is totally unnecessary, because it is not required at all, inasmuch as the previous section provides for the same thing, and it was struck out with the assent of the promoters. The next amendment is to clause 26, which is struck out. This is the clause which gives the form to be executed of the deed of lands under the Act, and the schedule accompanying that deed in the Act is also struck out for the same reason; that reason is that this is a bill which concerns the conveyance of lands in Quebec where the law is not exactly the same as it is in other Provinces—where the law requires certain forms such as notarial action on them, which is not necessary in any other Province. If we were to leave this section in we thought it might lead to litigation, and we decided it was better to leave the Act open so that the deed could be given according to the laws of Quebec. This is an Act to revive and amend an Act by its title; but in reality it is an Act incorporating a new Company for the same purpose as the other Act and substantially by the same people. The charter of the old Company lapsed about twelve months ago. We have found it necessary, therefore, to add a provision that in default of performing certain conditions in the time for commencing and completing the work—to be commenced within three years and completed within six years—the charter shall lapse, because it is a bridge over a very important river and that is the only point, I believe, where the bridge can be successfully built. It was thought undesirable that this crossing should be tied up for a long period so that no other Company could get a charter to construct a bridge in case this Company did not think proper to act upon it within three years. For the same reason the title of the Bill is changed. The title

of the Bill as at present is "An Act to revive and amend the Act incorporating the Quebec Railway Bridge Company." There is nothing in this Bill at all which proposes to revive or amend this Act. The title is misleading, because when the Bill came to be amended and to be brought into its present shape it was really an Act to incorporate a new Company in place of reviving the lapsed Company to do the same work. Therefore in order to prevent confusion in the first place it was agreed that the title should be altered so that it would read "An Act to incorporate the Quebec Bridge Company" and the title is altered in the enacting clause in the same way. These amendments were assented to by the promoters. I see no reason why they should not receive the sanction of the House.

The amendments were concurred in.

HON. MR. ROSS (Laurentides) moved that the Bill be read the third time.

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

PUBLIC BUILDINGS AT CHARLOTTETOWN.

INQUIRY.

HON. MR. HAYTHORNE rose to inquire of

The leader of the House, whether it is the intention of the Government to make any improvements on the ground surrounding the Dominion Building in Charlottetown, Prince Edward Island; and if so, when?

He said: The grounds referred to in the notice surround a building recently erected by the Dominion to replace a former building which had been destroyed by fire. The new building was occupied during the course of last winter, and small opportunity occurred during the winter season to remove the debris; but not long ago I received a copy of a local paper calling attention to the fact that the debris is there still and although the paper has a strong political bias about it, it must be admitted that in a city like that, building material debris is rather unsightly around a public building, more especially as the adjoining grounds in possession of the province are now beautifully kept, well ornamented with turf and flower borders. This unsightly ground in the neighborhood of the Dominion building is quite an object of dislike to the citizens, and I hope that the Minister will look into this matter with a view to having the difficulty removed.

HON. MR. ABBOTT—I am pleased to be able to inform my hon. friend that the unsightly condition of those grounds has attracted the attention of the Government; that the grading of the ground has already been ordered, and that the completion of the arrangements to put the place in good order will be made immediately after the session.

ST. VINCENT DE PAUL PENITENTIARY.

MOTION.

HON. MR. BELLEROSE moved that—

an humble address be presented to His Excellency the Governor-General; praying that His Excellency will be graciously pleased to cause to be laid before this House, copies of all complaints which may have been made by the authorities of the St. Vincent de Paul Penitentiary, since the 24th April, 1886, against Adolphe Lafaivre, formerly an employé of the Penitentiary; as also of all reports which the Inspector may have made since the same date against the said Lafaivre, together with copies of the decisions which the Honorable the Minister of Justice may have given on these reports and complaints.

The motion was agreed to.

SATURDAY MEETING OF THE SENATE.

HON. MR. ABBOTT moved that when this House adjourns to-day it stand adjourned until to-morrow at 3 p.m.

The motion was agreed to.

WINNIPEG AND HUDSON BAY RAILWAY AND STEAMSHIP COMPANY'S BILL.

FIRST AND SECOND READINGS.

Bill (79) "An Act to consolidate and amend the Acts relating to the Winnipeg and Hudson Bay Railway and Steamship Company, and to change the name thereof," was introduced and read the first time.

HON. MR. POWER—I should like to ask whether the leader of the Government thinks that this is the sort of measure that deserves the suspension of the rules of the House? I think that it is in the interests both of Manitoba and the eastern portion of the Dominion that this scheme should not progress any further. The matter was discussed in this House at an early period, not of this session but some years ago, and it has been discussed extensively in the press; and, looking at the fact that Canada has spent a great many millions of dollars in establishing rapid and satisfactory communication between Manitoba and the Eastern Provinces, it is hardly desirable that we should now spend the money of the country in order to afford facilities to build a railway which will render partially useless the expenditure which has taken place—that is if the proposed railway scheme is successful, which I do not believe it will. The investigations made by the Government during the three last seasons in Hudson's Straits and Bay go to show that the navigation of the Bay and Straits is very unsatisfactory and dangerous; and I really do not think that this is one of those undertakings which call for any exceptional parliamentary courtesy. I think it is in the interests both of Manitoba and the Eastern part of the country that this work should be dropped.

HON. MR. GIRARD—I am very sorry to hear the hon. gentleman from Halifax express such apprehensions concerning the project which is provided for in the Bill before the House. It is not worse than many other measures which have received the consideration of Parliament. I am certainly surprised, because the other day I brought before the notice of the House a Bill referring to Manitoba and the hon. gentleman opposed it also. I suppose he is not influenced by any feeling against Manitoba, and that he thinks he is acting in the true interests of the county at large. At the same time, he is laboring under a false impression, as far as we are concerned. These matters would be better decided by the Committee who will have to consider the Bill than by the House at this period of the session. It would not be right to deprive us of the rights which are readily conceded to other portions of the Dominion. We are not in a worse position here than any other province of Canada. I think we offer as good a prospect for the Dominion being repaid all that has been expended in Manitoba as some other provinces in Canada, and we think if that work was constructed it would certainly be a new source of prosperity and progress, not only for us but for the whole Dominion. The Bill has received the sanction of the other House, where the public money has to be faithfully administered. It is in the other House that all public bills receive that due consideration which is necessary in order that no public money shall be spent without proper safeguards. Under the circumstances, I hope the hon. gentleman will make no further objection, but will allow the Bill to go before the Committee to receive the consideration to which it is entitled.

HON. MR. SCOTT—I do not rise to oppose the suspension of this rule, but I do rise for the purpose of again calling the attention of this House to the whole subject matter of railway extension to Hudson Bay. It will be remembered that four or five years ago when the hon. Senator from Montreal (Mr. Ryan) — long before this project was contemplated—brought under the notice of the Senate the advisability of constructing a short line to the Hudson Bay, I then entered into the subject fully and expressed my opinion that it was extremely unwise for the Parliament of Canada to give the sanction of its name and its approval to

any schemes that were not worthy, in the judgment of the House, the consideration of financial men. There is no doubt that in the past it has damaged us considerably by our liberally giving schemes and projects endorsation such as they certainly receive by the granting of a charter by Parliament, when those enterprises have no practical foundation. It is possible that this project now spoken of may not prove to be a fallacious one, but so far as the evidence we have been able to obtain on the subject goes, it would lead one to the conclusion that this is not a route that is likely to be a financial success. Therefore I cannot see any harm—while at the same time I am offering no opposition to measures of this kind—in Senators and Members of the House of Commons expressing frankly and calmly their views as to whether the enterprise is really one that they could recommend to financial men. There is a sort of endorsation by Parliament of any scheme for which it grants a charter. There is to some extent an assurance that it is a project which is at least worthy of consideration. I do not hesitate to say that I have never regarded this project as one worthy of consideration. I did think it a serious question whether the Province of Manitoba was not placing herself in a very dangerous position by proposing to endorse the large issue of bonds that were to be issued for the construction of this Railway, and I think it is the duty of every public man if he has fixed opinions that have not been hastily formed on that subject to give expression to them in order that outsiders may not in the future come to this Parliament and say they were led into this trap by the representations made by the public men of Canada. I have been in Parliament now a quarter of a century during which time such representations were made, and when it was cast up to us that it was due to the indiscreet utterances of our public men that money had been wasted and squandered in enterprises endorsed by Parliament. I do not believe that we should place ourselves in that position. Hon. gentlemen know that I am now adverting to the early history of the Grand Trunk Railway, in which enterprise we know very large sums of trust money were invested and largely upon the representations of the public men of Canada. I have heard a great deal of the practicability of this scheme now before us, and the possibility of the recurrence of just such remonstrances brings a very vivid recollection to my mind of transactions that occurred some 20 or 30 years ago in connection with the Grand Trunk Railway. That was a substantial, stable enterprise although at first probably mismanaged. It was due not to a want of vitality on the part of the enterprise itself but rather to mismanagement in the early history of the road that the money proved to be a poor investment. I think it was quite proper that the hon. gentleman from Halifax should have called the attention of the House to this Hudson Bay enterprise. At all events the sanction of Parliament and the recommendation of this House ought in no sense to accompany the project unless hon. gentlemen feel that it is one worthy the consideration of investors. I do not feel it in that way, and I do not hesitate to say so; therefore I should caution all financial men who propose to put their money in a scheme of that kind to look well to the country through which the Railway is to run and the navigation of the Bay before doing so.

HON. MR. SUTHERLAND—I am not very much surprised at the remarks of the hon. member from Halifax because I believe he does not understand the subject. I know that there is a great feeling in the Eastern Provinces against any further progress in railway communication in our Province and I am very sorry to have to say so. Still I think all considerate men will allow that we ask for nothing more than our Province should receive. We are not ungrateful for the aid that we have already had in establishing communication with the Eastern Provinces; still I believe we require some more outlets, and especially this outlet by Hudson Bay, if it is as feasible as it is expected by our people out there to be, and they have better means of acquiring the necessary knowledge in regard to the Hudson Bay than most gentlemen in the Eastern Provinces. A number of our people have actually gone out there and have seen the Bay and

Straits for themselves. They are not influenced by mere hearsay or newspaper reports; they know from their own knowledge that the scheme is practicable, and many of those men are men whose judgment we can rely upon. More than that we know that the supplies of the Hudson Bay Company have come in by way of the Hudson Bay for the whole North-West for the last century or more, therefore I think that when our people are so anxious to get this outlet for the trade of the North-West no obstacles should be thrown in our way. I might go on and show the advantages of this railway scheme not only to the province but to the country generally, as it will be the shortest route by which immigrants can come into the North-West, and it will be a very great advantage in that respect, because we would then feel sure that immigrants coming into the country would not be diverted from the route and taken into the United States. I do not think the hon. gentleman was serious in his remarks, so I do not consider it necessary to say much more. I might go on and show how that route had served the Hudson Bay Company for very many years although the trade was done by sailing vessels, which could not be compared with the steamships now in use, and they brought in their supplies safely. I can recollect hearing my father tell that when he came through Hudson Straits to the North-West the vessel was three weeks delayed in the Straits, not on account of ice, but on account of calm weather. The ice did not amount to anything, but there was no wind to move the vessel and they had to lie there for three weeks. If it was a steamer that was there she would certainly not be delayed by any temporary ice such as he described to me. I could go on and state a great many more facts on this question because I know them to be facts, but I think at this stage of the session it is better not to occupy too much time in discussing such matters.

HON. MR. KAULBACH—I should not have risen had it not been for the remarks of my hon. friend from Halifax. We in the Lower Provinces are not opposed to progress and railway enterprise. There may be certain parties down there who are opposed to the progress of Canada, but that feeling is not the universal or general feeling of the people of Nova Scotia, so far as I know. Hudson Bay was the first route of communication with the North-West almost before part of the St. Lawrence route was known. I do not believe that the Hudson Bay is there for nothing. I believe that when we have a port nearly 2,000 miles nearer the heart of Canada *via* the Hudson Straits than any other way, it was created for some purpose. I believe the wise Creator of all things did not make that bay for no purpose whatever. When we know that a hundred years ago those straits were navigated by the rude vessels of that time—rude when compared with the steam navigation of the present day—I believe we can look forward to a successful opening up of the North-West through that channel. I do not believe that the promoters of this railway and navigation scheme have gone into it as a wild speculation, but with a view to investing their money safely. I do not believe that the representations of the expedition we sent up there are of such a character as to discourage this enterprise; on the contrary I believe their reports are encouraging. If it furnishes communication with the North-West allowing the farmers of that country to send out their grain, which it is believed now can be done, it will be of inestimable benefit to that part of the Dominion. I believe that the people of the North-West look upon it as something which in the future may be in their interest and in the interest of the settlement of that country. I was in Winnipeg when the report came back that the projectors of this railway had succeeded to some extent in floating the stock and that the scheme was to be a reality, and the people there were quite elated at the prospect. They consider that the enterprise will be a benefit to them, and are willing to indemnify those who embarked their capital in it, and it would be unfair to us, after allowing so much of the public domain of this country to be appropriated to that enterprise, and while this company is struggling with financial difficulties, to clog them in any way. We should, on the contrary, give them all the help we can. The Government have

made a large grant of lands in aid of the project. I do not consider that th granting of those lands represent any loss to Canada, because the only way they can be of use or benefit to the Dominion will be by having them settled through the operation of this company. I would not mind if all the public lands in this country were to-day in the hands of people who would utilize them and turn them to account. I hope that this scheme will be successful. It is in the interest of Canada that it should succeed, and though it may divert a portion of the trade of the West from the Lower Provinces, I believe that a corresponding benefit will accrue to them, as to other portions of the Dominion, should this railway prove successful. Therefore instead of clogging an enterprise like this, I think it should receive all possible encouragement. It is only far-seeing men who embark in such enterprises. When the hon. member from Prince Edward Island (Mr. Howlan) introduced his sub-marine railway project some years ago, he could hardly get anyone in the House to listen to him; it was like a midsummer night's dream. It was pronounced a mad scheme, but what do we find now? Owing to the developments of science and mechanical art we learn that it is practicable. Now I believe that this Hudson Bay Railway is a project of a similar character and that through the development of science and mechanical art many of us in this House to-day will live to see that railway completed, and instead of the products of the North-West being carried through the United States to the seaboard, they will be shipped to Europe by the Hudson Bay route.

HON. MR. TURNER—I quite agree with the hon. member from Lunenburg, as to the feeling of the people of the Eastern Provinces on this subject, and would like to impress upon the people of Manitoba that there is no objection whatever to their getting that line constructed. My idea, however, is that we should give them a hint that they are making haste too fast. It is all very well to get a desirable thing, but I am afraid that Manitoba is tying a mill stone about its neck in reference to these expenditures, that we in the older provinces have in the past experienced ourselves. It might do them good to look back and see how we have suffered under similar circumstances. I am perhaps a heavier holder of property in Manitoba than in Ontario but at the same time I feel that things in Manitoba are in a very serious condition. The people in that country feel that something is wrong—they feel as if something had happened, they know not what. They talk of competition: what is there to compete with? Winnipeg is the only city in the province. Competition, therefore, is not what they want; what they do require is population, and if they would join in the attempts of the other provinces to get them immigration they would soon have no difficulty to complain of. But instead of doing that, when we attempt anything in their interest, they raise a howl and it throws everything back. When the Canadian Pacific Railway was in course of construction they had the appearance of a population of half a million. The extreme population of Manitoba now is 108,000, and of the entire North-West, including Manitoba, not more than 160,000. To talk of those large schemes for a population of 160,000 is ridiculous. It is throwing away money. I am in favor of the Hudson Bay route, but I am in favor of opening it up only when we have a population of two or three millions in the North-West country. Then the people will force it themselves and be able to build it, but if Manitoba goes on as it is doing just now, tying a millstone about its neck by endorsing bonds and that sort of thing, the people will bring irreparable ruin upon the province.

HON. MR. READ—Many of us who have recollections of years gone by, and myself in particular, have been met in England, when we have been there, by capitalists in this manner: "Your public men issued a prospectus of a railway enterprise, the Governor-General endorsed it and set forth that we would receive a certain amount of interest on such capital as we might invest in it, and we have not realized anything." Now, I have been met with that statement several times. It is within the recol-

leetion of many who hear me that Sir A. T. Galt, Mr. Holton and others issued a prospectus, that it was endorsed by our Governor-General, (I am speaking of the Grand Trunk Railway scheme now) and it went to England in that shape. What was the result? We induced capitalists there by our representations, to take stock in the project. I myself have sold £30,000 worth of Grand Trunk Railway stock (a portion of which twenty years before had cost the gentleman, one of whose executors I am, £100 per share) for £19, and since then the stock has been down to £6 10s., and even £6. Parliament ought to be slow in endorsing wild schemes, and this is perhaps the wildest that has come before us. The tunnel of my hon. friend from Prince Edward Island (Mr. Howlan) I admit is wild to a certain extent, but it is nothing compared with this. On the best authorities we can get, Hudson Straits are open for navigation only four months of the year. What is to become of the Railway for the other eight months of the year? There will be nothing for it to do, so far as I can learn. We know that the fishermen who go to Hudson Bay to fish have to stay there all winter. They go the summer before, stay there all winter behind a certain island so as to be ready for the following spring, and get away before the Straits close again. They would not do that if they could get into the Bay at any reasonable time of the year. Consequently, I think Parliament should not lend its voice or give aid to any such schemes. I am quite willing that Canada should grant lands, but I do not think we should be asked to do anything more or that the people of this country should be taxed to aid a visionary scheme.

HON. MR. HOWLAN—I am not surprised at the statement of my hon. friend who has just sat down. There is scarcely any improvement that we enjoy in these days—steam communication on the Atlantic, gas, the Atlantic cable, electric light, or the telephone—that has not been opposed as visionary when first proposed. All these have been brought before the world within the lifetime of my hon. friend, and I have no doubt that he was just as hard to be convinced that a steamboat could cross the Atlantic as he is now with regard to the practicability of this particular measure before the House. It is true that all schemes of this kind must necessarily be discussed, but in this country in which we live, in view of the immense strides which science has made in the latter portion of it, until we have very positive proof of the contrary I do not think that the mere assertion that a project like this is beyond the domain of political politics can be accepted as having any great weight. With regard to the caution which should be exercised in the interest of capitalists in England or other countries. I think there is no analogy between the time when the Grand Trunk Railway Company entered on its great scheme of building a railway through Canada, and the present time. In those days it was very difficult to get information about Canada, much more difficult indeed, than it is now to obtain information with regard to Hudson Bay or the North-West. Within a very short period we can get most complete information about any portion of the continent. An exploring party can be sent out and in a very few weeks can ascertain beyond a question of doubt whether this route is feasible or not. It is within the knowledge of my hon. friend, no doubt, that numerous reports were made with regard to the Gulf of St. Lawrence in the same way as they are now made with regard to Hudson Bay. If he will look in the Library he will find five or six reports from commanders of Her Majesty's fleets stating that to go inside of the Straits of Belle Isle, or the Straits of Cansor, or even the passage between Cape Breton and Newfoundland, was to go into a perfect sea of ice, and that in any case the Gulf was only capable of being navigated for, at most, five or six weeks of the year. Now we know that that has been completely upset. If 20 years ago any hon. gentleman had stated in this House that at this day a passenger could leave Liverpool, cross the Atlantic and this continent, reaching Vancouver in 14 days, not a member of this House would have failed to put him down as a crank. Even 10 years ago, if a public man had made the statement on the floor of this House that a man could

travel from Hong Kong to Liverpool within 21 days he would have been looked upon as a fit candidate for a lunatic asylum.

HON. MR. MILLER—Not at all.

HON. MR. HOWLAN—My hon. friend says "not at all:" I repeat the assertion, I think gentlemen who are going to invest their money in this railway enterprise will investigate the matter for themselves. How many things have we seen brought about within the last quarter of a century. Take the telegraph system of the present day. Only this very day I was told by a gentleman connected with the telegraph system of Canada that the other day from a point on the Canadian Pacific Railway line he communicated with New Westminster on the one side and London, England on the other. Those are certainly great feats, more astonishing than this project of the Hudson Bay railway. Then, again, we have a very great deal of information with regard to the ice-boat service and ice steamers. We know that a very few years ago no such thing was known as a steamer that could go through the ice. Now we find that the whaling companies of Dundee are buying steel steamers, and large firm in Newfoundland are doing the same. More recently we have had reports stating that Denmark and Norway have spent very large sums of money in perfecting ice steamers, and a description of one of which I have now in my possession. If we can make the Hudson Bay accessible for three to four months of the year, we can accomplish more by our modern vessels in that time than could have been accomplished forty years ago by sailing vessels in the Gulf of St. Lawrence. When I crossed the Atlantic, myself, as a boy, we were forty-eight days on the passage and since that time sailing vessels have made the voyage in twenty days, and the usual time now is twenty-five days: so if we can accomplish four months of steam navigation in Hudson Bay we will be able to really do more than could have been accomplished in the Gulf of St. Lawrence when my hon. friend from Belleville came from England.

HON. MR. DICKEY—Does my hon. friend from Halifax persist in his objection?

HON. MR. POWER—My objection would depend very largely on the position taken by the leader of the House.

HON. MR. McCLELAN—The discussion has been rather interesting, and perhaps unusual to arise on a Bill of this character, considering that almost all the Bills that come before the Senate in connection with railway enterprises have been passed, and almost without debate. Perhaps it would have been better if this Bill had shared the same fate, because undoubtedly it will follow the same course—it will be passed. However, some things about this Bill have been developed in this discussion which are certainly suggestive. My hon. friend from Belleville, who does not seem to take the same course as to other matters which are quite as visionary, has broken loose on this measure and seems very sensitive as to the effect it may have on the capitalists in England, and the danger that some of them incur of being drawn into unfortunate investments. While he admits that it may be very well to give the public land and go to the expense of exploring Hudson Bay and making other large expenditures in the interest of this line of communication, he says it is all wrong that public men should say anything which might be considered an endorsation of the undertaking. I think his reasoning is somewhat fallacious, because if anything could be construed into an endorsation of a scheme in a foreign country, or in England, it would be the fact that this Parliament and Government have been providing means to further the enterprise—had been placing their money in it and yielding up a portion of the public domain for its promotion. It certainly would be the strongest possible indication, not only that the matter was considered feasible, but that it was necessary in the public interest of Canada and very likely of the whole Empire. But there is another feature connected with this Bill and this undertaking which struck me, while listening to this discussion, as rather singular. We all know that at the inception of the great Cana-

dian Pacific Railway construction, in passing legislation here and forming a syndicate to carry out that great work, the argument advanced why the whole of the Eastern Provinces should contribute their quota of that large sum necessary to carry out the undertaking was based upon the fact that the carrying trade would be brought over a through line, and the Atlantic seaports and the Maritime Provinces would in that way gain largely—that the gain consequent upon the traffic over the whole line would be a compensation or equivalent for their proportion of the taxation arising from the large debt incurred in the construction of the work. Now I take it that the tapping of the Canadian Pacific Railway and diverting of a large portion of the trade of the North-West by the way of Hudson Bay is not exactly in the line of those arguments. Then, again, I have heard it stated only recently, during this session, as a reason and apparently a strong reason why railway disallowance was a proper thing with regard to the great North-West country (and the statement was made by a Minister of the Crown in this Chamber) that it would be an act of the highest injustice to the eastern provinces of Canada to allow any portion of the trade of that great western heritage (which was to have, by this time and before this time, according to the predictions of hon. members who can see coming events casting their shadows before, between six and seven millions of population) to be diverted from the Eastern Provinces. which would gain largely by the enormous production of wheat to be carried to the seaboard over this road. But our experience so far has been that the carriage of wheat has been the other way. They seem to have been obliged to get their seed wheat from the east, and instead of six or seven millions of people, we have seen something like as many hundred going into that country, and yet with all that mistaken prophecy, with all these facts staring us in the face, we are asked to contribute from the public domain, contrary to all those arguments to which we have listened heretofore, to provide another means of communication for the purpose of diverting whatever traffic there may be in the North-West from the Eastern Provinces, taking away the whole basis of the argument on which the scheme originated.

HON. MR. ABBOTT—I must say that I see nothing in the position of this enterprise that would justify the Senate or the Governmen n treating the question now before us with respect to that company, in a different way from any other enterprise of a similar kind. For the last few days we have been allowing the rule of the House to be suspended to give facilities for railway and other private companies to get their legislation through without any unnecessary delay, and I see no reason why we should not do the same thing in this instance. I am very much pleased to see so much interest taken in the maintanance, protection and preservation of our western traffic for old Canada. I wish there were more of it elsewhere, and my hon. friend who has just sat down stated strongly the proposition (without giving his opinion, however,) as to the protection and preservation of our trade for eastern Canada. But I do not think that he or any of the gentlemen who take that view stated the case with fairness to Manitoba and the North-West. The proposition that those people who think we should keep our traffic for ourselves have advocated and are advocating, and on which many measures that have been unpopular elsewhere have been based, is that so far as it is practicable for us to do so we should keep the trade of the great North-West for ourselves, keep the trade which it will build up in a thousand ways, both maritime and on the land, for ourselves, and that it would be impolitic, injudicious and unpatriotic to permit that trade to be diverted to nurture and build up the carrying trade and the seaports and the business of a foreign country, if by any means we can preserve it for our own country. Now how does that apply to this particular case? There is no proposition here that the interests of Canadian seaports are to be sacrificed in order to keep the traffic within our own country. The point to which this road proposes to go is a Canadian seaport, and the line passes entirely through Canadian territory. If Manitoba has the advantage of a nearer seaport on Canadian territory than Quebec, Halifax or St. John, I see

nothing in the principle which the Government have advocated that would prevent Manitoba from the use of its natural advantages in that direction. I do not at this moment express any opinion as to what advantages can be obtained for Manitoba or the North-West by seeking this outlet for its traffic. I have an opinion of my own upon that subject, but I cannot say that I have all the means necessary to form a decisive one as to how far they can make an advantageous route by the Hudson Bay. My own impression is that so far the evidence is against it, but I do not think that such evidence is at all conclusive. I do not think we have heard all that can be said about the matter. I do not know what improvements in navigation and in the protection of ships from the contact of ice, what improvements in the propelling power of ships has been obtained to render it possible to keep open this route for a much longer period of the year than, from the information I have, I am led to believe can be managed at present: but there are other advantages in this route besides obtaining a seaport on Hudson Bay. This road passes through Canadian territory. For a considerable distance north of Winnipeg the land is quite fit for cultivation and there is a traffic of various kinds which might be built up along this route, quite independent of its connection with Hudson Bay. I do not see that any objection ought to be taken to granting assistance in the same way that other railways of a similar character are assisted: and this railway will open up a territory north of Winnipeg fit for settlement, and give access to the great lakes of the North West, with their enormous supplies of fish and food of all kinds. I think those advantages which are certain, together with the possible other advantage, are sufficient to justify the aid that the Government is giving to this railway. However, to get back to the question, I really do not see that there is any reason why we should not give the same indulgence to this company in passing this Act that we have given to other companies that have applied to us for legislation.

HON. MR. POWER—After the observations of the hon. leader of the Government I withdraw the objection.

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

HON. MR. GIRARD moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbors.

HON. MR. POWER—I wish to make just one observation before this motion passes. Both of the hon. gentlemen who represent Manitoba in this House seem to think that the members, from the Lower Provinces more particularly, are influenced by unfriendly feelings towards the North West. These gentlemen are altogether mistaken—

HON. MR. SUTHERLAND—I did not refer especially to the Lower Provinces; I referred to the Eastern Provinces generally.

HON. MR. POWER—In the present excited temper of the people of Manitoba and of the Legislature of the Province, I think it is highly probable that they will be to led to look upon the practicability of this Hudson Bay route, and its complete safety and utility as being certain, when they are still matters of great uncertainty. I understand that the province proposes to guarantee the bonds of this company to such an extent as to require a very large proportion of the annual revenue of the Province of Manitoba, and I think that is one reason why we should not be in too great a hurry to endorse a measure of this kind, and why I think that perhaps the hesitating way in which the advantages of this route have been spoken of to-day may do good. There is this other consideration: suppose the Province of Manitoba does pledge a large portion of its small revenue —which revenue it receives chiefly from the east—to guarantee the bonds of this company, and the province have to pay the interest, who will ultimately have to foot the bill? The Province of Manitoba will come knocking at the door of the Dominion Treasury, asking for an increased subsidy to enable them to defray this charge.

HON. MR. ABBOTT—I sympathize

a good deal with my hon. friend in what he has said on that subject, and I know that the best friends of Manitoba regard with anxiety and some alarm the projects which the newspapers say they are fostering by pledging so large an amount of their credit in support of them.

HON. MR. GIRARD—It would be a very bad precedent if we were to become judges of the acts of the Local Governments. They are quite as independent in their action as we are here. For my part, I pay proper respect to the local authorities of the several provinces of the Dominion, and the province that I have the honor to represent is entitled to as much respect and consideration as any other province of the Dominion.

The motion was agreed to.

FIRST AND SECOND READINGS.

Bill (132) "An Act to further amend the Act to incorporating the Canada Atlantic Railway Company." (Mr. Clemow.)

Bill (156) "An Act to amend the Act of the present session entitled an Act to enable the Freehold Loan and Savings Company to extend their business and for other purposes." (Mr. McMaster.)

BILL INTRODUCED.

Bill (113) "An Act to amend the Dominion Lands Act." (Mr. Abbott).

CHINESE IMMIGRATION BILL,

The Order of the day being called for the consideration of the amendments made in the Committee of the Whole House to Bill (54) "An Act to amend the Chinese Immigration Act."

HON. MR. VIDAL said—Before the Orders of the day are called I wish to ask the permission of the House to introduce a motion. I should, according to the rules, have given notice yesterday, but I at that time was under the impression that the House was aware by what I then said that I would introduce such a motion having an immediate connection with the subject which is the first order of the day, and which has just been called. It is only by taking this plan that I can get an important question decided which I wish to bring before the House. The motion I propose to make is this: that the Bill (P) to repeal the Chinese Immigration Act which was ruled out of order by his honor the Speaker when its second reading was moved on the 14th instant, be restored to the orders of the day for its second reading to-morrow. My object in introducing this matter to the notice of the House is not a personal one. As I intimated, when his honor the Speaker gave his decision, I bowed to it at once, acknowledged I was surprised, but at the same time I did not feel prepared to discuss the question of the ruling of the Chair. On thinking on the subject further however, it appeared to me that it had a degree of importance which I had not at first attached to it, quite apart from and independent of anything connected with myself or the Bill I had introduced. It appeared to me that it had involved a very serious and important question with respect to limiting the powers and privileges of this House, and I think it is exceedingly desirable that an issue should be reached, and a final decision if possible arrived at with respect to the question of order to which that ruling referred, and which I now seek to, not in a formal manner, but informally to appeal against. I have purposely refrained from saying in my motion one word to charge that it was an erroneous ruling, or to make any complaint, but desire to bring the question before the House on its own merits, in the hope that possibly I may be able to show by good and substantial reasoning that my view is correct, and that the way I have taken of obtaining a reversal of the order is the most courteous and best way of doing it. It must be obvious to hon. gentlemen that we are in a very difficult position with respect to this matter. If it is carefully examined the fact will appear that we have now before us two distinct and opposite rulings—one by the Speaker of the House and the other by the action of the House itself. It is quite true that the House has not formally given a decision upon the question as if it had been submitted to it as a

question of order; but actions, as is universally admitted speak louder than words, and the action of the House in Committee, has clearly and distinctly asserted the right of the Senate to deal with this Bill. Is it not a fact that in a principal feature of the Bill to amend the Chinese Immigration Act that this House has in Committee made a most important change in the most essential clause of the Bill—that relating to the imposition of a tax, or fee, or penalty, or whatever it may be called, upon any Chinese person entering into Canada. It must be perfectly clear that if the ruling is right which ruled out the Bill that I introduced for the repeal of the Chinese Immigration Act then the House is wrong in venturing to amend or alter a clause of the Bill before us, which is of precisely the same character. The House, then, by its action has really set a precedent in opposition to the ruling of the Speaker, and it is exceedingly desirable and important that the question should be decided, whether the Speaker or the House is to recede from the position taken. It necessitates of course a withdrawing on the part of either one or the other. As I have already said I have no personal feeling in the matter. It would be much more congenial to my feelings to have remained silent and to have allowed this matter to rest just where it was, were it not that I feel the importance of calling attention to a matter that I think very seriously affects the powers and privileges of this Chamber. I think all hon. gentlemen ought to have, and doubtless have, the same feeling with myself that we ought to do nothing to lessen this influence or diminish these powers or privileges by any act of our own. If we should happen to transgress the limits which are assigned to us in our legislative capacity, I think we might wait until our action is called in question by the other House when it might think its rights and privileges encroached upon by our action. However, I need not say more, for I presume hon. gentlemen will all acknowledge the necessity and importance of coming to a decision on this question. I may be charged with presumption in venturing to take the stand which I have in this matter. I am not ignorant of the fact that adverse opinions are entertained by the House highest legal luminaries in our chamber; at the same time so thoroughly do I feel convinced that my view of the matter is a correct one, that I venture to bring it before the House, although in the face of opposition which I may well shrink from. But hon. gentlemen will remember the very interesting record which we have of a mere stripling not wearing any armour and carrying in his hand only a sling and stone, yet ventured to encounter a gigantic man clad in a panoply of brass and armed with a formidable weapon. Why then may I not entertain the hope that though without the armour of legal knowledge and my only weapon a small stone of truth and sound reasoning, I may have the good fortune to send this stone into the forehead of the giant fallacy which I am resisting and come out victorious in the conflict. But even if I should not, to triumph over others is really not my object. I have no desire whatever to appear as vanquishing others or as being in any way superior to them; my sole object is to have this question set at rest and to have the extent of our power so thoroughly established that there may be no future difficulty with reference to a question of this nature. It is clear that the question before us divides itself naturally into two inquiries. One is what are the powers and privileges of this House with respect to this matter; the other what is the real character of the Bill to which we are going to apply them, and I should like to examine those two subjects separately. Now with reference to the powers and privileges of this House I am going to take the liberty of reading brief extracts from works of acknowledged authority. I will first read from May's Parliamentary Practice. On page 643, 9th edition of 1883:

"But all Bills of this class (this of course alludes to Bills relating to the imposition of taxes) must originate in the Commons, as that House will not agree to any provisions which impose a charge of any description upon the people, if sent down from the Lords, but will order the Bills containing them to be laid aside. Neither will they permit the Lords to insert any provisions of that nature in Bills sent up from the Commons; but will disagree to the amendments, and insist in their disagreement, or, according to more recent usage, will lay the Bills aside at

once. In cases where amendments have affected charges upon the people incidentally only, and have not been made with that object, they have been agreed to."

I emphasize the last sentence as bearing directly on the Bill before us, in which the object is clearly not to raise revenue. On page 646 of the same volume the author says:—

"That with respect to any Bill brought to this House from the House of Lords, or returned by the House of Lords to this House, with amendments whereby any pecuniary penalty, forfeiture or fee shall be authorized, appropriated, regulated, varied, or extinguished, this House will not insist on its ancient and undoubted privileges, in the following cases:

1. "When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences."

Another passage I would like to read on the 648th page, near the foot:

"The functions of the House of Lords, in matters of supply and taxation, being thus reduced to a simple assent or negative, it becomes necessary to examine how far the latter power may be exercised, without invading the privileges of the Commons. The legal right of the Lords, as a co-ordinate branch of the Legislature, to withhold their assent from any Bill whatever, to which their concurrance is desired, is unquestionable; and, in former times, their power of rejecting a money bill had been expressly acknowledged by the Commons: but the Lords had for centuries forborne to exercise this power."

I will now read from the first volume of Todd's Parliamentary Government the edition of 1867, page 458. This is a very important clause in connection with the argument I intend to base upon it.

"Of late years an attempt has been made, by an ingenious process of reasoning, to establish a distinction between the right of the Lords to reject a bill imposing a tax and one repealing a tax. But this distinction is fallacious, and is not warranted either by precedent or by constitutional authority."

I wish this specially to be borne in mind because it is a very direct reference to the question I wish to bring before the House. In the next page 459, the author says:—

"The control of the public finances by the House of Commons is a constitutional right, and they are presumed to be the best judges of the financial condition of the State, its obligations and requirements. Nevertheless every bill to impose or repeal a tax involves other considerations besides those which are purely questions of revenue; it necessarily includes principles of public policy, or of commercial regulation, and on points of this kind, the Lords, as a co-ordinate branch of the legislature, are constitutionally free to act and advise as they may judge best for the public interests."

Then on page 460 there is a passage I wish to ask attention to. I might explain in connection with it that gentlemen familiar with parliamentary usage will remember the refusal of the House of Lords to repeal the paper duties. The House of Commons passed a bill to repeal the paper duties yielding a revenue amounting to £1,300,000 per annum. The Lords refused to pass it on the ground of general policy, considering that the country could not afford to sacrifice such a large amount of revenue, being then on the eve of war with China, and it was then allowed to drop. The House of Commons on that occasion passed some strong resolutions claiming their right to legislate on this matter without interference from the Lords.

May says:—

"It was not proposed to follow up these abstract propositions with any action in reference to the Bill for the repeal of the paper duties, because the legal and technical right of the Lords to refuse their assent to that Bill was not disputed by the Government, who nevertheless thought it necessary that the protest implied in the adoption of these resolutions should be recorded. They were accordingly agreed to by the House, on July 6th, without a division, but after a full debate."

A little further on, on the next page, he says:—

"It is well known that the Lords have never formally acknowledged any further privilege to the Commons than that of originating Bills of Supply; and although in practice they have for a long period acquiesced in the claim of the Commons that they should not alter or amend any Money Bill, yet their right to reject such measures as a whole is as undoubted as their right to express their agreement therein."

Then on the next page is given a case, a peculiar and special one, where the House of Commons having agreed to grant a sum of money to a person whose claims to compensation were open to dispute, they included the appropriation in a separate bill for the very purpose of affording to the Lords an opportunity of

considering that grant distinctly and apart from the other grants of the year.

He then says :—

"In like manner, in the immeasurably more important instance of the financial propositions of the Government, it properly belongs to the Lords to judge, not merely of the general expediency of the proposed scheme, when regarded as a whole, and of its probable results on the country at large, but also to consider the various questions of commercial legislation and public policy that may be involved in its details. The House of Lords has an onerous duty to perform in respect to every Bill, financial or otherwise, that may be sent to it from the other Chamber, in submitting the same to careful revision, for the purpose of restraining hasty or improvident legislation, and sanctioning by its wisdom, influence and authority whatever may be necessary to promote the public good. This can only be adequately performed when full opportunity is afforded for pronouncing an independent judgment upon every separate question which the Lords may be called upon to decide."

I now wish to read to the House a few short extracts from Bourinot's work. It is in the first edition, 1884, on page 407. He says :—

"Since 1870 no attempt has been made in the Senate to throw out a tax or money Bill. The principle appears to be well understood, and acknowledged on all sides, that the Upper Chamber has no right to make any material amendment in such a Bill, but should confine itself to mere verbal or literal corrections. Without abandoning their abstract claim to reject a money or tax Bill when they feel they are warranted by the public necessities in resorting to so extreme and hazardous a measure, the Senate are now partially guided by the same principle which obtains with the House of Lords, and acquiesce in all those measures of taxation and supply, which the majority in the House of Commons has been sent down to them for their assent, as a co-ordinate branch of the Legislature. The Commons, on the other hand, acknowledge the constitutional right of the Senate to be consulted on all matters of public policy."

I shall in connection with this subject call attention to a few facts which are mentioned on page 409.

Among the Bills rejected by the Senate there mentioned, are the following:—In 1875, respecting County Court judges in Nova Scotia; in 1877, a Bill respecting the auditing of public accounts: in 1878, a Bill creating the office of Attorney-General; in 1879, a Bill respecting two additional judges in British Columbia. In all these cases the Senate differed from the Commons on grounds of public policy or public necessity and refused assent to the Bills.

The Senate thus assumed and exercised their right and it was conceded that they had the right to reject them, although money bills. Taken in connection with the assertion that there can be no difference between the rejection of a bill and the repeal of a bill, hon. gentlemen can see the force I attach to those precedents I am quoting. I might mention also what is in the recollection of all hon. gentlemen. The celebrated Canada Temperance Act was initiated and passed in this House without any message from the Governor-General about it, yet it involved an expenditure of a great sum of money.

HON. MR. MILLER—The money clauses were in Italics though.

HON. MR. VIDAL—I think there were no blanks when it left this House. There were elections authorized under that Act involving the expenditure of large sums of public money, yet this House, in the exercise of its prerogative, unquestioned by the House of Commons, passed the Bill, because it was done not on the principle of imposing taxation or expending the public revenue, but on the principle of public policy, which is the great distinction to be borne in mind when applying this principle to the Bill now under consideration.

THE SPEAKER—The House seems to have had a conference with the House of Commons on the expenditure clauses.

HON. MR. VIDAL—No, there was no conference. The facts in reference to this matter must not be misunderstood. The Senate passed this Bill without any reference to taxation, or expenditure, or public money at all, and without any message from the Governor-in-Council about it. It was a Bill entirely based on public policy, and the money expended in connection with it, or levied in connection with it, in the shape of fines, are all matters incidental, not as matters of taxation or matters of public expenditure. And so far from the House of Commons finding any fault or refusing consent to any of its provisions the Bill passed that

House without even a division. Objection against the principle of the Bill was made on its second reading by the Speaker, Mr. Anglin, but it passed through the House without any question being raised touching our exceeding our power or going beyond the limit of our constitutional privileges in enacting that Bill. I think, hon. gentlemen, that the powers and privileges of this House to deal with Bills incidentally affecting revenue is clearly established by the authorities I have read. No one denies that this House has the power of rejecting a money Bill, or any other Bill coming from the House of Commons. I have pointed out that the repeal of a Bill stands just in the same relation to us as the rejection of a Bill, and am sustained by strong language used in the authorities I have quoted, so it seems absurd to say there is any distinction between the two. This House having undoubtedly the right to refuse a Bill coming from the House of Commons, I had, I think, undoubtedly the right to introduce a Bill repealing an Act, even if intended for revenue or the appropriation of revenue, which I contend this Bill is not. It is not to be wondered at that we find no special case in those authorities which I have quoted similar to that which is now before us in reference to this Bill, and why? Because as I said in the House before, and other gentlemen have made the same remark, it is a piece of unprecedented legislation. A like enactment cannot be found in the statute books of the Empire, and so there has never been any occasion for a writer on parliamentary law or usage to give an opinion on it. It is a novelty in the history of Canadian or of British legislation–at any rate during this century–that such an outrageous anmoly has been embodied in a statute, consequently it is not to be wondered at that we find no special reference in the authorities covering this special case. Keeping these things in view let us now look at the Bill which is before us; and the Bill which I introduced may be spoken of in the same connection for the ruling that applies to one applies to the other. In that case I was dealing with the law on the statute book and it must be clearly seen that the position I assumed with reference to that was more unassailable than the position of the House, in making an amendment to the first clause in the Bill which is under consideration, because while there may possibly arise a question as to the right of this House to make an amendment to it, if a money bill, there can be no question as to its right to eject the whole Bill. I believe it will be brought before the House and insisted upon that we had no right to do it, that it is not constitutionally in our power. But the House has done it. In the Bill I sought to introduce there was nothing of the kind. It did not amend the Act at all, it merely exercised the undeniable right which this House can exercise of repealing the Bill *in toto*. I contend however that neither the Bill I sought to repeal, nor the Bill which is now before us is in the true sense of the term a revenue Bill. It is not a Bill coming under the designation of those in the rules the Speaker quoted in declaring the Bill I introduced out of order. The Speaker ruled "that the said Bill is out of order, as interfering with the public revenue, under section 53 of the British North America Act, and the 47th rule of this House:"—the section referred to reads thus—"Bills for appropriating any part of the public revenue or for imposing any tax or impost shall originate in the House of Commons." Now certainly my Bill did not appropriate any part of the public revenue nor did it impose any tax or impost upon anybody. The 47th rule of the House is as follows:—

"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 Queen's representative."

As my Bill to repeal the Act did not in any way appropriate public money, I consider that the Rule 47 did not apply to it any more than Section 53 of the Confederation Act. But there are features in that Bill which I think show it not to be a revenue or tax Bill, but what it really is, an act of public policy wherein the money clauses merely incidentally affect the revenue. The Bill is not passed with the intent of raising money to put into the public treasury, nor with the intent of appropriating any public money. The impost of $50 en-

trance money might as well have been called a fine or a penalty as a tax or customs duty. It is not called a tax in the original Bill, although we have called it a tax and speak of it as a Bill imposing a tax. It is not properly called a duty. It does not appear in the tariff among other duties. It is emphatically a fine upon any Chinese person coming into Canada, and it has already been assented to, that this House is perfectly at liberty to deal with a fine. I notice in looking over these authorities that they have not questioned the right of this House to deal with the question of fines and penalties as it has done this many times, and in fact if our legislation is looked through it will be seen that a very large number of bills initiated or amended in this House have as direct relation to taxation and revenue as the clause of this Bill to which this House has already made an amendment in committee. That the fee imposed is neither as a tax nor as a duty but only as a penalty is what I claim to be the true meaning of that law. Then the very disposition of the money indirectly sustains my view of the question. The money collected does not go wholly into the public treasury—part of it goes to the Province wherein it is collected, much in the same way that we find in a law imposing a penalty for its infraction, the fine is often divided between the Crown and the prosecutor or informer. The money levied under the Act before us is partly appropriated to the Provincial treasury. Now we do not levy taxes for the Provinces, and money paid over in that way cannot be considered as part of a revenue tax appropriated to them. A further proof that the Bill before us is not a revenue bill may be seen in the fact that on its introduction in the House of Commons there was no intimation given that the Governor General had recommended it, which is essential to every bill imposing a tax or appropriating revenue—thus plainly showing that that House regarded it as a matter of public policy and not of revenue, although by its first clause it takes away a portion of the revenue, by admitting without a payment of $50 any number of women of Chinese origin married to persons not of Chinese origin. There is thus a direct interference with the revenue—a direct taking away from what might be the revenue, but only incidentally,—clearly showing that my position is right in claiming that the Bill is not a tax bill. I think I have clearly and distinctly shown that the Bill is one within the competence of this House to deal with, and that we have both the right to amend the Bill now before us, and also to pass the Bill which I had the honor to introduce to repeal the Act now upon the Statute Book. If it is not within our power to *amend* the Bill which we are about to consider, and the House has on that account to recede from the position it has taken, and to acknowledge that we were wrong, even in that case I still maintain that though we may be restrained from amending it, we have still the power to reject it as a whole. No person disputes that. We did it last year and we can do it this year; but while there may possibly be a question with respect to this first clause, no such question can, I think, possibly arise with respect to the Bill that I introduced to repeal the existing Act. It appears to me plainly within our power to do it. It does not amend a money Bill. It is not within the ordinary meaning and acceptance of the term a money Bill, for the tax is only incidentally imposed in carrying out a public policy which is intended to be promoted by the Bill. I am quite conscious of the fact that I have a very slender acquaintance with books on parliamentary procedure and still less acquaintance with constitutional law, and it is not for the purpose of making a parade of knowledge which I do not pretend to possess, but recognizing it to be important that we should decide what our powers are, I have ventured to bring the matter before the House, feeling confident that it will be taken up by master minds and so discussed that we will be able to come to a correct conclusion of the matter. Holding the views I do I have ventured to make the motion I have put in the Speaker's hands. I do so with the utmost courtesy towards the Speaker and only because I feel it to be necessary in consequence of the awkward position we are in through having two decisions clashing one with another.

HON. MR. MILLER—I think the House must feel obliged to my hon. friend for the trouble he has taken to bring a subject which infinitely concerns the authority of the Senate before us in the manner in which he has presented it. I am sure every one of us will sympathize with the motives which have induced him to take this action. Every one of us must be desirous of maintaining intact whatever privileges are guaranteed to us by the constitution. None of us desire, and I am sure my hon. friend would be the last to desire, to assume any rights or privileges which do not properly belong to us, and which might have the misfortune of bringing us into collision with the other branch of Parliament. I think my hon. friend, however, will be satisfied before this debate concludes that the position which he has assumed in attacking the ruling of His Honor the Speaker on the Bill mentioned in his resolution is not a sound one. For my own part I have given the subject of the present motion a little attention and have had occasion, while occupying the position which His Honor now fills, to give questions involving the same principle some consideration, and I have before now satisfied my mind that the power for which my hon. friend is contending does not belong to this House. He has stated that if the Speaker's ruling was right in relation to the Bill which he introduced the other day, then the decision of the House on the amendment to the Bill relating to Chinese Immigration Bill now on the orders of the day is wrong—that we have two conflicting decisions. I do not agree with my hon. friend that more than one decision has been given on the subject of this resolution and that decision was in relation to the Bill introduced by himself. The passage of the amendment which was moved to the Bill of the hon. leader of the House, and which is shortly to come up again for consideration on a motion to concur in the report of the Committee of the Whole, was not a decision of the House as to its regularity—for no point of order was raised on that amendment—and certainly was no decision of the Chair on the occasion. It is well known that it is the practice of the House, even when questions are put before the Senate which are not in order, that unless the question of order is raised, it is not the duty of the Speaker to make a ruling upon it. Every day motions are allowed to pass which are not in strict accordance with the rules of the House simply because no member thinks proper to take exception to them. The amendment made to the Bill which is soon to come before us is of that character. I have no doubt when it arrives at the proper stage for the consideration of that amendment—when the Bill comes before the Senate for concurrence in the amendments—exception will be made to the amendment to the first clause, and I have no doubt that the ruling of the Chair will be that that amendment is out of order. Therefore we have nothing to fear with regard to any clashing or confusion of precedents if the motion which is now before the House is not sustained. There is no ruling—there is no decision to which the House is committed: it is therefore almost absurd to endeavor to enlist the House in an attempt to sustain my hon. friend's position on the resolution before us by contending that the House has already committed itself to the principle involved in the Bill which was rejected the other day. That is not the case. I do not think my hon. friend need attempt to argue in that direction with any chance of convincing the House that he was right. I do not intend to go over the numerous authorities my hon. friend has cited. I have not got them at hand, but I may say at once that many of them are irrelevant to the point at issue. Most of them simply assert a principle and a doctrine which no one in this House disputes. It is not disputed that this House has a right to reject a money Bill. We have instances and precedents enough for this position in the parliamentary history of the old country. The question here is whether this House has the power to originate a Bill to repeal a money Act. My hon. friend affirms that the Senate possesses that power, but he has not produced, and it is impossible for him to produce, any authority to sustain his contention. If my hon. friend's contention is correct, then the Senate might indirectly control the imposition of taxation and the direction of the fiscal policy of the country. Such a power never was intended to be

given to the Senate by the constitution. This House might by the repeal of certain taxes compel the Commons to impose other taxes to supply the loss thereby occasioned to the revenue. It is remarkable to say that in the parliamentary history of England notwithstanding the numerous conflicts that have taken place between the Lords and Commons with regard to the initiation and rejection of supply bills, there is not one single instance to be found on record of a bill having been introduced in the House of Commons to repeal a money act. Not one single instance can be found. I have searched myself and applied to others who are good authority and well acquainted with the subject, and my information is that there is not in English parliamentary annals one single instance where such a bill has been introduced in the House of Lords. Now does not that of itself argue strongly against the improbability of any right on our part to introduce such a bill in this Senate where our privileges are very much the same as those of the House of Lords to repeal such an act? I think it does, but I intend to show my hon. friend that when the controversy arose between the two branches of Parliament in Great Britain in 1860 on the Paper Duty Bill the House of Commons then reasserted its rights and privileges in regard to such bills in so unmistakable and comprehensive a manner that the power claimed for the Senate by my hon. friend was implicitly denied in the clearest manner—that is if the money clauses of the Act in question can be considered supply clauses. The question must be decided on two propositions which I contend for, namely: That this House has not the power to originate a bill to repeal an Act, the initiative of which belongs exclusively to the House of Commons. Secondly, that the money clauses of the Act sought to be repealed by the hon. member from Sarnia could only have originated in the other branch of Parliament. These two propositions involve the whole question at issue. My hon. friend has cited no authority to disprove the first proposition as he was bound to do before asking the Senate to take a course which I believe is without precedent, and is besides in violation of the spirit of our constitution.

I think the second proposition, that the money clauses of the Chinese Act make it, so far as these clauses are concerned, a measure of supply coming within the terms of my first proposition. Let me show how the money clauses of the law sought to be repealed were treated by the Commons. The Chinese Immigration Act was introduced in the House of Commons on the 2nd July, 1885. The resolutions imposing taxation in the Act were originated in a Committee of the Whole and were reported as follows:—

"Mr. Speaker resumed the Chair and Mr. Daly reported that the Committee had come to several resolutions."

Ordered that the report be now received.

Mr. Daly reported the resolution accordingly and the same were read as follows:—

1. Resolved, that it is expedient to impose an entry fee or duty of fifty dollars on every person of Chinese origin entering Canada.

2. Resolved, that no vessel carrying Chinese immigrants to any Port in Canada shall carry more than one such immigrant for every fifty tons of its tonnage.

3. Resolved, that the Master of any vessel bringing Chinese immigrants to any Port of Canada shall be personally liable to Her Majesty for the payment of such fee or duty in respect of any immigrant carried by such vessel.

The said Resolutions, being read a second time, were agreed to."

Here we have then the usual course which is taken in regard to supply bills in the House of Commons by referring to a Committee of the Whole House the resolutions on which the money portion of the Act was founded. We have the usual form pursued in that House in the initiation of money bills adopted, and we have these resolutions afterwards embodied in the Bill which became law which my hon. friend's Bill the other day was intended to repeal. Now let us come to the Act itself. My hon. friend has contended that this is not strictly speaking a revenue Act—that it merely relates to a question of public policy and in relation to such questions the Senate would have the right to make amendments incidentally affecting taxation. I admit in a bill containing penalty clauses which is intended not to raise revenue but to regulate a question of public policy, we may amend the other clauses and thereby incidentally affect the fees or the penalties. But in

regard to the two subjects there is a great difference so far as the privileges of this House are concerned. The House of Commons have never admitted our right to interfere with the imposition of a duty (saving our right to object) which is payable into the consolidated revenue, but they have seldom questioned our right to make amendments or impose fines and penalties necessary for the carrying out of any law which may pass Parliament. How are we most safely to judge whether this is a revenue Bill or not—whether the duty imposed here is intend- for revenue and no other purpose? We can only judge by the language of the Act. There is nothing dubious about the language of the Act—no difficulty of construction or interpretation about it at all. The language and object of the law are as clear as possible. I read from the 8th clause of the Chinese Act, (Revised Statutes of Canada,)

"Every person of Chinese origin shall pay into the Consolidated Revenue Fund of Canada, on entering at the port or other place of entry, a duty of fifty dollars, except the following persons who shall be exempt from such duty, that is to say:"

and the clause then goes on to exempt members of the diplomatic corps and other officials, as well as tourists, merchants, men of science, etc., etc.

Now can anything be more clear than the language of this clause. I contend that if the clause here was in the tariff, it could not be more clearly a question of revenue and tariff than it is made by the terms of this Act. It is not necessary for subjects of taxation to be contained in the Tariff Act. We know that in England it used to be the practice to introduce separate supply bills and impose duties on single commodities or a small class of subjects in one bill and although the practice has been greatly changed since 1860, it may yet be followed, if thought necessary either in England or this country. I say therefore that this is such an Act. There can be no doubt of it, because in other portions of the Act it is clear what the intention of the Legislature was. The language is explicit; it leaves us no room for doubt that the intention of Parliament was to impose a duty on these people coming into this country which should go into the consolidated revenue fund of Canada and be appropriated afterward as Parliament might declare. I think the point being clear that this duty goes into the consolidated revenue fund, it is equally clear that this House has not the power to remit it. I alluded just now to the celebrated controversy which occurred between the House of Lords and the House of Commons of England in connection with the action of the Lords on the paper bill. On that occasion Lord Palmerston introduced three resoutions defining the powers of the House of Commons in connection with this question. During his speech he cited from Hatzell to the following effect:—

"In whatever mode the words have admitted to invade this right (of granting taxes for the public service) the Commons have uniformly and vigorously opposed the attempt, and have asserted and maintained this claim through such a long and various course of precedents, particularly from the time of the Restoration, that the Lords have now for many years desisted either from beginning any Bill, or from making amendments to Bills passed by the Commons, which either in form of positive taxes or pecuniary penalties, or in any other shape, might by construction be considered as imposing burdens on the people."

I contend that the Senate has no more right to begin a Bill to repeal an Act imposing taxation, when the repeal of the Act might necessitate other taxation, than it has to originate a Bill directly to impose such taxation. If we have not the right to do the one thing it follows logically that we have not the right to do the other.

If we have not the right of originating a Bill to impose taxation, what right can we have to originate a Bill to repeal taxation? If the money produced under the Act which we repeal was necessary to the Government and they had to supply it in some other way, would we not by our action indirectly change the taxation and interfere with the exclusive right of the Commons to regulate it? The third resolution of the three which I alluded to just now as having been introduced and passed in the English House of Commons in 1860 as a declaration of rights, is I think conclusive on this point. It is as follows:—

"That to guard for future against an undue exercise of that power by the House

of Lords and to secure to the Commons their rightful control over taxation and supply, this House has in its own hands the power so to impose and remit taxes, and to frame Bills of Supply that the right of the Commons as to the matter, manner, measure and time may be maintained inviolate."

The Commons in the above resolution expressly claims the exclusive power not only to impose, but to *remit* taxes. This authority is directly in point in the present discussion. The Lords have tacitly acquiesced in the claim of the Commons as asserted in that resolution. The position taken by the House of Commons in England will be asserted as a matter of course by our House of Commons if we attempt to deal with the buestion as my hon. friend recommends us to do, and the result will certainly be a conflict between the two Houses in which we are sure to be worsted in the end. The hon. member from Sarnia was not fortunate in many of his quotations from May, Bourinot, and other authorities. Take for instance his citation of the three standing orders of the English House of Commons, from the first-named author. My hon. friend relies on the first of these rules, which is as follows: "When the object of such pecuniary penalty or forfeiture is to secure the execution or prevention of offences." He argues that as bills imposing such penalties or forfeitures may be amended by the Lords, so the Chinese Immigration Act may be amended or repealed by this House, as the duty is in reality only a penalty. But I think I have already shown that the hon. gentleman is in error in that respect, and therefore that this standing order does not help his argument in any way. The other two standing orders are directly and expressly in the teeth of his contention, for they expressly deny the right of the Lords to amend Bills where the penalties are payable into the exchequer, or in aid of the public revenue, or in the case of a private Bill for a local or personal act. I repeat again emphatically the tax imposed by the Chinese Immigration Act is not a pecuniary forfeiture, it is a duty in aid of the public revenue. Therefore the rules of the Imperial House of Commons, which I have just read, do not apply at all in this case. The money raised by the duty is payable into the treasury. Then this is not a private bill. Therefore under not one of the three conditions enforced in the House of Common in England has my hon. friend the right that he supposes he had to introduce such a Bill as this, because its object is to repeal a revenue Act or an Act with supply clauses, while at the same time controlling a question of public policy. My hon. friend alluded to the Canada Temperance Act as a precedent. I think my hon. friend will find that when this House applied to the House of Commons in 1874, when that question was before it, for a joint committee in connection with the subject of that Act and the money clauses in it, the other Chamber refused to have any such committee, and for this reason. Bourinot says:—

"In this case the question to be considered was the passage of a prohibitory liquor law. Committees were formed in each House, but the Commons after discussion thought it inadvisable to unite their Committee with that of the Senate, as the result might affect the revenue, over which they claim exclusive control. This illustrates the jealousy with which the Commons regard even a possible infringement of their privileges."

So on that occasion, the passage of that Bill which my hon. friend considers is an argument in favor of his present motion, he will find that the House of Commons refused to do what he says they did. There was no clause in that Bill appropriating directly the public moneys, but there were certain clauses, recommending a certain course which would have involved a question of appropriation of taxation, and these were taken up and passed by resolution in the House of Commons and not as a part of the original Bill. I did not intend to trespass upon the time of the House beyond six o'clock, but I find I have done so, and I am afraid I have tried your patience too far beyond the dinner hour. There is a very important consideration for this House in connection with this matter, and it is the unwisdom of our attempting to infringe on the privileges of the House of Commons when it would only lead to a conflict with that House and to the destruction of that harmony which should exist between the two branches of Parliament, while doing us no good whatever.

The House of Commons will not entertain my hon. friend's Bill; it will reject it both on its policy and on its being an infraction of their privileges, and we have nothing to gain, therefore, by taking a step which I believe is contrary to the powers we possess under the constitution, and would be an insult to the other House. I do trust that the sense of the Senate will lead us to see that we are not yielding up anything in rejecting the motion of my hon. friend. While I fully concur in the motives which induced the hon. gentleman to bring this question before the House, and am very glad that it will have a full discussion from members who take an interest in the subject, still I hope that the House will not place itself in a false position by allowing the motion to receive the endorsation of the Senate.

At six o'clock the Speaker left the chair.

AFTER RECESS.

The debate was resumed.

HON. MR. DEBOUCHERVILLE—After hearing the able exposition of the case by the hon. gentleman from Richmond, I must say that I have changed my mind. I did consider that this Bill was merely a bill in which penalties were imposed, but I see now that there are also duties and if we look at the procedure followed in the House of Commons we shall be more confirmed in that opinion. The Bill was first introduced without a message from His Excellency and without being referred to the Committee of the Whole. A few days afterwards there seems probably to have been a discussion on that point; a message was brought down, the House resolved itself into Committee of the Whole in which resolutions were passed and the Bill was withdrawn and another bill was introduced based on these resolutions. This shows that it was intended to be a tax bill. Therefore I think we have not the right in this House to initiate a bill of this kind either to increase or diminish the public revenue. But does it follow, that the majority of the Senate who are against this Bill have no means of protesting against the measure? I think they have. We cannot introduce a revenue bill, but we can either propose a resolution condemning the Bill or pass an address to His Excellency and ask him to cause the Bill to be withdrawn. I wanted to give these explanations because having spoken to some of my friends who are in favor of the motion of the hon. gentleman from Sarnia, and having been convinced by the reasoning of the hon. gentleman from Richmond that my first impression was wrong, I thought it was due to the House to explain why I changed my opinion.

HON. MR. TRUDEL—I have the misfortune not to concur in the present opinion of my hon. friend from Montarville. I have not the presumption to think that I am able to adduce arguments sufficiently strong to bring him back to his former opinion, but it seems to me perfectly clear that the motion of the hon. gentleman from Sarnia should be adopted. I shall give in a very few words my reasons for thinking so, but before so doing I may say that I do it only because I find this to be a matter of very great importance—more than an ordinary decision upon a point of order or the application of an ordinary rule of the House. It seems to me that the motion of the hon. gentleman from Sarnia, as stated by himself, is a very courteous mode of having the point decided indirectly without reflecting in any way upon the ruling of His Honor the Speaker. That this Bill has been introduced as a money Bill the hon. gentleman from Richmond has stated very plainly; but can we say that a measure takes its character from the form in which it is introduced to Parliament? I do not believe it does. If by its nature this Bill is not a money Bill, supposing it had been brought in by the ordinary procedure which accompanies the introduction of money bills, it does not follow that it is a money Bill. It is a monetary principle that it is not the matters which are accessory or extend to a Bill which give character to the law. I believe everybody in this Dominion are aware of the circumstances which occasioned the introduction of this law, but I do not believe there is a single man in the

Dominion who would seriously contend that the Government introduced it as a means of adding to the public revenue. It is well known that the law was urgently asked for by the people of British Columbia. It is also known that the intention of the law was not to bring money into the treasury; that the only object of the measure was to embarrass the entrance into Canada of Chinese immigrants. If the law had been an absolutely prohibitory law, excluding the Chinese from coming on to our territory altogether, it would have been an infringement on the treaty existing between Great Britain and the Chinese Empire, and would therefore have been disallowed. But it was decided to obstruct the entry of the Chinese into the Dominion as much as possible by imposing a penalty or fine—call it what you like, but the name does not change the nature of the impost. Supposing it is called a duty, it does not change the nature of the measure, so long as the only object in view at the time the measure was introduced was to obstruct or embarrass the entry of Chinese into Canada. Can it, therefore, be pretended seriously that it was intended as a money Bill? The hon. gentleman from Richmond has said that we should avoid as much as possible any conflicting between the two Houses. I agree in his proposition that we would be infringing on the rights of the other House in repealing this Bill if it is a monetary bill; but if it is not a money bill there is nothing in his argument, and what he has stated to the House is precisely the argument of the hon. gentleman from Sarnia, that this is not a money bill, and consequently we have a perfect right to pass a measure repealing it in this House. It is true we ought to do our best to prevent any collision between the two branches of the Legislature, but there is another principle which is of still higher importance, and it is that we ought to be anxious to preserve all the rights and privileges of this hon. body and to leave to each branch of Parliament its own exclusive powers. It seems to me if we admit too easily the principle that this is a money bill or that it is a Bill in which the money consideration is public revenue, and bow down at once to the decision that we have no power to deal with it, one of the consequences may be that we shall diminish and destroy to such an extent the powers of this House that we will render the Senate comparatively useless. Therefore I think it is our duty to examine first if there is not something in the decision against which the hon. gentleman from Sarnia is protesting—if there is not something in that ruling which might not have the effect of diminishing the powers and privileges of this House. I may say that when this legislation was first introduced I left a strong repugnance at the idea of a tax being imposed upon members of the human family. There is something extraordinary in the idea of taxing—not the goods or the property but the man himself—taxing human flesh. There is something in the proposition which, at first sight, strikes me as being repulsive. If the contention is that we have no right to interfere with any measure which has originated in the other House under the ordinary procedure of a money Bill—that is based upon resolutions in Committee of the Whole—if by this fact we lose our initiatory power it might happen, for instance, that a Bill would originate in the Commons to enact that for the purpose of increasing the public revenue, a tax should be imposed on orphans, or that those poor destitute creatures should be sold by the Government. Of course it would be an absurd proposition in such a country as this, but it is a public policy not unknown in the past history of other countries. Would not such a bill be a revenue Bill, if the contention of the hon. gentleman from Richmond is admitted? Certainly. But is there a gentleman in this honorable House who would not contend, if such legislation were introduced, that it would be our duty and our right to initiate and to pass a measure to repeal such an extraordinary law? What would be our answer to the objection which might be raised that it was a monetary Bill? We would say it may be a monetary Bill; but it is above all a great social question—it is a question of natural law; and the miserable monetary interest incidental to it is of such secondary importance that the measure itself does not take its character from its monetary clauses. It is a measure affecting social order: it is

a bad law in this sense, and we ought to repeal it and it would be the duty of this House to take the initiative in repealing such a law. It may be said of course that the two cases are not parallel. I am ready to admit that the present law is not so barbarous as the supposititious one I have laid before the House, and which I have quoted to show that the pretension that this Chinese Bill is a monetary Bill, does not depend on the manner of its initiation. I contend that questions of social order may be so mixed up with such a measure that the monetary consideration may be of such a secondary character that its importace in that respect is entirely overshadowed. We have to examine this law to see if it is really a monetary measure. I do not believe that there is a single member of this House who will pretend for a moment that the Chinese Immigration Act is essentially a monetary law. I can very easily see the embarrasment of the Government in having to face the anti-Chinese movement in British Columbia when their friends in that province at the time gave very strong reasons why the Chinese immigration should be prevented; and we can easily see that the Government having to decide on some way in which to prevent that immigration without a direct breach of the treaty which exists between the two great nations, adopted this mode of meeting the difficulty. The monetary feature of the Bill consists only of the mode of its introduction; but the end in view was the exclusion of Chinese immigration, and it is well known that the Government and Parliament did not consider for a moment the monetary features of the Bill at the time it was introduced to the Legislature. If at that time a proposition had been made to the Government which would legally and properly shut the door against the Chinese without putting a tax on them, I ask the hon. gentlemen if the ministry would not gladly have accepted such a measure instead of the one that has been passed? Certainly, because the object the Government had in view was to prevent Chinese immigration and the monetary consideration was merely an incidental one. It is for this reason that, although I feel a good deal of reluctance in declining to accept the ruling of the Speaker I feel it my duty to vote for the motion of the hon. gentleman from Sarnia.

HON. MR. GIRARD—When the question came before the House in a more direct way I expressed an opinion which agrees completely with the decision which has been given by the Chair on this question. I at the same time expressed my view of the Chinese immigration question. I deplore the consequences of the law, but I suppose it was passed at a time when circumstances required such a measure. It was at a time when we had not direct communication with British Columbia, and our friends in that province, under the apprehension of an invasion of laborers from China, came to Parliament and asked for protection. Under the circumstance, I suppose the best measure was adopted. The circumstances are not now the same, and I think the discussion which has taken place in this House will serve some good end. The Government will understand by the debates we have had that the sentiment of the House is opposed to severe treatment of Chinese immigrants. My hon. friend from De Salabery, in support of his contention, supposed a case in which the House of Commons might pass a Bill to impose a tax upon orphans or to permit their sale by the Government. There is no probability of legislation of such a character as that ever being introduced into the Canadian Parliament, and if it were at any time I am sure there would be but one voice in this House, a protest against such a measure, and the law would be repealed as soon as possible; but it would be repealed in the right way and not in the manner in which it is proposed to repeal the Chinese Immigration Bill. It is not *ipso facto* a money bill, but it provides for the collection of a certain proportion of public money which goes into the consolidated revenue fund to meet the expenses of the Government during the year. From that law the Government receives $50 from each Chinaman who lands in Canada. If to-day, when there is now no time to make other provision for the collection of that amount of revenue, we

repeal the Chinese Immigration Act, the Government will be that much short of the revenue that they calculate upon to meet the expenses of the administration during the year. I have no objection to the repeal of the law, but let it be done in the proper way. I have before expressed an opinion that we may get into a conflict with the Commons if we repeal the Immigration Act. I do not care, however, whether a conflict arises with the other House if that conflict arises out of the discharge of our duty. The hon. gentleman from Sarnia has put a motion before the House which has the sympathy of every one of us, but I say that it affects a law which appropriates public money, and as such could only originate in the House of Commons I think we would certainly be wrong if we were to deviate from rules which are so clear as the 23rd section of the British North America Act, and the 47th rule of our own House, in the face of the authorities quoted to us this afternoon. I rely too much on the intelligence of this House to arrive at any decision that is not legal and right. The motion to repeal the Chinese Immigration Act has been decided here by the proper tribunal. No one will believe that it is from flattery or any other improper motive that I express the opinion, but I believe that when a rule is made by the Chair it ought to be respected, except the Speaker acts so unfairly and in a manner so unjust that *prima facie* his decision is wrong. In this case I think the decision is based upon sound principles, and even if there was any doubt in the mind of anyone as to the soundness of that decision, the Speaker is entitled to a certain amount of respect from us, and if his decision appears to be at all correct it is the duty of every member of this House to adopt it and not to entertain any longer the proposition of the hon. gentleman from Sarnia.

HON. MR. SCOTT—I do not think the Speaker would care to screen himself under the language of the hon. gentleman from St. Boniface. It seems to me that the Speaker of this Chamber would be quite as sensitive as to maintaining the prerogative of the House as any independent Senator in this body, and, therefore, if I on this occasion happen to differ from His Honor he will not conceive for one moment that I do so out of disrespect for him. On the contrary he would have a very contemptible opinion of me if from mere courtesy I was content to overlook the great principle involved in the question before the House and yield up my better judgment in bowing to a decision which in the future he as well as myself may be glad of an opportunity to escape from. We are all endebted to the hon. gentleman from Sarnia for having brought up the subject before us in the grave and courteous way in which he has dealt with the matter. I do not propose to follow him through the argument he has used; to my mind it was quite satisfactory. I shall simply advert to some points that have been raised in opposition to the views he expressed and give the opinion that I entertain in reference to those debatable points. Now, as to the first proposition, it seems to me we ought to consider what was the object of Parliament in passing this law? Can it for a moment be contended that this is a revenue Bill? Hon. gentlemen in discussing it have imported into it that celebrated case known as the Paper Duties Case—the repeal of the paper duties by the House of Lords in 1860. It was not simply a refusal to pass the Bill in its then shape, but the Bill embraced two features. It embraced the feature of increasing the tax on land and on furniture and of reducing the tax on paper. There were two propositions: an increase of the tax on one hand and a reduction on the other, and yet the House of Lords threw out that Bill, and though the Commons laid down the abstract proposition that they had certain rights and prerogatives it was not contended that the Lords were not perfectly right and justified, under the precedent of centuries, in throwing out that Bill. And what have the House of Commons done ever since? Why they have tacked Bills of that kind on the Supply Bill so that they could not interfere with it unless they threw out the whole thing. Therefore, this Bill is in no sense analagous to the one that has been quoted as a precedent. But now, coming to the principal argument, I desire to call atten-

tion to what Parliament itself said when it put on record that Act which has created this discussion—the Act of 1885 to restrict and regulate Chinese Immigration. The title tells truthfully what the object was. Now we will read the preamble. In consolidating the laws it was found convenient, by way of shortening things, to cut down all these preambles and cite the object of each Act as briefly as possible; but we must go back to an Act of Parliament to find out the ruling motive for passing it—we must take the legislation itself. In this case what do we find in the preamble? It sets forth:—

"Whereas it is expedient to make provision for restricting the number of Chinese Immigrants coming into the Dominion, and to regulate such immigration; and whereas it is further expedient to provide a system of registration and control over Chinese immigrants residing in Canada, etc."

That is the Act that was passed—the Act that we are now proposing to repeal. What did this House do when it was proposed to further increase the restrictions to Chinese immigration last year? It threw out the Bill. Did the House of Commons say that we had exceeded our authority in doing so.

HON. MR. MILLER—No one disputes that.

HON. MR. ABBOTT—We do not deny the right of the Senate to throw out the Bill.

HON. MR. SCOTT—Where is the difference between throwing out the Bill and repealing the Act?

HON. MR. ABBOTT—There is a good deal.

HON. MR. SCOTT—It is quite evident from this legislation of 1885, what the object of Parliament was: it certainly, as is made clear on the face of it, was not to raise a revenue. If it had been, then we would make all Chinamen pay revenue, but the taxes are imposed on only a class—the laborers. An educated Chinaman coming to Canada does not pay $50: it is only the man with horny hands, who enters into competition with the laboring classes of this country. This Bill was passed through the influence of the laboring classes of British Columbia because they did not want the competition of Chinese labor. That is evident from every clause in the Bill. If we were scattered provinces, as we were twenty-five years ago, and not enjoying the large constitution we possess, this law would have been declared unconstitutional, because it would have been regarded as a discrimination law in favor of broad-cloth and respectability and against the lower orders. It does not apply to every Chinaman: the following persons are exempt from it, although they are Chinese—Members of the diplomatic corps or other Government representatives and suite; their servants; consuls and consular agents; tourists, merchants, men of science and students. Can it be said that Parliament would stultify itself by passing a revenue measure discriminating against certain classes of society? It is quite clear that the Act, as I have shown, was passed at the instance of the laboring classes of British Columbia, to keep out other laborers objectionable to them because they sold their labor at too cheap a rate. That is quite evident on the face of it. The statement has been made that under the Canada Temperance Act we did not interfere with the revenue. I say that by the Temperance Act, which originated in this House, we took away revenue and imposed taxes, yet that Act was declared to be constitutional and we had a right to pass it. We imposed taxes, because the penalties under that Bill are very large. They were fixed in this House, and all penalties collected under that Act go into the consolidated revenue fund. We also took away revenue by that Act, because we provided that where that Act goes into operation licenses issued by the Crown to brewers or distillers shall have no force or effect. In that way we reduced the revenue. It is admitted on all hands that the effect has been to diminish the revenue, not by a small amount as would be the case by repealing the Chinese Immigration Act, but by over a million dollars a year. Now, that was an Act, which originated in this House, interfering with the revenue. It was an incident of the legislation and

therefore it fell within the purview of the House to make the enactment. In the same way this penalty imposed on the Chinese is simply for the purpose of keeping Chinese labor out of the country, and not for the purpose of raising a revenue in any sense whatever. Therefore, I think it is quite within the prerogative of this House to alter, modify or change that law in any manner we think proper. I do not propose to read the authorities, because the hon. Senator from Sarnia has already read the various authorities which ought to influence the House, but I consider the precedent which has been adverted to, the course adopted by the British House of Commons with reference to the Paper Duties Bill, is in no sense analagous to this, because that was both taking off and putting on taxes—taxes proposed for the very purpose of bringing up the revenue. There had been a failing revenue and a deficit, and the Finance Minister of the day desired to equalize matters by increasing the property tax and stamp duties and repealing the duties on paper. The Lords interfered with the Bill to repeal the paper duties and threw it out. That was quoted as shewing the justification that the House of Lords had for putting on record the assertion of their rights, but the assertion of their rights did not interfere with the prerogatives of the Lords. The Commons did not demand a conference. May says distinctly that the House of Lords had the right to reject the Bill. He says :—

"That House was naturally sensitive to this novel encroachment upon its peculiar privileges; but as the Lords had exercised a legal right, and their vote was irrevocable during that session, it was judiciously resolved, after full inquiry and consideration, to maintain the privileges of the House, not by vain remonstrances, but by an assertion of its paramount authority in the imposition and repeal of taxes, at once dignified and practical."

Then in July it was put on record the quotation which has been cited. It took a very decided way of avoiding for the future giving the House of Lords an opportunity to exercise the undoubted right that it had exercised, and that was in the way I have explained. May remarks :—

"The significance of these resolutions was illustrated in the next session," (there was no remonstrance that session) "when the Commons, without exceeding their own powers, were able to repeal the recent encroachment of the Lords, and vindicate their own financial ascendancy. They again resolved that the paper duties should be repealed; but instead of seeking the concurrence of the Lords to a separate Bill for that purpose, they included the repeal of those duties in a general financial measure, for granting the property tax, the tea and sugar duties, and other ways and means for the service of the year, which the Lords were constrained to accept. The financial scheme was presented for acceptance or rejection, as a whole; and, in that form, the privileges of the Commons were secure. And the budget of each year has since been comprised in a general or composite Act."

Showing clearly that the House of Commons quite recognized the right of the House of Lords to reject such bills.

HON. MR. ABBOTT—Nobody has ever disputed it

HON. MR. SCOTT—What I am contending here is that we are not going anything like that length. We are not imposing taxes or removing taxes. The $50 imposed upon a Chinaman coming into Canada is a penalty: we have the right to impose or remove penalties in bills that come before this House, as I have shown we did in the case of the Canada Temperance Act. In that instance there was no dispute as to our powers to do what we did on that occasion.

HON. MR. PLUMB—The House of Commons refused a conference on account of it.

HON. MR. SCOTT—That was not at the time the Canada Temperance Act was passed. The House of Commons declined some years before to have a conference because it would be a recognition openly and pointedly of our rights. I should be quite as sensitive as anybody else on this subject, because I quite recognize that the Senate does not stand in the opinion of the public on as high and lofty a plane as I should like to see it, and for that reason I am not disposed to carry our privileges or prerogatives to an extreme degree. I think it would be a very dangerous and improper thing to do, at the present time particularly, but

I am not aware that in any case such as the one now under consideration that the House of Commons would be so painfully sensitive as to consider that we had in any degree encroached on their rights. I do not myself gather that that would be the opinion of the House of Commons or that the country would consider we were going beyond the powers conferred upon us by the Constitution. If we put on record that our powers are so limited you will find it extremely awkward when Bills come before us in which this question is involved. I remember incidentally very many Acts of the kind in which penalties are provided for, and where it has been the province of the Senate in the past to express an opinion either to reduce them or to increase them, but if we ourselves lay down a principle, when it has not been challenged in any sense, when the House of Commons has not advanced the proposition that we have no right to interfere in the present instance, I think we should be conceded the privileges and prerogatives of this House before they are challenged.

HON. MR. DICKEY—It may be expected that I shall say a few words on this subject, and they shall be very few for the reasons, in the first place, I have not had an opportunity of looking fully into the question, and in the next place, that I am under the disadvantage of not having heard the decision of His Honor the Speaker upon the question that was raised on a former occasion, as I was not present. I understand, indeed, that that decision did not turn on the same point which is raised by the resolution now before the House. It was an opinion given upon a bill affecting legislation upon the Statute book. In expressing, as I intend to do very briefly, the opinion I have on this question. I cannot exactly agree with the position taken on either side in this debate. I cannot agree with my hon. friend from Ottawa in saying that the duty imposed by the Act which he has quoted, the Chinese Immigration Act of 1885, was not a tax. I think it was clearly a duty, or tax, and it was such a one as, I think, could not have originated in this House, because we are regulated in all these matters by a delegated power, a power, where it is expressed, that is above the ancient powers which belong to the House of Lords, our great prototype. We derive our powers from the British North America Act, and the 53rd clause of that Act is in these words :—

"Bills for appropriating any part of the public revenue or for imposing any tax or impost, shall originate in the House of Commons."

It is quite clear that Bills of that character cannot originate in this House. By the 54th rule it is provided :—

"It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address or Bill for the Appropriation for any Part of the Public Revenue or of any Tax or Impost, to any purpose that has not been first recommended to that House by message of the Governor General in the Session in which such Vote, Resolution, Address or Bill is proposed."

Now it is quite clear, under that rule, that this House has no power to reject measures for the purposes mentioned, and that a power of raising a revenue by taxation rests entirely with the House of Commons upon a recommendation originating with the Governor General. That is the true doctrine with regard to the origination of money votes : but assuming that to be so, I may be asked—does it then follow that, because the House of Commons has the exclusive power of originating these measures, it is not in the power of this House to reject them if they choose ? I say that most undoubtedly they have the constitutional power to do so, and I am prepared to go a step farther. I say that if they have the power to originate these measures and to throw them out, they have, according to the authority which has just been quoted from May, the indisputable power of repealing them. That is my position.

HON. MR. VIDAL—That is mine too.

HON. MR. DICKEY—I say so from the authority which is to be found in Bourtinot's work on Parliamentary pro ceedure, page 502

He says :—

"Though the Upper House may not amend a Supply Bill, yet all the authorities

go to show that theoretically it has the constitutional right to reject it in its entirety."

There is no doubt, therefore, of the power. If they have the power to reject such Bills, I think it is a logical sequence that they must have the power of repealing them afterwards, but under what circumstances? Then we come to the propriety of the exercise of that power. I have always taken strong grounds in favor of the privileges of this House, and I should be the last one to abandon or yield up any privilege which rightfully belongs to us, but I think the exercise of any powers we have must always be subject to the law of expediency and propriety, and I find I am not alone in that opinion, because the writer of this work goes on to say immediately afterwards—"but such a right will never be exercised by a legislative body not immediately responsible to the people, except under circumstances of grave public necessity."

HON. MR. SCOTT—That is the Supply Bill?

HON. MR. DICKEY—The Supply Bill, and it is a Bill which votes money. Reasoning upon analogy, the same rule applies to every case where we are called upon to reject a Bill which either imposes a tax or repeals a tax. I maintain the opinion I held when the matter was first suggested: I think it would be unwise to attempt to repeal this Act, and, therefore, the proper course for us to adopt is not to insist upon passing a Bill for that purpose, but to amend the law, as far as we constitutionally can. Under all the circumstances, therefore, I shall certainly not be prepared to vote for the repeal of that Act although I admit, as the writer here admits, that theoretically we have the constitutional right to do so if we choose. That is shortly the view I take of it, and I think it narrows down the question with which gentlemen who hold with me that they are not prepared to take one side or the other in this constitutional argument have to deal—is it wise under the circumstances, which certainly do not amount to a grave public necessity in the present case, to insist upon this and take the opportunity of putting ourselves in an attitude of antagonism to the other House on a question where, theoretically, we are right and where, perhaps, according to all the rules of prudence and in view of the Act itself, we may be found to be wrong? For this reason I cannot vote for the repeal of this Act.

HON. MR. POWER—As I understand it the question before the House just now is not the repeal of the Chinese Act; the question is whether the ruling of His Honor the Speaker in connection with the Bill for that purpose is sound, and although a good deal has been said on the subject I may be allowed to say a few words on it. I have not a very strong opinion in the matter. I had not until to-day looked into it, although my own impression was rather in the direction of favoring the propriety of the course taken by the hon. member from Sarnia; but when I listened to the learned and able argument of the hon. gentleman from Richmond, and when I considered his large experience in dealing with questions of this character, I felt any little confidence I might have had in my own opinion very considerably shaken. Fortunately, perhaps the hon. gentleman closed his address before the recess; and since that time then I have had time at any rate to think the subject over, and get away, so to speak, from the influence of his speech, and I am now once more pretty much in the frame of mind that I was in before I heard him. I sympathize very much with the hon. gentleman who has just sat down: if it was a question of voting for the repeal of this Chinese Act, I should do as the hon. member from Amherst says he would do, I should vote against the repeal just now. But the question is whether the motion to repeal the Bill is out of order. On that point I am constrained to say, after giving it a reasonable consideration, that I am disposed to think it is not. There is on doubt at all about the right of this House to reject a money Bill. That, I think, is not denied, but I might call the attention of the hon. gentlemen to some two or three very remarkable cases in which the Upper House has undertaken to do that. Hon. gentlemen will remember that Mr. Joly's Government at Quebec was defeated by

the action of the Legislative Council in refusing to pass the Appropriation Bill; and no question whatever was raised as to their perfect right to do so. Another question which had important results arose in the Legislative Council of old Canada in 1856. At that time the Legislative Assembly passed an appropriation bill, included in which was a provision for the purchase of land for the construction of Parliamentary buildings at Quebec, with a view to making that city the permanent seat of Government. I find that that Bill was thrown out by the Legislative Council of the old Province of Canada, sitting at the time at Toronto, and thrown out in the most summary way on the first reading. No question was raised as to the constitutionality of the action of the Legislative Council and the result was that the capital instead of being fixed at Quebec was fixed at Ottawa. There is no question, therefore, as to the right of the Upper House to reject an appropriation or other money Bill. I quite agree with the hon. gentleman from Amherst that where the House of Commons have passed a Bill with a sole view to dealing with supplies, which is their peculiar province, if the Upper House can reject that Bill surely it will have the right to pass a measure repealing an Act, in which, as was most clearly shown by the hon. member from Ottawa, the revenue element was a mere incident. I think the preamble of the Chinese Immigration Act shows quite clearly that the House of Commons had no intention of raising a revenue at all when they passed the Bill. I agree with some of the hon. gentlemen who have suggested a doubt as to whether it is a judicious course for us to exercise the power we have. Certainly it is not a question of order: it is a question which might be raised by the House of Commons. If we passed this measure and it went down to them they might think that we were interfering in a matter in which Parliamentary etiquette, not Parliamentary law, forbade us to interfere. There is no law on the subject whatever: it is a matter which rests purely on Parliamentary practice and etiquette and while the House of Commons might raise that question, I do not think it is one that can be brought up here as a question of order at all. It may be wise or unwise to exercise this power; but I think we have the power technically and theoretically, and whether we shall exercise it or not is a question of judgment and taste and not a question of right. Consequently I think that the decision of His Honor the Speaker was hardly defensible on that ground. The only guides that I can find on this subject are two sections in the British North America Act and two of our own rules. Section 53 of the British North America Act says—"Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Commons." This Bill does not appropriate revenue or impose any tax, or impost on subjects at any rate. We could not originate a bill like the Chinese Immigration Act I admit, but it does not follow that we could not repeal it. The 54th section provides that no bill shall be submitted to the House of Commons for appropriating any part of the public revenue or for any tax or impost which has not been recommended to the House by message of the Governor General. Our own 47th rule is as follows:—

> "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 Queen's representative."

Now this can hardly be called a Bill appropriating public money. Then Rule 48 says:—

> "To annex any clause or clauses to a Bill of aid or supply, the matter of which is foreign to and different from the matter of the Bill, is unparliamentary."

That rule was intended to protect the Senate from a practice which had occasionally been indulged in by the Lower House of tacking to the Supply Bill other provisions which did not deal with the matter of supply, and in that way obliging the Upper House to assent to measures which were not approved of by the Senate. That rule does not apply to this case. This is not a Bill appropriating public money, and consequently does does not come under the rule. I contend that as far as the law goes, and as far as theory goes, this House has a perfect right to do what it pleases with Supply

Bills or Bills respecting the revenue, except that it cannot originate a Bill appropriating any part of the revenne or imposing any tax or impost.

HON. MR. DICKEY—I would call the hon. gentleman's attention to section 20 of the Chinese Immigration Act, which provides that all dues, pecuniary penalties and other sources of revenue under the Act shall be paid into and form part of the consolidated revenue fund of Canada.

HON. MR POWER—That is the original Act; we are not passing that Bill. That measure originated in the House of Commons. We could not have originated it. As I have said, I think there is a question of etiquette involved: it has been a rule generally observed that the Upper House will not interfere with questions of the franchise. The franchise is a matter which according parliamentary etiquette should be left to the House of Commons—but this Senate has not hesitated to deal the most direct way with the franchise. It will be remembered that some years ago the Senate tacked to a Bill relating to a different matter altogether a provision that certain Government *employés* should be allowed to vote. That I think was a much more serious violation of parliamentary etiquette than would be the passing of this Bill. The objections to his honor's decision are to: first, that it is not a question of order at all; it is a question which may be raised between the two Houses, but I do not think it will be found that in any case in the House of Lords the ground has been taken that that House had not the power to deal with financial measures. The objection has been taken by the House of Commons, not by the House of Lords themselves, and in the authority which was read by the hon. member from Richmond, the resolutions of the House of Commons would not be recognized by the House of Lords as binding. The Lords may have thought it more judicious on the whole not to precipitate a conflict with the Commons, but I do not think that any hon. gentleman can show that in the House of Lords a question of this sort has been ruled out of order. The second objection is that in the case before us the matter of revenue is only a secondary and an incidental consideration, so that even the resolutions of the English House of Commons which have been quoted would hardly apply.

HON. MR. POWER—It may be unwise but it is not out of order.

HON. MR. MILLER—Can it be shown that it was ever before the House.

HON. MR. POWER — Presumably. We presume that we can do anything that any House can do, and it is on the gentlemen who deny the right of the Senate to deal with the measure to show that the Senate cannot deal with it.

HON. MR. MILLER—Is not the rule on the contrary that the party affirming is bound to prove his affirmative before calling on the other party to prove the negative.

HON. MR. POWER—The presumption is that the powers of the two Houses are co-equal. A practice has grown up as shown by the section of the British North America Act which we have read, and by our own rule No. 47 that money votes must originate in the House of Commons, but the rule goes no farther. There is just one other remark which occurs to me before I sit down. What was the origin of this rule? It originated I suppose first in the jealousy which the Commons had of the Crown's taxes without the consent of the representatives of the people. That was the way in which it originated, I suppose the Commons resented the interference of the House of Lords as being more or less the friends of the Crown. And what was the object of it? That is a point to which I should like to call the attention of the Leader of the Government. The object of this rule was that the Upper House, the irresponsible House should not levy taxes on the subject, on the people of the country. Now what does this Chinese Bill propose to do? It does not propose to levy taxes on the subject, but on the stranger coming in from the outside. It does not interfere with the property of

the subject at all, but it interferes with the property of the stranger who is coming in, and does not interfere with the original limitation of the powers of the Upper House in any way.

HON. MR. ALLAN—If an hon. gentleman of such an acute legal mind as my hon. friend the senior member from Halifax confesses that he was so mesmerized before dinner by the able speech of the hon. gentleman from Richmond that it required all the powerful influences of a good dinner and good digestion which waits on health, afterwards, to do away with the effect of it, what must be the condition of the unhappy man who was mesmerized before dinner by the remarks of the hon. gentleman from Richmond and after dinner was again mesmerized by the speech of the hon. gentleman from Ottawa. After all are we not travelling away from what is practical and useful. There seems to be a very grave doubt in the minds of hon. gentlemen who are well able to form an opinion, by their legal training and otherwise, as to the constitutional question, and to what purpose are we asked to decide it? For the purpose, as I understand, not merely of affirming this question of order but to enable the hon. gentleman from Sarnia to introduce his Bill.

HON. MR. VIDAL—It is not my purpose. My purpose is solely to settle the question of order, and not to go on with the Bill. I said that distinctly.

HON. MR. ALLAN—If that is the object, then my objection falls to the ground, because the hon. gentleman will remember when he mentioned that subject to me I said I could not see what good he would achieve by forcing the repeal Bill through this House, because if the Bill passed this House it could hardly pass the House of Commons, and therefore the very amendments which were sought to be made to the Act by Bill before the House would be lost, and instead of there being any improvement in the condition of those people whose cause he has espoused they would be left in their present unsatisfactory state. Now, when I had charge of the Bill upon the same subject last year there were many of the clauses which I thought hard and restrictive, and at my suggestion the Government altered many of those clauses, and I thought that I could conscientiously say to the House that the effect of that Bill would be to place the Chinese on a better footing than they were under the original Act. At the same time I perfectly remember, and I have been refreshing my memory by reading the report of the debates that took place on that occasion, that when the proposition was made with respect to two or three of those clauses to diminish the penalties the very same objections were successfully raised to the jurisdiction of this House to interfere with legislation by which a tax was imposed. Therefore I cannot see how, in the present instance, when a much stronger measure and proposition to repeal the Bill is before us, it can possibly be within our jurisdiction. Theoretically I, to a certain extent, agree with the hon. gentleman from Ottawa that the original bill seemed to be more of the nature of a restrictive Bill than a Bill for the purpose of raising revenue; but through the clauses of that Bill there are statements which go to show that the tax is considered as a matter of public revenue, and being a matter of revenue I do not see how we can possibly interfere with it. The case quoted by the hon. gentleman from Halifax of the vote of the Legislative Council of Old Canada in reference to the grant for the buildings at Ottawa was a vote which was taken upon the propriety of removing to Quebec and sitting there for five years before the Legislature ultimately came here, these buildings not being quite ready for occupation at the time; and at that time the House had either to reject the whole Supply Bill or to take it as a whole. The result was that they did vote against the whole Supply Bill, and in the exercise of their powers throw out the supplies and Government had to take measures to bring up other members of the Council before the supplies could be passed through the Upper House. The cases are not analagous at all. I think in the present instance, where there is so much doubt as to whether we can constitutionally pass such a Bill as the hon. gentle-

man from Sarnia has introduced, as a practical matter, it would be far better that we should spend no further time on this discussion, or issue something like a challenge to the House of Commons with respect to their jurisdiction as between this House and themselves.

HON. MR. POIRIER—I make a great deal of difference between the repealing of a Bill and the introduction of a Bill. The hon. gentleman from Halifax spoke about the origine of the law prohibiting the House of Lords from bringing in a Bill by which taxes might be imposed upon the people or revenue raised. This, as we all know, was made in order to protect the people and to prevent the King from putting too large a burden on his subjects; but I am not aware that anything, on the contrary, tending to alleviate the burdens of the people could not originate in the House of Lords. Where I disagree with the hon. gentleman from Halifax is in this: I see no difference in imposing taxes on foreigners or on our own people for revenue purpose. Following the same argument we would be able to originate a bill establishing taxes on foreign goods, which we cannot do. I do not see any difference in introducing a bill by which foreigners are taxed and British subjects. But that is not the question. The question is the repealing of a bill. I will ask this question: supposing the very same bill had originated during this session in the House of Commons, instead of originating here, have we the power of rejecting the Bill or not? I believe we clearly have. If that same Bill had originated there, we could have rejected it. If my memory serves me aright we have done it before. What is the difference in rejecting a measure that is actually in the statute book and one that is going to be in the statute book? If we can reject a bill coming from the other House, this very same Bill, surely we can now blot it out of the statute book, although it has not actually been passed. The principle is identically the same; and therefore, although I have no special learning on the subject, I believe it is a legal and strict deduction that this law is within our power, and if such is the case we should not curtail our own wings by our own motion when in my opinion there is no occasion for it at all. We could have rejected the Bill if it had originated in the House of Commons. The Bill originated somewhere and it exists now; therefore we can repeal it according to my humble opinion.

HON. MR. WARK—I think it would have been better if this Bill had not been introduced, because it is not going to serve any practical purpose; but having been introduced I have listened to the arguments on both sides to see whether it may be considered a revenue Bill or not, or whether it may be considered as a tax levied for revenue purposes. I do not think that was the intention of the legislature. At one time we had a large number of immigrants coming into our province, some of whom became burdens to us, and those who had charge of the poor petitioned the legislature to levy a tax of so much per head for each immigrant, for which sum the master of the ship which brought them was responsible. The proceeds of that tax was to be distributed amongst those who had to support the poor through the country, and to prevent them incurring expenses to which they did not think they were justly liable. I think this Act is something of the same nature. The Chinese, if they come into the country, may in many ways prove burdensome, but whether they do or not I do not see much difference between the tax which we formerly imposed on immigrants coming into this country and the Chinese tax. I can hardly concur with my hon. friend from Richmond when he says that every bill introduced into the House of Commons in the way he indicates, is a Bill or an Act with which this House cannot interfere. If we admitted that principle the House of Commons might resort to such a plan with regard to bills which we ought to have a right to interfere with in order to prevent us from doing so. I am not going to occupy the time of the House because the question has been very ably and fully discussed, but I would say to the hon. gentleman from Amherst that when he was closing his speech he was arguing against the passing of the Bill and not against my hon. friend's

motion to place it again on the order paper. If my hon. friend will vote for placing it on the paper again I will vote with him against the Bill.

HON. MR. GOWAN—I must say that all my sympathies are with my hon. friend from Sarnia. I sympathise with him in his desire to have the procedure of this House defined and ascertained, and strongly sympathise with him in the desire to see this law struck out of the statute book. Had I been present in the House at the time it was passed I certainly would have been disposed to vote against it believing it to be a bad measure. It is a sad contrast between us and the nation we call an uncivilized nation to find that they are making efforts just the very reverse of the efforts this country is making in respect to the Chinese. I wish I could agree with him. I really and earnestly desire I could, but after what he said, and giving all weight to it, I cannot come to the same conclusion that he has arrived at, and I am thoroughly convinced by the very able and conclusive argument of my hon. friend from Richmond that the proper view to take is that interference by this House with this Act in the way desired would be decidedly unconstitutional. I do not hope to throw any light on the discussion, and I merely desire to express the views that are now present in my mind and to some extent to justify the vote that I must give, unless my mind is changed by further debate, when the question comes to be decided. The first question the hon. gentleman from Sarnia speaks of, touching the difference between the ruling of the Speaker and the action of the House, is he puts it, is a subordinate question, a question, if one may so speak, of internal economy. The other opens a broad constitutional question, a very important question indeed. With regard to the first question, my hon. friend from Sarnia would have more ground for his contention if the ruling of the House and the ruling of the Speaker were on record; but I do not understand, from my apprehension of the proceedings, that the decision of a Committee and that of the House has equal force, or that the decision of the House, incidentally made and without argument on the point specially raised, should have weight as opposed to the ruling of the Speaker. I am not troubled therefore with considerations affecting the question of the conflict between a Committee of the House and the Speaker's ruling. Upon the other subject, a very important one, which brings us nearly face to face with a great constitutional question, my idea is this: I think we cannot judge of the nature or character of an Act merely by referring to its title or even by referring to its preamble. The hon. gentleman from Halifax and the hon. gentleman from Amherst both know that the title, strictly speaking, is not a part of the Act for the purpose of construction; neither would the preamble be allowed to control the express language of an Act of Parliament. If we look at the Act of Parliament referred to what does it say? It seems to me that nothing can be clearer, whatever may be the intention of those who put it on the statute book, and whatever may be its primary object, that cannot settle the question. It must be determined by the examination of the Act itself and by the way in which it was treated before it came to this House. The Act itself distinctly in the 4th clause says in terms "that every person of Chinese origin shall pay to the consolidated revenue fund the sum of $50."

The 4th section speaks of "The entrance duty."

In the 3rd section it says "Shall be liable to pay the duty imposed" and in the 6th section again it is repeated "The payment of the duty imposed by that Act" and so on.

The language and purpose of these clauses convince me that whatever may have been the final intention of the Act it is clearly an Act respecting revenue and is it therefore outside of the powers and privileges of this House to originate a measure to repeal it. I think the argument of my hon. friend from Richmond is conclusive upon that point. How did it come before the Commons? That point was well and forcibly presented by the hon. member, and is a very important aspect of the case. The Commons at all events treated it as being of that character—a revenue bill. It was

introduced in that way with the usual legal preliminaries and it was treated by them as a revenue bill and so sent to us. That being the case, I think it is quite clear that the Bill is beyond the purview of this House to deal with it. I happened incidentally in looking into a work on private bills—I was not looking up this case, but another matter—I happened to notice some observations bearing on this question, and I regret that I had not the time to look fully into the case cited, and I am obliged to form my opinion of the arguments I have heard—but in that work on private bills legislation I find some reference showing the extreme lengths they have gone in England holding certain bills, notwithstanding their object was not raising a revenue, outside of the province of the Lords. I quote from Clifford's Private Bill Legislation, the latest work I believe on the subject. In speaking of the privileges of initiating bills on page 784 the writer observes:—

"Each House has, at various times, asserted its privilege to initiate legislation upon certain classes of Bills. Personal Bills of a quasi-judicial character, such as those relating to divorce, naturalization, estates, or restitution, were always claimed by the Lords. On their side the Commons jealously maintained the constituting principle that all Bills authorizing taxation must begin with them, and they extended this principle for some centuries even to Private Bills imposing tolls for services rendered or rates by local authorities.

"An instance of this nature occurred in 1661, upon a Bill sent from the Lords, for paving and repairing streets and highways in Westminster and parts adjacent. Observing that this Bill 'was to alter the course of law in part, and lay a charge upon the people, and conceiving that it is a privilege inherent to this House that Bills of that nature ought to be first considered here,' the House of Commons 'ordered, that the said Bill be laid aside, and the Lords be acquainted therewith, and with the reasons inducing this House thereunto: and the Lords are to be desired for that cause not to suffer any mention of the said Bill to remain in the Journals of their House. And the Lords are further to be acquainted that this House, finding the matter of their Bill to be very useful, and of public concernment, have order a Bill of the like to be prepared and to be brought in to morrow morning.' At a conference the Lords were acquainted with this decision, accepted it, and passed the substituted Bill of the Commons.

Acting upon this case, the House of Commons, in 1752, even laid aside an estate Bill promoted by surviving trustees and executors of John, late Earl of Ashburnham, which seems to have infringed in some way the principle asserted in 1661. A new Bill was accordingly introduced there, and passed the other House."

He then goes on to observe that:—

"As the number of local bills increased, great inconvenience arose from this indiscriminate maintenance of their privilege by the Commons. No canal or railway bill imposing tolls could originate in the Upper House. In years of pressure, the result was almost a deadlock in legislation. Opposed bills came before the Lords at so late a period of the session that all were hurried and some laid aside. Delays and unnecessary expense to suitors were not the only evils, for as the rule applied even to alterations of toll charges, Lords' Committees often had to choose between permitting an injury to individual toll-payers and causing the loss of a bill admitted to be of public utility."

He points out how impossible it was under the system described to give proper consideration to the numerous railway bills (248) promoted in Parliament during the session of 1845, and concludes his observations in the following words:—

"So grievious was the loss caused to individual projectors by this rule through the repeated postponement or rejection of their schemes, and so irrestible also was the evidence of public injury through railway bills passed too hurriedly to ensure regard for either private or public interests, that, in 1846, the Commons resolved to waive their privileges upon any bills brought from the Upper House fixing or regulating rates or tolls. With a view also to 'afford early and increased means of employment in Ireland,' the Commons at the same time resolved that it was 'expedient to give facilities for the early consideration of Irish railway bills,' by allowing these bills to commence in the House of Lords."

These resolutions only held good for the session in which they were passed, and when railway extensions revived after the panic, the same evil was experienced. Mr. Cardwell's committee in 1852-53 recommended that a large portion of private business should begin in the Lords. It was not, however, until 1858 that the Commons consented to forego their privileges, and by a resolution, which afterwards was made a standing order, allowed the Lords first to consider bills of this character if they only imposed tolls and charges not in the nature of a tax, but for services performed, or if they referred to "rates assessed and levied by local authorities for local purposes." With the same object of ensuring a more equal distribution of business between the

two Houses, another standing order directed the Chairman of Ways and Means to confer, at the commencement of each session, with the Chairman of Committee in the Lords "for the purpose of determining in which House of Parliament the respective private Bills should be first considered."

These resolutions and the consent of the British House of Commons to forego its privileges do not apply to the Commons and Senate of Canada, and no argument can be drawn from recent cases in England based on this concession and the order of the House in England. So that the older cases, before 1852, are those to which we should look for any exposition of the constitutional principle touching the matter under consideration. And all I have been able to look at plainly show that even in the matter of private bills the Commons jealously maintained and guarded their constitutional right to institute and begin bills in any way infringing the principle asserted in 1661, and as I have mentioned even with respect to private bills and bills evidently not for the prime or main purpose of imposing taxation. I think these two cases referred to, if one had time to follow them up, would support the contention that not merely bills which on their face profess to deal with revenue, but bills which though on their face professing to deal with other subjects yet including a matter of revenue were not considered within the scope of the Lords to inaugurate or to amend. Several hon. gentlemen have mentioned the fact that we have the power to reject such bills. No doubt that power is beyond question, but it was contended that because we have the power to reject we have the power to amend. I do not think that that is at all a necessary or logical consequence. On the contrary I think it is an unfounded conclusion. I think one hon. gentleman put it thus: "If we have the power to reject a measure from the House of Commons, does it not follow we can ourselves send a measure to repeal it, when on the statute book, to the House of Commons." I think there is a very material difference—the constitutional question is "with which body rests the power to *originate* a measure of the kind referred to." There is a material difference in dealing with a measure which *comes to us from* the House of Commons, and this House *sending* a like measure to the Commons—in the latter case we are usurping authority when we send that to the Commons we had no right to initiate, especially to *repeal* an Act of that nature on the Statute book. It is therefore, I think, a mistake and an unwarrantable conclusion to say that we have the power to repeal if we have the power to originate. We have not the power to originate such a bill as this, therefore we have no power to repeal it and if the motion goes to test the Speaker's ruling I should hold that he has rightly ruled. Whatever may be the decision of the Committee of this House it is not binding on this House, especially as it was done hastily, without argument, and the question not specifically raised. I have spoken with some diffidence on the point and not with a view of arguing the matter out, and not with any hope of enlightening hon. gentlemen as to the solution of the question, but merely to vindicate to some extent what I have expressed. I must vote against the motion of my hon. friend. I have been entirely convinced, as much as any man can be convinced, after hearing the argument of the hon. gentlemen from Richmond that the ruling of His Honor the Speaker was the correct one in this case.

HON. MR. HOWLAN—I am exceedingly sorry that for the first time since I have had the honor of a seat in this House I cannot agree with the hon. gentleman from Sarnia. There can be no kind of doubt with regard to the powers of the Commons over the expenditure and revenue of the country. Whatever constitutes revenue, no matter where it comes from, is revenue within the view of the law. It is not the first time I have had the question before the House, and I have taken a little time to read over the discussion we had ten years ago when the same question was raised by a member of this House. The question was first raised in discussing the expenditure of the Government then in power. The notice was brought in by our late Speaker, then Hon. Mr. Macpherson, and the discussion went on from day to-day, and one of the principal

arguments adduced was on the construction of the British North America Act, which declared the privileges, immunities and powers to be held and exercised by the Senate and by the House of Commons respectively. It would be impossible for the Government of any country to initiate and carry on the public policy if at any time, from whim or caprice, a body which is not responsible to the people could by any act of their own destroy that policy. It may be in this particular case of very small moment, but if we have the power in one case we have the power in another. We have the power to throw out the Supply Bill but we cannot amend it. We can throw out any Bill, as we did last year the Bill with regard to the Chinese immigration; and even when that matter first came up the question in my mind was whether we could interfere with it. Because if it appropriates public money, it does not matter where the money comes from; if it goes into the consolidated revenue fund and is appropriated in the same way as duties on teas, liquors and tobaccos and other merchandise coming into the country it thereby is constituted a money bill. But aside from that point I hope my hon. friend will see what an improper position we should place ourselves in by asserting this power. The Government think it in the interest of the public service, and in the interest of the country that certain legislation should take place. I believe from what I have heard from the leader of the House that if he were an independent member of the Senate instead of being a member of the Government, his views would be perhaps very much opposed to the principle of the Chinese Immigration Act; but from being a member of the Executive Council, with the oath of office upon his lips, and hearing there what may be the public policy, he is compelled to take a different course. In 1878 when this constitutional question was fully discussed by some able men we had then upon the floor of this House, a very distinguished and able Parliamentarian who has since departed this life, the late Senator Brown expressed his opinion with regard to our right to criticize the expenditure of the Government. He was finding fault with the fact of the Senate discussing either the expenditure or the revenue of the Government.

He states:—

"The British Parliamentary system wisely provides that the control of the details of money Bills—that the power that makes and unmakes ministries—shall rest with the popular branch of the Legislature. It does not admit of the two Chambers equally powerful and possibly discordant with each other. Two, separate, cannot speak the well understood wishes of the people, unless they happen to be in harmony. The power of the purse-springs is, therefore, most wisely lodged with the representatives of the people. We are not elected by popular vote; we are appointed by the Crown on the nomination of the Dominion Government of the day; we are appointed for life; we cannot be removed except for cause; our numbers cannot be increased without our consent; practically we are directly responsible for our acts as legislators to our own consciences only. I ask the Senate, then, if this chamber is a fitting theatre for such wholesale railing discussion as the present? The Lower House has all the appliances for rigid examination into the details of money expenditures—but we have not. Every shilling of public expenditure must be authorized before the money is paid—and for criticising the estimates closely and wisely the Commons have ample facilities that we do not possess. The Minister of Finance sits in the Lower House; he is practically conversant with every transaction of the year; he opens the budgets; he frames and proposes all changes of tariff or taxation; he discloses the financial policy of the Government; and he stands prepared to defend the very moment every feature of that policy. Then comes the Committees of Ways and Means and Supplies in which the estimates of the year and all proposals of revenue changes are overhauled critically and severely for many days in succession, and questions are put and answered on the moment, on every doubtful point, with a degree of freedom and plain speech that could hardly be surpassed. And then again, at the opening of the following session the Public Accts Committee is hard at work comparing the sums granted with the sums spent, narrowly criticising every item, and gathering full information on every point for the coming debate on the supply Bill. I ask the Senate if it is convenient that we should set up here rival Finance Ministers and Finance Committees to control the action of the popular branch on such matters? I ask if it is not wandering beyond our province? If it will add either to the usefulness or the dignity of this House? If I am rightly informed, this reckless raid into the territory of our neighbors is the first thing of the kind that has happened for many years; and

I respectfully submit for the consideration of the Senate whether it ought not to be the last."

HON. MR. POWER—I would ask my hon. friend was that discussion ruled out of order?

HON. MR. HOWLAN—No, it was not ruled out of order.

HON. MR. POWER—Then it is no precedent in favor of the hon. gentleman's contention.

HON. MR. ODELL—The hon. member from Toronto told us a short time ago that the speech from the hon. senator from Richmond had mesmerized the senior member from Halifax and the hon. member from Ottawa. I think the same influence has affected the hon. member from Toronto. I do not know whether others have been influenced to the same extent, but I must confess I have not been influenced that way. I will refer to the question before the House. It appears to me that there is some misunderstanding with regard to it. One hon. member addresses the House upon the motion of the hon. gentleman from Sarnia which refers to a bill to repeal the Chinese Act. Another hon. member addresses this House upon the Bill to amend the Chinese Act which was before us yesterday and in that respect it appears to me there is some little confusion as to what is really before us. Now, in my opinion, the question before the House is upon the motion of the hon. member from Sarnia, which is that the Bill to repeal the Chinese Immigration Act, ruled out of order on the 14th inst., be restored to the orders of the day for a second reading to-morrow. If that is the question before the House it appears to me that it is the one which ought to be spoken to. That brings up the ruling of His Honor the Speaker upon the Bill. Now I feel sorry to say that I differ from the hon. leader of the Government on whose motion the ruling was made. I differ also from the ruling of His Honor the Speaker of the Senate. I really felt, in the first instance, when the motion was made by the hon. leader of the Government, that he was so fresh from another place that the feelings which would of course affect him there had been, to a certain degree, brought with him here, otherwise I do feel that he would be more inclined to uphold what I consider to be the privileges of this House than appeared to be the case. So with regard to His Honor the Speaker: I say it with all due deference to the opinion he has given and his position, that he was called upon at the moment and suddenly to give a decision on a very important point which he evidently had not had time to fully consider, and therefore I think a great deal of allowance is to be made for it, especially by those who happened, unfortunately, to differ from him. Let us look at the entry in the journals of this House, and I would draw the attention of the hon. member from Amherst to this entry, because I do not think that he spoke clearly to the point; the entry is as follows:—"A question of order was raised, and His Honor the Speaker ruled the said Bill to be out of order, as interfering with the public revenue under section 53 of the British North America Act and the 47th rule of this House." This was upon the order of the day being called for the second reading of a Bill entitled, "An Act to repeal the Chinese Immigration Act." Now, I may be wrong in the construction which I put upon this rule and upon the section of the British North America Act upon which this decision appears to have been founded, and if so, of course I shall bow to any decision at which the House may arrive with regard to it. The first authority named is section 53 of the British North America Act, which is as follows—"Bills for appropriating any part of the public revenue or for imposing any tax, or impost shall originate in the House of Commons." Now I contend that the Bill introduced by my hon. friend from Sarnia respecting the Chinese Act did not appropriate any part of the public revenue or impose any tax or impost. Then with regard to the 47th rule of the Senate, it provides that the Senate will not proceed upon a bill appropriating public money that shall not, within the knowledge of the Senate, be recommended by the Queen's representative. Now my hon. friend's bill did not appropriate any public money in any way whatever,

and therefore it does not come under that rule. I am compelled therefore to conclude that the ruling under this section 53 of the British North America Act and under the 47th rule of the Senate cannot be maintained. It therefore rests with the House to say whether that ruling is to remain upon our journals as the decision of this House and one which is to form a precedent and to be hereafter acted upon as one of our rules. That is all that I will now say with regard to the ruling of His Honor the Speaker. It appears to me from the decisions, rulings and precedents which have been so clearly quoted by the hon. member from Sarnia, that there can be but one opinion in this House with regard to our right to reject an Act whether for the imposition of taxes or raising a revenue from the people of this country in any shape whatever. We have a perfect right to reject these Bills and equally a right to repeal the Chinese Act.

HON. MR. HOWLAN—Can you repeal a revenue bill?

HON. MR. ODELL—I do not go that length. If we cannot repeal it we can reject it; but this Chinese Act is no revenue act. One of the strongest arguments made with reference to this point was that if we repeal this Act it involves the necessity of introducing another Bill to supply the deficiency of the revenue caused by the repeal of the Chinese Act. That is what I understood the hon. member from Richmond to say.

HON. MR. MILLER—What I meant to say was this: if we repeal this Act or any other Act for raising a revenue it might, directly or indirectly, necessitate the introduction of other measures to raise a revenue.

HON. MR. ODELL—My contention is that this is not an Act for raising a revenue. If it were such an Act, then I admit that the argument of the hon. member would have had some weight. The hon. member also told us that there was no doubt if we passed this Bill to repeal the Chinese Act it would be rejected in the other House the moment it went down there. I would not wonder if they did reject it after all that has passed in this House, because we ourselves have raised the question here: and some are arguing that we have no right to pass such a Bill, and we make the suggestion to them to reject the repealing Bill. It appears to me that this House ought to maintain its own privileges. When there are nice distinctions with regard to the privileges of the Senate, we ought not to fritter them away. I am the last one in this House who would endeavor to trench upon the rights and privileges of the other branch of Parliament, but at the same time I contend that we ought here to maintain our rights and privileges, and that unless there is a clear case made out we ought to assume that we have the right to legislate and let the other branch of Parliament object to our action if they wish. After the debate which has taken place here on this subject if the Bill were sent down to the House of Commons they would say at once "a large number of the Senators admit they have no power to pass this Bill; let us take advantage of it and tie up their hands a little tighter than they have been." We know perfectly well that for years there was a conflict between the House of Commons and the House of Lords in England and than the rule was laid down very strictly by the Commons whenever the Lords attempted at all to extend their privileges, and led to a very great inconvenience and modifications were made with regard to the powers and privileges of the two branches which were very material. The hon. member from Sarnia has quoted a large number of authorities which are clearly applicable to the case before us. I intend very briefly to refer to one or two of them. I quote now from May's Law and Usage of Parliament page 521 :—

"As a general rule bills may originate in either House but the inclusive right of the Commons to grant supplies and to impose and appropriate all charges upon the people renders it necessary to introduce by far the greater proportion of bills into that House. Bills relating to the relief and management of the poor for example involve almost necessarily some charge upon the people and *generally originate* with the Commons.

But in 1858 a poor relief Bill was received from the Lords with all the rating clauses printed in red ink which were inserted by

the Commons according to a comparatively recent custom—but amendments involving the principle of a charge upon the people have frequently been made to send bills by the Lords.

Again in page 522 a Bill applying a million from the surplus revenues of the disestablished church in Ireland to intermediate education was received from the Lords and passed without objection."

HON. MR. MILLER—That Bill, though, did not appropriate any part of the public revenue?

HON. MR. ODELL— It changed the appropriation very considerably, amounting to a repeal and a reappropriation to a different purpose, and I am not prepared to admit, and I do not think the hon. member from Richmond is prepared to say that there was no variation whatever in regard to the appropriation. I think very probably, when we come to look into it, we shall find that there was a variation, and if there was then it is still further in favor of my contention, Then at page 643, I find the following:—

"In case other amendments have affected charges upon the people incidentally only, and have not been made with that object, they have been agreed to."

I have one observation to make upon the modification of the rule as existing between the House of Commons and the House of Lords which was quoted by the hon. member from Sarnia, which is I think about the latest that has been laid down as governing the action of the two Houses:—

"With respect to any bill brought *to this House* from the *House of Lords*, or returned by the House of Lords to this House, with amendments whereby any pecuniary penalty, forfeiture or fee, shall be author- "ized, imposed, appropriated, *varied* or *extinguished*, this House will not insist upon its ancient and undoubted privileges in the following cases:" "When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act or the punishment or prevention of offences:" "When such bill shall be a private bill for a local or personal act."

By these rules it is admitted that when the object of any pecuniary penalty is to secure the execution of an Act or the punishment or prevention of offences, it comes within the purview of this House. Now, I would ask hon. members what is the object of this fine or penalty imposed upon the Chinese. Is it not to secure the execution of the Act, or to punish and prevent offences? It is nothing but a fine or penalty, and therefore it comes directly within that rule, and I do not see how it is possible for a member of this House to get over that point. Then, it refers to Bills which are of a private or local character: I will come to that point further on and show that this Act is for a local purpose and a personal Act and cannot in any possible way be viewed as an Act for raising a revenue or placing upon the people any burden whatever.

In taking up the question with regard to money Bills and votes for taxation and revenue you must go back to first principles. Now what are those first principles? Originally the two Houses of Lords and Commons sat in one Chamber. They sometimes voted separately, I admit. This was found inconvenient. After some time they separated and then began the difficulty with regard to these votes upon certain matters of taxation, and the Commons claimed the right of introducing all Bills for revenue and imposition of taxation and for levying burdens on the people. This went on for a long time and the rules were very stringent. By degrees these rules were modified and made very much less stringent. That is still going on and from year to year, they are becoming less stringent than they were. The question now arises, what was the foundation of those money bills and these taxes and imposts and burdens upon the people? I want to know if it is not part of the constitution that representation and taxation are bound together, and I ask is this principle regarded in any degree in the Chinese Act imposing fines and penalties upon Chinese immigrants coming into the country? I contend there is not the slightest similarity, and if you look at what is the real ground of distinction that is made between the two houses with regard to measures of this description you must go back to that principle, and I say that taxation and representation go together. I want to know if there is any similarity whatever be ween the impost which is placed on a pound of tea or a bar of iron and the tax or

fine imposed by this Act on a Chinaman coming into this country?

HON. MR. DICKEY—Yes, the tea comes from China.

HON. MR. ODELL—Is there any similarity between that which is a tax or a burden which is introduced into the Commons by resolutions and is embodied in a revenue bill, which revenue bill we have a perfect right to reject if we please, and the Bill to restrict Chinese immigration? None whatever. Revenue taxes are duties agreed to by the people themselves, and in all cases they are brought in by resolution in the House of Commons and agreed to by the representatives of the people, embodied in the supply bill and are brought up here. Can any hon. gentleman show me the slightest similarity between a bill of that kind and the tax which is put upon the poor Chinese men, women and children on coming into the country? What do we say to a Chinaman when he comes here? "Hold up your hands and let us empty your pockets!" is the first demand. We strip him of what money he has and then when he is thus made a pauper we say to him, "You must stay here. If you choose to go and work and make your own living you can do so, but you shall not go out of this part of the Province or travel through the country unless we get our hands into your pockets and pick them again." This Chinaman builds our railways, he builds our canals, works our mines, and does any work that we require. He is taken into our houses as a domestic servant, and makes a very good servant, and then when he wants to return home again he must go through a lot of formalities and is obliged to pay another tax to enable him to get out of the country. He is thus taxed at every step. Has he any representation or is he placed in the same position as any other man coming into the country? Not at all. When he goes back to his own country we tax him again, and if he desires to return to the Dominion and has lost his certificate he is required to pay another tax.

HON. MR. MACDONALD—There is a "mis" before his "representation."

HON. MR. ODELL—If he loses his certificate he has to pay another tax in order to re-admit him into the country. What do we do with the money which we take out of his pocket? By the Act a portion goes into the consolidated revenue fund, and therefore it is contended that this of necessity constitutes it a monetary measure upon the same principle as a money bill which imposes burdens upon the people. The hon. gentleman from Richmond drew a comparison with reference to the general Immigration Act and the Chinese Immigration Act. There is no parallel at all. What is the case of the man who comes in here under the Immigration Act? The shipowner has to pay something for him, but what is he when he lands here? He is a free man. There is nothing to prevent him from having all the advantages of any other citizen in the country, and what is more, as soon as he qualifies himself, which is a very simple thing to do, he can vote—he has an influence in the country, and has a voice by representation in all money bills and in deciding the burdens to be placed upon the people and his taxation. I want to know do the Chinese get this privilege? No, you will not give it to them. Taking this view of the case I say there is no parallel whatever between the immigrant who comes under the Immigration Act and the Chinese who comes in under the Chinese Act, and therefore it is preposterous to tell me that this Act is in reality a money grant or creates a tax or charge, or a burden upon the people, but is one which I contend cannot be classed with Acts by which supplies or money is granted for the maintenance of the Government or the wants of the country. I think I understand my hon. friend from Barrie to imply that when a decision was given by the Speaker that the decision was to be absolute, and we were not to question it.

HON. MR. GOWAN—I said that until it was overruled by the House it was absolute; that decision of the Committee would not restrain or control that of the Speaker.

HON. MR. ODELL—I quite agree

with the hon. gentleman in that, but the hon. member from Barrie perhaps did not take into consideration the question before the House. The question before the House was that a Bill to repeal the Chinese Immigration Act was ruled out of order when its second reading was moved on the 14th inst; we are not now discussing it in Committee.

HON. MR. GOWAN—I am afraid that I did not make myself clearly understood. What I meant to convey is this: The Speaker having ruled that the Bill was out of order, it was contended that the House had previously taken another view in respect to the same subject matter, although not the same identical proposition, and that one ruling was on one side, and the other on the other side. The latter I spoke of and said that I held it to be a domestic matter of procedure —that it was not the ruling of the House.

HON. MR. ODELL—There is only one question before the House, that is the ruling of the Speaker, and we are now in Committee of the Whole, and this is the time to raise any question with regard to the ruling, and, therefore, when the hon. gentleman from Barrie was referring to what was done in Committee he was not speaking to the question before the House. I understood him as objecting to this question we are raising now at this moment. With regard to the amendment of the leader of the Government, when the amending Bill was before the House he did not pretend that there was any objection to amending it, for he himself produced several amendments, and was quite ready to have them adopted, but what changed his opinion I do not know. Certainly I do not think that having agreed to such action and having made amendments himself, that it rests with him now to raise the objection to the amendments that have already been made to the Bill. I confess that with regard to the amending Bill I am rather in favor of it, because it is an amelioration of this horrible condition which I have attempted to describe in relation to the admission of Chinese to this country; but when the hon. gentleman from Sarnia insists on a vote for his Bill I shall certainly have to vote with him for I am opposed to the Chinese Act in every phase in which it is presented to us. I certainly hope, if there is any hitch about it this session, that the hon. gentleman will be able to bring in a repealing Bill next session, and I assure him that if I shall be spared to come back here again he shall have my hearty support.

HON. MR. ROSS (de la Durantaye)—There are bills that we cannot amend, but there is no bill that we cannot reject. The hon. member from Acadie (Mr. Poirier) said a few minutes ago that if we have a right to reject a bill coming from the other House we ought to have the right to repeal a law. Of course we have a right to introduce a bill to repeal a law if that law does not affect the revenue of the country; but if it does affect the revenue we have not that right—that is, according to my opinion. In this particular case I heard some of the hon. members say just now that while this Bill does affect the revenue of the country it was not introduced or passed to create a revenue for the Government.

HON. MR. ODELL—I said so.

HON. MR. ROSS (de la Durantaye)—That may be, but it affects the revenue of the country as a matter of fact. Nobody can say that it does not, though the intention of the law was to prevent the Chinese coming to this country, and not to create a revenue. That may be true, but the principle of the National Policy underlies it all. When we impose a duty upon a bar of iron, the principle is the same, because it is to prevent that same bar of iron from coming into competition with iron manufactured in this country and to protect our native manufacturers.

HON. MR. ODELL—Who pays the duty?

HON. MR. ROSS—We pay it.

HON. MR. ODELL—The consumer pays it.

HON. MR. ROSS—The consumer pays it of course, and those who import the Chinese will have to pay the fifty dollars

when they work in this country, because if they had not to pay that fifty dollars when they came in, they would be able to work for less wages. The same argument applies in both cases—in both instances it affects the revenue of the country. It is protection. It is National Policy, although I must say, I do not approve of this particular phase of the National Policy. I would like to have it modified in some way or other, and I hope the House and the Parliament of this country will find some means at an early day to modify that law. I contend, however, that it is not within the purview of this House to initiate a Bill to repeal a law which interferes with or affects the revenue of the country. In the first place, to pass a law which will affect the revenue of the country, the sanction of the Governor General must be obtained. This sanction is granted on the advice of his constitutional advisers. Where are the advisers who recommended or sanctioned this Bill, and where is that sanction? We have not got it that I know of; consequently I maintain that the decision of the Speaker is a perfectly correct one, and, as far as I am concerned, I am prepared to sustain it.

HON. MR. ABBOTT—I hope I shall not be obliged to trouble the House very long, although this subject has been debated in such a way that it is made to cover a great deal more ground, and more questions of law, of practice, and of constitutional procedure than I think are involved in the question before us. In the first place what is it we are asked to decide? It is not a question of order. This is not an appeal on the question of order which was decided by His Honor the Speaker the other day. There was no appeal taken from that ruling. This is a substantive motion to be dealt with by this House, to place upon our order paper a bill to repeal the Chinese Immigration Act, and it is for the House, on whatever considerations may move it, to say whether it is expedient to bring before the House a bill of that description; or whether it is constitutionally appropriate that the House should deal with it. We are not confined to the question of order, nor is it necessary by any means that the ruling on the question of order should be sustained in order to reject this motion. At the same time I must say that the ruling of His Honor the Speaker on the question of order was perfectly correct. I do not think it is essential to the rejection of this motion, but nevertheless, *en passant*, I say it is correct, because although the quotations which the Speaker made in support of the ruling do not literally sustain it, they embody the principle upon which we here, I think, ought to refuse to entertain this measure, and measures of this description. If a bill to appropriate the revenue of the Crown cannot properly originate in this House then *a fortiori* a bill cannot be introduced to repeal an act creating revenue. The effect of this Bill is to destroy revenue created by the Act altogether, rather than to appropriate the revenue for some other purpose than that for which it was intended. It might be appropriated to one branch of the public service or another; whereas if you destroy the Act, the revenue derived through it ceases to exist altogether. I do not propose to go further into that question than I have done, but I would like to examine the position which has been assumed by those who support this motion. In the first place by what is this House to be guided in disposing of questions like this? Is it by the precedents which establish the relations of the two Houses through centuries past that we are to determine our position. Are we to decide whether this is a duty or not by looking at the statute which imposes it, or are we to allow the language of the statutes to be talked away, or reasoned away, as was attempted by one or two hon. gentlemen, or to be laughed away as attempted by the hon. gentleman opposite? It appears to me that we are to look for a solution of the first question in the records of the practice of the two Houses in England to which we are assimilated, where we do not find it literally laid down in our written constitution; and that we are to look for the nature of this tax to the law which created it, and if that law decides it absolutely and positively, we cannot be permitted, and we cannot permit ourselves, to reason the law away, and to say

that the impost which the law declares to be a duty, which it deals with in every respect as a duty, is no duty at all. The law says this is a duty; my hon. friend says it is a tax, or penalty, it is a forfeiture, or a fine. Which are we to take—the enactment of the statute, or the opinions of our friends, or our own opinions? We have simply to take what we have before us, authentically laid down in the law before us, and whatever may be our position, and it is the highest legislative position in the Dominion, we are nevertheless as much bound by those laws as the humblest inhabitant of this great country. In the first place, is this tax a part of the revenue, or is it not? The revenue is composed of certain duties imposed by Act of Parliament, which duties go into the consolidated revenue of the Dominion. No one can possibly dispute that proposition—that the revenue created by duties, which revenue goes into the consolidated fund of the Dominion, is a revenue within the meaning of all the precedents and rules which have been quoted on both sides of this question. Even at the risk of tiring the House I would like to refer to the exact language of the law. "Every person," says the law, "of Chinese origin shall pay into the consolidated revenue fund of Canada, on entering Canada, at the port or other place of entry, a duty of $50." Now, my hon. friend says this is not a duty. Whose authority are we to take? The authority of this statute, or my hon. friend's authority

HON. MR. ODELL—Does the Act not call it fines, forfeitures and penalties.

HON. MR. ABBOTT—No. My hon. friend will not find in this Act one single word which characterizes the $50 duty as a fine, a penalty or a forfeiture; nor will he find a single word which read by any construction, however forced, will constitute it a fine, a penalty, or forfeiture. There are fines, penalties and forfeitures provided for by the Act. That we find distinctly there and it is the strongest argument which can possibly be produced against the hon. gentleman's pretension that this $50 is a fine, or penalty, and not a duty. If this Bill deals with a duty which it declares shall be paid into the consolidated revenue fund; and if by another clause it deals with fines or forfeitures, it is quite plain that the two are not identical. Now with regard to this expression "duty" which some people think accidental, the preamble of the amending Bill provides for, "from the payment of the duty imposed by the Chinese Immigration Act." In the first clause it says "no duty shall be paid," etc., etc.

The latter part of the second clause says "In addition to the entry dues payable, the party is liable to a penalty or forfeiture for non compliance with customs binding regulations. The eight section of the Chinese Immigration Act provides, that every person of Chinese origin shall pay into the consolidated revenue fund of Canada on entering Canada a duty of $50." Sub-section four of the same clause, provides that the "entrance duty" is not to be levied on Chinese resident in Canada at a time specified. The ninth clause provides that the "duty" imposed by the next preceding section shall be paid to the Customs officer of the nearest or most convenient port. And that the controller shall deliver to each Chinese immigrant in respect of whom the duty has been paid, a certificate of such "entry and payment." The tenth section makes a similar provision in detail. The twelfth section provides that every master of any vessel bringing Chinese immigrants to any port in Canada shall be personally liable to Her Majesty for the "payment of the duty imposed." The next clause deals with the certificate of entry which the Chinese immigrants receive from the Custom House officer for the payment of the "entry duty" and so on. I would like to know from the hon. gentlemen who contend that this is not a duty, what form of expression in the English language, or any other language, could more clearly provide that this is a duty, payable into the consolidated revenue fund of Canada, beyond any possibility of any kind of ambiguity, than the language I have just read from the Act? The Act is full of similar expressions from end to end, making the clearest possible difference between the duty, and the different fines, penalties and for

feitures which it provides for. Section 17 imposes a "penalty" on the master of a vessel violating the law. Section 18 provides a "fine" for taking part in organizing unlawful courts for trying offences by Chinese. Section 19 provides a "fine" for molesting officers in the discharge of their duty. Section 20 provides a "fine" for other controventions of the law, etc.

HON. MR. SCOTT—The fines and penalties all go into the consolidated revenue also.

HON. MR. ABBOTT—Yes, but that does not prove that the $50 "duty" is a "fine" or "penalty." That has no effect as an argument to show that it is not a duty. The hon. gentleman from Ottawa and the hon. gentleman from Rookwood took similar grounds, although strange to say the latter gentleman in one part of his argument insists that the impost is a protective duty, and in another part of his argument that it is not a duty at all. He insists on the entire absence of a distinction between the duty on the individual and the duty on goods, the presence of which distinction the hon. gentleman opposite insists on so strongly. The hon. gentleman from Ottawa is perfectly right in my opinion, and I agree in that respect entirely with the hon. gentleman who spoke last in saying that this is absolutely a protective duty. It is not a duty imposed to prevent Chinese from coming to this country; it is a duty imposing a burden on Chinamen landing in this country in order to discourage competition with our own laboring classes; exactly as we impose a duty on a bar of iron, for the purpose of protecting those engaged in the manufacture of iron in this country. The absolute exclusion of iron from Canada would have to be done by a different process, but imposing a burden on the entry of iron into this country, handicaps the importer, and gives the benefit to the manufacturer here. My hon. friend describes the process by which, what he consider a real duty, is put on goods imported into this country. He says the duty originates in a committee of the House of Commons. When the resolutions are reported from the Committee, they are embodied in a bill, which passes through that House, and is brought up here for our assent or dissent, and we pass or reject it as we please. He asks the question what similarity is there between that and the process by which this tax is imposed. It happens that the process is exactly the same in both cases. The duty on the Chinese originated in a Committee of the Whole in the Lower House. The resolutions were reported from the Committee: they were embodied in a bill and the measure was brought to this House two years ago, and actually passed this very Act, in opposition to which so much has been said. The processes were the same in both cases. This law possesses all the characteristics of an imposition of an import duty on Chinese, which are imposed by an import duty on iron, or on any other commodity mentioned in the tariff.

HON. MR. ODELL—And not similar to immigrants from any other part of the world.

HON. MR. ABBOTT—My hon. friend is quite right, but in that he deals with the principle of the Chinese Immigration Act, in which I think I might say I would agree with him. As a matter of abstract principle I agree with every word that my hon. friend has said; but the Chinese Act, to begin with, was not assumed to be founded upon an abstract principle of justice. It was a compromise, a matter of convenience; it was expedient, on account of the great agitation which prevailed in British Columbia in consequence of the extreme competition to which our laboring classes there were subjected. It is unnecessary for me to discuss the causes which led the House of Commons to introduce the measure and this House to pass it, in 1885. There must have been strong reasons for it or the hon. gentlemen I see around me so strongly objecting to it, would not have voted for it two years ago. Those reasons are disappearing, and I join in the gratification that a great number of us must entertain, in believing that the causes of the agitation, the feeling which led to the passage of this Act, are in a great measure passing away. We have now got through certain points in this

argument, and I will not dwell upon them, especially as they have been dealt with more forcibly than I can deal with them. We are now asked to decide, not on an appeal from the Speaker's decision, but on the expediency of passing this motion. It is proposed to repeal a law which we find creates a revenue payable into the consolidated revenue fund of the country. This point we have got to: I shall endeavor to proceed one step further. I would ask my hon. friends who have cited with approbation the precedents which my hon. friend from Sarnia quoted, to point out to me one single authority among all those that have been mentioned, that maintains the principle that a Bill to set aside a revenue act can be originated in the Senate or in the House of Lords. I venture to say without the least hesitation, that there is not one single authority—not one single word in any one of the authorities cited, which sanctions the doctrine that this House can introduce a bill destructive of the revenue. I am perfectly willing to sit down if any hon. gentleman who has argued this question can cite a single authority that supports that principle. My hon. friend from Sarnia cited with approbation an authority from Todd which declared that there was no distinction between rejecting a bill, imposing a tax, and a bill repealing a tax.

HON. MR. VIDAL—No, repealing a bill and rejecting a bill.

HON. MR. ABBOTT—That is at page 458. I think my hon. friend attaches very considerable importance to that quotation.

HON. MR. VIDAL—It is my whole case.

HON. MR. ABBOTT—I am very glad to have that admission. It is what I would expect from my hon. friend: I know that he only wants a right decision in the matter, and when he makes an admission that gives away the whole case, it can very soon be decided. I admit that the question is one which should be examined and discussed, although I am not certain that a decision on his motion will decide the question. However that is what the authority says:

"The control of the public finances by the House of Commons is a constitutional right, and they are presumed to be the best judges of the financial condition of the State, its obligations and requirements. Nevertheless every bill to impose or repeal a tax involves other considerations besides those which are purely questions of revenue."

The House will observe that the author is speaking now of a Bill in the House of Commons to repeal a tax. It continues:—

"It necessarily includes principles of public policy, or of commercial regulation, and on points of this kind, the Lords as a coordinate branch of the Legislature, are constitutionally free to act and advise as they may judge best for the public interests."

That is a power which nobody denies. It was unnecessary to state a single authority in support of it, because there is no member of this House who is not perfectly aware, and will not instantly admit, that this House has a right to accept or reject any bill, money bill or otherwise, sent up from the House of Commons. Now this is part of that paragraph, from which hon. gentlemen may see the precise value of the authority on which my hon. friend relies. It is as follows:—

"Of late years an attempt has been made, by an ingenious process of reasoning, to establish a distinction between the right of the Lords to reject a Bill imposing a tax, and one repealing a tax. But this distinction is fallacious, and is not warranted either by precedent, or by constitutional authority."

What does this mean? It refers to an attempted distinction between the right of the Lords to reject a Bill from the House of Commons imposing a tax, and the right of the Lords to reject a Bill from the House of Commons repealing a tax. What has this to do with the present case? Both originate in the House of Commons, and it has been admitted over and over again, and at all times, that the Lords have the right to reject a Bill imposing a tax; the only doubt was whether they have the right to reject a Bill repealing a tax. When the Bill came up imposing a tax on the Chinese, the Senate had a right to reject it, if they thought proper to do so. The writer lays down the principle that every money

Bill can be accepted or rejected by this House, if they think proper, but he goes on to say, "some people have raised a question whether the House has the right to accept or reject a Bill repealing a tax, as it can undoubtedly do if it is a Bill imposing a tax," but he says there is no distinction between the two. If a Bill comes from the House of Commons repealing a tax, the House has just as much right to accept or reject it, as if it were a Bill imposing a tax. That authority has nothing to do with the question before us. The question is, have we a right to originate a Bill repealing a tax? I say the authority cited by my hon. friend has no bearing on this question; it does not deal with the subject at all; it deals with a totally different subject, the right of exercising our power over Bills of two classes coming up from the House of Commons, one class of Bills imposing, the other repealing a tax. The doubt arose as to whether we had a right to deal with both, and Todd commenting upon it, and quoting precedents, says we have as much right to accept or reject a Bill repealing a tax as one imposing a tax. That is the authority on which the hon. gentleman relies.

HON. MR. DICKEY—Do I understand my hon. friend to deny the right of this House to initiate a Bill repealing any Act at all which contains clauses imposing taxation.

HON. MR. ABBOTT—Yes, and when I deny it, I do so, not on my own opinion merely, but because I find it so decided by the current of authorities. I do so on the judgment I form on the authorities I find. As I have just stated not only has there not been a case cited here to-day, but there is not a case in the books where the House of Lords or the Senate of Canada have ever initiated a Bill repealing an Act creating a public revenue. As far as my research has gone, there is not one precedent, either cited or not cited, for the initiation of a Bill of this House repealing an Act creating a public revenue, and it seems to me the reason of this is plain enough. If we were to assume the right of repealing Acts creating a revenue, we would practically assume the entire control of the financial system of the Dominion. By simply insisting that the current of taxation should run only in one direction we could enforce in this Dominion our own ideas about its financial management. If the Senate has that power, it can force the lower House to adopt whatever financial policy it pleases by simply refusing its sanction to all bills creating a revenue which did not assume the particular shape, or rest upon the particular principle, which this House chooses to adopt. Now that is directly in the teeth of the constitution—in the teeth of the constitution of these two houses, their origin and practice for two centuries past, and it is precisely for that reason that the House of Lords has never attempted to exercise the jurisdiction of repealing Acts creating a revenue. They have regarded the House of Commons as being charged with the financial system of the country, as is shown by the authorities which my hon friends themselves have quoted. The House of Commons is trusted with the imposition of taxes: the power of taxing the people is given to the representatives of the people, who vote the taxes, and it has gradually, as we know, come to this, that the country is governed by a committee of the people practically. In this committee originate these financial measures, and it is the people through their representattives who decide upon them. It would be therefore violating this fundamental principle of the constitution, and the line between the respective powers of these two houses, for this House to take up itself any jurisdiction which would enable it to destroy the financial system which the other House deems best for the country. It is just for that reason no doubt, that the House of Lords have never attempted it: it is on that account that it has never been tried for centuries past. If that be not so, there ought to be some dicta, some authorities which lay down such a rule as is contended for, and I say that while you cannot on the one hand find any precedent in the proceedings of the House of Lords for doing what this Bill of my hon. friend's would do, on the other hand you can find declarations of the House of Commons declaring what they consider to be their rights in this respect, in which declara-

tions the House of Lords acquiesced; which defined the positions of the two Houses in a manner the House of Lords have never attempted to violate, and which at this moment govern the proceedings of these two Houses. We have here an authority on such points to which we often refer, and we have all of us cited the gentleman's book on this occasion. He has looked into this question, and I hold in my hand a memorandum that he has made of authorities, and the conclusion he draws from them on this particular point. I shall not trouble the House with the citation of the authorities, because they have all been quoted with one exception, which I may as well mention at once. That exception is the declaration of the House of Commons on the subject of the paper duties, which has been referred to to-night but I do not think has been quite appreciated. The memorandum which Mr. Bourinot has prepared for me commences with a statement of the principle on which His Honor the Speaker's decision rested the other day, namely, the rule laid down by section 53 of the British North America Act. After citing other cases, he refers to the Commons resolution of 1860, proposed by Lord Palmerston, by which it was declared

"That to secure to the Commons their rightful control over taxation and supply this House has in its own hands the power so to impose and *remit* taxes, and to frame Bills of Supply as to their matter, manner, measure and time may be maintained inviolate."

That resolution was communicated to the House of Lords. It was never dissented from: no attempt has been made since to Act contrary to its terms, but the practice of sending up separate Bills for different subjects of taxation was discontinued. Since then all taxation has been sent up in one Bill, and the Lords have either accepted it or rejected it; but if the theory asserted here in support of the motion of my hon. friend were to prevail, it would stop the whole business of the country. After the Supply Bill had been passed, the Upper House could ntroduce a Bill to repeal any tax they chose, just as this Bill repeals the tax on the Chinese.

HON. MR. ODELL—They would have to repeal the whole Act.

HON. MR. ABBOTT—Not at all. The objection to my hon. friend's Bill, and to putting it on the paper is, that it violates a constitutional principle—if it proposes to repeal the duty on Chinese. That is the objection which I raise, and the same objection could have been raised if the Act contained 50 other taxes, and my hon. friend's Bill was intended to destroy only one of those taxes. The principle is the same. Supposing there had been six or seven different species of taxation in one Act, and one of them were this tax on the Chinese, the principle my hon. friend contends for would enable him to bring in a bill to repeal one of them just as completely as to bring in a bill to repeal the whole of them. As I have just shown, May quotes that resolution of the House of Commons with approbation. He says they they "justly claim" the right of imposing and remitting taxes; "it was judiciously resolved" to maintain the privileges of the House by asserting its paramount authority in the imposition and the repeal of taxes. Of course it is the origination of such legislation that they mean, because if a bill should be introduced in the Lower House to repeal or to impose a tax, in either case, as was shown by the authority on which my hon. friend relied a little while ago, the Senate could accept or reject the Bill, just as they pleased. But that it quite different from initiating a bill to repeal a law and disturb the financial system of the country. My hon. friend says that this Bill of his does not disturb the financial system of the country because it does not affect a large revenue: but it will be at once seen that if the Upper House can initiate legislation affecting the public revenue to the extent of $5,000 a year they can initiate measures affecting it to the extent of $5,000,000 a year. A bill could be sprung on the Government at any time the object of which would be to destroy a large amount of the revenue of the country. The House of Commons could reject it of course, but how would the Senate look sending down a bill disturbing the whole financial equilibrium of

the country. Would that be dignified, sagacious or prudent conduct on the part of a body like this? It seems to me that while we should be anxious to preserve our privileges, we should not forget our dignity—we should not forget that the true way to have our rights respected is to respect the rights of others, and obey the laws ourselves. The conclusion which Mr. Bourinot comes to I take the liberty of reading to the House. I think his opinions deserve consideration by the House, as we attach a great deal of weight to them in his book. He has certainly had much experience and has shown remarkable aptitude in dealing with questions of this nature He says:

The nature of the Bill proposed to be repealed can be understood from the fact that it had to be initiated by Resolutions in Committee of the Whole in the House of Commons, since it imposed charges and burdens. Had it been first represented in the Senate, the clauses imposing penalties, fees and duties, would have been in italics or practically blanks, as otherwise the Commons would not have received it. This fact shows that it clearly falls within the category of these measures would affect those constitutional privileges to which the Commons adhere with unswerving tenacity.

Considering the nature of the Bill and the meaning of the authorities cited we may then fairly come to the following conclusion:

1. That there are no precedents for the initiation of a measure in the Lords repealing duties the proceeds of which go into the public treasury.

2. That the principles which govern the relations of the two Houses—principles tacitly acquiesced in by the Lords and Senate, and successfully systematically asserted by the Commons—even forbid the amendment by the Upper House of the Bill to be repealed so far as it touches free duties or penalties.

3. That the spirit of constitutional usages that now guide Parliament are directly against the initiation of any measure in the Senate, limiting for repealing taxation, and affecting the public revenues.

4. That the passage of such a Bill would be in the direction of asserting a right on the part of the Upper House to first present and pass any measure repealing duties and burdens on the subject.

5. That the House of Commons give that consent to the passage of a Bill the effect of which would be to remit duties or taxes and consequently direct violation of the resolutions which were laid down in 1860 and more practically direct the proceedings of the two Houses.

That is the opinion of Mr. Bourinot, which I think is entitled to a good deal of consideration. Now, what would be the probable fate of this Bill if we sent it down? No doubt the Commons instead of putting it on the order paper and letting it die, as it would do, at this late date of the session, would take steps to vindicate their constitutional privileges. In that case, in the face of these authorities—in the face of the books that have been quoted—in view of the fact that there is not a precedent to sustain the position in which the Senate would stand, could we hope to maintain the position we claim by this motion, the right of repealing an Act affecting the revenue of the country? If hon. gentlemen cannot see that we would have any possible chance of maintaining that position why should we provoke a conflict upon it? I am as desirous that we should preserve our privileges as any member of this House, and I feel as strongly on that point as any other hon. gentleman, but there is no use in ignoring the fact that many contemptuous things are said about this Senate throughout the Dominion, and we should, therefore, see that on no occasion should we give any pretext for such criticism, by taking a position we could not constitutionally sustain beyond a possibility of doubt. I should be very sorry to find that the opportunities for speaking of us slightingly should be increased, or a reason of any kind given for aspersions upon our actions as a branch of the Legislature. And I do honestly think that it would tend in that direction, if we were to attempt what my hon. friend from Sarnia wishes us to do; pass a Bill which we know will bring us directly in conflict with the views of the Commons respecting the rights and privileges of the two Houses, when we know we cannot produce a single precedent to sustain us in our action. That would be exactly our position, and why should we provoke a conflict at all? My hon. friend does not intend to push his Bill; we are not going to gain anything by it; we are not by this motion asserting any important abstract proposition—all we asked to say by it is that my hon. friend's Bill shall be replaced on the order paper, and it would be open for me to-morrow to take exception to it as I did before,

and it would be perfectly competent for the Speaker to rule my hon. friend's Bill out of order. That being the case, why, at this stage of the session, with so much work before us, should we occupy ourselves with a measure which can result in no possible advantage, but on the contrary may bring upon us an unpleasant conflict with the Commons, and obloquy through the country. If the object were to assert it to be one of the privileges of this House to pass a Bill repealing a revenue Bill, then I can understand that many gentlemen might desire to avoid negativing the motion, and endeavor to preserve to this House privileges which some of them think we possess. But here we have not even that kind of object to attain by this motion. Its passage will not affirm that principle. It will not establish that we have the right to repeal that law. It is not until the Bill itself comes before the House and the question is raised upon it, or until it is raised by a resolution placed before this House, that the question of our power can be affirmed or negatived. In saying that however, I do not intend to abandon the position I assume, that the passing of this Bill would be a violation of the privileges of the Commons, and that it would produce a conflict in which we could not maintain our position between ourselves and the Commons as to our respective rights and privileges. I would therefore ask the House to reject this motion.

HON. MR. TRUDEL—I desire to put a question to the hon. minister. He has rested his case upon the supposition that the Chinese Immigration Act is a money Bill, and I think upon that assumption it would be unfair for those who sustain the other proposition to leave the country and even the majority of the Senate under the impression that certain hon. genlemen of this House have claimed the privilege of repealing a money act. The The hon. gentleman from Sarnia has declared that, for his part, his case rested on the authority which he quoted. While I respect his opinion I may say that my opinion, and I think it was the opinion of other hon. gentlemen, rested upon the assumption that the Chinese Immigration Act is not a money Bill.

HON. MR. ABBOTT—What is the question?

HON. MR. TRUDEL—The question is this: The hon. gentleman (Mr. Abbott) to establish that it was a money bill took the statute and said "these are the words of the law and what have you got to say against the wording of the law?" What I want to know is this: Does the Minister pretend that here we have to interpret the law as we should before a tribunal, as a judge is bound to do, as lawyers are obliged to do; that we are not above the law—that we have no right to take cognizance of the facts on which the law is based when we know that the statute, in being given the color of a money bill, was only a false pretence to attain another object, which was to prevent the immigration of Chinese into the country?

HON. MR. ABBOTT—My hon. friend, if I understand his question, asks me whether we have not the right, in looking at this law, to interpret it by trying to ascertain what the motives of the law were? I say we undoubtedly have that right if the law is in any respect ambiguous—if we cannot understand it by reading its terms we have a right to look at the surrounding circumstances and find out what it means. But my hon. friend thinks that because he considers that the motive of Parliament in passing this law was to exclude Chinese, and not to get the revenue; therefore this duty which the statute calls a duty, is not a duty; that this revenue which the statute calls revenue, is not revenue. I maintain that no such rule of interpretation of a statute would be accepted for a moment in any court of justice, or in any Parliament.

HON. MR. VIDAL—I wish to say that had I seen that written opinion by Mr. Bourinot I do not think I should have brought my motion before the House at all. But I waited upon that same gentleman and, on putting that question before him, I was told distinctly and clearly that the Bill was not a revenue Bill but was a Bill on public

policy which affects the revenue only incidentally.

HON. MR. POWER—I understood the same officer in the same way.

HON. MR. VIDAL—Mr. Bourinot had not time then to look up the authority. Whatever his view may be, however, it does not change my private opinion that the Chinese Immigration Act is not in any true sense a revenue Bill. I believe it still to be a matter of public policy, and the way in which it affects the revenue is incidental, I therefore fully concide in the sentiment of the hon. gentleman from Amherst. It seems to me to be a reasonable proposition. If it was in the power of this House, when the Bill came up to us, to throw it out entirely it seems to me to be a irresistable and logical conclusion that if we had the power to so reject the Bill that the power remains with us to repeal the Act whenever we see fit to do so. Of course, if it is a revenue bill, there may be a question about it, but I am quite sure that even we have not the right to do the same with it. I have already announced to the House that notwithstanding what my hon. friend, the leader of the Government, has said, my intention in putting the question was solely to decide a matter of order, and I explained to the House in my opening remarks that I thought it was the most courteous way of appealing from the Speaker's decision without actually taking that shape. I thought his decision was not correct and was sustained in that view by a great many hon. gentlemen in this House. My object has been gained. There has been a most able and interesting discussion on the subject. We have the matter as fully set before us as it possibly could be, and I have no particular reason for insisting upon my motion.

HON. GENTLEMEN— Withdraw, withdraw!

HON. MR. DICKEY—I will suggest to my hon. friend, as he has stated that he does not intend to press the Bill, that there is no practical end to be gained by a division on this question.

HON. MR. VIDAL—I am not at all desirous of pressing my motion; my object has been gained in having the point ably discussed.

THE SPEAKER—I cannot permit this discussion to close without offering a few remarks, inasmuch as it has been brought about my ruling on the point of order raised by the hon. gentleman from Sarnia. I have no fault to find with the hon. gentleman, but I do not think the House will refuse to allow me to say a few words on the subject, and they will be very brief. My hon. friend, the leader of the Government, asked for my ruling. I felt a conscientious conviction that this Bill was not in order, on account of its dealing with the revenues of the country. I ruled upon the 47th rule of our House and the 53rd section of the British North America Act. It has not been the practice in this House, since I have been a member of it, to raise questions of this kind. I knew that it was an agitated question as to the privileges that exist between this House and the House of Commons. My hon. friend who so ably elucidated the question upon our side—so ably that I thought it could not be replied to, and I venture to say that it has not been replied to—has often ruled Bills out of order because of involving money questions. I did it without citing authorities. I might have gone further and shown that this Act of Parliament had been made a part of the consolidated revenue fund. It is perfectly easy to show that it is a Bill imposing taxation, which is a part of the revenue just as much as the revenue upon anything included in the tariff. The sentimental appeal of the hon. gentleman from De Salaberry as to its being taxation of human flesh has nothing to do with it, and the sentimental question with regard to the restriction of Chinese immigration has nothing to do with it. I am opposed to the Chinese Bill, and everyone knows that last year when the question was up I did not certainly advocate that measure. The merits of this Bill are beside that question altogether. The feeling of the House towards this Bill is beside the question altogether; it is simply a question of the jurisdiction of this House, and it would place us in a most awkward

position if we were to assert that privilege and find we were constitutionally wrong, and that is exactly where we would find ourselves. I am very glad to know that the discussion has ended so far in the House finding the ruling against the hon. gentleman, and that he has withdrawn his motion. I could not refrain from saying, in making this ruling, that I felt myself sustained by the principles established by the section of the British North America Act which I quoted, and by the rule of our own House. Those principles are elaborated and extended throughout the whole discussion of the position as between the two Houses, and they all point to one conclusion, and I believe that it will be in the sense of this House that the position which I took is not one likely to be reversed. It has affirmed a principle which is necessary for the furtherance of legislation, and it will prevent a recurrence of the discussion we have had to-night. The more it is discussed and ventilated the more it is discussed and ventilated the stronger will appear the reasons for adopting the position I took. I must say now at the outset that I felt great hesitation as occupying this Chair, and having only so recently come into it, in taking any part in the debate on any question of order. I did not wish to intrude myself on the House but wished to carry out the merely mechanical duties which at this time of the session are sufficient to occupy my attention in the House. In the discharge of my duties I did not think it required any hon. gentleman of the House to say to me that my functions were limited as I know they are to being merely the Chairman of the House. I have before me all the authorities and all the points which have been so ably dwelt upon, most of them, by hon. gentlemen who have taken part in the debate. They are men of legal training and they are men to whose opinions I defer, and it may seem an act of temerity on my part to interfere in any way in such a discussion and I should not have done so if I had not felt myself personally interested in it and I know the House will pardon me at this late hour of the evening for saying a few words before closing the debate. The discussion has been an important one, and it has been carried on with that courtesy which characterizes the hon. gentleman from Sarnia in bringing any matter to the notice of this House, as well as by the gentlemen who hold opinions adverse to the ruling I gave. The hon. gentleman, and others who sustained his views have done so I am sure without any intention of saying anything personal with regard to myself. That is gratifying, and now that the discussion is ended I trust that the House will not think that, in making the ruling, I did so hastily and without consideration. I say now that if the same question were to come up again I should be strongly fortified in ruling in the same direction.

With the consent of the House the motion was withdrawn.

The Senate adjourned at 11:40 p. m.

THE SENATE.

Ottawa, Saturday, June, 18th 1887.

The SPEAKER took the chair at 3 p.m.

Prayers and routine proceedings.

ST. MARTINS & UPHAM RAILWAY BILL.

THIRD READING.

Bill (134), "An Act to enable the St. Martins & Upham Railway Company to sell its railway, and for other purposes" —(Mr. Dickey).

CANADA ATLANTIC RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (132), "An Act further to amend the Act incorporating the Canada Atlantic Railway Company," with amendments.

He said—The first amendment is intended to meet a provision in the Act that the directors should have power to divide amongst themselves all unsubscribed stock. It was a startling provision, and on examining the Bill it was altered in that way. The next amendment is that the mortgage debts should be placed in the office of the Secretary of State and notice thereof should be published in the *Official Gazette*. The other amendment relates to the promissory note clause. The most important amendment is that which relates to the fourth clause which provides for the issuing of series "A" bonds and authorizing the shareholders to give priority to certain of those bonds. We found some considerable difficulty in arranging that clause and finally it was met with an arrangement to say that the priority of the different bonds in that clause should be specified in a resolution authorizing the issue, and on the face of the bonds themselves and in the deed of mortgage to that effect.

HON. MR. CLEMOW — Since this Bill passed through the Committee the promoters desire to obliterate altogether the clause with reference to priority and precedence of bonds.

The report was agreed to.

HON. MR. DICKEY moved the third reading of the Bill.

HON. MR. CLEMOW moved that the said Bill, as amended, be not now read the third time, but that it be further amended as follows:—Page 2 line 37, leave out from "(72)" to "(2)" in line 46.

THE SPEAKER—That strikes out the amendment of the Committee altogether.

HON. MR. DICKEY—It does.

HON. MR. McINNES (B.C.)—I would ask the chairman of the Committee on Railways, Telegraphs and Harbors if this is a private or a public Bill?

HON. MR. DICKEY—It is a private Bill.

HON. MR. McINNES—If it is a private Bill I think the same objection which was taken to a private Bill the other day before the House, is equally good in this case. Bills of this kind are allowed to pass through without any objection when it suits the purpose of certain individuals. I am not going to object to it, but I think it is necessary, if the rules of the House are to be observed, that notice should be given and that this Bill should be brought up on Wednesday next.

THE SPEAKER—If objection is made, of course it will be taken notice of, but if no objection is raised in a case of this kind it passes as a matter of course.

HON. MR. McINNES—It depends entirely on whose ox is gored.

HON. MR. ABBOTT—It is the promoter of the Bill himself who proposes this amendment, and as nobody would probably object to the promoter of a Bill making such an amendment, it is proper to allow it to be made and the Bill to take its stage.

THE SPEAKER—The hon. gentleman from New Westminster insinuates that there is a different mode of procedure as between different gentlemen in this House. He must understand that if an objection is made the objection is considered; if no objection is made the proceedings go on as a matter of course. There was no objection made in this case.

The motion was agreed to and the amendment was concurred in.

HON. MR. CLEMOW moved the third reading of the Bill as amended.

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

WINNIPEG & HUDSON BAY RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and

Harbors, reported Bill (79) "An Act to consolidate and amend the Acts relating to the Winnipeg & Hudson Bay Railway and Steamship Company, and to change the name thereof," with amendments.

He said :—I may explain that the last of these three amendments refers to the promissory note clause, to make it conformable to our legislation. The next preceding amendment is that which requires that the mortgage deed shall be deposited in the office of the Secretary of State, and notice thereof be given in the *Canada Gazette*. The other amendment is a mere verbal one. I see no objection to the adoption of the amendments.

HON. MR. GIRARD moved that the amendments be concurred in.

The motion was agreed to.

HON. MR. GIRARD moved that the Bill be now read the third time.

HON. MR. READ—I would like to draw the attention of the House to what I consider a very important matter in connection with this Bill, one that I have not seen in any other railway charter, to my knowledge. In the 4th clause you will find that the Company are authorized to build, purchase, acquire, lease or possess and work grain elevators and other warehouses, and to carry on a general warehousing business, and "may purchase grain and other freight and the same may sell and dispose of." This is the portion of the Bill that I intended to move against. I doubt whether in all the legislation of this Parliament we can find any such provision in a railway charter, and I cannot conceive why it is necessary. Are we to place the inhabitants of that country for all time to come under a railway monopoly? Even as the law is, railway companies can have their favorites in the way of freighting, and if, as this Bill proposes, the Company are to be permitted to buy in England, or any other country in the world, and bring the freight out over their own railway, and buy grain and other products of the country on their own line, what chance will there be for the public? It may be inquired how such a clause came in the Bill. In 1880 a Bill was passed here incorporating the Nelson Valley Railway and Transportation Company. I see in the 18th clause of that charter the Company may also build, purchase, acquire, lease, charter or possess, work and operate sea-going vessels and elevators, and if necessary, may purchase grain and other freight to complete or make up the cargoes of such vessels, and the same may sell and dispose of. The charter of the Winnipeg and Hudson Bay Railway and Steamship Company was acquired three or four years later. It provides that they may require the charter of the Nelson Valley Railway and Transportation Company, with all its privileges, immunities, franchises and everything else in connection with it. I think this objectionable clause must have found its way into the Bill in that way. I do not think that Parliament would have granted such a privilege to any company if it had been properly brought to the notice of the House. I may be wrong in thinking so, but I consider it my duty to move that the Bill be referred back to Committee, with instructions to strike out the words from "business" on the forty-second line to "to" on the forty-fourth line. That would strike out the objectionable words to which I have referred.

HON. MR. MACDONALD (B.C.)—What is the danger of giving the company power to buy and sell wheat and other freight?

HON. MR. READ—The danger is of creating an intolerable monopoly. If the hon. gentleman were a trader living alongside of a railway which possessed such powers he would find himself in a very difficult position. This company is given power not only to build a railway to Fort Churchill, but also to build a branch line from the north of Lake Winnipegosis to the Canadian Pacific Railway right across the continent, placing the people of that portion of the North-West for all time to come under a powerful monopoly. We know that the Hudson Bay Company kept that whole country a close preserve, and if this railway com-

pany should get the charter in this shape it will become even a greater monopoly.

HON. MR. VIDAL—It must be borne in mind that this Bill has been carefully examined by the Committee on Railways, Telegraphs and Harbors; that the points to which the hon. member has alluded were brought up and fully discussed, and that the judgment of the Committee was that the Bill might be allowed to pass in its present shape. It would be unnecessarily taking up the time of the House to refer it back to the Committee.

HON. MR. DICKEY—This matter was discussed in the Railway Committee, but no motion whatever was made to strike out these words. What was called "the sweeping powers" given in this Bill were adverted to and to some extent discussed, but I may say, though I have no interest in this matter at all and never expect to have any (I certainly would not take any stock in the company), it was considered that this railway was in an entirely exceptional position. From Winnipeg to Fort Churchill, it traverses an uninhabited country for 400 miles, where there are no merchants or any persons interested in traffic, and it was thought nothing but fair that this Company might have the power to buy and sell grain and other products of the country. The project is exceptional—so exceptional in its character that it may perhaps have escaped the attention of the House that its promoters ask that the Bill shall contain a clause preventing them from amalgamating with the Canadian Pacific Railway.

HON. MR. GIRARD—I hope that the hon. member will not insist upon his amendment, but will allow the Bill to be read the third time presently.

HON. MR. ABBOTT—There is a little point in the Bill which we should not pass over altogether without notice. This clause as it stands was objected to in the Committee, as my hon. friend from Sarnia says, and that objection was withdrawn or abandoned. It was not pressed because it was stated that this was a power which the company originally possessed, and we were only asked to continue that power. I know that I, myself, felt some doubts as to the propriety of giving this power, and expressed them, but I said no more about it when I was informed that this was an exact copy of the Bill which the company already possessed: but I judge from the remarks which have been made that this power conferred by this Bill is larger than the power given in the original charter. Although I do not propose to offer any opposition to the Bill, I think the House ought to be aware that we are asked to give the company greater powers in this respect than the original Bill contains.

The amendment was withdrawn and the Bill was read the third time and passed.

FIRST AND SECOND READINGS.

Bill (102) "An Act to amend the Act incorporating the Pontiac & Pacific Junction Railway Company." (Mr. Abbott, in the absence of Mr. Ryan.)

CHINESE IMMIGRATION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (54) "An Act to amend the Chinese Immigration Act."

In the Committee, on the first clause,

HON. MR. ABBOTT moved that the House do not concur in this amendment.

HON. MR MILLER—Does the hon. gentleman raise the question of order?

HON. MR. ABBOTT—I intended not to raise the question of order: I hoped that on the ground of public policy the House would consent to recede from this amendment, which I consider out of order as being an amendment to the principal clause of the Bill, which affects the revenue. The authorities which were cited in the debate yesterday, and

which are fresh in the mind of every hon. gentleman present, without exception agree that it was incompetent for this House to amend a Bill affecting the revenue. Some gentlemen, while they insisted (as is the fact and the law) that this House could either reject or pass a Bill coming from the House of Commons respecting the revenue, agreed that that Bill could not be amended; and that stands upon the principle, of course, that it would be a violation of the practice of Parliament as to the duties and powers of the two Houses with regard to each other. I think I would prefer to have the House accept my proposition on that ground rather than raise the question of order, but of course I should be compelled afterwards to raise the question of order in case the House did not concur in my opinion. It appears to me that, as itis obviously quite impossible that this amendment could be accepted by the House of Commons, there would be no object in pressing it, because there are advantages in this Bill; it really does ameliorate the condition of Chinese immigrants very materially in the form in which it is put, and those who consider that the Act itself is bad, must be in favor of improving it to such an extent as is practicable. Now, it is practicable to improve this Act so far as to admit the wife of a person not of Chinese origin without paying duty; that is certainly a step forward and removes a difficulty which actually occured under the Act, and prevents its recurrence. The Bill as it stands is undoubtedly a great improvement: it enables a Chinaman to travel from one end of the Dominion to the other under such arrangements as, I am informed, can be readily made with the railway and steamboat companies. There is no difficulty, I am told, in obtaining a bond from the person travelling, or his friends, to protect the company against the penalty, and therefore that second clause is not only an advantage to the Chinese, but also a great advantage to our own carrying trade. The third clause is struck out. The fourth clause is so obviously just that no one would object to it in the interest of the Dominion—namely that the expense of collecting the revenue should be taken from it before it is distributed. My theory of what I hope the House will think the proper thing to do is, that as this Bill is an amelioration of the Act, it will be accepted in the form in which it can be put through the other House, and it is absolutely essential that this first clause should be restored to its original form for that purpose. I ask the House to let the first clause stand as it was originally.

HON. MR. ALMON—I rise to a question of order: no notice of reconsideration has been given, and the clause having been passed I do not think it can be again discussed without notice.

HON. MR. DICKEY—I may be permitted to express the hope that we are not going to have this matter discussed *ad nauseum*. The suggestion which the hon. leader of the House has made commends itself to my approval. If we do not raise the question of order ourselves, and do not choose to get into an argument on it, no precedent will be established with regard to this particular Bill, and for that reason I think we should not put ourselves in the position of driving the Minister to take exception to the amendment; because in that way we will keep our privileges as they are and as I think they should be, and we will be in a far better position than if we renew this tangle of debate that we had yesterday, and get into another fight on the question. This is a public Bill, brought in by the Government on their own responsibility, they have had full notice and warning by the arguments of those who object to this clause, and I, as one of them, am prepared to take the position of letting the Government assume the responsibility of passing the Bill, and let it go.

HON. MR. ABBOTT—Of course I understand the sentiment of this House, and my colleagues understand it. The feeling of this House is not going to be disregarded, but will receive the most careful possible consideration. I am not in a position to say what steps will be taken, but the obvious fact that this House, which is quite as important a

branch of Parliament as the other, is opposed to the Chinese Act, enables me to say that the matter will receive most careful consideration by the Government before another session.

HON. MR. SCOTT—I was in hopes that so decided an expression of opinion in this House would have been met in a different spirit by the Government, and that they would have conceded the point that was so fully debated last evening. They do not do the House of Commons justice in assuming that the Bill would be stopped in that Chamber in consequence of the amendment which has been made here. On the contrary, I think the Bill would be much more favorably received in the House of Commons if the amendment introduced by the hon. member for Halifax had been allowed to remain in the Bill. It is proposed that the functions of this House shall be completely set aside. It is known that when the Government appeal to their followers in this House they carry anything they choose. It is a complete abdication of our functions when we consent to the Government carrying a Bill of this kind contrary to our better judgment. I think so small a concession as we ask might be made, and the amendment might be allowed to go. I do not intend to repeat the points that, as my hon. friend from Amherst has observed, have been discussed *ad nauseum*, but I wish to remark that although a majority of this House may yield their judgment as to whether the amendment shall be pressed or not, they are not yielding either one point or the other. I argued this point on the assumption that this is not a revenue bill, and I am prepared to establish today that it is not. My hon. friend says we are bound to take this Bill and consider it as judges and lawyers. If I were discussing this question purely as a barrister-at-law, as to whether this Bill affects the revenue or not, I would say that it does. But I am not arguing from a lawyer's standpoint. Where a branch of the legislative power has a subject of this kind before it, we are permitted to take a broader and more general view, and ask what was the object in the first place of putting a law of this kind on the Statute Book? Was it a question of public policy, or was it for revenue? Is it using too strong language to say that we would be stultifying ourselves, without any expression in the other House when this law was put on the Statute Book, to say that it was for revenue purposes? I took the trouble last night to read Mr. Chapleau's speech when the Bill was introduced. There was nothing of the kind suggested then. He quotes the opinions of the representatives of labor in British Columbia, who desired this legislation, that the object was to keep the Chinese out of the country. The very fact that a Chinese woman who is the wife of a person not of Chinese origin shall not be subject to this tax, but that the wife of a Chinaman shall be, is proof that the object was not to raise a revenue. I do not propose to press this matter now; I simply appeal to my hon. friend as to whether it would not be more proper and prudent, and in the right direction, that the Government should, of their own motion, make this concession and see what the effect of it would be? If after the experience of twelve months it should be found that this concession was made a cloak for the purpose of bringing in Chinese women who, strictly speaking, were not the wives of Chinamen in this country, I should be the first to take part in repealing it, but I have yet to be convinced that the action of the Senate, in proposing that a man may bring his wife and family into this country on paying a duty of $50 for himself is, unwise, or that a man can have any but the best of motives in bringing his family with him. I think it would be in the interest of the community to which he comes that his one wife should be with him and live with him.

THE SPEAKER—How many wives would the hon. gentleman allow a Chinaman to bring with him?

HON. MR. SCOTT—The proposition is so simple that I think any gentleman who wishes to understand it need have no difficulty in seeing the point. The language of the clause is not open to doubt or ambiguity.

HON. MR. ABBOTT—I do not think

it would be judicious to raise a debate on the same subject we discussed the other night. Of course the reason why I cannot respond to the hon. gentleman's appear is that I do not think the clause would result in Chinamen bringing to this country their lawful wives with the intention of living with them and maintaining the martial and family ties as Christians understand it; and that is the reason why the Government cannot concur in it. Of course if the Gouernment were satisfied on that point they would concur in it I have not the slightest doubt, but when a Chinaman can marry as many wives as he likes for loquacity by handing them a piece of paper, any number of Chinese women might be imported into this country who would not be any credit there.

HON. MR. ALMON—I move that House do concur in my amendment.

HON. MR. ABBOTT—I did not wish to obstruct the hon. gentleman in making him motion, but it would not be regular at this moment. The question now before the House is the question of non-concurrance in the clause moved by my hon. friend from Ottawa.

HON. MR. SCOTT—I made no proposition.

HON. MR. ABBOTT—Then in the clause as it stands the motion is that the House do not concur in the amendment.

HON. MR. VIDAL—I cannot allow it to pass in this way. Without any desire of reopening the question which occupied our time so much yesterday I cannot refrain from referring hon. gentlemen to the sentence in May which prevented me from accepting the ruling that this Bill is out of order. The position I take is that the amendments made to the original Act by the Bill before us are so trifling that they would not induce me to accept them and place them here on record, because I think it would be a *quasi* sanction of the principle of the Act now on our Statute Book. My idea is that if we allow the Bill to be amended in some slight degree this session, it is a consent on our part to the Bill being there, and probably next session there will be another little amendment, and the following session still another amendment, and so on until the principle of the Act and its right to be on the Statute Book is admitted and sanctioned. My opinion is that if the Senate will adhere to its expressed convictions on the subject, as we did last year, we will not pass such an amendment We will say to the Commons, "you deny our right under the Constitution to repeal the Bill, therefore we have a perfect right to reject any amendments which you think will make it more popular—we will not accept the amendments. We will allow the difficulties to go on and increase until the Government is forced to recognize the fact that it is not a proper law to be on the Statute Book, and will consent to its being repealed." I trust hon. gentlemen will not agree to this motion to erase the amendment suggested by the hon. gentleman from Halifax, and which was carried in Committee. I do not see any reason whatever for going back on the sentiments which we then expressed and approved.

The House divided on the motion, which was agreed to on the following vote:

CONTENTS:

Hon. Messrs.

Abbott,	McKay,
Allan,	McKindsey,
Boucherville, de	Macdonald (B.C.),
Carvell,	Merner,
Casgrain,	Miller,
Chaffers,	Montgomery,
Clemow,	Plumb (Speaker),
DeBlois,	Read,
Ferguson,	Robitaille,
Girard,	Ross (Laurentides),
Gowan,	Ross (de la Durantaye),
Guévremont,	Smith,
Howlan,	Sullivan,
McCallum,	Sutherland.—29.
McDonald (C.B.),	

NON-CONTENTS:

Hon. Messrs.

Almon,	McClelan,
Armand,	McInnes (B.C.),
Baillargeon,	Odell,
Bellerose,	Pâquet,
Dever,	Reesor,
Dickey,	Scott,
Flint,	Stevens,
Grant,	Trudel,
Haythorne,	Vidal,
Leonard,	Wark.—21.
Lewin,	

HON. MR. ABBOTT moved concurrence in the remainder of the amendments made in committee of the whole.

The motion was agreed to on a division.

HON. MR. ABBOTT moved that the Bill be now read the third time.

HON. MR. VIDAL—I object to the Bill being read the third time to-day.

HON. MR. MILLER—If it comes to a question of right the hon. Leader of the House has a right to move the third reading of the Bill, now I think at this period of the session he would only be consulting the expedition of public business by insisting on the third reading presently.

HON. MR. ABBOTT—If the subject were a new one I should not move it now, but I think as the matter has been very fully discussed on three or four occasions there is no reason why I should not move that the Bill as amended be now read the third time.

HON. MR. ALMON—I have very great objection to that Bill being passed. The House almost unanimously objected to the passing of the Chinese Immigration Bill. If we pass this Bill now we shall not occupy a very exalted position before the country when we say, as we shall say by the passing of this Bill, that the opinion we formed two days ago we have entirely changed to-day—that the now notorious Chinese Bill which we were almost unanimously opposed to we shall adopt—that the structure which was rotten and which we said was on a false basis and erected for false purposes we shall allow to be painted and varnished to make it look a little more respectable and then adopt it. I say no, the Bill is an outrage of the feelings of the present century and the more obnoxious it is the sooner it will be repealed. This little bit of painting and varnishing only makes the structure last a little longer but does not add to its usefulness or beauty. I shall therefore oppose the third reading, and divide the House so that we shall see when the question again comes up before us whether those who vote one way on the question to-day will vote another was on the same question on a future occasion.

HON. MR. MILLER—The hon. gentleman from Halifax was hardly in order when he characterized an Act of this Parliament as an outrage. It is certainly contrary to the rules of Parliament relating to debates to permit such a latitude of expression. I may say to the hon. gentleman at once that if I thought the amendment which he made to the first clause of this Bill could possibly have gone through the House of Commons, and would not have injured the the rest of the Bill which is an amelioration of the Act upon our statute book, I would have voted with him; but it is because I conceive that the amendment would not be accepted by the House of Commons on two grounds:—First as an infringement of their privileges, and secondly in consequence of the public policy on this question which we think a majority of that House is disposed to support, that I cannot accept the amendment. But on whatever ground the majority voted against the first motion of the leader of the House there is not the slightest ground whatever for voting against the motion which my hon. friend has now proposed. The first motion was, in the opinion of the House, a decided improvement on that clause, and I can understand how those gentlemen who entertained that opinion and believed that it might possibly go through the House of Commons and be accepted in that House, voted against the motion of my hon. friend for non-concurrence in the amendment; but I cannot understand why the rest of the Bill which is now under the consideration of the House and which in every one of its clauses is an amelioration of the Act as it stands on the statute book should be opposed. It is, to the extent it goes, an amelioration of the law, and for that reason I intend to vote for it, not that I would repeal the Chinese Immigration Act if we had the power to do so. If a measure comes up from the other House to repeal that Act at any time I shall certainly support it, but I do not wish to have the stigma attached to my vote which the hon. gentleman from

Halifax desires to attach to it on the present occasion, and I trust to the common sense of the House and of the country to draw a logical conclusion from my action and my vote on this Bill. I cannot understand how any gentleman can vote against the motion of the leader of the House—because that motion for the adoption of the rest of the clauses of the Bill is a decided amelioration of the Act, and I should suppose that the 21 or 22 gentlemen who voted in the negative just now should be the first 22 gentlemen to rise in support of the motion which the hon. gentleman has just made.

HON. MR. DICKEY—I believe it is quite true that a great many more members would have voted for the amendment which my hon. friend moved had there been a prospect of its being carried to a successful issue and being made part of our legislation. I think it was an excellent amendment, and the prospect of a conflict with the other House did not deter me from giving my vote in favor of that amendment. But with regard to the Bill itself, I have always stated that if it could be improved in any particular, so that it would be an amelioration of this harsh legislation, I would vote for it. I am for it still, and I am not ashamed to state here that although I voted for my hon. friend's amendment, as we cannot get that amendment, I am prepared to vote for the Bill as an improvement on the Act.

HON. MR. DEVER—I take issue at once with the hon. gentleman from Richmond. He assumes that the gentlemen who vote in opposition to the amendment now are inconsistent, inasmuch as they voted formerly in favor of another proposition. The reason why I vote as I intend to do, and I think the reason why those who voted with the hon. gentleman from Halifax did so, is this: that when this debate was up before, nearly the universal feeling was against the principle of the Bill. Consequently, if the almost universal opinion of this House is against the principle of the Bill, I think we are more nconsistent who now refuse to support an amendment which is an amelioration, but which also admits the principle of the Bill.

HON. MR. MILLER—I am sure my hon. friend does not wish to misrepresent me. I brought no charge of inconsistency against any member of the House. What I said was this, that I would suppose the twenty-two gentlemen who voted in the negative just now would be the first twenty-two members of this House to vote for the present motion.

HON. MR. DEVER—That is an imputation that we are inconsistent and I repudiate that imputation, and I think it is quite consistent and honorable for every gentleman who is opposed to the principle of this Bill to vote for the amendment of the hon. gentleman from Halifax, and against the motion on the other side.

HON. MR. GOWAN—I recollect well on a former occasion the hon. gentleman from Sarnia introduced a measure for amendment of an Act that I certainly would not have voted for had I been in the House when it passed. He spoke so strongly and so forcibly about improving the measure and the duty of the House to improve it, that he convinced me. I thought his arguments were cogent and sufficient and that I ought to support his contention. This is a measure to improve a law that we all of us, or most of us at all events, would not be a party to passing in the view we now take of it and I certainly will and must support this amendment as an amendment of the Act as it exists. I think I would be utterly inconsistent if because I object to the Act itself or would have objected to the measure in the first place, I failed now to give my voice in favor of any amendment of the law.

HON. MR. ODELL—When the matter was under discussion last evening I then said with regard to the introduction of this Bill to ameliorate the condition of the Chinese, and to remove some of their disabilities, I would be prepared to vote for a measure of that sort provided we could not carry the repeal and I am very glad to find that the leader of the Government has struck out a good deal from this Bill which I think is objectionable and especially

those portions which relate to the "transportation" of these poor creatures that come into the country, and giving them "tickets of leave," as if they were felons. I see also there is another portion which it would have been as well to strike out —the provision which states that the duties payable under Section No. 8 of the Act "Shall be liable to the penalty or forfeiture provided by law for non-compliance with customs bonding regulations." There you are treating human flesh like a chattel and these expressions I think are altogether misplaced in the Bill. We are treating these poor Chinese worse than we would treat a savage from the Cannibal Islands, for if a cannibal were to land here he would not have to pay these penalties for coming into the country and could go out of it again when he pleased. The only thing necessary would perhaps be that notice should be given that children should be kept at home, and care taken that he did not breakfast on any of them. Amendments have been made striking out nearly the whole Bill. I do not know whether the House will permit, but I am about to suggest that we might strike out a little more, that is if the Leader of the Government will concede that the Act imposing those duties upon the Chinese is before the House.

HON. MR. ABBOTT—I think not. I do not think that Act is before the House at all.

HON. MR. ODELL—If that Act is not before the House how can we deal with an amendment to it? It appears to me where an amendment to an Act is brought up and the Act is specially referred to in the amendment, as it is here in several places, that you cannot take into consideration the amendment without also taking into consideration the Act. You will see also that by this Bill certain sections of the Act are repealed. How are we going to repeal these sections unless we have the Act under consideration before us, and how can we tell what is proposed to be repealed unless the Act itself is on the table along with the amendment? If the hon. gentleman from Sarnia had made his motion in a different way I think this House would have been prepared to accept it. I believe it would be according to the expressed views of this House, because the Leader of the Government has stated that he is himself opposed to the Act. What has occurred to me is that we can bring up the question of the repeal of the original Act which I contend is now before the House by a further amendment to the Bill. It has been held that we cannot introduce a bill to repeal the Chinese Act but we have the right when before us to reject it. Taking that as a point I propose to strike out all the rest of the amending bill with the exception of a portion of the third section containing merely the following words: "The Chinese Immi-"gration Act is hereby repealed" and all you have to do then is simply to alter the preamble of the Bill and to say "Whereas it is expedient to relieve all persons of Chinese origin from the payment of duties payable under the Chinese Act therefore we enact so and so." The point which I raise is this: I contend that the original Act is now before us as well as the amendment to it. You cannot take into consideration one without the other; therefore it appears to me that the House has a perfect right to express its opinion upon the general Act and repeal it if they think fit. If the House is of the opinion that that Act is not before us, then, of course, the decision that was come to last evening precludes any amendment of that sort under the ruling of the Speaker. Otherwise, if the Act is before us, I hold such an amendment is in order—

HON. MR. ALMON—I rise to a question of order. Is it right to pass the amendment proposed by the leader of the Government without the House going into Committee on the subject?

HON. MR. MCINNES—Although this debate has been going on day after day I have refrained from taking any part in it, and I am not going to detain the House at this late period of the session with any extended remarks. I have an amendment to move, and it is that the Bill be not now read the third time but that it be read this day three months. I do so for several reasons. The principal

one is that the most important and vital amendment made to the Bill as it came up from the House of Commons has been expunged by the House a few moments ago. The other amendments that have been made to the third section are of such a trivial character that I do not think it is worth while passing the Bill in its present amended form. We may varnish it up as we choose—we may eliminate the most objectionable clauses and make it more workable, but in so doing we are affirming the principle that it is right to have such an Act on our statute book by adopting this measure, and the more frequently we interfere with it and amend it the more formaliy we are committing ourselves to the principle of the restriction Act. Last year, in no unmistakable manner, the House rejected a similar Bill brought up from the House of Commons and I really think that we will only be doing justice to ourselves and acting consistently if we reject this Bill in *toto*. I have contended for years that there was little necessity for a Chinese restriction Act—that the people of British Columbia could not get it when it was needed, namely, before the construction of the Canadian Pacific Railway. I informed the House years ago that an effort was made, before the Canadian Pacific Railway was begun in British Columbia, by members of the House of Commons and in this House from British Columbia. Many earnest appeals were made to the Premier to have a clause or condition inserted in the Government railway contract with Mr. Onderdonk—who had the contract for building the first 250 miles of the Canadian Pacific Railway—excluding all Chinese labor. Unfortunately for British Columbia our advice was not taken, though we urged the importance of our representations, but we were unheeded. We foresaw what would take place if such a provision was not made, and our predictions were realized, for within a few months after the contract with Mr. Onderdonk was entered into, shipload after shipload of Chinese laborers were brought into British Columbia, and it is not fair, as asserted by some of the hon. members during this discussion, that British Columbia forced this measure on Canada. I claim that the entire onus and responsibility for having that law on the Statute Book to-day rests on the present Government, because before the letting of the railway contract and a large importation of these Chinese laborers, there was comparatively little agitation against the Chinese in British Columbia. It was not until after they were brought in by thousands that this intensely bitter feeling was aroused, and the Government was compelled to take some action whereby the agitation would be allayed. As a preliminary, the notorious Chinese Commission was appointed. It visited British Columbia, and after a period of six months' incubation was safely delivered of the futile Chinese Act of 1885. Immediately after the completion of the Canadian Pacific Railway the Chinese began to leave the country in large numbers, and I believe that for every one that is now coming into the country two or three are leaving. In view of these facts, I think it is just as well that we should reject this Bill and allow the evil to work out its own cure. For this reason I have moved the three months' hoist.

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

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Hon. Messrs.	
Almon,	McClelan,
Armand,	McInnes,
Dever,	Pâquet,
Grant,	Reesor,
Haythorne,	Scott,
Leonard,	Stevens,
Lewin,	Vidal—14.

NON-CONTENTS.

Hon. Messrs.	
Abbott,	McKay,
Allan,	McKindsey,
Boucherville, de	Macdonald (B.C.),
Carvell,	Merner,
Casgrain,	Miller,
Chaffers,	Montgomery,
Clemow,	Odell,
DeBlois,	Plumb (Speaker)
Dickey,	Read,
Flint,	Robitaille,
Girard,	Ross [de la Durantaye
Gowan,	Smith,
Howlan,	Sullivan,
McCallum,	Sutherland,
McDonald (C.B.)	Wark—30.

THE SPEAKER—The question is now on the third reading of the Bill.

The motion was agreed to and the Bill was read the third time on the same division and passed.

THIRD READING.

HON. MR. ABBOTT moved the third reading of Bill (111) "An Act to amend the Supreme and Exchequer Courts Act to make better provision for the trial of claims against the Crown."

The motion was agreed to and the Bill was read the third time and passed without debate.

MONTREAL HARBOR COMMISSIONERS BILL.

SECOND AND THIRD READINGS.

HON. MR ABBOTT moved the second reading of Bill (92) "An Act to amend the Act relating to the Harbor Commissioners of Montreal."

He said:—This is a short Bill covering only one small point. The law respecting the loans affected by the Harbor Officials of Montreal requires them to sell their bonds at or above par. They have been consulting with the Finance Minister and he concurs in the view that if they were allowed to sell their bonds at a small amount below par they would get more money from them and obtain a better market for the bonds. The Finance Minister concurs in the view that if they would sell the bonds 4 per cent. below par they would get a better price for them than sell 5 per cent. above par.

The Bill was read the second time at length at the table.

It was then read the third time under suspension of the rule and passed.

DOMINION ELECTIONS BILL.

SECOND AND THIRD READINGS.

HON. MR. ABBOTT moved the third reading of Bill (115) "An Act to amend the Dominion Elections Act and to remove doubts as to the rights of certain persons to vote at elections of Member of the House of Commons."

He said: This also is a short Bill and not very important, to remove a doubt which has existed for some time as to the right of deputy returning officers and poll clerks and constables to vote. This is to remove that doubt and to declare that they have the right to vote.

The motion was agreed to and the Bill was read the third time and passed under suspension of the rules.

SECOND READING.

Bill (41) "An Act respecting the Department of Customs and the Department of Inland Revenue" was read the second time without debate on the understanding that the debate on the principle of the measure should take place when the Bill was referred to the Committee of the Whole.

SECOND AND THIRD READINGS.

The following Bills were read the second and third time under suspension of the rule and passed without debate:

Bill (R) "An Act further to amend the Act respecting the Department of Finance and the Treasury Board." (Mr. Abbott.)

Bill (116), "An Act to amend the Act respecting the Department of Agriculture."— Mr. Abbott.

Bill (139), "An Act to provide for an additional subsidy to the Province of Prince Edward Island"—(Mr. Abbott).

Bill (146), "An Act to amend the Speedy Trials Act" Chap. 175 of the Revised Statutes.—(Mr. Abbott).

NATURAL FOOD PRODUCTS OF THE NORTH-WEST.

MOTION.

HON. MR. SCHULTZ moved the adoption of the second report of the Select Committee appointed for the purpose of collecting information regarding the existing natural food products of the North-West Territories, and the best

means of conserving and increasing them.

He said:—Before the adoption of this report, I may explain that the Committee have caused their list of questions to be sent to many more gentlemen than those whose names appear upon the list appended to the report submitted yesterday, and that, on account of the great distance, or from other causes, answers have not yet been received: in such cases I would ask that all communications which were received up to the date of Prorogation should be considered as being now received, and appear in the printed evidence. I now move, seconded by the Hon. Mr. Girard, the adoption of the report, and as there only remains half an hour before six o'clock, I will be more brief in my remarks than if the time were longer, and confine myself to the subject of former official and Parliamentary reports upon the North-West, then known as Rupert's Land and the leased territory of the Hudson Bay Company, the latter being all the portions of the present North-West Territory, the waters of which do not flow into Hudson Bay, and the former comprising Assiniboia, Alberta, Saskatchewan and a very considerable part of northern Minnesota. The first of such reports, which has more than a passing interest, was made by a committee appointed by the British House of Commons in A.D. 1749 and contains some very curious and valuable information from which I would like to read lengthy extracts had the time allowed. Evidence was given before this Committee that near the shores of Hudson's and James' Bay, Barley, Oats and Rye were grown and the witness had seen ornaments of silver and copper on the Indians and one witness who had got further into the interior had regaled himself on rice which he said was blacker. but as good as that in England. Another had planted, and succeeded with many English seeds and would have continued but for fear of his officers "who liked it not." The next was a most important one, as it was to determine whether the North-West was to be opened thirty years ago for settlement by Canadians and others, or whether it was to be closed again till this Dominion, when only two years old, became the arbiter of its destinies. It will be seen from the Journals of the British Houses of Commons that two committees were ordered, one which sat during the winter session of 1857 and the other during the summer session of that year, consisting of nineteen members, and comprising such well known names as those of: Lord Stanley, Sir John Packingham, Lord John Russell, Mr. Gladstone, Viscount Sanden, Mr. Lowe, Mr. Roebuck, Mr. Labouchere and Mr. Edward Ellice. The instruction of the House to these Committees was "to consider the state of those British possessions in North America which are under the administration of the Hudson's Bay Company, or over which they possess a license to trade."

These Committees held a number of sittings and examined many witnesses, who were, or had been, overland Arctic travellers, Hudson Bay Company's officers, officers of the army and navy who had served in the country, missionaries, Red River settlers, and Canadians. And two draft reports, widely divergent in character, were submitted to the Committee by Mr. Labouchiere and Mr. Christie. Those are very interesting, but too long for me to read at this late hour, and during the discussion of these reports Mr. Gladstone proposed ten resolutions, two or three of which I will read:—

1st. "That the country capable of colonization should be withdrawn from the jurisdiction of the Company."

4th. "That such jurisdiction should henceforth rest in the basis of Statute."

7th. "That in reference to Her Majesty's Government to consider how the land capable of colonization, detached accordingly from the jurisdiction of the Company, should be settled and governed under free institutions."

And it must always remain a matter of regret among Canadians that those resolutions, so comprehensive in character, and so tersely worded, were lost simply by the casting vote of the Chairman, Mr. Ed. Ellice, a large stockholder of the Hudson Bay Company, and shortly afterwards its Governor.

Had I time I would like to read portions of the evidence taken before this Committee, and in the light of subsequent investigations, some portions

would appear very ridiculous to hon. gentlemen, who would find it difficult to believe that no wheat could be grown where its export has since reached up into the millions of bushels. However, the report of this Commission closed the door of enquiry for many years. It is true that the people of Upper and Lower Canada still believing that their opinions about the British portion of this continent might possibly be as good as those entertained in England, continued to seek information from Professor Hind and from Simon J. Dawson, Esq., C.E, now a member of Parliament, yet so effective was the result of the enquiry in the British House of Commons to which I have referred, that Dawson was looked upon by many as a dreamer of dreams, who gave illusionary visions of fertility in a land which had been looked upon in the Old Country "as a place where the frost never left the ground, and where musk-rats and frogs disported themselves on the slightly thawed surface." Another Commission, however, (and this time of the Senate of Canada) put an end to all doubts and fears when in 1870, after the examination of a number of witnesses, they submitted the following report, which can be found in the Senate Journal of that year :—

"The vast extent of country capable for cultivation, the favorable accounts given of its agricultural qualities, and the salubrity of the climate leave no room for doubt, on the minds of the Committee that the Region, North of the United States boundary, West of the watershed of Lake Superior, and extending north of the northern banks of the Saskatchewan River, is a good wheat and vegetable producing Territory.

The principal drawbacks would seem to be distance from navigation and railway communication, absence of markets for agricultural products, occasional visits from grasshoppers, and the cold of winter. But the testimony of all the witnesses examined upon this latter point tends to establish the fact, that although the thermometer indicates a much lower degree of temperature at Red River, in winter months, than in Ontario, yet the cold in its effects upon individuals, produces scarcely if at all more inconveniences in the former than in the latter country.

The Committee are satisfied that if measures are taken at an early date to afford facilities for access through British Territory to the Red River, it will be found to be not only a very desirable home for immigrants, but will materially enhance the prosperity and promote the best interests of this Dominion."

This report was adopted, and five thousand copies of the report itself and the evidence attached, were ordered to be printed.

I need not recapitulate my estimate of the great value of that report to the immigration, and other interests of Canada, and will content himself with saying that I know many prosperous and contented settlers in Manitoba who have been induced to go there by the reading of this report, and I might now add that all the conclusions then arrived at, have been borne out by subsequent practical facts, and the very proper suggestions of possible drawbacks have not proven to be such as would materially lessen the value of the country nor retard its progress.

As to the value of the present report, it is not for us but for the House to determine. I can only express my gratitude to the members of the Committee for their unwearied patience in its almost daily sittings ; their zeal in the procuring of evidence, and the valuable information given by themselves on subjects which engaged their thoughtful attention when travelling through or residing in the North-West, and thus contributed so much to make the Report and the evidence what it is, and as it is said that "He is a benefactor who shall cause two blades of grass to grow where but one has grown before," in this I know that I express the feelings of the members of the Committee, by saying that they will be satisfied with the result of their work for some weeks past, if the information obtained, and the conclusions arrived at, are even in a small way, an advantage to the great region which has occupied their attention, to this hon. House and to the Dominion at large.

HON. MR. GIRARD—In seconding the motion, I think I express the opinion of the House when I say that the hon. gentleman from Winnipeg is entitled to the gratitude of the country at large for his services to the public. He was one of the first, I think, under the new regime to use his best efforts to promote the greatness and prosperity of the

North-West, and I hope that he will live long enough to see the success of the work with which he has been so closely identified. I am sure that the House will concur in the opinion expressed by the Committee in their report as to the great value of these North-West Territories to the Dominion, and will concur in the conclusion at which they have arrived, that nowhere has nature showered blessings with a more bountiful hand than in the Canadian North-West. This may be denied by some members of this honorable body, but I do not think that the report states more than is due to that great country. It must be borne in mind that what is to be seen at this day in the North-West is the work of about 10 years, yet you will see a great deal there that will compare favorably with the results of 300 years work in the eastern provinces. What may we not expect from the development of that country in the future, when so much has been accomplished in ten years? The hon. member from Winnipeg, in proposing the committee, has done a good work which will remove a great deal of the prejudice that prevails as to the North-West and which leads some people to believe that we are rather a burden than a benefit to the Dominion. If our progress and development are not arrested, the Dominion will possess in its North-West Territories one of the finest countries in the world. Anyone who will read the report carefully will observe that the products and resources of the great North-West are so vast and varied that we have all the elements within our own borders necessary to maintain ourselves. One great source of food supply has disappeared with the buffalo. Twice in the year the Indians went to hunt the buffalo. Often in a couple of weeks they could make ample provision to supply them for half the year; but that time is gone and the Indians must either submit to civilization or go the same way as the buffalo. I think that the policy which has been pursued towards the Indians will yet be regarded as a bad one. It will be found before long that we must change our system and bring them more speedily into civilization. For some hundreds of years we have been trying to civilize the Indians of old Canada, and though some of them have made progress, I think it will be found that, generally speaking, they are no more advanced to day than they were when the country was first discovered. They cannot remain long in that condition, and the sooner they can be brought to the same plane as the rest of the population the better it will be for the people of the Dominion, and for the Indians themselves. They have been long enough kept in a state of tutelage; they should be now regarded as men. I think in some cases they are prepared to accept civilization. As will be seen by some of the evidence taken before the Committee, where schools have been established and education has been diffused amongst them, the Indians are law-abiding and are more provident and industrious. The House will learn with pleasure that there is a prospect that our responsibilities in connection with the support of the Indians will diminish, and suggestions will be found in this report which will lead to the saving of a good deal of the public money. One suggestion is made which I think, if acted upon, will prove a great advantage to Manitoba and the entire country—that is the introduction of wild rice into the North-West. There are many places throughout that country which to-day are worthless but which present all the conditions necessary for the successful growth of wild rice. If it can be cultivated in that country (and I have no doubt that it can) it would be of incalcuable value to whites and Indians alike. I think the Committee have done a good work; that they will direct attention to the great value of the North-West to the Dominion, and that steps will by taken to have their report printed and distributed generally.

HON. MR. ALLAN—When the hon. member from Winnipeg moved for this Committee, he did me the honor to place me upon it as one of its members. Although in consequence of there being a great deal of work on other committees of which I was also a member, (and one of which I was Chairman), it was not in my power to attend the meetings of that Committee as regularly as I should like, I will take this opportunity of testifying

to the great zeal and energy with which my hon. friend has worked out this whole matter and endeavored to secure a large amount of valuable and interesting information which, as my hon. friend from St. Boniface has said, it is to be hoped will be extensively circulated and be the means of making very much better known the capabilities of that vast country. My hon. friend from Winnipeg alluded to a report of a Committee of the Imperial House of Commons in reference to the North-West. It so happened that this last winter, in looking over some books in my own library, I came across that very volume and read some of the evidence which the hon. gentleman has quoted to-day. I read more particularly the evidence of a relative of my own, a gentleman who, in his youth, was stationed for some time in the North-West. He was then in the Royal Artillery, for the purpose of taking certain meteorological observations. He now holds a high rank in the army. In giving his evidence before that Committee, he stated, amongst other things, that a great part of the North-West was utterly unfit for cultivation, because the ground was always more or less frozen. If my hon. friend had read more quotations from the book it would have been found exceedingly amusing in the light which we have now with regard to that whole North-West Territory. I think that the information collected by the Committee, whose report is before us, will be of use in dissipating many erroneous opinions formed about that country. From the evidence attached to the report, and what my hon. friend from St. Boniface has said with regard to the capabilities of the Indians, and the benefit they derive from instruction, it is evident that they are by degrees becoming more and more civilized, and that they may at last be self-supporting. I trust that the evidence will not only be of use, but that it will induce our Governmeut to take still greater measures to bring about that result. I, myself, when in the North-West the year before last had the pleasure of seeing Indian boys working on several farms, amongst the rest at Qu'Appelle, and I believe, taking them at that age, there lies the greatest hope of inducing them to become real workers and self-supporting. I think the more that can be done in that direction the sooner will the very difficult problem of the food supply for those tribes, which are so dependent upon the bounty of the Government, now that the game has been almost entirely destroyed, be satisfactorily solved.

HON. MR. ALMON—I must intrude upon the House at this late time, although I feel that anything I can say will be received, perhaps, with less pleasure than it should be: but I must give my meed of approbation, as a member of the Committee, to the Chairman. When I was first appointed a member I accepted the position with pleasure not so much because of the subject to be investigated, as out of compliment to the person who was appointed Chairman. I felt that the Hon. Mr. Schultz was a man whose name will live in history when we are all dead and gone—that in history will live the record of his memorable trip on snow shoes when he escaped from prison—of his having taken his rifle and fought for that old flag for which I, at all events, cherish an affection. It was because I felt that a compliment was paid to me when he asked me to become a member of the Committee, that I consented to act, not thinking that it would amount to anything. When I went there I found that instead of being a clap-trap affair, as I supposed it would be, that it was a very useful idea, and one to which I think the hon. mover of the Committee must have given his whole attention for months. There was not a subject brought before the Committee that was not at his finger ends. He took the whole management of the thing on himself, not of course excluding us who wanted information, but he knew everything that was brought before the Committee by others, and the best way of eliciting the information. I think it was a remarkably useful Committee, though I do not think as much of land I saw in the North-West as many people do. However the capabilities of the country, such as they are, were fully brought out, not so much by the Committee, as by the hon. gentleman himself. I must give my humble tribute the hon. member for the zeal and

energy he displayed. We now know all that the North-West can produce—and the chief articles are wild turnips and wild rice.

HON. MR. CARVELL—All that has been said of the zeal and energy of the Chairman of the Committee will be endorsed by every one who has had the privilege of attending its meetings. I only rise to remind the junior member from Halifax that in making his trip from Brandon to Medicine Hat, he did so in very much the same way that I had made it two years previously—by rail—and he had no opportunity of learning the value of that land than I had, which is exactly nothing. I defy the cleverest man in the world to take a railway ride through a thousand miles of that country and pronounce a correct judgment upon it. I think the evidence we have had before us in reference, not only to that part of the country, but the North-West generally, has been of such a nature as to convince any unprejudiced mind that it will be a very valuable country; and the section to which my hon. friend has referred more particularly, that between Brandon and Medicine Hat, is valuable and will grow very fine crops of wheat before long.

HON. MR. GOWAN—At this late hour I do not propose to say more than two or three words. If it be a fixed principle of justice to render every one his due and no doubt it is, I must not forbear saying a word or two on this subject. With singular modesty my hon. friend from Winnipeg has kept in the background his patriotic, intelligent and persistent efforts to make fully known the capabilities and resources of this great country. He attributes to this House all the honor and credit, but it is a well-known fact that he has been the motive power and whatever credit is due to this Senate must be based mainly on the wisdom and readiness with which it has met the suggestions of my hon. friend. I do not propose to say anything more, but I cannot allow this matter to pass without rendering my testimony to my hon. friend's laudable, patriotic and persistent efforts to accomplish a great and good work in making the character and resources of this vast country known.

THE SPEAKER—I had promised my hon. friend to make some remarks on this report before putting the question. The hour is too late and I shall defer doing so. I can only say, as others have said before me, that I consider this report one of the most valuable additions to the information we have concerning the North-West that has ever been laid beford the public. I consider also that it settles some very grave questions in respect to the value of that great country, much as we appreciated it before, and I can say further that we all must congratulate the hon. gentleman that upon the recovery of his health, which we are so much gratified to learn and to see, that he has with characteristic energy and patriotism devoted the first fruits of that recovery to the service of the country which he has so long and ably represented, and which I hope he may long continue to serve—the great North-West, where he has lived the greater part of his life. I believe I speak the language of the whole House and, in anticipation, the opinions of the country, when I say that the obligations we are under to the hon. gentleman are incalculable. (Applause.)

The motion was agreed to.

SECOND READING.

Bill (113) "An Act to amend the Dominion Lands Act." (Mr. Smith.)

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Monday, June 20th, 1887.

THE SPEAKER took the chair at 3 p. m.

Prayers and routine proceedings.

THIRD READING.

Bill (133) "An Act respecting the Manitoba South Western Colonization Railway Company" was reported from the Committee on Standing Orders and

Private Bills and read the third time and passed without debate.

PONTIAC AND PACIFIC RAILWAY COMPANY.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors reported Bill (102) "An Act to amend the Act incorporating the Pontiac and Pacific Railway Company with amendments."

He said: The last amendment is purely a verbal one although it makes the effect of the clause obligatory rather han optional with the Company. The first amendment arises from the fact that this is an amending Act of the Pontiac and Pacific Junction Railway Company, and in one of the clauses it states that the mortgage deed shall be according to the terms assented to by the shareholders; but on referring to the Act there is no provision whatever for any such assent, consequently these bonds could have been issued by the directors but it was thought better that the assent, instead of being put in the terms used in that clause which amounted really to nothing, because there was no assent in the previous Act and the words were simply superflous and nugatory—instead of that it should point out that the bonds should be issued on a resolution passed by two-thirds of the shareholders. The other amendment was with reference to the mortgage to be given for the security of those bonds, and by a singular lapse there was no provision whatever in the original Act or in the amending Act for a mortgage securing those bonds. It was found necessary to ask for power to issue mortgage bonds, and there was a provision to register them in the county, but it was thought by the Committee necessary that notice should be given to the public that the mortgage should be filed with the Secretary of State and notice thereof given to the public. The Bill as it stood was entirely nugatory and the second amendment is only following the usual course, that the mortgage for notice to the public should be filed with the Secretary of State and notice thereof published in the *Official Gazette.*

HON. MR. ABBOTT moved that the amendments be concurred in.

The motion was agreed to.

HON. MR. ABBOTT moved the third reading of the Bill.

HON. MR. POWER—While these amendments are under consideration I think it well to direct the attention of the leader of the Government and the attention of the House to one fact in connection with this Bill—that this company, as is generally known, is a local company incorporated for the purpose of building a local railway situated in the counties of Ottawa and Pontiac in the Province of Quebec and crossing the Ottawa River at some point to the northward of the city, and connecting with the Canadian Pacific Railway either at Pembroke or some place between Ottawa and Pembroke. That was what the company was originally chartered for, and that is what they have been doing. They have built altogether some forty or fifty miles of railway on the Quebec side of the Ottawa River, and in this bill they have fixed the place for crossing at Allumette Island and propose to go on and carry the road to Pembroke. That is perfectly reasonable and proper. They also ask for power to build a northern branch in the County of Pontiac. They ask also for power to enable them to dispose of their bonds, and to take over the section of the Pacific Railway line between Hull and Aylmer. These are all things that come reasonably within the purview of the original charter, and the charter as it existed before the introduction of this Bill; but in addition to this they ask by this Bill power to go to Sault Ste. Marie. I do not see what a local company like that wants to go to Sault Ste. Marie for, and I think as there are two strong companies who have already charters to go there, and one of them has its road nearly finished, and the other, I understand, is about beginning to construct, there is no necessity for this third charter being given to a comparatively weak company to go

to the same point. I think the practice of chartering several companies to go over the same ground is very undesirable. North of Lake Huron there is but a comparatively small space over which railways can pass; in fact, I understand that the space there is so narrow that the Canadian Pacific Railway and the Grand Trunk Railway have great difficulty in finding room for two tracks between the mountains and the lake. To charter a third company to go over that same ground is not a judicious or a proper thing. There is not the slightest probability that the third company will ever undertake to build this road. On the face of it one would suppose the object of getting this charter to extend to Sault Ste. Marie would be to make a little money out of it by selling it to one of the other companies. Since we have undertaken to amend this Bill in some particulars, it would be well to amend it further by striking out the provision authorizing the company to extend to Sault Ste. Marie.

HON. MR. ABBOTT—I may mention that I have taken charge of this Bill because it is in the division I represent, and from that fact the hon. gentleman may infer that the Government see no objection to the powers claimed by this railway company. Of course every company is in one sense a local company until it extends its line and makes it large enough to be considered as having a Dominion interest. This company has got pretty near the boundary of the two provinces, and they desire to carry their road further into the Province of Ontario than they originally intended and of course the House can see no objection to that. As to more than two lines being extended to Sault Ste Marie, it is a point something like Niagara River. It is a point that all railways seeking that connection with the United States must reach and the ordinary rule on which the House acts, that they will not charter a company that seeks to go through the same territory as another does not apply here, because it is not for competition for business on the line north of Lake Huron that the Company asks its charter but for competition for business in the United States. I do not see any objection to this inasmuch as the Grand Trunk Railway and the Canadian Pacific Railway have made no objection, as far as I have ascertained, to this charter.

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

CONTINGENT ACCOUNTS COMMITTEE.

FOURTH REPORT.

HON. MR. HOWLAN moved the adoption of the fourth report of the Select Committee on the contingent accounts of the Senate. He said the report recommended a bonus of $100 to Mr. Pierre Rattey, doorkeeper of the Senate, and also a similar bonus to Mr. Thomas Wheeler. At a previous meeting of the Committee there had been several applications before them for increase of salaries, at which meeting it was decided that no further increases should be made this year. At a subsequent meeting of the Committee, much against his will, the two votes recommended in this report were moved and carried. He had then stated to the Committee that he did not think it was fair to the other applicants who had been told at the previous meeting that no increase would be given this year. The report was now in the hands of the House to be dealt with.

HON. MR. BELLEROSE asked if other increases had not been made during the session?

HON. MR. HOWLAN—The only increase made this session was in the salary of the Law Clerk, but there had been applications from the Accountant and some of the messengers and a couple of clerks who were told that no further increase could be afforded this session. A certain amount was appropriated for the use of the Senate and he could not see any reason why that amount should be exceeded, nor could he see why they should say at one meeting that no further increase in salaries would be made this session, and then at a subsequent meeting vote increases to other applicants.

HON. MR. McINNES—What was the vote on the question?

HON. MR. MILLER—There is no record kept of votes in the Committee. What motion does the hon. gentleman from Prince Edward Island make to the House in respect to the report?

HON. MR. HOWLAN—I make none. It is in the hands of the House.

HON. MR. DICKEY said:—As this was a question not of increasing salaries but of granting a bonus, it would be better to postpone the consideration of it for this session, as it would be most unfair to other parties who had applied for an increase of salary and had been told that their applications could not be considered this year. As to the person who was acting as doorkeeper, there was no necessity for an increase in his case at all; it was merely because the bonus to Mr. Rattey was granted that the bonus to Wheeler was proposed. The House should be very carful about opening the door to bonuses and especially in this case where there was an actual preference given to these particular officers over others. He was a member of the Committee but was not present when the motion was made or he would certainly have opposed it. He did not know how it happened but a message was sent for him and he was taken out of the Committee, and on his return he found it was too late to vote on this bonus. At all events his voice could not be stifled in the House, and he had no hesitation in saying that this was a report which ought not to be adopted. He would therefore move that the consideration of the report be postponed until next session.

HON. MR. MILLER said he was also a member of the Contingent Committee, but was not present when the first item was brought up for discussion. When he arrived at the Committee Room he ascertained that this vote was passed, and he then informed the Committee that had he been present he should have opposed it. He understood that at the same time an application had been made for a similar bonus for Wheeler, but the application was thrown out by the Committee. He considered that if Rattey was entitled to a bonus Wheeler was much more entitled to it, and he asked the Committee to reconsider the application. They did so, and placed Wheeler's name with Rattey's in the report. He had since ascertained that there was no direct application from Wheeler for this bonus. Of course had he known that he would not have insisted on the money being voted to him. On several grounds he was opposed to the report, and would support the motion of his hon. friend from Amherst. The Contingent Committee had no power to grant the bonus on its own authority, and such a vote required the sanction of the other House before it could be paid. The Committee had exceeded its powers, as this bonus was not necessarily a portion of the contingent accounts over which the House had control. The Supplementary Estimates had all been presented to the House of Commons, and there were to be no further Supplementary Estimates to be brought down this session, even if there were in this case he presumed the Government had very good reasons for refusing to ask the House to sanction it. He (Mr. Miller) was not a party man, but he did not believe in indecency of conduct and insubordination on the part of humble employees of the Government in political elections. He would concede the right of civil servants going to the poll and voting as they pleased, but he objected to an official of this House taking an offensive part in an election campaign against the Government, as he was informed had been the case with Mr. Rattey. If he were a member of the Opposition he would take the same ground exactly as he took to-day, and if Mr. Blake or Mr. Mackenzie were in power he would assert the same principle that he did now that petty officers in the service of the Government should not be permitted to act with a degree of insubordination and indecency that set a bad example to the whole service. With regard to the vote, why should Rattey get a bonus? What are his duties? He is the doorkeeper of the House and is required to attend here during the sittings of the House only. During the

recess he is his own master. For his services he is paid $800, nearly the indemnity of a Senator. Will anbody tell me that the House could not obtain for half the money an individual who would attend to his duties? I say we could, and to give such an individual, a servant of the House who is now overpaid, in my opinion, a bonus under circumstances like these is an act of which I do not think this House will be guilty. With regard to Wheeler, he is one of the most worthy servants of the House. What are his duties? He is here from early morning until late at night, and he is occupied all the year round. He is required to sort and file these newspapers and magazines, a work requiring a good deal of intelligence and care, and these duties he has to perform the entire year. He receives for this $800. Whereas Rattey gets $800, the other should receive $1,600, in proportion to the work done, and I think in other respects Wheeler will not lose anything in comparison with Rattey. I think the House will be doing wrong in establishing a precedent of this kind, granting bonuses to these subordinate officers of the House in this way; but if these bonuses are to be granted to Rattey and Wheeler, why should they not be granted to the other messengers as well? Has Rattey any peculiar claim that he should be singled out, or is it desirable to repay him for his work during the last recess by giving him a bonus? I speak strongly because I feel strongly on this subject and I repeat, not as a partizan, but as an independent member of this House, I am desirous that the conduct of subordinate officers should be consistent with decency and not certainly so gross a violation of that subordination which these officers should be required to observe towards their superiors. I would give to every civil servant from the highest to the lowest the freest right to his franchise, but I am not prepared to encourage indecent and offensive conduct on the part of inferior officers towards their superiors.

HON. MR. READ—As a member of the Committee, I took exception—very strong exception—to those bonuses, and I spoke as strongly as I knew how in the Committee. After it was carried I said, "if Rattey gets this increase I am sure Wheeler should," and I did propose that Wheeler should get an increase of $100. It seems to me if I had proposed half a dozen more the increases would have been granted, judging from the spirit of the Committee. I had no instructions from anyone to make that proposition, I merely did it knowing that Wheeler's services were required all the year round. while the services of the other were only required during the session of Parliament, I know that Wheeler does a great deal of work for his money, and the other does very little: if one gets a bonus I see no reason why the other should not get it also. In that spirit I made the motion and it was carried; but I disapproved of both, and if it comes to a vote I shall oppose both, and for this reason — there have been numerous other applications before the Committee for increases and all have not been considered, but have been laid over because it was thought that it was not time to increase the pay of the messengers. Then I considered that Rattey was well paid—doubly and trebly paid, —and knowing that I voted and spoke against the increase. I am still of that opinion, and though I moved to have the salary of the other men increased, I am prepared to vote against the whole report.

HON. MR. POWER—I, like the two hon. gentlemen who have moved against this report, had not the pleasure of being present at the Committee where it was adopted, but unlike those gentlemen I do not feel that the report deserves to be treated as the hon. gentlemen propose to treat it. The sudden accession of virtue on the part of my hon. friend from Nova Scotia is very remarkable, and a striking case of straining at a gnat after swallowing a camel. Large increases have been made in former years and this year to which the hon. gentleman took no exception. It is probably an open secret that an hon. gentleman who thinks that giving $100 to a deserving officer is unjustifiable extravagance was prepared to—in fact both of them were prepared to increase the salary of another official of the House who was already well paid by $600.

HON. MR. DICKEY—Name!

HON. MR. POWER—If the hon. gentleman desires to have the names I am prepared to give them.

HON. MR. DICKEY—Name any gentleman whose salary I proposed to increase by $600.

HON. MR. POWER—The seal of secrecy which is supposed to cover the proceedings of a committee is now removed; both the hon. members from Amherst and Richmond proposed to add $600 to the salary of the Law Clerk.

HON. MR. DICKEY—I most emphatically say no. We proposed to increase the salary by $300.

HON. MR. POWER—Excuse me, the salary was $2,200 and either the hon. member from Amherst or some other member of the Committee moved that it be made $2,800; then an amendment was moved by somebody else and it was made $2,500.

HON. MR. MILLER—My hon. friend is wrong in this: when the question of salary of our Law Clerk came before the Committee, there were several propositions, one of which was to increase it by $200. I argued in the direction of increasing the salary to that of the old officer, $2,800. I thought Mr. Creighton, the present officer, was as well entitled to it as the former law clerk, but when the suggestion was made by the Leader of the House that the sum be fixed at $2,500 I acquiesced in it.

HON. MR. POWER—One or the other of these hon. gentlemen moved that it be made $2,800. That was not the only case; that was one out of a number.

HON. MR. MILLER—Was there any other?

HON. MR. POWER—Yes there were others.

HON. MR. MILLER—I do not think there were.

HON. MR. POWER—There have been several others within the last two or three years. The ground taken by these hon. gentlemen now is that Mr. Rattey is sufficiently paid. I think that our officers on the whole are about as well paid for the work they do as any *employés* in the public service. It was also said that we could get a man to discharge the duties of a door-keeper for half the money that is paid to Rattey. I suppose there is not an officer in this House whom we could not find a substitute for half his present salary. Whether he would be as good a man is another question, but we have to consider here length of service and other circumstances. As I understand it the door-keeper has been in the service of this House for over 20 years and has had no increase for a very long time, while officers subordinate to him have had their salaries increased. The messenger who has charge of the wardrobe receives $750; and I do not think it is unreasonable that the door-keeper who is his superior officer, should receive $100 or $150 more.

HON. MR. KAULBACH—He has more to do.

HON. MR. POWER—If it comes to that, I presume that the junior messenger has more to do than the Clerk of the Senate but the junior messenger gets only $2 a day while the Clerk gets only over $3,000 a year. We do not measure the salaries here or anywhere else by the amount of work done. I have no special interest in this matter, but it has not been customary to attack the reports of the Committee on Contingencies, and I do not think that any good reason has been shown for it in this case. It is true the hon. member from Richmond, who said he spoke without any party feeling whatever, referred to the indecency of the conduct of the doorkeeper in connection with the recent elections I made some inquiry upon that subject, and have had information upon pretty good authority that our doorkeeper did not take any active or prominent part in the recent elections at all. It is true his son, who was formerly employed in the Library, did take an active part in the election, and for that part has been dis-

missed. I think it is hardly fair that the father should be held further responsible for the offence of his son. We are told that the sins of the parent are visited on the children, but I do not think we should reverse the doctrine and visit the sins of the children on the father. That is going a little too far. I notice that the Chairman and other members of the Committee from whom I expected better things use as an argument against the granting an increase to Wheeler, that he had not asked for it. Now, if there is anything more to be condemned than another it is servants of this body being allowed to ask for increase of salary. If an employé deserves an increase of salary then the employers give it to him without being asked, and Wheeler is to my mind one of the most deserving men we have in our employ, and if he has not asked for an increase I think that is an additional reason why he should get it. The Committee on Contingencies, I think it was in 1884, adopted a resolution condemning in the strongest way officers of the House asking for increase of pay. Wheeler holds the position which was formerly occupied by a man named Jones and gets the same salary, but there were perquisites attached to the office before which brought it up considerably. I understand that the perquisites amounted to about $300. The perquisites have been done away with, and the salary remains as it was before, so that the position of Wheeler is worth some $300 less than it was a few years ago. I think Wheeler is entitled to the increase of $100. No one is more deserving of it, and inasmuch as our ordinary messengers get $700, it is not too much to ask that the salary of the doorkeeper and Wheeler be increased to $900 each.

HON. MR. SCOTT—I was not present at the meeting of the Committee, but I think if I had been I should not have opposed the increase which has been objected to. When a committee has come to a conclusion on such a subject it has not been the practice to object to it, and I think we are losing a good deal of time over a proposal to increase the salaries of two old servants of the Senate. I quite agree with the hon member from Halifax that we have not a more deserving employé than Wheeler, and that the fact of his not having asked for an increase makes his claim for it all the stronger. He certainly is doing the work of a clerk who, in the past, received a much larger salary. He is employed here the whole year, is responsible for the papers in the room, and has to be in attendance here during the session, not only the whole day, but to a late hour in the evening. It is a small matter and I do not think the House should hesitate to adopt the report.

HON. MR. MILLER—I do not think the case of the Law Clerk affords room for any comparison with these cases now under consideration. Mr. Creighton is one of the highest officers of the Senate; and there is no analogy between his case and that of two very subordinate officers. The general impression of the Committee was that Mr. Creighton's salary should be increased and that he should be put on the same footing as Mr. Montizambert, his predecessor. These servants of the House, whose cases are now under consideration, are at the very top of the ladder with regard to their salaries—they are receiving more than their predecessors were paid. I think the predecessor of the doorkeeper had only $600, and I think when Mr. Jones came in the salary of the news-room keeper was $600. As the chairman of the Committee very properly remarked, at the second meeting of the Committee it was understood that no applications from the subordinate servants of the House should be entertained this session. The meeting at which this report, which is now under consideration, was adopted was a comparatively small one, and this thing was rushed through very hurriedly. I do not think it would be fair to the other subordinate officers and messengers of the same class as Rattey that this bonus should be given to him without considering their cases. On that ground alone I would oppose this report.

HON. MR. ODELL — The senior member from Halifax has attempted to draw a parallel between the case of the law clerk and the application made by the door-keeper for an increase of salary.

There is no similarity at all between them. When Mr. Creighton was first appointed he was a young and untried man. His salary was reduced very far below what his predecessor's had been. It was supposed that he could continue his private practice and in that way could add sufficient to his salary to place him in a position of competence and enable him to maintain his family. There was a tacit understanding that his salary should be increased. He has been found highly competent to discharge the duties of his office, as any member who has had to confer with him on legal points and drawing bills knows perfectly well. In addition to that, his duties have been wonderfully increased and he performs now a variety of duties to which his predecessor was not required to attend.

HON. MR. POWER—Nobody denies that. I simply used his case by way of comparison.

HON. MR. ODELL—The Law Clerk holds a very responsible position, and he has filled it with great credit to himself and satisfaction to every member of this House.

HON. MR. POWER—There is no difference of opinion as to that.

HON. MR. ODELL—I merely rose to make these few remarks because I do not think it should go abroad that the position of our Law Clerk should be placed parallel to that of the door-keeper.

HON. MR. BELLEROSE—It seems that the great point with some hon. members is whether a man is rich and educated or whether he is poor—if he is rich he must receive more money, if he is poor he should remain all his life poor. I have always considered it my duty to advocate the cause of the poor man. I have been some 33 or 34 sessions in Parliament, and my principle has always been to pay *employés* according to their merits. I am in favor of economy, and during the seven or eight years that I was Chairman of the Contingent Accounts Committee at Quebec, I effected an economy of $120,000 in four years; but I have never refused to vote an increase of salary to a deserving official because a man happened not to belong to my nationality, or because he held an humble position. Why is it that whenever a French-Canadian's case comes up before us we must consider the pay of some Englishman, before an increase is granted, and then allow both an increase? When the case of Mr. Gibbs was before us last year we all voted to increase his salary, and we did so with pleasure because he was a good and efficient officer and the son of a deserving father, but when I look at the Journals I find that he was given besides the money a new title, so that two or three years hence he will be in a position to ask again for an increase of salary. That is the way things are conducted when we have to deal with our friends of other origins. We understand it, and if we keep silent it is not because our eyes are shut. But we feel ashamed to offer such opposition. Only a few days ago I told the Chairman of the Committee that I would have voted with the minority against an officer of my own nationality, and I will explain the circumstances. Men are generally appointed because of their nationality—that is, if a French-Canadian dies or resigns he is succeeded by a French-Canadian, and an Irishman by an Irishman, but promotion goes by seniority. I challenge any gentleman in this House to deny that. The other day when a question of promotion came up, the oldest messenger happened to be a French-Canadian, but I told my friends on the Committee that we should not force his promotion, because we would have too large a number of French-Canadians on the list. That is liberality, and shows that though we are a minority we ask for nothing more than equal justice. To-day there is another question before us. A French officer is recommended for an increase and we are told now that we cannot be increasing the salaries. That we have no such power. Are not the Government increasing salaries every day? Look at the estimates and you find that old officials are having their salaries increased. And this House has been also increasing salaries every year since I have had a seat in the Senate. Why then should we not increase the salary of Mr. Rattey who has been 29

years in the public service? We are told here to forget that we are descended from different races and to remember only that we are Canadians. That is what I have been aiming at, but do you think that we can ever become a united people in this country if there is discrimination against any particular race? Is it possible that we can be made to forget that we are descended from the first settlers in this country, who have made Canada what it is? I wish to be a Canadian: it was for that reason that I voted for Confederation, but there is only one way to bring about a union which will be more than a union on the Statute book, and that is by doing justice to every man irrespective of his origin. It has been stated here to-day that Rattey has been meddling in politics. I deny it, and I am surprised that such a charge should be made against him. I know that his son actively opposed the Government of the day in the late elections, but the father should not be held answerable for the conduct of the son.

HON. MR. MILLER—I was informed, on what I think is good authority, that our door keeper made himself offensive during the late election in the manner I have stated. If the statement is incorrect it would be a very easy matter to settle it, if my hon. friend will consent to have it referred back to the Committee for investigation. Unless I am very wrongly informed, evidence could be submitted which would be very conclusive on that point.

HON. MR. BELLEROSE—In a matter of this importance a man ought not to be charged with wrong doing unless the evidence can be brought forward to sustain the accusation. I have no objection to an inquiry, and I have never made a charge against anybody that I have not been ready to submit to an investigation. If on another matter I have made charges which have not yet been proved, my action has at all events led to an inquiry. The hon. member from Amherst knows that last session he made a promise in the name of the Government that an investigation would be held on charges made by me from my place in this House, and if it has not taken place the fault is not mine. The case of the Law Clerk has been referred to in this debate: no doubt Mr. Creighton is a very intelligent and capable official, and I would remind the House that we all voted to increase his salary. The fact shows that there is no basis for the statement that there was no intention to increase salaries of any of the employes of the Senate this year. If necessary, I could go over the journals of the House for the last fourteen years and show that every year the Senate has voted money to increase the salaries of different employes of the House on recommendation of the Committee on Contingencies. They have no less power to-day than they had last session or two sessions ago, therefore why use that argument? He was against those increases in salary, and had always been, but he was not unjust. If they give to Peter an increase in salary for certain reasons, and John asks for an increase for the same reasons he has a right to get it as well as Peter. During the present session the House had voted an increase of salary to the Warden of the Penitentiary in Ontario, who had been a public officer for 16 or 18 years, though he was a wealthy man; but here was a poor man who had been in the public service 29 years, and when it was recommended to give him a bonus of $100 it was objected to. Then as to the question of politics, it would seem that hon. gentlemen were prepared to adopt the principles of the neighboring Republic, that to the victors belong the spoils—that because Mr. Rattey meddled in the Commons elections he should be kicked out, or if he is not kicked out he is not to receive the same consideration as other public officers. Mr. Rattey had been an efficient and attentive officer; there was no reason why he should not be voted this increase and it only showed that intrigue had been at work, and that members had been approached and even urged not to vote for this report.

HON. MR. DICKEY—What! Bribed!

HON. MR. BELLEROSE—No, but it showed that the case must be bad when intrigue had to be used to influence members not to vote according to their conscience or to leave the room.

The principle had been laid down by the late leader of the House, Sir Alexander Campbell, that unless extraordinary circumstances should be shown, and that a committee were doing an injustice, the House should show confidence in their Committee by accepting their report, and that principle should be carried out with respect to this report.

HON. MR. ALLAN thought the Committee had placed the House in rather an awkward position. They had brought in a report on which the Committee seemed to be very much divided themselves and the Chairman of the Committee had simply declared the report to be in the hands of the House without making any motion in respect to it. He strongly protested against raising questions of nationality or creed in relation to matters of this kind.

HON. MR. BELLEROSE—I do not raise them; I defend them on all occasions. Let equal justice be done and they will never be raised.

HON. MR. ALLAN did not know what the hon. gentleman meant when he insinuated that there had been intrigue about this matter. He would say for himself he did not know what the report was until it was presented to the House. As it was not a full committee, and the members seemed to be very much divided in opinion, it would be better to refer the report back to the committee—especially as very grave charges had been made in reference to one of the officers of the House concerned in this report, and he should be given an opportunity to make an explanation before the Committee.

HON. MR. SMITH said he had entered the Committee Room about the time the vote was being taken on this bonus, and on asking the question as to what was going on, he learned from the Chairman that this money was being voted, though it was understood on a previous occasion that no further increases should be recommended by the Committee during the present session. As a large number of the Committee were not present, he thought it was unreasonable to take advantage of their absence and vote bonuses to some of the officers while others would be deprived of the opportunity of applying. On this ground he had voted against the appropriation, not because Rattey was a Frenchman, but because he thought it was unjust to spring the matter on the Committee. He was not opposed to any man because of his creed or nationality, and it would be found, if it was enquired into, that the Frenchmen were as well taken care of in relation to appointments and salaries in these buildings as any other class in the community.

HON. MR. MACCALLUM said it was no question of creed or nationality that influenced him in this matter. He believed that all should be spoken of as Canadians. The question with him was, is this man paid sufficient for the duties he discharges? It appeared to him that $800 a year was quite sufficient for opening and closing the door of the Senate for three months in the year, and the question with him was to be just before being generous with the people's money. They could get plenty of men in the country who would perform the duty equally as well for half the money. The Government of this country should pay every man in their employ proper remuneration for the duties he discharges, and he considered that they were doing so in this case and for that reason he would vote against this appropriation.

HON. MR. MCCLELAN said it was very interesting to hear such expressions in favor of economy in the payment of salaries, and he trusted it was the inauguration of a new era in that respect. With reference to any intrigue with members of the Committee he knew nothing of it. The motion in the Committee was to increase the salary of the doorkeeper by $100 a year, and the expression around the table seemed not to favor that resolution; but after talking the matter over it was considered, it being Jubilee year that a bonus of $100 would not be objectionable, and the resolution was modified in that way. Subsequently another motion to appropriate a bonus in favor of Wheeler was passed and those two items were embrac-

ed in the report as presented to the Senate. He believed that, as the recommendation of the Committee had generally been accepted by the House, this report should not be objected to.

HON. MR. GIRARD regretted to see any race feeling aroused in this House. For his part he had always received the greatest courtesy from the English speaking members, and he trusted that nothing would be introduced to interfere with the harmony which had existed up to the present time. He was opposed to being canvassed to vote in support of increase of salaries but he thought a bonus of $100 could be paid in this case without any great injustice to the public. The question had been raised, however, that there was no money which could be appropriated for this purpose, and they had no authority to vote money in this way. While he was well disposed to vote an increase to the door-keeper it would be contrary to his duty to support this report under such circumstances, as it would be beyond the authority of the House.

HON. MR. GOWAN could not vote for the adoption of the report because it was beyond their authority to vote this bonus and because the Committee was not fully represented on the report. With every inclination to give a bonus to every officer in the House who could show that he deserved it, he would have to vote against the report on the ground suggested by his hon. friend from Toronto.

HON. MR. McINNES said that as a member of the Committee he was present at the meeting at which the bonus was recommended to be granted to the door-keeper and had seconded the motion of the hon. gentleman from Trent to that effect. His reason for supporting the motion was that the door-keeper was an old employé some 30 years in the service of the Government; that he was a most attentive and efficient officer, and not only that but had to appear on duty in full dress which other civil servants were not required to do, and hon. gentlemen must be aware that it was more expensive to wear a full dress than ordinary Canadian tweed. Those were the principal reasons advanced by the hon. gentleman from Trent division in support of his motion. I concurred in his views and seconded his motion. I must confess that had I been present I would have supported the increase to Wheeler just as strongly, and probably more strongly than that to Rattey, because he is equally efficient. It has been charged here that Rattey took part in the late election, and that is advanced as a sufficient reason why he should not get any bonus or increase of salary; it has also been stated that the door-keeper's son, who was employed in the library, took part in the election, and the hon. gentleman from Richmond says that an official of the Government should not put himself in opposition to the powers that be.

HON. MR. MILLER—I did not say anything of the kind. I thought I had made myself understood to every member of the House but the hon. gentleman himself. I said distinctly that while I would not deny to employees of the House the right to the free exercise of the franchise, I would not permit them to make themselves obnoxious and offensive to the Government of the day.

HON. MR. McINNES—That is what I endeavored to convey, though I did not do so in the nice silvery manner in which the hon. gentleman clothed his idea; but the impression was made on me, and I think on the House, that the hon. gentleman contended that no officer or person employed by the Government had a right to interfere in politics so as to make himself offensive, and we know the only way in which he could make himself offensive to the Government would be by opposing their candidates. The hon. member from Richmond stated that if the reports were referred back to the Committee to be investigated it could be proved that the doorkeeper had made himself offensive and obnoxious in politics. Does the hon. member mean to say that Mr. Rattey is the only official in the public service of Canada who took an active part in the late general elections? If the hon. gentleman will make enquiry he will find that every single Tory in the employ of

the Government was actively and efficiently engaged in the interest of his party in the late elections, and probably at the instigation of the highest authorities, too — at the instigation of their superior officers and heads of Departments. I know it was the case in my own province. I believe that Government officials should be absolutely neutral in elections, and that they ought to be disfranchised—that when a man accepts a position under the Government he should cease to exercise the franchise or take any part whatever in elections, and until some such regulation as that is established and enforced I believe we will have Government officials interfering in elections according to their political proclivities. It would be absurd to think otherwise. How were offensive Tory officials punished? By in many instances having their salaries largely increased. There appears to be one law for the Tory and another for the Grit. I am rather surprised that this report is opposed; it is the first time that I have known such a recommendation of the Committee to be opposed or attempted to be rejected in this House. The hon. member from Halifax (Mr. Power) has shown that large increases have been made to other employés, and amongst them the Law Clerk. I could not but admire the eloquence and ability with which the hon. members from Richmond and Amherst advocated the cause of that gentleman in the meeting of the Committee on Contingencies. They were anxious that he should have the full salary that his predecessor had received. Mr. Creighton was appointed four years ago at a salary of $2,000; that was increased by $200 two years ago, and the senior member from Halifax moved in the Committee this year that it should be increased by $200 more, making his yearly salary $2,400. I moved that it be increased by $300 and suggested that the hon. members from Richmond and Amherst withdraw their proposition which was to increase the salary by $600, but it was not until the leader of the Government stated that he was not in favor of such a large increase that they ceased their advocacy of the larger amount. Now I claim that those hon. gentlemen in order to be consistent in this matter must support the adoption of the report of the Committee. The Law Clerk, it is true, is an exceedingly able, efficient and courteous official but, as has been said with respect to the doorkeeper, you could get a man to discharge his duties, I admit only after a fashion—for probably one-half the sum he receives. The profession of law is overcrowded today throughout the Dominion, and I have no doubt that you could get any number of lawyers who would be willing to take the position of Law Clerk of the Senate for one-half or nearly one-half what we pay Mr. Creighton.

HON. MR. GOWAN—Such a man would not be worth his salt.

HON. MR. McINNES—Most lawyers are not worth their weight in salt. Very few lawyers in the country are millionaires, and I know a great many of them who are actuated by honest motives and moral principles who would gladly go to work in our service here for twelve or fifteen hundred dollars a year, and would prefer it to sponging their way through the world as many of them unfortunately do.

HON. MR. GOWAN—That is not the case in Ontario.

HON. MR. McINNES—My experience is that even Ontario is no exception.

HON. MR. McCALLUM—Is that the case with the doctors?

HON. MR. McINNES—The doctor's are not all saints, but they are immeasurably better than the lawyers. I did not support Mr. Rattey's claim on account of his origin, religion or politics. I am not influenced in such matters by a man's nationality, religion or political convictions: I support a man just as I find him worthy of my support and confidence irrespective of his position in society, I see no good grounds for opposing the adoption of this report. We are at the tail end of the session and in a few hours we will all be rejoicing as we have just cause to rejoice, in the great jubilee. We are within a few hours of an event we have all been looking forward to with feelings of just pride and pleasure—an

event that has occurred only four times in the history of our great and glorious country. I therefore think on this occasion we should open our naturally obdurate hearts and act justly if not generously by adopting the report.

HON. MR. ARMAND (In French)—I do not understand what motives prompt the hon. gentlemen from Richmond and Amherst to oppose so vigorously this slight increase to an old official like Mr. Rattey. He has been 30 years in the employ of the Senate and, as the hon. member from New Westminster has stated, he has to incur an expense which Mr. Wheeler is not subjected to in providing himself with full dress clothing. He is very attentive to his duties and has always performed them faithfully and cheerfully, and in my opinion is fairly entitled to the increase recommended by the Committee.

HON. MR. CLEMOW—It occurs to me, from the discussion that has arisen on this question, that it has not received the attention in Committee that it deserves. I do not think the members of Committee sufficiently considered the effect which the adoption of this report would have on the employes of the Senate, and the civil service generally. I could understand, if a general system of bonusing the public service had been agreed upon, that it should be granted irrespective of any other consideration, but I cannot see why they should single out two men for this mark of their favor. If this is a bonus, certainly there are others who are just as well entitled to it. A great deal of irrelevant matter has been imported into the discussion. It seems to me that this is not a question of nationality, but whether on this occasion a general bonus should be given all round. The political position of Mr. Rattey has been introduced into this discussion. Being here on the spot, I can say this—that Mr. Rattey is a violent partizan. I think he has a perfect right to express his opinion on all occasions, if he would do so in a decent and proper manner, but I agree with the hon. member from Richmond that it is rather unseemly to see these men mounting the rostrum, interrupting speakers and disturbing public meetings. However, if the majority of the Senate approve of it I make no complaint; but there is a principle involved in it, and if it is considered necessary to bring this matter to the consideration of the Committee in the future, there are men who can be brought forward to give evidence substantiating the accusation to the satisfaction of every member of this Senate. I do not approve of the report; it is establishing a bad precedent. I always try to mete out equal justice to all, irrespective of other considerations. If you think you are in a position to grant a general bonus to all employés of the Government, I have no objection, providing the Finance Minister and others having control of the finances of the country say that we are authorized to carry out such a proposition. I hope the House will consider the effect which the adoption of this report would have. I believe there was a very small meeting of the Committee when the report was adopted, and I am sure they could not have considered, as carefully as they should have done, the bad effect which such a precedent must have on the management of the affairs of the country in the time to come.

HON. MR. TRUDEL—I regret that a discussion of this character takes place nearly every year in the Senate. If it could prove to the country that this House approves of economy it would be justifiable to spend half the day in discussing the propriety of increasing the salary of a public servant of 29 years standing by $100; but I express the earnest hope that some means could be devised to have these matters of detail decided and discussed in Committee without taking the time of the House which should be devoted to more important business. The rule should be to adopt the report of a Committee unless there was an evident encroachment on the rights of the House or a manifest injustice. Comparisons have been made as to the merits of different officers of the House. There is an old saying that comparisons are odious. It is hardly possible to compare the efficiency of any two men without wounding the feelings of somebody. It would be

more profitable if a general rule were adopted in engaging employés, and that this House should only interfere when that rule was violated. Allusion has been made to the caretaker of the news room. I am sure that he fulfils his duties in a most satisfactory manner, but in his case, as in others, those of us who are not very familiar with the English language find it difficult to converse with him. It seems to me that the ability of an employé to speak the two languages is not sufficiently considered. Those of us who are not familiar with the English language are put to a great deal of trouble and inconvenience owing to the fact that there are so few of our employés who are familiar with the French language. Suppose one-half or two-thirds of the employés of the Senate could not speak the English language, I think the majority in this House would come to the conclusion that they were not properly qualified for their position. I do not wish to be understood as casting any reflection upon those officials of the House who do not speak French; I know that if they are unfamiliar with it, it is owing to circumstances beyond their control. I merely refer to the matter to suggest to the House that being able to speak the two languages should be considered a qualification deserving of some consideration. Now, our doorkeeper may not occupy a very important position, but he requires a certain amount of education, and in this respect is not deficient, and I think there is a good deal in the argument that he has to provide himself with full dress. I add to this the qualification that he is able to speak the two languages with fluency. He is able to receive a stranger at the door of this House with perfect satisfaction to everybody. In the army, as hon. members are aware, where personal merit only should be taken into consideration, there is at the head of each battalion an officer who is called the drum-major, who is selected because of his fine appearance. He wears a more brilliant uniform than any of the officers and is well paid—why? Simply for show, and there is something in it. Now that is something which is required in a door-keeper in this House, and I think in this respect our present door-keeper is pretty well qualified. I think it is an injustice therefore to say that he does not work so much as some other officials. As we all know you can get men to chop wood for $1.50 a day who work harder than officials who are paid $2,000 a year. Another point which has been lost sight of is this that Mr. Rattey has duties to perform outside of the session in connection with the Post Office.

HON. GENTLEMEN—No.

HON. MR. TRUDEL—It seems to me that this House should not reject the report of one of the Standing Committees unless the House is convinced that it is contrary to its rules or that some flagrant injustice has been done. There is no evidence of anything of that kind, and I think the report should be adopted.

HON. MR. HOWLAN—As a member of the Committee I can assure my hon. friend that they are not influenced in their decisions by the creed or nationality of anybody, and I regret that he has brought up or advocated Mr. Rattey's claims on the ground of his nationality.

HON. MR. TRUDEL—I only said that the speaking of the French language should be considered a qualification. I intended to refer to this point and to state that among the lower officials we have a good share, but it was not so in other departments. For instance I happened to refer to the Post Office, and of 28 inspectors I could find only one of French origin.

HON. MR. HOWLAN—With regard to the higher officials of the Senate, my hon. friend will see that those employed on the floor of this House, with the exception of one, are of French extraction. We find no fault with that; but this is not a question to be settled by a man's nationality, and that is not the spirit in which it is dealt with by the Committee. After an experience of 14 years in this House and as a member of that Committee, I can say that they are entirely clear of any imputation of having in any way proscribed any race, and I think my hon. friend when he comes to consider the matter calmly will admit that his

remarks are not applicable to us. What we did complain of was that every officer of this House had conceived the notion, because the report had gone abroad that this was jubilee year, that they were necessarily to have a bonus and a certain document came to me to that effect. I told Mr. Rattey that there was no such intention, so far as I could learn, and I counselled him and others not to put any application in—that whatever chance there might be for an increase on another occasion would be diminished if his application were thrown out this year. If this report is thrown out Mr. Rattey will not be the only sufferer: there will be an Irishman as well as a Frenchman injured, so that it is evident that Mr. Rattey is not singled out because he happened to be a Frenchman. At the meeting at which this report was adopted only about one-half of the thirty-six members of the Committee was present, and the matter was sprung on the Committee. I told the Chairman that it was not fair that a small portion of the Committee should alter the decision of the whole, and while I, as Chairman, was obliged to put the report before the House, I would do so and explain it, but that I would attack the report. That is why I made the explanation, because I thought it was necessary, and I wish the hon. gentleman to understand that there was not the most remote intention of opposing the application of Mr. Rattey because he happened to be a French-Canadian.

The Senate divided on the amendment to postpone the adoption of the report for three months, which was adopted on the following vote :—

CONTENTS:

Hon. Messrs.

Abbott,	Macdonald (B.C.),
Allan,	MacInnes (Burl'ton),
Almon,	Merner,
Carvell,	Miller,
Clemow,	Montgomery,
Dickey,	Odell,
Girard,	Plumb (Speaker),
Gowan,	Read,
Howlan,	Robitaille,
Kaulbach,	Schultz,
McCallum,	Smith, and
McKay,	Vidal.—25.
McKindsey,	

NON-CONTENTS:

Hon. Messrs.

Armand,	McInnes (B.C.),
Baillargeon,	Pâquet,
Bellerose,	Pelletier,
Casgrain,	Poirier,
Chaffers,	Power,
Dever,	Scott,
Guévremont,	Stevens,
Haythorne,	Trudel, and
Leonard,	Wark.—19.
McClelan,	

THE LIBRARY OF PARLIAMENT.

REPORT OF THE COMMITTEE ADOPTED.

HON. MR. ALLAN moved the adoption of the second report of the Joint Committee on the Library of Parliament.

He said :—This Report recommends that the Government be requested to consider favorably the preparation and printing of a complete index to the catalogue of the Library for distribution amongst the members ; the reprinting of the scrap books of the Debates of the years 1867 to 1871, and of the Debates from 1871 to 1875, so as to provide for members a sufficient number of the volumes of those Debates, and lastly the preparation and publication of a complete Index to those volumes, that is to say, a full index of the Debates from 1867 to 1887. I may explain, with regard to the first item, that a catalogue of the Library has now become very necessary if members are to have any book placed within their reach which will give them an opportunity of referring to the books in the Library without great labour. It is a matter which the Librarian has been anxious to bring to the notice of the Government and have prepared. With reference to the scrap books, it may not be known to most hon. members that prior to the establishment of an official report, the only records to which hon. members could refer were the newspaper and other reports of debates in Parliament from 1867 to 1871, which were cut out and pasted in scrap books in the Library. They have now become a good deal worn and defaced, and there is great danger if anything should occur to any of these volumes that there would be a gap in that way to the reports of the debates of Parliament that it would be impossible to fill. It is therefore pro-

posed to have them reprinted with an index. Of course it would be manifest to hon. gentlemen that without an index these volumes would be of very little use. Those are the recommendations which the Committee make, and for which they ask the favorable consideration of the House.

HON. MR. POWER—I do not rise for the purpose of opposing the adoption of the report. I am a member of the Committee; but unfortunately was not present at the meeting where this report was adopted. I may venture, however, to express my individual opinion that the re-printing of those old debates is not worth the money that will be spent on it; but inasmuch as the Committee took a different view, I do not propose to raise any further question about it.

The motion was agreed to.

DEPARTMENT OF CUSTOMS AND INLAND REVENUE BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (41) "An Act respecting the Department of Customs and the Department of Inland Revenue."

In the Committee, on the first clause,

HON. MR. SCOTT said:—The proposition of the Government, in submitting to us this Bill, is based on the supposition that there will be a saving to the country. It is not a multiplication of offices, inasmuch as two departments are consolidated, but the financial effect of it will be to increase the public expenditure. In the place of these Departments of Customs and Inland Revenue we are to have a Minister of Trade and Commerce. The salaries done away with amount to $14,000; the Minister's salary added is $7,000, and we have in addition to that the salaries of two new officials who are to be called controllers, one of Customs and the other of Inland Revenue, who are to hold positions usually taken by Under Secretaries in England, and to have seats in Parliament, and not necessarily having seats in the Cabinet. They are to receive $5,000 each, and consequently the increased expenditure will be at least $3,000. Of course there will necessarily be a staff connected with the Department of Trade and Commerce. I cannot see the object that the Government hope to attain by the new proposition. The Minister of Trade and Commerce now is really the Finance Minister. You cannot dissociate him from the natural position he occupies in connection with the trade and commerce of the country. The trade and commerce depend upon the fiscal policy, which is framed by the Minister of Finance, aided no doubt by the Minister of Customs, who is supposed to have pretty large experience in revenue matters. The Minister of Inland Revenue has his functions necessarily confined to a very limited sphere embracing only certain well known subjects which form the ground work for internal revenue. I think it would have been better to have merged his office in that of the Minister of Customs, and to have left the respective positions of the officials of the Government as they are to-day. It seems to me rather paradoxical that an administration that is seeking to restrict, by various impositions, the trade of this country—whose policy has been rather to diminish than to extend our foreign trade, should be inaugurating an office of this kind. If we go back 10 or 15 years we will find that in proportion to the natural development incidental to a new country like Canada, the bulk of our trade has not increased as it should, not in the ratio that people on the other side of the line, speaking relatively as to their numbers, enjoy compared with ours. I find in the Trade and Navigation Returns that in 1872, 15 years ago, the bulk of our trade that year (and it was a normal year) was $193,000,000. That was the total exports and imports: while last year it was only $189,000,000. The general trade of the country, therefore, has not developed, I am sorry to say, in as large a proportion one would expect in a new country. The volume of trade has fluctuated very greatly during the last 20 years. The highest imports, I find, were in 1882-3, which were what

might be called booming years, and no doubt they had their influence on our whole system as indicating the importations of this country, and consequently the revenue collected on such importations was likely to give us abundance of money in the future. If anyone will look back at figures prior to the introduction of the National Policy and since its adoption, he will be led to the conclusion that under the fiscal policy at present existing in Canada we are not likely to have such a bulk of trade as one would naturally look for in a country like Canada. Our traffic has not been increased in the large proportion hoped for, and therefore the proposition to appoint a Minister of Trade and Commerce seems a rather paradoxical one. Had any change been thought necessary in the offices held by the administration, I would have thought that it would be better to abolish another department and substitute for it an office entirely different. In 1878 or 79, the Public Works Department of this country was divided, and a Department of Railways created. I am not disposed to say but it may have been a wise measure at that time. We were just completing the Intercolonial Railway and commencing the construction of that gigantic work, the Canadian Pacific Railway, and there were many minor works in which the Government were engaged. The Intercolonial Railway and its branches may be considered finished, and the Canadian Pacific Railway is no longer under Government control. It seems to me, therefore, that the office of Minister of Railways might very properly be merged into the office of Minister of Public Works. Outside of the canals, the only works under the control of the Department now are the public buildings of the country. The management of the Intercolonial Railway is a separate Department and cannot any longer be called a ministerial duty. It is now a business enterprise and not one subject to a special policy on the part of the Government. Therefore, it appeared to me that, in making changes in the several Departments, the circumstances of the day rather pointed to a marriage of those two offices, the Public Works and the Railways, into one than the creation of a new office of trade and commerce which really was not needed —because trade and commerce must still depend on the fiscal policy. The fiscal policy is initiated and carried out by the Minister of Finance. The Minister of Finance is essentially the Minister of Trade and Commerce. Trade and commerce must necessarily be subordinate to the fiscal policy of the country which is under the office of finance. It is not to be supposed that the Minister of Trade and Commerce can initiate or carry out anything that would be hostile or antagonistic to the National Policy. He cannot develop trade now with the outside world. We are drawing the lines more closely year after year. We are putting up our tariff at such a rate that it will soon be impossible for outsiders to trade with us, and the hon. gentleman must be under a great delusion if he supposes we are going to create any great national wealth by trading amongst ourselves. Our wealth naturally comes from outside countries where we sell our natural products which are limited almost to the produce of the farm, the forest and the fisheries.

HON. MR. KAULBACH—And the mines.

HON. MR. SCOTT—The mines have never gone above four millions a year and the substantial wealth of our country—the source from which we have to get our money is the natural products I have enumerated. Why is it that Canada has been growing rich and progressing in wealth and population? It is due entirely in my opinion to our large exports and the large amount of foreign money that is being spent in this country. No doubt the money borrowed by the Government from time to time there by swelling up the public debt for the time being is a very great benefit to the Dominion. It is money distributed through the country that has not been gained or earned. The money that private enterprises have borrowed has also been an enormous gain to the country. The building of the Canadian Pacific Railway has boomed the country for the last five years. If hon. gentlemen will just look forward to the time when we will not be borrowing money

and building railways, and when we will not be entirely dependent upon our own natural development, how can a Minister of Trade and Commerce develop any great wealth to this country. Our exports are fortunately beyond the control of Governments. We are not likely by Act of Parliament to put an export duty on any of the natural products of this country, and as that is the source of all our wealth I cannot myself see what the mission of the Minister of Trade and Commerce is to be unless there is in some degree a loosening of the bonds of the National Policy. Unless there is to be a mitigation of the high tariff, and an intimation given to the outside world that we are ready to trade, a Minister of Trade and Commerce will be absolutely unnecessary. In the prosecution of his duties if he were to convince his colleagues that the road to wealth did not lie altogether in taxing so highly imports coming into this country, then, probably, he would do a good thing by initiating a free trade policy. Without desiring to go into this subject to the length one would naturally feel inclined, at this period of the session it is not a very tempting subject for discussion, therefore I shall not continue my observations further than to say if motives of economy prompted the Government in establishing this department their object will not be realized. I have no doubt it will be urged that the Deputy Ministers of the two departments that are to be abolished will be alloted positions in the new department at the full salaries they are under at present. The salary of the Commissioner of Customs and the Commissioner of Inland Revenue will be hereafter $2,800 a year. That will be a falling off of $400, but the Bill provides that "nothing herein contained shall operate to diminish the salary of the present incumbent of either of the said offices," so that in the lifetime of the present incumbents—and it is hoped they may live for many years to come—there will be no reduction of salary. The natural deduction to be drawn from it all is that this Bill is practically to provide for some other gentleman who is not already in the Cabinet.

HON. MR. CLEMOW—I may say that I take a very different view of the importance of this subject from my worthy *confrere*. It is a matter, to my mind, of such practical importance in reference to the legislation of this country that it is well worthy of consideration, particularly of gentlemen occupying the position of Senators. They are, generally speaking, men of large commercial experience and can appreciate the importance of having the trade affairs of the Dominion placed in such a position as will guarantee to them in the future such a supervision of trade as will be conducive to the general welfare and prosperity of the country. As I understand this Bill its object is to create a Department of Trade and Commerce, with a Minister at the head of it who will have a general supervision over the trade, commerce and finances of the country and all subjects connected with the financial and trade relations of the Dominion with foreign countries. Everyone of those subjects has hitherto been within the jurisdiction of the Ministers of Customs, Finance and Inland Revenue. Of course such duties devolving upon gentlemen, who have in addition to carry out the general supervision and administration of the details of their different Departments is incompatible with the faithful discharge of the higher duties involved in this question, and I take it that the creation of a Department of Trade and Commerce will obviate the necessity for this Minister interfering with the minor details of these Departments. If such is the intention of the Bill, and to appoint under secretaries similar to those in England, who will be charged with the administrative duties pertaining to these officers, I think it will have the effect of showing, in a very short time, that the expense attending this additional bureau will be insignificant in comparison with the great benefits that will accrue in its creation to the country. Every man who is connected with trade and commerce knows that frequently foreign countries apply to the Boards of Trade of the Dominion for information upon a variety of subjects and there is no bureau from which reliable statistical information of any kind in relation to trade can be obtained by these Boards. By having an office and an

officer specially devoted to this purpose we will secure a vast amount of valuable statistical information that our merchants will be able to impart to foreigners who may seek to do business with this country. As a rule we know very little about our own country though our trade at present is in the infant state as compared with what it will be in a very few years. Hitherto we have been content to remain under the idea that our lumber interest and fishing interest and agriculture and a few other interests were sufficient for this country; but now that we are increasing so largely in population and wealth, and have shown that we are capable of still greater expansion, we should have a Department specially devoted to these matters of trade and commerce so closely affecting the interests of the Dominion. On the head of this Bureau, whoever he may be, will devolve a great responsibility in collecting and classifying information of importance to the commercial classes, and I am satisfied that in a few years the effect of it will be very noticeable upon the trade and commerce of the country the resources of which are at present comparatively unknown. I cannot see why any person should object to a proposition so manifestly in the interests of our Dominion. When this question was brought up this year in the Governor General's Speech, I for one believed that it was a move in the right direction. I was satisfied that it was a statesmanlike view of the progressive character of this country. We all know that the resources of the Dominion are capable of great expansion and unless we have some means of ascertaining the best means to expand our trade and commerce the process will be slow. It is true that editors of newspapers devoted to commerce write articles upon a great variety of subjects, but these articles are written by individuals instigated by different objects either political or sentimental, who have not the means of obtaining reliable or official information with which the people will be satisfied. A great many questions are agitating the public mind at present, for instance the banking question, the insolvency question and others of cognate character, and there are no means by which these matters can be properly brought to the notice and consideration of the people in order that they may judge of their relative merits or demerits. Therefore it is evidently in the interests of the future of this Dominion that somebody ought to be charged with this special duty. The head of the Bureau of Trade and Commerce will have to ascertain from actual experience and personal interviews and by visiting localities if something cannot be done to increase the trade and manufactures of the country. I believe they can be increased to a very large extent, provided we can find foreign markets for their absorption. This is one of the important matters which the gentleman charged with the administration of this bureau will have to carefully consider. I think the time is opportune now for an effort to expand our trade; the North-West is growing rapidly in wealth and population, and the time will shortly arrive when we will have to look for a market for the surplus products of that country. We hear that dissatisfaction — commercially and otherwise — exists in certain parts of the Dominion. It will be the duty of the Minister of Trade and Commerce to enquire whether there is any real ground for this dissatisfaction, and if there is what is the remedy he would propose. I have no doubt that the remedy will be found and will be applied. Taking this view of the question, as a practical man, I believe that a satisfactory solution of our business and commercial difficulties will be arrived at, by the appointment of a Minister who will devote his time to the study of this question. The head of a Deparment who may be called upon to settle a $10 claim on a disputed question of customs or inland revenue tax has no time to attend to the higher duties involved in the office of trade and commerce. We had recently a long and interesting discussion on the subject of repatriating the French Canadian population who have settled in the Eastern States. I think the best way to secure their repatriation is to show to those people that Canada is and can be made in every way acceptable to them; and they will return without any other inducement than the assurance that in the land of their birth they will prosper

as well as in the neighboring republic. I believe that they can succeed as well in this Dominion as in any other country in the world provided they take advantage and assist on their return in the development of its natural resources, and then these French Canadians once they can be assured that such is the case will be only too glad to return to their own country. I certainly differ very much from my confrere, the leader of the Opposition, on this question. I know he is a man of long experience in law, but as far as commercial affairs are concerned, he is not a practical man. If we take a practical view of this question we must admit that this is a move in the right direction and I think the Government deserves the thanks and will receive the thanks of the country for trying every means in their power to expand the operations of trade and commerce in this Dominion.

HON. MR. POWER—The hon. gentleman who has just sat down, by his discourse, carried me back some considerable distance in our political history. I can hardly believe that instead of this being the year of grace, 1887, it is not the year 1877 or 1878, because the speech which the hon. gentleman has made is just the kind of speech he might have delivered during the election campaign of 1878. There are still in the future all those blessings which we used to hear about then.

HON. MR. ALLAN—And have since been realized.

HON. MR. POWER—Not realized since. The hon. gentleman admits that we are only starting now in this era of prosperity and that it is all in the future. This prosperity which the National Policy was to give us is a sort of mirage—the nearer we come to it the further it moves away from us; we have never got just the right thing yet; there is always some little screw to be adjusted still, and then the machinery will work beautifully, but in the meantime we are paying the piper dearly. The truth is, as the hon. gentleman from Ottawa says, we have been doing our best to abolish trade with the outside world by putting the tariff at such a height as to shut out the manufactures of other countries; and it reminds me a good deal—this talk of having a Minister of Trade and Commerce when our commerce is being destroyed—of the lines of Swift, in which he said:—

"Here is a proof of Irish sense,
Here Irish wit is seen;
When nothing's left that's worth defence
They build a magazine."

We are going to start a Department of Commerce after we have done our very best to destroy commerce with the outside world. I am not speaking without the book, because our official returns show that the shipping of this country has diminished very considerably since the initiation of the National Policy, and that our exports have in many ways fallen off largely; and the volume of our trade, if not seriously diminished, has not increased as the trade of a young and vigorous country like this should increase. The hon. gentleman behind me, from Rideau Division, seems to think that this office was about to be created because the country needs it. There is not the slightest foundation for that allegation. The country does not need it, but the Government need it; and the Government intend to make provision by it for some special friend of theirs, and for that reason this office has been created. If the hon. gentleman who leads the Government would throw a little light on the intention of his collegues with respect to this measure he might possibly secure the support of the opposition. We have, as I stated when the speech of His Excellency was under consideration, in this comparatively poor country of Canada a small population. We have more Ministers in the Government than in any other civilized country in the world; and this proposition is really to add another Minister, because the two controllers of Customs and Inland Revenue will be practically heads of Departments with salaries almost as large as the salaries of regular Ministers; and so we are now about to add another Department to these which are already too numerous. If the great republic to the south of us can manage its immense business with seven Ministers—if the Secretary of the Treasury of the United

States can deal with the tariff and all other financial business in that country, I fail to see why we should require four Ministers to deal with the same subject here. I am rather surprised at my hon. friend who has just spoken, because he is a practical man, contending that it is necessary that we should have a Minister of Commerce to settle those questions about markets—where the markets are to be found, what the tariff should be, and all that kind of thing. Is not that the duty of the Finance Minister? If not, what is the Finance Minister for? It is the duty of the Finance Minister. It is the duty which the Finance Minister discharges in every country, to settle the fiscal policy of the country. The Finance Minister says he wants so much money to carry on the administration of the country, and it is his duty, as it is in every country the duty of the same Minister, to find out how the money is to be supplied. We should not have a Committee of Ways and Means and a Committee of Supply under two different administrations. They must be under the same head; one is co-relative to the other. As far as I can gather from the unpractical and indefinite speech of the hon. gentleman from Rideau Division (Mr. Clemow) the principal reason why this new Minister is required is that Canada is a country capable of great expansion. There has been too much of that sort of tall talk in Canada for the past 20 years. Canada is surely big enough now. It stretches from the United States to the North Pole and from the Atlantic to the Pacific. How much further does the hon. gentleman wish the country to expand? Would he like to take in Siberia or Greenland, or is there any other country that he wishes to take into the Dominion? I think it is to be regretted that we had not devoted our energies to taking care of the country we had some time ago rather than to expanding the country as much as we have done. Surely the mountains of blue books we get ought to contain all the necessary statistics of trade and commerce; and if they do not it is because the members of the Government do not do their duty properly. When so much statistical information is printed we ought to have the right kind of information before us, and there is no necessity for creating another Minister for giving it to us, because the information is already in the departments. A question I was going to ask the leader of the Government is this: We have increased the number of Ministers considerably, but it is a singular fact that while the number of Ministers is increased the number of Ministers in this branch of the Legislature has diminished. After Confederation while there were only twelve Ministers in the Cabinet five of them were in the Senate. That number was afterwards diminished to three and finally it was brought down to two. Now there are to be twelve paid heads of Departments in the House of Commons and we are to have no Departmental Officer in this House at all. I should not look upon this measure with so strong a feeling of hostility if I understood that the new Minister was to be in this House or that in consequence of the appointment of this new Minister we were to have one of the old Ministers in the Senate. I think it is an utterly indefensible thing to deprive the Senate of the Ministers whom it has had and to increase so very much the influence of the Government in the House of Commons. The work proposed to be done by the Minister of Trade and Commerce is work which is done everywhere else by the Minister of Finance, and it has been done here by the Finance Minister; and it occurs to me that the new Minister may be intended to provide for the case of the absence of the Finance Minister. We have a Finance Minister now who acts in the double capacity of Minister of Finance and High Commissioner to London as he did formerly as Minister of Railways and High Commissioner. This gentleman having come out here to save the Government, and having done that work, and having succeeded in putting through this abominable tariff on iron, is going back to England, it is understood, at the close of the session as High Commissioner. It may be that this new Minister of Trade and Commerce is intended simply to do the work which the Finance Minister ought to do while he is absent. Perhaps the Minister who represents the Government here can explain whether

that is the meaning of the new Department or not? I do think the hon. gentleman owes a duty to this House to say whether the Government propose to show a little more respect to the Senate than they have shown during the past few years and whether they propose that there shall be at least one head of a Department in this House. There is one other point about this Bill which one cannot help being struck with. It was assumed in talking about this Bill and about its twin brother the Bill respecting the Minister of Trade and Commerce that this legislation was the result of a long felt want—that the Government felt compelled, driven by the necessities of the country to introduce this measure. If that is so, the Government ought to know where the want is felt and what they do want. The Bill for the creation of the new Department is very vague and this Bill is also vague in its provisions. The clause, the adoption of which the hon. gentleman has moved, says that the two sub Departments shall be "under the control and management of the Minister of Trade and Commerce or the Finance Minister, and the offices of Minister of Customs and of Minister of Inland Revenue shall cease to exist as soon as this Act is brought in force as respects the Department of Customs and the Department of Inland Revenue as the case may be." The Government have not yet made up their mind under which thing it is to be. It shows they have given no thought or reflection to the matter; that they do not know what the duties of the new Minister are to be, and that is merely creating possibly an office for the purpose of finding a place for some particular follower, and certainly for the purpose of creating the patronage which it will place at their disposal.

HON. MR. KAULBACH—I never before heard my hon. friend speak so convincingly in favor of a Government measure. He has told us that if this Department was to be represented in this House he would have no objection to it.

HON. MR. POWER—Not so much objection.

HON. MR. KAULBACH—The hon. gentleman has not attempted to touch the logic or the potency of the speech of the hon. gentleman from Rideau division. I am sure that the manner in which that hon. gentleman presented the case to the House was so forcible, showing the importance of the Bill, that his arguments were irresistible. Trade and Commerce are the basis of the prosperity of Canada. It is from trade and commerce we must expect progress and prosperity, and the Bill before us shows that the Government are still, as they have been at all times, anxious to do their best to promote the development of the country notwithstanding the pessimist views of the hon. gentleman from Halifax and those who think with him, and who endeavor to belittle every branch of trade and commerce, to keep emigration out of the country and to embarrass the extension of trade. Every such effort always comes from the Opposition. Even our trade with the West Indies has degenerated into a schooner business. The hon. gentleman from Halifax and his friends have advocated that the commerce of Canada with the West Indies shall be done by a few fishing schooners when they have nothing else to do. Up to a recent date the merchants of the United States have been the middle men through whom the produce of Canada has been exported to the West Indies, and our trade in that direction has been paralysed largely, I believe, by not having a department to grapple with this subject and collect information that would be of value to our merchants. For want of such a Department I believe we have lost a great deal of trade that we might otherwise have secured, and I don't think there ever was a time in the history of Canada that it was more important than now to have a Minister whose especial duty it will be to look after our commercial relations with other countries. The duties of the Minister of Finance are entirely different. His duty is to see how the Public Accounts stand, and how he can out of the revenue of the country provide for the expenditure, but as far as the expansion of trade is concerned it is not specially within his province, and it is required more particularly now than at any other time that it should be care-

tully looked after, and every avenue should be opened for the profitable exchange of the products of this country. As to the iron duties lately imposed, my hon. friend from Halifax cannot be a true patriot when he refers to them as being abominable duties. The coal and iron trades are at the bottom of all the industries of this country, and they are almost the life of our province, and when my hon. friend talks of the abominable and iniquitous tax on iron, he is using language that is not compatible with the true interest of Nova Scotia. The iron industry is the basis of the future wealth of this country. England, early in her history, took advantage of and prospered by the development of those industries. In the same way the United States has prospered by the development of its coal and iron interests, and when we have the example of those two countries before us, and when we know that our country possesses coal and iron in abundance, it ill becomes a representative from Nova Scotia to belittle a policy which is intended to develop the best interests of that province and to call it an abominable policy.

HON. MR. HOWLAN—I regret very much that we have not the time at our disposal to discuss this important question, but I may say that I am amazed that the hon. gentleman from Halifax, who is a member of the Board of Trade, should object to the creation of this new Department. If there is no necessity for a Minister of Trade and Commerce, what necessity can there be for boards of trade? I thought the era of grumbling and fault-finding had gone by in this country. It was all very well fourteen years ago when the Dominion was suffering from depression, but we have since experienced years of prosperity which have continued and are continuing to-day notwithstanding the annual prophecies of hon. gentlemen opposite of evil times, which have not been realized. The imports and exports of this country are to a great extent the barometer that indicates the condition of trade. We have been told that because our exports are less than in former years that consequently the country is in difficulties. The argument of the hon. gentleman from Ottawa has shown how little thought he has given to the question of the trade of the country when he told us that our prosperity was due entirely to the millions of dollars of foreign money that were borrowed to build our railways, and it was by that means the commerce of the country was being extended. If we had no country worth going through, certainly foreign capitalists would not care to invest their money in railway enterprises without a prospect of some return for their investment. They invest their money in these enterprises because they see that those railways run through a good country and are necessary to bring the surplus products of the interior from the places where they are grown to the seaports, that they can be sent to the markets of the world where they are required. With respect to our imports and exports, it is a well-known fact that we are now manufacturing a great many of the articles that are consumed in the country, and although the imports may be less, still the amount consumed is greater, and if any proof is wanting of the fact it is found in the increase in the accumulations in the Savings Bank. If we analyze these deposits we will find that they belong principally to the working classes of the community, and if we ask the Building Societies throughout the provinces how they are progressing, they need only refer us to our own experience during the present session with regard to the many Bills that have come before us asking for permission to extend the operations of those societies throughout the Dominion. All this must be proof of the benefits arising from the development of the industries of the country and I am quite surprised that any hon. gentleman living in the city of Ottawa, seeing the improvements that are going on all around him, and the general prosperity that exists, street after street and house after house being built and the population increasing, can say with any degree of sincerity that the country is not prospering under the policy of the present Government. The facts show that the country is prosperous and that every branch of industry is progressing. In the face of opposition and fault-finding we have undertaken and carried through to success the construc-

tion of a transcontinental railway that would have been considered, by the United States even, as an enormous undertaking. Is any man, woman or child suffering because of the building of that road? Is there any mouth which is not filled, or any back which is not clothed because of the building of that road? Is there less coming to those who work on the farms, in the workshops or on board ships? Have we any poor or poor houses amongst us as an accompaniment of this state of things? Every gentleman who travels through this country must come to the conclusion that this is an era of prosperity and progress, and every working man must acknowledge that he receives a fair day's pay for an honest day's work. The hon. gentleman from Ottawa has argued that our shipping tonnage is decreasing. Everyone knows that the wooden tonnage of the world is decreasing and that iron shipping is taking its place. We know that in the past one of the great industries of Canada was the building of wooden ships and we know that in the neighboring Republic our flag covers about forty-eight per cent. of their ocean trade—carrying the products of the Republic to all countries of the world, and necessarily those who are engaged in this carrying trade are taking more to iron vessels. Why? Because in the first place they are cheaper and can be insured for less money and are in every way much superior to the wooden ship. For instance you can buy an iron trading steamer, fully equipped, everything complete for £12 sterling per ton and you can insure such a ship Class A 1, 100 years, while you cannot get the best wooden ship at Lloyd's classed for more than twelve years. If there is one particular interest that the proposed Minister of Trade and Commerce should look after in the Dominion of Canada it is to thoroughly investigate the question of iron ship building and make our people as fully acquainted with it as are the ship builders on the Clyde and in certain ports of France and Norway. The hon. gentleman from Halifax finds fault with the iron duties imposed during the present session. I am surprised that an hon. gentleman coming from Nova Scotia where the iron and coal, and the limestone to make the flux are found in the same hill, should raise such an objection. If for one thing more than another Nova Scotia is known it is for its vast natural wealth of iron and coal, and the mineral deposits of Cape Breton to-day are of more value to Canada and to the empire than the great province of Ontario, I do not at all underrate the value and importance of the great Province of Ontario in making this statement, but let me say to the hon. gentlemen that the Dominion of Canada could not be protected to-day without coal. We have no coal on the Atlantic Coast except what lies in Cape Breton—we would have no coal for our vessels, and we could not smelt our iron, gold, copper and silver without it, and I say it is the most important item of the trade of the country. One important duty of the Minister of Trade and Commerce would be to gather such information as would lead to the establishing and the development of iron ship building in the Maritime Provinces. In that portion of Nova Scotia in which lie these vast beds of iron and coal, live also a hardy, thrifty and industrious people who are skilled as their forefathers were skilled in the building and sailing of ships. Many of these men on the coasts of Nova Scotia and Cape Breton take as naturally to the sea as a Newfoundland dog. They are very easily taught the building and sailing of ships and by the establishment of this new industry we would soon have iron vessels that would take the place of wooden ships the building of which is fast falling away from us. We could increase that industry easily from 100 to 500 per cent. with great advantage to the Dominion. Hon. gentlemen will remember that the foundation of all manufactures is iron, that iron enters into almost every article in the Dominion.

HON. MR. POWER—Is it a good reason for making iron dearer?

HON. MR. HOWLAN—No, it is not a good reason for making iron dear but it is a good reason for making iron. Let me tell the hon. gentleman that there is no article of commerce into which so much labor is put to produce it as iron. For every dollar's worth of the product

80 cents represents the labor in producing iron, therefor it is one of the most important facts that we should have our iron industries developed, and that iron should be manufactured in this country. I stated before that the iron trade is the barometer of commerce. Where there is commercial depression and decline in values it is first felt in iron; when iron is depressed sugar, cotton, boots and shoes and every other article of manufactured goods is depressed correspondingly. On the other hand when iron is on the rise there is corresponding advance in values in other articles of manufacture. Therefore it is necessary, if a nation is to be great and powerful, that she shall be great in the manufacture of iron. A few years ago there were hardly any manufacturers of iron in the United States and the steel rails used in their railways were all imported from England. Steel rails are now sold by United States manufacturers for less than $35 a ton, and there has been a corresponding decrease in the cost of production of iron goods of all descriptions. We are told by the hon. gentleman opposite that it is impossible to extend our commerce under our protective policy. The very same argument was used by a certain party in the United States that held the reins of power for some fifty years, towards the manufacturers of that country. The other party took the opposite course and said "what is the use of protecting infant manufactures? Can you go into the markets of the world and compete with France and Germany?" The protectionist said "yes, we have cheap material, plenty of capital and if we are careful of what we have got we will be able to produce the same results as have been produced in other countries," and they have proved that they are right. It is said here that the United States has no Minister of Trade and Commerce. I would ask the hon. gentleman if every consul and every consular agent of the United States throughout the world is not an agent for trade and commerce? It is his duty to find out what goods come into his agency and to render a quarterly account of all the imports and to ascertain whether the same goods are produced in the United States, and what proportion of United States manufactures is consumed in his consular district. He is also obliged to send patterns of foreign and domestic goods which are used in his agency and to send them to the Secretary of the treasury at Washington for the information of the manufacturers of the United States. So you find them pushing their trade in Japan and Australia. Take the great firm of Cameron & Company of which Sir Roderick Cameron is the head, and you find that for thirty-eight years he has put on a ship from the city of New York to Australia for the shipping of manufactured goods and for the building up of that trade and bringing back the products of Australia, for which service Her Majesty Queen Victoria knighted him. So it is throughout England. If you go into any particular manufacturing house you will find that whatever is manufactured or produced or goes into the particular manufacture in that business, they know where it is produced and know the cost of it, and everything about it. Here we have no bureau of trade to disseminate information that is necessary for shippers by which markets can be found for manufacturers of iron and cotton, and goods of every description produced in Canada. When a manufacturer ships goods from Canada he should know what are the qualities required in the particular place to which he ships them. A certain manufacturer of boots and shoes in Montreal who had been manufacturing boots and shoes for 25 years, conceived the idea that in one of the ports of the West Indies a certain class of goods would be saleable, but after shipping a cargo he found he could not sell them because they were Canadian goods, and were unknown to the trade there. But from the information which he then received he shipped the next cargo via New York and succeeded in establishing a trade. He has been able to keep a market there, to this moment, and so it might be with many other manufacturers. If there is one thing that the Government are to be thanked for more than another, it is that they have brought many of our manufactures into prominence abroad. We have a market just opening up in Japan, China and the Sandwich Islands for a certain

class of goods which can be manufactured in Canada. I asked a friend if he could compete and he said certainly, but we would require to have the peculiar prints and styles necessary for those countries. It is a well known fact that when manufactures of white and grey cottons and prints were first sent to Australia, Japan and China they could not compete with English goods, because the latter were made up with starch. Specimens of those cottons were sent home and from those samples the manufacturers produced cottons to suit those markets. The result has been that they have been manufacturing millions of dollars worth of such goods for those markets. We have the advantage of shipping cod and other fish to Havana and other West India Islands which, instead of going directly to the consumer, now go through the United States. Why? Because the United States have greater privileges in their markets than we have. They have a reciprocity treaty. Until a very recent period there was no use of sending cargoes of cod fish and other products of this country to the West Indies, because we could not manufacture their raw sugars here. Now we can, and if a Department of Trade and Commerce were properly organized I have no doubt it would be found that other articles of commerce could be profitably exchanged between the two countries. I am not one of those who have lost faith in this country or who believe that the boom caused by the building of the Canadian Pacific Railway is over, and that the country is threatened with great depression. The same doctrine was preached in the United States at the time of the building of the first Pacific Railway; it has been preached here time and again. It was preached at the inauguration of the Grand Trunk Railway and of almost every great enterprise that the country has undertaken; nevertheless we find that Canada is progressing. We were told in the same way with regard to the ocean tonnage, that we would lose it, but we have not lost it or our hardy mariners and ship-owners. They still keep the trade and are steadily improving on it. I hope to see the day when we shall have as large a number of tons of iron shipping manufactured in our own country as we have now of wooden shipping, and when we will be pleased to see iron ships with Windsor, Lunenburg or Halifax on their sterns, and to know that they have been produced, owned and sold by our own people. When that day comes and Nova Scotia has her smelting furnaces and ship-building yards I hope the hon. gentleman will be satisfied that he was wrong in his predictions, and that the policy of the Government was a step forward, that the prosperity of the country warranted.

HON. MR. DEVER — We have listened with a great deal of pride to the quantity of matter gone over by the last speaker. He has given a sufficient quantity of speech, but for the quality I cannot say much. He spoke in the most glowing terms of the great prosperity of the working classes in this country at present—that they were all able to pay their bills, and were all prosperous. That is in his imagination. He forgot to tell you of one great section of Canada where the merchants have been obliged to compromise with their creditors owing to the alarming depression which prevails in that part of the country at present. He told you about the great prosperity of the country, but immediately afterwards spoke of the depression in the boot and shoe trade.

HON. MR. HOWLAN—I never spoke of any depression in the boot and shoe trade.

HON. MR. DEVER—The hon. gentleman professes to be an expert in matters of trade and commerce, and to be able to tell all about the statistics of the trade of the world. I have listened frequently to his eloquent speeches—he has always been eloquent, but I cannot say much for his logic. I am rather a close reasoner myself, and I will not state matters that will not bear investigation. I think it would be far better for us, as sensible men, to give such information to the House and country as will sustain the assertion that we are in a prosperous condition. I am in favor of the principle of this Bill: I think it is a very long step in the right direction, and that

it foreshadows a great improvement in the administration of affairs now conducted by the Departments of Customs and Inland Revenue. I think the House will agree with me that it would have been well had these strictly commercial departments been presided by trained merchants, selected because of their standing as commercial men, and not because of political exigencies. Hitherto the practice has been to appoint politicians to fill those important offices in order that they might learn their business at the public expense. We recognize the value and importance of having a trained professional man as leader of our House, and we can see how the gentleman who fills that position because of his legal training does so with credit to himself and advantage to the country. It is only by being trained in his profession that a man becomes efficient, and therefore I hold that it is essential that the heads of these commercial departments shall be trained commercial men. If that idea is carried out I have no hesitation in saying that the change will be a great benefit to the country.

HON. MR. ALMON—The hon. gentleman speaks of a depression in St. John; can he tell us what wages are paid per day to the laboring men on the wharves of that city?

HON. MR. DEVER—If the hon. gentleman wishes to know I can tell him; the wages are very low. I am not aware that I mentioned St. John.

HON. MR. ALMON—I have known vessels to leave Halifax with a doubled crew in order that they might be able to unload at St. John, because the wages at that city were so high that they could not afford to discharge their steamers there unless they took extra hands from Halifax, paying them as sailors, to do the work, and therefore if any part of the Dominion is suffering from depression of trade it cannot be St. John. The laboring men on the wharves there get $4 to $5 a day.

HON. MR. DEVER—The laboring people of St. John are about as reasonable in their demands as the laboring people of Halifax. Those who work in the harbor at tide work have a specialty and they are only anxious to get a fair day's pay for a fair day's work. We know also that the shipping of St. John is in a very depressed state and that, taking the average earnings of the year, do not far exceed $300 per man.

HON. MR. VIDAL, from the Committee, reported the Bill without amendment and it was then read the third time and passed.

IN COMMITTEE.

The following Bills were reported from Committee without debate:—

Bill (77) "An Act respecting the Oxford Junction and New Glasgow Branch of the Intercolonial Railway." (Mr. Abbott.)

Bill (113) "An Act to amend the Dominion Lands Act." (Mr. Abbott.)

FIRST AND SECOND READINGS.

Bill (165) "An Act to provide for advances to be made by the Government of Canada to the Fredericton and St. Mary's Railway Bridge Company." (Mr. Abbott.)

Bill (152) "An Act to amend the general Inspection Act." (Mr. Abbott.)

Bill (140) "An Act in addition to the Revised Statutes, chap. 6, respecting representations in the House of Commons." (Mr. Abbott)

Bill (159) 'An Act to amend Chapter 2 of the Revised Statutes of Canada entitled an Act respecting the Publication of the Statutes." (Mr. Abbott.)

Bill (42) "An Act to make provision for the appointment of a Solicitor-General." (Mr. Abbott.)

Bill (166) "An Act to amend Chapter 138 of the Revised Statutes respecting the Judges of Provincial Courts." (Mr. Abbott.

Bill (136) "An Act to confer certain powers on Boards of Trade as to the the Licensing of Weighers." (Mr. Abbott.)

Bill (141) "An Act to amend the Revised Statutes Chapter 39 respecting the expropriation of lands." (Mr. Abbott.)

Bill (158) "An Act to authorize the advance of further sums for completing the Graving Dock and the improvements in the Harbor of Quebec." (Mr. Abbott.)

Bill (157) "An Act to confirm a certain agreement between Her Majesty and the Western Counties Railway Company, and for other purposes." (Mr. Abbott.)

The House adjourned at 6:30 p. m.

THE SENATE.

Ottawa, Tuesday, 21st June, 1887.

THE SPEAKER took the chair at 2 p.m.

Prayers and routine proceedings.

THIRD READING.

Bill (77), "An Act respecting the Oxford Junction and New Glasgow Branch of the Intercolonial Railway." (Mr. Abbott.)

Bill (113), "An Act to amend the Dominion Lands Act." (Mr. Abbott.)

Bill (165), "An Act to provide for advances to be made by the Government of Canada to the Fredericton and Saint Mary's Bridge Company." (Mr. Abbott.)

INSPECTION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (152), "An Act to amend the General Inspection Act."

In the Committee.

HON. MR. ABBOTT said:—This is a Bill which is sought for by the dealers and traders in flour through their organization, principally the Montreal Board of Trade and the Toronto Corn Exchange. It is really a Bill supplementary to some extent to the General Inspection Act. The General Inspection Act for flour remains in force. If flour is sold by sample and a question arises as to the quality of the flour delivered on sample this Bill authorizes the Inspector to inspect it and certify to the number of barrels sold which are in accordance with the sample and also as to the weight and soundness of the flour. Of course even after inspection there is a certain amount of flour pronounced fine or extra fine which is always a shade below the standard but which would not justify it being put in another category though it would affect its value. Even after being branded its soundness might be affected by heating or wetting, and it is proposed that power should be given to the Inspector to settle the quality of the flour delivered on sample. In addition to that it has been suggested not only by those dealers and traders but also by the millers that different names should be given to some of the classes of flour and this second clause provides the names which shall be used in branding those classes.

HON. MR. POWER—I should like to ask the Minister where those new names have been obtained from.

HON. MR. ABBOTT—They were got from the millers and Boards of Trade jointly, in Montreal, and they where supported by representations from the Corn Exchange in Toronto.

HON. MR. POWER—These names will not convey any definite idea to the ordinary consumer. The names given here are substituted for the names given in the Inspection Act. There are eight grades of flour in the section which this clause professes to repeal, and their names have been used for a great many years. This clause proposes to have in fact only five grades. That may be just as well, but the names that are used do not, at any rate to the consumer's mind, suggest very much. The two first highest qualities are called

"patents;" the second quality "straight roller." A miller may understand very well what that means but the ordinary outsider will not. The other names are names that we are familiar with—those of the third and fourth qualities. In the law as it stands flour of very superior quality is called "superior extra," and second "extra superfine;" the third quality "fancy superfine;" the fourth quality "spring extra," and so on. Of course, if the Chambers of Commerce of Toronto and Montreal who represent the purchasers as well as the manufacturers think those names are an improvement, we are not in a position to find fault, but the names do not on the surface strike one as being as appropriate as the old ones.

HON. MR. ABBOTT—I entirely concur with my hon. friend; I do not think that those names are an improvement on the old ones; rather the reverse; but these changes have been introduced on strong representations made to us by both Chambers of Montreal and Toronto and concurred in by the dealers elsewhere. There was a sort of convention about it and these names were adopted by the convention, and we have had strong representations made to us that it would be a convenience to the trade to accept those names instead of the old ones. I had a strong letter to-day from a gentleman who is a member of the Toronto Corn Exchange, begging me to have those names adopted.

HON. MR. MCKAY (C.B.)—Those names are the names now used generally in the sale of flour. The mills have changed largely their system of manufacturing, and now use rollers for grinding, and the names have changed with the process. In these first two items I am unable to understand why patent winter and patent spring wheat are put in the same category. As I understand, patent winter wheat stands to be a better quality than patent spring wheat, but here they seem to be designated the same quality.

HON. MR. ABBOTT—My hon. friend will observe that they are destinguished as winter wheat and spring wheat. I have no doubt there is a good reason for wishing to change those names.

HON. MR. MACKAY—I think they are correct according to the way the millers grind the wheat now.

HON. MR. HAYTHORNE, from the Committee, reported the Bill without amendment. The Bill was then read the third time and passed.

REPRESENTATION IN THE HOUSE OF COMMONS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (140) "An Act in addition to the Revised Statutes, Chapter 6, respecting Representation in the House of Commons."

In the Committee.

HON. MR. ABBOTT said:—This is an Act merely to define the number of members and the different provinces from which they should be returned—92 from Ontario, 65 from Quebec, 21 from Nova Scotia, 16 from New Brunswick, 6 from Prince Edward Island, 6 from British Columbia, 5 from Manitoba and 4 from the North-West Territories. The second clause is simply declaratory of an interpretation, that in speaking of any place, it will be understood to be as it was when the Revised Statutes became law.

HON. MR. ALLAN from the Committee reported the Bill without amendment, and it was then read the third time and passed.

THE PUBLICATION OF THE STATUTES BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (159) "An Act to amend Chapter 2, of the Revised Statutes of Canada, intituled 'An Act respecting the Publication of the Statutes.'"

In the Committee,

HON. MR. ABBOTT said:—This is an Act which regulates the publication and distribution—mainly the distribution—of the Statutes in the future. It provides in effect that members in each House shall receive as many copies as the Governor-in-Council shall order from time to time, and that other copies of the Statutes shall be sent to public departments, administrative bodies and officers throughout Canada as the Governor-in-Council may direct. At present the distribution of these Statutes involves quite a large burden upon the country, they are distributed to so many people. I forget exactly how many thousand of these volumes are distributed every year, but there is a very large number. It is proposed that the Acts shall be printed in two separate volumes, one containing the criminal laws which would be useful to Justices of the Peace, to be sent to those persons who have no claim to the Statutes generally except for the purposes of their offices.

HON. MR. POWER — This clause simply strikes out half a dozen words in the old law—"including Justices of the Peace in the distribution of the first and not of the second volume." It seems to me it would have been a better plan simply to say that these words are struck out of section 9 of the Act than to re-enact the whole of section 9 and its two sub-sections merely omitting these words. The difficulty is that unless one looks very carefully at a Bill he really cannot see what it does. I have on former occasions called attention to this practice of re-enacting a great deal of law for the simple purpose of making a very slight change. I think it would be better to indicate the change and nothing more, as is done in the case of a Bill we are to take up in a few minutes respecting Judges of Provincial Courts. It would save a great deal of printing.

HON. MR. ABBOTT—This practice has grown out of one in the opposite direction which had prevailed to a considerable extent of amending Statutes by striking out certain words and inserting so and so until we had got a couple of pages of statement as useless as a genealogical tree. I am inclined to agree with my hon. friend that this is going to the other extreme.

HON. MR. GOWAN—I am sorry that I do not quite agree with the Leader of the House on this point, and I certainly disagree with my hon. friend from Halifax. I have had very large experience in the consolidation of the Statutes, and am acquainted with those who have made consolidation their study, and it is found exceedingly convenient to amend by re-enacting what is altered in its new form as it is intended to be on the Statute book. To that extent this goes and I think it is a very wise and valuable plan which meets with the approval of every one that I know who is engaged in the consolidation of the Statutes.

HON. MR. DICKEY from the Committee reported the Bill without amendment, and it was then read the third time and passed.

SOLICITOR GENERAL'S BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (42) "An Act to make provision for the appointment of a Solicitor General."

In the Committee,

HON. MR. ABBOTT said:—The purpose of this Act is apparent on its face. The Government desire to have power to appoint a Solicitor General to assist the Minister of Justice. This is not a new idea. It has been entertained by successive Ministers of Justice, and I may say by successive Governments. Mr. Blake had an idea of appointing a Solicitor General, and, in fact, it is absolutely necessary that there should be some assistance of this kind given to the Minister of Justice.

HON. MR. SCOTT—I suppose there is no doubt of the fact that the Crown business of this country is increasing, from the number of briefs held by counsel outside, and if it is proposed to make

this officer perform the work of holding briefs not only in the Supreme Court but in the Exchequer Court, and taking the position now held by many gentlemen retained permanently by the Crown, it may be that there will be no substantial increase in the expenses of the Administration. I see that the Solicitor General is to be a kind of Under Secretary too—he is to hold a position somewhere between Minister of Justice and the Deputy Minister. Of course I am unable to say what functions will be allotted to him, but I assume that he will not be merely an ornamental officer, but one prepared to do the work of the Department before the Courts, and one who is in active practice as a professional man. He is however to have a seat in Parliament though not in the Cabinet.

HON. MR. POWER—This would be an opportune occasion for the leader of the House to give explanations of the intention of the Government as to representation of the Cabinet in the Senate. We have not had any explanations on the subject this session. This will make the second additional Minister; and I think the Senate ought to have some assurance that they are to receive at least one of those additional Ministers—and that we shall not in the future be treated in the contemptuous manner in which we have been in the past.

HON. MR. ABBOTT—Every one may easily see, from the experience of this session, how difficult it is for one Minister to explain the business of all the Departments. One of the motives which guided the Government in seeking to obtain these subordinate Ministers was that the Departments might be more largely represented in the Senate. There is no doubt that it is the intention and that it will be so, but what Department it is impossible to say, because the whole scheme of reconstruction has to be gone into, and a scheme consistent with itself, meeting all the wants that can be met by it has to be prepared carefully, and the Government will consider that to be their duty during the vacation. With reference to the Solicitor-General, it is the intention that he shall hold briefs. It is impossible for the Deputy Minister of Justice to go into court, and it is hardly to be expected that we can have a man of sufficient ability in that position to go into court. In recent appointments we have had men, quite competent to take that position in court, but that is an unusual rather than an ordinary thing, and the intention is that the Solicitor-General shall, as one Solicitor-General did in the past, conduct the Crown business in the Courts.

HON. MR. SCOTT—Does the hon. gentleman think that a barrister of standing, at all events in Ontario, will accept the position of Solicitor-General at a salary of $5,000 a year?

HON. MR. ABBOTT—I think so. There are Ministers of the Crown in the Province of Ontario who have less than that.

HON. MR. SCOTT—They are not precluded from private practice. I see that he is not ineligible to sit as a member of the House of Commons, and I assume that he is not ineligible to be appointed to the Senate, although no mention is made of the Senate in the Bill.

HON. MR. ABBOTT—My impression is that he is to be eligible to sit in either House; if not, I should be disposed to amend the Bill so as to render him eligible to sit in either House.

HON. MR. VIDAL, from the Committee, reported the Bill without amendment.

JUDGES OF PROVINCIAL COURTS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (166), "An Act to amend Chap. 138 of the Revised Statutes respecting the Judges of the Provincial Courts."

In the Committee, on the first clause,

HON. MR. ABBOTT—This Bill is to enable the appointment of a Judge, whose

office has been enacted by the Province of Quebec as absolutely necessary in the district of Terrebonne and the adjoining district, and for that purpose the Government is empowered to appoint another Judge. There is no Judge in that district, and it has hitherto been served by a Judge from the district of Montreal or the Judge from Aylmer.

HON. MR. POWER—They want more judicial power in the district of Montreal at any rate.

HON. MR. SCOTT—Does the hon. gentleman not think it would be wise to have some uniform system in amending sections of the statute. There is nothing more inconvenient to a lawyer than to have to refer to different volumes to find out what amendments have been made to an Act. The rule should be that no amendments should be enacted without incorporating the whole clause. The man who has had to turn up book after book and sometimes have two or three volumes on his table at one time in order to find out the amendments to an Act will appreciate the difficulty of not having a uniform system. I should object to any Act of Parliament being amended in this way without the whole clause being re-enacted. Those who have the daily and hourly experience of reference find that it is exceedingly inconvenient to have to resort to more than one book in order to ascertain what is the law.

THE SPEAKER—I fully agree with my hon. friend. In all private Bill legislation and matters of that kind I have always insisted that when a clause is amended the Bill should be re-enacted. When it is inconvenient to a lawyer to have to turn up so many books to find what are the amendments to a clause how much more inconvenient it must be to a layman to do so.

HON. MR. GOWAN—The careful practitioner generally takes his statutes after each session and goes over them and marks the amendments on the face of the book. I quite agree however with the hon. gentleman from Ottawa, and would even in this trifling alteration prefer having the clause re-enacted in full. It is a great saving of time to the practitioner.

HON. MR. POWER—If every practitioner was to do what the hon. gentleman from Barrie says he does—if he were to annotate the Consolidated Statutes every year with the amendments, then when he comes to an amendment like this he sees at once that there is just one word altered in the chapter. He makes a note on the margin of his volume of the chapter and the year of the amending Act.

He might take some of those amendments and would have to read the whole Bill over twice before he could just tell where the change was. That is just the question. There is a good deal of force in what the hon. gentleman from Ottawa says. In many cases if you have the whole amended section before you it may not be necessary to refer to the original statute at all. There is that convenience, but there is also an inconvenience. For persons who are enacting those laws it is more convenient to have those amendments themselves and nothing more. That is the opinion I entertained and even though the hon. gentlemen from Ottawa and from Barrie were disposed to differ from me I was still inclined to maintain my own opinion. But since His Honor, the Speaker, has added the weight of his vast professional experience to the arguments of those other hon. gentlemen I am almost convinced that I am wrong.

THE SPEAKER—I have only to say in reply to the sarcasm of the hon. gentleman from Halifax that I have frequently advocated the same thing and it is no new thing to me during my experience in private bill legislation, in which I have taken considerable part during the past fourteen or fifteen years in both Houses—quite as large a part perhaps as the hon. gentleman from Halifax.

HON. MR. GOWAN—I think the hon. gentleman from Halifax has very fairly put his side of the case and it is just a question of convenience. The hon. gentleman from Halifax and the hon. gentleman from Ottawa and myself will

no doubt take our books in our hands and make the alterations on the margin, but how many practitioners will go to the trouble of doing so and how many laymen will do so at all? I think on the whole that the suggestion of my hon. friend from Ottawa is the best.

HON. MR. HOWLAN from the Committee reported the Bill without amendments. The Bill was then read the third time and passed.

THIRD READINGS.

The following Bills were reported from Committee of the Whole without amendments and were then read the third time and passed without debate.

Bill (136) "An Act to confer certain powers on Boards of Trade as to the licensing of weighers. (Mr. Abbott.)

Bill (141) "An Act to amend the Revised Statutes, chap. 39, respecting the expropriation of lands." (Mr. Abbott.)

QUEBEC HARBOR IMPROVEMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (158) "An Act to authorize the advancing of further sums for completing the graving dock and the improvements in the harbor of Quebec."

In the Committee on the first clause.

HON. MR. ABBOTT—These sums of money which it is proposed to advance for the purpose of completing these works the graving dock and the improvement of the harbor I understand will be sufficient to pay off all liability connected with them and to complete them in all respects.

HON. MR. POWER—I think when the House is called upon to vote so large a sum of money we should have more explanations than are offered. I think the Minister ought to tell us how much money has been already appropriated for this purpose. As I understand it the country has nominally lent, but really given to this corporation something like two millions of dollars and we now propose to give them $160,000 and also $1,110,000. I understand that in the past interest has been paid out of principal instead of being paid out of receipts from the work. As far as I can gather, the business of the port of Quebec is continuously diminishing, and the business that was formerly done in Quebec is now done in Montreal, which is the great port of the Province; and the advisability of spending all this money in Quebec is very doubtful. I know that when other ports besides Quebec have applied for comparatively modest assistance for the purpose of constructing graving docks they have not met with much success; and I do think the attention of the country should be directed to the immense sums that are being, as I believe, squandered on this undertaking at Quebec. As far as I can learn the work is not likely to prove of any great advantage. The money has been improvidently spent, and before we are asked to spend so much additional, the House ought to have some further explanations than we have had.

HON. MR. ABBOTT — The hon. gentleman from Halifax will perceive that with regard to paying interest out of capital there is no possibility of those works earning interest until they are finished. A graving dock cannot be expected to pay revenue until it is finished, and so with the harbor improvements.

HON. MR. POWER—The harbor commissioners have other sources of revenue than the graving dock.

HON. MR. ABBOTT—Yes, but they have to meet other obligations and other expenses and I expect their revenue and expenditure has been about the same. On that point I regret to say I am not exactly in a position to answer my hon. friend, but with regard to the graving dock it can produce no revenue until it is finished and fit for use. He complains that this a purely Quebec expenditure. I do not think it is. This is the only graving dock we have for the

navigation of the St. Lawrence. It is as useful for ships which come to Montreal as it is for ships which come to Quebec. I daresay members from Quebec will know more about it than I do, but this is the way I understand it. It is practically a Dominion work. It is a graving dock which serves for ships in the eastern navigation of the Dominion and I do not think this money should be considered altogether as a donation or aid to Quebec. I am not prepared to say either that money has been squandered there. It is a magnificent work, a credit to the Dominion, and large enough I think to serve all the purposes of navigation at Quebec, so that I do not know that we are authorized in pronouncing that there has been any undue expenditure of money. The amount which has been expended and is asked to be expended will together make about $900,000 on the harbor, and $3,000,000 on the graving dock. The amount asked for now is $160,000 for completing the new graving dock, and $1,100,000 to enable them to complete the harbor.

HON. MR. BELLEROSE.—It is well known that the trade of Quebec is diminishing, The loss of the trade of the city is due to the action of the majority of both Houses of Parliament. By the consent of the Governmeut and the majority in Parliament the Canadian Pacific Railway Company are expending their money in building a line from Smith Falls to Lachine and thence, through the South-Eastern Townships, to a port in the United States, and since that scheme has been decided upon the trade of Quebec has been diminishing. Therefore, I think we should not reproach the Government of the day when they are endeavouring to make some reparation for the injury they have done the ancient capital. I think they are doing very little for Quebec in view of the fact that the trade of the west is being diverted to seaports in the United States. When Parliament voted the money for the construction of the Canadian Pacific Railway it was said that the railway would run from ocean to ocean through Canadian territory, but it seems that the Government of the day are not very scrupulous as to their word of honor. I had occasion to submit to this House conclusive evidence that solemn promises made to me by the Government had not been carried out. This year we find in the estimates a great many items which, in view of the state of the revenue, it is difficult to explain in this way, that in portions of the Dominion where the Government lost a good deal of support in the late election, they are expending money in every county so that they may recover if possible their lost popularity. Under the circumstances I hope the House will not be too hard on the Government for what they are doing for Quebec.

HON. MR. READ—I am sorry to hear that business is leaving Quebec, but it is not to be wondered at. If we can believe the reports we see in the press, the people of Quebec are driving trade from their city. I am told that it costs more to unload a ship in Quebec to-day than the freight across the Atlantic. Only the other day Sharples & Son, of Quebec, were obliged to send their barges to Three Rivers to load there, because they could not get them loaded at a reasonable rate at Quebec. We are told that a ship has lain there from day to day and could not be unloaded, because the people of Quebec would not unload it themselves at anything like a reasonable price and would not allow anybody else to do it. These are the causes that are driving business away from the far-famed City of Quebec: the people themselves are at fault. Ever since I have been in Parliament we have been voting large sums year after year for improvements in the harbor of Quebec. No doubt they were necessary, and nobody objected to the expenditure, but I would like my hon. friends in that section of Canada to understand that there is no one to blame for the falling off in the commerce of Quebec but the people themselves.

HON. MR. DEVER—I have no desire to complain of the expenditure of public money at Quebec, but I am surprised to hear the hon. gentleman from Delanaudiere speak so contemptuously of the favors bestowed upon that city. We have

a seaport city in the province of New Brunswick. At one time we used to consider it the second, at least, in trade and commerce in the Dominion. Before Confederation, and at the time of Confederation, we were led to believe that St. John would become the Liverpool of Canada, but somehow or other, none of those favors which are granted to Quebec, Montreal and other cities, have been lavished on St. John.

HON. MR. KAULBACH—Have you a harbour there?

HON. MR. DEVER—I fancy we could take care of you if you were there. However, I am not going to complain except to say this—that inasmuch as the harbor of Quebec is being so well taken care of, some consideration might be extended to the harbour of St. John. It is not an unimportant harbour. Halifax has an exceedingly fine harbour and it has been so well provided for that we hear no complaints about it, but giving Halifax harbor its full due, it never was considered as a shipping port equal to St. John. It is a well known historical fact that the harbour of Halifax has been frozen over, but such a thing has never occurred at the harbour of St. John. Therefore, inasmuch as it is a harbour fit for winter and summer service, I think it is but right and proper that when the question of appropriation for harbour improvements is spoken of some money should be devoted to the port of St. John. Halifax is well represented in both Houses of Parliament and the interests of its port are taken care of. The harbour of St. John has been neglected but I hope in the future there will be less cause of complaint on that score.

HON. MR. ALMON—I am very glad to hear the patriotic remarks from the hon. member from St. John, but in sounding the praises of the harbour of that port he forgot to mention one advantage which it has over the harbour of Halifax—when the tide is out, every dock in the harbour of St. John is a dry dock.

HON. MR. DEVER—The hon. gentleman speaks of the harbour of St. John being dry: it is possibly too dry for some Senators.

HON. MR. ABBOTT—I hope my hon. friend from St. John will not forget that the Government have not entirely neglected the harbour of that city in the last year or two, because it is impossible to deny that we are paying $250,000 a year in order to give St. John direct internal communication with the whole Dominion, and having got that, probably the next thing to be done will be to see after its harbour.

HON. MR. DICKEY—There is something more than that about it. I believe the people of St. John have had the offer of having their harbour put into commission, and they have steadily objected to it and they cannot, under the circumstances, claim the same consideration that Quebec receives.

HON. MR. DEVER—That is something we do not want: what we do want we do not get.

HON. MR. POWER—Hon. gentlemen seem to treat this as a matter of jest, but I do not think it is. According to the statement made by the leader of the Government, the sums that are proposed to be loaned to the Harbor Commissioners of Quebec by this Bill, together with those which have been already loaned, will amount to something over $4,000,000. That, even to a Parliament which is as used to magnificent expenditures as we are, is a considerable item, and I do not think it is an expenditure that should be treated as mere matter of laughter. I think it deserves a good deal of consideration, particularly when we look at the existing position of things. If the Government had come here with an application to lend money to the Corporation or Harbor Commissioners of Montreal—

HON. MR. OGILVIE—They won't do it though.

HON. MR. POWER—I do not say that the Government ought to do it, but in that case there would be a comparatively reasonable ground for the application. The people who represent Montreal could say that there is an immense business done at their port. Nearly all

the trans-Atlantic business of the Dominion, at least of the upper provinces, is now done directly through Montreal, and the interests of the whole country demand that the facilities at Montreal should be the very best possible; but those arguments do not apply to Quebec at all. From various causes—I do not care to go into the causes—the business which Quebec did has almost altogether left it, that is the shipping business. Some of it has gone up to Montreal, and some has ceased altogether. I do not object particularly to the expenditure on the graving dock, although I know when the City of Halifax applied for aid to build a graving dock, the best the Government would do was to guarantee one-third of the interest on the cost, and the people had to advance a similar proportion themselves, while I believe the British Admiralty have agreed to advance the other third. In the case of Quebec we advance the whole amount. Still I do not object to it because, as the hon. gentleman says, the graving dock at Quebec is for the whole St. Lawrence. But the harbor work is a different matter. If things go on as they are now there will soon be practically no shipping coming to the harbor of Quebec, and we are spending millions of dollars preparing for shipping that is not likely to touch at Quebec. There may be, as the hon. member from De Lanaudiere has suggested, some political reason for making this grant. It is generally understood that the hon. Minister who represents the district east of Montreal in the Dominion Government, to his surprise and disgust found himself after the last election with hardly a follower from that part of the province. These indications of independence on the part of members of Parliament and constituencies are the very best means of inducing Government to make appropriations, and if the constituencies of Montreal and vicinity had treated the Government as those of Quebec did we would probably see a large sum devoted to the purposes of the Harbor Commissioners in Montreal. I regret in the interest of the province from which I come that the people there did not show the same spirit as the electors in Eastern Quebec did, because probably something more would have been done for them if they had been less favorable to the Government.

HON. MR. OGILVIE—I agree with the hon. member from Halifax that there is something very peculiar about the expenditure of money in Quebec. Money is spent freely there, and why it is spent I, nor any other business man, can understand. The City of Quebec literally has no trade now. So far has it gone that one of the principal steamship lines on the Atlantic from Montreal last week notified their customers in Quebec that if they wanted freight taken from Quebec they would have to send it to Montreal and ship it from there. They would not take freight to or from Quebec. That was done last week. Not only has Montreal paid for its harbor improvements without assistance from the Government, but it has also unaided paid for the deepening of the channel of the river to 27 feet.

HON. MR. MCCALLUM—By taxing the commerce of the country for it.

HON. MR. OGILVIE—There is no tax imposed on the commerce of the country; the only tax is on shipping entering the port. No other city in Canada is treated with such gross injustice, but I suppose Montreal must stand it because the city is able to pay its own bills. The harbor commission in Quebec has not paid interest for many years, and it owes in interest alone more than the amount mentioned by the hon. gentleman from Halifax, to say nothing about the capital. The Montreal Harbor Commission pays interest steadily and its bonds are at a premium. It is not right that the trade of Montreal should be taxed to deepen the channel of the St. Lawrence. My hon. friend from Monk (Mr. McCallum) says that the commerce of Canada is taxed to make these improvements at Montreal. I know that the ambitious little city of Hamilton, as well as the Queen City of the West, are somewhat jealous of Montreal, but whatever trade Montreal has got is due to its own business enterprise and not to favors from the Government. Whatever we have

got we have worked for and paid for, and that is a good deal more than Quebec can say. I may tell the leader of the Government here, who so ably conducts the business of this House, that I hope he will not forget his own city, and that he will infuse some spirit into the Government, and show them that it is unfair to tax Montreal for what is legitimately the trade of the Dominion, because every man who gets a bill of goods from Calgary east is just as much entitled to pay his share of the expenditure for these improvements in the St. Lawrence as the merchants of Montreal.

HON. MR. READ—We pay for it now.

HON. MR. OGILVIE—I say Montreal pays for it.

HON. GENTLEMEN—No, no.

HON. MR. OGILVIE—I repeat, Montreal pays for it. We are quite able and willing to look after the improvements of the harbor of Montreal, but the deepening of the channel of the St. Lawrence is just as much the business of Ontario as it is of Montreal, and they should be taxed for it.

HON. MR. McCALLUM—Of course we all feel interested in the wellfare of Montreal, but the hon. gentleman is in error in stating that the commerce of Canada has not paid for the harbour improvements at Montreal. The people of Montreal are very enterprising and they tax the commerce of the country to make Montreal an Atlantic seaport to the detriment of Quebec. Every bushel of corn carried from the west to Montreal and every bill of good sent from Montreal to the west pays toll at the harbour of Montreal in order to make these improvements. Quebec is losing its trade because the timber trade of this country, on which the city mainly depended, is diminishing, and of course there is not so much business done there now as formerly. As to the graving dock, I think it is the business of the Government of the country to see that there is a good graving dock there for the accommodation of the trade of the St. Lawrence. There is no other place in the St. Lawrence where a ship can be taken for repairs, and is it reasonable to suppose that the people of Quebec should be taxed for its construction? No doubt they could do it if they adopted the rule followed in Montreal—if they would tax the commerce of the country for it.

HON. MR. MACDONALD (B. C.), from the Committee, reported the Bill without amendment, and it was then read the third time and passed.

WESTERN COUNTIES RAILWAY BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (157) "An Act to confirm a certain agreement between Her Majesty and the Western Counties Railway Company" and for other purposes.

In the Committee,

HON. MR. ABBOTT said—This is a bill to settle some long standing litigation, disputes and ineffectual efforts to get a railway, which have been going on for several years past. The Government make an advance of $500,000 in aid of the completion of the Western Counties Railway, and the entire chain of railways of which it forms part, and an agreement has been entered into between the Government and the Company by which the proceeds of the securities which are to be issued by this Company are to be placed in the hands of the Government, and they are enabled to see that this money is properly laid out and this line of railway completed. This is the entire object of the Bill—to sanction this grant and approve of the arrangements which are made for carrying out the object of the grant.

HON. MR. POWER, from the Committee, reported the Bill without amendment.

COMPANIES PENSION FUND SOCIETIES BILL.

FIRST, SECOND AND THIRD READINGS.

Bill (52), "An Act to empower the employees of incorporated companies to establish pension fund societies," was introduced and read the first time.

HON. MR. ABBOTT said :—This is a Bill introduced at the request of the banks, and with an object which the Government approves of entirely. It is to enable bank officials and employees of companies to form amongst themselves pension funds for their aid in sickness, and other provision when they become incapacitated for carrying on their work. It seems to be an excellent Bill, and one which should be encouraged. Two or three of the railway companies have already come before Parliament for permission to incorporate societies for this purpose amongst their employees, and the charters were granted to them without any objection. It has been thought better, however, to have a general Act like this by which the employees of banks and other corporations may form themselves into associations of this kind. The Bill has been accepted in the other House; it has been submitted to the banks, and perhaps the House will be disposed to adopt the measure without passing it through Committee. There are one or two amendments which Mr. Hague proposes, and which seem to be judicious. Instead of providing that the General Manager of the bank shall join with two other officers named to form an association, Mr. Hague suggests that the person acting as Assistant General Manager should have that power.

HON. MR. DICKEY—I understood my hon. friend to state that this was to be a general Act, which would obviate the necessity of applying for separate Acts. I should like to know whether this Bill is confined to banks, or does it include other companies ?

HON. MR. ABBOTT—This Act applies to companies as well. It was initiated by the banks and brought by them to the notice of the Government, but immediately before its passing the other House its powers were expanded and it was made suitable for any corporation. I move the second reading of the Bill.

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

The House resolved itself into Committee of the Whole on the Bill.

In the Committee, on the first clause,

HON. MR. ABBOTT—The amendment that I would ask to this clause, in accordance with the suggestion of Mr. Hague, is that after the words Assistant General Manager, these words shall be added, "or person acting as such."

The amendment was agreed to.

On the sixth clause.

HON. MR. POWER—I think that it is rather a sweeping measure to give to the council of the society unlimited power to impose fines and penalties. I think those by-laws should be subject to the approval of the Governor in Council as well as the council of the parent corporation.

HON. MR. ABBOTT—This is the same power that is given to building societies in respect of fines. It is really nothing more than the right of imposing a small fine of five or ten cents, or something like that on members who are in arrears with their pay.

HON. MR. DICKEY—After all it is a matter of internal regulation, and if the members did not like it they would not remain in the society.

HON. MR. POWER—The object of this enactment might be defeated. The penalties and forfeitures might be inflicted upon subordinate *employees* in such a way as to deprive them of the benefit of the association; and it might be well to limit the power by providing that the by-laws should be submitted to the Governor-in-Council.

HON. MR. DEBOUCHERVILLE

from the Committee reported the Bill with amendments.

The amendments were concurred in, and the Bill was read the third time and passed.

FIRST, SECOND AND THIRD READINGS.

Bill (151) "An Act for granting certain powers to the Canada Atlantic Steamship Company (limited)," (Mr. Power), was read the first, second and third time, under suspension of the rules, and passed without debate.

THE JOINT COMMITTEE ON PRINTING.

FOURTH REPORT.

HON. MR. READ moved the adoption of the seventh report of the Joint Committee of both Houses on the Printing of Parliament.

HON. MR. POWER—One of the suggestions of this report is that the report of the Committee of which the gentleman from Winnipeg was chairman should be printed for public information. Now that undoubtedly is a valuable report; the Committee collected a great deal of very valuable information, and I quite concurred in the praise that was bestowed on that Committee and the gentleman who procured its appointment when the report was adopted; but I could not help thinking when I listened to the praise bestowed on the Committee and on the Chairman of the Committee that all this praise we were bestowing were really criticisms of the Government. We have spent money by the million on the North-West through the Department of the Interior and the Indian Department and in other ways for a great many years. This question of food for the Indians has been brought before the notice of the public and of the Government continually by the fact that we were paying hundreds of thousands of dollars annually to feed the Indians; and it seems to me that if there was any duty that the Government had and which those Departments charged with the administration of the affairs of that country had, it was to find out how those Indians could be fed and to do just the sort of work which this Committee has done. The fact that all this information had not been obtained before and that it was so necessary that this Committee should sit and get the information, and that it is now so necessary to publish that information, show that the Government charged with the administration of the affairs of that part of the country and with that part of the public business have not done their duty. It is fortunate that we can get gentlemen who are not paid large salaries to do the work for us which the Government have not done and which it was their duty to do.

HON. MR. GIRARD—The Committee have done their best to collect the information they have obtained, and in my opinion it has been established before the Committee that the money expended by the Government in that territory has been well expended and will be a benefit to the Dominion. No doubt the Committee has done good work and the result has been a justification of what the Government has done in the North-West.

HON. MR. ABBOTT—I think my hon. friend from Halifax is wrong in assuming that because this information has been collected and put in a formal and definite shape, and many particulars got together so that the whole document forms a valuable repertoire of knowledge of what the natural products of the North-West are, that therefore the Government wholly ignored all these facts before. I do not mean to say that there is nothing in the report that is new. Far from it. Nor do I mean to depreciate in any way the work of the Committee. I think the work of the Committee was a most valuable work. It was valuable in this sense in the way of collecting and embodying in one document specific and accurate information about the resources of the North-West, and in that respect it deserves all the encomiums passed upon it; at the same time I must say on behalf of the leader of the Government that they knew themselves a great deal of what is contained in this report. They knew a great deal of the resources

of the North West, and the principle on which the Government have been acting with regard to the Indians is to endeavor to educate them and train them to utilize the natural resources of the country and more especially the agricultural resources—to educate them in fact to become provident, which they are not, and to provide for themselves, which they do not at the present day. It is entirely in harmony with this report, and the fact that the Committee has embodied a lot of valuable information in the report does not seem to operate as a censure on the Government. While I do not deny all the credit to the Committee that they deserve for collecting this information, I do not know that they were stepping out of their function to do it or that the Government were looking to the Committee to do what they have done. It is peculiarly the function of Parliament to enquire into such matters. Committees are appointed during the sessions of Parliament in this House and in the other House and in the British Parliament just for the purpose of obtaining and classifying such information as has been embodied in this report.

HON. MR. BELLEROSE—I cannot let this occasion pass without saying a few words on this subject. I have not had time to look over the report, but, according to what is stated by hon. gentlemen, it seems there are many natural resources in that part of the country. I must say that though the expense which has been incurred in the North-West is very great, I do not believe that the Government have done their whole duty, and I am ready to prove it. Although half of the Indian population of the North-West is Catholic, will the leader of this House tell me how many out of the twenty-seven farm instructors are Roman Catholics?

HON. GENTLEMEN—Hear! hear!

HON. MR. BELLEROSE—Hon. gentlemen may sneer, but it is well known in the Province of Quebec that there are none of those instructors Roman Catholics. What is asked for to-day by the minority of our province? Are they laughed at when they ask that Protestants should have an insane asylum of their own? We do not say there that their demand is not right. We say it is right, although the resources of the Province of Quebec are small. Here, when we make the same demand for the North-West our request is sneered at as if it were an extraordinary thing, yet the Roman Catholics of Quebec only ask for what others receive. It is well known that the Indians are like children—they must be taught, and how many Protestant members of Parliament would like their children to be brought up in Roman Catholic institutions? Down in my province, when a Protestant child is sent to a Roman Catholic school, the first question asked by his parents is, "Must my child attend the Roman Catholic services?" When there is such care taken by the Protestants on behalf of their children, why should we not ask that the public money be expended in such a way as to do equal justice to all religions? A child will go in the way he is taught, and if he is brought up by a Protestant teacher he will probably be a Protestant, if he is brought up by a Roman Catholic he will probably be a member of the Roman Catholic Church. Then, have we not a right to ask that those Indians, who are like children, shall have instructors who will teach them in the faith which they profess to have adopted? Supposing there were twenty-seven Roman Catholic instructors appointed for the North-West, what would be the reflection that would be cast upon the Government?

HON. GENTLEMEN — Question! Question!

HON. MR. BELLEROSE—Do hon. gentlemen imagine that my mouth shall be closed because I stir up those questions? I contend that I am right, for I ask what every creed and nationality has a right to demand. If the Government was supported in 1886 because Archbishop Taché went amongst the Conservatives and requested them to support Sir John Macdonald in his administration of the North-West affairs.

HON. MR. DICKEY—I rise to a

question of order. I hope my hon. friend will excuse me for saying at this period of the session that we do not care to listen to a debate that has nothing to do with the question before the House. I do not think that anything relating to farm instructors in the North-West, Catholic or Protestant, or what Archbishop Taché wrote or said, has anything to do with this report, and I think that the hon. gentleman is out of order.

THE SPEAKER—I may say that the hon. gentleman from DeLanaudiere is making remarks which are entirely irrelevant to the subject under discussion, and in that respect he is clearly out of order.

HON. MR. BELLEROSE—Then I rise to speak to the question of order.

THE SPEAKER—The hon. gentlemen is out of order.

HON. MR. BELLERGSE—When a point of order is raised, the member who is attacked has a right to rise and speak on that point of order.

THE SPEAKER—The hon. gentleman from Amherst stated very clearly that the hon. gentleman from DeLanaudiere was diverging from the rules of debate by introducing irrelevant matter of discussion on the question which was before the House. The hon. gentleman's point was, in my judgment, well taken. Therefore if the hon. gentleman proceeds with his remarks he must confines himself to the question before the House.

HON. MR. POWER—I rise to a question of order. Perhaps it is to be regretted, at this hour of the day, when a number of gentlemen are anxious to get away, that we should get into a debate on such a matter as the hon. gentleman from DeLanaudiere was discussing, but we have to consider that the decisions on questions of order made here by our Speaker are very apt to form precedents, and that we should be careful not to allow the inconvenience of the moment to induce us to sanction a decision which may form a very bad precedent The Speaker, I say it with all respect, in our House is not like the Speaker in the House of Commons. The Speaker in this House as the Speaker in the House of Lords has no right, unless asked, to decide a question of order, to get up *ex mero motu* and decide that any hon. gentleman is out of order. I asked for the decision of the Chair. The uniform practice of this House has been not to prohibit gentlemen from discussing questions of order. If it is alleged by any member that another member is out of order, the uniform practice has been to allow the gentleman who is accused of being out of order to defend himself; and I think it would be a very regretable thing to close the mouth of any gentleman by raising a point of order which may or may not be well taken, and not allow him to defend himself.

HON. MR. BELLEROSE—Out of courtesy I thought I would submit to the Speaker's ruling, but from the beginning of the session I have been surprised to see the Speaker act contrary to the usage of the Senate, because it is well known that in the Commons the Speaker has the right to call a gentleman to order, but in the Lords some member must rise to a point of order before the Speaker has the right to rule a member out of order.

HON. MR. VIDAL—That has been the practice here.

HON. MR. BELLEROSE—Yesterday I was called to order by the Speaker when he had no right to do so.

HON. MR. ABBOTT—I think this discussion is straying from the point of order. The question now is whether or not the ruling has been properly made. I think the hon. gentleman opposite said he had appealed to the Speaker and I think the Speaker understood that the hon. gentleman from Delaudiere was going to raise another point of order instead of rising to speak to the point of order raised by the hon. gentleman from Amherst. Had the Speaker understood him to do so, he would undoubtedly have allowed him to say what he had to say to maintain he was in order. I hope there will not be any sweeping declara-

tion made that our Speaker, in whom we have confidence, would act unfairly in ruling on a point raised by any gentleman in this House, and I do not think that we should allow, if we can prevent it, aspersions to be made on his ruling.

HON. MR. BELLEROSE — I said that I rose to speak to the question of order.

HON. MR. DICKEY—After I raised the point of order and appealed to the Speaker His Honor decided, and the hon. gentlemen opposite said he either rose to a point of order or to make a point of order. The Speaker evidently, under the impression that he was going to raise another point of order, said that any observations the hon. gentleman might make must be confined to the point of order, and the hon. gentleman seemed to misunderstand that and to imagine that His Honor said he had no right to make observations as to the point of order.

HON. MR. OGILVIE—I think it is very unfortunate indeed that our Speaker has not larger powers, and he certainly exercises those he possesses very gently. Except some member stands up and raises a point of order, which is not a very pleasant thing to do, anyone can go on speaking in this House on matters totally irrelevant to the subject before the Senate. It has been done frequently in this House, and we lose a great deal of time in that way every day.

THE SPEAKER—This is not the first time that I have been reminded in this House that I occupy a different position from the Speaker of the House of Commons. I should be quite unfit for the position I hold if I was not entirely aware of the limitations attached to the position. The Speaker of the House of Commons has powers which are not given to an officer appointed, as I have the honor to be appointed, by the Government. To a certain extent I am merely the Chairman of the House to carry on its business. Yet certain powers must necessarily be left in my hands to conserve the decorum and order of debate. It is absolutely necessary when I am appealed to on a point of order and asked for a ruling, that I should give that ruling, and I intend when thus appealed to for a ruling to give it in the kindest spirit, without fear, favor or affection, endeavoring in that way to do what I conceive to be due to the dignity of this House. In regard to the complaint made by my hon. friend I beg to say that I never have ruled a member out of order in this House unless I was called upon to decide a point of order, but the hon. gentleman must remember that I stand in a position of equality with every member of the Senate. I am required to vote on every question, and there is no taxation without representation. If I am required to vote I have the right to speak. I have the same right to speak as a private member, though I do not use it or propose to use it. Now with regard to the point under discussion, this is the rule :—

"On all occasions it is the right of a member to rise and call another member to order. He must state the point of order clearly and succiently, and it will be for the Speaker to decide whether the point is well taken. A member is not at liberty, in rising to a point of order, to review the general tenor of a speech, but must object to some definite expression at the moment when it is spoken. It is legitimate on such occasions for members to debate the point of order, but they must confine themselves strictly to it. When the Speaker has pronounced his opinion it is almost invariably acquiesced in; but while no member can be permitted to argue against it, he can take the sense of the House thereon."

If my hon. friend from DeLanaudiere supposes that I intended for a moment to prevent him from speaking to the point of order he entirely misapprehends me, and I regret that he has done so. All that I said on this or the previous occasion was that my hon. friend in discussing the point of order must confine himself strictly to the point. In rising to a point of order, he must first state his point of order: he cannot, in my judgment, make a speech beforehand and then introduce his point of order, because it would be subversive of all order of debate. That is my opinion; I am in the judgment of the House of course in these matters.

HON. MR. BELLEROSE—I submit-

ted to the decision of the Speaker but I may not have been properly understood. My intention was to answer the point of order raised by the hon. gentleman on the other side, but the Speaker told me to sit down and I sat down.

HON. MR. READ—I move that the report be concurred in.

The motion was agreed to.

FIRST AND SECOND READINGS.

Bill (30) "An Act to amend the Companies Act." (Mr. Abbott.)

INDIAN INSTRUCTORS IN THE NORTH-WEST.

HON. MR. ABBOTT moved that the House do now adjourn.

HON. MR. BELLEROSE—When I was called to order, I was stating that the Government of the day have been supported in the other House on a question which was one of want of confidence. Some of the members who voted with them had been in attendance at Archbishop Taché's and he had advised them to support the Government, and they did so. If the Government have been sustained, they owe it to Archbishop Taché. Now the letter of His Grace has been published in the daily newspapers, and in that letter he expresses the hope that the Government will see their way to do something better for the North West, and it was on that ground that he advised these members to support the Government. Now, if an agreement is made and a thing is done on certain conditions, the price agreed upon ought to be paid. One of the complaints of Archbishop Taché was that there were 27 instructors. all Protestants, at the time. Has the Government changed that? I do not believe there has been a single change made, so that I am safe in saying that the promise to which I have referred has not been carried out. It also showed that His Grace was too confiding in relying upon the good faith of the Government. Those were the few words that I wanted to say when I was called to order, so that we have lost more time in discussing the point of order than would have been occupied by me in stating my point.

The motion was agreed to and the Senate adjourned at 5 o'clock.

THE SENATE.

Ottawa, Wednesday, June 22nd, 1887.

THE SPEAKER took the chair at 11 a.m.

Prayers and routine proceedings.

SOLICITOR-GENERAL'S BILL.

THIRD READING.

HON. MR. ABBOTT moved the third reading of Bill (42), "An Act to make provision for the appointment of a Solicitor-General."

He said :—I have verified the terms of this Bill, and I find that there is nothing more required to qualify the Solicitor-General to be a member of the Senate : that is to say, his appointment would not disqualify him.

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

WESTERN COUNTIES RAILWAY BILL.

THIRD READING.

HON. MR. ABBOTT moved the third reading of Bill (157), "An Act to confirm a certain agreement made between Her Majesty and the Western Counties Railway Company, and for other purposes."

He said :—I mentioned yesterday the purpose of this Bill. My attention has been called to a point which was debated in the other House with reference to the security held by the Provincial Government for an advance made to one of the roads affected by this Bill. I understand that the condition of the Bill is that all previous liabilities shall be paid off out of the fund for which provision is made

by this Bill. It was asserted in another place, and that assertion appears to be borne out by the Bill itself, that the financial position of the Government will be rather improved than injured by this Bill.

HON. MR. POWER—I have not seen the report of the debate in the other House to which the hon. leader of the House refers, but looking at the agreement itself which is in the schedule to this Bill, I find that provision in the seventh clause, as follows :—

"7. That the moneys of the company in the hands of the Government shall be applied and appropriated as follows :—

"A.—To the payment of interest, at a rate not exceeding four per cent., on the said debentures, debenture stock of preference shares of the company, limited in amount as aforesaid ;

"B.—To the building and completion of the line between Digby and Annapolis as aforesaid, and for the completion, equipment and putting in first-class order of the whole of the Western Counties Railway from Yarmouth to Annapolis as aforesaid ; payments under this sub-section to be made monthly to the company or its assigns, but only upon the certificate of the Government Chief Engineer of Railways, whose decisions on all questions respecting the amount and character of the work done and equipment supplied or otherwise shall be final and conclusive ;

"C.—To the payment or satisfaction of the existing obligations of the company, subject always to the retention by the Government of funds sufficient to pay such interest and to ensure the completion, equipment and putting in first-class order of the railway in sub-section "B" mentioned;"

Now, hon. gentlemen will see that the payment of the existing obligations of the company, among which is this obligation to the Province of Nova Scotia, comes behind the payment of interest and the completion of this line and putting it in first-class order. I think the Province is not at all sure to get its money under that provision. However, I have not examined the matter very carefully, and as it is one with which I am not very familiar I do not propose to make any opposition to the Bill. If the hon. Leader of the Government has no objection I should like to add a clause to the effect that nothing herein contained shall be held to diminish or prejudice the existing rights or powers of the Government of Nova Scotia with respect to the road now owned or to be acquired by the company.

HON. MR. ABBOTT—I observe in the report of the debate in another place that a similar amendment was proposed by a representative from Nova Scotia, but after hearing some explanation it was dropped. I see by the agreement that the Government is, in point of fact, very well protected, because the building and completion of the line will improve the Government security, and any expenditures in that direction will be for their benefit, and the Government must be paid before the company can receive any portion of the proceeds of the bonds.

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

COMPANIES ACT AMENDMENT BILL.

REFERRED TO COMMITTEE.

The order of the day having being called—Committee of the Whole House on Bill (30) "An Act to amend the Companies Act."

HON. MR. ABBOTT said—This is an Act to amend the general Act allowing companies to be incorporated, in two respects. They have already the power to issue bonds, under the general Act, for the money which they are authorized to borrow. It is proposed to allow them to issue debenture stock instead of bonds—to issue a different security having the same rank as bonds, so that if they choose they can issue half debenture stock and half bonds, both ranking equally on the assets of the Company. It is just giving them an option. The advantage of debenture stock, as I understand it, is simply this—a bond is issued for a fixed sum of money, while debenture stock is issued for any amount that a person wishes to have, and it is a very favored kind of security in the English market. The second object of the Bill is to allow two or more of those companies to amalgamate. There are many of them whose efficiency is impaired by the smallness of their capital, and it is proposed,

with proper precautions, to allow them to amalgamate in one company. I am informed that there are errors in the printing or drafting of the Bill which render some of its clauses almost unintelligible. The amendments required are too complicated to be considered in the House and I therefore move that the Bill be referred to the Committee on Banking and Commerce.

HON. MR. DICKEY—Although this is a public bill, I think we found, in the case of the Railway Act, which is analogous to this, very great advantage in discussing and perfecting the details of the measure in Committee, where such matters can be dealt with more satisfactorily than at the table in the House.

HON. MR. POWER—There is just one point which occurs to me in connection with the principle of this Bill, that is contained in the 10th clause which embodies the second object of the Bill, namely authorizing companies to amalgamate. While I admit the desirability of weak companies uniting to form a strong one, I think on the other hand it is not desirable to allow a number of large companies to amalgamate and form a monopoly. I have some doubt as to whether the unrestricted power to amalgamate is a desirable thing.

The motion was agreed to.

The Senate adjourned at 11:30 a. m.

SECOND SITTING.

THE SPEAKER took the chair at 2:30 p. m.

Routine proceedings.

THIRD READING.

Bill (30) "An Act to amend the Companies Act" (Mr. Abbott) was read the third time and passed without debate.

PILOT BERNARD GALLAGHER.

MOTION.

HON. MR. POWER moved

That an humble Address be presented to His Excellency the Governor-General; praying that His Excellency will cause to be laid before this House, copies of all correspondence between the Government, or any Department or Officer thereof, and the Pilotage Commissioners of Halifax, Nova Scotia, since the first of August, 1885, with respect to the administration of the Pilotage funds under the control of the said Commissioners, or to the re-appointment of Pilot Bernard Gallagher, and all orders with respect to the same subjects since the said date.

He said:—My object is to direct the attention of the Government to the manner in which the pilotage authorities of Halifax administer the funds and the business committed to their care, with the hope that the Government, if they think sufficient ground has been shown, will take steps to cause enquiry to be made into the administration of the pilot commissioners, with a view of remedying any injustice that may have been done and improving, if it is found necessary, the method of administration. I wish to say a few words about a case which excited a great deal of interest in Halifax, which was the subject of a great deal of correspondence with a Department here, and which was the subject of long discussions, and strong resolutions in the Chamber of Commerce of Halifax. In speaking of this case, I am doing so altogether of my own motion. I have not been requested by Gallagher to interfere in the matter, and I do so simply with a view of getting justice for a poor man whom I think has sustained a serious wrong. In order that the Government may understand the position I shall briefly state the case. Some time in the early part of 1884, Bernard Gallagher was employed to pilot a steamer, which was bound for Boston, into the Halifax Harbor. He came in, and went out again with the steamer, and when the steamer had got out of the harbor to the point where pilots are generally disembarked, the captain of the steamer thought it was too stormy to let the pilot out of the steamer. He did not care to stop his vessel, and he considered

it was too stormy to put the pilot down in his boat. These facts were established by solemn declarations made by the Captain of this steamer and the Captain of another vessel which was leaving the harbor about the same time, as to the severity of the storm, and by the declaration of Gallagher himself. The steamer carried the pilot to Boston, and he got back again within a few days, on the earliest opportunity, and the sole offence with which he was charged was with going to Boston on this steamer. There was not any regular trial, and he did not have any regular hearing, but subsequently the facts of the case were established to the satisfaction of all impartial men, and to the satisfaction of the Chamber of Commerce.

HON. MR. ALMON—Hear, hear.

HON. MR. POWER—I am glad my hon. colleague agrees with me in that.

HON. MR. ALMON—You will scarcely call the Chamber of Commerce an impartial tribunal.

HON. MR. POWER—I find that my hon. colleague looks at the Chamber of Commerce in this way: when it happens to pass a resolution which is in accordance with the views of my hon. friend, it is then an impartial body; but when it resolves the other way it is not an impartial body in the opinion of the hon. gentleman, and its resolutions are deserving of no weight. I wish to ask my hon. colleague this: He is probably acquainted with Mr. Mackintosh, lately Mayor of Halifax, and I should like to ask him whether, when a gentleman like Mr. Mackintosh, who in the first instance had been inclined to look with disfavor on the claim of Gallagher, turns round and says it is well founded, he does not consider it worthy of some consideration.

HON. MR. ALMON—When a pilotage commission, taken from all sides of politics, conclude that he was rightly dismissed I think that is sufficient.

HON. MR. POWER—My hon. friend has not answered the question that I asked him. Under the Pilotage Act, which is to be found in the Revised Statutes, chap. 80, and under the by-laws adopted by the pilotage commissioners of Halifax, which were ratified by the Governor-in-Council, the commissioners had the right in an extreme case to dismiss a pilot, or they had a right to fine him. What was done with this man Gallagher? I have told you what his offence was: it was not pretended that it was more serious than that. He was fined in the first place; that would be a sufficient punishment. But in addition to that they suspended him for three months. I do not think that under the law and the by-laws they had the power to both fine and suspend. After the man had paid his fine and been suspended for three months, they refused at the expiration of the hree months to re-instate him. He is a poor man with a large family and he was kept out of employment for the space of 18 months. They offered to forgive and re-instate him if he would admit that he had stated what was not true. Though he was a poor man he had a little self-respect, and as he declared that he had stated nothing but the truth he declined to make the admission. It struck me that this was a very extraordinary case, and I spoke to three of the Pilotage Commissioners, two of whom gave me to understand that they thought the man had been sufficiently punished and that they were willing to reinstate him, but one of the body seemed to have a strong personal feeling against Gallagher, and refused to consent to his being reinstated. As I said before, Gallagher was offered reinstatement if he would apologize to this influential member of the Board and retract the statement that he had made, that he had not been guilty of any offence. The Chamber of Commerce passed resolutions, which were concurred in almost unanimously, that this man should be reinstated. At one meeting, prominent Conservatives, such as Mr. Morrow and Mr. Stairs, a brother of the then member for Halifax, were in favor of reinstating this pilot. In August, 1885, the Government here having investigated the matter satisfied themselves that he was entitled to be reinstated, and they compelled the Pilotage Commis-

sioners of Halifax to reinstate him. I want to know if my hon. colleague thinks that the Government necessarily did wrong under these circumstances. Gallagher was reinstated in the early part of August, 1885, at the instance of the Minister of Marine and Fisheries. As I understand, the Government took the ground that the Pilot Commissioners had exceeded their powers in dismissing him: that having suspended him for three months they had done as much as they had power to do, and the consequence was that this man Gallagher was entitled to be paid for fifteen months at the time he was reinstated. By the unjustifiable conduct of the Commissioners he had been kept out of employment and derived of the means of earning a living for his family for fifteen months. He applied for the fifteen months pay due him, and there was a correspondence with the Department of Marine and Fisheries here on the subject. Mr. Stairs, I think, made representations to the Minister on behalf of Gallagher. The matter was not finally settled until March, 1887. I went into the Department of Marine and Fisheries and there I saw the final answer bearing that date. It was that there was no fund from which the money which he had claimed could be paid. I do not know whether my hon. colleague thinks that there was anything remarkable in the man being kept eighteen months waiting for an answer, and that the answer was only given a few days after the last general election. That may, or may not be a singular coincidence. The answer that the Pilotage Commissioners sent to the Department, that there was no fund, I have no hesitation in saying, was a mere subterfuge. I am prepared to show that they had money in their hands out of which this should be paid.

I propose now to call attention to some points in the administration of the funds which are placed under the control of these Commissioners. Where a pilot brings a ship into Halifax harbor, it is very frequently the case with a steamship, that after the pilot has brought the vessel in the Captain refuses to take him on board going out. In these cases the pilot waits until the vessel is about to leave, or until the Captain refuses to take him on board. In that case the money should really go to the pilot, because he is there ready to go out, and if the Captain refuses to take him the pilot is not to be blame, The Commissioners at Halifax have made a practice of taking those sums and instead of putting them into the amount which is paid to the pilots, put them into a sort of reserve fund which they have. I think this is an injustice to a class of men whose pay is very small and whose calling is a very dangerous and unpleasant one. This money certainly should go to the men who risk their lives bringing vessels into and out of the harbour rather than to the commissioners to whom as I can show it really does go. The administration of this pilotage fund began in August 1875. The last report from which one can get anything like satisfactory information is the Marine and Fisheries Report for the year ending 30th June, 1885. I notice that in the last report issued there is no detailed statement of the recents and expenditures of these pilot commissioners at all. There is simply a sort of general statement from which one cannot get any accurate information. It is to be regretted that that is the case. I think wherever public moneys are being spent, and particularly in a case like this where the bulk of the money should go to the support of a deserving class of individuals, the public should have the fullest information as to the way in which the money is expended. Now I wish to submit to the House the following statements which can be verified.

STATEMENT OF EXPENDITURE, BY YEARS, OF THE HALIFAX PILOTAGE COMMISSION FROM 1ST AUGUST, 1875, TO DECEMBER 31ST, 1884:—

YEAR.	Salary of Sec.-Treas.	Rent of Office.	Print'g, Stat'y, Taxes, etc.	Orphans	Commissioners.	Annual Total Expend're.	Balance on hand each year from receipts & expenses account and from superannuation.	
Dec. 31, 1876	$500 00	$100 00	$ 90 00	.....	$100 00	$ 790 00	$1000 00	
1877	500 00	200 00	103 30	$200 00	.....	1003 30	1533 00	
1878	500 00	200 00	1222 56	.....	.....	1922 56	548 63	
1879	500 00	200 00	798 00	70 00	.....	1568 00	615 20	
1880	500 00	200 00	819 07	80 00	.....	1599 07	467 48	
1881	500 00	200 00	202 77	.....	.....	902 77	1123 93	$353 50
1882	500 00	200 00	281 53	60 00	.....	1041 53	1112 21	260 43
1883	500 00	200 00	219 89	60 00	.....	979 89	980 24	252 93
1884	500 00	200 00	1276 22	60 00	.....	2036 22	27 21	287 30
Total.	$4500 00	$1700 00	$5013 34	$530 00	$100 00	$11843 34	$7419 00	$1154 16

SUMMARY OF EXPENDITURE.

Secretary-Treasurer's Salary...	$4,500 00
Rent of Office.....	1,700 00
Taxes, Printing, Stationery, etc.	5,013 34
Orphans.....	530 00
Commissioners	100 00
Expense from 1st August, 1875, to December 31st, 1876, Rent, Books, Stationery and allowance to Secretary.....	333 50
Total.....	$12,176 84

SUMMARY OF BALANCES.

From Receipts and Expense Acct	$7,419 00
From Superannuation	1,154 16
Total.....	$8,575 16

PORT OF HALIFAX.

STATEMENT SHOWING THE RECEIPTS FROM PILOTAGE DUES; FROM FINES AND FROM LICENSES AND BONDS, IN EACH YEAR, FROM 1ST AUGUST, 1875, TO DECEMBER 31ST, 1884. AND ALSO THE AMOUNTS PAID TO PILOTS WITH BALANCES REMAINING TO MEET LEGITIMATE EXPENSES.

Year.	Gross in and out Pilotage.	Fines.	Licenses and Bonds.	Total Receipts.	Paid to Pilots.	Balance Remaining to meet Legitimate Expenses.
Dec. 31, 1875	$ 6669 90	.....	.....	$ 6669 90	$ 6336 40	$ 333 50
1876	13634 00	.....	$275 00	13909 00	12612 08	1286 92
1877	17918 80	.....	209 00	18127 80	15591 00	2536 80
1878	13077 23	.....	184 00	13261 23	10790 04	2471 19
1879	14452 10	.....	133 00	14585 01	12401 44	2183 66
1880	17503 86	$130 00	193 00	17826 86	15340 24	2486 62
1881	17496 03	.....	179 00	17675 03	15299 41	2375 62
1882	16351 86	.....	201 11	16552 97	14138 80	2414 17
1883	15646 87	.....	122 17	15769 04	13555 98	2213 06
1884	17365 26	.....	150 00	17515 26	15264 53	2250 73
	$150115 91	$130 00	$1646 28	$151892 19	$131339 92	$20552 27

SUMMARY.

Gross Receipts.....		$151,892 19
Cr.		
Paid to Pilots	131,339 92	
		$20,552 27

HON. MR. POWER.

It must strike hon. gentlemen that some of the amounts for printing and stationery for a Board like that are simply enormous. There is hardly any doubt that that money has been appropriated by the Commissioners for their own uses.

HON. MR. KAULBACH—That is a serious charge to make against them.

HON. MR. POWER—I quite understand the gravity of the charges that I am making. I find in the report for this year, evidence to confirm the allegation I have made. At page 46 I find the following:—

> The returns received from the Halifax Pilotage Authority for the year ended 31st December last, show that the sum of $17,636.98 was received as pilotage dues, of which $14,223 93 was received from British, and $3,413.05 from foreign vessels. The receipts for commission on pilotage collected, outward pilotage on ships having no pilot, license and inspection fees, together with cash on hand and amount at credit of Pilotage Fund in Savings Bank, amounted to $5,533.55, while the expenditure, including payment to Commissioners of $1,000 for services, secretary's salary and other expenses, amounted to $1,938.95, leaving the sum of $3,594.60 to the credit of the Pilotage Fund.

We find here for the first time, in the report of this year, admission by the Commissioners that they have taken the sum of $1,000 for themselves. That sum is put in the same category with charges for printing and stationery. The presumption is that in other years this was put under the same head. I do not say whether these Commissioners should be paid or not; that is a question for the Government and Parliament to consider; but under the law as it exists I contend they are not entitled to pay themselves such a sum, and I think it is a matter which requires the attention of the Minister of Marine and Fisheries. If inquiry is made it will be found that not very long ago the Commissioners raised the rate of pilotage on vessels coming into and departing from the port of Halifax. That increase of pilotage was not necessary, or it would not have been necessary if the Pilotage Commissioners had been a little more careful in expending the money entrusted to them. The Commissioners are authorized by law to deduct two per cent. for superannuation and five per cent. for expenses, but they have really deducted about twice that sum from the amount payable to the pilots. The superannuation fund is now largely in excess of the demand, and with the widows and orphans does not absorb anything at all like the amount that is deducted from the pilotage fund, and there would be no difficulty whatever in paying the comparatively small sum which this man Gallagher is entitled to for fifteen months' pay. I am sorry to trouble the House with this matter at such a late stage of the session, but it happens fortunately that there is not a great deal to be done this afternoon. I call the attention of the House to the matter in the hope that the Minister of Marine will cause a careful inquiry to be made into the administration of these Pilotage Commissioners of Halifax. As my hon. colleague has suggested, the Pilotage Commissioners are not, as far as I know, a political body. There are gentlemen on both sides of politics on the Board, but it does not matter what their politics may be. I think the Government should take care that they administer the funds entrusted to them carefully and according to law, and further that they be not guilty of any tyranny or unfairness to any of the hard-working and poorly-paid men who are under their supervision.

HON. MR. ALMON—I suppose I can scarcely be expected to remain quiet after having been referred to by my hon. colleague. At this late period of the session it is scarcely possible to inquire into this case of pilot Gallagher. We have no data to go upon, except the statement made by the hon. gentleman from Halifax. It is stated by those who take the side of the Pilot Commissioners that there was no storm at all, and that Gallagher could as easily have returned as not. The Pilot Commissioners are all old sea captains. One of them I know, Mr. Cronan, voted against me, and that is all I know against him. I admit it was an error on his part, but possibly if he lives long enough he may get over that only defect in his character. The others, I should think, are about equally divided in politics — perhaps

there are more Conservatives than Liberals amongst them. Now these commissioners investigated this matter, as they thought, thoroughly and gave their decision. Now as to the amount provided for office expenses, etc., the greater portion goes to the secretary, who is an opponent of the Government. I was taken to task for saying that the Chamber of Commerce is a political institution. It is a pity that it is so, but I have simply mentioned a well known fact, as I can prove by the following instance: The British Government granted a sum of money for a steamer to run between Halifax and the West Indies, calling at Bermuda. None of this money came out of the pockets of the people of Halifax, or out of the coffers of the Dominion or local Governments, while the service was an exceedingly useful one. As a medical man I know that many a person who was threatened with consumption was sent by this steamer to a more genial clime and thereby saved from an untimely death. But, because the steamer interfered with the fish merchants of Halifax (most of whom I regret to say are Liberals) they wanted to have the steamer done away with, never considering for a moment the interests of those whose lives might be threatened with consumption. As long as the fish dealers of Halifax could have a monopoly of the trade what cared they how many persons died? But there was another object in continuing this steam service: the fish merchants of Halifax are a comparatively small body. They own their own vessels and send their fish to the West Indies bringing return cargoes. Since this steamer has been done away with a young man without capital finds it almost impossible to commence business in Halifax. He cannot send a venture of cod fish or herrings to the West Indies, as he could have done when the steamer was running.

HON. MR. POWER—I rise to a question of order. The hon. gentleman is not speaking to the motion.

HON. MR. ALMON—The hon. gentleman has attacked me for stating that the Chamber of Commerce is a political body. I was merely showing that I was justified in making the statement because when a motion was introduced in that body in behalf of that subsidy to the Jamaica steamer, the mover could not get a seconder. Whether the Chamber of Commerce is an intelligent body or not, it certainly is a Grit body from the President down as low as you can go.

HON. MR. ABBOTT—I have no objection to this address passing, and I shall have pleasure in calling the attention of my colleagues to my hon. friend's statement on the subject.

The motion was agreed to.

RIVER ST. LAWRENCE IMPROVEMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (158) "An Act relating to the Improvement of the River St. Lawrence."

The Bill was read the first time.

HON. MR. ABBOTT—moved that the 41st rule of the House be suspended and that the Bill be read the second time at length at the table.

HON. MR. POWER—I wish to ask the Minister as to the terms on which this money is advanced. My understanding of it is that the money is simply loaned to the Harbor Commissioners of Montreal, and that they pay interest on it at the usual rate. I understood from the hon. gentleman from Alma Division that they have always paid their interest promptly and fully, I suppose there will be no loss whatever to the country in lending this money.

HON. MR. ABBOTT—My hon. friend is quite right; it is merely an advance to those Commissioners for the deepening of the channel, at about the same rate of interest that we pay ourselves for the money. I may also add that the interest on those advances is regularly paid.

The Bill was read the third time and passed under suspension of the rules.

FIRST, SECOND AND THIRD READINGS.

Bill 161, "An Act to amend an Act to authorize the granting of certain subsidies in land for the construction of railways therein mentioned," was introduced and read the second and third time, under suspension of the rule, and passed without debate.

The Senate adjourned at 3:25 p.m.

THE SENATE.

Ottawa, Thursday, June 23rd, 1887.

The SPEAKER took the Chair at 11 o'clock a.m.

Prayers and routine proceedings.

QUALIFICATION OF SENATORS.

The Speaker having called for the reading of petitions, the petition of Daniel Shanks and others of the Division of De Salaberry, of the Province of Quebec, praying the Senate to hear and determine upon the qualification of the Hon. F. X. A. Trudel, was taken up.

HON. MR. BELLEROSE—I take exception to the reception of that petition. I see that it is not signed by the member who presented it. I find in May, edition of 1868, page 519, that this is held to be a valid objection to the reception of a petition in the British House of Commons. According to the British North America Act we have the same powers as the House of Commons, and I therefore take exception to the reception of this petition.

HON. MR. ABBOTT—I would be very glad to hear the opinion of members more experienced in the practice of this House than I am on the point now raised, but I perceive by the citation that this reference is to the presentation of petitions in the House of Commons, and it is under an order specially made by the House of Commons in England directing this to be done. We have no such order here, and I understand that it has never been the practice here for a member who presents a petition to write his own name upon it. The Clerk writes the name upon the Petition, and in this case the name of the member who presents the petition is written on the back of it by the Clerk of the House. That has always been the practice of this House and I do not know of any reason or any rule that would constrain us to act in a different way.

HON. MR. DEBOUCHERVILLE—It is not entirely correct to say that it is not the practice of the House for members presenting petitions to affix their own name to them. I know that it is done by some members; I know that it is done by myself, though others may do differently. It does not follow that because the regulation has not been enforced that it does not exist. When we have no rules here on any subject we have to follow the rule applying to such cases in England. To my mind this petition ought not to be received.

HON. MR. MILLER—The question is certainly raised in this House for the first time. We have no rule of the Senate requiring that a person presenting a petition should affix his name to it. I am not aware that there is any such rule in the House of Lords in England, by whose procedure we are governed in the absence of any rule of our own. This rule, in my opinion, is not applicable to this case, and we are not guided by the usage of the House of Commons in matters of this kind. We are guided by the usages and practice of the House of Lords; but we ought to be controlled largely by the practice which has prevailed in this House. Since the creation of the Senate, the practice has been for the Clerk to endorse the name of the member presenting a petition on the back of it. That has invariably been done, and if the point taken by my hon. friend against this petition be correct, then all the petitions, as far as my knowledge extends, that have ever been presented in this House have been presented irregularly. I do not think that the authority which has been quoted applies to this House. I think we should be

governed by the practice which has invariably prevailed with regard to the presentation and reception of petitions here since the creation of the Senate, and the practice which prevailed also in the old Legislative Council of Canada. I regret, myself, that I am not able to sustain the point of order that my hon. friend has taken, because I think it is most unfair at this period of the session, when it is impossible that we can have an examination into the matter, that a petition of this kind should be presented.

HON. MR. SCOTT—Hear! hear!

HON. MR. MILLER—By all accounts, Parliament will prorogue to-day. The petition cannot be considered any further this session. There is no possible object in receiving it to-day except, perhaps, to leave the matter hanging over the hon. member whose seat is attacked during the recess. I am sorry that the petition has been presented, and I am sorry that I am unable to sustain the point raised by my hon. friend from DeLanaudiere.

THE SPEAKER—It is really necessary that the reading of this petition should take place on a motion. Although it the other branch of the Legislature there is a rule which forbids any debate on the reading of the petition, we have in this House a different usage. I wish to make the proceedings of the House regular, and therefore someone should move that this petition be read and received.

HON. MR. MILLER—The matter stands in this wise: the petition, according to our custom, is taken up and an endorsation made by the Clerk. The point of order was then immediately raised, which renders this discussion quite regular, and it is quite regular to decide the point of order before making any motion to read the petition. If a petition is not in order, then no motion is necessary.

THE SPEAKER—The rule which I have before me is the following:—

"In case of opposition to the reception of a petition, a debate may take place as soon as the Speaker has formally proposed the motion that it be received. In such a case it is usual for the member who has charge of the petition to move its reception. This procedure has its inconveniences since members may be ignorant of the nature of the petition, until the motion is made for its reception; and it has, therefore, been found advisable under special circumstances to adjourn the debate on the question until a future day.

HON. MR MILLER—If the strict form was enforced with regard to every petition, perhaps a motion might be necessary, but it has not been the practice in our House and a discussion on a point of order is regular at the stage at which it is raised by my hon. friend.

HON. MR. DICKEY—I entirely concur in the view taken of this matter by the leader of the House followed by the member from Richmond. It is expressly provided that in all unprovided cases the practice of this House shall be governed by the rules of the House of Lords and not by the rules of the House of Commons, and until an authority is shown that this is the imperative rule required in the House of Lords, I see no reason why the Senate should hesitate to receive this petition merely on the technical objection made against it. As to the other point, I think it is entirely irregular that a petition like this, which cannot possibly be enquired into this session, should be put upon our records in order that it may be made the subject of an attack on the hon. gentleman afterwards.

HON. MR. BELLEROSE—In rising to a point of order, I said my authority was the procedure of the House of Commons in England, because I thought then, and I think now, that when there is no particular rule of the House of Lords which can guide us, we might be governed by the practice in the House of Lords. I raised the point so that the Speaker might decide the question. As to some of the arguments that have been used, I must say that I do not consider them sufficient to meet the point I have raised. There are many things in this House which might be according to the practice of the Senate, but not according to the rules here or in England. Every

day we have evidence of the fact that we do not stick closely to our rules.

HON. MR. ABBOTT—According to the rule of the Senate, no motion is required to have a petition read.

THE SPEAKER—The question of order has been raised by the hon. gentleman from Delanaudiere, and I am asked to rule upon it. His point of order is that a petition should bear the signature of the member who presents it. He bases that upon a rule of the House of Commons in England—an old rule. It was made a special order in 1832. It had not been the rule before. It has not been the practice of the Senate to require that the member presenting a petition should affix his name to it. It has never been done within my knowledge, since I have been a member of the House, and I have had occasion to present a great many petitions. I do not see that there is any rule of the Senate that requires that such a signature should be affixed. The manual from which the hon. leader of the Senate has read is not a general compendium of rules; it is simply a manual of reference. I should be strongly inclined to say that any rule that was followed by the House of Lords, if there was no provision here, might govern us, but it has long been our practice to admit petitions in the way in which this petition is presented, and there is no ruling that I know of to the contrary, so I shall be constrained, although I feel about this petition very much as other hon. gentlemen do, to decide against the point of order raised by the hon. gentleman

HON. MR. SCOTT—I do not rise for the purpose of differing from the dicta laid down by the Speaker, because it is known to all of us that the practice in this Chamber has been for the Clerk to add the name of the member who presented the petition, the member's name rarely appearing upon it until it goes to the Table, but I rise to draw the attention of the Senate to the necessity for a rule where a petition attacks the seat of a senator. I think that no such petition should be presented unless some senator assumes the responsibility of presenting it. Therefore, that was one of the reasons why I thought it proper, on the present occasion, that this petition should not be received. A committee was struck a few days ago to prepare rules for regulating the presentation of petitions attacking the seats of members, and agreeing upon a deposit to be made and other details. Owing to the lateness of the season at which the committee assumed its duties it was too late to come to a conclusion; therefore it stands over until another session. I should be glad to move that the petition be not now received if a motion is made for its reception. I think it should be the rule that when a petition is presented to this House some Senator should take the responsibility of moving that it should be received.

HON. MR. ABBOTT—I understand in this case Mr. Bolduc assumed the responsibility of presenting the petition. One of the great difficulties which caused the work of this Committee to be postponed, and which was discussed in the Committee, was the impossibility of restricting the right of hon. gentlemen of this House to call attention, either by petition or otherwise, to the absence of qualification of a Senator, in case they believed there was such absence. We cannot refuse, not only to Senators here, but to anyone else, the right to come forward and complain if they think there is anything wrong or unconstitutional. That is one of the privileges of every subject of Her Majesty. The great difficulty is to make proper rules for protecting members of this House from undue and malicious petitions, and at the same time not to exclude those which are founded and which every subject has a right to present. I think in this case the petition is sufficiently regular and vouched for sufficiently by one of the hon. members of this House. I see no object in presenting such a petition at this stage of the session, but it would be a mistake to say that anyone at this stage of the session should be debarred from presenting a petition.

HON. MR. HOWLAN—I do not see how such a petition can be presented. This is the last day of the session, and

even if all the allegations in the petition were correct it would be necessary for a committee to consider them. I think that is entirely out of the question. If the point sought to be attained by the petitioners is merely to test the validity of the hon. gentleman's seat, it certainly cannot be reached this session, and I think it must be clear to the mind of everyone present that this matter cannot be left hanging over the head of the hon. member from De Salaberry until next session. The course pointed out by the leader of the Opposition is right; somebody should move that the petition be not now received and if such a motion is made I am prepared to vote for it.

HON. MR. POWER—A better plan would be to let the petition lie on the table.

HON. MR. DEBOUCHERVILLE—It seems to me that the member who has taken the responsibility of presenting this petition is the one who ought to move in this direction, and if he is not here we ought to wait until he comes. He has taken the responsibility of presenting the petition and he should take the responsibility of asking that it be received. There must be a motion for its reception. I do not think he has taken the responsibility because he has not put his name to the petition; but assuming that he has, he should be here to ask that it be received. As he is not here, I think we ought to wait until he returns to take that course, so as to continue his responsibility.

HON. MR. ALLAN—I quite agree with what has been said about the unreasonableness and inexpediency of presenting such a petition on the last morning of the session, but while I have no sympathy whatever with the object of the petition, I do not see how we can be guided by any other rules than the plain rules and orders of the House. I have presented a great many petitions during the time I have held a seat in this House, and in all cases I think they were simply endorsed and my name put on them by the Clerk. There has never been any rule requiring a member to sign a petition he presents. Under the circumstances, unless there is some rule of the House that will forbid the reception of this petition, I do not see on what possible ground we could refuse to receive it, even though we may consider it very improper to present it at such a late period of the session.

HON. MR. BELLEROSE—Is it not reasonable to say that the member who presented the petition should be here to ask that it be received? If he is ashamed to be here to take that course, I do not see why any other member of the House should take up the petition. The gentleman whose seat has been attacked has been a member of this House for ten or twelve years. What is complained of we have known for a long time, and the fact of this petition being brought up at such a late period of the session shows that the intention is more to injure the hon. member than to seek justice. In view of these facts, and the fact that the charge will be left standing against him for six or seven months more, I think the petition should be allowed to lie on the table by the unanimous consent of the House. I may know some members of this House who are not qualified. Am I at the last day of the session to be so low as to bring those gentlemen before the public and say they are not qualified and then wait until next winter before having an inquiry into the charge? If I did so, hon. members would say I am no gentleman. Are those hon. gentlemen acting as gentlemen when they—

HON. MR. ABBOTT—I must rise to a question of order. My hon. friend is discussing the merits of this petition. If he were doing so in a certain way I would not object to it, but he is impliedly casting reflections on a member of this House who is absent.

HON. MR. DICKEY—If my hon. friend will allow me, I will suggest a medium course in this matter which, I think, will commend itself to the sense of the Senate. I should be prepared to move that the reception of this petition be postponed until to-morrow. My reason for that is that there is a possibility that the hon. member may be in his

place, and if he is in his place hon. members can deal with the petition as they please; and if the session should be brought to an end before that time it will not be our fault but the fault of the people who insist upon presenting this petition at such a late period of the session, if it is not taken up. I therefore move that the petition be not received until to-morrow.

HON. MR. ABBOTT—I am quite prepared to concur in that.

HON. MR. KAULBACH—I must oppose this motion. It is virtually putting it off and defeating the petition. Now, I see no reason why this petition should not be received. If we are not inclined to attend to it, the petition can lie over until next session, but I think it would not be consistent with our position in this body if we did not treat it like every other petition. I think it is the inalienable right of every man to petition this House, and the liberty of the subject I think should not be restricted in the way proposed here. Of course we have no sympathy with these petitioners yet still we owe it to this body that if a petition comes before the House we should not endeavor to defeat its object; but, if it comes in a proper way, we should receive it. No reason has been advanced why we should not receive it. I cannot be a party to any motion which would defeat the object of the petition. It is the right of any person to petition the House; and to take means to prevent the reception of such a petition, defeating the object of the petitioners.

The motion was agreed to.

DUTIES OF CUSTOMS ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (107) "An Act to amend the Act respecting duties of Customs."

The Bill was read the first time.

HON. MR. ABBOTT moved that the 41st rule of the House be suspended, and that the Bill be read the second time presently.

The motion was agreed to on a division.

HON. MR. ABBOTT moved the third reading of the Bill.

HON. MR. POWER—It is just as well to have it understood, although we do not say anything, that we are opposed most thoroughly, completely and strenuously to the principle of this Bill.

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

THE ASH DIVORCE CASE.

COMMONS AMENDMENT CONCURRED IN.

A message was received from the House of Commons to return Bill (B) "An Act for the relief of Susan Ash," with amendments to which they desired the concurrence of the Senate.

HON. MR. OGILVIE moved that the amendments be concurred in.

HON. MR. DICKEY—As I took a prominent part in the debate on this Bill when it was before the Senate, the House will perhaps indulge me for a few minutes in considering this question of the amendments that have been made to it. This Bill comes to us in a very different shape from the Bill as it was sent down to the House of Commons, and that again was a Bill in a very different shape from the form in which it was submitted to us originally. The House will bear in mind that that Bill, involving the consideration of very important questions, was fully discussed in this House, and that on that occasion I took certain grounds which were explained by myself and other hon. members, for in that contention I was supported by the majority of legal gentlemen in this House. I am happy to say in all the points that I took then I have been supported, not only by the majority of the legal gentlemen in the other House, but, as far as I know, except on one

single point, by the unanimous voice of the profession in that Chamber. I mention this, not with a view of wishing for an instant to take any credit to myself, any more than my hon. friends who supported me would like to take credit to themselves, for discharging a simple duty, which was to keep the House right as far as we could with regard to these constitutional questions. If the House took a different view and did not adopt it, our duty was ended and the responsibility rested elsewhere. When the question came to an issue, and after I had asked the leader of the House to point out to us the course we ought to take in this matter, and after he had in his usual clear and forcible manner, explained what his view of the law was, I felt it to be my duty not to discuss the matter further, but to yield to that opinion, and to say, as far as I was personally concerned, I should let the Bill be carried, as these divorce Bills usually are carried, on a division, leaving the responsibility of it to others and trust to the Bill being considered in another place. The points at issue were these: I stated distinctly that the question of the legality of this divorce in Massachusetts was not to be determined by the law of the place where the marriage was consummated but entirely by the law of the state where the divorce took place. I also held that, the husband being domiciled in Massachusetts, the wife became *ipso facto* domiciled there—that she had no other legal domicile except that of her husband, and that it was only subject to this necessary exception that if she desired to take any proceedings, for example such as this, for her own relief from that bond with her husband that she then *ex necessitate rei* required to have a forensic domicile. Subject to that limitation, which was not required until 12 or 13 years after that divorce took place, the law, as I laid it down according to my light, was that the consideration of this divorce should be according to the law of the country where the proceedings took place, and not the law of the matrimonial domicile where the marriage took place. As regards that, my hon. friend the leader of the House, and one other gentleman, I think, with him, were at issue with me. I am happy to say in that contention I have been most triumphantly borne out by the Minister of Justice who has stated distinctly and clearly, as all the lawyers in the House of Commons stated, that it was not the matrimonial domicile but the place where the proceedings were taken that governed the question of divorce, and it is the law of the country where the husband was domiciled that governs the status of him and his wife where a divorce is sought. I have that point stated in better language than I can put it by the highest authority that we recognize here. The question is stated in this way by the Minister of Justice:—

"I recognize it to be my duty to state to the House, so far as I am able to form an opinion on the subject, how far the application would be regarded in her favor if the subject was one now for judicial enquiry. For I understand the principle on which Bills of this kind have proceeded ever since this practice has been established is this, that they will be granted on the same evidence and under the same circumstances as applications would be granted before a judicial tribunal in the mother country which had jurisdiction over such a subject."

And McQueen's House of Lords cases fully bears out that opinion. Again he says:—

"The question, I take it, which Parliament has to consider, before giving assent to this Bill is whether it will recognize the divorce obtained in the State of Massachusetts as a complete dissolution of the marriage which had taken place in Canada. Now, Sir, in the first place, I admit that it is not a material element for consideration that the marriage took place in Canada, because if the party subsequently became domiciled in another country they submitted themselves and their martial status altogether to the laws and tribunals of the country in which they go to live; and what I contend is most important in this case is this principle: that before any tribunal can alter the marriage status and dissolve the marriage of persons who apply to that relief—that in this case of Manton, who obtained a divorce in the State of Massachusetts, in order to entitle him to have relief, in order to give validity to a divorce obtained in Massachusetts, in order to entitle the divorce obtained in Massachusetts to any recognition here."

That is the only point of difference, as I said just now, between the hon. Minister of Justice and those gentlemen

who, with me, contended that this divorce was right. The Minister of Justice, strange to say, states that there was no evidence that this party had been domiciled in Massachusetts, in the face of the fact that it never was contradicted before the Committee.

HON. MR. GOWAN—There was not a particle of evidence that she had been domiciled in the United States. On the contrary the evidence was that she was in Montreal.

HON. MR. DICKEY—My hon. friend still adheres to this narrow view of domicile. If he refers to the opinion of the leader of this House he will find that he treated the party as having been domiciled in Massachusetts, and everybody else did, but it is quite clear from another incident which took place afterwards that the Minister of Justice had not time, in his multifarious duties, to read over the evidence, because when Mr. Davies was discussing the question and referring to something in the evidence, he is reported as saying "Where do you find that?" Mr. Davies referred him to the passage. We cannot blame him for that, because he is only speaking generally of the principle of law and he says that he cannot see any evidence. The leader of the Senate says that the wife was never domiciled there but that the husband was and he takes the ground that the domicile of the wife is not always that of the husband. I cannot understand that contention which is contrary to the ruling and opinion of all the authorities. Then the Hon. Mr. Thompson goes on to say :—

"Now the question arises as to whether it appears in this case that there was any jurisdiction, on the part of the court in Massachusetts, to give Manton a divorce against his wife. As I have said that ought to be decided in my opinion by the question of whether he was, when he applied for that divorce in Massachusetts, domiciled there. If he went on a temporary visit to the United States and if —which is still worse—he went merely for the purpose of applying for a divorce there, in order to be released from the marriage tie, I have no hesitation in giving my humble opinion that when he came back his decree so obtained in the United States would be nugatory, and would not be recognised in any court under the British system of jurisprudence"

In that opinion we all concur distinctly. According to that opinion there is no doubt that it is governed by the law of the country there. Then again he says :—

There must be a domicile in Massachusetts to make this divorce recognisible here, or there must be evidence that the home, the residence, as distinguished from the mere presence of the person, was the State of Massachusetts, at the time the divorce was applied for by him. Against the case of the petitioner, this principle is set up, that the domicile of the wife is always the domicile of the husband; and if we can find anything in this case to show that the husband was domiciled in the State of Massachusetts; then we must conclude that the court has jurisdiction there, not only over him, but over her."

That is the point as to which I apprehend the learned Minister of Justice had not looked over the evidence and it appeared afterwards that he had not fully looked over it. It is not necessary to multiply references, because the point is stated clearly and emphatically by the hon. Minister, and in accordance with the understanding that we all have of the law, that the domicile of the wife is that of the husband and that the husband, if he obtained a *bona fide* domicile in Massachusetts, became entitled to the protection of the laws of that country and to make use of them for the purpose of getting relief from his wife, There is in the lucid and able argument of Mr. Davies a citation from a judgment by Lord Justice James in this celebrated case of Harvey and Farney before the Court of Appeals, and the Courts all agree in the position taken on that case. Chief Justice James says most emphatically :—

"A wife's home is her husband's home; a wife's country is her husband's country; a wife's domicile is her husband's domicile; and any question arising with reference to the status of those persons is, according to my view, to be determined by the law of the domicile of those persons; assuming always that the domicile is a *bonâ fide* one, not a domicile either ficticious or resorted to for the sole purpose of altering the status. I am not however prepared to say that an English husband could, by going to a foreign country for the sole purpose of domiciling himself in a place where a marriage could be dissolved at pleasure, be enabled to obtain a valid and binding dissolution of his own marriage. That point it is not necessary for us to decide. But where the domicile is the real *bonâ fide*

domicile of the husband, and consequently of the wife, the court, the forum of the country of that domicile, is the forum which has to determine the status; and has to determine whether the status was originally well created, and whether any circumstances have occurred which justify that forum in deciding that the status has come to an end."

In the the same case another learned judge, Lord Justice Cotton says:—

"In my opinion it is not a question in any way depending upon the rule that the *lex loci contractus* governs. That applies, as I have already stated, to the forms and solemnities by which the marriage is celebrated. When parties unite themselves in marriage, it is not part of this contract that, according to the laws of the country where that marriage takes place, they shall have the power or not to dissolve that marriage. Any act done in violation of the duties incident to the status is a matter which concerns the country of the domicile, and, in my opinion, the question of divorce is not in any way an incident of the contract so as to be governed by the law of the country where that takes place; but an incident of the status to be disposed of by the law of the domicile of the parties if they are subject to the tribunals of that country.

THE SPEAKER—I would ask if there is no exception to the case where the husband's domicile is that of the wife.

HON. MR. DICKEY—It is subject to exception. There is one case where the domicile of the wife is not that of the husband and it is this: Whenever it becomes necessary for her to relieve herself, if she can, from the obligations of matrimony or its results, from the very necessity of the thing she shall be entitled to take proceedings in the domicile where she lives. Otherwise a woman would be in this position: If she were deserted by her husband—if he were to move to the other end of the neighboring country, she would have to follow him in order to take proceedings, but the law steps in and says in such a case she is entitled to her own domicile for the purpose of instituting divorce proceedings against her husband. The point is so plain that only that I am quite aware that the majority of this House are not of the same opinion as myself, I should hesitate to take their time up in discussing it. It was stated here on a former occasion that the position which I took was that they were sitting here as judges and that was repudiated altogether. It was contended that we are only sitting here as legislators, and one gentleman went so far as to say that we are a law unto ourselves, and in these cases of divorce we can do as we like because we are acting as legislators. I contend that we are acting in a judicial character. I have already quoted what the Minister of Justice says. Let me quote from Chetty's digest, page 2818, "Divorce Bills, though in form legislative, are essentially of a judicial character." This was said of Bills in the House of Lords before 1858, when the present divorce court was established. I hope that is plain enough. If it is not there is a quotation that I can make from Wheaton's International Law to the same effect. That shows that the objection which was made in the first instance that the House should take its own will in this matter and decide cases without reference to law was not valid. When I heard the idea of our being governed by English precedents scouted, I looked around to see where I was. Hon. gentlemen will look in vain for an expression on the part of legal gentlemen in the House of Commons that the exemplification of the decree of divorce was defective. It has been treated there as evidence throughout. If the Minister of Justice had read all the papers he could not have failed to observe, with his acute mind, that there was evidence of the domicile; but the great point was this: that there was no evidence to the contrary. The evidence of the decree is nothing but *prima facie*. It is subject to be rebutted, but there was no rebuttal evidence on that point, and everything went upon the idea, which was admitted on all hands, that the man had been living all this time in Massachusetts. Under those circumstances he became liable to the protection of the laws of the country. We come now to the question of the amendments to this Bill. They are very important. The one that I conceive most important of all—not to speak of the change to "alleged" instead of "pretended" marriage, which is of itself significant, and the four lines struck out—is the one which strikes out the allegation that those parties, who were married

under the law of Massachusetts, after the divorce there were living in a bigamous state and that their children were *quasi* illegitimate and that Manton and his second wife were living in a state of adultery. That allegation has been struck out, and it is most important to my mind that it should be struck out, but how is that treated here? I give my hon. friend from Barrie the opportunity of explaining what was said here in debate that on the committee he declared that if these words were not in the Bill he would vote against the preamble. I hope my hon. friend will not now oppose these amendments.

HON. MR. GOWAN—I did not say so. My hon. friend is wrong in his statement. I said I would vote against the adoption of the report.

HON. MR. DICKEY—It is the same thing.

HON. MR. GOWAN—I do not consider it the same thing.

HON. MR. DICKEY—With regard to this matter, from the first I think it has been the general feeling of the gentlemen who have taken the same view that I did, that if this had been a bill merely for the relief of Susan Ash and had not been directed against the second wife and the husband and their issue and if it had not been insisted upon that they should be declared to be living in a state of adultery, there was a disposition on the part of all of us to give relief to this woman. But these words were insisted upon. The promoters of the Bill would not eliminate them and the Bill was forced through this House. Now this Bill comes back to us shorn of those objectionable words, and is simply what it ought to be—an allegation that this man is married to another woman in a foreign country and in that way he must be presumed to have got relief and liberty to marry, and this Bill is to give the wife the same liberty. That is the aim, purpose and object of the Bill, as it now stands before us, without any reflection on this man William Manton and his second wife, and without the necessity of considering whether the divorce obtained in Massachusetts was legal or not. Under the circumstances, I am prepared to second the motion of the hon. member who has charge of this Bill.

HON. MR. GOWAN—At the close of the business of this Session, and when the Governor General is almost at our doors, I shall not presume to occupy the attention of this House for more than a few moments—perhaps I should not have spoken at all, but given a silent vote for the adoption of the amendment, if the hon. member from Amherst had not spoken at such length, not in respect to the question before the House, but on the merits of the general question. I am not disposed to occupy the time of the House in vindicating the position I took, nor the views that I expressed. I am content to address myself merely to the matter in hand, to vindicate as far as I can, the position that this House took, and to show that it is entirely justified, and that the position taken elsewhere was not of that character that one would desire from such a body. The whole difficulty in this case arose, in my opinion, from the draftsman who prepared the Bill. He would have saved all this trouble and saved an immense deal of time had he not introduced into the preamble matters of evidence, leaving the ground on which the enactment was to be passed a matter of inference, instead of laying a solid foundation. In that Bill, as originally introduced, there was no allegation of adultery. At the time the question was brought up I said that I could not vote for the adoption of this report except the allegation of adultery was contained, and that I proposed moving to have it referred back to the Committee to deal with it in that way, but it was assented to and it was introduced here and the House of Commons have in effect said that the Respondent was guilty of adultery. My hon. friend from Amherst has referred to the Bill as it was introduced and that it did not contain the words "in a state of adultery." Very true it stated he cohabited with a woman not his wife, and certainly the words inserted by the Committee were even warranted, and stated the fact specifically and expressly found that he "lived and cohabited with Mary Hatch

in a state of adultery." That was the finding of the Committee and I for one would not have voted for the adoption of the report without them for they made the statements in the preamble clear and brought out expressly the ground on which alone the House would sanction divorce, namely adultery. Now as it comes to us from the other House, I find that these words are struck out "in a state of adultery:" in other words, it sets forth the grounds, argumentatively, on which the Bill is based, and the action of this House is really confirmed, that the decree of divorce obtained in the United States, was under the circumstances, void in this country, that adultery was established, the Respondent having cohabited with another woman not his wife. How my hon. friend from Amherst can get over that fact is something I cannot comprehend. He was endeavoring to prove that the expressions of the Minister of Justice in the other House, and the expressions of the Leader of this House do not accord, and he has labored very earnestly to show that by reading from the report of the debate. It happened that my hon. friend in the former debate quoted a case in the Supreme Court and affirmed that it established a principle that he contended for at the time. On looking into it and speaking to those who where particularly aware of what that decision was—in fact speaking to one of the hon. judges who gave the decision—it turned out that my hon. friend was entirely wrong, that he had entitely misconceived the effect of that decision, that the facts of the case were not at all analagous, and that the decision was in no respect in point. It might turn out also that, if an opportunity was given to examine fully the debate which took place in the House of Commons and to examine what was said by the Minister of Justice, and compare it with what was said by the hon. leader of this House, that there would be no inconsistence, and my hon. friend might prove to be quite as wrong in this case as he was in the other. The Bill comes back to us, as I was saying, shorn of the important allegation "in a state of adultery." This House spoke with no uncertain sound: it did not hesitate to designate acts by appropriate names, but in the hyper-sensitive atmosphere of another place they were led to drop words which were not "fitted for ears polite." It is true the plain implication from the facts stated in the preamble remains, and without it there would be no sufficient foundation for the enacting clause passed by the Commons, and that body must have found the first marriage proved—and as to the second marriage, held that it was void and of no effect—and that he lived with another woman as his wife. If not, and the second marriage was good or doubtful, what becomes of the proposed enactment in the second clause, that the marriage between Susan Ash and William Manton, *her* husband, is *hereby* dissolved—he could not be the husband of two women at the same time—so that in substance the Bill is as when it left us, though not improved in form or distinctness of expression. It is not expressly alleged, but it is argumentatively; it is as plain as light at noonday that this man has been living in adultery with Mary Ford Hatch while his wife is still living. But the Commons have sent us a ratiocinative preamble on a matter in which it was all important Parliament should give a clear, logical expression, a cogent antecedent in the preamble to the provisions of the Bill, a logical antecedent to the provisions of the Bill. I think it is to be greatly regretted, for if the function of a preamble to a law is to explain facts necessary to an understanding and vindication of the enactments, I venture to say that this preamble does not fully satisfy the requirements. The utility of any preamble may be questioned, but as Montesquieu said "when Parliament condescends to give a reason for its enactments we should look for one worthy of its majesty." It certainly ought to be clear and complete, and who can say as much for that contained in this Bill. Having regard to the principle involved, embracing the morals and domestic happiness of this country, Parliament I think should have declared itself in language so plain that he who runs may read. I fear that some of those who may look to Parliament for a clear exposition of reasons and principles may, on reading this Bill, be tempted to exclaim in the words of the poet Moore:—

"The wise men of Egypt were secret as dummies
But even when they condescended to teach
They wrapped up their meaning as they did their mummies
In so many wrappers 'twas out of one's reach."

Now the Bill is clearly an exposition of facts that plainly imply that this man committed adultery, and there would be no justice in it without such a finding—it would be manifestly unjust to say that the marriage between Susan Ash and William Manton would be dissolved—it would be utterly unjust also to give Susan Manton the right to marry again; but this ratiocinative preamble left here, while it does not satisfy me, will I think satisfy the ends of justice and enable the woman to obtain that which she is fully entitled to, a divorce. I repeat with regard to what has been said by the Leader of the House, that I fully accord with every word he said. His statement was so clear that I do not see how any member of this House could understand it as the hon. senator from Amherst did, and his view was certainly not opposed, so far as I am able to glance over the remarks of the Minister of Justice, to anything that was said by his colleagues in the Commons. The remarks of the Minister of Justice are entirely in keeping with his, and, I repeat, if one had an opportunity of going over the speech as carefully as the hon. member from Amherst did, with a view to vindicate his position and to vindicate his opinions, I dare say it would be found that as good an answer could be given as I now give to him in saying that he was utterly wrong and utterly misconceived the effect of the judgment of the Supreme Court when he quoted that as being apposite and fitting to this case.

HON. MR. KAULBACH—It is not necessary for me to say much after the remarks from the hon. member from Amherst who has shown, from what has occurred in another place, that the position we took in this case has been fully vindicated. If the Bill had been reported to us from the Committee in the form in which it stands now the long contention that we had and the stringent opposition I gave to it individually, would have been avoided. If my hon. friend is right in his contention he should vote against the Bill in its present form.

HON. MR. GOWAN—No.

HON. MR. KAULBACH—I am satisfied to take it as it stands. I do not know whether my hon. friend from Barrie will vote for it or not. The hon. gentleman is in error when he says the effect of this Bill is still to charge the respondent with adultery in marrying the second time. The fact is that the amendment is quite to the contrary. That charge is taken out of the preamble, as is also the charge that the marriage with Mary Ford Hatch was a "pretended marriage. As it is put is an "alleged marriage." My point was that the decree obtained from the Massachusetts Court was a perfect divorce—that by all the allegations in that divorce it was proved, and it was not shown here that it was improperly so decreed, that the petitioner in this case had deserted her husband and that he was domiciled in the United States. That being the decree of divorce, and no evidence to the contrary having been submitted to us, we had to accept the exemplification of divorce. That was not taken cognizance of by the Committee, but, in order to stigmatize this Respondent, it was stated that he had improperly deserted his wife, when the only evidence that we have is quite to the contrary—that the wife had deserted her husband. I feel quite satisfied to give this woman the relief she seeks, because the amendments relieve the respondent and his wife and family from the stigma cast upon them by the Bill as it originally stood. I feel pleased that the contention of my hon. friend from Amherst, myself and others in this House, has been sustained in the other branch of the Legislature, and am quite willing to vote for the Bill as amended, but at the same time the hon. member from Barrie, if he wishes to be logical, should vote against it.

HON. MR. ABBOTT—I do not think I can permit this Bill to pass, though I am in favor of it as it stands, without saying a word, because I am unwilling that an erroneous impression should go

abroad as to the decision of the House of Commons, compared with the decision of the Senate. The decision of both Houses is precisely the same. I had not the advantage before of reading the opinion of the Minister of Justice, but I perceive that he is in favor of the Bill—that he holds that the divorce obtained in Massachusetts was not valid or binding on us; or, in other words, as he puts it, would not be binding on a Court of Probate in England. He does not deal with the distinction which I raise, and which all members of this House, I think, will regard as important, that we have no Divorce Court in this country, and that the rules as to comity, which are contended for, as between courts, cannot apply in the same way as if we had a court. But the Minister of Justice holds this — that the respondent had no domicile in Massachusetts. He is perfectly right there, but he holds that if he had a domicile, technically speaking, he had not his matrimonial home there. The Minister of Justice speaks exactly as I did on the impropriety of allowing a man to go to a foreign country leaving his wife behind him, and there obtain a divorce from her without her being brought within the jurisdiction of that court, which was the main point of my argument. He establishes this position by numerous authorities, some of the same authorities I quoted, to show that the domicile of the wife might be different from the domicile of the husband for purposes of this kind. While he certainly admits the principle as I did that the domicile of the husband is the domicile of the wife, he speaks of the exceptions and quotes authorities to prove that there are exceptions to the rule in cases of this kind. What is the result of the discussion in the Lower House? The result is that it is alleged that the said William Manton went through the form of marriage with one Mary Ford Hatch; that the said William Manton has since his alleged marriage lived with the said Mary Ford Hatch. What is the conclusion? My hon. friend says that the Minister of Justice has maintained his contention that the divorce obtained from the Court in Massachusetts was binding on us.

HON. MR. DICKEY—That if the domicile had been established he admitted the principle.

HON. MR. ABBOTT—I am speaking of the decision of the House. After all this argument the Bill concludes as follows:—

"The said marriage between Susan As and William Manton, her husband, is hereby dissolved and shall be henceforth null and void to all intents and purposes."

If it is "hereby dissolved," or is to be "null and void henceforth" only, how was it dissolved by the decree of the divorce court? The fact is, as I gather from the debate in the other House, that a considerable number of members in that Chamber were unwilling, in so many words, to stigmatize the position of the present wife and her children. They were unwilling to do so, although they recognized the fact that these circumstances were special grounds for granting the petitioner divorce, and they only omit those words out of a feeling of delicacy to the wife and children of the Respondent in Massachusetts. I should have preferred to see the Bill introduced in this form in the first place, because it might have been as effectual to guide us in our position as the direct assertion that the Respondent had been guilty of adultery would have been.

THE SPEAKER—Having taken a very considerable part in the discussion before, I do not intend to extend the debate now, but merely to say that I should be very sorry if it had gone forth that the House of Commons had sustained the contention which was made by the hon. member from Amherst (fo whose legal abilities, acumen and knowledge we all have the highest respect)—a contention which I consider to be one of the most mischevious that could be made with regard to this question. My hon. friend the Leader of the House has put the matter in a clear and conclusive form.

The motion was agreed to, and the amendments were concurred in on a division.

ELECTORAL FRANCHISE BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (114) "An Act to amend the Revised Statutes, chapter 5, respecting the Electoral Franchise."

The Bill was read the first time.

HON. MR. ABBOTT moved that the 41st rule of the House be suspended and that the Bill be read the second time presently.

HON. MR. HAYTHORNE—I hope that this Bill will not be allowed to pass without a sufficient explanation on the part of the Leader of the Government in this House. It is a very important measure.

HON. MR. ABBOTT—I am only prepared to say this much with regard to this Bill, that the season is so far advanced and the making of these lists has been so recent, that for the first reason it is too late in reality to make the lists within the time fixed by the General Act respecting the franchise, and with regard to the second reason, that there is no special necessity for making any new lists this particular season. It is quite plain that the revising officers charged with the making of this list cannot succeed in carrying it through within the dates and times mentioned in the Act, so it will be necessary to pass a bill either extending these dates to another period or abandon the lists altogether, because they would not be legal if they were not made within the time fixed by the Franchise Act. There was, therefore, only the alternative of altering the law or postponing the making of new lists for another year. The Government considered that it was best to postpone the making of the lists for another year, inasmuch as there will be no great necessity, it is hoped, for lists for another year. The expense will be saved and there is really no special object to be gained in taking steps to have the lists made at a later period of the season. I fancy that is all that can be said with regard to the Bill: it is proposed as a matter of convenience and economy.

Hon. Mr. HAYTHORNE—It seems then that quite a combination of reasons induced the Government to adopt this course, but I submit it is really a very dangerous one. In the first place, some of the objections which were taken to the Act when it was passing through this House, and when it formed part of the Revised Statutes, are now being fulfilled. The Opposition urged that the system adopted by the Government was exceedingly cumbrous and expensive and quite unnecessary; that the objects might be obtained with much greater facility and far less expense. Those objections are coming true, but in my opinion the plea of economy ought not to be entertained. It is a very good cry and one that is always popular with the people, but such thrift as that may prove in the long run exceedingly disastrous. It seems to me that the duty of this House is to keep a close, vigilant watch on measures of this description when they are alleged partly on the ground of economy and partly on the ground that elections are not anticipated within a few months to come. We should listen to such an allegation with the utmost caution. It is impossible for any Minister to say that a general election will not take place within the next few months. It is quite true that we have a Government which has only recently been returned and is sustained by a considerable majority, but are we positive that the Government of to-day will be the Government of Canada three months hence? It is possible that the leader of the present Government may within that time become the Earl of Earnscliffe, of Ottawa, and remove his residence from the banks of the Ottawa to the banks of the Thames. That might bring about a political crisis in this country and his successor might not be a person in whom the public would place entire reliance. A hundred events may occur to make an election partially or entirely necessary, and if we are to operate on the lists of last year, to which such general exception has been taken, it is probable that the results would be nearly the same. Another fatal objection to the course which the Government have seen fit to adopt is that necessarily the constituencies are expanding from day to day, and week to week,

and year to year, and there is no provision or arrangement made, according to the estimation of the hon. gentleman opposite, for that natural increase. Young men are growing up and attaining their majority, and other men who are were not qualified when the last list was made, may in the course of the next three months be qualified to vote, yet no provision is made for them. The hon. gentleman simply alleges that there is no time to make the lists, and these men may remain out in the cold. We invite immigrants to come to our shores, and one of the great attractions held out to them is that they may become citizens of Canada and speedily become competent to take part in our affairs. But such men arriving last year and investing sufficient money in this country to justify them in demanding that their names should form part of the next registered list, are to be left out in the cold for another year. I regard this Bill as a dangerous one which ought to be arrested, or at all events should not be allowed to pass this Chamber without expostulation. Not many days since I noticed the sentiment fall from the hon. member from Halifax (Mr. Power) who is one of the most useful men in this House, that no Government is to be allowed tacitly to be so sincere and honest and capable that we are to admit all they say and do without question or cavil. I think that sentiment has been quoted by myself from the authority of one of our early political writers, Jeremy Bentham, who said it is a fallacy to suppose that Ministers are sometimes so honest, competent and able that we are not to question their doings in any form. I had in my desk a citation on this point, expecting the Bill to come up sooner; it is one of the evils of hurrying measures through at this stage of the session that members are not given the opportunity to see the inward evil of those measures. It is not to be supposed that the Government would lay a deliberate plan to abolish the franchises and liberties of the people. But it is done in an unperceived way, and I do think that one of the most important duties of a people such as ours, forming their political history is that they should keep a vigilant watch on all such matters. I remember referring to the question myself when the Franchise Bill was before the House and pointing out the evils which had occurred in English history in this way—how political franchises had been frittered away simply through the inattention of the citizens themselves. It would be easy to quote many such instances during the Stuart *regime* but I know the House is wearied, and I do not feel competent, in the absence of one's usual resources on his desk, to go into this question at any length, but I should have felt myself guilty of a dereliction of duty had I permitted this Bill to pass *sub silentio.*

HON. MR. DICKEY—I should like to ask the leader of the House how far this Bill will effect a saving, in view of the Order-in Council lately passed, that these revising barristers are to be paid annual salaries? Of course that will not cover the question of the number of voters they are to be paid for at the rate of five cents each, and which will come to an amount about equal to their salaries They are to be paid $300 per year. I understood their duties were to be suspended until next year, and for my part I have no sympathy with the views of my hon. friend below me in thinking that this can do very great injury, because, after all, you have lists to go upon only for twelve months, and if there are by-elections, it cannot effect anybody very seriously; but if the matter is to be suspended and they are to do no work this year, I want to know why they should be paid, and perhaps my hon. friend will be able to assure us that their remuneration will only commence from the time when they begin their work.

HON. MR. ABBOTT—I suppose that the rule will be as my hon. friend says, but I have not seen the text of the Order-in-Council. I dare say I shall be able to get information on that point before the House meets again, but that, of course, does not come up exactly on this Bill, and therefore the answer will be in time. My impression is that they receive this salary only for the period for which they work. At the same time I should not be surprised to find that the rule is in another direction, because these men are permanent officers. They

would receive a much larger income if they did the work than if they do not, and the salary given them is very small. I know from personal observation that the labor of making up those lists is very large and occupies a large amount of time. I do not think, myself, that the $300, with the five cents additional, is at all large pay for the work they have to do.

HON. MR. DICKEY—With regard to the other question, I understood that the Bill was advocated in the interest of economy, and I want to know how the economy is to come in if they are to be paid annual salaries. If they do nothing in 1887, I really do not see why their salaries should commence before 1888.

HON. MR. ABBOTT—My hon. friend will see that the salary of the Revising Barrister is a very small part of the cost of making up the lists. There are other persons employed besides the Revising Barrister, and the printing entails a large expense. Therefore there will be a considerable saving.

HON. MR. GOWAN—I happen to know something about this question. I happen to know that the salary of the Revising Barrister will form a very small part of the aggregate expense. The whole of the lists have to be printed. They have to be arranged, and the clerk who is employed is engaged for a very long time in doing it. I speak advisedly when I saw that the Revising Barrister's salary forms but a small portion of the cost of producing a perfect revision of the lists.

HON. MR. POWER—The speeches to which we have listened from the Leader of the House and the hon. member from Barrie are the best evidence that the hon. gentleman from Prince Edward Island was perfectly right in his strictures on this Bill, and in the statement that the Opposition in the Session of 1885 were perfectly right when they opposed the Franchise Bill, on the ground that it was going to be, in addition to everything else, very cumbersome and expensive, because the Government, having used the Act for the purpose for which I presume it was made—of aiding to carry the general election of 1887 — although they were not very easily deterred from doing anything on the ground of its being expensive—now from their own work. They do not care to face the expenditure involved in carrying out the law for the present year. The hon. gentleman who leads the Government in this House has given another reason, that the law has been so badly and clumsily constructed that the officers could not do their work this year unless an act were passed to enable them to accomplish it at a period later than that assigned in the original Act. I quite agree with the hon. gentleman from Marshfield (Mr. Haythorne) in thinking that when the making up of the voters' lists is a matter in the discretion of the Government, things are in a very bad way indeed. If the Government can say "we think the lists are good enough now, and you are not to have a new list this year," that is a very serious position of affairs. The uniform rule in all English speaking countries so far as I am aware, is that the voters' lists are made up every year; but, if the Government can step in and say "we think last year's lists are good enough," they can go further and say "the lists of five years ago are good enough for us." I think this is a grave and very important question; and the hon. gentleman who leads this House is too thoughtful a man not to have realized that it is a very serious matter, and he showed his usual discretion in preferring that this measure should pass *sub silentio* rather than it should be discussed and reasons given for it. The Franchise Act is one that is quite unprecedented in the history of English speaking peoples. I do not think there is any instance where officers appointed by the Government, and the rate of whose pay depends upon the will of the Government, have been allowed to make up the voters' lists. It was alleged when the Bill was passing through the other chamber that we were following the English precedent. That is not the case however, because in England the revising barristers are not appointed by the Government, but are appointed by the judges. It is understood now that this Franchise Act was

not a measure which was desired by the Conservative party at all—it was not wished for by the Conservative members of either House of Parliament, but was almost purely the measure of the Premier, and it is well known that whatever other ability that hon. gentleman may possess he has not a particularly good head for finance; and I do not think he realized at all when the measure was going through Parliament what it was going to cost. Now that he realizes the expenditure it involves he is appalled by the result. We have been told that the salaries of the revising officers and their pay for the names on the lists amount to a very small item of the expense of this measure. Now the salaries of the revising officers alone, at $300 each will amount to somewhere between $60,000 and $70,000. The hon. gentleman says that they are paid so much per name—which by the way is a vicious principle, making it the interest of the revising officer to put as many names on as he can.

HON. MR. MCCALLUM—Surely the hon. gentleman does not suppose that a revising barrister would be induced to put on a name improperly for five cents.

HON. MR. POWER—The hon. leader of the Government says that the amount received in this way exceeds the salary, so that the revising barristers alone receive about $150,000 a year, and the leader of the Government in this House has told us further, and the hon. member from Barrie states that he has practical knowledge of this matter, and has told us that the pay of the revising barrister is only a small item in the expense of the Franchise Act. So now we have the statement from the Government side of the House that $150,000 is only a small fraction of the yearly cost of this measure. The only good feature—if there is a good feature about it—that I see in the measure now before us is that it may perhaps be taken as an indication that the Government proposes next year to repeal this obnoxious measure.

HON. MR. CLEMOW—Hear, hear.

HON. MR. POWER—I do not know whether my hon. friend from Ottawa is is in the secrets of the Privy Council or not, but that is what they ought to do. They took a wrong and mistaken step, as well as a bad one, and I think the fact of their suspending the law for this year may be an indication that they propose to repeal it next year and go back to where we stood before, or go forward to manhood suffrage. If that is the meaning of this Bill, I for one shall be somewhat rsconciled to its passage.

HON. MR. KAULBACH—There is something in what my hon. friend has said as to this Franchise Act being very expensive, but it is worth the expenditure to have the Franchise uniform all over the Dominion: and it should be borne in mind that the expenses hereafter will not be so heavy as the necessarily were in preparing the first lists. There are some twenty or thirty contested elections, in many of which there may be by-elections, and I think it is only right that the same voters should decide the second contest in each case and that the chances of the two candidates should be the same in both elections.

HON. MR. MCCALLUM—The senior member for Halifax has stated that the Franchise Act was not asked for by the Conservative party. That party, as we all know, has governed this country for some time, and if it was not their wish to have a Dominion franchise established, will the hon. gentleman explain how the Act could have been passed? Now, the Bill before us simply postpones the making of a list for another year. Nobody expects a general election between now and 1888, and is it right or proper that by-elections should be decided on lists different from those on which the original election was held? When the hon. member from Halifax makes out that such a heavy expenditure will be involved in the payment of Revising Barristers, he overlooks the fact that in very many cases there is only one revising officer for two counties, while the salary in no case exceeds $300. The hon. member from Prince Edward Island (Mr. Haythorne) has raised quite a storm about this Bill: I believe in Prince Edward Island they have manhood suffrage; and I would like to see it adopted, as far as

possible, all over the country, but how were we before this Franchise Act was passed? We were at the mercy of the Local Legislatures; they could fix any franchise they pleased. Hon. members forget that the preparation of the voter's lists entailed expense before the Act was adopted. The largest part of the expense is the printing of the lists, and we had all that expense before. I should like to see the Local Legislatures adopt our franchise, and in that way a great deal of money would be saved to the country. The Government deserve credit for saving money as they do by this Bill.

HON. MR. POWER—Hear, hear.

HON. MR. MCCALLUM—The hon. gentleman says "hear, hear": I beg to say that the members at the other end of the building who are opposed to the Government would have complained very much if the Government had not brought this measure before Parliament. I speak with some knowledge of the subject when I say that the candidate who has to bear the expense of running an election and the risk of defending or contesting an election case, has quite enough expense without having to look after the voters' list. The Bill can do no harm; it saves money to the people of this country, and I know that nine-tenths of the members in another place are glad that this Bill has been introduced.

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

The Bill was then read the third time and passed.

COUNCIL OF NORTH-WEST TERRITORIES BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (163) "An Act respecting the Council of the North-West Territories."

The Bill was read the first, second and third times under a suspension of the rules.

THREATS AND INTIMIDATION BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (162) "An Act to amend the Revised Statutes, chap. 173, respecting threats, intimidations and other offences."

The Bill was read the first time.

HON. MR. ABBOTT moved that 41st rule be suspended and that the Bill be read the second time at the table.

HON. MR. SCOTT—This Bill seems to have been changed somewhat since its first introduction in the other House. It does not in any way interfere with legitimate combinations of laboring men.

HON. MR. ABBOTT—Not at all.

HON. MR. SCOTT—They may combine and refuse to work at their lawful calling, or strike as it is called, but if any parties break away from such a combination and choose to go to work, this Bill renders it unlawful for the strikers to interfere with them.

HON. MR. ABBOTT—The Bill consecrates what appears to the Government to be the true principle which should govern labor—that if people choose to combine and say that they will not work, except on certain terms and under certain conditions, they are perfectly free to do so, but at that point their right stops. They have no right to prevent other people from working, if they choose to do so, on conditions which they themselves reject. The Bill is really only an expansion of the 11th clause of the Criminal Act, the portion which refers to intimidation. That clause, as it stood, only dealt with those who used force to prevent men from working; this Bill extends it to threats and intimidations.

HON. MR. POWER—I see it is limited to threats of violence now there are other threats which would be just as serious to the parties against whom they are directed.

HON. MR. DEBOUCHERVILLE—Give us an example.

HON. MR. POWER—A boycott might be threatened. In order to prevent a man from working, he may be threatened with a suspension of social intercourse. I think threats of any evil to the worker should be prevented as well as threats of violence.

HON. MR. ABBOTT—My hon. friend can see that it would be very difficult to deal with cases of that sort. It is a question whether boycotting is illegal. I do not see why people should not combine against buying from a certain tradesman, or working with a certain individual, if they choose. This Bill goes as far as is necessary to meet the evil for which a remedy is sought. At several of our seaports we are losing our trade in consequence of threats, and actual violence sometimes, but certainly threats which are directed against persons who are willing to work by those who are not willing to work.

HON. MR. HAYTHORNE — No doubt the hon. gentleman and his colleagues have considered the phase of this question which occurred in England some 20 years ago, when the interference with labor was so great that the Government had to send a commission down to the laboring districts. The head of that commission was authorized to hear evidence and to assure persons giving it that they would not incriminate themselves, and in that way they got at the bottom of a terrible state of things, but happily the measures they took at that time prevented the further spread of terrorism in that direction, and public opinion in England being so opposed to combinations of that kind, there has been no difficulty since in securing convictions. The history of that period shows clearly the absolute necessity of nipping such combinations against free labor in the bud, and I do hope that, small apparently as this Bill is, it may have its effect without the necessity of having recourse to stronger measures, but it is quite clear that in England at the time to which I have referred, a state of things which was quite terrible to contemplate.

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

RAILWAY SUBSIDIES IN LAND BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (164) "An Act to authorize the granting of certain subsidies in lands to the railways therein mentioned."

The Bill was read the first time.

HON. MR. ABBOTT moved that the 41st rule be suspended and that the Bill be read the second time at length on the table.

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

HON. MR. ABBOTT moved that the Bill be read the third time.

He said :—This Bill authorizes the granting of lands on the principle recognized long ago, that lands in the North-West should be granted for the opening up of roads in that country. It is extending the principle to the three railways mentioned in this Bill, each of which will open up a very large amount of territory.

The Bill was read the third time and passed.

The House was adjourned during pleasure.

At 7:30 p. m. the House was resumed.

RAILWAY SUBSIDIES IN MONEY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (170) "An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned."

The Bill was read the first time.

HON. MR. ABBOTT moved that the 41st rule of the House be suspended and that the Bill be now read the second time.

HON. MR. POWER—I think I should only be doing my duty to the country and to this House also if I were to object to the suspension of the 41st rule. We have under this Bill to dispose of something like $2,500,000, and under the Supply Bill, which his Honor has under his hand we propose to dispose of something like 44,000,000. To do all that the Government allow us the space of six minutes. Although we have had a good deal to complain of in former years in connection with this matter, we have never had anything quite as bad as this. There was a sort of understanding when the House adjourned in the afternoon that we should meet again at 7:30 p. m. at least. I think perhaps as there are others besides ourselves who are interested in proroguing now it might not be well to object to the suspension of the rule, but the Government have something of the kind.

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

HON. MR. ABBOTT moved that the Bill be read the third time.

HON. MR. POWER—I do not propose to go into the items of this Bill, or to discuss its general character, but I wish to express my regret at not finding in this Bill any appropriation for the Musquodoboit Valley Railway in the county of Halifax. It is a railway much more important in its character than many of those for which subsidies are provided by this Bill, and it is a road the promoters of which had a pledge from the present Minister of Finance, both before and subsequent to the late elections, that it would receive a subsidy of $3,200 per mile. I regret that that promise has not been kept, and that the promoters of the road will, in consequence, be prevented from building it.

HON. MR. ABBOTT—I regret very much that the Minister of Finance is not in a position to speak for himself in answer to the objection that the hon. gentleman makes. Of course I am not in a position to say that the Minister of Finance did not promise this subsidy, but I feel confident that whatever he did promise he has done his best to carry out. With regard to those subsidies, the Government have done their best to select amongst the enormous number of applicants for subsidies those best entitled to assistance, and I am only sorry that the one in which my hon. friend takes such an interest is not included.

HON. MR. POWER—While nothing has been done to aid this railway in the County of Halifax, I observe that four are selected in the County of Cumberland, which the Finance Minister himself represents.

HON. MR. HAYTHORNE—Are the railways which are mentioned in the Bill roads which are actually to be placed under construction at once, or are they only railways in prospective?

HON. MR. ABBOTT—My hon. friend will see that the Government in granting aid to a railway cannot undertake that it will be constructed, but they have not granted aid to any road which they have not reason to believe will be built.

HON. MR. HAYTHORNE — Are there not some of them already built.

HON. MR. ABBOTT—I have not seen the Bill, I must confess, and I am not able to answer that question positively, but I should imagine not.

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

THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (169) "An Act for granting to Her Majesty certain sums of money required for defraying certain expense of the public service for the financial years ending respectively the 30th June, 1887, and the 30th June,

1888, and for other purposes relating to the public service."

The Bill was read the first time.

HON. MR. ABBOTT moved that the 41st rule be suspended and that the Bill be read the second time.

HON. MR. POWER—Perhaps the hon. Minister will be good enough to tell us what the total amount that we are to spend is? The Bill is not before us and we have no time to examine it, and there would be no object in doing so if we had the the time to discuss it, but I think at least the Minister might inform us how much we are to vote away.

HON. MR. ABBOTT—It is a little over $27,000,000.

HON. MR. POWER—It must be $20,000,000 more than that at least.

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

The Bill was then read the third time and passed.

The House adjourned during pleasure.

At EIGHT o'clock p.m., HIS EXCELLENCY THE GOVERNOR GENERAL proceeded in state to the Senate Chamber, and took his seat upon the Throne. The Members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to, in Her Majesty's name, by His Excellency the Governor General, viz :—

An Act to amend the Act respecting Public Officers.

An Act to amend the Act respecting offences against Public Morals and Public Convenience.

An Act respecting Public Stores.

An Act respecting the St. Catharines and Niagara Central Railway Company.

An Act respecting the Ontario, Sault Ste Marie Railway Company.

An Act respecting the Grand Trunk Railway Company of Canada.

An Act respecting the Rocky Mountains Park of Canada.

An Act respecting the representation of the North-West Territories in the Senate of Canada.

An Act to incorporate the Manufacturers Life Insurance Company.

An Act to amend the Penitentiary Act.

An Act to amend the Act to incorporate the Hamilton, Guelph and Buffalo Railway Company, and to change the name of the Company to the "Hamilton Central Railway Company."

An Act to incorporate the Collingwood General and Marine Hospital.

An Act to amend the Act respecting Sick and Distressed Mariners.

An Act to amend the law respecting Procedure in Criminal Cases.

An Act to amend the Act respecting Canned Goods.

An Act respecting the Ontario & Quebec Railway Company.

An Act to incorporate the Canadian Society of Civil Engineers.

An Act to incorporate the Halifax and West India Steamship Company (Limited.)

An Act to incorporate the Equity Insurance Company.

An Act respecting the Richelieu and Ontario Navigation Company.

An Act to authorize the Grange Trust (Limited) to wind up its affairs.

An Act to incorporate the Canadian Horse Insurance Company.

An Act to enable the Freehold Loan and Savings Company to extend their business and for other purposes.

An Act further to amend the Act incorporating the Western Assurance Company and other Acts affecting the same.

An Act to incorporate the Guarantee and Pension Fund Society of the Dominion Bank.

An Act to authorize and provide for the winding up of the Pictou Bank.

An Act respecting the conveyance of Liquors on board Her Majesty's Ships in Canadian waters.

An Act to amend "The Dominion Controverted Elections Act."

An Act respecting the Edmonton and Saskatchewan Land Company (Limited).

An Act to amend the North West Territories Act.

An Act to incorporate the Bay of Quinté Bridge Company.

An Act to incorporate the Kingston, Smith's Falls and Ottawa Railway Company.

An Act to incorporate the Oshawa Railway and Navigation Company.

An Act respecting the Midland Railway of Canada.

An Act respecting the Grand Trunk, Georgian Bay and Lake Erie Railway Company.

An Act to incorporate the Prescott County Railway Company.

An Act to incorporate the Niagara Falls Bridge Company.

An Act to incorporate the Massawippi Junction Railway Company.

An Act to incorporate the Canada Accident Assurance Company.

An Act to incorporate the Upper Columbia Railway Company.

An Act to incorporate the Londonderry Iron Company.

An Act to amend the Act incorporating the Alberta and Athabasca Railway Company.

An Act to incorporate the Kincardine and Teeswater Railway Company.

An Act to incorporate the Goderich and Canadian Pacific Junction Railway Company.

An Act to revive and amend the Act to incorporate "The Saint Gabriel Levee and Railway Company."

An Act respecting the Defacing of Counterfeit Notes and the use of Imitations of Notes.

An Act to amend the Act respecting the Department of Finance and the Treasury Board.

An Act to provide for the payment of a yearly allowance to Godefroi Laviolette, late Warden of the Penitentiary at St. Vincent de Paul.

An Act to incorporate the Cobourg, Blairton and Marmora Railway and Mining Company.

An Act respecting the Ottawa and Gatineau Valley Railway Company.

An Act to incorporate the Dominion Oil Pipe Line and Manufacturing Company.

An Act to reduce the Stock of the Ontario and Qu'Appelle Land Company (Limited) and for other purposes.

An Act respecting the Atlantic and North-West Railway Company.

An Act to incorporate the Teeswater and Inverhuron Railway Company.

An Act to enable the Western Canada Loan and Savings Company to extend their business and for other purposes.

An Act to incorporate the Berlin and Canadian Pacific Junction Railway Company.

An Act to confirm and amend the charter of incorporation of the Temiscouata Railway Company.

An Act to incorporate the South Norfolk Railway Company.

An Act to incorporate the South Ontario Pacific Railway Company.

An Act to incorporate the Empire Printing and Publishing Company (Limited.)

An Act to incorporate the Eastern Canada Savings and Loan Company (Limited.)

An Act further to amend the Act respecting the Canadian Pacific Railway Company.

An Act to revive and amend the charter of the Quebec and James' Bay Railway Company, and to extend the time for commencing and completing the Railway of the said Company

An Act respecting the Department of Trade and Commerce.

An Act to incorporate the Manufacturers' Accident Insurance Company.

An Act respecting the Waterloo and Magog Railway Company.

An Act respecting the Primitive Methodist Colonization Company (Limited).

An Act respecting the New Brunswick Railway Company.

An Act to incorporate the Imperial Trusts Company of Canada.

An Act to amend the Act to incorporate the Brantford, Waterloo and Lake Erie Railway Company.

An Act to amend "The Government Railways Act."

An Act to amend "The Railway Act."

An Act for the relief of Marie Louise Noel.

An Act for the relief of Fanny Margaret Riddell.

An Act for the relief of John Monteith.

An Act to incorporate the Canadian Power Company.

An Act respecting the Ontario Pacific Railway Company.

An Act respecting the Guelph Junction Railway Company.

An Act to amend an Act of the present Session intituled "An Act to enable the Freehold Loan and Savings Company to extend their business and for other purposes."

An Act to amend "The Speedy Trials Act," chapter one hundred and seventy-five of the Revised Statutes.

An Act to enable the Saint Martin's and Upham Railway Company to sell its railway and property.

An Act to amend the Acts relating to the Harbor Commissioners of Montreal.

An Act to amend the Dominion Elections Act and to remove doubts as to the rights of certain persons to vote at elections of members of the House of Commons.

An Act to amend the Act respecting the Department of Agriculture.

An Act to provide for an additional Subsidy to the Province of Prince Edward Island.

An Act respecting the Manitoba South Western Colonization Railway Company.

An Act respecting the Department of Customs and the Department of Inland Revenue.

An Act respecting the Oxford Junction and New Glasgow Branch of the Intercolonial Railway.

An Act to amend the Dominion Lands Act.

An Act to provide for advances to be made by the Government of Canada to the Fredericton and St. Mary's Railway Bridge Company.

An Act to amend the General Inspection Act.

An Act in addition to the Revised Statutes, chapter six, respecting Representation in the House of Commons.

An Act to amend chapter two of the Revised Statutes of Canada, intituled "An Act respecting the publication of the Statutes."

An Act to amend chapter one hundred and thirty-eight of the Revised Statutes respecting the judges of Provincial Courts.

An Act to confer certain powers on Boards of Trade as to the Licensing of Weighers.

An Act to amend the Revised Statutes, Chapter thirty-nine, respecting the Expropriation of lands.

An Act to authorize the advance of further sums for completing the Graving Dock and the Improvements in the Harbor of Quebec.

An Act respecting the Nova Scotia Permanent Benefit Building Society and Savings Fund.

An Act respecting the Manitoba and North-Western Railway Company of Canada.

An Act to incorporate the Quebec Bridge Company.

An Act to amend the Acts incorporating and relating to the British Canadian Loan and Investment Company (Limited).

An Act to amend the Act of the present Session intituled "An Act to incorporate the Kincardine and Teeswater Railway Company.

An Act to incorporate the Royal Victoria Hospital.

An Act to incorporate the Hereford Branch Railway Company.

An Act to revive and amend the Act incorporating the "Anglo-Canadian Bank."

An Act respecting the Western Counties Railway Company.

An Act for the relief of William Arthur Lavell.

An Act for granting certain powers to the Canada Atlantic Steamship Company (Limited.)

An Act to make provision for the appointment of a Solicitor-General.

An Act to confirm a certain agreement between Her Majesty and the Western Counties Railway Company, and for other purposes.

An Act relating to the improvement of the River St. Lawrence.

An Act to amend "An Act to authorize the Grant of certain Subsidies in land for the construction of the Railways therein mentioned."

An Act to amend the Act incorporating the Pontiac Pacific Junction Railway Company.

An Act to amend the Indian Act.

An Act to amend the Act respecting the Duties of Customs.

An Act to amend The Immigration Act.

An Act to further amend the Act incorporating the Canada Atlantic Railway Company.

An Act to consolidate and amend the Acts relating to the Winnipeg and Hudson's Bay Railway and Steamship Company, and to change the name thereof.

An Act to amend "The Supreme and Exchequer Courts Act" and to make better provision for the Trial of Claims against the Crown.

An Act to amend the Revised Statutes, chapter fifty-one, respecting Real Property in the Territories.

An Act to amend "The Chinese Immigration Act."

An Act to enable the Canada Permanent Loan and Savings Company to extend their business and other purposes.

An Act for the relief of Susan Ash.

An Act to amend the Revised Statutes, chapter five, respecting the Electoral Franchise.

An Act respecting the Council of the North-West Territories.

An Act to amend the Revised Statutes chapter one hundred and seventy-three, respecting Threats, Intimidation and other offences.

An Act to authorize the grant of certain Subsidies in Land for the construction of the Railways therein named.

An Act to empower the employees of incorporated companies to establish Pension Fund Societies.

An Act to amend "The Companies Act."

An Act to authorize the granting of Subsidies in aid of the construction of the lines of railway therein mentioned.

Then the Honorable the Speaker of the House of Commons addressed His Excellency the Governor General as follows:—

"MAY IT PLEASE YOUR EXCELLENCY:

"The Commons of Canada have voted the Supplies required to enable the Government to defray the expenses of the Public Service.

"In the name of the Commons, I present to Your Excellency the following Bill:—

"An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1887, and the 30th June, 1888, and for other purposes relating to the Public Service.'

to which Bill I humbly request Your Excellency's assent."

To this Bill the Royal assent was signified in the following words:—

"In Her Majesty's name, His Excellency the Governor General thanks Her Loyal subjects, accepts their benevolence, and assents to this Bill."

After which His Excellency the Governor General was pleased to close the FIRST SESSION of the SIXTH PARLIAMENT of the DOMINION with the following

SPEECH;

Honorable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In relieving you from further attendance in Parliament, I desire to convey to you my appreciation of the dilligence and earnestness which you have shown in the performance of your important duties.

I thank you in the Queen's name for the cordial and affectionate congratulations you have offered to Her Majesty on the completion of the Fiftieth anniversary of Her happy reign.

I have taken care to transmit your loyal address to be laid at the foot of the Throne.

The re-adjustment of the Tariff for the purpose of further developing our home industries upon principles which have been received with such marked acceptance by the people of Canada, will, it is confidently expected, in an especial manner encourage the working of our vast mines of iron and coal, and promote the production within our own country of all the more important iron manufactures.

The establishment of a Department of Trade and Commerce under the supervision of a responsible Minister, and the measures you have passed for the better organization of other departments of Government, will, I trust, tend to aid in the extension of our home and foreign trade, as well as to improve the efficiency of the public service.

The numerous Acts relating to railway and other industrial enterprises to which I have given Her Majesty's assent, indicate a steady growth in the national progress of the Dominion, and your liberal appropriation for the construction of the Sault Ste. Marie Canal ensures the completion of our great system of inland navigation at an early period.

Our agricultural population will, I am sure, learn with much pleasure of the provision you have made for the maintenance of the Experimental Farm in this vicinity, and the establishment of auxiliary stations in the several Provinces.

Gentlemen of the House of Commons:

In Her Majesty's name I thank you for the provision you have made for the requirements of the Public Service. I shall see that it is applied with all due regard to economy.

Honorable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I trust that under the blessing of Almighty God the present promise of an abundant harvest may be fully realized, and that when we meet again I shall be able to congratulate you on a still further increase in the general prosperity of the country. Meanwhile I bid you farewell.

The SPEAKER of the Senate then said:—

Honorable Gentlemen of the Senate and Gentlemen of the House of Commons:

It is HIS EXCELLENCY THE GOVERNOR GENERAL'S will and pleasure, that this Parliament be prorogued until Tuesday the second day of August next, to be here held, and this Parliament is accordingly prorogued until Tuesday, the second day of August next.

INDEX

—TO—

DEBATES OF THE SENATE.

SESSION 1887.

PART I. constitutes an index to the names of Senators, with their action upon the respective subjects. In this part *italics* denote that the Motion, Amendment or Inquiry in question emanated from the Senator mentioned.

PART II. constitutes an analytical index to all subjects debated. Names in *italics* and parenthesis after the subject indicate the *movers*.

The following abbreviations have been employed: Amt., Amendment; Appt., Appointment; B., Bill; Com., Committee; Concurr., Concurrence; Corresp., Correspondence; Dischgd., Discharged; Div'n, Division; H.E., His Excellency; H.M., Her Majesty; Incorp., Incorporation; Inqy., Inquiry; M., Motion; *m.*, moved; Res., Resolution; Ry., Railway; W. Whole House, thus Com. of W., Committee of Whole House; Withdr., Withdrawn.

On a Division :—C., Contents; N.-C., Non-Contents.

1st R., 2nd R., 3rd R., 1st, 2nd and 3rd Reading.

*, Without comment or discussion.

I.—INDEX TO SENATORS.

ALLAN, Hon. Geo. W.

LEWIN, Hon. James. D.

TURNER, Hon. James.

VIDAL, Hon. Alexander.

WARK, Hon. David.

I.—INDEX TO SUBJECTS.

BILLS.