DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1903

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HOLLAND BROS.

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THIRD SESSION—NINTH PARLIAMENT.

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1903

SENATORS OF CANADA

ALPHABETICAL LIST

3RD SESSION, 9TH PARLIAMENT, 3 EDWARD VII

1903

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
AIKINS, JAMES COX	Home	Toronto.
BAIRD, GEORGE T	Victoria	Perth Centre, N.B.
BAKER, GEORGE B	Bedford	Sweetsburg, Que.
BÉIQUE, F. L	DeSalaberry	Montreal.
BERNIER, THOMAS ALFRED	St. Boniface	St. Boniface, Manitoba.
BOLDUC, JOSEPH	Lauzon	St. Victor de Tring, Que.
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COX, GEORGE A	Toronto	Toronto, Ont.
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DAVID, L. O	Mille Isle	Montreal.
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DOMVILLE, J	Rothesay	Rothesay, N.B.
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EDWARDS, W. C	Russell	Ottawa.
ELLIS, J. V	St. John	St. John, N.B.
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FROST, F. T	Leeds and Grenville	Smith's Falls.
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GIBSON, W	Lincoln	Beamsville, Ont.
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JONES, L. MELVIN	Toronto	Toronto, Ont.
KERR, WILLIAM	Northumberland, O.	Cobourg, Ont.
KERR, J. K	Toronto	Toronto, Ont.
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MACDONALD, WILLIAM JOHN	Victoria	Victoria, B.C.
MCKEEN, DAVID	Cape Breton	Halifax, N.S.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
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McKAY, THOMAS	Truro	Truro, N.S.
MACKAY, R.	Alma	Montreal.
McLAREN, PETER	Perth	Perth, Ont.
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OWENS WILLIAM	Inkerman	Montreal.
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PERLEY, WILLIAM DELL	Wolseley	Wolseley, N.W.T.
POIRIER, PASCAL	Acadie	Shediac, N.B.
POWER, LAURENCE GEOFFREY *(Speaker)*	Halifax	Halifax, N.S.
ROBERTSON, J. E.	P. E. Island	Montague, P.E.I.
REID, JAMES	Cariboo	Quesnelle, B.C.
SCOTT, RICHARD WILLIAM	Ottawa	Ottawa.
SHEHYN, JOSEPH	Laurentides	Quebec.
SULLIVAN, MICHAEL	Kingston	Kingston, Ont.
TEMPLEMAN, WILLIAM	New Westminster	Victoria, B.C.
TESSIER, JULES.	De la Durantaye	Quebec.
THIBAUDEAU, ALFRED A	De la Vallière	Montreal.
THIBAUDEAU JOSEPH ROSAIRE	Rigaud	Montreal.
THOMPSON, F. P	Fredericton	Fredericton, N.B.
VIDAL, ALEXANDER.	Sarnia	Sarnia, Ont.
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WATSON, ROBERT	Portage la Prairie	Portage la Prairie, Man.
WOOD, JOSIAH	Westmoreland	Sackville, N.B.
YEO, JOHN	East Prince	Port Hill, P.E.I.
YOUNG, FINDLAY M	Killarney	Killarney, Man.

THE DEBATES

OF THE

SENATE OF CANADA

IN THE

THIRD SESSION OF THE NINTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR THE DESPATCH OF BUSINESS ON THURSDAY, THE TWELFTH DAY OF MARCH, IN THE THIRD YEAR OF THE REIGN OF

HIS MAJESTY KING EDWARD VII.

THE SENATE.

Ottawa, Tuesday, September 1, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A PROPOSED ADJOURNMENT.

Hon. Mr. PERLEY moved :

MOTION.

That when the Senate adjourns to-day, it do stand adjourned until Wednesday, at eight o'clock in the envening.

He said : I make this motion on account of an invitation which has been extended to all the members of this House by the Hon. Mr. Edwards to go to Rockland to-morrow afternoon to attend an important meeting there. He wished me to say to any hon. gentleman whom he had not seen, that the invitation was extended to all. Important legislation is now before the Senate, but it would not interfere with the business of the country if we met in the evening instead of in the afternoon.

Hon. Mr. MACDONALD (P.E.I.)—I am not in accord with the motion. It is very nice and pleasant for us to take a jaunt, such as is proposed by the hon. senator, but it is very much better for us to dispose of the work before us. The country does not expect us to go away on a trip of this kind to enjoy the hospitality so kindly tended to us when we should be here attending to our duties.

Hon. Mr. SCOTT—I hope the hon. gentleman will not press his motion. If he does, I hope the House will not accept it. When we are in the midst of important legislation, it would be inopportune and unseemingly to go away on a day of amusement. Of course any hon. gentleman who desires to go can do so.

Hon. Mr. SULLIVAN—The House would meet in the evening.

Hon. Mr. BAKER—I suggest to the hon. mover that he withdraw the motion in deference to the expressed wish of the hon. Secretary of State. But I dissent entirely from the view which has been expressed to the Senate that it is merely a pleasure jaunt that is proposed. The occasion is the meeting of the Veterinary Associations of the United States and Canada combined. and the questions to be discused by that assembly and by persons skilled in the matters that will come before them are of the very first importance to the agricultural interest of the Dominion. It may be observed, however, that the proceedings will probably be printed, and we will all have an opportunity of deriving advantage from the discussion of those matters. I did not know

that my name was to be coupled with the motion, but as it has been, I take the full responsibility of having seconded the motion. However, I think it would be wise and prudent that it should be withdrawn.

Hon. Mr. PERLEY—I did not wish to interfere in any way with the business of parliament. I only asked that we should have an evening's session in place of one in the afternoon. The request is not unreasonable, because we have done it before. As regards the seconding of the motion by the hon. gentleman, I disclaim doing anything that would be dishonourable.

Some hon. MEMBERS. Oh, no, no.

Hon. Mr. PERLEY—I spoke to the hon. gentleman to-day, and he favoured it. I thought I was not doing anything wrong when I mentioned his name as seconder. If he insists I will withdraw the motion.

Hon. Mr. BAKER—I must have expressed myself most clumsily if I conveyed the impression that I blame my hon. friend. He spoke to me and I sympathized with the project. I went further and expressed a determination to go down to Rockland myself. I thought it desirable that every senator should have an opportunity of participating in the trip, and I am exceedingly sorry my hon. friend should have been under the impression for a moment that I intended to criticise what he had done.

Hon. Mr. FERGUSON—Of course the withdrawal of the motion will not preclude any hon. gentleman who feels that he can absent himself from the House doing so, and it is to be hoped the Senate will be well represented on this occasion.

Hon. Mr. SULLIVAN—In justice to the hon. gentleman who made the motion, I wish to say that he does not propose a jaunt or a pleasure trip. The meeting is of a purely scientific character and of the utmost importance to farmers, to professional men and to the whole public. The question of diseases of animals and their communicability to men will be the principal feature. The only thing that might be considered as a pleasure would be viewing the stock which the hon. gentleman has there, and that is as much a utility and a lesson as anything else. Hon. Senator Edwards is President of the Tuberculosis Society of Canada. That important question, which is a vexed question in the scientific world to-day, will be discussed by prominent men and therefore the meeting would be of great utility, first to the farmer, second to the professional man—I do not know but the lawyers might come into it in some way. I thought the Senate had agreed to it, and the leader of the House particularly, because of his desire to give members of the House an opportunity of attending this interesting meeting.

Hon. Mr. SCOTT—When I addressed the few observations which I did, I was not aware of the object of this meeting, but as has been properly observed, any hon. senator may attend who wishes to do so, and still take part in the business of the Senate. We are almost certain to sit to-morrow evening, and while attending to this very important, and I have no doubt very pleasant function, they will also feel that they have not robbed the country of their services by attending the evening session to-morrow.

Hon. Mr. PERLEY—My object in proposing the adjournment was to avoid the possibility of important legislation being proceeded with to-morrow afternoon when senators were away.

The motion was withdrawn.

MINING COMPANIES INCORPORATION BILL.

THIRD READING.

The Order of the Day being called for the third reading of Bill (Y) An Act respecting the incorporation of Mining Companies.

Hon. Mr. BEIQUE said: I beg to call attention to clause 7 of this Bill, which was inserted at the suggestion of the hon. Speaker. It is in the following words:

> This Act shall apply only to companies owning or operating mining properties in more than one province of the Dominion.

I have called his attention to the fact that this clause, as worded, would be liable to be so construed as to defeat entirely the object of the Bill—as permitting a company to operate under the Bill only after it had

owned and been operating properties in more than one province. I would therefore substitute this clause :

This Act shall apply only to companies having for their object to own and operate mining properties in more than one province.

The SPEAKER—The hon. gentleman from de Salaberry is quite right. The amendment which he proposes now to substitute for the one made in committee, really carries out the intention which I had better than the amendment which was actually adopted. With the permission of the House, the hon. gentleman might move that this Bill be not now read the third time, but that it be amended by striking out clause 7 and substituting the clause he has suggested.

Hon. Mr. CASGRAIN (de Lanaudière) moved :

That the Bill be not now read the third time, but that it be amended by striking out the seventh clause, and inserting in lieu thereof, the amendment suggested by the Hon. Mr. Béique.

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

RAILWAY LAW CONSOLIDATION BILL.

AGAIN IN COMMITTEE.

The House resumed in committee of the Whole, consideration of Bill (21) An Act to amend and consolidate the law respecting Railways.

(In the Committee.)

Hon. Mr. McMULLEN—I regret that I was not present yesterday when the committee dealt with clauses 10 and 11 of this Bill. I had given notice of an additional subsection for the purpose of preventing the commissioners from being subject to influences, or being asked to exercise their influence to procure positions, or favours for any of their families or friends. It is a very important provision, in view of the influence that is exercised in some states. It is quite clear that it would be prudent on our part to very carefully guard the duties and the position that these men will be called upon to fill, in providing that they should be absolutely free from any influence on the part of any railway company, in the discharge of their duties as a board. I therefore move a reconsideration of clauses 11 and 12, with a view to dealing with the amendment of which I have given notice.

The motion was agreed to.

Hon. Mr. POWER—There is one observation which I wish to make with regard to the wording of this amendment. The proposed clause says 'any member of the board accepting any gift or favour for himself, or any relation or friend not provided for in this Act.' That might be construed to mean that it applies only to those friends or relations who are not provided for in this Bill.

Hon. Mr. McMULLEN—I am quite willing that the amendment should be carefully criticised, and if any hon. gentleman suggests an improvement, I should be glad to accept it. If the amendment can be put in better shape I should be very glad.

Hon. Mr. SULLIVAN—I would suggest that the hon. gentleman change that from 'relations and friends' to 'his family.'

Hon. Mr. McMULLEN moved :

That section 11 be amended by adding the following as subsection 3 :

3. Any member of the board accepting any gift or favour for himself or any relation or friend not provided for in this Act, or exercising his influence on behalf of any relative or friend with any railway company or officer for any position or favour, shall thereby forfeit his seat as a member of the board.

The reason I put in the provision to which the Speaker has called attention is this : the Bill provides that a railway shall carry the members of the board free. That is one favour that is provided for. There is another favour, that if the board have a private car of their own, the railway shall haul that car free of charge. The reason I put in the words 'not provided for in this Act,' is because the Bill does provide for certain favours, and I considered it was necessary to make some provision of this kind.

Hon. Mr. POWER—I was not objecting to the words. I was simply indicating they were not put in the right place, because in the place where they are they might mean that possibly all the other relations and friends were provided for. I move, if the hon. gentleman has no objection, to alter

the position of these words 'not provided for in this Act,' and insert them after the word 'favour.'

Hon. Mr. FERGUSON—I would suggest a more radical amendment. I think these words 'not provided for in this Act' might be left out. What my hon. friend has referred to would not be a gift or favour. It would be a right if it is included in this Act. Hauling the private car for the board would not be a favour or gift, nor would a pass be a favour or gift; both are provided for in the Act. Therefore, I think the words 'not provided for in this Act' might be left out.

Hon. Mr. POWER—I think so, too.

Hon. Mr. POIRIER—I submit the word 'friend' is altogether too vague. Who is to determine who is a friend and who is not? Any one for whom a favour would be obtained might be regarded as a friend. If we are to have the word 'friend,' it should be defined in the interpretation clause.

Hon. Sir MACKENZIE BOWELL—It seems to me that the object of this clause is to prevent the board from exercising any power or authority that they may have on behalf of any person. Therefore, the word 'friend' would cover everybody. It would leave it open to this interpretation: if the board had an enemy they wanted to punish by extending to him favours, this would cover it. I do not think the word 'friend' is open to the objection that my hon. friends have advanced. The best way is to prevent them using any influence of the kind at all. I disagree with my hon. friend from Marshfield. In this case it is just possible these words compelling the railways to grant passes may not be in the Bill when it passes. I would leave it optional with the railway company to grant passes or not.

Hon. Mr. POIRIER—I am sorry to differ from my leader, but I would rather substitute 'any person' for 'friend.' If you leave 'friend' here, this is what may happen: the commissioners are subject to a heavy penalty if they favour any person. Supposing they did, all they would have to do to clear themselves, would be to show that the person whom they favoured was not their friend according to the strict meaning of the word 'friend,' and it certainly would leave a good deal of doubt. If the words 'any person' be substituted I can see no objection to it.

Hon. Mr. McMULLEN—I am quite willing to agree to the proposed change if it is considered best.

Hon. Mr. SCOTT—Supposing the clause read 'any person,' would not that cover it?

Any member of the board accepting any gift or favour for himself or for any other person, or exercising his influence on behalf of any person or any railway company or officer for any position or favour shall thereby forfeit his seat as a member of the board.

Hon. Mr. YOUNG—I should like to ask how far that would go? We might suppose this railway commission happens to be stuck in a snowdrift, and they are invited to take a meal at the house of a friend; that would be a favour.

Hon. Mr. SCOTT—No, that would be a charitable act.

Hon. Mr. YOUNG—We might also extend that clause to the judges and to the members of this Senate. They too should come under the very same clause, so far as relations and friends are concerned. If the medicine is good in one case, we should administer it to all who deal in public matters. If it is necessary and effective in this case, I can see no logic in not placing it in other Acts as well; I think it is a very narrow clause.

The amendment was agreed to, and the clause as amended was adopted.

On clause 195, subclause (g),

Hon. Mr. BEIQUE—I would suggest that this paragraph be struck out and be replaced by a fourth subsection which would read as follows:

Provided further that whenever any city, town or incorporated village is desirous of having lines of telegraph, telephones, or for the conveyance of light, heat, power or electricity placed underground, the board may, on the application of such city, town or incorporated village, require the company to thus place its lines or wires underground and abrogate the right given by this section or by special Act to carry lines on poles, in such city, town or incorporated village, the whole on such terms and conditions as the board may prescribe.

Hon. Mr. SCOTT—Is that to apply only in the future, or to apply to conditions in the past?

Hon. Mr. BEIQUE—Both in the future and in the past.

Hon. Mr. SCOTT—We are disturbing conditions of which we know nothing whatever. Arrangements no doubt have been made by municipalities, and companies have got concessions under Acts of local legislatures, and it is an arbitrary act on our part to interfere. The important companies are the Great North-western Company—doing the largest amount of business, I presume—and the Montreal Company which is merged in the Great North-western.

Hon. Mr. LOUGHEED—Surely this does not apply to telegraph companies ?

Hon. Mr. BEIQUE—It only applies to railway companies.

Hon. Mr. SCOTT—The section seemed to me to apply to all telegraph companies. We have nothing to do with light, heat and power wires. We do not give railway companies the right to supply heat, light and power.

Hon. Mr. LOUGHEED—Nearly all the special Acts we are putting through now give that power to railway companies.

Hon. Mr. CLORAN—I would certainly object that all the cities, towns and incorporated villages of Canada should be subject to the board. There is no sense in that. Every city or town, and every incorporated village, are to be subject to the wants and desires of that board. I say it is a most wild proposal. These towns and villages are subject to municipal and provincial laws, and subject to the parliamentary law of this Dominion, and why they should be subject to the will and wishes of this board I cannot understand. It is not fair to subject all our towns, cities and villages to their control.

Hon. Mr. CASGRAIN (de Lanaudière)—I am afraid my hon. friend on my left has not exactly grasped the amendment proposed by the hon. gentleman from de Salaberry. As I understand it, the amendment simply provides that upon the application of a corporation or municipality, the board may order the railway company to do certain things.

Hon. Mr. CLORAN—Exactly, and it may not.

Hon. Mr. CASGRAIN—So the municipality in going to the board, go there of their own free will and apply for certain things from the board. I do not see anything objectionable in the clause. It is a protection to the municipality. If we have any confidence in the board at all, we must acknowledge that it will do what is right, and if they consider the municipality has a right to ask the railway company to put wires underground, the board will then make an order and that railway company will carry on the work as required by the board, and the municipality will have obtained what they were seeking. I do not think it is taking any advantage of municipalities; on the contrary, it is giving them an advantage in applying to the board.

Hon. Mr. CLORAN—I have had experience in municipalities and I would decidedly object to any town council coming to a board in matters which should be governed by the council alone. Why should you make village mayors come to Ottawa from all sections of the Dominion to seek rights which they have themselves ? Why submit the welfare of a municipality to the will or whim of anybody else ? They have councils to govern their own local affairs, and it is enough for the ratepayers of a municipality to have to seek redress at the hands of their representatives without forcing them to come to such a body as this railway commission. I say it is not right, and it is giving this board too much power. It is giving them not only control of parliamentary law, but control of municipal regulations and municipal wants and desires, and I say it is not right to put the destinies of each of these municipalities in the hands of this board.

Hon. Mr. POWER—The hon. gentleman from Hawkesbury misapprehends the effect of this amendment. At the present time the railway company—that is the case dealt with here—has the right, either under this or under a special Act, to erect poles and string wires on them in the municipality.

Hon. Mr. CLORAN—Where the municipality desires it.

Hon. Mr. POWER—No, at the present time these companies have the right to erect poles under certain conditions, and the proposed amendment provides that that right may be abrogated on the application of the municipality to the commission. If the commission think it is in the public interest that the right of a company to erect poles and string wires should be abrogated, they have the power to do it; and it is a step in the right direction. It is not as radical nor as drastic as the amendment proposed by the hon. gentleman from de Salaberry. But there is no question about our having the right to make this enactment; and there was some question as to whether we had the right to make the enactment proposed yesterday.

Hon. Mr. DAVID—Although the amendment presented by the hon. gentleman from de Salaberry does not go so far as I wish, and as far as my amendment went, I think that when we cannot have the whole loaf we must accept the half loaf. The present amendment is an improvement on subsection (d). I therefore withdraw my amendment and accept the amendment proposed by the hon. gentleman from de Salaberry. If there had been no acquired rights on behalf of certain companies which had been incorporated by the parliament of Canada years ago, and who enjoyed those rights conferred upon them by parliament, I would not accept the amendment of the hon. gentleman from de Salaberry, but when we have to do with those acquired rights, I think this amendment goes as far as it can go under the present circumstances.

Hon. Sir MACKENZIE BOWELL—As I understand the amendment proposed, there is a material difference; it provides that if a request is made by a municipality the board may do so and so, and upon such conditions as seem proper. The great difference between that and the clause in the Bill is that under the amendment the board might decree that the municipality should pay the whole of the expense or part of the expense attending it.

Hon. Mr. CLORAN—That is it.

Hon. Sir. MACKENZIE BOWELL—Under the provisions of the Bill the government must be the judge as to whether efficient means have been devised for the purpose of placing the wires underground, and then the most important point is that the railway, which is compelled under the clause in the Bill to place their wires underground, would have to pay the expenses and have no claim for damages. There is this difference. The difference to my mind is somewhat important. Railways affected would have to do it at their own expense in one case, and in the other the board might decree that the railways or companies should perform their work at their own expense, or they might decree that the municipality would pay half.

Hon. Mr. ELLIS—To my non-legal mind it would be better not to interfere with this clause. The Act is carefully drawn, and this clause is self-contained. Subsection (g) refers simply to the powers given by the first clause and the section itself, and to travel beyond that would seem to me to be entering upon an unknown field which it is not well for us to explore. Subsection (g) reads as follows :—

(g.) In case efficient means are devised for carrying any such lines or wires underground, no Act of parliament requiring the company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, nor shall the company be entitled to damages in respect thereof.

I think it would not be wise to go beyond that. We should confine ourselves to subclause (g).

Hon. Mr. CLORAN—I call attention to the declaration made by the hon. leader of the Senate. This amendment is a wild one. It reads 'the whole on such terms and conditions as the board may prescribe.' To-day by our municipal law and by our provincial law, municipal corporations can force companies of telephone, telegraph, light, heat, power or any other electric means to put their wires underground without any recource for damages against that corporation. That is our inherent right under municipal law. The hon. senator comes before this House and asks us to allow this board to dictate terms and conditions to the municipality who will make that demand upon telephone, telegraph and other companies. That board may

be composed of men who are unfamiliar with municipal institutions, who do not understand the want, the misery and poverty of municipal corporations, and that board may dictate terms and conditions, as the hon. leader of the Senate has declared, and give them the right to force companies to put these wires underground on the condition that the corporation will pay the whole or part of the cost. I quite agree with the hon. leader of the opposition that it is not a clause which should go into the statute-book.

Hon. Mr. SCOTT—Let it stand.

Hon. Mr. BEIQUE—The hon. Secretary of State suggests that this clause be allowed to stand, but I think it but proper that I should say a word in explanation of the clause. I am quite sure the hon. gentleman from Victoria does not understand the first word about it.

Hon. Mr. CLORAN—I know too much about it.

Hon. Mr. BEIQUE—And it is the only reason we can account for his wild way of talking. I have noticed the hon. gentleman cannot rise to criticise any suggestion made by any hon. member of this House without speaking of it as being a wild suggestion and using extreme terms. The hon. gentleman deals with this clause as if it were to affect telegraph and telephone companies and companies for the sale of light, heat and power. There is nothing of the kind, and it is easy to see that he does not understand the first word about the clause or about the suggestion. We are dealing, not with telegraph companies, not with lighting companies, we are dealing exclusively with railway companies, and under the first paragraph of clause 195 what is provided? It is provided that railway companies may place poles and wires in streets of cities, towns and villages with the consent of the municipality, and subsection 2 of the same clause provides that if the municipality does not give its consent, then it shall be open to the board to grant the permission. Now we have so far accepted the principle as embodied in the clause. What is the object of the clause? The object is to provide that when that consent has been given by the municipal corporation, or in the absence of the municipal corporation, when the poles and wires have been placed in the streets with the authorization of the board, whenever a municipal council of any city or town or incorporated village deem it advisable to have the wires placed underground that they may have their desire carried into effect, and it will be then for the same tribunal which grants them the permission to determine upon what terms it shall be done. I have drafted the clause in that way because we are dealing with vested rights, and the clause should affect not only the future, but all railway companies which are in possession of streets for that purpose. Dealing with vested rights, I think it is but proper to let the conditions be determined by an independent body. If we leave it entirely to the municipality, then there would be a danger that the municipality would commit an injustice in dealing with vested rights. The hon. gentleman thinks that the municipalities would be much better as they are. What is the meaning of subsection (g) as it stands? It says:

> In case efficient means are devised for carrying any such lines or wires underground.

Is it not perfectly well known that the means exist and have existed for years? The wires are placed underground in New York, Paris and London. They are placed in Toronto to a large extent, and also in Montreal to a considerable extent. It supposes a new condition of things. It supposes that with the means that are now known the Act should take effect. And then what does it provide? It contemplates an Act of parliament requiring the wires to be placed underground. As I stated yesterday, is it reasonable to say that any Act of parliament of that kind shall be passed? No. It is an initiative which can only, in the nature of things, be taken by a municipal body, because it will apply only to large cities and not to the whole country, and for fifty years or one hundred years there is no doubt we will see poles and wires strung overhead instead of being underground. Therefore it seems to me that the suggestion is not as wild as the hon. member suggests, but that it should com-

mand the attention of this honourable House.

Hon. Mr. CLORAN—I regret that my hon. friend seems to think I have very poor powers of comprehension. I stated last night that this clause is equal to all purposes. If they had left the clause alone, it would have been perfectly safe for all concerned. With the amendments brought in, I certainly was obliged to find fault. The clause as it stands here printed and ready for our adoption is perfectly safe—guaranteed safety for all concerned. It retains the power of parliament; it does not violate the powers of municipal or provincial bodies, and with this clause I am perfectly satisfied; but with the amendments which have been brought forward, I am prepared to disagree, and I say the amendment submitted by the hon. gentleman cannot commend itself to anybody who has knowledge of municipal administration. The sting is in the tail of this amendment. The whole of the hon. gentleman's amendment subjects the matter to the good-will and consideration of the board, and such terms and conditions as the board may dictate. I want him to know, and I tell him in spite of my lack of power to comprehend, it is not fair to force the municipalities of Canada to be subject to the will, or whim, of any board constituted by this parliament. I should like to see the clause pass as it appears in the Bill. It has been wisely drafted, and the amendments which have been proposed do not meet with my approval; but that is no reason why I have no power of comprehension, and no reason why I am not entitled to say, when an amendment is wild, that it is wild.

The subsection was allowed to stand.

On subsection 2,

2. Provided that where the company cannot obtain such consent from such municipal council or other authority, the company may apply to the board for leave to exercise such powers, and upon such application shall submit to the board a plan of such highway, square, or other public place, showing the proposed location of such lines, wires and poles, and the board may grant such application, in whole or in part, and may change or fix the route of such lines, wires or poles, and may by order impose any terms, conditions or limitations in respect thereof that it deems expedient, having due regard to all proper interests; and upon such order being made the company may exercise such powers in accordance with such order, and shall in the performance and execution thereof, or in the repairing, renewing or maintaining of such lines, wires or poles, conform to and be subject to the provisions of subsection 1 of this section, as if consent had been obtained from such municipal council or other authority, except in so far as the said provisions are expressly varied by order of the board. 62-63 V., c. 37, s. 1 Am.

Hon. Mr. POWER—Hon. gentlemen will observe that in the first place the municipal council has to decline to grant the application. Then there is an ex parte application made by the company to the board. There is no provision that the board shall give the municipal council any notice to enable them to be heard. Hon. gentlemen must see that that is contrary to our ideas of fair-play, and I propose to move to amend this clause in this way: at line 4 on page 60, to strike out the words 'may grant such application,' and insert the following words instead: 'having given such municipal council, or authority, an opportunity to be heard in opposition to such application may in their discretion grant the same.'

Hon. Mr. SCOTT—I have no objection to the amendment.

Hon. Mr. POWER—I consulted one counsel representing the railway, and he said he thought that was a fair and reasonable proposition.

Hon. Mr. SCOTT—I think the board would in any case consult them.

Hon. Mr. LOUGHEED—There is no provision made in the terms of this Bill, so far as I have looked at it, for giving notice. We presume that the court will make regulations, will establish a procedure, by which all parties concerned will be brought before the board, and if a distinction is made in this particular case, as is suggested, then, by implication, other applications may be treated ex parte.

Hon. Mr. POWER—I can find no provision that notice shall be given in this case.

Hon. Mr. LOUGHEED—Certainly not, nor in any other case.

Hon. Mr. POWER—The legal gentleman whom I consulted about the matter said he

did not see any objection to such a provision.

Hon. Mr. SCOTT—Where there are two interests they must necessarily consult both.

Hon. Mr. POWER—What harm would it do to insert the amendment I have suggested ?

Hon. Mr. LOUGHEED—If you draw an invidious distinction in this case, the implication will be drawn in other cases that notice need not be given. In clause 194, respecting lines of wires, there is no provision made for bringing one of the parties before the board, but the board would do as any court would do, and bring all the parties before them. If you introduce the amendment here, I think you will have to introduce it in analogous cases elsewhere.

Hon. Mr. BEIQUE—I entirely agree with the hon. gentleman from Calgary, and call attention to this fact, that this board is made, under section 8, a Court of Record, and it is a well-known doctrine, and has been applied in arbitration cases that I know of, that it is necessary for any board of that kind, and more necessary for a court, in order to give jurisdiction that both parties be given an opportunity to be heard. If any judgment or order is passed without their being heard, it is done without jurisdiction, and vitiates the order, and therefore there is no necessity to provide for a notice, and if there was, it should be done in a general way, and not merely with one clause.

The amendment was declared lost.

Hon. Mr. BEIQUE—I proposed, on a former occasion, a third subsection which I understood was carried, and I have just re-drafted it, because I do not see it annexed to the Bill. It is to this effect :

Nothing contained in this section shall be deemed to authorize the company exercising the power therein mentioned for the purpose of selling or distributing light, heat, power or electricity, in cities, towns or villages, without the company having first obtained the consent therefor, by a by-law of the municipality.

Hon. Mr. KERR (Toronto)—Read the first part of the clause.

195. When the company is empowered by the special Act of the parliament of Canada to construct, operate and maintain lines of telegraph, telephone, or for the conveyance of light, heat, power or electricity.

Does not that cover it sufficiently ? Does not that require the consent of the municipality ?

Hon. Mr. BEIQUE—The first paragraph is general. Therefore, it would be not only for the purpose of the railway company, but they might, in virtue of that wording, constitute themselves as vendors of electric light or power in cities, where the poles and wires are placed, and it is provided by subclause 2, as I have already shown, that in the absence of the consent of the municipality, the board may grant the power, and my proposed subclause is intended to check the action of the board, so that it will limit its power to granting that permission for their own use, and not for the purpose of selling electricity.

Hon. Mr. SCOTT—I think it is a very wise precaution. While they should have the power to do all this for their own use, still it does not seem right they should traffic in it without the consent of the municipality.

Hon. Mr. FERGUSON—We are giving power to the railway companies to erect saw-mills and sell lumber, and that is much more objectionable than to sell electrical power, for this reason : when they build saw-mills, and sell lumber they provide a product which will probably be carried on their own railroad, and they will have an advantage in competition with those who sell lumber as a business; but there is no such advantage given in the sale of electricity? It would be nothing more or less than wholesome competition, and if they have more electricity than they require for their own purposes, why not let them sell it ?

Hon. Mr. SCOTT—It only applies to selling in cities, towns and incorporated villages, and they surely should not have that privilege without the consent of the municipality.

Hon. Mr. DRUMMOND—The clause says they must first be authorized by a special

Act of parliament to do all these things, and to do it with the consent of the municipal authorities. They cannot do anything without a special Act, and in that Act no doubt those provisions would occur.

Hon. Mr. KERR (Toronto)—There is no power in this Act to authorize the railway company to enter into a business of conveying heat, light or electricity, so as to enter into a trade. It only says when they are, by a special Act of parliament, authorized to convey that electricity, then, even that will not be granted unless the company has the consent of the municipality. This Bill does not authorize traffic in electricity, and therefore I think the proposed amendment is out of place, and may I add, directly to a contrary effect to what the hon. gentleman suggests. It seems to me that to adopt it would be to make a suggestion that there is something in this Bill which authorizes it in a qualified way, and I do not think there is.

Hon. Mr. BEIQUE—It is within the knowledge of every member of this honourable House, that a number of railway Bills have been passed in this shape, that the railway companies have been authorized to sell the surplus power which they may develop, and we would have this condition of things, that the municipality would refuse to consent, for instance, because they would have their own electrical plant in the municipality, and the railway company would, under the authority of this railway board, override the action of the municipality, and grant the railway company the right to sell power in competition with the plant of the municipality. If it is the interest of the municipal ratepayers, it is to be supposed that the municipal body will grant the right; but it seems to me that we should close the door to the municipalities being overridden by this railway company to use the power for its own purposes.

Hon. Mr. FERGUSON—I am quite satisfied with my hon. friend's explanation. It would stand as a block in the way of the municipality giving the right to convey the power, if they gave the right to sell, for the municipality might own its own power, and it would be giving competition which they did not desire.

The amendment was agreed to.

On subsection 3 of clause 174,

3. Where the lands are situated in the province of Quebec, upon such delivery and payment into court, proceedings shall be had for the confirmation of the title of the company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the prothonotary shall state that the title of the company (that is, the conveyance, agreement, or award) is under this Act, and shall call upon all persons claiming an interest in or entitled to the lands, or any part thereof, or representing or being the husband of any person so entitled, to file, their claims to the compensation or any part thereof. 51 V., c. 29, s. 170, Am.

Hon. Mr. BEIQUE—There was quite a difference of opinion expressed last night on this clause. I would suggest, with a view of meeting the objection which was raised, that the following subsection be substituted for it :

Where the lands are situated in the province of Quebec, the notice shall be published as is required in cases of confirmation of titles, and the registrar's certificate shall be procured and filed as in such cases.

It would avoid the necessity of referring to any specific articles of the code.

The amendment was agreed to.

Hon. Mr. BEIQUE—It will be necessary to remove from subsection 4 'the judgment of confirmation.' I move that these words be struck out.

The motion was agreed to.

Hon. Mr. FERGUSON moved to reconsider clauses 266 and 267.

The motion was agreed to.

Hon. Mr. FERGUSON—Last evening, in considering the amendment of the hon. gentleman from Westmoreland to place the government railways under the control of the board, I pointed out to the committee that there was a serious difficulty in connection with the working out of through rates, under section 266 and 267, with the Intercolonial Railway interposing—that it would impose a serious check in the way of making through rates with company roads in the east. I pointed out an instance of traffic originating on the Grand Trunk Railway or the

Canadian Pacific Railway, passing over the Intercolonial Railway and a railway in Nova Scotia, that the Intercolonial Railway, not being under control of the board, it would not be possible for the board to arrange through rates in the event of those railroads not agreeing among themselves. The provisions of this clause are that where the owners of two or more railways will not arrange for a through rate, the board can come in and make an equitable division. The government railway should be included. It would only go just as far as this practical difficulty which every hon. gentleman will see arises, and it may be a very serious difficulty in the lower provinces. Of course, as the hon. Speaker pointed out, it might be possible to get over that, but the best way to get over it is to arrange it in the Bill. I propose to insert as subsection 5 of clause 267, the following :

Notwithstanding anything in section three of the Act, this section and the next preceding section shall apply to government railroads and vessels connected therewith.

Hon. Mr. SCOTT—The hon. gentleman had better give it as a notice, and we will consider it. We will want to make a slight change then in clause 3 of the Act itself.

Hon. Mr. FERGUSON—Then I give it as a notice.

Hon. Mr. SCOTT—We have specially excluded the government railways in clause 3, and we will perhaps have to modify that and allow those provisions to come in.

The amendment was allowed to stand as a notice.

On clause 202,

Hon. Mr. YOUNG—I desire to suggest an amendment to this clause. No provision is made in this clause for any time within which the railways shall reconstruct or alter the bridges or tunnels, as directed by this clause, and this is to provide that they may have a reasonable time to do so under the direction of the board. Under the old clause provision was made for large alterations ; they reconstructed a bridge or tunnel, as the case may be, in accordance with the requirements of the Railway Act. In this clause that was left out, and it is only reasonable to amend is as proposed.

The amendment was agreed to.

On subclause 2,

Hon. Mr. CLORAN—Subclause 2 reads as follows :—

2. If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned by the company, and the owner of the same refuses to consent to such necessary changes, it shall be the duty of the company to apply to the board, and upon notice to all parties interested, the board shall hear the matter, and may make such order, allowing such raising, reconstruction or alteration, upon such terms and conditions as to the board shall appear just and proper and in the public interest.

Supposing a municipality has built a bridge or tunnel and the railway has been using it up to the time of the passing of this Act, under the provision of this Bill if that bridge must be enlarged, raised or lowered, this clause gives to the board power to say to that municipality or corporation 'you shall do that on your own responsibility.' Why should that be allowed ? If it is necessary for the company to have a wider or higher tunnel, let the company build it and do not give the board the power to charge the municipality with the extra expense. That is what this clause does. Here is a municipality which has built a bridge over a railway. It is not sufficient exactly. Take Notre Dame street, Montreal: there is a bridge on the Grand Trunk Railway there. I do not suppose between the top of the car and that bridge there is a space of three or four feet. This clause exacts a height of seven feet. That bridge was built partly by the corporation. If the interests of the railway demand a higher bridge, why force the citizens to undergo the expense ?

Hon. Mr. WATSON—They would not do it.

Hon. Mr. CLORAN—But you give them the power to do it, and I say you should not place in the board that discretionary power. You should not force that municipality to go before the board and plead in the matter. We should not involve them in additional expense like that.

Hon. Mr. McMILLAN—The hon. gentleman must not lose sight of the fact that he is offering a bid to the owner of the bridge to refuse. The public is in danger and you are not going to stop an enterprise of that kind by offering an inducement to the owner of the bridge to refuse.

Hon. Mr. CLORAN—I would allow the members of the board to force the owner to allow the company to construct it, but not to make him do it.

Hon. Mr. McMILLAN—What better authority can you refer to than the board ?

Hon. Mr. CLORAN—I want to know the authority to tell me I should be bound to build a bridge twice.

Hon. Mr. LOUGHEED—We have already discussed this at length. There was no amendment and the clause was declared carried.

The CHAIRMAN—The clause has been carried.

On subclause 4.

4. Every company shall incur a penalty not exceeding fifty dollars for each day of wilful neglect, omission or refusal to obey the provisions of this section. 51 V., c. 29, s. 192, Am.

Hon. Mr. POWER—The question was whether the words 'or owner' should be inserted after 'company.'

Hon. Mr. KERR (Toronto)—It is not necessary.

Hon. Mr. POWER—Excuse me, it is necessary. Should not the owner be liable to a penalty if he does not construct his bridge as well as the company ? I move that the words 'or owner' be inserted.

Hon. Sir MACKENZIE BOWELL—Is there anything in this clause which gives power to the board to compel the owner to build that bridge?

Hon. Mr. POWER—Yes.

Hon. Sir MACKENZIE BOWELL—On such terms and conditions as they may direct. The clause provides that in case they require to rebuild, or build a bridge and the owner refuses to do it, then the board may order its construction. In doing that, the board must exercise that power in the interest of the travelling public, and if the board desires a reconstruction or restrengthening of that bridge, though it does not belong to them, in order to enable the public to pass over it with safety, surely the owner should not be asked to rebuild that bridge.

Hon. Mr. DRUMMOND—We must consider that this provision is not in the interest of the railway company alone, but in the public interest. The railway would go on using a bridge lower than provided for in this Act if it were not a case of risk to the employees, and therefore in the public interest, so that it must be looked upon as in the public interest and not in the interests of the company.

Hon. Mr. DANDURAND—The hon. gentleman from Victoria did not see how the municipality could be forced to reconstruct a bridge or pay a share of the reconstruction. There are very many cases where the municipality may be about to construct a bridge, or to rebuild an old bridge, and should not the commission be seized with the question of the height, and force the municipality to bring its bridge to a certain level or height, and then the municipality would pay? These are all questions which will be left to the discretion of the board.

Hon. Mr. SULLIVAN—Is not that penalty for not complying ? If they refuse to consent to such changes it shall be the duty of the company to apply to the board.

Hon. Mr. POWER—That is not what it means. The clause says :

4. Every company shall incur a penalty not exceeding fifty dollars for each day of wilful neglect, omission or refusal to obey the provisions of this section. 51 V., c. 29, s. 192, Am.

Hon. Mr. SULLIVAN—That is that they must apply to the board, and if they fail to do that, they are fined ?

Hon. Sir MACKENZIE BOWELL—It does not provide in the first three lines that the owner is to reconstruct the bridge. It simply says that if the owner refuses to do it, or to allow the company to do it, then they apply to the board and the board orders its reconstruction, and if the company will not reconstruct, though it may be dangerous in

travelling over it, they are subject to a penalty.

Hon. Mr. DRUMMOND—Not the company.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. DRUMMOND—No.

Hon. Sir MACKENZIE BOWELL—It says 'every company shall incur a penalty'—not the owner. The Speaker's amendment is that the owner shall be subject to a penalty. There may be cases—I do not know of any—which suggested this change. Are there any bridges belonging to private parties or to municipalities which are used by the railways, and if so have the owners or the municipalities conceded the rights or sold these bridges to the railways, and if so upon what conditions, and if these conditions are that they were to be kept in proper order fit for the purposes of the railway and for the safety of the travelling public, then it becomes the duty of the company to reconstruct or so strengthen it as to make it safe, that is the object of this provision—to compel them to do it.

Hon. Mr. LOUGHEED—My hon. friend is overlooking the fact that the penalty is to be attached only in the event of the refusal of the owner to carry out the order of the board, and consequently it can do no harm, but if the board does make an order which applies to the owner, there must be some penalty, but the board will not make an order against the owner unless they have jurisdiction.

Hon. Mr. DANDURAND—The hon. gentleman from Belleville speaks of bridges over which the railway passes, but clause 202 speaks of

Every bridge, tunnel or other erection or structure over, through or under which any railway now or hereafter passes.

Hon. Sir MACKENZIE BOWELL—It is the same thing.

Hon. Mr. McMULLEN—I want to say that I know of a case where on an overhead bridge a farmer, for his own convenience, put a gate at the end of the bridge. The result was his man let out a lot of fat steers and cows and down went the bridge, and very serious injury was done. There was quite a dispute as to whether the company had to erect the bridge, but they were compelled to finally. It was supposed to be of insufficient strength. I think the board should have power to order that no farmer should be permitted to put a gate or bar across the end of an overhead bridge. It is a dangerous thing to do. Cattle coming home in the evening, and a gate there which may be opened and 20 or 30 head of cattle rushing on a bridge, seriously endangers the safety, of the bridge. I do not think there should be a gate on the end of an overhead bridge.

Hon. Sir MACKENZIE BOWELL—The gate would not be across the overhead bridge; if that were so you will stop the highway.

Hon. Mr. McMULLEN—It was a private bridge across a cut on a farm and the bridge was close to the farmer's barn, and for his own convenience he put a gate across the end in order to stop his cattle. The result was that when they drove the cattle in the other direction, the whole of them made a rush on to the bridge and the bridge went down.

The amendment was adopted.

On clause 224,

224. When any train is approaching a highway crossing at rail-level (except within the limits of cities or towns where the municipal authority may pass by-laws prohibiting the same), the engine whistle shall be sounded and the bell rung at least eighty rods before reaching such crossing, and at short intervals, until the engine has crossed such highway; and the company shall, for each neglect to comply with the provisions of this section, incur a penalty of eight dollars, and shall also be liable for all such neglect; and every employee of the company who neglects to comply with this section shall for each offence be subject to a like penalty. 51 V., c. 29, s. 256, Am.

Hon. Sir MACKENZIE BOWELL—I move that the word 'or' be substituted for 'and' in the 11th line.

Hon. Mr. ELLIS—We agreed at the conference upstairs that the word 'then' should be inserted after the word 'bell.'

Hon. Mr. SCOTT—That was the understanding.

The clause was amended and adopted.

On clause 230,

230. In this section the expression 'packing' means packing of wood or metal, or some equally substantial and solid material, of not less than two inches in thickness, and which, where by this section any space is required to be filled in, shall extend to within one and a half inches of the crown of the rails in use on any such railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

2. The spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch where such spaces are less than four inches in width, shall be filled with packing up to the under side of the head of the rail.

3. The spaces between any wing rail and any railway frog, and between any guard rail and the track rail alongside of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than four inches; such packing not to reach higher than to the under side of the head of the rail; provided however, that the board may allow such filling and packing to be left out, from the month of December to the month of April in each year, both months included, or between any such dates as the board by regulation, or in any particular case, determines.

Hon. Mr. POWER—There is this to be said with respect to this clause; that an amendment was suggested, and I think it was accepted by all parties, to insert after the word 'allow' in the fourth line 'the filling and packing mentioned in subsection 3 of this section.'

Hon. Mr. WATSON—It appears to me matters of this kind could be very well left to the board. We expect there will be some practical men on the board, and we fix certain dates at which the packing may be left out. In a portion of Canada where there is very little snow, there is no reason why the packing should be left out. Why not retain it all the year round? It is put there for the safety of railway employees, and it might be left there all the time.

Hon. Mr. POWER—This only authorizes the board to do that.

Hon. Mr. WATSON—You provide it shall be the duty of the board to determine the dates.

Hon. Mr. SCOTT—The last line provides that the board may, by regulations, determine the dates.

Hon. Mr. FERGUSON—The reason for the amendment was this: the word 'such,' it has been contended, would be held only to apply to this clause, and it was clearly the intention of everybody that these words should apply, not only to subsection 3, but to 2 which precedes it.

The amendment was agreed to, and the clause was adopted.

On clause 275, subsection 4,

Hon. Mr. WATSON—I have an amendment to move to this subsection:

Or to members of such other public bodies, or organizations, or to such persons, &c.

The object is this: under this provision if, for instance, the railway company would like to take a deputation of farmers, or others and show the country, they could not give them free transportation; and the object is simply to give them power, subject to the approval of the board, to give transportation free.

Hon. Mr. SCOTT—The hon. gentleman had better give notice of his amendment.

Hon. Mr. CASGRAIN (de Lanaudière)—By adding in the 9th line after the word 'regulation,' the words to 'be extended or restricted,' it would cover the whole ground, and be more simple. One of the representatives of the railways here, I think a repre-

sentative of the Canadian Pacific Railway, said if the words 'be extended' were added it would do.

Hon. Mr. WATSON—That was discussed. The hon. gentleman will see that would affect freight as well as passengers.

Hon. Mr. MACDONALD (P.E.I.)—I had the intention of offering an amendment somewhat similar to that proposed by the hon. gentleman. I think the railway companies have treated members of parliament, and many other people, generously in giving passes, and it is rather imposing on railway companies to require them by law to grant free transportation on all trains to members of parliament as well as members of the legislatures, and others.

Hon. Mr. LOUGHEED—That is not in this section.

Hon. Mr. MACDONALD (P.E.I.)—This clause refers to the same subject more or less directly. I would propose an amendment to the general provision respecting free carriage. Now, I would not do that with the object of preventing the railway corporations from granting passes but I desire to make the provision more general, and leave it optional with the railways, as at present, to grant passes to members of parliament or others, as they desire to do, a liberty which I cannot find that they have under the Bill as it stands. Let us put in another clause at the end of subsection 5, which requires the railway company to grant free transportation on its trains to members of the Senate, and House of Commons of Canada, and for members of the board, &c,. Now, I presume the members of the board will have free transportation on the railways whether that is there or not, and it is imposing on the generosity of railway companies in general to put in this clause. We impose a good many duties on them under this Bill, but that I think, is extending them a little too far. It is doing something for ourselves, which the public would not expect us to do, and I would suggest striking out all that part of the 5th subsection which compels them to grant free transportation to members of the Senate and the House of Commons of Canada.

Hon. Mr. ROBERTSON—What would the hon. gentleman put in its place ?

Hon. Mr. MACDONALD (P.E.I.)—I would leave it to the railways of Canada to grant free passes to the members of parliament. They have been doing so, and they should be left to treat members of parliament as they have been doing heretofore. Some hon. gentlemen have said that a pass is something in the nature of a bribe to a member of parliament. That is an absurdity. No man can consider anything of that kind with respect to passes. I have got passes, I would not like to say over how many railways, and I have only used those passes on two or three railroads that connect with my own residence in coming to parliament. Others have been sent to me. I might make free use of them, just as I have done with those I received from other railways, but I never required to do so. It must be a pretty serious tax on a railway company to grant free passes to members of parliament attending their duties, many of them might spend the greater part of their time in travelling during the year, and they can do so with those passes without any expense to themselves. I would leave that matter entirely with the railway companies, and would not include anything in the Bill which makes it compulsory for them to grant free transportation to members of parliament.

Hon. Mr. WATSON—We had an evidence in the admission by a member of the House, when this matter was discussed a few days ago, that these passes did affect a man's vote in this Chamber. In the three or four hours when the railway representatives addressed the Senate on matters pertaining to this Bill, they took no exception to the provisions of this clause, admitting, as a matter of fact, that members of parliament did receive passes, and they had no objection to concede it by law. There is no doubt the

railway companies have been generous to members of parliament, and they did not take any exception to it being provided in the Act, that these passes should be given. If there is any suspicion in the country that members of parliament are influenced—and we know there is such a suspicion—we see views expressed in the press of the country that members are influenced by receiving passes—if we provide by law that members are entitled to free transportation, we remove any idea on the part of the electorate that members are influenced by receiving passes from railway corporations. Inasmuch as this is in the Bill, and has not been objected to by the railway companies, we should retain it, and have members of both Houses receive, as a matter of right, free transportation, which they do as a matter of fact receive by grace from the companies now. I expressed myself in the same way before, and I retain my opinion. In the past we know transportation has been withheld because certain members did not support certain legislation. I know that as a fact, because I was for some years deprived of free transportation, while nearly every member of the House of Commons received a pass, simply because I did not support certain legislation. It is unfair that any member should be placed in that position; and inasmuch as the railway companies do not object to the clause, and now grant free transportation to members of parliament, I say it should be made a matter of right, rather than of grace on the part of the companies.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman's argument amounts to anything, we should prevent them giving passes to anybody. If there is a member of parliament who would be influenced by the receipt of a pass, and it were known, the best thing to do would be to expel him, or prevent the issuing of passes altogether. I do not think the hon. gentleman has given the correct reason, in fact, I know he has not, for the position taken by the representatives of the railways, in the meeting held the other day. The reason given to me personally why they did not discuss it, was because it was a delicate matter affecting each member of the Senate and they thought it was better to leave it to themselves to deal with it, than to discuss it at the meeting. The railways are decidedly opposed, not to granting passes particularly, but to being compelled to grant passes; or to make it part of the law of the country that they shall grant passes. That is what they object to. I cannot understand how the hon. gentleman has come to the conclusion that they do not object to it.

Hon. Mr. WATSON—Mr. Wainwright told me himself personally that he did not object to this clause. As a matter of fact, he said they gave passes, and they would as soon give them by law as not.

Hon. Sir MACKENZIE BOWELL—I do not know what Mr. Wainwright told the hon. gentleman; I know in my conversation with the railway people the view they expressed to me was quite to the contrary, and I have no less than three or four pages furnished by the representatives of the railway people, protesting against the clause as an infringement of their rights. They go so far as to say you might just as well compel them to give a member his breakfast in the morning. I do not understand the position taken by the hon. gentleman, but I am speaking of what I know myself personally.

Hon. Mr. WATSON—So am I.

Hon. Sir MACKENZIE BOWELL—More than that, I am opposed to the principle completely, of compelling any corporation to give free transportation to any one. It is mentioned by many hon. gentlemen who are advocating this, that because the railways get subsidies they should grant to members of the two Houses of parliament free transportation. They get the subsidy from the representatives of the people. It is a free gift by the people through their representatives, and if the people do not approve of it, they can easily reject the member who

has voted for it. The money voted is not the money of the individual. It is the money of the public. Some members here have argued in this way: that because they are put to trouble and expense in attending parliament in order to give these subsidies, therefore they should have free passes. I am rather inclined to think that that is a point not considered very seriously when members seek positions in parliament. Men will give their time and attention for months and months in the constituencies in order to induce the people to elect them. They do not suppose, when they are asking the suffrages of the people, that they do it because they are going to get free passes on the railways. I fully concur in the remarks made by the hon. gentleman opposite, that if there is any logic in the argument, we should extend free passes to every taxpayer who has paid a portion of the subsidy. I do not know why we should discuss this matter any more, but I would suggest a much simpler mode of reaching it than my hon. friend has proposed. The Bill which is before us, provides that the companies may grant passes to members of the provincial legislatures and of the press. Of course, the Senate and the House of Commons are not included in that, for the reason that the company are compelled by the 5th subsection to grant passes to members of parliament. If you would add 'to their goods and effects, or members of the Senate and House of Commons and of the provincial legislature, and of the press,' that would leave the companies——

Hon. Mr. CLORAN—Just where we do not want them to be.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman's interruptions are unseemly and disarrange one's idea, but prolong the discussion. Strike out the words in the 5th section, 'members of the Senate and House of Commons of Canada.' That leaves them permission to do what they please, just as the law does now. The clause reads that the company shall have the private car for the board on any train. I am not objecting to that portion of the clause which compels them to carry the board and their apparatus, whatever they may have, and to give them a car; but what I wish to point out is this: when it says free transportation on any of the trains, we know that in the Imperial Limited of one railway and the International of the other, they require those trains as light as possible, so as to enable them to make rapid time between large centres, and I do not think they ought to be compelled to take the car of the board on these trains. But under this clause you compel them to take it on any train the board may demand. I do not think there is any use in making the motion here, but I shall give notice of a motion and we can either test it now or when the committee rises.

Hon. Mr. POWER—It is desirable that there should be a few words said on this fifth subclause from a business point of view. At the present time every member of this honourable House has passes from all the great railway companies of Canada. Every member of both Houses travels free. This clause simply proposes that the members shall enjoy that privilege as a right. As it is now every member, when he accepts a pass from a company, must naturally feel under a certain obligation to the company. Those companies are continually coming before parliament for legislation. The interests of the companies are not always identical with the interests of the public, and it is the duty of members of parliament to legislate at any rate with as keen an eye to the interests of the public as to the interests of the companies. And I think it is most desirable that this privilege which we now have of travelling free should be enjoyed as a right, and there should be no sense of obligation on the part of members to the companies. I can readily understand the opposition of the railway companies to this proposal, as some of them are opposed to it. The companies naturally feel that they have a certain leverage on the members of both Houses when they have the right to grant or withhold passes. I do

not think that is a right condition of things. There are gentlemen who talk in a very patriotic way who, I suppose, have not paid railway fares in Canada for themselves for the last quarter of a century. I do not think hon. members who are in that position are at the same time in a position to preach sermons against those who are willing to adopt this clause. If we are not to have this clause, then the better way would be to put an end to the granting of passes altogether. Either position is right and proper. Ether have no free travelling on railways, or have it free by law. That is a position which should commend itself to the common sense of every hon. gentleman here, and I am satisfied it would commend itsef to the common sense of the people through the country. The people do not wish that their representatives should be under obligations to the companies. If the representatives are to travel free, the people think it better they should travel free as a right and not by way of compliment.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has no right to attribute to those who differ from him dishonest motives in the course they pursue.

Hon. Mr. POWER—I did not attribute any motives.

Hon. Sir MACKENZIE BOWELL—But are we to understand, because members of this House have received passes in the past, that therefore the legislation in this House has always been in the interests of the railways? I think I can appeal to the records of the House to show that those gentlemen who received passes, whether for twenty-five years or less time, have exercised the powers vested in them as members of the Senate to do that which the hon. gentleman thinks they cannot do or have not done.

Hon. Mr. POWER—No, excuse me.

Hon. Sir MACKENZIE BOWELL—Yes, that is the insinuation. There is no use mincing the matter. The insinuation is that because senators have received passes in the past, they have not done their duty to the country.

Hon. Mr. POWER—No, nothing of the kind.

Hon. Sir MACKENZIE BOWELL—Yes, that is the only inference which can be drawn from the remarks which he has made.

Hon. Mr. POWER—Nothing of the sort.

Hon. Sir MACKENZIE BOWELL—I appeal to the records of the House and to hon. members present as to whether statements of that kind, either by inference or in any other way, are justified. This House has set at defiance the actions of the other House upon very important points when they have come before them, though they may have had passes in their pockets. I do not believe it is a good policy, nor do I believe it is consistent with the dignity of the parliament, to compel railways to grant passes. That is my view of it. I object to the hon. Speaker reading me a lecture as to my honesty or playing to the gallery because I differ from him upon a question of this kind. I think it is degrading to parliament to say that companies shall grant them passes or anything else.

Hon. Mr. SULLIVAN—I spoke the last time this subject was before the Senate, not with the intention of evoking any feeling, and I would regret very much that any feeling should be evoked on this occasion, but my main object in rising now is to ask the hon. gentleman from Montreal, who I am glad to see is present, to retract the words which he used. If I choose to take a certain line of action on this measure and on this clause, and justify it, I have a perfect right to do so, and I have no right to have my conduct characterized as infamous and to have it said that it is disgraceful. That is what the hon. gentleman did on that occasion, and I say that he is bound, by all the courtesy of a gentleman, by all the laws of honour, apart from any rules of the Senate, to retract these words or justify them. I come here and give expression to my views, and no man in this Senate has any higher opinion of his duty than I have. No devotee going to his shrine cherishes or thinks more of the high honour of this Chamber than I do, and on every occasion, inside and outside of it, I have endeavoured to so shape my conduct

that I would not reflect in any way on the body to which I belong. As to these other matters of the passes, I said that it was the better way to do what we were doing than to accept these passes in what is called the fly way, in a way that was not open and manly. Talk about committing any wrong to these companies, who are the companies? Are Mr. Wainwright, or Mr. Van Horne the companies? Not a bit of it. You cannot hurt the companies. There is no company to be hurt as a distinct body. I or anybody else may have shares in these companies. If any hon. gentleman has shares in the company—and I hope a great many of them have a great many shares—if they vote for this clause what are they doing? They are voting that they themselves shall pay a part of it. Therefore it is perfectly plain and legitimate to do so. I do not think there should be anything very compulsory about it. I think that they should take the ordinary passenger train, but that ought to suffice for them. Then as to the past, it is a well known fact that every hon. gentleman who was a member of this Senate received these passes, and I would not think when he got them from every company that it could be considered as a bribe from any individual company. The country does a great deal for those railways in every respect. We are the servants of the people of this country, and I cannot see that we are doing the slightest thing towards them that is not fair. I go further and say that if it is the wish of this House that the granting of these passes should be abolished altogether—because that is the true way to do it—insert a clause that no passes shall be issued, and I have no objection to it. Every member of this Senate should be informed on this question and asked to vote, because I would not wonder if next year hon. gentlemen would come here who had not been present at the discussion, and say 'If I had been here I would have voted against it' and bolster up dignity in that way. Some people may consider that it is undignified. It may look that way, though on an internal examination I do not think it is so, when you look at the company, who they are, and when you look at their relations to this Senate and the service that the Senate and Commons do you are bound to say that there is nothing that can be called appropriating other people's property. I will mention one thing further, and that is with reference to the House of Commons. If the House of Commons had passed this clause in good faith unanimously, without a word of objection, as I have been told, why should we try to reflect on their dignity? Why should we say, by our action, that their conduct was not dignified, honourable and fair? What is the inevitable conclusion? If we think this is wrong and a sin, we must say that they are wrong, and I say along with this the mileage should be taken away.

I have only a word to say with reference to that. I am perfectly satisfied, because I would not have any credit for doing it, the amount is so small; but those gentlemen who live in British Columbia and in the maritime provinces receive considerable mileage, and the sacrifice of personal comfort which they make in coming here amply justifies the small pittance which is given to them. I would wish that in this country men should receive neither indemnity nor mileage, and then we would see how many honourable and fair men there would be who would come here and give their services free. I do not think the amount is any great consideration. Any man who comes here and gives his time should do so if he is an honourable and conscientious man. I am bound to say that some of these men would make a fuss afterwards who scarcely give us the benefit and advantage of their presence, but I think that these men who come and give all their time to business certainly deserve the small amount coming to them. I do not know any other parliament where there is an allowance of this kind given where it is looked upon as any other than a gift. You could have the same objection to the indemnity as to the mileage in a sense, because if you do not wish to take the one you might go further and be more virtuous and reject the other. I hope some of the senators will unite and send a circular to every hon. senator in this House and ask him to give us his honest opinion on it, and if a majority are in favour of rejecting these passes, I shall, on my sacred honour, also refuse.

Hon. Mr. POIRIER—The question resolves itself into whether we shall travel by right or by favour. As matters stand now, we travel on free passes. It is useless to try and throw dust in one another's eyes and speak of high honour, or disgrace. I grant no one of my colleagues that privilege unless he can show that he travels and pays his fare. If he does, I will grant him the privilege of casting a reflection, but to try and pose for higher honour when in fact the mode of his travel is possibly of a lower character than the one proposed by law, I look upon as not absolutely in the best of form. I readily understand why some of these railway companies object to this legislation: and why? Because we are under obligation to them, because they hold those passes, if not as bribes, as semi-bribes. I know of cases, hon. gentlemen, where companies have withdrawn their passes because in committee members voted against their Bills. If that has been done once—and members have told me it has been done to them—I say that we should not be put in that position. If the companies are in a position to punish us, to lash us every time we don't vote at their bidding, then, it is clear, the granting of a pass is a semi-bribe. We should, in my humble estimation, either travel by right or abolish all passes. I am prepared to support either course, but I object to that sense of honour which consists in receiving favours and posing as men of higher honour than those who do not care to be under obligations to companies. What do we find? We find that those who oppose this clause are all recipients of passes. My hon. friend from Wellington did not deny that he was travelling on a free pass. The hon. leader of the opposition, whom we all respect, did not tell us that he did not travel on a free pass. The hon. gentleman from Kennebec (Hon. Mr. Drummond), who was so hard on his other colleagues and who, possibly, can afford to pay his fare, did not tell us that he was not travelling on free passes—he and his family and friends. Even my facetious and irrepressible friend from Kingston, who paid his compliments, his obeisance to his chief, who posed here as a paragon of virtue, conscientiousness and that sort of thing, who tried to be witty at my expense, and succeeded in being farcical—as in all cases he does,—he himself had to admit that he was travelling on a free pass, and he told us all he would vote for the Bill like a little man, and watch him. hon. gentlemen, when the vote comes on, and he will do the trick. He will vote for it.

Hon. Mr. SULLIVAN—I beg the hon. gentleman's pardon—I did not oppose the clause.

Hon. Mr. POIRIER—I said the hon. gentleman would vote for it like a little man.

Hon. Mr. SULLIVAN—I did not use any offensive expression such as that in my remarks.

Hon. Mr. POIRIER—Well then, like a big man. The matter stands in this way: we all travel on passes now. It makes no difference with the company, whilst they give us free transportation, what way they do it, except that we are under obligation in one case and in the other case we are not. I looked into the question about the way things are done in Europe, and I think hon. gentlemen will admit that legislators in Europe know and feel as keenly the sense of honour as we do. In France legislators travel free by law; in Italy, Belgium and Switzerland, they travel free by law, and I believe it is the same in Germany and Austria; and who in this House would throw the slur on those people that they have not a high sense of honour? They have, hon. gentlemen, and their sense of honour is not under obligation to railway companies. That is, in my estimation, and in theirs, the true sense of honour. Therefore, I shall vote for the clause, or vote to have it a misdemeanour for any company to give a free pass to any member of parliament. That is what I understand to be the right sense of honour.

It being Six o'clock, the Speaker left the Chair.

After Recess.

Hon. Mr. BEIQUE—As I was not present when the debate was commenced on the clause relating to free passes, and as I would not like to give a silent vote on a clause of this importance, I crave the indulgence of this honourable House to say just a

few words. I must confess that I was a little puzzled when I read the clause granting, as a matter of right, passage to members of parliament, but, on reflection, I thought that there was a good deal in favour of it. What struck me at the outset was that the clause was rather sweeping in its terms, and if the railway companies had not been for years granting passes as a general rule, at least to members of both Houses of parliament, the clause might have been somewhat exacting in its nature. But, they have not adopted that practice for nothing. They must have adopted it, either because they considered it as due in justice to members of parliament, or for the purpose of placing themselves in a better light before members of parliament. It seems to me that it is undignified for members to remain in that position, and we should have no alternative than either to make it compulsory on the railway companies to grant passes as a matter of right, or to enact such a law as would prohibit them from granting any passes at all. It has been suggested by some railway companies, in the memorandum which has been distributed to members of this House, that if the government deem it proper that the members of parliament should have free passes on railways, the government should pay for these passes. The government might well afford to take that position. But, on the other hand, the government might well afford to take this position with the railway company, that this machinery is created for their own benefit, and I may say for their exclusive benefit. It is machinery which is going to entail an expenditure of at least $100,000 a year to begin with, a large expenditure which the government would be justified in calling on the railway companies to bear their share of, and the railway companies can better afford to let the public bear the expense of this railway commission and to submit to the granting of passes as is suggested. I have not had time to refer to the Revised Statutes for the purpose of ascertaining if the principle is recognized of charging companies in such cases as this with bearing the expenditure occasioned by the measure, but I know it obtains anyway in the province of Quebec and in the province of Ontario. In the province of Quebec I know that this practice obtains as far as gas inspectors and other inspectors are concerned. Their salaries are collected from the companies interested, because the inspector is appointed in the interest of the public; but as certain companies are the occasion of the appointment, and as it is for the purpose of controlling their action in the interests of the public, the companies are made to bear the expense. It has been suggested to me by hon. members near me that this principle obtains in the insurance department. I know it does, and in a number of other instances. It seems to me one might very readily compensate the other, and the railway companies might submit to that with good grace, and they would not be the losers by it. I would have no objection to adopt one course or the other, but there is only the one alternative: we must either close the door to this practice which has obtained for a great many years of granting passes to members of parliament as a favour, or declare that members of parliament shall have those passes as a matter of right.

Hon. Sir MACKENZIE BOWELL—I have no desire to continue this discussion, but I should like to call the attention of my hon. friend to the clause as it reads, and which we are asked to adopt, and ask him and other lawyers, who are in the habit of giving opinions upon the construction of statutes, whether this clause does not go much beyond what even those who are advocating compulsory free passes, ever intended. From the discussion, it is quite evident to my mind how the vote will be, and for that reason I do not propose to continue the discussion further at the present moment; but notice will be given so that at the third reading of the Bill we may have an opportunity of recording our votes upon this compulsory principle. I would ask my hon. friend who has just spoken, and appears to be as keen a critic and interpreter of the wording of a clause as any member of the Senate—I do not wish to be understood when I say that I am drawing any invidious distinction between lawyers—does not this clause go much beyond what even parliament intended it to go? In the first place it provides that the transportation shall be upon any train of the company, and then in the latter portion of the clause, it provides not only that they shall have free transportation for themselves, but also for the staff

of the board and for the baggage and equipment, and for the official car. Will not that be interpreted to apply to members of parliament as well as to the members of the board ? I know that opinions have been expressed already by legal gentlemen that it does, because the clause says :

5. The company shall furnish free transportation upon any of its trains, for members of the Senate and House of Commons of Canada and for any of the members of the board, and for such officers and staff of the board as the board may determine, with their baggage and equipment.

Do the words 'baggage and equipment' apply exclusively to members of the board, or to both classes to whom this clause compels the companies to give free transportation ? And it adds :

And shall also, when required, haul free of charge any car provided for the use of the board.

From the wording of the clause, it is contended by some that the passes and the free transportation of the baggage and equipment and the car applies to both classes to whom the passes are to be granted. Now, that is a question for the lawyers to decide. I am only repeating that the interpretation that I have intimated might be given to the clause has already been given by legal gentlemen. My hon. friends who are supporting the free transportation of members of parliament over the country not only to attend to their parliamentary duties, but throughout the whole year, and to any portion of the Dominion, can say whether that clause will bear the interpretation which I have intimated some lawyers have given to it, and if it does, surely parliament never intended that, and would not be a party to enacting such legislation. Bad enough, in my opinion, is the compelling the companies to grant passes, but to go to the extent which some legal gentlemen who have interpreted this clause say it goes, would be altogether beyond what is right and proper. It would be an imposition upon the railway companies that should not be forced upon them by any legislative body, nor should any member of either House, or any public man, ask them to do it.

Hon. Mr. SCOTT—It is very easy to make this clause read as it was intended.

Hon. Sir MACKENZZIE BOWELL.

Hon. Mr. BEIQUE—I express my individual opinion, because it is asked by the hon. member.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. BEIQUE—There is no doubt that the words 'with their baggage and equipment' refer only to the members of the board and their staff, because of the use of the word 'and' after 'of Canada' in the third line of this subsection. If instead of the word 'and' there was a comma, then it would be different. But with the use of the word 'and,' it seems to me the words 'with their baggage and equipment' refer only to the members of the board and their staff. However, if there is any doubt as to that, it would be easy to make it perfectly clear by providing first for the members of the board and their staff, with their baggage and equipment, and at the end of the clause to provide for the passes of the members of the Senate and the House of Commons.

Hon. Mr. SCOTT—It is not worth while discussing the verbiage : it can be easily changed.

Hon. Mr. KERR (Toronto)—I do not think it can be made plainer than it is. There can be no question that the car is only to be provided for the board. The statute says so. Tracing it backward, the baggage and equipment, I would answer that by asking the hon. gentleman what the equipment of a senator is ?

Hon. Sir MACKENZIE BOWELL—I would not like to state publicly in the Senate what my opinion is.

Hon. Mr. KERR (Toronto)—It is quite clear that equipment has no reference whatever to the equipment of a member of the House of Commons, because it would be something which, if you wanted to put in the phraseology, it would be very difficult to explain.

Hon. Sir MACKENZIE BOWELL—What about the word 'baggage' ?

Hon. Mr. KERR (Toronto)—Then the word 'baggage' is coupled with the word 'equipment,' and if equipment does not apply to a senator or members of the House of Commons, the word 'baggage' would

not apply. It is 'with their baggage and equipment' coupled together, so it seems to me that excludes it entirely from consideration. It comes to this, that members of the Senate and House of Commons are to be supplied with free transportation. That is the full complement of it.

Hon. Sir MACKENZIE BOWELL—If that be the interpretation, a member would have to pay for his trunk, because it would be his baggage. His baggage would be weighed as in Europe, and he would have to pay for it. If the hon. gentleman's interpretation is correct, he would get a free pass, and have to pay for his trunk. They could charge what they liked for the trunk, which would be all right.

Hon. Mr. SULLIVAN—There is an amendment which should be made. You should put the word 'passenger' before 'trains.' If a gentleman who is a physician, and a senator too, wishes to go in a hurry, he might insist on going on a freight train. Railway companies dislike exceedingly any such practice as that, and one would have to get special permission. I think 'passenger' ought to be put before 'train.' I have had some experience in that way. It is very difficult to get a superintendent or manager of a road to give one passage on a freight train.

Hon. Mr. CASGRAIN (de Lanaudière)—I do not know that it is understood that this clause, giving free transportation, is going to pass. If that clause is going to be adopted, I would provide for such a contingency as has been raised by the hon. member for Kingston, but I am not sure that the clause will be adopted.

Hon. Mr. FERGUSON—When we adopt it we cannot amend it.

Hon. Mr. CASGRAIN (de Lanaudière)—I am not prepared to say that I am in favour of this parliament declaring that members of both Houses shall be carried free over railways belonging to other people, but if this clause is to be adopted, then I would move that the company shall, on presentation of a card of identification issued by the secretary of the board on the first day of January of each year, furnish free transportation on its trains for members of the Senate and House of Commons. In that way we would get the right to travel in the trains and over the various lines by authority issued by the secretary, or by the board itself. I may say that in other countries where members of parliament are carried free—in France for instance——

Hon. Sir MACKENZIE BOWELL—Are they not government railways?

Hon. Mr. CASGRAIN—Not all, but in France, and I am told also in some other European countries, members of parliament are carried by all these railways free, but on presentation of a card of identification.

Hon. Mr. POIRIER—They have a sort of medal.

Hon. Mr. CASGRAIN—If we are going to make it the law that railways shall carry members of parliament free, it is going a little too far to ask the railways also to have these cards printed and issued to members. The least we can do, since we are taking the power in our hands, is that we shall go to the expense of providing the card of identification. It would remove a great deal of the inconvenience, because one single card would carry the members of this House over any railway in Canada. I have suggested this amendment in case the clause carried, but as far as my idea of right goes, I do not think it is just to declare that outsiders shall do work for this parliament and get no remuneration. I thought a good deal of the suggestion of the hon. gentleman from de Salaberry, that the government should compensate the railway companies for the transportation. That is beyond the jurisdiction of this House, but it could be done in this way: the secretary of the board on the first of January, each year—that is the time passes are issued by all companies—would provide a card of identification, so that when any member of parliament would board a train he would be immediately identified on the presentation of this card. On the other hand, this card would be an official recognition by the government of this country that the holder of the card is entitled to free transportation.

Hon. Mr. POWER—Does not the hon. gentleman think that this card of identification or certificate, would come more properly from the clerks of the respective Houses?

Hon. Mr. CASGRAIN (de Lanaudière)—I would not object to that, but as we are constituting a board, the secretary of the board would be the proper authority.

Hon. Sir MACKENZIE BOWELL—As there seems to be a disagreement among the lawyers as to meaning of this clause, and as the subsection of the clause seems to be drawn in a crude and doubtful form, would it not be well to let it stand, and call the attention of the railway officials to it, and get some suggestion to make it intelligible?

Hon. Mr. SCOTT—I have suggested a change in it that would make it perfectly clear as far as the phraseology is concerned—the company shall furnish free transportation for members with their baggage and for the board and their staff.

Hon. Mr. POIRIER—That would be all right.

The clause was amended and adopted.

Hon. Mr. McMILLAN—As the principle is adopted, it will be remembered that I gave notice that I would move:

That subsection 5 of section 275 be amended by adding the following words, after the word 'Canada,' in line 24:—'provided, however, that the company shall not be liable for any injury that the person so travelling may sustain while travelling on said railway.'

Hon. Mr. CLORAN—That is against the law of the country.

Hon. Mr. SULLIVAN—No.

Hon. Mr. CLORAN—Yes, when you travel on a pass, and damage occurs to you through the company's own negligence, the company is liable. Our deputy sheriff, Mr. Arthur Franchère, was killed on the 29th of January last travelling on a free pass. He was out of his place, standing in the baggage car, where he had no right to be. The car detached itself from the train, ran down a grade and bumped into a standing train further down, with the result that the deputy sheriff was knocked against a stove and killed. The case was brought before the court and judgment was rendered in favour of the family for $5,000 damages.

Hon. Sir MACKENZIE BOWELL—It was an outrage.

Hon. Mr. CLORAN—It would have been an outrage if they had not granted damages. It was the fault of the company that the car detached itself. 'Provided the party travelling on a pass shall not claim damages from the company,' is an outrage on justice. The courts properly granted the family $5,000 damages, notwithstanding that on the back of the pass was inscribed the very words suggested by the hon. senator. Remember, the victim was out of his place, and not in his seat where he should have been, but happened to be in the baggage car talking to the baggageman.

Hon. Mr. DeBOUCHERVILLE—It was the family that asked for damages: the family did not sign the contract.

Hon. Mr. POWER—When you consider the infinite loss this country would suffer if any considerable number of senators or members of the House of Commons were killed, I think one would hesitate before adopting this amendment.

Hon. Sir MACKENZIE BOWELL—I question that very much in the case of those who are standing ready to fill the seats of those who would be killed.

Hon. Mr. POIRIER—Supposing a conductor or some official should act rudely and assault one of us travelling. If this were to pass there would be no recourse against the company. I think we should guard against such an emergency. I would like to give the company every proper protection, but I should not like to be at the mercy of the officials of the company.

Hon. Mr. McMULLEN—If we are passing a law forcing the railway companies to carry us free, and we are also sustaining the law to compel them to pay damages if we suffer through an accident on their road, it is going too far. I do not think we should attempt to hold the railways responsible if they give us free passes and we should happen to lose our lives. Our families should not be placed in a position to bring action for damages against the company. If the adoption of this amendment will prevent that, I certainly shall vote for it.

Hon. Mr. CLORAN—If the accident is the fault of the victim, he should get no damages, but if the accident is caused by the fault of the company, the company is reponsible, and the courts will not uphold any other principle, even when we sign a con-

tract. A man has no right to sign the rights of his heirs away under our laws, and our courts have upheld that principle in the case I have stated. There were many lawyers in Montreal who held that the deputy sheriff's family had not ground for action against the company, and some lawyers took it up and fought it and it was upheld, and it should be upheld.

Hon. Mr. DANDURAND—The same principle was upheld by the Privy Council in another case.

Hon. Sir MACKENZIE BOWELL—Would it not be well to go further, and compel the railway companies to pension the wives and families of members ?

Hon. Mr. POIRIER—We will stand in the same position as all ordinary travellers. If any accident occurs, and no negligence is attributable to the company, there is no recourse against the company, but we will stand in the same position as ordinary travellers if it is the fault of the company or its servants. Otherwise there would be no security for us travelling under such conditions.

The committee divided on the amendment, which was rejected.

Hon. Sir MACKENZIE BOWELL—I would suggest to the hon. gentlemen who are in favour of this that the words should be added 'first class trains,' or perhaps they might send us by freight trains or cattle trains.

Hon. Mr. CLORAN—I object to that. If a first class train is broken down on a road and I have to be here for a vote in the House, and the first train that comes along is a cattle or any other train, I should be entitled to take that train. The clause is properly drafted. The member shall be the judge of what he ought to do, whether senator or member of the House of Commons, and I think the clause is perfectly well drafted and should be left as it is.

The clause was adopted.

On clause 275, subclause 3,

3. Nothing in this Act shall be construed to prevent the carriage, storage or handling of traffic free or at reduced rates for the Dominion, or any provincial or municipal government, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the carriage, free or at reduced rates, of destitute or homeless persons, transported by charitable societies, and the necessary agencies employed in such transportation ; nor to prevent the issuance of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants or settlers and their goods or effects, when coming from foreign countries, or any member of any organized association of commercial travellers with his baggage ; nor to prevent railways from giving free carriage or reduced rates to their own officers and employees, or their families, or for their goods and effects, or to members of the provincial legislatures or of the press ; nor to prevent the principal officers of any railway, or any railway or transportation company, from exchanging passes, or free tickets with other railways, or railway or transportation companies, for their officers and employees and their families, or their goods and effects ; provided that the carriage of traffic by the company under this subsection may, in any particular case or by general regulation, be restricted, limited or qualified by the board.

Hon. Mr. YOUNG—The hon. gentleman from Portage la Prairie moved an amendment to this clause this afternoon and perhaps the clause had better stand.

Hon. Mr. POWER—If this clause is to be taken up now, I wish to call the attention of the committee to what I think is an objectionable provision. It says that nothing in this Act shall prevent the issuance of mileage, excursion or commutation tickets, or the carriage at reduced rates of immigrants or settlers when coming from foreign countries. When we were in committee the first time on this Bill, I said that foreign countries might be understood not to include the United Kingdom. The hon. gentleman from Calgary suggested this afternoon in conversation that these words, 'When coming from foreign countries' should be left out ; so that there would be nothing to hinder the company from giving reduced rates to persons who were coming from the eastern portion of the Dominion to settle in the western portion ; and certainly persons coming from the United Kingdom to settle in Canada should have the same privileges as those coming from foreign countries. I move to strike out the words 'when coming from foreign countries.'

Hon. Mr. LOUGHEED—I thoroughly concur with what the Speaker has said in regard to this clause. It would certainly prevent the company from making special rates for immigrants coming from any part of the empire.

Hon. Mr. DRUMMOND—I quite agree in the proposed amendment.

Hon. Sir MACKENZIE BOWELL—Settlers going from Ontario to the west would be placed in the same position as to reduced passenger rates as immigrants or people coming from foreign countries. I think that is the practice now of the different railways. They have immigrant trains, and if there is a carload of freight belonging to people who are living in any portion of Canada to the western portion section, they give them, not free transportation, but lesser rates than the ordinary rates.

Hon. Mr. DRUMMOND—I think it is very proper it should be so.

Hon. Mr. KERR (Toronto)—I do not understand that this clause is prohibitive. It is one which permits the railway company to issue these passes in a definite way, but there is not anything prohibitive about it. I wish to point out that there is a class of persons prohibited that probably it is not intended to prohibit. During the time of harvest a large number of harvesters go to the North-west to assist in saving the crops. They obtain special rates for going and returning. They would not come within the class of persons called immigrants or settlers, and it seems to me that this whole clause might be much more liberalized. I do not see why we should prevent them issuing free passes or reduced tickets according as they find they have business to justify it.

Hon. Mr. LOUGHEED—I direct attention to clause 265, which is the clause providing against any discrimination as to rates. The opinion does prevail that under clause 265 the power is taken away from railway companies to adopt reduced rates other than those allowed by the board, or to issue passes. It seems to me 265 should be modified to provide that it does not extend to either the issuance of passes or reduced passenger rates. If that were done, we could strike out subclause 3 of clause 275 altogether and do away with what seems to me to be a very embarrassing subsection.

Hon. Mr. POWER—I think it is better as it is.

Hon. Mr. KERR—They call these 'harvesters' excursions,' or something of that kind, and they have here a provision for an excursion or commutation passenger ticket. I doubt whether that is really applicable to a harvester. He is not going on an excursion. He is going out, to return after he has done certain work. It seems to me it would be a great improvement to strike out this clause and give them power to issue passenger tickets as they please.

Hon. Sir MACKENZIE BOWELL—This clause 265 precludes them from doing what they are doing. Hence the necessity for clause 275.

Hon. Mr. POWER—Clause 265 is intended to prevent favours being shown, or discrimination made between different classes of passengers, and we are simply excepting in this subclause before us these particular cases from the operations of clause 265.

Hon. Sir MACKENZIE BOWELL—It does not go far enough.

Hon. Mr. POWER—I move that the words 'when coming from foreign countries' be struck out.

The amendment was adopted.

Hon. Mr. WATSON renewed his amendment to subsection 4 of clause 275.

Hon Mr. MACDONALD (P.E.I.)—I object to the amendment proposed by the hon. gentleman from Marquette. You might as well legislate that every member of the community over a certain age should be carried free. There is scarcely a person who does not belong to some society, and are we to legislate that all these people are to be transported free on the railways? I think that is going too far—further than parliament would be justified in going—that members of parliament and members of the legislature are to be carried free, and also members of any other association in the country are to be carried free by the railways, is imposing on the railway companies. We are endeavouring to put those companies in such a position that they would be under control of a board that is supposed to do justice between the railway companies and the people, but I would rather leave it to the good sense of the members of that board to decide any point of this kind than to put it in an Act of parliament that compels them to give free transportation.

Hon. Mr. DANDURAND—The hon. gentleman is mistaken as to the scope of the clause. The amendment is in the direction of a demand made by the railway companies themselves, who do not want to be precluded from giving reduced rates to associations. This is in the line of the demand made by the railway companies.

Hon. Mr. LOUGHEED—I would suggest that subclause 3 of 275 should stand. An amendment should be prepared practically striking this clause out and permitting the company to issue free transportation to whomsoever they please. It seems to me to be an extraordinary restriction that is forced upon railway companies to say that they are not at liberty to issue free transportation to persons to travel over their line of railway or steamships, it is certainly unique and I do not think it should be forced upon the company.

Hon. Mr. DRUMMOND—The railways are often very liberal to associations which are a benefit to them, such as bridge companies, for instance, and a liberal policy on the part of railways in those cases has been a great advantage to the public at large. This is a permissive clause, and the wider we can make it the better. It takes the sting out of the rest of the Bill, and I think probably the substitution of something giving them general power to carry free whom they please would be better.

Hon. Mr. POWER—This clause with the amendment is about as wide as it should be.

Hon. Mr. LOUGHEED—A railway company cannot always go before the board when they wish to issue free transportation to a person in a distant point. I might instance the case of many delegations going from the eastern portions of Canada to the North-west. Delegates from all quarters are going there nearly every day, and we find a preclusion embodied in this section by which the railway company, without going before the board, cannot issue free transportation to those people. No provision is made for that class of transportation. It would be utterly impossible to include in this clause every class of transportation that might arise. Surely it should be left to the discretion of the company to say to whom they shall issue transportation. It seems to me it is not in the public interest that it should be so entirely divorced from the discretion of the company.

Hon. Mr. WATSON—In drafting the clause I consulted the railway solicitors. It has always been recognized that the board is to have control of freight rates. There is no discrimination, and it is quite easily understood that railway companies might discriminate in the matter of getting freight over their road by giving passes, and if the board is to prevent discrimination in freights, you must give them some control over it.

Hon. Mr. SCOTT—I think it would be far better to leave it to the discretion of the company itself. I therefore move that the company be substituted for the board.

Hon. Mr. POWER—It nullifies clause 265 altogether.

Hon. Mr. BEIQUE—I draw the attention of the Secretary of State to the fact that it will nullify more than one section of the Bill. The word 'traffic' is defined in the interpretation part of the Bill, and then not only in 265, but in other sections; the economy of the Bill is to have a uniformity of rate in reference to passenger as well as freight, and unless you revise all those clauses you canont wipe out this clause. I approve of the suggestion of the hon. gentleman from Calgary to this extent: it is not easy to provide for all cases, but it seems to me the proviso in subclause 3 covers the point giving to the board a right by regulation from time to time to extend or limit the classes of persons to whom the railway company may be allowed to issue free passes, or commutation tickets, or anything of that kind, and it seems to me it is covered by these words:

> Provided the carriage of the traffic by the company under this subsection may in any particular case, or by the general regulation, be restricted, limited or qualified by the board.

Now the carriage of traffic at first sight might be deemed to exclude passengers, but if we turn to the interpretation clause we will find that traffic is stated to include passengers, goods and rolling stock: therefore it is equivalent to this: provided the carriage of passengers by the company under this subsection may be regulated, etc.

Hon. Mr. CASGRAIN (de Lanaudière)—I had the honour of moving this afternoon, that the words 'extended or restricted' be added to the clause. That covers the whole thing, and meets every case within the discretion of the board.

Hon. Mr. POWER—The hon. gentleman from Portage la Prairie will probably accept that.

Hon. Mr. WATSON—I might say my object is to make it as wide as possible, so long as you do not interfere with the rights of the board to control the things specified in the Act.

Hon. Mr. LOUGHEED—If it is open for consideration, I would move an amendment to the clause as adopted. I ask for a reconsideration of subsection 3 and I move that the word 'board' be striken out and the word 'company' inserted.

Hon. Mr. SCOTT—It seems to me it would be quite impracticable in a wide country like Canada, when the management decide upon granting passes to an excursion party, to obtain permission of the board. It often has to be settled in half an hour, and if they have to find out where the board are and get their permission, it embarrasses matters very much. I think the company can be trusted.

Hon. Mr. CLORAN—That kills the whole Bill.

Hon. Mr. YOUNG—Let us understand the effect of it.

Hon. Mr. LOUGHEED—It would leave it in the discretion of the companies.

Hon. Mr. BEIQUE—We must proceed knowingly, and I repeat that if this principle is to be adopted, we should reconsider several clauses of the Bill which are in direct contradiction of this: therefore we must try to make sure that we frame a Bill which has some sense on the face of it, and the Bill would have no sense whatever, as far as several clauses are concerned. If it is the sense of the House to agree with the suggestion made, the suggestion should go to this extent, that the clause should stand for the purpose of revising the other clauses and make them conform with this one.

Hon. Mr. BEIQUE.

Hon. Mr. LOUGHEED—I was going to say to the hon. gentleman from de Salaberry that if this amendment were carried, and it was contradictory to clause 265 which seems to be the troublesome clause, an amendment might be moved to that clause, or the other one to which he refers, so as to bring the three clauses into harmony.

Hon. Mr. BAKER—I suggest that subclause 3 stand until time be given to deliberate and frame an amendment, if an amendment should be found necessary to meet the case. For my own part, I confess that the more I hear it argued the more I am convinced that it will be wisdom to leave it as printed.

Hon. Mr. WATSON—Let it stand as a notice of motion.

Hon. Mr. BAKER—It seems to me it is a mischievous amendment in the company's interest. It is incongruous that this committee should seek to restrict the power of the company in reference to its own rights in the management of its business. I think a night's consideration will convince those who have been most eager to submit amendments that it would be wise to let the company manage, to a certain extent, its own affairs.

Hon. Mr. DRUMMOND—That is the effect of clause 3. It is a permissive clause, enlarging the powers of the company.

Hon. Mr. BAKER—It is not permissive when it strikes out a large class of passengers that the company was allowed to carry.

Hon. Mr. LOUGHEED—The hon. gentleman misapprehends the amendment. Subclause 3 of clause 275 is peculiarly restrictive and intended to abridge the powers of the company, and the proposal is to enlarge those powers so that the company may exercise its own jurisdiction in reference to transportation.

Hon. Mr. POWER—The hon. gentleman from Bedford (Mr. Baker) must bear in mind that the whole object of the Bill is to restrict the operations of the company.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. BERNIER—You must be careful not to do too much by legislation. You

must take into consideration the position of the various railway companies in the North-west. They have lands, and in some instances they may find it to their own interest and benefit to issue free passes to delegates representing prospective purchasers of their lands, and if you restrict them in the issue of these passes, it may interfere very much with their interests.

Hon. Mr. CLORAN—If the amendment proposed is adopted it will simply nullify and destroy clauses 264 and 265 which have been adopted by the House. The board is given under these clauses complete control of passenger and freight rates. The board can dictate what it wants in regard to these two points of passenger and freight rates. This Bill gives the company the right to issue rates as they please, irrespective of the control of the board. This clause 275 is no restriction. Clauses 264 and 265 take all control out of the hands of the company and place it in the hands of the board ; 275 takes a part of the control and says to the company : You can issue reduced rates to certain associations ; you can issue free passes to certain parties and bodies.' So that 275 is not a restriction. It is giving the company freer action, and when the hon. gentleman from Calgary proposed that subclause 3 shall be amended by substituting the word 'company' for the word 'board,' it is a perfidious amendment. It kills the Bill as far as these two clauses are concerned. I do not know whether the hon. gentleman is a lawyer or not, but he is cute and he is clever and ought to be a lawyer.

Hon. Mr. LOUGHEED—I disclaim being a lawyer if my hon. friend is one.

Hon. Mr. CLORAN—If he is not an attorney, he deserves to be one. His amendment certainly kills the Bill, as far as these two clauses are concerned.

The clause was allowed to stand.

On clause 284.

284. The directors may, at any time, make and enter into any agreement or arrangement, not inconsistent with the provisions of this or the Special Act, with any other company, either in Canada or elsewhere, for the regulation and interchange of traffic passing to and from the company's railways, and for the working of the traffic over the said railways respectively, or for either of those objects separately, and for the running of the trains of one company over the tracks of another company, and for the division and apportionment of tolls in respect of such traffic, and generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a joint committee for the better carrying into effect any such agreement or arrangement, with such powers and functions as are considered necessary or expedient,—subject to the like consent of the shareholders, the sanction of the Governor in Council upon the recommendation of the board, application, notices and filing, as provided in section 281 with respect to amalgamation agreements, except that publication of notices in the 'Canada Gazette' shall be sufficient, and that the duplicate original of such agreement or arrangement shall upon being sanctioned be filed with the board provided that the board may, by order or regulation, exempt the company from complying with any of the foregoing conditions with respect to any such agreement or arrangement made or entered into by the company for the transaction of the usual and ordinary business of the company, and where such consent of the shareholders is deemed by the board to be unnecessary. 51 V., c. 29, ss. 238, 239, Am.

2. Neither the making of any such arrangement or agreement, nor anything therein contained, nor any approval thereof, shall restrict, limit, or affect any power by this Act vested in the board, or relieve the companies from complying with the provisions of this Act.

Hon. Mr. SCOTT—I think the amendment submitted was a very proper and reasonable one. The objection was that in making traffic agreements there were two classes ; there were agreements that were made for a considerable time, and important ones extending over a year or two, but it was pointed out with very great clearness that the traffic managers were making traffic arrangements from day to day that were running for perhaps only a day or a week, and it was impossible that those arrangements should be submitted to the shareholders for approval, and there was a suggestion which I thought was a very proper one. It drew a distinction between the two classes. One class it extended over a period of one year and required the approval of the shareholders ; but for traffic ararngements made from day to day, and only temporary, it was perfectly impossible to get the approval of the shareholders. If any hon. gentleman has the amendment which was submitted at that meeting he should produce it.

Hon. Mr. POWER—I have the amendment. It is to substitute this for 284 :

The directors may at any time make and enter into any agreement or arrangement with any other company, either in Canada or elsewhere,

for the regulation and interchange of traffic over the said railways respectively, or for either of those objects separately, and for the divisions and apportionment of tariffs in respect to such traffic. Subclause 2: The directors may also make and enter into any agreement for the running of——

The only question was as to the ten years.

Hon. Mr. SCOTT—It would be better to let the clause stand, and the proposed amendments can be printed.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman propose to omit the proviso altogether?

Hon. Mr. POWER—That is what they did. I submit it as a notice of amendment.

The clause was allowed to stand.

On clause 310,

Hon. Mr. LOUGHEED—When this clause was up for consideration before, I suggested that no repealed portion of those two Acts should be embodied in this Act, so as to make this Act complete. In the repealing clause, there are only two exceptions made—section 306 of chapter 29 of 51 Victoria, and section 2 of chapter 9 of 59 Victoria are retained.

Hon. Mr. POWER—I just point out what section 2 of chapter 9 of 59 Victoria is:

All resolutions heretofore passed instead of by-laws, for the purpose mentioned in section 58, of the Railway Act, as substituted by this Act, are hereby confirmed.

It does not seem to me that a repeal of this Act would at all affect the resolutions passed before this Act came into operation, and I do not think there is any necessity for reserving this clause. I should like to have the opinion of the hon. gentleman from de Salaberry.

Hon. Mr. BEIQUE—I agree with the hon. member for Calgary that what is necessary should be an additional clause and then repeal the whole Act.

Hon. Sir MACKENZIE BOWELL—It might be placed among the general clauses. These two cases might be provided for in a section of the Bill.

Hon. Mr. POWER—It would be well to call the attention of the Secretary of State to the fact that the heading of schedule one is not in the form in which it should be. He might get the law clerk to put it in proper shape.

Hon. Mr. LOUGHEED—It is simply transferring the clause from the existing Act to this. We are retaining, apparently, under clause 310, section 306 of the General Railway Act, which simply declares certain railways to be for the general advantage of Canada. It could be as well introduced in this Bill as retained in the old Act.

Hon. Mr. POWER—My hon. friend has not looked closely at the latter end of section 306 of the present Railway Act.

Now or hereafter connected with or crossing the said lines of railway.

I think we had rather decided to adopt a different policy to that—that a mere crossing of a Dominion road by another road did not make that other road a work for the general advantage of Canada, and the drawing of this clause would require some consideration.

Hon. Mr. LOUGHEED—That involves another consideration entirely. The present Bill contemplates the continuance of the law of 1888 as to section 306. The principle which the Speaker has mentioned is something which is entirely contradictory to this and to the object of the Bill as it stands. I am not discussing the merits of it at all.

The clause was allowed to stand.

On clause 5,

5. All the provisions of this Act relating to any subject or matter within the legislative authority of the parliament of Canada, and for greater certainty, but not so as to restrict the generality of the foregoing terms, all provisions relating to railway crossings and junctions, highway crossings, through traffic, offences, penalties and statistics, shall apply to all persons, companies and railways, whether otherwise within the legislative authority of parliament or not. 51 V., c. 29, s. 4, Am.

Hon. Mr. BEIQUE—I have given notice of an amendment whereby clauses 5 and 7 would be struck out and clause 6 replaced by the amendment of which I have given notice, and which is in the following terms:

5. Every railway, steam or electric street railway or tramway, the construction or operation of which is authorized by a special Act passed by the legislature of any province, now or hereafter connecting with or crossing a railway which, at the time of such connection or crossing, is subject to the legislative authority of the parliament of Canada, is hereby declared to

be a work for the general advantage of Canada in respect only to such connection or crossing or to through traffic thereon or anything appertaining thereto, and this Act shall apply.

To fully comprehend the object of my suggestion it is necessary that I should call attention first to clause 3 of the Bill, which says:

3. This Act shall apply to all persons, companies and railways (other than government railways) within the legislative authority of the parliament of Canada, and shall be incorporated and construed, as one Act, with the Special Act, subject as herein provided. 51 V., c. 29, s. 3, Am.

This is a sweeping declaration that the Act will apply to all companies within the legislative authority of the parliament of Canada. Then we have clause 4, which says that:

4. Where any railway, the construction or operation of which is authorized by a special Act passed by the legislature of any province, is declared, by any special Act of the parliament of Canada, to be a work for the general advantage of Canada, this Act shall apply to such railway, and to the company constructing or operating the same, to the exclusion of such of the provisions of the special Act of the provincial legislature as are inconsistent with this Act, and in lieu of any general railway Act of the province.

So far I am in accord with the principle embodied in these two clauses, to wit: that the Act should apply first to all railways which are within the legislative authority of this parliament, and therefore which comprise all railways not local railways—all railways extending to more than one province—and, second, to all railways, although confined to one province, which are declared by the parliament of Canada to be worked for the general advantage of Canada. But I am against the principle embodied in section 306 of the Railway Act of 1888, which declared that all railways crossing or connecting with the Canadian Pacific Railway, the Intercolonial Railway, the Grand Trunk Railway and other railways mentioned, were ipso facto declared to be works for the general advantage of Canada. That declaration had this consequence, of bringing practically all railways under the exclusive jurisdiction of this parliament. A question arose in the province of Manitoba on the occasion of the building of the Red River Valley Railway. Sir John Thompson expressed the opinion in 1888, which is to be found in Hodgins, page 912. It was a report of the hon. Minister of Justice approved of by His Excellency the Governor General in Council, on May 22, 1888:

The undersigned has the honour to report on the following Acts passed by the legislature of the province of Manitoba at its first and second sessions, 7th legislature, held in the 52nd year of Her Majesty's reign (1888-89) a certified copy of which statutes was received by the Secretary of State on the 11th of March, 1889.

Chap. 2. An Act respecting the Northern Pacific and Manitoba Railway Company.

The principal object of this Act is to confirm an agreement, purported to be executed between Her Majesty, acting through and represented by the Railway Commissioner for the province, and the Northern Pacific and Manitoba Railway Company, and to confer certain powers upon such company.

Clause 4 of the Act purports to authorize the company to construct, maintain and operate certain railways in the province of Manitoba, and among other things the railway known as the Red River Valley Railway, located between the international boundary line and the city of Winnipeg.

The agreement which the Act purports to ratify provides that the Railway Commissioner for the province shall construct the Red River Valley Railway from the international boundary line at the northern terminus of the Duluth and Manitoba Railway (a railway within the territory of the United States) to the city of Winnipeg.

Having in view the provisions of section 92 of the British North America Act, article 10, which permits a province to enact laws in respect to local works and undertakings, except lines of railway connecting the province with any other or others of the provinces, or extend beyond the limits of the province, it is questionable whether a provincial legislature may incorporate a company to build a railway such as the Red River Valley Railway appears to be. The Act, however, gives the company power to build other lines of railway, which are clearly provincial or local undertakings, and the undersigned is of the opinion that the Act should be left to its operation.

Chap. 19. An Act to provide for the crossing of one railway by another.

Section one of this Act provides that 'no railway company, whether incorporated by the parliament of Canada or otherwise, shall cross, intersect, join or unite its railway with any railway subject to the legislative authority of the legislature of Manitoba, without first obtaining the approval of the Railway Committee of the Executive Council of the province of Manitoba, as to the place and mode of crossing, intersection, junction or union proposed. Ten days notice in writing of the application to such committee, shall be given by the company to any such company affected by the sending the same by mail or otherwise to the address of the president, superintendent, general manager, managing director, or secretary of such company.

The undersigned entertains doubts as to whether a provincial legislature may, by legislation of this character interfere with the construction of a railway which is authorized to be built by the parliament of Canada. The question, however, is a purely legal one, and it does not appear to the undersigned in view of the fact, that it may be without serious inconvenience settled by the courts proper, that the right of disallowance should be exercised.

It went to this extent: it was an expression of opinion, and a very serious doubt as to whether this provincial Act of Manitoba was within the powers of the province. The questions was referred to the Supreme Court and I find a reference in Cassell's Digest, page 487:

Opinion: Under chap. 5 of the Statutes of Manitoba (passed on the 30th day of April, 1888), the Railway Commissioner of that province is constructing a railway known as the Portage Extension of the Red River Valley Railway, from Winnipeg to Portage la Prairie, both places being within the province of Manitoba, and he has made application to the Railway Committee of the Privy Council of Canada, under section 173 of the Railway Act of 1888 (Canada) for the approval of the place at which and the mode by which it is proposed that the said Portage Extension shall cross the Pembina mountain branch of the Canadian Pacific Railway (the said branch being part of the Canadian Pacific Railway) at a point within the said province, whereupon the following question is submitted:—

Is the said statute of Manitoba, in view of the provision of Cap. 109, R.S.C., particularly S. 121 thereof, and in view of the Railway Act of 1888, particularly ss. 306 and 307, valid and effectual, so as to confer authority on the Railway Commissioner in said statute of Manitoba mentioned, to construct such a railway as the said Portage Extension of the Red River Valley Railway crossing the Canadian Pacific Railway, the Railway Committee first approving of the mode and place of crossing, and first giving their directions as to the matters mentioned in sections 174, 175 and 176 of the said Railway Act?

In answer to the said question, this court having heard counsel for the province of Manitoba and also for the Canadian Pacific Railway Company, is unanimously of opinion that the said statute of Manitoba is valid and effectual so as to confer authority on the railway commissioners in the said statute of Manitoba mentioned, to construct such a railway as the Portage Extension of the Red River Valley Railway crossing the Canadian Pacific Railway, the Railway Committee first approving of the mode and place of crossing, and first giving their directions as to the matters mentioned in sections 174, 175 and 176 of the said Railway Act.

Therefore we have the unanimous opinion of the members of the Supreme Court regarding the effect of this section 306, maintaining that it was within the power of the province to authorize the local legislature to deal with a local railway as a local railway, notwithstanding it crossed or connected with the Canadian Pacific Railway or any other railway under the legislative authority of this parliament of Canada, or a railway mentioned in section 306 of the Railway Act of 1888. What would be the consequence if a principle of that kind was applied and given full effect to? It means this? For instance, the province of Ontario is now building a railway extending to Lake Timiskaming. It surely has to cross or connect with some of the railways mentioned in section 306, and it would be seriously affected, by removing it from the jurisdiction of the local legislature, if the wording of section 306 was to be strictly applied. This shows, it seems to me, that there was a very considerable abuse of power in this enactment of clause 306. For my part, I am pleased to say that the attention which this hon. House has given, I believe to its credit, to this very important question, has been followed by the House of Commons. The hon. members of this House will recollect that the Railway Committee of this House commenced to inquire about this very important question as early as the 24th of June last, when a subcommittee was appointed by the Railway Committee, with instructions to study the question, and advise and suggest what were the best means of dealing with that important subject. Now, I desire to refer to a few remarks which have been lately made by both the Hon. Postmater General and the hon. leader of the opposition in the House of Commons, bearing on that very question. It was on the occasion of the Third Reading of the Toronto and Hamilton Railway Bill. It will be found at page 9728 of Hansard.

The POSTMASTER GENERAL. I well remember, as far back as twenty years, when this abuse of the British North America Act began; and year after year since then, measures have been passed through the Dominion parliament which should have been dealt with by a provincial legislature. This was done by declaring such measures to be for the general advantage of Canada when they really were not. On many an occasion, in days gone by, I have protested against this practice. I raised the same protest which has been raised in this case by the hon. member for Hamilton and others. It is well that parliament has been brought face to face with the situation resulting from this lax system of legislation. It is well that this measure has been thoroughly discussed in the Railway Committee, as we have thereby arrived at a clear idea as to how similar applications should be treated in the future. I would not venture to lay down a rule, but it seems to me that if I had to determine the policy and practice of the Railway Committee in a question of this kind, I would think it proper, if we are to give a fair interpretation to the British North America Act, that we should, in the first place, assume that every work which is within the confines of a province is prima facie subject to the jurisdiction of that province only, and let the onus rest on those who seek to obtain legislation here to prove that the work is properly the subject of Dominion legislation. Unless they can establish that point clearly,

the committee should not proceed to deliver judgment and give a federal charter to a work which it does not possess. This debate will not prove unprofitable if it results in educating members to the consequences of continuing the practice which has so long prevailed. As has been remarked, where are you to stop, if you are to declare, without inquiry or reflection, that any work that may be in existence in any nook or corner, municipality or parish, of this broad Dominion, is a work for the general advantage of Canada, and thus remove it from the jurisdiction of the local legislature, which may become law, I venture to say that it will be many a year before parliament will be asked to pass legislation of a similar character.

Then Mr. Borden, leader of the opposition said :

No doubt whatever the clause of the British North America Act has been given a scope it was never intended to have. It has been used over and over again, by virtue of a declaration made more as a matter of form than anything else, and I am inclined to think that probably it will be good policy for this parliament in the future to insist that any measure of this kind, by which it is intended to bring within the jurisdiction of this parliament an undertaking which is prima facie within the scope of provincial jurisdiction, should be either referred to a select committee of the House, in order that the question of a fact may be absolutely proved, or be submitted to the determination of some judicial authority. There are many cases in which parliament itself would be the best judge. The Railway Committee or the Committee on Private Bills possibly might be the best possible judge. Those promoting the undertaking should be put into the position in which the promoters of private Bills in England are placed. If I understand the practice there it is practically a judicial inquiry and a judicial determination upon important questions of fact involved in the preamble of the Bill. They are very much more strict than we, and so far as this particular question is concerned, it would be very desirable that in the future we should adopt some such principle with regard to measures of this kind.

I have deemed it advisable, and I believe hon. members of this House will agree with me, to quote those remarks on both sides of the House, representing, I may say, almost the unanimous view of the House of Commons, in order that they should be placed prominently before this hon. House and before the country. It shows that the House of Commons, as well as this hon. body, have realized what abuses there have been in the past in connection with this section 306, which was embodied as part of the Railway Act of 1888. All parties seemed to be agreed in the House of Commons,—I could have quoted a great number of other speakers who all took the same position—that a stop should be made to that practice. If a stop is to be made, now is the time to do it, and not adopt clauses 5, 6 and 7 as they stand, because what would be the effect of those clauses ? First, let us take clause 5, which I have already read.

And for greater certainty, but not so as to restrict the generality of the foregoing terms, all provisions relating to railway crossings and junctions, highway crossings, through traffic, offences, penalties and statistics, shall apply to all persons, companies and railways, whether otherwise within the legislative authority of parliament or not.

Therefore this clause assumes to deal with all questions of railway crossings, all questions of junctions, all questions of highway crossings, all question of through traffic, offences, penalties and statistics, as being within its jurisdiction, whether they are under its jurisdiction or not by virtue of the British North America Act. Surely it is an assumption of power made in such a way that it could not be seriously sustained. I admit when this parliament declares a work to be for the general advantage of Canada, that then the declaration is conclusive, but it is necessary that the declaration be made, and until that declaration is made, anything that comes within the exclusive jurisdiction of the local legislature cannot be made to form part of the powers of this parliament. Then we have in clause 6 the following provision :

6. Subject to the provisions of section seven of this Act, every railway, the construction or operation of which is authorized by a Special Act passed by the legislature of any province, now or hereafter connecting with or crossing a railway which, at the time of such connection or crossing, is subject to the legislative authority of the parliament of Canada, is hereby declared to be a work for the general advantage of Canada.

The draughtsman of this clause evidently saw that the assumption of power, as contained in clause 5 of the Bill, could not stand, and that to give jurisdiction to this parliament it was necessary to go to the extent of declaring that these crossings and junctions were works for the general advantage of Canada, and he did so in drafting clause 6. Then, we have in clause 7 this declaration which I am adopting by the draft which I have submitted to this hon. House, which is this :

7. Street railways and tramways, while hereby expressly declared to be subject to such of the provisions of this Act as are referred to in section five——

That is, the crossings and junctions.

—shall not by reason only of the fact of crossing or connecting with any such railway as mentioned in section six, be taken or considered to be works for the general advantage of Canada, nor to be subject to any other of the provisions of the Act, unless such railways or tramways carry freight traffic and charge tolls therefor.

In other words the draughtsman of this Bill commenced by making the sweeping declaration contained in section 306 of the Railway Act of 1888, that any railway crossing a railway under the jurisdiction of Canada was declared a work for the general advantage of Canada, and by clause 7 he went out to exclude street railways and tramways, except the part of the work constituting the crossing or the connection. It seems to me that it would be proper to adopt the principle as contained in clause 7, and to apply it not only to street railways and tramways, but to all railways, whether local or otherwise. These questions of crossings and connections and through traffic cannot be regulated by two different bodies, and we have to choose in favour of the Railway Committee of the Privy Council, which is to be superseded by the board under this Bill, or in favour of the Railway Committees of the several provinces. It seems to me that the power should be recognized as being vested in the Dominion parliament and should be properly exercised by the Dominion parliament, and that therefore it would be advisable to make the necessary declaration vesting it beyond any question with this parliament, and that is the object that I have in view in suggesting that clauses 5, 6 and 7 be struck out and that they be replaced by the amendment of which I have given notice, and which I have read to the House. In this way it would make it beyond question that the jurisdiction of the board under this Bill would be extended to all such crossings, all connections and to all questions of through traffic or to anything pertaining thereto, and it is all that is necessary. It is unnecessary to go to the extent of declaring that those local railways, because they thus connect, become ipso facto railways under the jurisdiction of this parliament. As far as penalties and statistics are concerned the matter is dealt with in separate clauses in the Bill, and therefore there is no necessity to include them in this clause, as the subjects are sufficiently covered by special clauses. My excuse for speaking to this extent is the importance of the question and the new departure that we are invited to take in adopting the suggestion as made.

Hon. Mr. CASGRAIN (de Lanaudière)—I am sure we are all very much indebted to the hon. gentleman from de Salaberry for giving so much care and study to the question. There is just one exception I think, off-hand, that might be taken to his amendment—the words 'through traffic thereon'—and he cited the case of the railway being built from North Bay on the west side of Lake Timiskaming by the Ontario government with their own money. The through traffic thereon would be under the control of the board, and therefore, if the Ontario government, in order to settle that country, wish to send settlers up there and carry their effects for nothing, they could not do it without the consent of the board. Would that apply? The traffic would have to go as far as North Bay by the Canadian Pacific Railway, and then proceed on to the Timiskaming and be on two railways and in that case the board would fix the rate and the Ontario government would fix their own rate on their own road.

Hon. Mr. KERR (Toronto)—They might go over the Grand Trunk Railway from Toronto.

Hon. Mr. CASGRAIN—But the board would have the regulating of the rates on a road built by the Ontario government.

Hon. Mr. BEIQUE—It seems to me that the through traffic is a question which is not at all provincial. It is a question of general interest, and if so, it falls within the power of the Dominion parliament; but whether it does or not, for my part I think it would be advisable that it should be declared such. It is a question of considerable importance. It involves large interests, not only in one province, but to the whole Dominion, and whether local railways cross Dominion railways or not all questions of through traffic should belong to and be exercised by the board. Otherwise, where would we draw the line? Any number of railways may be Dominion railways, or railways under the jurisdiction of this parliament,

and connect with the local railways, and it is only when they connect that the question of through traffic can come up. The railway commission which we are organizing would be powerless to regulate through traffic ; there can be no through traffic unless there is a connection, and if the local railway was connected with a railway under the jurisdiction of the Dominion parliament, and gave rise therefore to through traffic, that through traffic should be regulated by the Dominion parliament, or a commission organized under this parliament, and not by the local bodies or authorities.

Hon. Mr. SCOTT—Strictly speaking, I presume if we were not going to interfere with the legislative authority of the provinces, we could limit the power of the board to the mode in which the connection was made, and to the mode of crossing, and as the traffic would be over a road belonging to one province over which we should not have any jurisdiction, I would see no impropriety in omitting 'traffic' altogether, and limiting the power of the board to the mode of connecting and to the mode of crossing. There can be no hesitation in our exercising the prerogative to that extent. It may be questionable whether we ought to go any further, and in the instance stated that of the Timiskamang Railway, which belongs to the Ontario government, it does seem rather arbitrary that we should dictate to that province what its proportion of the freight carried over the Grand Trunk Railway and that line, or the Canadian Pacific Railway and that line, and of the passenger travel should be. There is no doubt it is an intrusion to that extent, and I do not see that any serious harm would arise if, after all, the power of the board was simply limited to the connection and crossing, leaving the question of traffic independent of that. It could not be any serious matter, but to that extent it is an intrusion on the powers of the provincial legislature.

Hon. Mr. LOUGHEED—I would point out to my hon. friend, without discussing this at length—because I certainly have not given the same consideration to it as he has done—that it is very questionable in my mind whether there can be a division of authority, as has been pointed out, under the British North America Act. The only way this parliament can exercise authority over a provincial railway, as distinguished from one running in two provinces, is by declaring it to be a work for the general advantage of Canada. Parliament has to do that in the first instance in order to exercise authority over it. Having done that, it certainly cannot leave part of the powers to be administered by the province, the parliament of Canada reserving to itself certain other powers. There cannot be any divided authority, and in my judgment, immediately a railway is declared to be for the general advantage of Canada, it must, under the British North America Act, come exclusively under the authority of this parliament, and certainly this parliament cannot delegate to any of the provinces the powers which, under the British North America Act, are vested in this parliament by reason of that Act. The argument of my hon. friend is that this parliament, after declaring that a work shall be for the general advantage of Canala, shall at the same time say to the province 'We grant to you the right, notwithstanding it be vested in us to exercise authority to a limited extent over that particular railway.' It cannot be otherwise, because if my hon. friend says that only to a limited extent shall this parliament exercise authority over that class of matters, namely as to crossings, as to connections and as to through traffic, it impliedly says to the province 'We permit you to exercise authority as to the other powers which, under the British North America Act, are vested in this parliament.' I say there cannot be a delegation of that authority or a division of it.

Hon. Mr. KERR—Clause 5, which is being repealed, does contain that provision. It reads as follows :

5. All the provisions of this Act relating to any subject or matter within the legislative authority of the parliament of Canada, and for greater certainty but not so as to resist the generality of the foregoing terms, all provisions relating to railway crossings and junctions, highway crossings, through traffic, offences, penalties and statistics, shall apply to all persons, companies and railways, whether otherwise within the legislative authority of parliament or not. 51 V., c. 29, s. 4, Am.

Hon. Mr. DANDURAND—Clause 7 divides the jurisdiction as well, in this Bill,

over street railways and tramways. It reads as follows :

7. Street railways and tramways, while hereby expressly declared to be subject to such of the provisions of this Act as are referred to in section five, shall not by reason only of the fact of crossing or connecting with any such railway as mentioned in section six, be taken or considered to be works for the general advantage of Canada, nor to be subject to any other of the provisions of the Act, unless such railways or tramways carry freight traffic and charge tolls therefor.

Hon. Mr. LOUGHEED—Then they become works for the general advantage of Canada. The first class of cases mentioned in clause 7 are peculiarly provincial works.

Hon. Mr. DANDURAND—But by the amendment of the hon. gentleman from de Salaberry, the jurisdiction assumed by the federal parliament is exclusively one that the federal parliament in the public interest should control, the crossing itself and the connection and the through traffic, and leaves the whole administration and control of the railway to the province.

Hon. Mr. LOUGHEED—How could parliament divest itself of that right which, of necessity, vests itself in it under the British North America Act, immediately it becomes a work for the general advantage of Canada?

Hon. Mr. DANDURAND—But this parliament does not declare that it is for the general advantage of Canada. It simply says that when that provincial road comes in contact with the federal road, then, as there must be but one jurisdiction and one authority as to the control of that crossing, or connection, or through traffic, the sole power and the sole jurisdiction will be vested with the Dominion government. It does not declare that the road itself is for the general advantage of Canada, but the simple fact of the crossing where a federal road and a provincial road come in contact, gives the federal government exclusive jurisdiction as to the question of through crossing and traffic, but it seems to me this division of authority over one and the same road can well be made and will be found to work harmoniously.

Hon. Mr. LOUGHEED—My hon. friend will pardon me if I point out to him that this parliament cannot say, because a road crosses a Dominion work, that this parliament therefore exercises authority over that road. It is by reason of subsection 10 (C) of section 92 of the British North America Act that this parliament has authority to declare a work to be for the general advantage of Canada, and it is only under that clause that it has authority to legislate as it has done under section 306 of the Act of 1888. It is in pursuance of that power, and once having accepted that responsibility, parliament must assume the whole responsibility.

Hon. Mr. BEIQUE—I call the attention of the hon. gentleman from Calgary to the fact that section 306 of the Railway Act of 1888 declares, as the hon. gentleman has just stated, that not only the crossing, the work forming part of the crossing was a work for the general advantage of Canada, but declared that those railways were to be considered ipso facto railways for the general advantage of Canada. The occasion of the declaration was the crossing, or the connection, it is quite evident. The hon. gentleman said, 'You cannot divide that way, because you are delegating a power.' Well, I fail to see where the hon. gentleman finds that there is any delegation of power. We have a railway under the jurisdiction of this parliament. We have another railway crossing it. This second railway is a corporation organized by the local legislature, and what we are declaring is, not that this railway organized by the local legislature is a work for the general advantage of Canada, but we are declaring merely that the crossing and the work pertaining to the crossing, or the connection, are works for the general advantage of Canada, and where can there be any objection to doing that? It is not a delegation of power. If this parliament can declare the whole thing a work for the general advantage of Canada, it seems to me this parliament may declare that part of that work is a work for the general advantage of Canada. Take the province of British Columbia. That province extends to the Pacific ocean, and suppose that a railway organized under the laws of British Columbia, extending from the boundary between British Columbia and the North-west Territories, was in operation, and suppose that this parliament considered that part of the railway having two lines, one going to Vancouver and another one going to Port Simpson, would it not be in the

power of this parliament to declare that that portion extending from the North-west Territories and going to Port Simpson a work for the general advantage of Canada without interfering with the other part. It seems to me it would be within the power. One might not be a work for the general advantage of Canada, and the other might be. I am however putting an extreme case, which, I confess may involve some doubts. There is another principle also. I do not quite agree with the hon. gentleman from Calgary that the power of this parliament is limited under the section of the British North America Act, to which he has just referred, section 92, subsection 10. It has been held repeatedly that this parliament has a good many incidental powers. For instance, the question arose and was decided by the Privy Council under the Insolvent Act, when it was contended that the Insolvent Act was an encroachment upon the jurisdiction of the provinces upon real property, and that the Act was ultra vires to that extent, because the local parliaments were vested with exclusive powers over real estate, but the Privy Council held, and very properly so, that this parliament had the necessary incidental powers to give affect to the main powers that were given to the parliament; and here it seems to me that the crossing, the through traffic, and the connection would be properly covered by the same principle, and could be treated as an incidental power to this parliament in connection with its own railways, or the railways under its jurisdiction. Then I would call the attention of the hon. gentleman from Calgary to the fact that I am in accord with the position taken by the Supreme Court in the decision to which I have referred. The Supreme Court plainly held that it was not because a local railway happened to cross a railway under the jurisdiction of the Dominion parliament that it was to be taken out of the jurisdiction of the local parliament altogether, but that the crossing would be affected subject to the sections of the Railway Act of 1888—section 174 and 175—and which refer exactly to that subject. Section 174 says:

> The Railway Committee may make such orders and give such directions respecting the proposed crossing, intersection, junction or union and the works to be executed and the measures to be taken by the respective companies as to make it appear necessary or expedient to secure the public safety.

And 176 is on the same line. Therefore, the Supreme Court maintained that the railway remained the creature of the province, but as far as the crossing was concerned, the Federal Act would take effect.

Hon. Mr. LOUGHEED—It did not take it out of the authority of the Railway Committee of the Privy Council?

Hon. Mr. BEIQUE—No.

Hon. Sir MACKENZIE BOWELL—I did not hear the argument of the hon. gentleman. I want to know whether the effect of the amendment which he has proposed would remove from the Board of Commissioners the power to control the through rates when it would connect with the Ontario government road to which he has referred. The reason for my asking that is from the remarks made by the hon. Secretary of State. I understood him to say that he would have no objections to confine the powers of the Board of Commissioners to questions of connection and crossing, and that it would be unfair to interfere in any way with the through or local rates that would be charged upon a provincial railway. It seems to me that if you were to adopt that principle you would destroy one of the fundamental principles of this Act, that is, that the board shall regulate the through traffic upon all railways. That is one of the reasons why my hon. friend to my right, the senator from Marshfield, gave notice of a motion to place in the Board of Commissioners the power to control the through rates that have to pass over the Intercolonial Railway as well as over any other road. For my part I cannot see why a provincial road such as that to which reference has been made should be entitled to any more power, or have any greater authority, particularly in the through traffic, than if it belonged to a private company. The province has taken the responsibility upon itself of constructing a road for colonization purposes, and that road stands to the country and to this law—at least it should be so—in precisely the some position as if it had been built by an independent company. I do not argue that the Board of Commissioners should control and interfere with the local traffic, but so far as the through traffic is concern-

ed, I hope my hon. friend's motion does not go to that extent, but that the power should be left in the hands of the board to regulate the through traffic as well as to regulate the connections and the crossings.

Hon. Mr. SCOTT—The interpretation I put upon it was quite in accordance with the view expressed by the hon. gentleman from Calgary, that you cannot obtain control in any way over a provincial road unless you declare it to be for the general advantage of Canada. It is beyond our jurisdiction entirely, and we have either to bring it within our jurisdiction and control, or it is outside altogether. So far as the connecting or the crossing is concerned, we could not say to a provincial road : 'We won't allow you to cross unless you do so under the control and management of the board we have named', but the moment you go beyond that, you must recognize it as a road for the general advantage of Canada in order to give you any jurisdiction. There is no other way you can get jurisdiction, because the British North America Acts points out very clearly that in order to get the jurisdiction you must declare it to be for the general advantage of Canada. As I said before, I do not regard it as a very important matter. The great provincial roads which make connection are really under the control of the Grand Trunk Railway or the Canadian Pacific Railway. There are very few independent provincial roads. They are very small in mileage and not at all important, and it would not seem to me to weaken the Bill itself by our excluding the joint traffic between the provincial roads and one of our main lines. I do not think the point is so well taken in regard to the Intercolonial Railway. That is a very important road, and in the future I hope will exchange traffic with the Grand Trunk Railway and the Canadian Pacific Railway and the new Trans-Canadian line, and therefore it would seem proper that we should place the joint traffic of the Intercolonial Railway under the control of the board. That seems a very fair proposition, but the joint traffic over the smaller provincial roads is so infinitesimal that I do not think we ought to jeopardize our jurisdiction in the way we are doing by bringing them under the control of the board, as far as the joint traffic is concerned. I would rather leave them independent, because if my hon. friend wants to bring them under the control, he has to do it by invoking that clause of the British North American Act which enables us to bring a provincial road under our jurisdiction.

Hon. Sir MACKENZIE BOWELL—Has the hon. Secretary of State forgotten that the law on the statute-book at present declares that the moment you make a connection with a road, or cross it, that is a declaration of its being for the general advantage of Canada ? If that be the case, if the connection with the road, or the crossing of a road makes it in the general interest of Canada, then there can be no necessity for making that special declaration, because it becomes de facto a Dominion road under the Act, and therefore should be subject to the board so far as the through traffic is concerned.

Hon. Mr. SCOTT—But I understood the general consensus was that we should negative that part of the existing law—that the mere joining of a provincial road with one of our main lines would not bring it under the jurisdiction of this parliament, and ergo we would not thereby be declaring it for the general advantage of Canada.

Hon. Mr. FERGUSON—I notice the point made by the hon. Secretary of State, that in his opinion we cannot bring a provincial road under the jurisdiction of this parliament except by this declaration. If that is correct, can we make this declaration in part without making it in the whole ? Can we declare that a certain railway should be for the general advantage of Canada in the matter of crossings and through traffic, and not within the complete jurisdiction of parliament ?

Hon. Mr. SCOTT—We can, I am quite satisfied, as far as the crossings and junctions are concerned, because we can say we will allow you to connect without the control of the board.

Hon. Mr. FERGUSON—We may refuse to let them connect ; in that way we can force them to agree. But apart from that, would a partial declaration bring them within our jurisdiction, apart from the fact that we might hold them up in that way ?

Hon. Mr. BEIQUE—I have already answered the question. My argument may not have been convincing, but I have tried to argue that what can be done as a whole can be done in part, and I have referred to that supposed road in British Columbia—two main lines, one extending to one port and another to another port.

Hon. Mr. DANDURAND—The hon. gentleman has cited a Supreme Court judgment.

Hon. Mr. BEIQUE—I have cited the Supreme Court judgment for the purpose of showing that they recognize this, that the crossing in itself—and notwithstanding section 306 of the Railway Act of 1888—did not bring the whole of the road under the jurisdiction of the Dominion parliament, but brought that part of the works under the jurisdiction of the Dominion parliament, because the holding of the Supreme Court was that sections 174, 175 and 176 would have to be respected. With reference to the position taken by the hon. Secretary of State, for my part—my opinion may be worth very little, I must confess,and it is rather with diffidence I express an opinion on that point—I am satisfied it is within the jurisdiction of this parliament, and I am inclined to think that it is advisable also that the power of this parliament should extend to through traffic, and that it would be a mistake to make any distinction as between a road belonging to a local government and a road owned by a private company. I must take occasion to say that I am considerably in accord with the hon. gentleman from Marshfield in the suggestion he made, that so far as through traffic is concerned, there should be introduced in this Bill a clause—providing the government consent, because it is a matter of policy for the government—making those sections relating to through traffic applicable to government railways as well as to other railways, and for the reason which has been stated so well by the hon. gentleman, that it would be destroying the jurisdiction of the board in certain cases. Suppose the board is called upon to regulate through traffic passing over three railways, two of them being railways under the jurisdiction of the board and the intermediate railway being a government railway; there would be a very serious question as to whether the board would have jurisdiction at all, even with the consent of the government, to deal in any shape or form with the through traffic, because the through traffic would have to extend over a road which is not within their jurisdiction, and for my part I am inclined to the opinion that the board would have no jurisdiction at all. For that reason, and also because it is a question of general interest, I think the government railways ought to be brought within the four corners of this provision having reference to through traffic. Now, where would be the necessity of making any exception for a government road? If it is advisable as a matter of policy to provide that the powers of this commission shall extend over the through traffic in a general way, whether that through traffic is entirely on roads which are under the jurisdiction of this parliament or not—whether the road is owned by the local government or not, it seems to me, should make no difference. I would call the attention of the hon. Secretary of State to this—it is a repetition of what I have stated, but it may have escaped his attention—as to whether the principle which was applied by the Privy Council under the Insolvent Act, would not apply here, and enable parliament to deal with the question independent of the provision in the British North America Act, section 92, subsection 10.

Hon. Mr. DAVID—I have listened with a great deal of pleasure to the remarks made by the hon. gentleman from de Salaberry. I have myself prepared an amendment, which reads as follows: It is short, but it is in the line of the opinion just expressed by the hon. Secretary of State:—

That clause 6 be amended by striking out all the words from the word 'Canada' in the sixth line, and replacing them by the following words: 'shall be subject to the rules and orders of the Railway Commission as regards such connections or crossings.

My intention was not to go as far as the hon. gentleman from de Salaberry and give the control of through traffic to the Railway Commission. I will vote for the amendment of the hon. gentleman from de Salaberry if I cannot get anything better, but if it was possible to put in an amendment in line with the opinion expressed by the hon. Secretary of State, I would rather vote for that amendment. It would be, perhaps, possible to reconcile the opinions expressed

by the hon. Secretary of State with the amendment of the hon. gentleman from de Salaberry. At least, it would be possible for us to declare, or enact, that the Railway Commission shall not have control of the through traffic when a provincial railway crosses the federal railway, but that a notice shall be given to the provincial government in order that the Railway Commission shall be allowed to decide as to through traffic, because the provincial government, or the company organized under a provincial statute, may be in a position to prove that the rates which may be established by the Railway Commission should have been in a certain way, that they may make a report which would have an effect on the Railway Commission. The least we could do would be to give to the provincial government, or the company chartered by the provincial government, a chance to be represented before the commission. So, if the question were postponed, I think that we might come to a conclusion which would reconcile the statement of the hon. Secretary of State with the opinions of the hon. gentleman from de Salaberry, and perhaps introduce an amendment regarding through traffic and giving certain control to the provincial governments and local companies. I would add the words that notice shall be given the provincial government and the provincial company.

Hon. Mr. POWER—The Railway Commission will not undertake to fix rates for through traffic over a provincial line without letting the owners of the road know.

Hon. Mr. DAVID—There is nothing to oblige them.

Hon. Mr. POWER—They will, as a matter of course.

Hon. Mr. DAVID—I shall press the amendment.

Hon. Mr. POWER—The amendment proposed by the hon. gentleman deals only with clause 6 of the Bill and it leaves clauses 5 and 7, which are open to the same objection as clause 6, in the Bill.

Hon. Mr. CASGRAIN—No, it strikes them out.

Hon. Mr. POWER—The amendment proposed by the hon. gentleman from Mille Iles, does not touch clauses 5 and 7. The amendment of the hon. gentleman from de Salaberry strikes out the whole three clauses, and substitutes a new clause for 6. The amendment of the hon. gentleman from Mille Iles, is not an amendment which he can adopt just now. If the amendment of the hon. gentleman from de Salaberry is rejected, we might be in a position to deal with the other amendment.

Hon. Mr. BEIQUE—It is but proper that I should answer the argument made by the hon. gentleman from Mille Iles. I know that he is altogether provincial, and I am in considerable accord with him in that respect, and I think that he is satisfied of that; but let us be practical, and not go to an extent which will not be permanent, let us take a stand which will be lasting. I am afraid that if we encumber this legislation with too many amendments we shall defeat what I took to be a very good object, that of preserving in a proper measure the rights of the provinces. We have had the experience of the past. We have gone a very long way towards destroying the rights of the provinces, and now let us take a broad position which will enable us to maintain it. I call the attention of the hon. gentleman from Mille Iles to this fact: as was very well stated by the Speaker, it is not likely that the commission would deal with a local railway without negotiating with the province, if the road was owned by the province, and even if it did, it would be open to the province the next day to make representations if they were not satisfied with the rates, and it would be open to the board to agree with these representations and modify the regulations, if it was deemed advisable; but if we provide for exceptional machinery in case the road belongs to the province, I fail to see that it would be conducive to a good object.

Hon. Mr. ELLIS—Not being a lawyer, I do not catch on to all the intricacies of this question, but I intend to vote against the amendment. The hon. gentleman who introduced the amendment quoted from two prominent members of the House of Commons, the Postmaster General and the leader of the Opposition. It appears to me that these two gentlemen, having laid down a principle in support of which he quoted, and this measure having come to this House after those

views were stated, if the government have not put that into the Bill, and if the Bill does not cover the ground which the hon. gentleman approves, the government must have had some motive in so framing its legislation. I am at sea to know just where it is—whether the views on which the government bases this Bill is correct, or the view which the hon. gentleman presents. In all the circumstances of the case, I do not quite feel that I would like to take the liberty with the Bill which the hon. gentleman thinks should be taken. I would observe further, that the two gentlemen who are assailing this fundamental principle of the Bill are themselves not agreed. One of them is desirous of going much further than the other. I think on the whole it would be better to let the Bill stand as it is.

Hon. Mr. POWER—With respect to the view of the government on the subject, we might bear this in mind, that the government have a large majority in the other House, and our action is not final, and if the action of this House does not meet with the approval of the government they will not accept our amendment. I cordially concur with the hon. gentleman from de Salaberry in his view of the constitutional question, and if the feeling of this committee is in favour of adopting his view I do not think we should be hindered from doing so by any doubt as to what the intention of the government is, because I say the government have the matter in their own hands when the Bill goes back to the House of Commons.

The committee divided on the amendment which was rejected, contents 9, non-contents 12.

Hon. Mr. CASGRAIN (de Lanaudière)—The whole difficulty seems to be on the through traffic. If those words were left out, would not the amendments be acceptable ?

Hon. Mr. FERGUSON—No.

Hon. Mr. SCOTT—I voted the way I did, because I think in an important matter of this kind, in a thin house, it is not a fair expression of the opinion of this Chamber.

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

BILL INTRODUCED.

Bill (232) An Act to amend the Manitoba Grain Act, 1900.—(Hon. Mr. Scott.)

GRAND TRUNK PACIFIC RAILWAY.

THIRD READING.

Hon. Mr. DANDURAND moved the third reading of Bill (K) An Act to incorporate the Grand Trunc Pacific Railway Co., as amended.

Hon. Mr. WATSON moved

That it be further amended by inserting the words 'approved by the Governor in Council' after the words 'Lake Superior' in the amendment made by the Committee on Railways, Telegraphs and Harbours, and also, that the words 'in addition to the powers hereinbefore contained' be inserted after the word 'may' in the first line of clause 32, on page 12 of the Bill.

He said : The object is that the railway company did not want to be bound to Fort William or Port Arthur and wished to go to any other Canadian port on Lake Superiour. I wish to have that under the control of the Governor in Council, because they might go to some port much farther away from the wheat fields of the west, and deprive us of the short haul to the lakes. I should like also to have inserted in section 32 that the copmany may, in addition to the powers hereinbefore contained, acquire and hold bonds, etc. I understand this clause gives the company power to acquire bonds, stocks, etc., in any other company other than a railway company. It might be understood they would not have power excepting as provided for in the previous clauses of this Bill to hold, guarantee, and pledge stock.

Hon. Mr. SCOTT—I do not know. Is that asked for by the company ?

Hon. Mr. WATSON— Yes.

Hon. Mr. LOUGHEED—I would suggest that my hon. friend give notice of those amendments.

Hon. Mr. WATSON—The notice for the last one is in the Order paper, although I did not give it last night.

The SPEAKER—I should like to ask the hon. gentleman if the amendment as set out in the Order paper is the amendment he is moving now ?

Hon. Mr. WATSON—Yes.

The SPEAKER—Then it is in order.

The motion was agreed to.

Hon. Mr. DANDURAND moved that the Bill be read the third time.

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

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, September 2, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (Z) 'An Act respecting the Ottawa Valley Railway Company.'—(Hon. Mr. Domville.)

FAST ATLANTIC STEAMSHIP LINE.

INQUIRY.

Hon. Mr. LANDRY inquired :

Has the government lately been or is it in negotiation with any one whomsoever for the establishment of a fast line of transatlantic mail boats ?

If the answer is in the affirmative, with whom has it been or is it in negotiation ?

In the negotiations, past, present or future, what speed has been demanded or will be demanded by the government from the mail boats of the fast line ?

Between what ports is this oceanic service to be made ?

When is it to be inaugurated, approximately?

Hon. Mr. SCOTT—The government have not at present any offers under consideration, nor have they had any very recently that they could consider.

Hon. Mr. LANDRY—But the government have not answered the second part of the question—in the negotiations past, present or future, what speed has been demanded or will be demanded by the government?

Hon. Mr. SCOTT—That I cannot tell, because of changes as time goes on.

Hon. Mr. LANDRY—Changes each century.

Hon. Mr. SCOTT—Whatever may be suitable for the country.

REPRESENTATION OF QUEBEC IN THE SENATE.

INQUIRY.

Hon. Mr. LANDRY rose to call the attention of the House to the following facts :

1. The Senate debates of Monday, the 22nd day of June last, contain the following :—

Representation of Quebec in the Senate.

INQUIRY.

Hon. Mr. Landry inquired :

Whether, taking into consideration—

1. The fact that the province of Quebec, which, according to the last census, has a population of 1,648,898 out of the total population of 5,371,316, has the right to a representation of twenty-four members in the Senate ;

2. The fact that the French population of the whole Dominion is very nearly in the same proportion, compared with that of Canada, that is to say, 1,649,371, compared to the total population of 5,371,316 ;

3. The fact that the French representation of the Dominion in the Senate contains the following names, taken alphabetically :—The Honourable Messieurs : Béique, Bernier, Bolduc, de Boucherville, Casgrain (Windsor), Casgrain (de Lanaudière), Dandurand, Fiset, Forget, Godbout, Landry, Légris, Montplaisir, Pelletier, Poirier, Shehyn, Tessier, Thibaudeau (Rigaud), and Thibaudeau (Vallière), that is to say, nineteen members altogether ;

4. Is it the intention of the government, in making the appointments to fill the seats now vacant, or those which may become so, to take into account the rights of the French population and to increase its actual proportion, so that that proportion may be twenty-four senators out of the eighty-one that the Senate numbers ;

Hon. Mr. SCOTT—It may be advisable to revise the policy followed in this respect by the administrations which were in office previous to the present one ; but no opportunity has arisen to consider any such question.

2. On the 13th day of August, the honourable the leader of this House announced to its members the death, occurred the day previous, of the late Senator Cochrane.

3. The division of Wellington, which the late senator represented in this House, is described as follows in chapter second of title I, of the Revised Statutes of the province of Quebec, clause 69 :—

24. Wellington comprises the townships of Durham, Wickham, Simpson and Kingsey, less that part of the township of Simpson included in the parish of Ste. Clothilde de Horton, in the county of Drummond, the county of Richmond, the city of Sherbroke, and the counties of Wolfe, Compton and Stanstead.

4. The returns of the last census indicate that the population of this division stand as follows :—

—	Total Population.	French Origin.	Not French Origin.
150 Compton	26,460	14,460	12,000
153*b* Durham, South	1,308	671	637
153*c* Durham	454	59	395
153*e* Kingsey	1,521	1,089	432
153*f* Kingsey Falls	866	517	349
153*n* Simpson	2,247	2,195	52
153*o* Wickam	468	405	63
153*p* Wickam, West	1,119	1,038	81
187 Richmond and Wolfe	34,137	25,697	8,440
193 Sherbrooke	18,426	10,645	7,781
195 Stanstead	18,998	8,744	10,254
	106,004	65,520	40,484

And inquired—

In face of all those facts, is it the intention of the government to profit by the opportunity which has arisen, to take into account the

rights of the French population to a larger proportion of its representation in the Senate of Canada, and to increase accordingly such representation ?

Hon. Mr. SCOTT—The government is not prepared to announce any policy or principle on the subject. The seat occupied by Senator Cochrane was occupied by the late Senator Sanborne, who was one of the Senators named in the original proclamation.

Hon. Mr. LANDRY—I call the attention of the hon. gentleman to the answer he has given me on a former occasion.

Hon. Mr. SCOTT—All I can say is that it had no reference whatever to the possibility of that vacancy arising—no reference whatever to it.

Hon. Mr. LANDRY—I want to call the attention of the hon. minister to this matter—he did not let me finish—he told me about the Atlantic service, that the time has changed, and that new speed might replace the old speed. I think the French population of Wellington has so increased as to become the two thirds of the total population and that such a fact should impress itself on and call for the consideration of the government in the choice to be made of a successor to the late Mr. Cochrane.

Hon. Mr. DANDURAND—The hon. gentleman makes a statement that is true to a certain extent. The English speaking population of the province of Quebec has more than its share of the representation in this chamber, but I think it would be hardly good politics to withdraw the seat that the English speaking minority from Quebec has had, which was held by the late Senator Cochrane. The English speaking minority is distributed in quite a number of counties and senatorial divisions, but that minority is more especially grouped in the Eastern Townships, and I think it should be one of the last seats the government would think of taking from the minority in order to bring their representation to a fair basis. There are other seats which are mostly—I should say exclusively—French in the province of Quebec, represented by English speaking members of this body, and the remarks of the hon. gentleman would perhaps apply to such districts when the occasion would offer.

Hon. Mr. LANDRY—I thank the hon. member very much for giving me the views of the government on the subject. I hope that when the government arrives at a decision they will not forget what the hon. member has just stated to the House.

Hon. Mr. DANDURAND—I can promise the hon. gentleman I shall not forget the fact myself either.

RAILWAYS LAW CONSOLIDATION BILL.

AGAIN IN COMMITTEE.

In the committee on clauses 5, 6 and 7,

Hon. Mr. BEIQUE—With a view to reconciling conflicting opinions, especially those of the Secretary of State, I beg to move that clauses 5, 6 and 7 be struck out, and replaced by the clause of which I gave notice, with the following words added :

This section shall not, however, operate as regards through-traffic on railways owned by any provincial government without the consent of such government.

Hon. Mr. SCOTT—As the clause stood originally, it seemed to me that we were really over-riding the sovereignty of the local government. Take the case mentioned yesterday of the Timiskaming Railway. If that road were taking traffic from one of our main lines, and the traffic over the Timiskaming Railway might be only ten miles, of course the portion of compensation they would get would be so trifling, it would not be worth accepting. We must remember that on all those subsidiary lines, they have less business than the main line. As a matter of fact, they are constantly falling into the power and becoming part of the main lines of the country. The Grand Trunk Railway and the Canadian Pacific Railway are now largely made up of branch lines which were originally independent. They could not survive ; the traffic on a short line was found not to be paying. If we pass the clause as it stood in the original Bill, the traffic they would receive would not enable them to live. For that reason I think the proposition is a very wise one. No rights are interfered with, and it is for the province to say whether they will agree to it or not.

Hon. Sir MACKENZIE BOWELL—That argument applies to every local road owned by an independent company, and if the pro-

yincial governments, and their roads are to be exempt from the operation of these clauses, then all private companies similarly situated should be exempt. I cannot understand why a government road should be exempt, and the difficulties which have been pointed out by the Secretary of State applied to a local road similarly situated. Now, it is well known to people, in Ontario at least—whether the Secretary of State has read the debates in the local House or not I do not know—that while the government advanced the money on its credit for the construction of the road alluded to by the Secretary of State, they never intend to run that road themselves. The declaration of the government is, that the road shall be leased to some parties who would be able to operate it in connection with their other roads, and the chances are 99 to one that it will fall into the hands of the Grand Trunk Railway, because if the Grand Trunk Railway or Grand Trunk Pacific Railway Company, carry out their intentions, that road will form a part of the connecting link between the Grand Trunk Railway in Ontario joining it at North Bay over that portion of the Grand Trunk Railway to Toronto, and down through Ontario. For my part, I cannot understand the force of the reasoning of the hon. gentleman, unless he goes further and exempts all the independent lines situated as the Ontario government line is situated. I admit it will not apply to many. I know very few independent lines in the province of Ontario. They have been absorbed either by the Grand Trunk Railway or the Canadian Pacific Railway, and to make this exception in favour of the provincial government road in Ontario, would be partiality towards a government of which a private company would be deprived, and I do not think the Senate ought to accept it.

Hon. Mr. LOUGHEED—Do I understand from my hon. friend the Secretary of State that the government, having embodied this principle in the Bill, are now prepared to recede from the position they have taken with reference to the authority of this parliament over that class of roads mentioned in the Bill, because it amounts to that. My hon. friend must certainly have undergone a radical change of opinion since he voted last night, when he voted against the motion of my hon. friend from DeSalaberry.

Hon. Mr. SCOTT—Although I am representing the government in this House, hon. gentlemen cannot suppose I am in communion with the government in all the changes that have taken place in this Bill. When it goes back to the House of Commons, they may differ entirely from the position I take here. Of course, the House had the power to make changes in the Bill. I necessarily have to comment on that, and to act on the spur of the moment on my own judgment. I quite admit the force of the observation made by the leader of the opposition, and I must confess, when I first heard the amendment read, I did suppose it applied to all provincial roads. I had mentioned particularly, as a good illustration, the Timiskaming Railway, but I had in my mind all provincial roads, because those roads have very small revenues, and the proportion of the freight rate that they would receive from the haulage of freight coming over perhaps a thousand miles of another road, and running over ten or twelve miles of the short line, would be so insignificant that the local road could not live on it, and the proprietors of that road should have the opportunity to say whether they acquiesce in the proposal to place their line under this general traffic clause. I am only speaking my own individual views. I am willing to accept that amendment as a compromise. As hon. gentlemen know, my first proposition was that the provincial roads should only be brought in so far as crossings and connections were concerned. Then I was willing to go further, and this is the further concession I am willing to accept. Of course, the whole subject is in the hands of the House.

Hon. Mr. FERGUSON—My hon. friend, I understand, objects to bringing railways operating under provincial charters within the operation of this Bill as far as through rates are concerned. Did I understand my hon. friend to make that objection?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—The amendment which my hon. friend is willing the House should accept distinctly contains the provision that, as far as through rates are

concerned, these roads shall be under the operation of this Bill.

Hon. Mr. POWER—The hon. gentleman from Marshfield has not probably seen the alteration which the hon. gentleman from De Salaberry has made in his amendment. He makes it an optional matter with the provincial government whether the road shall come under the board or not.

Hon. Mr. BEIQUE—With a view to saving time, I have no desire to add anything to what I stated yesterday in support of the general proposition, but I might be allowed to make a few remarks in connection with the addition. Is it seriously contended that through-traffic in this country shall not exist, because if it is contended that through-traffic will be limited only to certain classes of railways, surely it is the destruction of through-traffic. Through-traffic is essentially a matter of commerce and a great matter of commerce, one of the most important branches of commerce, and it seems to me that it is assigned to the Dominion parliament, and because a railway under the jurisdiction of this parliament happens to connect with a provincial railway, is it to be taken for granted that is to be through traffic or any regulation thereof? I address myself especially to the hon. gentleman from Belleville and the hon. gentlemen from Marshfield and Calgary—are they really of opinion that through-traffic should be confined to railways under the authority of this parliament? If I understand properly the views expressed by the hon. gentleman from Calgary, he is of opinion that a much more sweeping law than that should be enacted and to adopt the principle embodied in clauses five, six and seven which go far beyond that. These clauses are putting under the exclusive jurisdiction of this parliament all railways in the country, because if you declare, as is declared in those sections, that any railway crossing a railway under the jurisdiction of this parliament is a work for the general advantage of Canada, then you declare, ipso facto, that all railways of the country really fall under the jurisdiction of the parliament, and you declare those railways works for the general advantage of Canada. Now, I call the special attention of the hon. gentleman to a very important point. The principle involved in this is not merely a question of railways, it is a much larger question. It is a question of divesting the provincial legislatures of their autonomy and of their powers, and thereby interfering most seriously with municipal control. We are proud of our municipal institutions in this country. Municipal institutions are our own home rule, and if we take from the local provinces their jurisdiction over all railways of their own creation, we ipso facto remove them from all municipal control, because the municipal authority possesses only powers delegated to them by the local legislatures. They do not possess any powers derived from this parliament. They derive their powers exclusively from the legislature of the province. And what will be the consequence? That municipal affairs in very important matters will be, in effect, controlled, not by the municipal electors, not by municipal councils and not by the local representatives in the local councils, but by members of parliament; that is, municipal affairs of the city of Toronto will be controlled by men like myself, who do not know the first thing of the requirements and wants and local conditions of the city of Toronto, and what I say of the city of Toronto can be said of all cities throughout the Dominion. We should be jealous of our municipal institutions, and I say without hesitation that it is making away, in a great measure, with those institutions if we go to the extent of adopting the principle embodied in the clauses as they are drafted, and I hope that on serious consideration we shall be unanimous in giving this parliament as extensive powers as can reasonably be given, but preserve as far as possible our municipal institutions and the powers of the local legislature. I repeat it, as far as through-traffic is concerned, it is essentially a commercial matter of very large importance, and it cannot be confined to half a dozen different bodies. You have to leave it either to one body or to another, or destroy ipso facto through-traffic. The through-traffic means what? It means a traffic extending over a large extent of country, extending, as of necessity in most cases, over several railways, and what difference does it make whether those railways are under the jurisdiction of

one body or another ? It should be governed by the one authority and that alone. Now, I have made a concession which is indicated in the addition which I have made to my motion of yesterday, because there is a certain reason which appeals to my mind and which no doubt will appeal to the mind of a number of hon. members of this House. It is this : When we are dealing with railways owned by a local government—there are few railways that are in that position —and then as we are dealing with a body of very high standing, a body whose standing is on a par, so to speak, with that of the Dominion parliament, it is to be supposed that it will be easy to get the consent.

Hon. Mr. FERGUSON—I have now the amendment moved by my hon. friend in my hand, and I find the difference between that amendment and the one that was rejected by the committee last evening is contained in the words added—to that extent only. It reads :

This section shall not, however, operate as to through-traffic on railways owned by a provincial government without the consent of such government.

I understand the Secretary of State accepts this added provision on the ground that this provincial owned railway, being a short railway, could not be run on the moiety of the through rate that might be charged proportionate to the length of the road, and that it should be free to receive a local rate out of any through rate that might be arranged. All I have to say in regard to that is that I think this amendment is not of very much importance. The consent of the provincial government will be obtained—in fact, it cannot be withheld, because the people served by this branch line will not long endure such a state of things as being obliged to pay a local rate upon every bit of their traffic that passes over their road, and that being the case, I do not think the amendment will have very much effect one way or the other. It does not, however, remove my objection, although it appears to have removed the objection the hon. Secretary of State has to the amendment as a whole. It does not remove the objection that I feel to this amendment, changing the Bill as presented to us and introducing this clause in place of clauses 5, 6, and 7. The principle of this amendment is that this parliament will be able to make a partial declaration with regard to railways, as to what extent they are under the jurisdiction of this parliament. We are able to make a partial declaration; that is, that they are under the jurisdiction of the federal parliament in the matter of through rates, and in the matter of crossings, and leave them as they were with regard to other matters. I am told, I think on very good authority, that this view is not the view taken by very able railway lawyers in the country ; that they do not believe that they can do that. The British North America Act provides a way by which we can bring under our jurisdiction a railway or any other work lying within the territory of one province by declaring that it is a work for the general advantage of Canada, but it has been held by eminent and experienced railway lawyers that we cannot make a partial declaration, that is, that this work shall be under our jurisdiction for one or two purposes and shall not be under our jurisdiction as a whole. It was to that extent that we had not power and that we are introducing a divided jurisdiction in this case that is not desirable, and for my own part, I prefer the principle in clauses 5, 6, and 7, which I understand to be, as far as through traffic is concerned, that our jurisdiction would extend to all railways. As far as I am able to understand the principle underlying these objections, that would be the effect. It certainly would carry our jurisdiction to through traffic which this amendment still leaves with us, and to railway crossings, but it would extend our jurisdiction in other matters also beyond these two subjects. I do not think, for my own part, that this change removes my objection to the amendment on which the opinion of the committee was tested last evening. It introduces another element exempting a provincial owned road from the operation of this section without its consent, which I think it would be just as well to leave out ; but still I do not know that it can do any harm. However, I cannot agree with the amendment proposed to the government Bill. I was just going to say that the government seem disposed to abandon their own Bill in one of its most important features. The most important features of

the Bill are contained in clauses 5, 6, and 7—I think it is the question that was made almost the crucial point in the discussion of this question in the committee of the House of Commons under the late Minister of Railways and Canals. However, if the government abandon that and adopt a different principle as contained in this provision, I do not know that the members of the opposition have any particular duty cast upon them to protect the government Bill as introduced in the House.

Hon. Mr. LOUGHEED—I simply desire to say that I am not interested in a practical way in the determination of this question, but I dissent entirely from the principle of law or practice laid down by my hon. friend from de Salaberry in his amendment, and I simply desire to be placed upon record in that regard. It seems to me to be self evident that this parliament cannot exercise authority in any sense, either as to a crossing or a connection, or so far as traffic is concerned, except under the power which is given them in the British North America Act, and immediately this parliament assumes to itself authority to act with reference to any of those classes of subjects, namely crossings, connections or through-traffic, it must at once assume the entire responsibility of bringing the provincial work within the jurisdiction or within the authority of the parliament of Canada. I submit with every confidence that parliament cannot divest itself of a portion of that responsibility which pertains to it by reason of the assumption of authority with reference to the classes of subjects which are dealt with in this amendment. I might say with reference to that subject, that the public of an adjoining province are as much interested as the public of the province in which the work is. Immediately such a work is brought within the purview of the Act parliament assumes to itself authority to deal with crossings, or with connections or with through-traffic, and shippers of goods at once become interested in the transit of their goods from one province to the other, and it seems to be folly for one moment to consider that this Act can be successfully administered or carried out according to the intentions of the government if there is to be a division of administration with reference to those works. It seems to me to be a paramount idea which runs through the whole Bill, that there should be one administration of all railways which come within the Bill, and there cannot certainly be a successful administration of the railways of the Dominion if the Dominion parliament is to legislate as to one portion of the work and the provinces are to legislate with reference to another portion of their administration. The railways of this Dominion are too large a subject to permit of any parish or local feeling to be introduced as to their administration. There is no provincial railway that may be connected with a Dominion work but at once becomes equally of interest to the people of the entire Dominion. I hold that, on the broad principle, once parliament assume to deal with local undertakings, such as are contemplated under the British North America Act and by my hon. friend's amendment, they cannot divest themselves of their responsibility by leaving vested in the province a certain share of that responsibility. They must assume the whole responsibility or nothing, and immediately they assume authority to act, either in dealing with crossings or connections or through traffic of a local line, it certainly, in the language of the British North America Act, becomes a work for the general advantage of Canada, and this parliament assumes the responsibility, and on that broad ground, I am opposed to the amendment.

Hon. Mr. DANDURAND—The hon. gentleman is at variance on two of the three questions treated in this amendment, with the Supreme Court of Canada. In the Red River Valley Railway judgment, the Supreme Court declared that the fact of a provincial railway crossing a federal railway did not necessarily bring that provincial railway under the jurisdiction of the federal government.

Hon. Mr. BEIQUE—Except for the crossing.

Hon. Mr. DANDURAND—Except for the purpose of crossing and the connection. The amendment simply affirms the same principle, that the crossing itself, and the connection will be under the jurisdiction of the federal authority and the Railway Commission created by this Bill. There remains

but the question of through-traffic. The hon. gentleman thinks the federal government cannot take partial jurisdiction over a provincial railway. We have had clause 306 of the revised statutes of 1888, which brought under the federal jurisdiction all provincial railways from the moment they intersected or connected with the federal railways. The Supreme Court of Canada did not hold the same views as to the right of the federal power to monopolize or lay its hand on provincial railways by the simple fact of the crossing or junction. As to the question of through-traffic, the hon. gentleman from Marshfield says that high legal opinion is to the effect that we cannot take a partial jurisdiction over provincial railways, I would rather hold to the lines and the principles laid down by the amendment which is before us under discussion at present, and lean towards provincial autonomy, and all its consequences, than revert to and maintain the principle contained in article 306 of the revised statutes of 1888.

Hon. Mr. McMULLEN—It has been my privilege and pleasure for some time to listen to extended discussions on this exceedingly important point in both houses, and I must confess, in my humble opinion it is full time that some of the best legal talent we have in this country should put their heads together and submit for the consideration and decision of the Supreme Court the whole question as regards the powers vested in this parliament so far as railways are concerned, and the powers reserved by the provinces at the time of confederation. There appears to be a misunderstanding. It is generally supposed that the central authority is the source and centre of all power. If my idea is correct—perhaps I am mistaken—the provinces were the centre and source of all power at the time of confederation, and they delegated to the central authority certain powers within the limits of which we were to legislate in the interests of the people of this Dominion, and amongst other things we have the right which they delegated to us, to grant charters ; but there was a provision which they reserved to themselves, that the provinces have the right to charter local railways, which are of local interest and for local purposes. I think we shall make a serious mistake if we continue from year to year and session to session in encroaching upon the rights of the provinces, their municipal institutions, their control over highways and in giving effect to legislation in this House, making encroachments upon their rights, that they supposed they had reserved for themselves. If our legal talent cannot come to an arrangement of this kind, I would suggest that the government of the day notify each province, the attorney general of which would prepare an argument from the provincial standpoint, of the claims of each province, and its rights under confederation to charter railways for local purposes, and retain power over them, insofar as municipal rights are concerned—the rights over highways and other rights which absolutely and entirely should belong to the province. It would be easy to prepare a case of that kind, submit it to the Supreme Court and let us have a decision and a clear and distinct outline of what was, in their opinion, intended to be reserved to the provinces, and what power was intended to be conferred on the central authority represented by this House and the House of Commons. For my part, I am very strongly inclined to cling to the view expressed by the hon. member from De Salaberry. The idea he has expressed with regard to the rights of provinces and municipalities, is one that should meet with general approval. We are here to discharge duties devolving upon us, and we should do our duty with honour and regard and respect for the local authorities that are in their sphere and within the exercise of their own powers entitled to the same rights as we enjoy in the larger sphere and we should not keep continually encroaching upon what was looked upon at confederation, and what I believe in my own mind to be, matters properly belonging to their jurisdiction. I must say I have taken a stand on two or three Bills already. We have gone too far. We have undertaken in this House to give effect to charters which are absolutely and entirely provincial matters, which should have been passed upon by the local legislatures, hanging it on a single thread that a railway was declared to be a work for the general advantage of Canada because it formed connection with some trunk lines. It is a flimsy pretext on which to attempt to charter a local company in this parliament to build a road, be-

cause when it is constructed its rails are going to cross the rails of the Grand Trunk Railway or the Canadian Pacific Railway, and the simple fact of that brings it under the control of this parliament, and makes it a road for the general advantage of Canada. If that was the intention of the promoters of the British North America Act, I must say it was no credit to them. I do not think or believe it was their intention, and I should like to see the Supreme Court, or the Privy Council, give a clear and distinct decision with regard to this matter, and let us be guided by that opinion in the future. In the meantime, as far as I am concerned, I shall adhere strictly to provincial rights. I would rather err in the direction of recognizing the rights of the provinces, than trample on the rights they should enjoy.

The amendment was agreed to.

On clause 43,

43. The board may, upon the application of any party, and upon such security being given as it directs, state a case, in writing, for the opinion of the Supreme Count of Canada upon any question which in the opinion of the board is a question of law. 51 V., c. 29, s. 19, Am.

2. The Supreme Court of Canada shall hear and determine the question or questions of law arising thereon, and remit the matter to the board with the opinion of the court thereon. 51 V., c. 29, s. 20, Am.

Hon. Sir MACKENZIE BOWELL—It has been suggested that it would be well to insert 'or the Governor in Council' after the words 'the board.'

Hon. Mr. POWER—One of the principal objects of the Bill is to get the government out of this. The clause says that the power which has to deal with parties may state a case. Why go beyond that and say the Governor in Council, who have nothing to do with the matter, should state a case? It does not seem proper that the government in any event should state a case with respect to a matter which does not come properly within their jurisdiction.

Hon. Mr. DRUMMOND—The board is not supposed to be a board of lawyers, and I think the Governor in Council should have the opportunity of stating a case.

Hon. Mr. LOUGHEED—The Governor in Council should take up questions of public policy—questions affecting the entire public, and as this may possibly be a board of laymen, we very well know the objection which exists in the mind of a layman to any appeal from the exercise of his judgment. I think, certainly, there should be an appeal from the board to the Governor in Council, or that the Governor in Council should be able to exercise their discretion so far as stating a case for the decision of the Supreme Court.

Hon. Mr. BEIQUE—Suppose you put it 'the board may of its own motion' do so. The board may desire to have a question of general interest submitted to the Supreme Court, and it should have the power to do it of its own motion.

Hon. Mr. LOUGHEED—That can be done as the Bill is drafted.

Hon. Mr. KERR (Toronto)—That can only be done on the application of the party.

Hon. Mr. LOUGHEED—The difficulty is, there is finality now about the board refusing to state a case for the Supreme Court of Canada. If the board refuses, surely the Governor in Council should be able to say, 'this is a matter of sufficient public interest to warrant a case being stated.'

Hon. Mr. KERR (Toronto)—Power is given to the board by the statute as it is, on the application of any party, to state a case. The amendment is surely an improvement, that they may do it of their own motion as well.

Hon. Mr. BEIQUE—There is no question the board has the power under this clause, and all I desired to do was to make some provision in case the board should refuse to act on the application of parties.

Hon. Mr. KERR (Toronto)—Then the Governor in Council may, under the next clause, review that decision refusing an appeal.

Hon. Mr. DRUMMOND—Who will pay the expense in that case, should they lose their case? The government I suppose?

Hon. Mr. SCOTT—The party who loses.

Hon. Mr. FERGUSON—The board may do it of its own motion; then if the board refuses it, the Governor in Council, may, on application, overrule the board.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman will read clause 44, he will find it does not in any way refer to the

provisions of clause 43. It simply gives power to the Governor in Council to revise.

Hon. Mr. KERR (Toronto)—If the party, under clause 43, makes an application to the board to state a case, and the board decide they will not, that is a decision of the board. That may be revised by the Governor in Council, who may change or rescind it, or order the reverse; that is, rather, that the decision should be the other way, and then on that finding a case would be stated.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman think that applies to a decision of the board on a question of law?

Hon. Mr. KERR (Toronto)—It says so.

Hon. Sir MACKENZIE BOWELL—The 44th clause says may:

Vary, change or rescind any order, decision, rule or regulation of the board, whether such order or decision be made inter parties or otherwise.

The other refers to a question of law entirely. As lawyers differ as to the interpretation of certain sections of the Act, it is not a stretch of the imagination to suppose that this board might differ on a question of law, and in case they do differ and come to a decision which other lawyers, as eminent as those who may form the commission, are of the opinion that is a wrong decision, then the proposition is to give the Governor in Council authority to state a case for the decision of the Supreme Court. I cannot, for the life of me, see why that should not be given, unless we are to understand that the gentlemen composing the board are infallible—that they could not make a mistake in the interpretation of the law.

The amendment was agreed to.

Hon. Mr. BEIQUE—I suggest that the following words be added at the end of the first paragraph:

A like reference may also be made at the request of the Governor in Council.

Hon. Mr. KERR (Toronto)—I cannot help thinking that subsection 2, of clause 44 covers the ground:

2. The Governor in Council may, at any time, in his discretion, either upon petition of any party, person or company interested, or of his own motion and without any petition or application therefor, vary, change or rescind any order, decision, rule or regulation of the board, whether such order or decision be made inter parts or otherwise, and whether such regulation be general or limited in its scope and application; and any order which the Governor in Council may make with respect thereto shall be binding on the board and all parties.

If, therefore, the board refuses to state a case, the Governor in Council may reverse that and make an order which would be binding on the board, who would be bound to submit a case.

Hon. Sir MACKENZIE BOWELL—This will make it much plainer.

Hon. Mr. FERGUSON—That would leave the Act silent on an appeal at all.

The amendment was agreed to and the clause, as amended was adopted.

On sub-clause (g) of clause 195,

(g.) In case efficient means are devised for carrying any such lines or wires under ground, no Act of parliament requiring the company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges grantd by this Act, nor shall the company be entitled to damages in respect thereof.

Hon. Mr. BEIQUE moved that this subclause be struck out and the following added as subsection 4:

Provided further, that whenever any city, town or incorporated village is desirous of having lines of telegraph, telephone, or for the conveyance of light, heat, power or electricity, placed under ground, the board may, on the application of such city, town or incorporated village, require the company to thus place its lines or wires under ground, and abrogate the right given by this section or by the special Act to carry lines on poles, in such city, town or incorporated village, the whole on such terms and conditions as the board may prescribe.

Hon. Mr. POWER—I am prepared to support the amendment, but I do not think that it is at all necessary to strike out paragraph (g). The two are quite consistent with each other. It is not absolutely necessary, but it is better to have it there, and it is not inconsistent with the hon. gentleman's amendment.

Hon. Mr. FORGET—Does this mean any company?

Hon. Mr. BEIQUE. The discussion on this point took place yesterday. This Bill is confined to railway companies. It does not affect any other companies. The first part of this clause gives the power to the railway company to place poles and stretch wires

for this purpose, but this Bill does not deal at all with any but railway companies, so that it cannot affect any other companies.

Hon. Mr. FORGET—You simply say a railway company having power to use electricity shall not sell light or heat.

Hon. Mr. BEIQUE—This Bill gives them the power to use poles and wires for the purpose.

Hon. Mr. SCOTT—Only when the special Act allows it.

Hon. Mr. BEIQUE—Yes.

Hon. Sir MACKENZIE BOWELL—In reading this subclause (g) and the amendment which has been made by the hon. gentleman, while there may not be a direct conflict they are certainly somewhat inconsistent with each other. The provision in the amendment, as I understand it from hearing it read, is to give power to the municipalities to require these wires to be put underground, and then this important proviso is added to it:

Upon such terms and conditions as the board may direct.

They may direct that the company affected should pay the whole expense or they may direct, if it is particularly in the interests of the municipality, that the municipality should pay a portion or the whole. Clause (g) leaves it with the government to say whether efficient means have been devised to place these wires underground, and then it makes a provision that no claim for damages shall be made by the company which has to change its mode of communication by telegraph wire. It says that no company shall have a claim for damages; would not that throw the whole responsibility upon the municipality that required it to be placed there. So that if the amendment proposed by the hon. gentleman from de Salaberry is carried, this certainly should be struck out and leave the whole authority with the board to deal with a question of this kind, particularly as he makes a provision to have it done upon such terms as they may deem equitable and in the interests of the municipality. My own impression, from hearing it read, is that the amendment is better than the original clause.

Hon. Mr. BEIQUE—I hope the hon. Speaker will not insist on retaining clause g. It is badly worded, and unnecessary, as it is covered by the statutes. It is already affirmed.

Hon. Mr. DRUMMOND—Is it not conceivable that a municipality might invite the railway to put up a telephone service for the conveyance of electricity with poles, and immediately after they got it, call upon the company to place the wires all underground? The company might find itself in this position: that while it was worth their while to put up the poles, which were cheap, it was not worth their while to go to the expense of placing the wires underground. How would you meet that case?

Hon. Mr. BEIQUE—The board would have to decide the whole thing.

Hon. Mr. DRUMMOND—But if the company found that the business of the village of the municipality did not pay for the cost of putting the wires underground, they should have a right to withdraw the service.

Hon. Mr. KERR (Toronto)—Subclause (g) would not be of any avail in such a case, because that merely provides that no Act of parliament requiring the company to adopt such means——

And abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, nor shall the company be entitled to damages in respect thereof.

Hon. Mr. DRUMMOND—I see that, but it does not bear on the point at all. The company might find themselves in the position that after having, with the consent of the municipality, put the wires on poles, it might be called upon by a further action to put them underground, and it would not be worth their while to do it. I think they should not be compelled by law, or by the board, or by anybody else, to do a thing in which there was no profit. This is a trading clause: they are entitled by the clause to sell electricity for various purposes to a municipality. Are you going to compel them to put down an expensive plant—to do that without their consent?

Hon. Mr. KERR (Toronto)—This does not require that.

Hon. Mr. DRUMMOND—It is no part of the company's business to do it. They are permitted to do it for their own profit.

Hon. Mr. BEIQUE—The hon. gentleman did not follow the discussion on this point yesterday. The subclause prevents railway companies using electric power of that kind for the purpose of selling the same in the municipality without the consent of the municipality given by by-law. If the consent is given by by-law, the terms would be agreed upon and the municipality would be bound by its by-law and the board would have had no occasion to interfere, and the board would have to take that into consideration—to respect the agreement. We are merely providing for general cases as it may become advisable in large cities to provide for, at the expense of the city or otherwise, means to put the wires underground. If it is done for other companies, there should be machinery under this Act whereby railway companies would be compelled to likewise put their wires underground on such terms as the board would prescribe, having regard to the rights and interests of all parties.

Hon. Mr. LOUGHEED—There is an element I desire to point out in the amendment which, I submit, is extremely uncertain. Under clause (g), as contained in the Bill, there at least would be uniformity; that is to say, it would involve the passage of an Act of parliament prescribing the conditions under which wires would be placed underground. In that way railway companies and telegraph companies that come under this Bill would know exactly the responsibilities which they had to undertake; but now you will have them subject to the hysterical and spasmodic attacks which from time to time are made by municipalities for the purpose of carrying out what some agitator may submit to be desirable. That happens periodically. There are times when there is a cessation, so to speak, of those municipal demands which are so frequently made upon parliament. By and by some imaginary grievance arises, and you find the whole of the municipalities combining together. They become hysterical at the alleged encroachment on their rights and the monopolies of private corporations, and so on. You submit the board to the demands which may be made from time to time, not only by cities, but by every village municipality throughout the Dominion of Canada that railway companies be compelled to bury their wires. The hon. gentleman from de Salaberry was content the other day to limit it to cities, but I find it has grown so that municipalities and incorporated villages and other rural bodies may ask that the wires be buried. That would permit a township council to ask that throughout the length and breadth of the boundaries of its township the telegraph lines of the railway be buried. True, you say the discretion is left with the board, but it seems to me, when we are investing the board with authority, we should not vest it with unreasonable authority.

Hon. Mr. DRUMMOND—The board having to find none of the money with which to do it.

Hon. Mr. LOUGHEED—No. It is a temptation for that class of organization to make a demand upon the board to do unreasonable things, and I think it is an unwise discretion to extend it as far as the amendment.

Hon. Mr. POWER—With respect to the proposal to strike out subclause (g): the amendment which the hon. gentleman from de Salaberry proposes is one which deals with the railway company vis-a-vis of the municipal corporation, and it does not deal with the railway company face to face with the parliament of Canada. Paragraph (g) does. It deals with the railway companies in their relations to the parliament of Canada; and if accidents from electric light wires and other electric wires were of such frequent occurrence in other cities as they are in Ottawa, I think it would very soon become the duty of parliament to provide that all such wires should be placed under-ground. Paragraph (g) provides that if the parliament of Canada decide that these wires shall be placed underground, there shall be no grounds for damages on the part of the company, and I think that we had better retain that provision. The amendment of the hon. gentleman from de Salaberry does not provide for that case, and I quite agree with him that paragraph (g) is not worded just as it

ought to be, because it begins with what is a mistake. It says: 'In case efficient means are devised for carrying any such lines or wires underground.' We know that they have been devised, and I would suggest that paragraph (g) remain in the Bill, but in this form:

No Act of parliament requiring the company to adopt efficient means for carrying such wires underground, and abrogating the right given by this section to carry lines on poles shall be deemed an infringement of the privileges granted by this Act.

Hon. Mr. FERGUSON—I cannot agree with the hon. Speaker about that. I think if you retain this clause it will nullify the closing part of the amendment, that is, that the board shall have power to say upon what terms it shall be done, because we are declaring that the company will have to put them underground and have no compensation for it, but under the amendment, which is more equitable, the board will have the power to say upon what terms and conditions.

Hon. Mr. BEIQUE—The Speaker knows better than myself that parliament is known to be supreme and its actions do not give rise to any compensation. The moment parliament prescribes that such a thing shall be done, unless the parliament of Canada says it shall be done at the expense of other parties, then the parties directed to do it have to do it at their own expense. Therefore, it is a clause which is altogether unnecessary, and we have it in the Revised Statutes that the repealing of a statute is within the exercise of the rights of parliament and that it gives rise to no indemnity whatever.

Hon.Mr.POWER—The hon. gentleman was not present in parliament when this particular clause was inserted in the railway law and the object of doing so was explainel. I quite admit it is not absolutely necessary, because parliament has power to enact almost anything without notice. The object of putting this paragraph into the law was to give notice to companies that they were to look forward to the probability that some such Act of parliament might be passed, and that they should not have any reason to feel aggrieved if an Act of parliament was passed compelling them to put their wires underground. It was simply intended as a notice to the company that they should be prepared for that contingency. I think it is right it should be there. What harm does it do?

Hon. Mr. DRUMMOND—I think a company should hesitate a long time before they agree to put wires in any village or municipality on poles, if they may be obliged, on the application of the municipality, by the board which has nothing to do with finding the money, to put the wires underground, multiplying the cost of the original plan. There should be some provision by which the company which put up the telephone service in that village should have the right to withdraw if they did not think the business worth putting the wires underground.

Hon. Mr. BEIQUE—The hon. gentleman seems to be labouring under the impression that telephone companies are affected by this. They are not affected.

Hon. Mr. DRUMMOND—I know it; I am speaking of railway companies.

Hon. Mr. BEIQUE—The hon. gentleman will not deny that this is equitable for all parties concerned. It is open to the railway companies, when they put up poles and wires for the purpose of their business in streets of cities, to do it with the sanction of the municipality. They should do it with the sanction of the municipality and therefore agree upon a term within which they shall not be removed, or that if they should be compelled to move the poles, it shall be done at the expense of the municipality.

Hon. Mr. DRUMMOND—That covers the whole ground if that is the case.

Hon. Mr. BEIQUE—That is the first thing that a railway company should do in approaching the municipality. We provide for cases of this kind, that when the companies cannot get the consent of the municipality to their placing poles and wires in streets of cities, then the board may grant that power. Therefore, we open the door to this condition of things, that the railway company places poles and wires in the city of Montreal or in the city of Toronto, or half a dozen railway companies do the same thing, and in ten years hence the city of Toronto or the city of Montreal may pass a by-law requiring that all wires be placed

underground. Would it be fair that all the telephone and telegraph companies would be compelled to place their wires underground and that there would be no machinery whereby the railway companies would be compelled to do likewise; and this is merely the necessary machinery to provide for cases of that kind and what is to be done in that case? As the poles and wires were very likely placed there without the consent of the municipality, by order of the Board, we go back to the very same authority and call upon that authority to prescribe under what conditions, and say whether the city should bear the whole of the expense or whether the railways should bear part of the expense.

Hon. Mr. SCOTT—But the hon. gentleman's resolution applies to the present condition, and is retroactive in its character. I think it is very much better to leave it as it is, and leave it to parliament to decide, when the time arrives for interfering with the present arrangement, because in most cases the poles have been placed there by municipal resolution, and there has been some authority for doing it, and it would be disturbing agreements which have been made, and therefore I would prefer it should be left as it is.

Hon. Mr. BEIQUE—I called attention yesterday to the fact that it is a question which cannot be dealt with by parliament or the local legislature. Parliament is not going to pass a law that wires be placed underground in the city of Montreal.

Hon. Mr. SCOTT—As far as the railways are concerned, they are under the jurisdiction of parliament.

Hon. Mr. BEIQUE—The hon. gentleman knows perfectly well that it would be quite absurd to ask for a sweeping clause of that kind. It would have to be all over the country. It is a matter which necessarily has to be dealt with by the municipalities; it is a local matter to be dealt with by municipal bodies and not by Acts of parliament. The hon. gentleman seems to be afraid it might be a cause of disturbance. The hon. gentleman knows that if the railway company has obtained the power to place its poles and wires underground the board is not to disregard that agreement, and then there is this further guarantee under clause 44, that the decision of the board may be overridden by the Governor in Council, so that surely railway companies have all reasonable protection, and it seems to be very important that municipalities be given the power at their own expense, if it appertains, to provide for means to place wires underground, it shall be deemed advisable.

The committee divided on the amendment, which was agreed to.

On clause 43,

Hon. Mr. BEIQUE—I shall read the clause from the Railway Act of England:

No appeal shall lie from the commissioners upon a question of fact or upon any question regarding the standing of the complainant. Save as otherwise provided by this Act, an appeal shall lie from the commissioners to the Supreme Court.

On the hearing of the appeal, the Court of Appeal may draw all such inferences as are not inconsistent with the facts expressly found and are necessary for determining the question of law, and shall have all such powers for that purpose, as if the appeal were an appeal from the judgment of a superior court, and may make any order which the commissioner could have made, and also any further order which may be just.

The difference between this and the clause as it stands is this: Although the appeal is limited to questions of law, on a question of law, for the purpose of dealing with a question of law the court should infer from the facts.

Hon. Mr. KERR (Toronto)—That is already here. Subsection 5, of clause 44 provides:

On the hearing of any such appeal, the Supreme Court of Canada may draw all such inferences as are not inconsistent with the fact expressly found by the board.

It is exactly the same in spirit with the clause which has been cited from the English Railway Act.

The clause was adopted.

On subsection 3, of clause 42,

3. The finding or determination of the board upon any question of fact within its jurisdiction shall be binding and conclusive on all courts.

Hon. Mr. LOUGHEED—There is no reason why there should not be an appeal from this board. This could not possibly affect any of the courts of this Dominion. They have certain powers and jurisdiction en-

tirely irrespective of this board, and it in no way invades their jurisdiction.

Hon. Mr. KERR (Toronto)—That is a misapprehension. This board is constituted a court of record. It has power to deal with certain questions. Its decisions are final, subject to appeal in the cases that are provided for. The decisions, therefore, of this court, should not be reviewed by another court any more than the decisions of another court should be reviewed by this court; but the finding of another court would be accepted if it happened to be on the same question as this, and the finding of this court should be accepted by the other courts. It would be a curious state of affairs to say that the parties to litigation here should be bound by this, and no other court might absolutely disregard the decision and finding of this court of concurrent jurisdiction.

Hon. Mr. LOUGHEED—This may be an extraneous matter coming before another court. It does not deal with an appeal; it simply makes the broad, general statement, and you expect that to be binding on other courts, even though it be extraneous to the matter under consideration.

Hon. Mr. POWER—One of the objects of constituting this court is to make it a little easier for a comparatively poor man to carry on a contest with a railway company; and if the railway company, after this board have found the facts, are in a position to have some court review the decision of this board as to facts, it puts the poor suitor at a very considerable disadvantage. I think it is wiser to leave this clause as it is, and to provide that if this court has made an inquiry and found certain facts, other courts should be obliged to respect the finding of this court.

The subclause was adopted.

On clause 197,

197. Whenever by virtue of any Act of any province through which the railway runs, proceedings may be had or taken by any municipality or landowner for any drainage, or drainage works, upon and across the property of any other landowner in such province, the like proceedings may be had or taken by such municipality or landowner for drainage or drainage works upon and across the railway and lands of the company, at the option of such municipality or landowner, in the place of the proceedings before the board as in the next preceding section provided, and thereupon the drainage laws of the province shall apply to the lands of the company upon or across which such drainage is required, to the same extent as to the lands of any landowner of such province; subject, however, to any previous order or direction of the board made or given with respect to drainage of the same lands, and provided that the company shall have the option of constructing the portion of any drain or drainage work required to be constructed upon, along, under or across its railway or lands, and in the event of the company not exercising such option, and completing such work within a reasonable time, without any unnecessary delay, such work may be constructed or completed in the same manner as any other portions of such work are provided under the laws of such province to be constructed; provided always that no drainage works shall be constructed or reconstructed upon, along, under or across the railway or lands of the company until the character of such works or the specifications or plans thereof have been first submitted to and approved of by the board. 63-64 V., c. 23, s. 2, Am.

2. The proportion of the cost of the drain or drainage works across or upon the railway to be borne by the company shall in all such cases be based upon the increase of cost of such work caused by the construction and operation of the railway.

Hon. Mr. FERGUSON—This clause is open to very grave objection. In the first place, it introduces the provincial law, and makes it govern in the matter of drainage across railways.

Hon. Mr. POWER—So it should.

Hon. Mr. FERGUSON—I think the law of this parliament should govern, and that we should not place railway companies or anybody else in the hands of provincial legislatures with regard to questions of this kind. We should declare what the law shall be with regard to drainage across these properties. The principle involved in the clause as it stands is this: the landowner who thinks there is not sufficient drainage provided for his land through which the railroad passes may make application to the municipality that a drain shall be put through, and that the railway shall be compelled to pay the cost of the drain. We should treat railway companies, who are the owners of property, as we treat other owners. When railways are run through the country the question of compensation for the land that is taken deals with this question of drainage, as it does with every other question. I have had a little experience in that regard. Nearly thirty years ago, I assisted in appraising the lands taken for the Prince Edward Island Railway, and I was then very familiar

with this question of drainage, although I admit that circumstances would be very different in some very flat country as compared with undulating, rolling lands, such as we have in Prince Edward Island ; but that is not touching the principle involved in this legislation. When land is taken for railway purposes, it is subject to be appraised ; arbitrators are called in, and the owners of the land and their representatives press for every kind of damage they sustain, and amongst the rest the question of drainage is not likely to be overlooked, and the compensation that is awarded to the owner of the land covers all the damages he has sustained in consequence of that railroad running through his land. At some future period this landowner believes that his property would be the better of a drain running across that railroad. He is led to believe that it would be an advantage, and it may be an advantage, and he says this drainage should be done at the expense of the railway company. I cannot see the justice of that. The principle that underlies the operating of drains under the public law, is that the cost of the drain shall bear a proportion to the benefit to be derived by the person owning the adjoining property, and the same principle ought to apply to railway companies as to every other owner of land. There should be some power or authority to decide what benefit is derived from the drain, and the owners of the property should pay in proportion for that benefit and for nothing else. But this clause provides two things : that it shall put the railway company under the law of the province with regard to drainage, which, I think is a wrong principle. Under this provision the owner of land at any moment, notwithstanding he may have been paid for all damage that the railroad could possibly inflict on his land, may reopen the question and force the drain, at the expense of the railway, across the railway tracks. That is a wrong and vicious principle, and one which I do not believe this House will sanction.

Hon. Mr. POWER—This provision in clause 197, as the hon. gentleman has stated, puts the railway company in the same position as any other owner of land. On the face of it, that seems a reasonable and proper provision, and I may refer here to the fact, which is known to some older members of this House, that away back in 1888, this Senate, on a motion of the hon. gentleman from Monck, whom we lost a year or so ago, passed a Bill very much on the lines of this clause. On two occasions a measure of that kind passed this House, but failed to pass the House of Commons ; and the Senate at that time was quite clear that the rights of the landowners in the neighbourhood of the railway preponderated and should predominate over those of the railway company. Why should the railway company be treated differently from any other landowner ? I do not think any hon. gentleman can give any good and sufficient reason why.

Hon. Mr. FERGUSON—Because they have already paid for any damage the railroad could do the adjoining land.

Hon. Mr. POWER—They pay for the damage at the time, but if the country has been opened up since and cultivated, and the drains have become necessary, why should the railroad not pay its share, as well as other landowners ? The truth is this, that while the railway itself is a person created by this parliament, there is no reason why that person should not with respect to drainage or other matters which come within the local jurisdiction, be subject to the laws of the local legislature. I do not see any reason why we should say that the railway should be exempt from the laws of the local legislature which apply to it. There is this other fact : this particular question of drainage, in addition to having been discussed by this House long ago, and decided in favour of the ordinary land-owners, was discussed at great length in the House of Commons in connection with this Bill, and I am given to understand that this clause was adopted with very remarkable unanimity, the majority of the members of both parties voting for it. If we should undertake to amend this clause now, our amendment would not be accepted ; and I think that this is peculiarly a subject where the popular sentiment should count for a great deal.

Hon. Mr. KERR (Toronto)—I would say in answer to the hon. senator from Marshfield, it does not follow at all that the railway company has paid for some-

thing which they have got to pay again. The lands which are requiring drainage may not be the lands on which the railway runs. The railway company may not have taken any lands from the persons who are benefited by the drainage. They only pay for damages sustained by the person whose land they take some part of.

Hon. Mr. FERGUSON—That is the lands contiguous to the railway.

Hon. Mr. KERR (Toronto)—The lands may not be contiguous to the railway, but may be above it and require the drainage. The lands may be within a hundred yards of the line of railway—that is to say, the limit of the land of the owner who may be really wanting the drainage. They may extend for miles, as they do in many cases, and these persons whose lands extend for miles would never have received any compensation. The only person who could have received any compensation would be the owner of the lands where the right of way was taken, and as to the owner, if the company have paid that compensation, the arbitrators would take that into account as between that one man and the railway company, so there is no injustice to be done. The drainage laws in the province of Ontario have been administered with great equity and great satisfaction. There has been no complaint as to the manner in which they have been administered. It seems to me where you have a complete machinery like that, it would be a great mistake to constitute a new board to deal with matters of that kind when there is a drainage commission dealing with the whole of the land. Suppose, for the sake of argument, that there should be a conflict as to the manner of administering it, see what injustice would be done somewhere, and see what an outcry of dissatisfaction there would be. We can safely leave this matter as the House of Commons sent it to us, a fair drainage law, administered fairly to the satisfaction of the community, and with no provision such as there might have been introduced into this Bill bearing hardly on the railway company.

Hon. Mr. FERGUSON—The case the hon. gentleman assumes is one that might arise, but would arise in very few instances indeed, while the Act is made to apply to every case. I know enough about farm lands, and the size and extent of the farms in Canada, to know that lands held by owners not contiguous to the railway, and that were not dealt with in connection with this question of drainage, and that would come in under this clause as my hon. friend says, are not remote lands. I know such cases must necessarily be few, because water gravitates toward a given place, and that process of gravitation was evident when the railway was built, and if there is water which naturally flows in the direction of the railway, it would be quite apparent that that flow existed then as it exists now. Otherwise, my hon. friend assumes a case where water may be diverted from what was its original channel and brought to the railway in that way. I think that is really about the only circumstance that could arise that was not disposed of when the question of compensation was settled. Where water follows its proper channels, these channels would be as apparent then as they are now, and the question of compensation would cover it. When I was speaking a moment ago I did not altogether notice the manner in which the expense of this drain was provided for. It is provided for in the Bill as follows, in subsection 2:

> 2. The proportion of the cost of the drain or drainage works across or upon the railway to be borne by the company shall in all such cases be based upon the increase of cost of such work caused by the construction and operation of the railway.

Now, every hon. gentleman must see that that is just what must have been before the appraisers when the compensation was paid for that land. The land was taken, a railway embankment was to be put up there, and certain drains would, no doubt, be indicated at the time the land was appraised. That was the case, I know, in the experience I had, and if there was not sufficient drainage, the owners would at once call the attention of the appraisers to it, and bring in evidence on the subject. The whole question is a proposal as if there had never been any compensation paid with regard to this question of drainage, and the owners of the lands may force a drain under the railway land, and cross the railway land, the cost to be distributed according to the expense of carrying the drain through, and, of course, crossing the railway would in-

volve greater expense than drainage on the ordinary surface of the land. But the railway would be mulct the heavier part of the compensation, although they are to receive no benefit from the drain and the cost is not to be in proportion to the benefit they receive, but according to the expense of getting the drain under the railway. I can conceive of no justice whatever in such a policy. I speak as a farmer myself, and I have had a further experience of having to do with the appraisement of lands. It would be very wrong indeed to force the railway companies practically to pay over again the cost of drainage which was dealt with and must have been dealt with at the time the compensation was paid. I know it was stated in the committee the other day, by a gentleman who sustains the clause as it stands in the Bill, and who was greatly the means of having it inserted, that a great deal of the land was in a state of nature when the railways were built. I understand this clause was inserted in the Bill against the wish of the late Minister of Railways, who had charge of it, and who strongly opposed the clause. It was put in against his will and vote. The gentleman who was sustaining this legislation before us the other day, took the ground that when the compensation was dealt with, much of the land was wilderness land—wooded land, and that the question of drainage was not considered. I did not understand him to say that the land was Crown land at the time, although some of it might have been, but he claimed some of it was wood land, and some of it was Crown land at the time the compensation was paid and the railway was built. However, whatever may have been the state in which it was found, I think there is an injustice in forcing the railway company to be at the expense and cost of drainage of that land now. If the land was Crown land at the time, the present owner acquired it subject to whatever disability or disadvantage existed in consequence of the railroad running across the land. He took it with that handicap on it, and he has no right to come back and say that it shall be remedied at the expense of the railway. If it was wood land, and held by a private owner, he would no doubt have expressed the view that I have been submitting to the committee, and the damage that any lack of drainage was likely to give rise to, would have been considered by the appraisers and paid for at the time, and of course if it was improved land, every owner of improved land would be ready to urge that view, and any board of appraisers would be likely to take it into consideration, even if it had not been presented to them at all. On this account I cannot agree with the hon. gentleman who has spoken, or the hon. Speaker, that this clause should stand. I think it is extremly socialistic legislation, and is simply a popular cry in some places to do what is unfair and unjust towards railway companies merely because they have deep pockets and are supposed not to have bodies to be kicked or injured. On that account there is a popular demand to enact this legislation against them. In order to test the opinion of the House upon this question, I move that in the first subclause of clause 197, that all after the words 'railroad company,' in the third line down to the word 'province' in the eighth line be struck out and that the following words be added :

And the proportion of the cost of such works to be borne by the company shall be determined by the board.

And subsection 2 will also be struck out. My amendment will be to strike out the words which bring into force the laws of the province as dealing with this question and striking out subsection 2.

Hon. Mr. WATSON—This clause has received a great deal of consideration in the Commons and I think it is a very good provision. There seems to be a little inconsistency amongst hon. gentlemen in this House. Any person listening to the debate would hear them discussing in favour of provincial rights and claiming that the laws of the province ought to prevail, and the next moment they ask every farmer who wants a little drain across his farm to go to the board and ask permission and it shall be authorized and directed by the board. This clause was accepted as a compromise. I know a number of hon. gentlemen in this House have for years had Bills before them for the purpose of compelling railways to construct drains at the request of land owners without any expense on the individual. I remember the late member for Monck (Hon. Mr. McCallum) introduced a Bill in

the House of Commons and introduced a Bill in this House, which was passed as I understand.

Hon. Mr. FERGUSON—The last time the Bill came before the House on that subject I was here, and I know that it was given a six months hoist.

Hon. Mr. POWER—The Bill passed in 1888.

Hon. Mr. WATSON—It has been a matter of discussion in legislative bodies for a number of years, as to whether a railway company has a right to run a dam across the country, practically, and block the water and that the people have no recourse. It has been argued that making these openings is dangerous to railways. It is just as dangerous not to make them in a great many ways, because you remove the danger of a washout by providing drainage. I have often seen very serious damage done, particularly on the prairie section of the country, on account of insufficient openings to allow the water to flow in its natural course. I remember three or four years ago miles of country were flooded with water simply because a railway ran across the country on a level and dammed up the water three or four feet for three or four miles back, and for seven or eight miles in length, simply because there were not sufficient openings in that railway belt to allow the water to flow. This is a very fair provision as to the cost. You are not asking the railway to bear all the cost, but simply their fair share, the additional cost caused by the construction of the railway. The landowener has to provide for the cost as if the road was not there, and he will not burden himself unnecessarily with the cost to inconvenience the railway companies and ask them to make a water-way. The drainage laws are not the same in all the provinces of the Dominion. The law is generally fitted into the needs and requirements of the particular provinces. You find one province where the land is hilly and rolling, and another where it is level, and the Acts are framed to suit the conditions of the provinces, and it is but fair to say that a railway company shall be subject to the same laws and regulations as any other land owners. No good argument has been advanced, to my mind, by the hon. gentleman from Marshfield to show that railways should not be subject to the same conditions and regulations that affect any other land owners. From the argument advanced by the hon. gentleman, one would suppose that there was no change in the country. Take a new country where a railroad is constructed; the landowner is not particular about the drainage. He is not cultivating the land, and it does not make any difference where the drainage is blocked up, but after a time he wants to clear up the land and have drainage; he has to have an opening in the railway to do that, and he has to come to Ottawa to find out whether he can drain the water in order to cultivate that land. Changes take place by cultivation. By clearing also you have a freshet in the spring and require an opening. When you have a wooded country, you do not require the same opening. When the land is cleared up and when you have a freshet in the spring, you require larger openings to let the water through, and if you do not have them, you will have a flood and farmers are prevented from putting in their crops. It seems to me the House of Commons in their wisdom in drafting this Bill with care have provided for openings in the railway tracks. and the cost is very fairly distributed. It cannot be argued that simply because a man has received a consideration of a few dollars per acre for right of way over his land, for all time he is debarred from asking anything of the corporation crossing the land. I think it is a very unreasonable proposition to lay before the House. The land has increased in value, and so long as the railway company is not asked to do anything more than bear the extra cost caused by the construction of the work by the railway, and the farmer has to pay his share, it seems to me a fair provision and the clause should pass without any amendment.

Hon. Mr. WOOD—I scarcely think the last speaker has properly put the case to the House. He used words to the effect that a railway could run a road across the country and the farmers had no redress if they wished to get drainage across it. Clause 196 provides ample facilities for obtaining drainage across any railways in the country. The first subsection of that clause provides that all the watercourses existing at the time the railway is built shall

be preserved. Clause 2 provides for the cost to a municipality or a farmer who may wish to procure some additional drainage after the railway is built, where the drainage afforded by perhaps the ordinary watercourse is not sufficient. This provides for the very case the hon. gentleman from Toronto referred to. Perhaps a gentleman living ten miles from a railroad might, in the course of time, require drainage not anticipated when the railway was built. You will observe by subsection 2 of 196 that any municipality or landowner who desires any additional means of drainage, or any right to lay water-pipes or other pipes temporarily or permanently through, along or across a railway, and so on, can do so by making application to the board and the board will consider the matter. It can if necessary employ experts, or engineers, to examine the locality and decide upon what should be done and finally decide whether the drain is necessary. If it is, they decide upon what terms and conditions it shall be made or the pipes laid, how it shall be constructed and so on, having due regard to all proper interests, which I presume means that they will apportion the costs according as they consider what is equitable between all parties. In my judgment clause 197 should not be inserted in the Bill. I think it is regrettable that it is put here, because clause 196 makes ample provision for every possible contingency that can arise in the way of drainage. I agree with the view that has been expressed that this parliament should legislate so far as these matters are concerned, and we are now creating what we never had before. We are creating a board, and it appears to me there is no more appropriate duty that should be assigned to the board than this very duty of considering what is necessary with regard to drains across a railway, considering how they should be made, where there is a difference of opinion between the owners and the railway companies, and apportioning the cost and settling the whole matter. Clause 197 provides an additional means of securing these drains, besides applying to the board. It attempts to put in force the laws of the province in which the drainage is required. I do not think, as I said before, that that is a wise provision. I do not think the railways should be subject to the laws of the province, but if they are subject to them, I certainly agree that the words which the hon. gentleman from Marshfield desires to erase should be stricken out of this clause. I do not agree with the hon. Speaker that railways should be subject to the same regulations with regard to drainage as farmers. I am not familiar with conditions in the west, where the main trouble seems to have arisen, and where the demand for this legislation comes from, but in the locality in which I live we have large tracts of very level land, the marsh land in the counties of Westmoreland and Cumberland at the head of the Bay of Fundy, and the drainage is administered by a board of commissioners. They decide all matters between farmers and make drains which in their opinion are necessary. They are the judges first, whether the drains are necessary. They then construct the drains and apportion the costs on the different land owners according as they are benefited, and if one land owner is injured by the construction of a drain which is necessary for his neighbours, he is compensated for any damage he sustains. The whole thing is apportioned by the commissioners and assessed by the different land owners. I assume that drains in the west may be made in a somewhat similar way, but it will readily be seen—it is apparent at all events to me—that the system which we adopt as between farmers, of making drains across each other's land, could not be applied to a railway. It would enable every farmer along the railway, if he so demanded it, to have a drain cut through the railway opposite his own farm if it suited his own convenience. Now, that is not in the interests of the railway; it is not in the interests of the country. It interferes with the safety of the track, and I think it will be generally conceded by those who have any knowledge of the system of drainage across railways, that the principle universally adopted is to make culverts where they are needed, and a number of farms in the vicinity of that culvert will be drained to that same culvert. Suitable drains will be made, so that the one culvert will answer for several farmers. That is a matter which, it appears to me, should be left in the hands of the board, and the board will be the proper authority to decide where these culverts should be,

how many there should be, the character of drainage required to enable all the farmers in that neighbourhood to obtain the advantage of the use of these culverts. There is another objection, I think, to this clause. So far as I have heard, this is a purely local matter. The application comes from a certain section of Ontario where the land is flat and where exceptional conditions exist. I think it is unfortunate if we introduce anything into our general legislation to meet exceptional cases of the kind. The board have power to make regulations which can apply either to the whole railways of the Dominion, or which can apply to particular districts, and that is another reason why the regulation of this matter should be left with the board, for, so far as I am aware, there is no other district where there is this trouble with regard to drainage and where this application for additional facilities for drainage comes. I therefore would like to see the whole clause struck out of the Bill, but if it is to be retained, I certainly must support the amendment moved by the hon. gentleman from Marshfield.

Hon. Mr. McMULLEN—The question of drainage is undoubtedly a very serious one. There has been a great deal of trouble in Ontario over it. I do not wish to load down the railways with unreasonable provisions in this Bill, which would subject them to a very great amount of increased expense, keeping up their lines and complying with arbitrary orders, but at the same time we must not forget that the present drainage law of Ontario is a production of many years, amended from time to time, and I believe on the whole is as perfect and as applicable to the conditions in Ontario as it can possibly be made. For my part, I have had some little difficulty—at least a case in which it has been necessary for me to apply to the railway company to get relief where it had not been granted. I know of one case where a municipality had made application for a number of years; quite a large district in that municipality was injured by being inundated and the farmers suffered very considerably. First the railway company put up a wooden bridge, and afterwards built stone piers and made a very substantial structure, but unfortunately in doing it the abutments of those piers, which were stone, had not been sufficiently put down in the ground to allow the removal of any obstruction in the centre of the stream to take away the water. The company got afraid that, owing to the very heavy washout that took place in the spring, the abutments of that bridge might suffer if they were left without some protection, and they took along train loads of stone and put it there to preserve the abutments. This formed a kind of dam and the farmers on the north side of the track suffered very considerably. They made application, and the engineer of the railway and the municipality could not come to any understanding. At last I made an application to the Railway Committee of the Privy Council, and we had the matter adjusted after some little delay. I must say the railway company sent their engineer. We met the engineer of the Railway Committee of the Privy Council and they decided upon a method whereby the difficulty could be adjusted, and it was so adjusted, and the people got relief and are to-day free from the unfortunate conditions to which they were subjected by the building of that bridge and putting in an amount of stone to preserve the abutments. I could not, for my own part, endorse the course proposed by the hon. gentleman from Westmoreland. I think it is rather sweeping in its character.

I would be willing to leave the question of the construction of drains, their cost and everything to the board. The board would be the proper party to hold the balance fairly between the farmer and the railway company, or between any persons asking for relief; but I decline to say that I would absolutely refuse to recognize the Ontario Drainage Act as a part of the system of drainage, and exclude it altogether and give the board absolute control. I would not be willing to do that. The farms increase in value by the construction of railways. Railways are public improvements and institutions. If they are, is it not right, after they are built and doing very valuable work in the interest of the section through which they run, to turn round and load them with all the responsibility of any necessary change which takes place in the way of drainage or anything else? That is not proper. We should at least leave the whole question subject to the decision of the board, and let the board decide what should be done; and if they alter it and decide that the railway shall

bear the whole expense of putting the drain through their embankment, all right. But take a farmer who has received a large price for the land he sold, perhaps the question of drainage may have been partly taken into consideration when he sold the right of way. The farmer knew what he was selling the land for—that it was taken for railway purposes; that embankments would be placed there, and when he made this bargain in the first place, he should have stipulated for a certain amount of drainage that he would require. If he forgot, or neglected to do it, and made an absolute conveyance without any reservation with regard to drainage he should not be allowed to come in after the road has been built 15 or 20 years, and say to the railway company. 'You have put an immense embankment across my farm; it is an inconvenience to me, and I do not care what the expense. you must put a drain through it.'

Hon. Mr. POWER—Would the law of Ontario allow a transaction of that kind ?

Hon. Mr. McMULLEN—Under the present conditions, the law of Ontario cannot control railways. The drainage law of Ontario can carry a drain up to a railway embankment. or to railway land, but the moment it strikes an inch inside of the railway land, the Drainage Act of Ontario has no force, because the railways are under the jurisdiction of this parliament, and the Ontario Drainage Act does not apply. That is why application must be made to the Railway Committee of the Privy Council in order to get relief. I think we should leave to the railway board the very same power and let them deal with the whole question—as to the cost and where the drain is to be—the extent of the drain, and everything else.

At six o'clock the committee rose for recess.

After Recess.

Hon. Mr. DRUMMOND—I listened very carefully to the speech of the hon. gentleman on my left, and I agreed with every word of it. There might be cases in which the lack of drainage was a very serious thing for the adjacent owners, but everything he mentioned in the course of his address is provided for in clause 196. He will see there :

> Whenever any lands are injuriously affected by the drainage, the board may order and lay such pipes, &c.

That of itself disposes of everything he would wish for in that connection. Reverting to the clause under discussion (197), the amendment proposed by the hon. senator from Marshfield is a reasonable and fair one, that the proportion of the cost of such works to be borne by the company shall be determined by the board. That, in fact, transfers to the board the power to determine whether the works required are reasonable to be exacted from the company or not, and in my opinion this honourable House should adopt some such arrangement. While upon this subject, I should like to point out that in clause 196, subsection 2, in line 29, there is provision made not only for drainage, but for a right to lay 'water or other pipes permanently or temporarily, through. along, upon, across, or under the railway or other works of the company.' Now, such a right as that, if it were not controlled, as I suppose it is by the latter part of the clause which gives the board the power of determining the nature of the works to be carried on, would be an extremely dangerous one. I have seen a case, in my own experience, where the supply of water to a considerable town was seriously proposed to be brought along the line of railway underneath the embankment, and this in effect gives that right, that is subject, as I have already stated, to the board's supervision. Now, no person of practical experience but knows that to take a water-pipe under pressure, under, through, across or along the works of a railway, is a most dangerous proceeding. No one who lives in a big city but knows if a pipe bursts, that the effect is to wash out the whole substratum of the street, and consequently a very serious danger arises to the public in that connection if it were availed of in the sense which this clause would seem to sanction. While I do not deny, as I have already said, that the board having the supervision and aid of the inspecting engineer, might probably countervail any attempt on the part of the municipality to exercise this right, still, I think it is our business to make a consistent and reasonable provision of the law, and I would suggest that the words

'water-pipes or other pipes' be struck out of this clause. It would then read as follows :

Or the right to lay pipes for drainage temporarily or permanently across the street.

At the proper time I shall propose this amendment.

Hon. Mr. FERGUSON—With the leave of the committee, I withdraw my amendment striking out the words after 'company' in the third line, and down to the eighth line, leaving it as it stands in the Bill, and move that the following words be added :

And the proportion of the cost of such works to be borne by the company shall be determined by the board.

I might say I still think it would be very much better for this parliament to decide its own procedure in dealing with this question, and not leave it to the procedure under the laws of the province, for the reason I fear many provinces have not legislation on this subject. I understand the province of Ontario has very complete legislation on this subject, but I doubt if there is any other province. I know in my own province it is not a burning question, and I have no objection, therefore, to withdraw my amendment and offer this amendment which I desire now to put through the committee.

Hon. Mr. POWER—The hon. gentleman, I suppose, proposes to strike out subclause 2.

Hon. Mr. FERGUSON—That will follow as a matter of fact. With regard to subclause 2, the principle of the apportionment of the cost, as hon. gentlemen no doubt have observed, is that it shall be based on the proportion of the cost of the work. I propose to leave the board free to follow that principle. The provision that will be struck out is not in accordance with the law of Ontario, for the law of Ontario is this :

The railway company shall not be liable for the cost of any work performed on the lands or under the roadbed of the railway under the provisions of this Act.

The province of Ontario in its legislation has recognized the ground I have put to the House, that all this is settled in the compensation for the land, and the principle is clearly recognized that the railway is not liable to pay anything. However, there might be cases in which that has not been settled, and it is quite safe to leave it to the board ; therefore, I submit this amendment.

Hon. Mr. LANDERKIN—In what year was that legislation ?

Hon. Mr. FERGUSON—It is in the consolidated statutes.

Hon. Mr. POWER—I would call the attention of the committee to the effect of the amendment which the hon. gentleman proposes. One of the great objections entertained by those who support the clause in the Bill to the proposal that the board shall settle everything is that it would involve expense, delay and trouble, and would place the average farmer at a great disadvantage. The hon. gentleman has, I think, shown good judgment in abandoning the early part of his amendment, but the portion which he retains will have the effect of compelling the farmer, or the municipal officers, still to come to Ottawa to have the proportion of the cost of this drainage which the railway company is to bear, settled by the Railway Board. I think it is a great deal better that the matter should be settled on the spot. The effect of adopting this proposed amendment will be nearly as bad as if we had adopted the earlier portion of the amendment.

Hon. Mr. McMULLEN—The hon. the Speaker is under a misapprehension.

Hon. Mr. POWER—Not at all.

Hon. Mr. McMULLEN—I have had two cases, both with the Canadian Pacific Railway, in which a dispute arose with regard to drainage. One case came before the Railway Committee of the Privy Council, and neither appeared by lawyer, nor did they come to Ottawa personally. They made out a clear and distinct statement of the facts, and attached thereto a statutory declaration, setting out clearly and distinctly what the complaints were. They were taken up by the Railway Committee of the Privy Council and dealt with, and they ordered that the Canadian Pacific Railway should send their engineer on a certain day at a certain fixed hour, and that their engineer should be there. They met on the ground, and notified the municipality they

could have their engineer if they chose. The three engineers met and settled the dispute and the terms on which the watercourse was opened up. It was all settled on the spot. Nobody came to Ottawa. No lawyer appeared on behalf of the municipality. A simple statement forwarded to the Chairman of the Railway Committee accomplished the whole object.

Hon. Mr. KERR (Toronto)—The whole object may have been easily accomplished in that way, but I am quite certain that way of doing business will never answer before this board, and people will soon understand, when this board is in operation, that those who are going to be represented will have a great advantage over those who are not, and that business ought not to be allowed to go by default. You might as well say if you have a suit in court, that you can send a memo. of your case to the court to be read to the jury, and that you would have all the advantage and protection of having a judgment upon that. The objection that there is to this, is the expense which is involved in the multitude of cases that will arise. We have evidence of this before us. Mr. Cowan, who made the statement before us—and his statement has not been challenged, and cannot be challenged—said that the regular cost of a drain across the railway when be drained sections of land seldom exceeded $25. Now, the drainage commissioners will determine that under the Ontario law, and when that is determined, what is the sense of coming down here to a board of commissioners to have it awarded, and if they do not come and look after it, the whole subject will be reviewed by those who will be here. It seems to me a mixture of two matters to say first the matter is to be settled in accordance with the drainage laws of the province, which would mean the cost of the drainage would be determined, and the railway would be assessed in respect of their portion ; and then to say, after all that being done, that the board are to determine the proportion of the cost, creating two tribunals on the same evidence to deal with the same matter. It seems to me it is a complication which is certainly likely to end in trouble and expense and annoyance. I do not see any reason why, once the drainage commissioners having been vested with the matter to be investigated, have had the whole matter before them, they cannot determine everything about it. The only thing wanting in order to determine that would be that where it is necessary to cross under a railway, the provisions we have here in subsection 2 should be added as a cast-iron rule. That was all threshed out—the whole subject of this clause was a subject of agreement and compromise between the parties representing both interests in the House of Commons, and they having determined that and having agreed on it, I certainly think we would require a very good reason before disturbing it.

Hon. Mr. LOUGHEED—The hon. gentleman, in pointing out the undesirability of having recourse to two tribunals to settle the portion of cost, entirely overlooks the fact that that principle has been introduced into the Bill at the instance of the government, and is, I submit, the weakness of the Bill. The municipality or the owner, as the case may be, will have recourse to one of two tribunals. They may elect either to go before the board, or in the event of not going before the board themselves, to invoke the authority of the province in that behalf. This creates a division of authority, We would have two tribunals empowered, on the request of the municipal authority or the owner, to carry out this particular duty. What I say is this : that if the laws of the province are to be invoked on behalf of the municipality or owner, it surely is logical, it surely is common sense, that the statute in that behalf which makes provision for the carrying out of this drainage, should regulate the apportionment of the cost. Take, for instance, the Ontario Act, which is the Act cited in favour of this particular legislation, it makes provision for the apportionment of the cost—at least contemplates dealing with the cost. If a municipality or owner should invoke the laws of the province, why should not the laws of that province govern the apportionment of cost, and why adopt a cast-iron rule which does not admit of elasticity to be applied to the peculiar condition of affairs. It seems to me if we made provision, that the apportionment of cost should be determined by the authority under whom the work is carried out, that the difficulty would be overcome. That is to

say, if the authority of the board is invoked, the board is to settle the apportionment of the cost, if the law of the province is invoked, then whatever provision there is under the law should determine what the apportionment of cost should be. The cost of the work should be determined by the authority under which the work was carried out. That would reach the difficulty under discussion.

Hon. Mr. KERR (Toronto)—The hon. senator from Calgary is under a misapprehension about there being two tribunals in all cases, because that is not the case. It is perfectly true there is an opportunity to elect a tribunal, whether the municipality will go to the board, or whether they will go under the local Drainage Act, but once they do that, there is one tribunal, whichever way they go.

Hon. Mr. LOUGHEED—There is no question about that.

Hon. Mr. KERR (Toronto)—Then it is a mistake to say that when you apply under the Drainage Act you have two tribunals unless you adopt this amendment. I do not think it is a reasonable thing to say that where we find the average cost of taking a drain through the railway lands exceeded $25, we should here solemnly declare, after the whole thing is done—after the apportionment of the territory of the drain was effected under the drainage law, then you should subject the parties to the expense of the whole proceedings being submitted to the board here, argument taking place here, counsel representing the parties here, and all the expense and delay involved in that. It is just adding that which is going to make the law odious to everybody.

Hon. Mr. LOUGHEED—How does my hon. friend conclude there is an arbitrary amount named—$25? We know nothing about that.

Hon. Mr. KERR (Toronto)—I say that the evidence before us now is—the statement which Mr. Cowan made, which no one has challenged—that that will be a high sum for an average cost of a drain through the railway, dealing with the section in which drainage would be demanded.

Hon. Mr. LOUGHEED—If you construct a culvert under a right of way, particularly where there are high embankments, it seems absurd to say the work could be done for $25.

Hon. Mr. KERR (Toronto—I do not think so. It is done by iron pipes.

Hon. Sir MACKENZIE BOWELL—That would depend entirely on the volume of water that would pass through it; many culverts, lately laid under the Grand Trunk Railway, are of cut stone and are very expensive; it is nonsensical to say that you can place a drain of the character that many of them are, to carry off the water under a railway track that would cost only $25.

Hon. Mr. WATSON—I think Mr. Cowan and the rest of the representatives were referring to the section of the country where he lives—the county of Essex, where there are no high banks.

Hon. Sir MACKENZIE BOWELL—But this law is not to be confined to the county of Essex alone; it is for the whole Dominion.

Hon. Mr. WATSON—That is where Mr. Cowan refers to the $25 cost.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman is right, and it might do in a country where there is very little excavation required. It might be done for less, or require three times as large an expenditure.

The committee divided on the amendment, which was rejected: contents 16, non-contents 25, and the clause was adopted.

On clause 198,

198. Every company shall make crossings for persons across whose lands the railway is carried, convenient and proper for the crossing of the railway for farm purposes. In crossing with live stock, the same shall be in charge of some competent person, who shall use all reasonable care and precaution to avoid accidents. 51 V., c. 29, s. 191, Am.

2. The board may, upon the application of any landowner, order the company to provide and construct a suitable farm crossing across the railway, wherever in any case the board deems is necessary for the proper enjoyment of his land, on either side of the railway, and safe in the public interest; and may order, and direct how, when, where, by whom, and upon what terms and conditions, such farm crossing shall be constructed and maintained.

Hon. Mr. FERGUSON—This clause is open to the same objection in part as the one we have just been discussing. I think subclause 2 of the clause should be amended in this way:

Provided that nothing in this subsection contained shall be construed to apply to lands in respect of which the company has paid compensation for having omitted to provide such farm crossing prior to the passing of this Act, nor shall it apply to or affect any line of railway constructed before the 22nd day of May, 1888.

Where the compensation covers the question of farm crossings, it is nothing short of confiscation to compel the railway company to provide further crossings without compensation. It is a very troublesome question for the railways, as was clearly put before us—a dangerous thing, the multiplication of farm crossings, and where the lack of crossing was settled by compensation it seems strange we should legislate that the company must make a crossing.

Hon. Mr. DRUMMOND—In the province of Quebec, every farm has the right of crossing, as I happen to know. On my own farm, I have four crossings, and the railway company some time ago offered me a consideration for shutting up two of them, which I did not accept ; but if I had agreed, I certainly would have felt it my duty, and in honour bound, to accept just the suggestion which has been made by way of amendment. If, for example, I had, for due consideration, agreed to shut up two of these crossings and could fall back on a peremptory order of the board to reopen them, it might be a hard thing for a railway company to agree to. I therefore favour the amendment.

Hon. Mr. BEIQUE—I have prepared an amendment to cover the same point, and it may be the hon. member for Marshfield would prefer this added to the end of subsection 2 :

Having regard as to whether the right to one or more crossing or to take away or withhold the right of crossings formed part of the consideration paid by the company to the landowner, or of the bargain by which the company acquired the land.

Hon. Mr. FERGUSON—It is the same point.

The amendment was agreed to.

On clause 211, subclause 2, paragraph (a),

(a) Outside ladders, on two of the diagonally opposite ends and sides of each car, projecting below the frame of the car, with one step or rung of the ladder below the frame, the ladder being placed close to the ends and sides to which they are attached.

Hon. Mr. KERR (Toronto)—I think we might with propriety let the board determine about side ladders. It is peculiarly a matter within the scope and jurisdiction of the board to determine what is to be the nature of the equipment used by a railway company, and therefore I move that subsection (a) be amended by inserting after the words 'outside ladders' the words 'when required by the board.'

Hon. Mr. ELLIS—I think we should pass this clause. I should like to call the attention of the Senate to the fact that in 1898 this measure was agitated considerably. A select committee of the House of Commons was appointed and the whole matter was inquired into. A great deal of evidence was taken. Mr. Casey was chairman of the committee and Mr. Powell, a very eminent lawyer in New Brunswick, was present. Judge Choquette and Mr. McGregor, now dead, was a member. The committee, after a great deal of consideration and hearing a great deal of evidence upon the whole question, as well as upon other questions, came to the conclusion to report to the House a Bill for both side and end ladders. I was a member of that committee. All the evidence taken from the persons who are interested really in the work and doing the work was strongly in favour of having both end and side ladders. They are the persons who are most interested. It is all very well for the railway companies to offer objections, and I presume, as they do not desire to undergo the expense of providing these two classes of ladders, their objection is not an unreasonable one from their point of view ; but on the whole question there can be no doubt whatever that the safety of the life of the men is better preserved by having these ladders. This was the conclusion to which the committee came. I am not quite sure whether the Bill recommended by the committee passed the lower House, but at any rate it never became law wherever it went to.

Hon. Mr. FERGUSON—It never came to this House.

Hon. Mr. ELLIS—It did not. I know there was a long discussion about it. There is no doubt there is a difference of opinion as to which is the better class of ladder. I call the attention of the House to what is

undoubtedly a divergence of opinion upon the question. I propose to read from the report of the Interstate Commerce Commission in the year 1902, the reports of the special superintendents or inspectors of different divisions within the jurisdiction of the United States commission. Mr. Geo. B. Martin, who was apparently an inspector, reported to the secretary of the Interstate Commerce Commission with headquarters at Washington. His report is dated at Salt Lake City. He says:

At night a trainman groping his way over a fast running train, perhaps with his light extinguished, comes to the end of a box car, down which he is obliged to climb to a flat car. He finds by feeling, it being too dark to see, and perhaps smoke and cinders beating into his face, a roof hand hold set lengthwise of the car. The position of that hand hold leads him to believe that the car is equipped with a side ladder, when in reality it is equipped with an end ladder. The result is that he goes over the side of the car to the ground, receiving serious injuries or possibly being killed. The same is true of hand holds set crosswise of the cars that are equipped with side ladders.

More defective end ladders are found than side ladders. This is due to the shifting of lumber or other long material on flat cars or steel structural material loaded in gondolas and extending out from 2 to 3 feet over the end of the car.

I am simply trying to show the difference of opinion which exists on the subject, and that to be logical we should have both. Then Mr. Cullinane reports from Nashville, Tenn., as follows:

I am convinced now more than ever that all box cars should have side ladders instead of end ladders, unless they are fixed, as are the Pennsylvania's cars, with side sill step, three hand grabs, and a protecting end sill, and the ladder near the centre of the car, so that if a man is ascending or descending the ladder rounding a short curve, he will not be crushed to death. Besides this, where cars have the projecting end sill they do not get so close together at the corners in rounding curves. I have canvassed yardmen, freight brakemen, and all that I have come in contact with that are really interested in the matter, and have found only two men out of three or four hundred that favoured the end ladders.

I call attention to that particularly. This man found only two men out of three or four hundred who favoured end ladders, and they favoured them because the conditions required them. Mr. Swasey dates his report from Boston, and says:

It often occurs that platform cars loaded with material which projects beyond the end of the car, coming in contact with box cars in front or in the rear, strike the rounds of the ladder of these cars and bend them, unfitting them for use and rendering them unsafe, especially at night. I have watched inspectors engaged in straightening out these defective ladder rounds, and have seen them use a common iron bar by placing the bar under the round, using the end of the car for a brace. They accomplished their purpose, but in so doing weakened the round, and after a few times defeating this they were rendered unsafe at the point where it was bent. Regarding the location of ladders, I have made it a practice during the last three months, to ask practical railroad men their opinion in regard to the location or proper place for the ladder, and I have yet to find anyone in this part of the country (New England) who does not readily say the end of a car rather than a side; but I think that in the south and west the idea of placing the ladders is quite the contrary, the side ladder being in favour.

Then Mr. Sears reports as follows:

I have heretofore been in favour of side ladders for box cars, but having seen the closeness with which tracks are put in in the east, I am of the opinion that end ladders are preferable, at least where so little clearance is left between tracks that a man's body is exposed to the danger of being brushed off a side ladder. I should, if recommending any practice, be in favour of supplying both side and end ladders. During the past year I have asked several hundred men as to their preference in regard to the placing of ladders, and find that they differ greatly. Men in the east wish for end ladders, while men in the west prefer side ladders, undoubtedly for the reason I have mentioned above.

He goes on to say how end ladders should be fixed if they are used. Then Mr. Jones, the Chicago inspector, states as follows:

I think it is a dangerous practice to put the ladder on the end of the car and the roof hand hold lengthwise of the car near the edge of the roof. It is very deceptive and misleading.

I merely read these reports to show that among the experts there is quite a difference of opinion. The man who spoke to three or four hundred men found only two in favour of end ladders, and in consequence of the difference of opinion that exists on this question, the balance should be in favour of having both ladders. The argument presented the other day was that it would cost something to put in the additional ladders. I quite agree that there would be an expense, but I do not think the expense is worth thinking about—fifty thousand dollars on one railway—if it would have the effect of saving the life of one single man. I asked the question directly whether it would add much to the cost of new cars to put them in when building, and the builder told me that it would cost scarcely anything. Having looked into the matter myself, and having served on the

committee of the House of Commons, I am prepared to stand by the clause as it comes to us, and to enact as a matter of law that cars shall have both ladders.

Hon. Mr. SCOTT—There is a wide diversity of opinion as to which is the preferable. It appears now some cars are fitted up with the end ladders and side ladders, and in the constant interchange that takes place between the United States and Canada, it must be dangerous for a man accustomed to end ladders to find the car he is on fitted only with a side ladder. It seems to me the Canada Southern adopted the proper method to have end and side ladders. If it is going to save human life the extra cost of equipping cars with end and side ladders ought not to interfere with the proposal laid down here. The company have two years and a half within which to comply with the law, and there is also a discretion on the part of the board to extend that time. Under the circumstances, there should be no hesitation in having both the side and end ladders.

Hon. Mr. WATSON—I suppose almost every member of the House has had more or less experience by observing accidents and meeting railway men. The great thing, as far as ladders or any other conveniences of that kind for the safety of railway employees are concerned, should be uniformity. It is a great mistake to have cars some places with side ladders, and other places with only end ladders and some with both, because these cars are transferred from the east to the west, from Canada to the United States and from the United States to Canada, and there is a constant interchange of cars, and the brakesmen on these different railways have to accustom themselves to the appliances they find on the cars. It seems to me that uniformity would be a good thing. I quite understand that a brakesman who had been accustomed only to end ladders going on a box car on a dark night, and making an attempt to get over the side, and finding no steps there, might meet with an accident. A number of cars now built, large furniture cars and stock cars, are about the same width as a passenger coach. I have no doubt passengers in going through tunnels and under bridges with the semaphore switch along the side of the track can quite easily see, looking out of the car, that it would not be possible for a man to be on the side of a car and escape death. When a brakesman is on the end ladder, all he has to do is to take care and see that he hangs on. In the west I have noticed where they are constructing railways, trainloads of ties which are piled crossways on a flat car. Very often when these trains are hauled for two or three hundred miles those ties work out two or three feet on the side of the car. A train of that description in a yard, and a man switching—because it is really in the yards where the switching is done—there is not much going up and down on the road—there would be a danger of accident to a man if he was on the side of a car. I have often observed in going through a yard where damaged cars are stored a great number of the cars are rubbed on the sides. If that is the case, it is a mistake to require ladders to be put on the side as well as on the end. It appears to me the board will be the best judges, in their experience, as to whether these ladders shall be on the sides and ends, or whether they should be only on the ends. I think it would be a mistake to make it compulsory. I fully agree with the hon. gentleman from St. John that so far as the cost is concerned, we should not consider that objection. If it should cost $100,000 to each railway to put on these ladders for the safety of life, we should require them to do so, but we have no evidence that there would be any additional safety, and I think it would be well to leave it to the board to decide from time to time, not only about these ladders, but any other convenience that might be necessary to ensure the safety of railway employees, conductors and brakemen. I should prefer, for these reasons, to see the matter left optional with the board.

Hon. Mr. McSWEENEY—I can give the last speaker a lot of evidence from the men themselves, and they are better judges of what they want than any one else. I have here a number of telegrams sent from all over the country, Revelstoke, Winnipeg, Montreal, Toronto, and as far east as Halifax, and representing some thousands of men, and they are certainly much better judges than we are of what they want. They say in those telegrams and letters that they

want both the side ladders and the end ladders. I was walking round the buildings the other night, discussing with an hon senator who has something to do with a railway the difference between side and end ladders. He was strongly in favour of end ladders. We met a gentleman in the other House who has worked up from a brakeman, Mr. Ingram, and I said: 'You are a practical man; you have been on the Michigan Central and you know all about the difference between the end ladders and side ladders, and what is best for the safety of the men.' He said: 'The proper thing is to get them both.' There is the practical evidence. I know that the railway people's great objection is the cost.

Some hon. MEMBERS—No.

Hon. Mr. McSWEENEY—The men themselves are asking for these ladders. They know better than we do what is required for their safety, and they say 'use both.'

Hon. Mr. WATSON—I should like to say in reply—referring to Mr. Ingram—I have no objection to take him as an authority. But we had Mr. Singleton, who worked himself up from brakesman to divisional superintendent, and he gave his own personal opinion that the end ladder was much safer than the side ladder. Further, I may say that I was discussing this matter with the late Minister of Railways, Mr. Blair, a few days ago, and he told me that they did not have a side ladder on the Intercolonial Railway, yet from 1896 down to the present time he had never received a request to have side ladders on the cars. I can quite understand that if you want to get representations from a certain portion of men for any particular purpose you will get them.

Hon. Mr. McSWEENEY—Look at the number of deaths on the Intercolonial Railway—more deaths than on any other road in Canada for its mileage.

Hon. Mr. WATSON—The evidence is to the contrary.

Hon. Mr. McSWEENEY—No.

Hon. Mr. WATSON—I am not objecting and insisting that you shall not have side ladders, but I say on account of the difference of opinion, the conflicting evidence we have had laid before us, I will leave it with the board, and if the board decides they are a protection, the cars should have them, but I should not say it would be absolutely compulsory to have side ladders put on.

Hon. Mr. DRUMMOND—I cordially agree with what has been said that the cost of doing this is a mere bagatelle as compared with the safety of the employee. That being granted, I think there is a great deal in the suggestion which has fallen from the other side—and I am glad it has come from the other side and that I can agree with it, because if it came from this side there would be no chance to pass it. But I say the true policy would be to leave the matter in the hands of the board, with instructions to them in the Bill that they shall provide the best and safest appliances for the purpose. It is a fact, I believe, that the state of Vermont will not permit cars with side ladders to enter the state, and that is a difficulty. I use it only as a proof that there is a difference of opinion, and a serious difference of opinion, as to which is the safest and best. I have heard an expert say, in my hearing, that the side ladders were decidedly dangerous, that a man in climbing or swinging from a side ladder ran a great risk in passing bridges or projections on a passing train. If that be so, I think it is the business of a board, constituted as this one is, to decide on that question after proper expert evidence, and for my part I would say once more that the cost is not to be considered for a moment, but that it be an instruction to the board to provide the best and safest appliances for this purpose that can be secured.

Hon. Mr. KERR (Toronto)—I said before that the equipment generally was left in the hands of the board, and I would call attention to the clause we have already passed, clause 25. It reads:

The board may make orders and regulations—

And it provides for the speed of trains, the safety of passengers passing from one car to another, shelter for employees, devices to prevent fire, devices to be used upon the railway so as to provide for the due protection of the employees and the safety of the public: so that I quite agree with all that has been said on the question, that the expense should not enter into the matter

at all, and I do not believe it does with the railway companies. The hon. gentleman who spoke with reference to the correspondence produced was not present at the meeting the other day and did not hear that the railway on which Mr. Ingram was accustomed to work is a railway which does employ both side and end ladders, but its business is chiefly a through business, and the letter of the president of that company was read to those present, in which he pointed out that the reason of it was, not because they thought it better, but their business carried them into the States, where the law required that that should be. In some cases it was the side ladder that was required, and in some cases the end ladder, and in some cases both: so that in order to comply with the different requirements they had them all on. Their business being a through business, I can quite understand that Mr. Ingram would be educated that that was the best way to have them. But, on the other hand, we have had evidence of those who had used both, and it is quite plain that the question is one involved with difficulty and differences of opinion. I think, under the circumstances, the true plan is to leave this as one of the matters to be dealt with by the board under the heading that I have already read, subsection (f), or by inserting the words 'outside ladders.' -There would be then, in that same section, the direction the hon. senator from Montreal suggested, to provide means for the due protection of property, and the lives of the employees and the public. I therefore move to strike out subsection (a) of subsection 2, of clause 211, and will afterwards move the insertion of it in another place.

Hon. Mr. CLORAN—I hope this honourable House will not accede to the request of the hon. gentleman. I am in favour—and I think the majority of the House are in favour—of retaining the clause as it is. It was put in the Bill after a very long and exhaustive examination of the question. As the hon. senator from St. John has stated, the House of Commons, with a large number of men who have taken an interest in this matter, have had the matter under consideration, and evidence was taken and discussed five or six years ago. The result of their deliberations is embodied in this clause, and why should we undertake to retard this amelioration in the construction of cars, and hand over the decision whether it should be done or not to a body of men who will have less experience in these matters than the people who are asking for it. Why not grant it to the men who carry their lives in their hands on these trains? They are the men that are asking for this. They would never want or ask for a law that would bring death to them. Why do senators come to this House and state that side ladders will swing them to death? Does not the honourable House know that at present side ladders are partially in existence on every car? It is absolutely necessary to have a side ladder to enable the men to swing themselves on to the end ladder when the train is in motion. All they want is three other rungs added to the present incomplete side ladder so that they can go to the top of the car either by the side or end. When a train is in motion, a trainman or brakeman cannot go between two cars and climb to the top. How often have I seen trainmen in the yards when the train is moving swing themselves on the rung on the side of the car, and then swing themselves round to the rear of the car; so that practically all the men are asking is for this House to say that three more rungs shall be put on the side to bring them to the top of the car, and I see no reason or necessity to leave this matter in abeyance. The men who are interested, the men who carry their lives in their hands in the discharge of their work, are the men whose prayer we should listen to, and they certainly do not come to this House to have a law passed which will endanger their lives. I am prepared to affirm, as the hon. Secretary of State and the hon. member for St. John, that this measure of relief should be granted at their request, and that the clause compelling the railroad companies to construct box-cars with side and end ladders be adopted as printed in this Act.

The paragraph, as printed, was adopted.

On clause 237, subclause 4,

4. When any cattle or other animals at large upon the highway or otherwise, get upon the property of the company and are killed or injured by a train, the owner of any such animal so killed or injured shall be entitled to recover the amount of such loss or injury against the company in any action in any court of compe-

tent jurisdiction, unless the company, in the opinion of the court or jury trying the case, establishes that such animal got at large through the negligence or wilful act or omission of the owner or his agent, or of the custodian of such animal or his agent; but the fact that such animal was not in charge of some competent person or persons shall not, for the purposes of this subsection, deprive the owner of his right to recover. Sub. for 53 V., c. 28, s. 2.

Hon. Mr. POWER—Up to the present time it has been my painful duty to vote against the interests of the railway companies, but in this case the interests of the railway companies are identical with the interests of the public. This clause is objectionable on various grounds. In the first place, it is quite inconsistent with the 1st and 2nd subsections of this same clause, 237. In the next place, it does not matter how the cattle get on the road, the owner is entitled to recover, unless the company are able to establish that the animals got at large through the wilful neglect of the owner. In nine cases out of ten it would be utterly impossible for the railway company to establish this fact as respects the owner of the cattle. One can readily understand that if this clause in its present form were to become law, we should have a great many cattle sold to the railway company in that way. Cattle would, in the most mysterious way, get on the track, and the owner would know nothing about it. The cattle would be killed and the railway company be obliged to pay for them. That is an unsatisfactory condition of things, but what is still more unsatisfactory is that the risk to the travelling public would be very much increased indeed. If every owner of cattle finds that should his cattle get on the railway track and be killed, he can recover handsome damages from the company, I am afraid that people who travel on the railway will need to hold accident policies to a much greater extent than they do now. The question involved in this clause has been considered in the past. We discussed it at some length, I know, in the Senate on two occasions, in 1888 when the General Railway Act was passed, and again in 1890; and I propose to move that we strike out the 4th subclause and insert subsection 3 of section 2 of the Act of 1890, which is as follows:—

3. If the company omits to erect and complete as aforesaid any fence or cattle guard, or if, after it is completed, the company neglects to maintain the same as aforesaid, and if, in consequence of such omission or neglect, any animal gets upon the railway from an adjoining place where, under the circumstances, it might properly be, then the company shall be liable to the owner of every such animal for all damages in respect of it caused by any of the company's trains or engines; and no animal allowed by law to run at large shall be held to be improperly on a place adjoining the railway, merely for the reason that the owner or occupant of such place has not permitted it to be there.

Now these last words may seem rather remarkable, but they are intended to provide for this case: in the maritime provinces, and I suppose the same is true to a certain extent in other parts of the country, neighbours' cattle are allowed very often to mix up with one another, and are sometimes on the land of one owner and sometimes on the land of another. Strictly speaking, under the Act of 1888, if the cattle got on the track from the land of some person other than their owner, the owner could not recover, and these last words were put in to provide for such a case, that any animal allowed by law to run at large should not be held to be improperly on a place adjoining the railway, &c. This is a reasonable clause, which was carefully considered and which protects the interest of the cattle owner, and does not do gross injustice to the railway company. I therefore move that subclause 4 of this clause be struck out, and the clause which I have read be substituted for it.

Hon. Mr. DRUMMOND—I beg to support the motion of the hon. the Speaker, and to say that my interests lie entirely in the direction of getting paid for any animals killed by the railway. I have a much larger interest in stock than I have in railways, and I am bound to say that there is great force in what has been said by the Speaker as to the risk to the travelling public if animals get on the road. I can give one or two experiences of my own. I was travelling once in Cuba when the train on which I was, ran over a large pair of working oxen, and the dead animals ridden over by the engine, which kept the track, caught the front truck of the car immediately in front of me and ripped the whole bottom out of it. It so happened there was not a soul in that car; but if there had been a single individual in it, he would have been killed. I was once in a city in Illinois, and

was riding with the manager of a railway. We twice, during the course of a short trip, bowled some fat hogs off the line into the ditch, and he told me—this is proof of another remark made by the Speaker—to the effect that if compensation were readily granted, it would be an inducement to let cattle trespass on a railway and get killed.

Now, I was told as a fact that that railway, a line about 100 miles long, paid $30,000 a year for cattle killed on the track—that innumerable cases had been found of persons putting salt between the tracks to attract the cattle to go on the track, in order to get old or useless stock killed. Now, that cannot be done without a serious risk to travellers on railways, and I hope we will take care, while doing justice to everybody, that we do not offer inducements by any act of ours to have cattle either less carefully attended to, or deliberately brought to destruction upon the line. There is another reason why this clause should be struck out, the fact that it is entirely inconsistent with the earlier parts of the clause. The clause provides for cases where animals are trespassing within a certain distance of a crossing or doing so illegally. Another clause says that under such circumstances there shall be no right of compensation or action, and then comes in this last subclause which upsets what was previously stated.

Hon. Mr. McMULLEN—I earnestly hope that the amendment of the Speaker will be adopted. I have been endeavouring to study this clause, and I must confess that it would be exceedingly unfair to railway companies to pass a clause of this kind. It provides, no matter how perfect the company's fence may be, complying with the arrangement as to height and everything else, and although they have the very best kind of trestle crossings to prevent cattle getting on the line, if cattle which are at large illegally jump the crossing and get on the track and are killed, the railway company has to pay for it. I think it is extremely hard legislation. I agree with the hon. gentleman from Montreal. I am willing to see that the railway companies pay for cattle that are killed through their fences or their cattle-guards not being sufficient, but this makes provision where cattle are at large—where they are running in contravention of the law—that if while they are so running at large they break the fence or jump the guard and get on the railway track and are killed, the company has to pay for it. I think it is extreme legislation, and I hope the amendment will be adopted.

Hon. Mr. DANDURAND—I intended drawing the attention of the Senate to an amendment which was suggested by the ex-Minister of Railways, and which commends itself to my judgment as superior to the one which was adopted by the House of Commons, and which is now incorporated as subsection 4 of this clause. I cannot admit the principle underlying the whole of that clause, which throws the responsibility on the railway of establishing that the farmer or owner of the cattle was negligent in allowing his cattle to be at large in order to escape the responsibility. It seems to me that it is asking the railways to do a thing which they will never be in a position to do. Cattle will be killed a few acres or half a mile from a public road, and how is the company to know how long they have been astray, or where they come from. The animal killed will not have the name of its owner attached to its neck, the company will not be in a position to trace back the ownership of that animal, to find if it was the negligent act of the owner that brought it on the track. The company will generally know the name of the owner when a claim is made against it. It seems to me we should leave the responsibility where it lies, and accept the amendment which was moved by the ex-Minister of Railways. I have not under my eye the section cited by the hon. Speaker, which he has suggested as a substitute for subsection 4, and I am not ready to say that it is superior to the one which I have. The one that I will now read seems to be very fair and liberal for the owner of cattle killed :

4. Whenever any cattle, at large upon the highway or otherwise, get upon the property of the company and are killed or injured by a train, the owner of such cattle so killed or injured, shall be entitled to recover the amount of such loss or injury against the company in an action in any court of competent jurisdiction, if in the opinion of the judge who tries the action, such cattle got at large without any negligent or wilful act or omission of the owner or his agent, or of the custodian of such cattle or his agent, and got upon the railway by reason of fences, gates and cattle-guards not being erected and maintained by the company as required by this Act.

Hon. Mr. McMULLEN—That is reasonable.

Hon. Mr. DANDURAND—I do not know if it would not be better to let these amendments stand until to-morrow in order that we might compare them.

Hon. Mr. DRUMMOND—Decide it now.

Hon. Mr. DANDURAND—I move that subclause 4 be replaced by the one I have just read.

Hon. Mr. POWER—As long as the end is reached, I do not care which amendment is adopted.

Hon. Mr. CLORAN—The wording of that is not altogether correct. The hon. gentleman uses the word 'cattle.' What about horses ?

Hon. Mr. LOUGHEED—Under the interpretation clause horses are included.

Hon. Mr. CLORAN—Supposing I had a dog worth a thousand dollars, and it got on the road and got killed, I think there should be some compensation.

Hon. Mr. KERR (Toronto)—It would be well to use the word 'animals.' The wording of the old section was 'cattle or other animals.' With the change I think it is a very good section.

The amendment was agreed to.

On clause 239,

239. The company shall at all times maintain and keep its right of way free and clear of all inflammable matter.

2. Whenever damage is caused to crops, lands, fences, plantations, or buildings and their contents, by fire started by a railway locomotive, the company making use of such locomotive shall be liable for such damage and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction.

Hon. Mr. YOUNG—I think it is a rather difficult thing for railway companies to keep their right of way clear of inflammable matter. We are imposing, in some cases, almost an impossibility on the railway company. If it said 'as much as possible' I would not object, but these two first lines are really unnecessary.

Hon. Sir MACKENZIE BOWELL—What constitutes 'inflammable matter' ?

Hon. Mr. LOUGHEED—All their buildings would be inflammable matter.

Hon. Mr. YOUNG—I know that during the grain season, with elevators along the track and cleaners working, and the wind blowing in different directions on different days, the track very often becomes covered in places with very inflammable matter in the shape of chaff, and light stuff blown from the grain. They would have to keep a broom sweeping all the time in our section to keep the track clear under this clause. I do not think the words are of any use

Hon. Mr. DRUMMOND—It would include sheds, stations, platforms, piles of ties,—in fact everything which is accustomed to be kept on the right of way and has to be.

Hon. Mr. YOUNG—It has been suggested to me that the following words be substituted :

The company shall at all times maintain and keep its right of way free from dead grass, weeds and other unnecessary inflammable rubbish.

Hon. Mr. SULLIVAN—Leave out 'inflammable.' To leave it clear means everything —keep the way free and clear.

Hon. Mr. DRUMMOND—The preceding section covers weeds.

Hon. Mr. YOUNG—That applies to noxious weeds. We know railways are a very fruitful source of spreading noxious weeds over the country, on account of freight cars being loaded where noxious weeds prevail.

Hon. Mr. SULLIVAN—The term which should be used is 'combustible,' not 'inflammable.'

Hon. Mr. PERLEY—Does the hon. gentleman mean to apply this clause to chaff that is blown out of a threshing machine ?

Hon. Mr. FERGUSON—How are you to define the word 'rubbish' ? Matter is a better word.

Hon. Mr. PERLEY—I understood the hon. gentleman from Killarney to say that chaff is sometimes blown on the track. Does the amendment require the railway company to keep the tracks clear of chaff ?

Hon. Mr. SCOTT—Yes, it would.

Hon. Mr. YOUNG—It is for the House to determine the meaning of the amendment.

I referred to chaff blown from the elevators to show how difficult it was for the railway companies to keep their track at all time free from inflammable matter.

Hon. Mr. LOUGHEED—Why not permit the law to stand as it is to-day for redress in the event of the company causing damage through negligence? If by reason of their carelessness they permit accumulations of any inflammable matter which should be removed, they are responsible. It is a matter for the court and jury to decide. We cannot describe the class of matter which they must remove. The rights of the public are much better protected by letting the law stand as it is, because if you attempt to describe the sort of matter which should be removed, you by implication permit any not mentioned to remain.

Hon. Mr. SULLIVAN—How would this phrase do: 'to keep away any matter liable to be easily ignited'?

Hon. Mr. CLORAN—How would this do:

The company shall at all times maintain and keep its right of way free and clear of all matter dangerous to the public interest.

Hon. Mr. LOUGHEED—That would include, I suppose, a locomotive?

The clause was amended and adopted.

On subclause 2,

Hon. Sir MACKENZIE BOWELL—Fires arise from many other causes than through the negligence of the company, and would not this clause hold the company responsible in all cases? The least we could do would be to throw the responsibility on the company if such fires occur through the negligence of the company, either by not providing proper protection on their locomotive stacks, or from any other cause.

Hon. Mr. BEIQUE—The suggestion would defeat entirely the object of this subclause. This was inserted because it has been maintained for a great number of years that a railway company, being a statutory corporation, and being authorized to operate railways, are not responsible for acts of that kind. Provided they used the ordinary means and precautions, if fire is caused by sparks from the engine, they are not responsible. It is not treated as a case of negligence, but this clause is intended to subject the company to the English Common Law. They are authorized by statute to operate a railway and are responsible if they cause damage by negligence or otherwise, even if it is not through defective or improper apparatus used by the company. It is quite unnecessary to spend a great deal of time on this clause, because it caused a great deal of discussion in the other House, and if this clause is removed they will not accept the amendment. I think it is a fair clause. If a railway company by sparks from their engine cause my building to be destroyed, it seems to me the railway company should be responsible. There are means now of providing protection against things of that kind, and the railway companies should adopt them, and if they do not, they should bear the consequences.

Hon. Sir MACKENZIE BOWELL—Do I understand the object of this clause to be to provide for cases of fire, which may occur, though the company may have complied with all the provisions of the law?

Hon. Mr. SCOTT—Yes,

Hon. Sir MACKENZIE BOWELL—That is the effect, whether it is the object or not. There are certain provisions of the law which the companies are compelled to carry out for the prevention of fire. This clause, if I understand it, goes this far, that though the company may have provided all the protection that is required by law, if a fire occurs, they would be held responsible.

Hon. Mr. CLORAN—Certainly.

Hon. Mr. SCOTT—The law of England and the law of Canada to-day is, and the law of most countries has been the same, that where a company is authorized by statute to use steam generated by fire, provided they use all the most modern and improved appliances to prevent any accident occurring, the company are not liable. If, for instance, the mesh of the smokestack screen was so large that it allowed sparks to escape, there is a clear case of negligence and the company were liable. If, on the contrary, the mesh was so fine that sparks of any magnitude that could cause danger could not escape, the company were not liable. If, however, the engineer raised the hood

of his engine, and sparks escaped, and caused fire, the company would be liable. In the province of Quebec, under the civil law, it was the same as in the other provinces, and a case which went recently to the Privy Council—a case in appeal, in which that point arose—the Privy Council decided under the law in England, and as it has been in Canada. This caused a good deal of feeling in the province of Quebec, and the theory stated is this, that where fire occurs and neither party is the primary or immediate cause of the accident, the one that caused the accident is the one that ought to stand the damage, even though the best appliances were used to prevent the fire. Now, this clause makes the company liable in all cases.

Hon. Mr. BEIQUE—As has been explained by the hon. the Secretary of State, the case of Roy and the Canadian Pacific Railway has created a good deal of discussion, and unnecessary discussion. The common law of the province of Quebec is similar in that respect to the common law of England. As I stated a moment ago, under the common law of England, any party who is the occasion of damage to his neighbour, is responsible for it, the same as in the province of Quebec. You are responsible for your own acts, for the acts of your servant, and for the acts of your animals if any damage is caused to me by yourself, your servants or your animals. But it has been held by the Privy Council—it was no new doctrine, it was held 50 years ago in a great number of cases—that when a company is operating under a statutory provision, they are protected by that statutory provision to this extent: that their liability is limited. Their liability is involved only when they fail to use the ordinary means for carrying on their business, but if they use the ordinary means for carrying on their business, if they use the ordinary means and precaution in carrying on their business they are not responsible. This doctrine has been held by the Privy Council and the House of Lords for a number of years in cases of railways and other establishments which are obnoxious in their nature and cause damage to adjoining property, and the object of this clause is to deal with railway companies as if they were not protected by statute, as any other person.

The subclause was adopted.

On clause 267,

Hon. Mr. FERGUSON—This is the clause in reference to which I have given notice of an amendment to include government railways, bringing them under the jurisdiction of the board as far as through traffic is concerned. I beg to move that the:

5. Notwithstanding anything in section three of this Act, this section and the next preceding section shall apply to the traffic on government railways and vessels connected therewith.

Hon. Mr. BEIQUE—I suggest that we add the words 'Dominion government railways.'

Hon. Mr. POWER—Why not make it apply to provincial railways?

Hon. Mr. BEIQUE—Oh, no.

Hon. Mr. POWER—My hon. friend argued in a convincing manner for an hour that these clauses should apply to provincial government railways.

Hon. Mr. BEIQUE—The hon. gentleman will not find me as inconsistent as that. My mind was directed merely to the fact that a government railway was not defined. If it is suggested that a provincial railway be included let us say so, and for my part I will support it. Of course, I am not bearing all these clauses in my mind, I am not quite sure whether they refer to through traffic. If they refer to through traffic, I am of opinion that provincial government railways should be comprised, but let us say so.

Hon. Mr. FERGUSON—I have no objection to the word 'Dominion.' I do not think it will do any harm, but it is not used in subsection 3, where we are referring to precisely the same words.

Hon. Mr. KERR (Toronto)—The word 'traffic' under the interpretation clause includes passengers, goods and rolling stock. I understand this matter was discussed in the House of Commons and opposed strongly by the Railway Department.

Hon. Mr. SCOTT—I think it should be limited to the freight traffic.

Hon. Mr. KERR (Toronto)—These through rates may have the effect of increasing the rates on the government railway. The effect of a through rate will be to raise the pro-

portion payable in respect of the government railways.

Hon. Mr. FERGUSON—That the government railway would receive a larger moiety out of the through rate than they get now ?

Hon. Mr. KERR (Toronto)—Yes.

Hon. Mr. FERGUSON—I think that would not be a bad thing.

Hon. Mr. KERR (Toronto)—The question is whether that is what members from the lower provinces are anxious to get ?

Hon. Mr. SCOTT—I think it should be restricted to freights. I have in my mind freight traffic—not passenger traffic. Leave that to be adjusted by the managers themselves.

Hon. Mr. FERGUSON—I think it should include passengers as well as freight. The through traffic referred to in clauses 66 and 67 is the through traffic including passengers and freight, and I think it should include both.

Hon. Mr. SCOTT—There is no necessity. A passenger can buy a ticket through on the Intercolonial and pay his fare on the Intercolonial, but it is different with freight. If the freight is going from one road to another, somebody must adjust the freight rate.

Hon. Mr. FERGUSON—The board do it.

Hon. Mr. SCOTT—If the hon. gentleman insists, I shall call for a vote on the question. There is a difference between passengers and freight. In the case of freight a consignment goes forward and there is no one in advance to adjust the proportion to each railway. I presume in the past that the Minister of Railways had his officers to look after that, but now when it is placed under a commission the commission will supersede the Minister of Railways, as far as the traffic is concerned passing from one road to another, and it is only reasonable and proper that we should make some provision for the portion each road is entitled to receive, but it should not apply to passengers.

Hon. Mr. KERR—Is it the intention to bring the government railways within the scope of this Act ?

Hon. Mr. SCOTT—No.

Hon. Mr. KERR (Toronto).

Hon. Mr. KERR—If it is not, I want to point out that this is the clause which is practically going to do so, and I think it is a question to be determined. I understand that question was presented in the Commons. I have not had time to look it up. I understand there was a definite policy with reference to it, and the government railways were excluded altogether, and on this ground, that if it is a necessary thing to do, the government have the power of dealing with the board without its being in the statute at all. If the government of the day do not determine to do it, they do not want the clause in. If they do intend to accede to a through rate fixed by the board, it is open to them to do it without its being compulsory. We are dealing with companies who are acting now and controlled now independently of any government control, and therefore, it is necessary to make obligatory all provisions with reference to them. In the case of government roads, as I understand it, there is no necessity to do that, because the government are here to meet the board at any time where it is proper and reasonable that they should do so.

Hon. Mr. FERGUSON—There could possibly be some way of getting over the difficulty by the government acting with the board, but the difficulty still exists, and the simple process provided in clauses 266 and 267 is that when any company—that would mean any of these railways that would be interested in a joint or a through rate down to the eastern provinces—would make an application to the board, the board could then proceed and deal with it without referring to anybody. They would have to get the consent of the government, and as the hon. gentleman from de Salaberry pointed out last evening, in his opinion, even if they got that consent, it would not be operative, that he could not operate it. In my humble opinion, if the government railways are not included in the way of making a joint tariff, it would just simply block the making of a joint tariff altogether and there are, if I am right, some six or seven railway companies in the lower provinces that could not be reached by a joint tariff, or could only be reached with a great deal of difficulty. My hon. friend from Toronto seems to fear that the effect of it might be to increase the rate on the Intercolonial Railway. If

that would be the effect of it, I would not be making such a proposition, for we are interested in as low rates as we can get in the maritime provinces, but I know this proposition has nothing to do with increasing this rate and nothing to do with other rates. It only provides that if the railways cannot agree among themselves as to the pro rata distribution of a through rate, then the commision may come in and fix the distribution and give each road its moiety. It is not at all improbable, if the statement is correct—and I dare say it is—that there is a lower tariff of charges upon the Intercolonial Railway than upon other routes, that the effect of this might be that the Intercolonial Railway might get a little better out of the through rate than they have been getting in the past. It would enable the Intercolonial to get a little better than they have been getting in the past, but it could not possibly have the effect of making the rates higher. Certainly I will not insist on my view if that is all my hon. friend will agree to. I hope he will not hastily decide that. Why should there be any difficulty in people in the maritime provinces getting a through rate to any place in Canada. We have had such difficulties before, and I do not see why a through rate for passengers and freight should not be arranged, and the easy way to have it arranged is to put it under the board. If there is anything in the point my hon. friend from Toronto raised about locomotives, there could be an arrangement that it would apply except as to locomotives. If there is anything in that it can be amended.

Hon. Mr. SCOTT—We exclude the Intercolonial Railway from the operation of the Act by clause three, and I understand that this point was discussed in the House of Commons, though I was not aware of that before.

Hon. Mr. FERGUSON—I never heard of it.

Hon. Mr. SCOTT—I did not either. In view of that, I should not desire to depart from any conclusions reached in reference to this question, because the Intercolonial Railway was excepted from the Bill to begin with ; whether it was wise or prudent to do so is not a matter open to consideration.

The clause was amended and adopted.

On clause 275, subclause 3,

Hon. Mr. WATSON—I gave notice of an amendment to this clause. I beg to move that the following words be inserted after the word 'press':

Or to such other persons as the board may, by general order, approve of or permit.

There is a little change in one word suggested to me.

Hon. Mr. MACDONALD (P.E.I.)—I made a motion in amendment to that same clause when it was up yesterday, and I desire now to give notice that I will submit it when the motion for the third reading of the Bill is moved. That matter was voted on yesterday and I desire to give this notice now.

Hon. Mr. DRUMMOND—I move that the word 'company' be substituted for 'board.' If a special deputation or visit by strangers took place, is the company, which perhaps would have only an hour's notice, to have to go to the board, and ask their permission before giving free passage to them ?

Hon. Mr. DANDURAND—The board may make regulations covering such cases.

Hon. Mr. DRUMMOND—The whole of the clause gives permission to the company to do certain things.

Hon. Mr. WATSON—If it does not interfere with the operation of the Act, I have no objection.

Hon. Mr. BEIQUE—I suggested to add to the last line of the subsection the words 'extended or.' That would enable the board to make regulations and deal with all these matters.

Hon. Mr. DRUMMOND—As I read it, this clause puts it in the power of the company to permit certain things. Why should an exception be made when the meaning of it is to extend privileges and hospitality under certain conditions ? Should they be compelled to carry it out or not ? The same principle which goes through the whole of this clause should be extended to this particular subclause, and it could be attained by the use of the word 'companies.'

The clause was amended and adopted.

On clause 276,

276. When the company, owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic, by sea or by water, between any places or ports in Canada, the provisions of this Act in respect of tolls shall, so far as they are applicable, extend to such vessels and to the traffic carried thereby.

Hon. Mr. MACDONALD (P.E.I.)—I move that the words in the last line of this clause 'to such vessels and,' be struck out. It is not necessary that the tolls should be extended to the vessel.

Hon. Mr. POWER—We heard the representatives of the railway companies, but I did not understand that they came to any conclusion on this subject. Take the case of steamers which ply between Thunder bay and Georgian bay. The whole journey from the interior of the country, through to Montreal is one voyage or journey, and it is right and proper that this board should have control over the portion of the journey which is by water as well as over that which is by land. The provisions of this Bill in respect to tolls and particularly where there is so much wheat carried, should, so far as they are applicable, extend to the vessels and the traffic carried thereby. Considering that the greater part of the wheat is carried by water, it is a very important thing that the provisions of this Bill should apply so far as they are applicable.

Hon. Mr. MACDONALD (P.E.I.)—I do not deny they should apply so far as the tolls are concerned, but why should they apply to the vessels which are a separate thing altogether ?

Hon. Mr. POWER—The provisions of the Bill are to apply only so far as they are applicable to vessels and the traffic carried thereby. That is all in the interest of the public, and we had better retain it.

Hon. Mr. LOUGHEED—Will my hon. friend point out wherein this board has any jurisdiction or authority over vessels ?

Hon. Mr. POWER—It is given here.

Hon. Mr. LOUGHEED—It is only intended to apply to tolls. Why not express it so ?

Hon. Mr. BAKER—The object would be attained by striking out the words 'to such vessels and.'

Hon. Mr. DRUMMOND—The clause is expressly restricted to the tolls, and how is that to be applicable to the vessels ? The clause is applicable to freight alone, and I cannot imagine how the vessels come in at all, and I cannot see how the board could interfere with them.

The committee divided on the amendment which was adopted. Contents 16, non-contents 13.

The clause as amended was adopted.

On clause 284,

Hon. Mr. POWER—If the House will permit me I shall move an amendment to substitute the following for clause 284 :

284. The directors may at any time make and enter into any agreement or arrangement with any other company either in Canada or elsewhere for the regulation and interchange of traffic over the said railways respectively, or for either of those objects separately, and for the division and apportionment of tolls in respect of such traffic.

2. The directors may also make and enter into any agreement or arrangement for the running of the trains of one company over the tracks of another company not inconsistent with the provisions of this or the special Act, and generally in relation to the management and working of the railways or any of them or any part thereof, and of any railway or railways in connection therewith, for any term not exceeding twenty-one years, and for providing, either of proxy or otherwise, for the appointment of a joint committee for the better carrying into effect any such agreement or arrangement, with such powers and functions as are considered necessary and expedient.

Provided that any agreement for a period greater than one year shall be subject to the like consent of the shareholders, the sanction of the Governor in Council upon the recommendation of the board, application, notices and filing as provided in section 281 with respect to amalgamation, agreements, except that publication of notices in the 'Canada Gazette' shall be sufficient, and that the duplicate original of such agreement or arrangement shall, upon being sanctioned, be filed with the board.

Hon. Mr. YOUNG—Would the hon. gentleman kindly explain the difference between the amendment and the clause in the Bill as it stands ?

Hon. Mr. SCOTT—In the original law it involves this ; if a temporary arrangement was made for a week or a month, you had to give the notice in the Canada 'Gazette,' and it was thought where the arrangement did not extend beyond one year, it would

not be necessary to call the shareholders together to approve of it, but where it was for a longer term than one year, the shareholders should give their approval.

The amendment was adopted.

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

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, September 3, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CANADIAN TRANSPORTATION AND STORAGE COMPANY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. DRUMMOND, from the Committee on Banking and Commerce, reported Bill (176) 'An Act to incorporate the Canadian Transportation and Storage Company,' with amendments. He said: The report sets forth the narrative of the progress of the Bill sufficiently to obviate the necessity of any remarks of mine. I have only to add that the amendments were merely a change of two words, from Canada to Ontario, and the effect was to restrict the operations of this company to the province of Ontario and foreign countries. The members of the committee are sufficiently seized of the circumstances to enable them to deal with the question now. I move the adoption of the report.

Hon. Mr. KERR (Toronto)—I move that the consideration of this report be taken up to-morrow.

Hon. Mr. FORGET—I should like to ask the hon. gentleman who is making this motion to put it off till after the adjournment. We have other business to do and members will be away to-morrow.

Hon. Mr. McMULLEN—From what I know of this Bill, I think it is an exceedingly important one, and we should endeavour to deal with it at as early an hour as possible. It is very important that we should encourage and facilitate the organization of transportation companies on our great lakes, and in my humble opinion it is very much wanted. We should endeavour to meet the request of the promoter of this Bill at the earliest hour possible.

Hon. Mr. FORGET—I want the hon. gentleman to understand that I am not opposed to the Bill, but before it is discussed I should like to have some explanations about it and I should prefer to have it discussed after the adjournment.

The SPEAKER—Will the hon. gentleman from Toronto agree to the suggestion made by the hon. gentleman from Sorel?

Hon. Mr. KERR—I would be very glad to do that or to meet the convenience of any member of the Senate, but what I am afraid of is that unless we get in a position to be able to go on with the Bill, we may be put in a difficulty. It is not a Bill I am responsible for. I was only asked yesterday to look after it, and I am anxious on that account that there should be no delay in the consideration of this report. I do not intend to move an amendment to this report. The only amendment is the one which was effected on the motion of the hon. senator and that might be taken up to-morrow.

Hon. Mr. FORGET—Does the hon. gentleman intend to pass the Bill as amended?

Hon. Mr. KERR—I do not intend, as far as I am concerned, to move anything in amendment to what is reported from committee. Whether those interested in the Bill, who really should be here to take charge of it, will offer any amendment, is a matter about which I do not want to commit myself. I am not in a position to speak.

The motion was agreed to.

THE MANITOBA SCHOOL QUESTION.

MOTION.

Hon. Mr. BERNIER:

In view of the many declarations made by Sir Wilfrid Laurier, Premier of Canada, and his colleagues in the cabinet, that the Manitoba school question had been amicably and finally settled, calls the attention of the government, first, to the following resolutions passed at a 'mass meeting' of 'the Catholics of Winnipeg, held in Catholic Club room' of that city, on the 21st day of June, 1903, as follows:—

'Whereas the Lords of the Judicial Committee of the Privy Council of the British government, in a judgment delivered on the

29th January, 1895, declared that the right or privilege which the Roman Catholic minority previously enjoyed had been affected by the Manitoba legislature of 1890.

'Whereas, acting on that decision of the Privy Council, the government of the Dominion of Canada and of the province of Mantoba have, by arrangement, enacted certain amendments to the School Act of 1890 (generally known as the Laurier-Greenway Manitoba school settlement), purporting to redress the grievance of the said Roman Catholic minority of Manitoba.

'Whereas, the said agreement effected betwen the federal and the provincial governments has been proven defective, imperfect and insufficient, some few only of the school districts where the Catholics practically form the total of the ratepayers, having been able to take some slight advantage of it, and that only by the good-will of the local government; whilst in those of mixed population, where the Protestants are in a majority, no benefit whatever can be derived from the so-called school settlement.

'Whereas, the Catholics of Winnipeg in particular have seen their repeated efforts to obtain redress frustrated by the persistent refusal of the City School Board to entertain their just demands.

'And whereas, they have had now for more than twelve years to pay double taxes, one for the building up and support of the public schools of Winnipeg, the other for the maintenance of their own schools.

'Be it resolved, that we, Catholics of Winnipeg, in public meeting assembled, consider it our duty to put it on record that our grievance in school matters has so far in no way been redressed.

'Be it further resolved, that Messrs. J. G. Carroll, T. D. Deegan, P. Marrin, N. Bawlf, F. W. Russell and M. McManus, be a committee, with power to add to their number, to approach the local government and lay before the hon. the Premier of Manitoba our grievances, with the prayer for redress, and that in the event of the said local government refusing or showing unwillingness to grant our just demands, two of the members of said committee be instructed to proceed at once to Ottawa with a view to laying the matter before the federal government and to pray the Governor General in Council not to permit the aggrieved minority of Manitoba to suffer any longer unjust treatment, under which they have now laboured for more than twelve years.

'P. Marrin seconded, and the motion was unanimously carried.

'It is understood the committee will immediately proceed to carry out their instructions.'

2. To an interview between the gentlemen composing the deputation referred to in the foregoing resolutions and the Hon. Mr. Roblin, Premier of Manitoba, at which the said Premier of Manitoba, after listening to a statement of their case and their demand for relief, replied:

'Gentlemen,—I regret that you have felt it necessary to make the request you have just made. I would very much have preferred that some satisfactory arrangement had been reached between the school board of Winnipeg and yourselves. I say this because I have before me the recommendation to Council by the then Attorney General, Mr. Cameron, under date November 25, 1896, signed by Sir Wilfrid Laurier, representing the Dominion, on the one side, and Hon. Clifford Sifton, representing the province, on the other. You will notice that it reads: "A final settlement," which leaves the province no option in the matter. I am, therefore, unable to make you any promise. I don't think it is necessary for me to say anything more, but in courtesy, and also as, I presume, a matter of right, to give you this data I have before me.'

3. To the following report of an interview between the Premier and the Minister of Justice and Messrs. Deegan and Russell:—

'Ottawa, August 4.—Messrs. Deegan and Russell, representatives of the Roman Catholic minority in Winnipeg, had a meeting with Sir Wilfrid Laurier and Mr. Fitzpatrick to-day, at which all the grievances of the separate school supporters in that city were threshed out. The Prime Minister deferred his answer till Thursday, when he will reply in writing to the memorial of the delegates.'

4. And to the following editorial article which appeared in 'Le Temps,' a ministerial journal published in Ottawa, on the 11th of August, 1903:—

(Translation.)

'THE CATHOLIC DELEGATION.

'Messrs. Deegan and Russell, delegates from the Catholics of Winnipeg to the federal gvernment, have left Ottawa within the last few days after several interviews with Sir Wilfrid Laurier.

'They carry with them the written answer of the Prime Minister, an answer which they have not communicated to the press.

'It is not difficult, however, to form an idea of the general sense of this answer, for the federal government can only declare itself powerless to interfere henceforth in the solution of a question which depends solely upon the provincial government of Manitoba. And it seems, as well, that the delegates from the Catholics of Winnipeg perfectly understood the situation.'

The declarations of Mr. Deegan to a Toronto journalist are instructive in this respect.

These are the terms in which Mr. T. D. Deegan expressed himself:

'The object of the delegation was to ask the federal government to come to an understanding with the Manitoba government as to the legal condition in which the Catholic minority of Manitoba finds itself under the rule of the school law. We do not propose to ourselves to reopen the old school question. That is settled and past, and we do not seek to bring the government to do anything whatsoever in the sense of a remedial law. We have simply asked the government to use its authority to make the government of Manitoba recognize our legal condition with regard to the existing legislation.'

And moved:

That His Excellency the Governor General in Council be respectfully requested to cause to be laid upon the Table of the Senate a copy of the agreement referred to by the Hon. Mr. Roblin, in his interview with the gentlemen who composed the Catholic deputation, as having been entered into and signed by Sir Wilfrid Laurier, representing the Dominion government, on one side, and Hon. Mr. Clifford Sifton, representing the province of Manitoba, on the other side, together with a copy of the 'reply given in writing to the memorial of the delegates, by the Premier, Sir Wilfrid Laurier, and the Minister of Justice, the Hon. Mr. Fitzpatrick,' and that, if no written reply was given

by the Premier, the Senate be informed of the character of the demands made by said deputation, and of the answer given, or of the action taken thereon, by the Premier and the Minister of Justice.

He said: My object in placing this motion upon the Order paper was to get information on a matter in which the public interest is involved, and also to express my views upon certain statements quoted in that motion.

We have very often been told that the school question was settled. When the transaction which is continually presented to us as a settlement, was effected, the minority lost no time in protesting against that transaction, which has settled nothing. Since then we have persistently protested and suffered. Nevertheless we have been again and again told that the minority should be satisfied. Now we have an important body of men emphatically declaring that this so-called settlement has entirely failed to give any redress to their well-founded grievances. Even in the localities where some slight advantages have been taken of it by the minority, these advantages are due only to the good-will of the provincial authorities, and not to the so-called settlement itself. Here is what they say:

'The said agreement effected between the federal and provincial governments has been proven defective, imperfect and insufficient; some few only of the school districts where the Catholics practically form the total of the ratepayers, having been able to take some slight advantage of it, and that only by the good-will of the local government; whilst in those of mixed population where the Protestants are in a majority, no benefit whatever can be derived from the so-called school settlement.

'The Catholics of Winnipeg in particular have seen their repeated efforts to obtain redress frustrated by the persistent refusal of the city school board to entertain their just demands.

'They have had now for more than twelve years to pay double taxes, one for the building up and support of the public schools of Winnipeg, the other for the maintenance of their own schools.'

No wonder then that the Catholics of Winnipeg have considered it to be their 'duty to put it on record that their grievances in school matters have so far in no way been redressed.'

After having so expressed themselves, the Catholics of Winnipeg went to the local authorities with the view of getting some relief. They were met by this answer from the provincial Premier, Mr. Roblin:

Gentlemen,—I regret that you have felt it necessary to make the request you have just made. I would very much have preferred that some satisfactory arangement had been reached between the school board of Winnipeg and yourselves. I say this because I have before me the recommendation to Council by the then Attorney General, Mr. Cameron, under date November 25, 1896, signed by Sir Wilfrid Laurier, representing the Dominion on the one side, and Hon. Clifford Sifton, representing the province, on the other. You will notice that it reads: 'A final settlement' which leaves the province no option in the matter. I am, therefore, unable to make you any promise. I don't think it is necessary for me to say anything more, but in courtesy, and also as, I presume, a matter of right, to give you this data I have before me.

With respect to these statements, I wish to remark in the first place that it is somewhat strange that up to the present the document referred to has never been produced before this parliament, although repeatedly asked for. The results of the conference between the two governments have been published, and even enacted in some legislation. But the original document itself, signed by the Premier of Canada and Hon. Clifford Sifton, has never been laid before parliament. It should be produced together with the Orders of Council of both governments; for an exchange of such Orders in Council must have taken place between the two governments, and consequently this government is in a position to produce them all.

Now, as to the respective jurisdiction of the federal and of the provincial authorities, I must, with all deference to the opinions of others, place on record my own views.

In my opinion, the provincial legislature has still complete jurisdiction upon that subject. No settlement or legislation falling short of the requirements of the remedial order can put an end to the jurisdiction of either legislative body. And no one can assert that the so-called settlement is a compliance with the remedial order. Moreover, so long as this parliament has passed no remedial legislation, the jurisdiction of the province remains untouched.

It may be said that Mr. Roblin does not, in his answer, express anything to the contrary. But some one might infer from that answer that he does, and it is on account of this possibility that I feel bound to place on record my own views, in order that there may be no misconception of the true position in which the rights of the minority stand.

But having said so much as to the provincial jurisdiction, I must also maintain that this parliament has also full jurisdiction. There has been a remedial order passed. That remedial order is a final judgment, defining our rights. That judgment is *the judgment* in the case. It is final and binding upon all parties. It cannot be altered or rescinded by the Governor General in Council. Now, the local authorities having failed to comply with the requirements of the remedial order, their refusal has given jurisdiction to this parliament. So long as this refusal subsists, the jurisdiction continues. The last answer given by the Premier of Manitoba must itself be construed as being at least a neglect to give the proper redress to that long-standing grievance. And I must add, that the federal interference, with regard to the best interest of the minority and of the peace of the country at large, is the best way of settling that school question. The action of the federal authorities would be final, whilst the action of the provincial legislature would not, of its nature, be final. What a legislature would do, another legislature could undo.

Now, with respect to the statement of one of the delegates—Mr. Deegan—purporting to say that the school question is settled and past, I doubt very much that this gentleman has so expressed himself. I am sure that his words must have been inaccurately reported; because the minority in Manitoba does not regard the school question as settled.

Now, my motion is for the production of certain documents. I hope that the government will consent to lay those documents upon the Table of the Senate. They are important, and the public, as well as the minority, are entitled to have them.

Hon. Mr. SCOTT—There was but one memo of the settlement made between the parties to whom the hon. gentleman refers, either in the end of 1896 or the beginning of 1897, which, as the hon. gentleman knows very well, was incorporated afterwards in a statute of the provincial legislature of Manitoba. The agreement my hon. friend has asked for several times, and it has always been produced. It is to be found in the appendices of the journals—I do not know whether it appears in the journals of this House, but certainly it does in the journals of the House of Commons, and I think my hon. friend is in possession of that agreement. I sympathize very much with him in the unfortunate position of the minority in Manitoba, but the federal government has used all its influences to make the terms of the settlement as fair, as reasonable and as just to the minority as possible. More could not be done. It was hoped that as time went on a more tolerant spirit would prevail, and that the majority would recognize that the minority had been guaranteed certain rights in the agreement under which Manitoba came into the union. We have been disappointed in that. No more pressure can be brought beyond the influence which one government can exercise with another in reference to the unfair treatment the minority have received, and that has been exercised. The hon. gentleman says the subject is entirely under the control of the province, and it is open to the province to make any change they please.

Hon. Mr. BERNIER—I did not say it was entirely under the control of the local government. I said the province has jurisdiction, but I did not say it was entirely under their control.

Hon. Mr. SCOTT—I take issue with my hon. friend there, I say it is absolutely and exclusively under the control of the provincial legislature. We know the subject of education at the time of confederation was remitted to the provincial governments.

Hon. Mr. BERNIER—With a limitation.

Hon. Mr. SCOTT—Unfortunately, the Privy Council, in my judgment—I have often expressed it before, and I do not hesitate to express it again—did not correctly interpret the constitution as we ourselves understood it, and as we had worked under it some thirty years. That was a great misfortune, and subsequently an effort was made to redress the unfortunate action that had been taken, but it was a failure. I am not going to discuss broadly the condition, but the remedy lies entirely with the legislature of the province of Manitoba. Now, so far as the last interview between the Premier and the delegates from Winnipeg is concerned, no written reply was given. I was not present at the interview;

it was entirely confidential, and I am not aware of what passed. I asked the Premier if he would put me in possession of the facts so that I could give an answer to the hon. gentleman, but he said the interview was a confidential one, and what had occurred had not transpired from the delegates themselves, and he would not make it public, as it was understood it would not be made public. I lay a copy of the settlement on the Table. My hon. friend has had it.

Hon. Mr. WATSON—It is hard for me to understand the object of the hon. gentleman in reviving, at this late day, the question of the settlement of the school difficulty in Manitoba, and trying if possible to make it an issue, I suppose, in politics, because during a very recent election in Manitoba this question was thoroughly discussed in the constituencies that were supposed to be almost exclusively Catholic. Of course, I am not a lawyer, and do not pretend to discuss this from a legal standpoint, but having been a member of the Manitoba Government at that time, I have some knowledge of the negotiation, and it was considered a satisfactory solution of the difficulty as far as the Manitoba people were concerned when the government at Ottawa agreed not to carry out the remedial order made by the late Conservative government on the province of Manitoba, providing they would agree to give certain concessions to the Catholic minority in Manitoba. These concessions consisted of allowing a Catholic teacher where there were a certain number of Catholic children, and I may say that the best evidence that that agreement was satisfactory is the fact that almost every district outside of the city of Winnipeg has been working under the provisions of the Act, and it has been very satisfactory, very little complaint being heard outside of Winnipeg. I think there are some eighty odd schools working under the provisions of the Act. I should be very sorry to suppose that the Manitoba government were so far forgetting their duties as a government as to allow any schools to be conducted contrary to the law of the land. Yet that is exactly what the hon. gentleman stated here to-day. He said that by the grace and leniency of the Manitoba government, these schools were able to exist to-day. I know that was not the case when the late Greenway government were in power. This law was then in force, before they retired from office, and has been in force since, and I trust it has been observed. I can see no other reason for bringing this matter before parliament except as an excuse for bringing up the answer given by the Premier of the province of Manitoba, because it must be apparent to every member of this House, when the Premier made the answer to the delegation, that this matter was out of his hands. He found the agreement signed by Sir Wilfrid Laurier on one hand and the Hon. Clifford Sifton on the other hand, which took the matter entirely out of his hands. A more absurd statement or answer to give to a delegation would be hard to understand, because we all know that these matters are entirely under the control of the Manitoba legislature. They can repeal or can do anything they like with the School Act. The arrangement arrived at between Sir Wilfrid Laurier as Premier of the Dominion government and the Hon. Mr. Sifton, representing the Manitoba government at that time, on the other hand, was an understanding between the government of that day and the government of Manitoba that so far as they were concerned, if these concessions were made, there would be no remedial legislation; because it must be admitted that the federal authority have power to pass such legislation. I can assure the hon. gentleman that the province of Manitoba would not submit to have the federal authority interfering with local matters of that description. So far as the school law is concerned, that is clearly within the jurisdiction of the province, and the people of Manitoba would never submit to any interference on the part of the federal authorities in a matter of local concern. During the recent election which I have spoken of, this matter was discussed, and in no place was it discussed more fully than in the constituency in which the senator who brought up this matter lives, St. Boniface, which is almost exclusively Catholic.

Hon. Mr. BERNIER—Oh, beg pardon.

Hon. Mr. WATSON—If there is a constituency in the province of Manitoba that

is strongly Catholic, it is St. Boniface. It is the head of the church in Manitoba. The hon. gentleman's own son was a candidate there. I have no doubt he held the same views on this question as the hon. gentleman does, and as the hon. gentleman's views have been expressed on several occasions in this House, there is no uncertainty as to his position on this question, as evidenced by the resolution on the Order paper to-day. Notwithstanding that fact, the gentleman who opposed him, who was running as a supporter of the Greenway government, which effected this settlement, the Liberal candidate in that constituency, was elected against the hon. gentleman's own son.

Hon. Mr. BERNIER—We will see about that.

Hon. Mr. WATSON—I will not confine the opinions expressed by the people of Manitoba to one constituency; every constituency in the province of Manitoba, with the exception of one, where the Catholics were in a majority, returned the Liberal candidate. That is evidence that there is no far-reaching complaint on the part of the province of Manitoba against the settlement, and that it is confined to the city of Winnipeg. The City of Winnipeg School Board have had negotiations with the Catholic representatives in Winnipeg. There is no doubt the Catholics of Winnipeg, from choice, are paying a heavy tax, because, in addition to maintaining their own schools, they have to pay the regular school tax which goes to the maintenance of the public schools, because in Manitoba we have only one school law. A great majority of the Catholics of Winnipeg have seen fit—because I understand a large number of Catholics in Winnipeg go to public schools—to maintain separate schools. They have a choice. Any other denomination that wishes to do the same would have the same privilege. They could have their separate schools, but they must pay their taxes to the public schools. Now, in the city of Winnipeg the school board have offered to treat the Catholic minority very liberally, because the Catholics in Winnipeg have a certain number of schools belonging to the church, and I understand the School Board of Winnipeg offered to take over the Catholic children—I think there are some eight hundred of them—and educate them, and to take over any school property belonging to the Catholics in the city of Winnipeg which is suitable for school purposes. The school law provides that where there is a majority of Catholic children they can have a teacher. I understand the agreement was they were to take over any qualified teachers that were employed in the separate schools, required for the purpose of teaching the children, but the offer was refused when it came down to the fine point. I believe there is more politics in this than anything else. Some of these gentlemen would be out of a job in Winnipeg if it were not for the agitation in this matter. These gentlemen say: 'We have another objection; we insist that you not only take over our qualified teachers, but that they shall be allowed, when taken over, to wear the religious garb.' The trustees of Winnipeg would not agree to that. After what has taken place, I venture to say that the school board of the city of Winnipeg are bound to recognize the system of public schools, which are public schools in every sense of the word, and that they are not going to agree that a religious garb shall be allowed in any school. They could not do it, and if they did, I venture to say not one of them would be re-elected. It would be a mistake to do anything of the kind.

Hon. Sir MACKENZIE BOWELL—That has nothing to do with the motion.

Hon. Mr. LANDRY—Nothing to do with the motion.

Hon. Mr. WATSON—I think it has all to do with the motion, because with that one exception, I think everything the Catholics asked was conceded, and if that was granted, the Catholics of the city of Winnipeg to-day would not be in a position to require a delegation to come to Ottawa, or the hon. gentleman to make this motion before the senate. I do not wish to take up further time, but I do not think, from the experience of the past years, and the working of the school law as it exists to-day in Manitoba, that any gentleman would be able to revive it, and it will never be an issue in the House of Commons at Ottawa. The matter is settled, and the only reason the hon. gentleman can have for bringing it up to-day is for the purpose of making

some showing of an excuse for the Premier of the province of Manitoba when he told the delegation that this matter was settled, and he had nothing to do with it, when everybody in this House, and in the House of Commons, and everybody in the legislative councils in the Dominion knows, that so far as the school laws are concerned, it is entirely under the control and jurisdiction of the local legislature. Mr. Roblin can repeal that whole school law; he can make any regulation he likes; he can provide that every school in the province shall be a separate school if he sees fit.

Hon. Mr. LANDRY—There is one thing certainly that the hon. gentleman does not know.

Hon. Sir MACKENZIE BOWELL—A good many things.

Hon. Mr. LANDRY—And that is that he ignores completely the judgment rendered by the highest tribunal of the empire.

Hon. Mr. WATSON—No, I do not.

Hon. Mr. LANDRY—He wilfully ignores it. When the hon. gentleman comes here and says the Catholics of Manitoba have all they want he makes a statement which is not founded in fact. What did the Catholics of Manitoba ask for? They asked three things. They asked for separate schools; they asked for a grant to sustain them, and they asked for exemption from taxes for the maintenance of Protestant schools. Have they any one of those three things? Not at all. Have they separate schools? No, they have not. Have they the means to sustain their schools? They have not. Are they exempted from contributing to the maintenance of the Protestant schools? No, they are not. They have nothing at all.

Hon. Mr. WATSON—There are no Protestant schools in Manitoba. They are public schools.

Hon. Mr. LANDRY—They are neutral schools—schools that are worse than Protestant schools for the Catholics, because nothing of God is taught in them. They are worse than schools that would be against their religion.

Hon. Mr. WATSON—Provision is made for religious teaching.

Hon. Mr. LANDRY—The Catholics to-day have nothing of the things they asked for. They went to the Privy Council twice, and had two judgments. Up to this date the hon. Secretary of State fails to see that the two judgments are not contradictory, and in a memorandum addressed by the Premier of this country, Sir Wilfrid Laurier himself, to the late Pope, it is asserted that the last judgment of the Privy Council contradicts the former one. The honourable premier affirmed in that memorandum that the members of the Privy Council did not understand the question, though it is very easy to understand. It is the Premier himself who never understood those two judgments given on two different points. When a regulation was passed by the city of Winnipeg, according to the law of 1890, what happened? The Catholics refused to pay. They went from court to court, up to the Privy Council, claiming that the law was ultra vires. What did the Privy Council decide? They decided that the law was not ultra vires. It was a law that was within the scope or under the jurisdiction of the local legislature, because the local legislature had a right to establish those neutral schools. When Manitoba went into confederation, Manitoba had a right to enjoy the system which was existing at the time, and that system was not a system of separate schools. It was schools as they existed at the time, and the Privy Council decided that the law was intra vires. Such was the meaning of the first judgment, but in 1870 the legislature of Manitoba passed a law and a change took place. Separate schools were accorded to the Catholics of Manitoba, and what was the contention of the Privy Council as embodied in the last judgment? It was this, that in losing what they had acquired since they entered into confederation, the Catholics of Manitoba had a grievance and that grievance could only be settled by the Governor General in Council. What did the minority do? They applied to this last tribunal. But before coming and laying their grievance before the parliament of Canada, the law question was settled and a case was submitted to and decided by the Supreme Court; then an appeal was taken to England, and what was the judgment rendered by the Privy Council in England? Here is the judgment of January 29, 1885:

It is decreed that the Catholic minority of Manitoba has just grievances, the redress of which, as a question of appeal to be decided, falls within the jurisdiction of the Governor General in Council.

The Governor General in Council heard the appeal and rendered a judgment, and what is the judgment ? It is what is known as the Remedial Order, under which the local legislature of Manitoba was ordered to modify its school legislation in such way as to give to the Catholic minority of Manitoba——

(a.) The right to construct, maintain, furnish, manage, conduct and sustain Roman Catholic schools in the manner provided for by the Acts which the statutes of 1890 have repealed ;
(b.) The right to share in any subsidy made out of the public funds for the needs of public instruction ;
(c.) The right of the Roman Catholics who shall contribute to sustain the Roman Catholic schools to be exempt from all payments or contributions destined for the maintenance of other schools.

Has the legislature of Manitoba complied with this Remedial Order ? No. On different occasions they have refused, and it was on the refusal of Manitoba to do justice to the Roman Catholics of that province, that it became the duty of the parliament of Canada, under the constitution, to take the place of the legislature of Manitoba, and to enact legislation to redress the grievances of the Roman Catholics of that province. Parliament has never assumed to take the place of the legislature of Manitoba, except after Manitoba refused to comply with the Remedial Order. The hon. gentleman spoke of a compromise. By whom was that compromise made ? Was it by the two litigating parties—the minority on one side, and the Manitoba government on the other ? No, but the settlement was made by the judge on one side with one of the parties, and the other party was ignored. Nothing could be shown to-day that would prove that the Roman Catholic minority was a party to that compromise. It was never a party to the compromise. It was a compromise between the government of Manitoba, and the government here—that is to say, between the judge and one of the litigating parties. That is how justice was rendered to the Catholic minority of Manitoba. What do we ask ? Nothing but what the constitution gives us and what the judgment of the Privy Council granted to the Roman Catholic minority of Manitoba. The hon. gentleman wants to impute motives and say that this question is brought up for political purposes Facts assert the contrary, and to-day, though it is a Conservative government that is in power in Manitoba, we are ready to ask parliament to do to that Conservative government what we previously asked parliament to do to the Liberal government in Manitoba ? We do not want politics; we want justice. We do not ask for favours ; we are only claiming our rights, and I hope the people of Manitoba will see at last that they are committing and continuing an injustice towards the minority of that province, when they compel that minority to take out of their pockets money to maintain schools to which they cannot send their children. These are the few remarks I want to put on record as a protest against the insinuations of the hon. gentleman, and against the answer given by the hon. Secretary of State that this question was one not within the competence of this parliament. The judgment has been rendered ; it has not been executed yet, and until it has been executed, the question rests solely upon the shoulders of this parliament.

Hon. Mr. WATSON—In the opinion of the hon. gentleman, has not the Manitoba government full power to give all the redress required ?

Hon. Mr. BERNIER—Yes.

Hon. Mr. LANDRY—Until the Manitoba government has refused; but when the Manitoba government refuses to do justice, the law says that it is the parliament of Canada—the Governor General in Council, that is obliged to give that justice which the legislature of Manitoba refuses to give.

Hon. Mr. WATSON—The government of Manitoba has to refuse, apparently.

Hon. Mr. LANDRY—They have refused, and the jurisdiction now remains here.

Hon. Mr. DANDURAND—I do not admit that Manitoba has refused to cure the evil which the hon. gentleman points out. I think it is pretty well agreed that outside of the city of Winnipeg the 'modus vivendi' is satisfactory to the Catholics of Manitoba.

Hon. Mr. BERNIER—It is not.

Hon. Mr. DANDURAND—I have heard important Roman Catholic authorities make

statements to that effect. We know that outside of Winnipeg there is a state of things which is satisfactory to the local Catholic authorities in each municipality and township, so that there is but the city of Winnipeg where the Catholic minority has a real grievance. I wonder why the local authorities are not assailed, and are not pressed more seriously than they have been. We have here a statement of the Hon. Mr. Roblin, Premier of Manitoba, who seems to say if he had authority to act he would gladly come to the rescue of the Catholic minority. He says :

> I would very much have preferred that some satisfactory arangement had been reached between the School Board of Winnipeg and yourselves. I say this because I have before me the recommendation to Council by the then Attorney General, Mr. Cameron, under date November 25, 1896, signed by Sir Wilfrid Laurier, representing the Dominion on the one side, and Hon. Clifford Sifton, representing the province, on the other. You will notice that it reads : 'a final settlement,' which leaves the province no option in the matter.

So that the inference which was intended should be drawn by the electors in Manitoba was that Mr. Roblin, if his hands had not been tied by that settlement, would have come to the rescue of the minority in Winnipeg. We have heard the hon. gentleman from St. Boniface challenge the statement made by Mr. Roblin, that the province of Manitoba was divested of all authority in the matter. I was glad to hear the hon. gentleman give a complete denial to the affirmation of Mr. Roblin, that the province of Manitoba had no more right in the matter. But he did so with all due regard to the bonds that attach the hon. gentleman to his political leader, Mr. Roblin. What he did not emphasize I shall do in his stead. Hon. gentlemen will notice the conclusion arrived at by Mr. Roblin :

> I am, therefore, unable to make you any promise. I don't think it is necessary for me to say anything more, but in courtesy, and also as, I presume, a matter of right, to give you this data I have before me.

I would credit the Hon. Mr. Roblin with very little common sense and intelligence if I thought that this answer was in good faith. There was no vestige of good faith in that answer of Mr. Roblin. It was a political game he was playing, an electoral scheme to try and blind the Catholic electors of Manitoba into voting for him, their best friend, but whose hands were tied by that settlement. I am happy to find that the Catholic minority of Manitoba was not deluded by this answer of Mr. Roblin. They took it for what it was worth —a delusion and a fraud practised on them, and as a result, four of the five Catholic constituencies in Manitoba slapped Mr. Roblin's face as they should have, for this gross fraud he attempted to practise on them, and elected four Liberals to the local House. I am not going back over the whole question, but if the Roman Catholic minority of Manitoba and their champions had exercised during the year 1890 as much pressure as they did in the following years on other governments—if they had exerted the legitimate influence they had to have this law of 1890 disallowed, I think they would have succeeded in obtaining it from Sir John Macdonald; but they did not want to embarrass Sir John Macdonald's government—they allowed the golden opportunity to pass by, and when the year was over they found themselves in a very bad mess indeed. There remains but one point where the shoe pinches. It is Winnipeg. The Hon. Mr. Roblin has declared that he has sympathy for the minority. We do not know yet but he will come to the rescue of that minority in the city of Winnipeg and do the right thing by them, when he is informed by the hon. gentleman from St. Boniface, who has a legal training, and other legal gentlemen that he completely erred, if he was in good faith, which I do not give him credit for, when he said he was divested of all authority. Let us hope his sympathy for the Catholic minority, which flowed when the election was on, will continue to flow in the same direction, and that he will remedy the just grievances brought before him.

Hon. Sir MACKENZIE BOWELL—The discussion of the motion has drifted altogether from the point raised by the hon. gentleman from St. Boniface. The motion, as I understand it, was simply asking for information, as to what had been done in the past ; first, that the resolution to which Mr. Roblin, now Premier, referred, should be laid before the Senate, and second, the agreement or understanding entered into between the Premier and the delegates who came from Winnipeg should also be laid before the House. We know that the statement was

made, and has never been contradicted, that Sir Wilfrid Laurier, after the first interview, stated that he would give them an answer to their request in writing. What my hon. friend has asked for is that whatever agreement was entered into should be laid before the Senate, and if no agreement were entered into in writing, nor any pledge or statement made in writing, then the verbal understanding reached between these negotiating parties should be laid before the public, in order that the public might know the exact position in which the affair stands to-day, and as to whether the Premier of the Dominion had informed the gentlemen who composed that delegation, that the question rested entirely and solely with the province of Manitoba, and that they must seek redress from the government of Manitoba, or that they would as a Dominion government, come to their rescue in case of a refusal by the government of Manitoba to accede to the request of the minority. Now, that is what the hon. gentleman asked for, and what I think this House is entitled to receive. I shall not be dragged into a discussion of the merits of this question, as has been indulged in by hon. gentlemen who preceded me, nor reply to the speech of the hon. gentleman from Portage la Prairie. I have simply to say this in reference to the question itself; as I understand the question, it is very simple. Matters affecting education in any province are within the jurisdiction of the province itself, within the conditions of the constitution under which Manitoba and the North-west Territories came into the Dominion. The rights of the minority were guaranteed in the Act which admitted Manitoba into the Dominion. If that Act furnishes the same protection for the minority of Manitoba that is given to the Protestant minority in Quebec, and the Roman Catholic minority in Ontario, then the minority of Manitoba has a right to seek redress here if those rights be infringed. It is not necessary for me to discuss that question. I think it is generally admitted. The only point is how far Manitoba transgressed the provisions of that section which provides for the protection of the minority in the Act which brought them into confederation. There is one point raised by my hon. friend from de Lorimier as to which he will pardon me if I say he rather begged the question, that is, when he spoke of disallowance. Has he forgotten that when the question of misunderstandings upon questions of this character was under consideration in the House of Commons, long after the law establishing separate schools had been enacted by Mr. Norquay, the then Conservative Premier of Manitoba, when questions arose as to the condition and state of the schools in that country, Mr. Blake, on a motion to go into supply, offered an amendment, declaring that all questions of dispute arising out of the non-enforcement of the school laws in any province, should be referred to the Supreme Court for adjudication. Sir John Macdonald at that time declined to accept the amendment and asked to have it stand. The next day, when the House opened and the question of supply again arose, he accepted the motion of Mr. Blake, and at the following session of parliament crystalized it into law, and it stands on the statute-books to-day. Now the hon. gentleman says, in the face of that very suggestion made by his then leader and the leader of the Liberal party in the House of Commons and in Ontario, and accepted by the leader of the Conservative party and Premier of the Dominion—and in the face of that law, the government should have disallowed the local Act.

Hon. Mr. DANDURAND—Was the Catholic minority of Manitoba a party to the agreement between Sir John Macdonald and Mr. Blake ?

Hon. Sir MACKENZIE BOWELL—No. It was the act of the parliament of Canada.

Hon. Mr. LANDRY—It was before this question arose.

Hon. Sir MACKENZIE BOWELL—Long before this dispute arose the parliament of Canada adopted that resolution of Mr. Blake for the purpose of removing all disputes of that kind from the political arena, and placing them before the judges of that country. That was the reason why it was accepted by Sir John Macdonald. They foresaw—both Mr. Blake and Sir John Macdonald—the difficulties which might arise out of such issues, and they both thought it was in the interests of peace and harmony in this coun-

try that these questions affecting prejudices arising from race, religion or the teaching of religion in the schools, should be removed from the political arena, and for that purpose, and for that purpose alone, the leaders of the two great political parties crystallized that resolution into the law of the Dominion. My hon. friend opposite from Wellington, I am quite sure, remembers the circumstances, that all parties at that time were anxious, as they would be to-day, that these questions should be removed from the political arena. We have heard enough of it. I have expressed my opinion upon this question fully in the past. I have my opinion of separate schools. It is not necessary for me to repeat it. I have taken one stand throughout in maintaining what I believe to be the rights guaranteed to the minority by the constitution of the country, and by the law which brought Manitoba into the confederation, and on that principle, as a public man, I have stood in the past and am quite willing to remain in the future. I apologize for going beyond the object of the motion. I would not have done so had it not been for the remarks of my hon. friend opposite. I have heard them so often—in fact I have heard the Secretary of State say that we should have disallowed that law. I need not tell hon. gentlemen—if I did it would be verified by my hon. friend from Manitoba—that had the Dominion government at that time disallowed the Act of Manitoba it would have been re-enacted over and over again.

Hon. Mr. WATSON—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And it would have led to greater trouble, almost led to rebellion.

Hon. Mr. WATSON—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The government at that time—I must be excused for referring to it, but I am as responsible for it as anybody—thought it better to enter into friendly relations with that government in order to ascertain what should be done.

Hon. Mr. YOUNG—I think the same argument would apply to the remedial order.

Hon. Sir MACKENZIE BOWELL—I am not going to argue that question of the remedial order. We carried it as far as we could, and the charge that we tried to bulldoze or coerce the Manitoba government is not sustained by the documents of record. That much I say in defence of the government of which I was a member. Let me go back again to the subject of the motion before the House. I fully approve of the motion made by my hon. friend for the prodcution of these papers. The Secretary of State tells us that they have been laid before parliament over and over again. If they have, I have never seen them, and I think I have paid as much attention to this question as most members. All I have ever seen was the law passed in Manitoba, based on the agreement for which the gentleman asks. What we complain of, and we think we have just cause to complain, is that negotiations of a most important character should be withheld. Is it not as much the interest of the Senate and of the people of this country that we should know what position our government takes upon a question which is agitating the public mind, not only in Manitoba, but here, as it is that they should keep it within their own breasts? I have moved in the past over and over again in this House for the production of correspondence, papers and documents which led to what they term the final settlement of this question. I have been told over and over again by the Secretary of State that no such documents exist—that there was no correspondence, and that there was no such agreement—but now we are told in this case that no written statement was made by the Premier and the Minister of Justice, that the interview was of a private character, and that therefore they decline to divulge it. Whether agitation exists in Manitoba or not I am not going to discuss. I contend that on a question of this vast importance and which has agitated the Dominion from one end to the other, and which, if the statements made by those who came here from Winnipeg are true, is agitating Manitoba still, the public should be informed. I am not going to dispute the statements made by the hon. gentleman opposite, nor the rebuttal of the statement by hon. gentlemen on this side, but that there is an agitation is beyond peradventure, and if that continues it will keep disturbing not only the political but the social elements of the country for a long time to come. What I do complain of—and the Secretary of State will excuse me for having so complained—

is that we are told that on a question of this importance there is no correspondence and no agreement other than that embodied in the resolution, and that now, while the agitation is being continued, the interviews with the government are private and cannot be divulged.

Whether that is justice to the community I leave for those who listen to me and those who in the future read the statements, to judge. It is not satisfactory to me. It should not be satisfactory to any legislative body, and I question very much whether it will be satisfactory to anyone—either those who support the public school system in the west or those who oppose it. The statement of the hon. gentleman opposite as to the motives of Mr. Roblin and my hon. friend, I let pass for what it is worth. There is room for half an hour's discussion on that point, but I am sure the House does not wish to hear anything more that I have to say on the subject. I repeat that we ought to have all the information requisite to form a correct judgment on this question and to justify the Dominion government if their position is such as to warrant justification, or to condemn them if it is not.

Hon. Mr. SCOTT—I have on every occasion given this House a full and frank and complete statement of this question. I said in the beginning that there is no correspondence. It is not a subject that would be carried on by correspondence. I laid on the Table of the House some years ago, and I think periodically since, the only agreement ever entered into, and it was embodied in a statute. When the delegates came down recently to Ottawa, the Premier and Mr. Fitzpatrick met them and said they could do nothing more than to express their sympathy and bring what influence they could to bear on the Manitoba government. There was no written statement of the interview. The delegates have given nothing to the public, and therefore they felt it would be unwise to make public the details of the interview. It would only perhaps defeat or postpone opportunities that might occur at some time or other in the future for interference to influence the government of Manitoba. It is only through that channel that anything can be accomplished. It is not by diplomatic correspondence or by written letters—it is by using those personal influences which people exercise when they come in contact with one another and represent the feelings they hold on a particular subject. The House has had the fullest information on the question. Nothing came of the interview with Mr. Fitzpatrick and Sir Wilfrid Laurier. If any result had followed, the delegates would have stated so, but it would not be in the interest of the parties themselves to detail all the conversation that passed to and fro during that hour of the interview or whatever period of time occupied. It would not help the case ; it would rather retard a settlement.

Hon. Mr. DeBOUCHERVILLE—Has the agreement signed by Sir Wilfrid Laurier and Mr. Sifton been put before the House ?

Hon. Mr. SCOTT—Yes, time and again.

Hon. Mr. DeBOUCHERVILLE—Will the hon. gentleman tell me when ?

Hon. Mr. SCOTT—This question has been brought up several times.

Hon. Mr. DeBOUCHERVILLE—I have never seen the agreement.

Hon. Mr. SCOTT—I do not know whether it is printed in our journals, but it is printed in the appendices of the House of Commons for the year 1897, and it is in the Manitoba statutes. I can have a typewritten copy made for my hon. friend at any time. The printed copies are all exhausted. They were distributed at the time. I tried to find a printed copy and could not get one the other day.

Hon. Mr. DeBOUCHERVILLE—The Hon. Sir Wilfrid Laurier stated that he would give in writing his opinion on this conference with the delegates. The hon. gentleman from St. Boniface wants to know if that can be had for the Senate.

Hon. Mr. SCOTT—No, Sir Wilfrid Laurier made no statement. I asked Sir Wilfrid Laurier myself whether there was anything that could be given to the Senate and he said no. I saw Sir Wilfrid Laurier after my hon. friend put his notice on the paper, and I showed it to the Premier. He said there was really nothing evolved from it. He said they had a conversation, but there was nothing of a public character.

Hon. Mr. WATSON—He did not say anything in the House of Commons either.

Hon. Mr. SCOTT—No.

Hon. Mr. BERNIER—In placing my notice on the Order paper and making my speech, I had no intention of originating such a debate as has occurred. Many of the speeches have been entirely irrelevant to the question, but since it has taken that shape, I think I should say something in reply. In the first place, I should rebut the assertion that the local legislature has sole jurisdiction over this matter. It is very regrettable that the hon. Secretary of State should ignore the law and the judgment in the case. It is plainly stated in the statute that the jurisdiction of the local legislature in the matter of education is limited. It is plainly limited in the British North America Act of 1867, and also in the Manitoba Act. It says:

22. In and for the province of Manitoba, the said legislature of the province may exclusively make laws in relation to education, subject and according to the following provisions:

(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the province at the union.

(2) An appeal shall lie to the Governor General in Council from any Act or decision of the legislature of the province, or of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

Surely this is a very important exception which should not be ignored by the members at least of the government. It then goes on in a subsection to say what parliament should do:

(3) In case any such provincial law as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section is not duly executed by the proper provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require the parliament of Canada may make remedial laws for the due execution of the provisions of this section and of any decision of the Governor General in Council under this section.

The hon. gentleman also ignores the finding of the Privy Council. He said that they had given judgment against us. This is not accurate. Here is the finding of the Privy Council:

The decision of the Judicial Committee of the Privy Council in the case of Barrett vs. Winnipeg and Logan and the city of Winnipeg does not dispose or conclude the applications for redress based on the contention that the rights of the Roman Catholic minority which accrued to them after the union under the statutes of the province, have been interfered with by the two statutes of 1890 complained of in the said petitions and memorials.

In answer to the 5th question:—That the Governor General in Council has jurisdiction and the appeal is well founded but that the particular course to be pursued must be determined by the authorities to whom it has been committed by the statute; that the general character of the steps to be taken is sufficiently defined by subsection 3 of section 22 of the Manitoba Act, 1870.

6. In answer to the 6th question:—That the Acts of Manitoba relating to education passed prior to the session of 1890 did confer on the minority a right or privilege in relation to education within the meaning of subsection 2 of section 22 of the Manitoba Act which alone applies: that the two Acts of 1890 complained of did affect a right or privilege of the minority in such a manner that an appeal will lie thereunder to the Governor General in Council.

In face of that, how can it be contended that the local legislature has the sole jurisdiction in the matter, when it confers upon the Governor General in Council and this parliament complete jurisdiction in the matter upon which we are dealing? In reference to the remarks of the hon. Secretary of State, I must also regret that all those negotiations were conducted secretly. It seems to me the minority of Manitoba is sufficiently interested in those matters to know what is going on, and it is a matter of deep regret to us that the government does not take us into its confidence more than it does. As to the remarks of the hon. gentleman from Portage la Prairie, he makes a great deal of the vote of the people of Manitoba. In the first place, I think that the people of Manitoba, or the people at large, have nothing to do with it. The constitution has placed this matter outside of the reach of the people. It has placed it in the hands of the Governor General in Council, that is, in a special tribunal constituted expressly for that purpose, and even if the whole of the people of Canada would vote against any redress of our grievances, that would not amount to an estoppel. The hon. gentleman from Hastings (Hon. Sir Mackenzie Bowell) said once, that if he were to vote alone for the redress he would do it. That is the position to take. But the hon. gentleman from Brandon spoke of the Catholic minority having sustained the Liberal party. I may say to you that on examination the majority of the Catholics in Manitoba voted against the men who were responsible for this legis-

lation. The hon. gentleman had also the good grace to speak of St. Boniface. I will not say much with regard to that election. It is a delicate matter with me ; for a son of mine was a candidate, but another tribunal will speak on the matter, by and by and we will see what they will say. About the working of the schools in the rural parts, it is true our schools are conducted under a new law. That is to say, we have been obliged, in time of depression, to take whatever advantage we could. That is the condition. It is by sufferance and no more, and the people are not satisfied with this state of things, and even if they were, they have no right to be satisfied with a condition of things which is against the constitution, because in this matter we must have regard not only to the convenience of the present, but we have to uphold the constitution and to maintain for future generations the rights of the people. It was said the people will never submit. I have more faith in the people than that. I think that the people of Manitoba would submit to fairness and to justice. To allege that the people would rebel against any act of redress would be equivalent to saying that the people of Manitoba would have no regard for the constitution. I have more faith in the people than that. As to the city of Winnipeg, the hon. gentleman seems to think, or he has conveyed the idea, that the school trustees of Winnipeg would have done anything for the Catholics. Well, the people of Winnipeg said 'If you want us to support your schools, let them be public schools, nothing less and nothing more ; and about the teachers, they would not let them remain in the schools. They were so strict as to the conditions the trustees made that they required that our teachers should divest themselves of their religious garments, and that meant a dismissal of our teachers. These conditions would not be accepted, and, in fact, they were not accepted, and the Catholics of Winnipeg are still endeavouring to maintain their schools, after having paid for the maintenance of the public schools. As to the good-will of the government, the hon. gentleman (Hon. Mr. Watson) seems to take credit for the good-will of the government of which he was a member, but he has no right to take that credit to himself or to the late government. We were subjected, during all the time his party was in power, to the most rigid investigation, and money grants were refused to certain schools which were not up to the regulation made by the government of which the hon. gentleman was a member. The hon. gentleman from de Lorimier asks why the Conservatives have not disallowed the Act. There was one reason given by the hon. gentleman from Hastings, but I may venture to give another. They may have been influenced by this consideration : they thought that the party to which the hon. gentleman belongs would live up to their pledges and promises. They gave their pledges in the House of Commons, and it was suggested even by them that this matter should be relegated to the tribunal and they pledged themselves to carry out the findings of the tribunal, but they have not done so. The Conservatives have done their duty and particularly the hon. gentleman from Hastings. I am glad to pay him the tribute that we owe to him. If the Liberals had done the same thing, this question would have been settled. The hon. gentleman (Sir Mackenzie Bowell), for the sake of justice, sacrificed power, but for the sake of power the hon. gentleman opposite (Hon. Mr. Watson) sacrificed justice. The Catholics have pressed their claim here and elsewhere. They pressed it on the local government, and there is no better evidence of that fact than the action of the people of Winnipeg going to the Honourable Premier of Manitoba for redress. As to the rebellion that was spoken of, there was never a suspicion of rebellion in this matter. I have good reason to believe that if the remedial legislation had been passed, the people of Manitoba would have been glad to put an end to the agitation, and would have accepted gracefully the situation.

The motion was agreed to.

RAILWAYS LAW CONSOLIDATION BILL

REPORTED FROM COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (21) 'An Act to amend and consolidate the laws respecting railways.'

On clause 44,

Hon. Mr LOUGHEED—I beg to move the following :—

To amend section 44 by striking out the second paragraph of subsection three and substituting the following :—

'An appeal shall also lie from the board to such court, upon any question of law, upon leave therefor having been first obtained from the board or from a judge of such court.'

Hon. gentlemen will observe that the principle embodied is not departed from. The only difference it makes is this : that upon the board refusing to give leave to appeal, the applicant shall have a right to make an application to a judge of the Supreme Court for leave to appeal. I have only to point out to the committee the fact that there is no provision in this Bill for the appointment of a lawyer upon the board ; consequently as to what shall constitute a question of law, assuming that the board be made up of laymen, would be a question certainly for which provision should be made as indicated in this amendment. The applicants will not have the right of appeal. They will have to apply to the Supreme Court, and it appears to me the public interests will be sufficiently safeguarded in that way.

Hon. Mr. WATSON—If possible we should leave all the powers we can with this board, and their decision should be final. The benefit we should expect to derive from this board is that they shall be able to decide, and that their decisions shall be final. The great trouble is that in case of a small loss, perhaps fifty or a hundred dollars, one party may try to appeal. We want a finding of the courts without expense to the party injured, and I think it is a great mistake to make provision for an appeal. Take, for instance, in the west, the case of loss by fire, or by killing an animal——

Hon. Mr. SCOTT—This has nothing to do with that.

Hon. Mr. WATSON—I wish it had to do with it. Large corporations can appeal to a higher court and an individual has to stop. We cannot follow them to a higher court, and I should prefer this matter to stand as it is, and the decision of the board to be final.

Hon. Mr. SCOTT—Then limit the amount —say $200.

Hon. Mr. WATSON—Five hundred.

Hon. Mr. SCOTT—That is rather high.

Hon. Mr. WATSON—Then $400.

Hon. Mr. LOUGHEED—The finding of the board is final on all questions of fact. This simply permits an appeal on a question of law, and I do not think my hon. friend himself would feel perfectly comfortable in submitting a very important question of law, in which he might be interested, to a board that may not have a lawyer upon it, or a lawyer that may have no professional standing from a legal standpoint. It seems to do violence to all well established precedent to say that you should not, upon a most important question, have a right of appeal, because the administration of railways involves the most important questions that come before the public, and to say that this board should be able to declare positively that you should not have an appeal from its finding, on a question of law, to the Supreme Court of Canada, I think is a mistake. Why have we the Supreme Court of Canada or the Courts of Appeal ?

Hon. Mr. WATSON—The hon. gentleman says there might not be a lawyer on the board. The board have power to employ counsel, or engineers, or to obtain any assistance they want of a professional character. They have the power to get legal opinions.

Hon. Mr. YOUNG—I think there will be a lawyer on the board.

Hon. Mr. POWER—With the limitation suggested by the hon. Secretary of State, which I hope the hon. mover will be willing to accept, the amendment is a desirable one. No doubt the intention of the present government is to appoint a lawyer. Then the question is how to get a lawyer who is going to be satisfactory. I suppose he will be a good lawyer, but a less virtuous government might come in and they might not put a lawyer on the board. The better way is to provide that there shall be no appeal unless a certain amount is at stake.

Hon. Mr. BEIQUE—I am considerably in accord with the principle embodied in the amendment, but it should cover appeals only in important cases, or cases of general interest. The amount may be very small, but it may cover a large class of like cases, and therefore the appeal should lie. in that case, as well as if a large amount

was involved. I would suggest that instead of having the appeal allowed by one judge only, to have the appeal allowed by two judges of the Supreme Court. It will give an absolute guarantee that it will be done only on serious grounds. We have a division in the province of Quebec ; for instance, interlocutory motions are not appealable except with leave of two judges of the Court of Appeals. We had it with the leave of one judge, but several years ago we made it two, and it has worked very well.

Hon. Mr. LOUGHEED—The only difficulty I see in the suggestion is that it would involve an application being made to the court instead of to a single judge.

Hon. Mr. DANDURAND—It could be done in chambers.

Hon. Mr. LOUGHEED—I do not think two judges sit in chambers.

Hon. Mr. BEIQUE—But it is done informally.

Hon. Mr. LOUGHEED—At no time under the practice of the Supreme Court will you find two judges sitting in chambers.

Hon. Mr. BEIQUE—We have the same provision for the Court of Appeals. We have no provision in our Court of Appeals whereby two judges sit in chambers, but we make the petition in chambers and direct the petition to two judges, and we have to satisfy two judges that leave should be granted. One may grant the order after the other, because they may not sit at the same time.

Hon. Mr. LOUGHEED—I would accept that, but it might be provided that it would not be necessary that a petition be heard by the two judges at the same time.

Hon. Mr. DANDURAND—I would draw the attention of hon. members to a safeguard that we could include in the amendment. Instead of saying that an appeal will lie upon the leave of the board, or two judges, I would say 'upon an appeal from the board, and in case of refusal, from the board to two judges ; because there may be vexatious appeals that would not be entertained by one or two judges, if on the application made to the board for leave to appeal the board has a right to refuse and to give its reasons why it refuses. There may be cases in which the question of time is an important one in the execution of the order of the board, and if the board draws the attention of the Supreme Court judges to the reasons why they refused the appeal, I think there would be a greater safeguard against delays.

Hon. Mr. CLORAN—Will the hon. senator state what will happen if the judges disagree ?

Hon. Mr. POWER—Then there would not be leave from two judges.

Hon. Mr. CLORAN—Then the man that refused would be a wiser man than the man who grants the application.

Hon. Mr. DANDURAND—He would simply be confirming the opinion of the board.

Hon. Mr. LOUGHEED—I accept the suggestion and make it one.

Hon. Mr. SCOTT—I was putting in a limitation—$500 and upwards.

Hon. Mr. LOUGHEED—As I have already said, the amount involved may not be so important as the principle.

Hon. Mr. SCOTT—I want to meet the objection urged by so many senators who said appeals might be taken up capriciously.

Hon. Mr. POWER—I am disposed to think the suggestion of the hon. Secretary of State is the wiser one. It is not advisable to have appeals for small amounts. If the question is between the railway company and the farmer, I think if the amount is not in excess of $500, the decision of the board ought to be sufficient.

Hon. Mr. BEIQUE—The board will have to deal with classes of cases and the decision which will be rendered in one case will no doubt apply to those of like cases. If not at the same time, in succeeding years, and therefore, if the principle is wrong it seems to me that it is not because only $25 will be the amount involved in a case that no appeal should be made. A principle once established may be applied to thousands and thousands of cases. It seems to me it is much better to be conservative and leave the right of appeal granted by two judges, as it will indicate that the idea of parliament was to be on the conservative side and to have appeals granted only on mature consideration.

Hon. Mr. McMULLEN—The hon. gentleman forgets that one of the litigants may be a very poor man; he may perhaps lose two or three cows. He certainly will not go to law at all if the chances are that more than the value of the cows will be spent in litigation.

Hon. Mr. POWER—There is this to be considered too. I have the greatest respect for the opinion of the hon. gentleman from de Salaberry; but if you look at the preceding portion of this subsection, the question of jurisdiction is one of the most important constitutional questions likely to arise. That is provided for in this part of the subsection. The House of Commons decided that there should be no appeal from the board. If we decide in a case where there is a considerable amount at issue there shall be an appeal; that I think is a reasonable concession, and one which would probably be accepted by the other House, and it is as much as the companies have any right to expect. If a very small amount is at issue, I do not see why the company should be at liberty to carry a poor litigant up to the Supreme Court.

Hon. Mr. DANDURAND—The amount is not to be considered at all. It is insignificant compared with the principle of the law involved. We all know of a famous case which went to the Privy Council from Montreal in which the amount involved was two cents. It was a question of a toll on a bridge, and the whole question of the right to collect the toll was involved. The amount cut no figure. We know of most important cases that are under $100 where the legal aspect of the case is much more important than a suit on a note for $100,000.

Hon. Mr. POWER—In appeals to the Supreme Court, there is the very same limitation. You cannot appeal from the Superior Court of the province unless the amount at stake is $500 and upwards, and I do not see why you should not apply the same principle to this board.

Hon. Mr. BEIQUE—The hon. gentleman forgets that there are provisions for future rights, and the appeal may be made to the Supreme Court in cases, when future rights are concerned, where the amount involved is less than $500. Attention should be called to this fact, that the board would deal with such cases as the hon. gentleman from Glengarry has in his mind. The court is not vested with the adjudication of damages against the company, or for killing cattle, or anything of that kind. The court is confined to regulations, so to speak, to see that the railway companies do what is necessary to protect the public, and it will, as a necessity, be in matters of considerable importance—matters of principle, although in several cases the amount may be very small.

Hon. Mr. LOUGHEED—Many of my hon friends seem to think that this appeal will affect that class of cases referred to by the hon. gentleman from de Salaberry and the hon. gentleman from Glengarry, but hon. gentlemen must recollect that the cases to be decided by the board are, for instance, questions arising on tariffs, tolls, equipment and that class of cases in which individuals are not interested. Take, for instance, the question of tolls; a dispute may involve only a few dollars, and yet it may be a matter involving hundreds of thousands of dollars to the railway companies, and if you do not allow an appeal from this court to the Supreme Court of Canada, it seems to me it would be a gross injustice. Furthermore, I would point out to the Speaker that there is no limitation placed on appeals in the first instance. The committee must keep in view that the railway companies have only one court of appeal, the Supreme Court of Canada, whereas in the ordinary cases which arise in every-day litigation you appeal to a bench of judges sitting in turn entirely irrespective of the amount. You have your remedy in that way, and it seems to me extraordinary to refuse the right of appeal on a question of law, and an appeal from a board constituted of three men who may know nothing about a question of law.

Hon. Mr. WATSON—The hon. gentleman says they want an appeal to the Supreme Court where they could have an elaborate discussion of these matters. It is the elaborate discussion we want to avoid. The object in passing this Bill giving certain power to the board, is to avoid law and give more justice than people have had in the past. I want to give this board all the power possible. I cannot understand that any person feeling aggrieved will receive more justice at the hands of the Supreme Court judges than he will at the hands of these men, who must

necessarily be familiar with all matters coming before them in their capacity as a board. We might at least give these three men a chance for a year, and if there is any serious complaint made, it will be quite easy to grant the power of appeal later on. We ought to take it for granted that these men who will compose the board will be competent to give justice to all coming before them. We may take it for granted they will deal fairly with everybody and give everybody justice for the first twelve months. I quite appreciate the fact that an important principle may be involved in a small amount, which would be large in the aggregate if followed up. This matter was discussed very fully in the House of Commons. I do not say we ought to be guided by them, but we ought to leave it in the hands of the board for at least a year.

Hon. Mr. BEIQUE—The hon. gentleman seems to share the common opinion that justice is better rendered by laymen than by judges.

Hon. Mr. WATSON—It is more easily obtained.

Hon. Mr. BEIQUE—I have a very striking example to illustrate this. As far back as twelve or fifteen years ago, on the occasion of considerable congestion of business in Montreal, I had a law passed providing that it would be open to litigants to choose their own judge by consent. They were free to choose a member of the bar or anybody else, and the decision of that party would avail as a judgment, and would be executed as a judgment. To this day litigants have not had recourse to that tribunal in a single instance.

Hon. Mr. WATSON—It was a lawyer was it not ?

Hon. Mr. BEIQUE—He need not be a lawyer—an arbitrator, though I am not quite sure as to that. The experience of members of the bar—and they are the most experienced in such matters—is that arbitration in ninety-nine cases out of a hundred does not give the same satisfaction to the parties as the judges who are trained to act as arbitrators. The law is based on sound reasoning and experience of the past ; but here we have to deal with a commission which will very likely be selected with care, but will be composed mainly of laymen, and their decisions will involve very important interests. I think we should be conservative as to the right of appeal. My suggestion to limit the appeal being allowed by two judges will be a safe restriction, and will give a guarantee that the judges of the Supreme Court will not grant any frivolous appeal or appeals involving trifling amounts.

Hon. Mr. SCOTT—In discussing this question it seems to me the majority of the House are being led to a very unfortunate inference. It is assumed the appeals will lie from a company, and it has been pictured that the poor man will not be able to bear the expense of an appeal. In my experience, it has been the other way. If I have any knowledge of what the decisions of this court will probably be, they will be disappointing to the people ; therefore I think it will be an unfortunate thing for those who favour the people as against the companies to draw the conclusion that it is necessary to protect the people against appeals of the railway companies. The chances are it will be all the other way—it will be the people that will be appealing against the decisions of the board. Therefore, it is in the interests of the people that there should be an appeal. If there is an appeal, it may not be invoked for years and years. There is at present an appeal to the Governor General in Council from the Railway Committee of the Privy Council. I think I have known of only one such appeal in the last six years. So, I think we are imagining something that is not likely to occur ; but certainly in framing the clause we ought to look to the interests of the party who is most likely to appeal. There is an impression here that when the company does wrong, it is the board that rectifies it. That is not so. If an animal is killed, it is not the board, but the courts, that decide.

Hon. Mr. WATSON—In the case of drainage ?

Hon. Mr. SCOTT—Well, if they do not obey the order, they can be prosecuted in the courts. The courts are always open to them.

Hon. Mr. McMILLAN—Take a case of this kind : a question of drainage may arise in which a very small amount is involved.

Say the board decide in favour of the farmer; the company will appeal for the reason that there are perhaps a hundred cases of a similar character, and they will appeal in order to prevent that poor man from being able to follow them. They are the party who will have the important question at stake.

Hon. Mr. SCOTT—In that particular case it is not likely to arise.

Hon. Mr. McMILLAN—I think the sum ought to be limited to $400 or $500. Anything beyond that of course involves a greater question.

Hon. Mr. LOUGHEED—That would prevent an appeal against a toll.

Hon. Mr. BEIQUE—The hon. gentleman from Glengarry will let me put the question the other way. He supposes the decision of the board will be against the company. Let us suppose that the decision is the other way, and it may affect several hundreds of farmers in like circumstances for twenty or thirty years to come.

Hon. Mr. McMULLEN—They will not unite for the purpose of appealing against the company.

Hon. Mr. BEIQUE—Why not?

Hon. Mr. LOUGHEED—Under the Bill as it now stands, that would be a question of fact, not a question of law; because I think the duties of the railway commission are so defined as to reduce it to a question of fact.

Hon. Mr. McMILLAN—We have gentlemen of the long robe in this House who find it difficult to decide whether it is a question of law or a question of fact.

Hon. Mr. LOUGHEED—To limit the amount would prevent an appeal on a question of toll or freight rates. The question might involve only five dollars and yet be one of very great importance.

Hon. Mr. FROST—It seems superfluous to have an appeal from the courts when there is no very great question of law involved in connection with this whole matter.

Hon. Mr. DANDURAND—These appeals are only on questions of law.

Hon. Mr. FROST—There will be one lawyer on the commission, and he ought to be thoroughly competent to decide all questions of law. Then you have two laymen besides, experienced business men of the country, who ought to be able to decide all matters of equity equally with the chairman, and it should be an effective commission to satisfy the business men and farmers of this country. If you are going to provide for an appeal you will simply have another court of judicature in the country which is going to lead to litigation, and you will find the farmers and business men of the country will not be satisfied. I think we can safely leave the decision to the eminent lawyer who will be chairman of the board, and the other two will be prepared to join him in matters of fact and in ninety-nine cases out of a hundred you will have an honest, true and intelligent decision which will give general satisfaction to all parties.

The amendment was adopted.

On subsection 2 of clause 202,

2. If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned by the company, and the owner of the same refuses to consent to such necessary changes, it shall be the duty of the company to apply to the board, and upon notice to all parties interested, the board shall hear the matter, and may make such order, allowing such raising, reconstruction or alteration, upon such terms and conditions as to the board shall appear just and proper and in the public interest.

Hon. Mr. LOUGHEED—There was considerable discussion as to what was the meaning of the clause, namely, as to the conflicting rights of the owner and the companies. It has been suggested by the railway companies that this clause does not meet all the conditions which may possibly arise with reference to bridges which may need reconstruction or alteration. I move that the following clause be substituted for it:—

2. If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned by the company, the board, upon application of the company and upon notice to all parties interested, or without any application, may make such order allowing or requiring such raising, reconstruction or alteration upon such terms and conditions as to the board shall appear just and proper and in the public interest.

The motion was agreed to.

On clause 224.

224. When any train is approaching a highway crossing at rail-level (except within the

limits of cities or towns where the municipal authority may pass by-laws prohibiting the same), the engine whistle shall be sounded and the bell rung at least eighty rods before reaching such crossing, and at short intervals, until the engine has crossed such highway.

Hon. Mr. LOUGHEED moved :

To amend clause 224 by striking out the words 'and the bell rung,' where they occur in the fourth line of the clause, and inserting, in the fifth line, after the word 'and,' the words 'then the bell shall be rung,' and by striking out the comma after the word 'intervals.'

Hon. Mr. WATSON—How long does the hon. gentleman suppose it will take the train to go a quarter of a mile ? It appears to me the bell should be rung at the same time.

Hon. Mr. LOUGHEED—The confusion arises in this way : the clause would require that they should sound the whistle and ring the bell at the same time. The amendment is that they shall sound the whistle and afterwards ring the bell.

Hon. Mr. WATSON—They should ring it as they are crossing. How can that be done if it is rung at intervals ?

The word 'intervals' was struck out and 'continually' substituted, and the amendment was agreed to.

On clause 252,

252. Such tolls may be either for the whole or for any particular portions of the railway ; but all such tolls shall always, under substantially similar circumstances and conditions be charged equally to all persons, and at the same rate, whether by weight, mileage or otherwise, in respect of all traffic of the same description and carried in or upon a like kind of cars, passing over the same portion of the line of railway ; and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular person or company travelling upon or using the railway. 51 V., c. 29, s. 224, Am.

Hon. Mr. LOUGHEED moved :

To amend section 252, subsection 4, by adding, at the end of the subsection the following words :—'without leave therefor having been first obtained from the board. The board shall not grant such leave unless satisfied that granting the same is not contrary to the public interest.'

There is a provision by which companies are prohibited from entering into any pooling arrangement. Now, it is said by the companies that there are occasions when pooling is not only desirable, but in the public interest, and it is proposed that this shall be added at the end of subsection 4. It leaves it entirely with the board to sanction it, and they must not sanction it unless they are satisfied that it is in the public interest. Safeguarded in that way, I do not see how any difficulty can arise.

The amendment was agreed to.

On clause 267.

Hon. Sir MACKENZIE BOWELL—It will be remembered that the hon. senator from Marshfield proposed an amendment to this clause bringing the government railways under the clauses, affecting through tariff rates. His motion was :

Notwithstanding anything to the contrary in section 3 of this Act, this section and the next preceding section shall apply to traffic on Dominion government railways and vessels connected therewith.

It was objected to by the hon. Secretary of State, and his objection was sustained by the hon. gentleman from Toronto (Hon. Mr. Kerr), on the ground that in adopting this provision it would be held as a reversal of the policy of the government in excluding government railways from the operation of this Bill. What I ask the committee to consider is whether there would be any objection to accepting the clause with a simple restriction such as is contained in the amendment proposed by the hon. gentleman from de Salaberry in reference to provincial government railways. That amendment provides that the section should not operate with regard to through traffic on railways owned by a provincial government without the consent of such government. If the committee would accept the proposal which I make on behalf of my hon. friend from Marshfield, I propose this addition to the amendment which I have read

Subject, however, to the consent and approval of the Governor in Council.

So that if a sufficiently strong case were made out to the Governor in Council that it would be in the interests of traffic and in the interests of trade generally to make the clauses apply to railways and vessels which connect different provinces, they could bring it into force ; but it could not be done except with their consent. If this be accepted, it would be added as subsection 5 to section 267. The hon. gentleman will understand that this gives the Governor in Council power to bring the government rail-

ways under the provisions of section 267, so far as through traffic is concerned if they see that no injury to the government system of railways would be caused by it. My own impression is that it is a power which might very safely be given to the government, in order to provide for cases which might possibly arise, and which I believe, in some cases have arisen in the past.

Hon. Mr. SCOTT—The policy of the government as announced in the other House was, that the government railways would be excluded altogether from the operation of the Bill. The proposal my hon. friend makes could at any time be adopted by the government without this amendment. They can consent if they think it wise and in the interests of the public that the policy should be adopted. Of their own motion they can make an arrangement as to traffic exchange between the Intercolonial Railway and other railways; I understand at present there is a close agreement between the Grand Trunk Railway and the Intercolonial Railway with regard to a certain class of traffic. The same arrangement can be made without the intervention of law with any other railway company, as I explained to the hon. gentleman from Marshfield when he made his motion the other day.

Hon. Mr. BEIQUE—The Governor in Council, in the absence of this provision, could not give jurisdiction to the board, and it would require legislation unless this provision were adopted. This provision of course leaves it entirely to the will of the government.

Hon. Mr. SCOTT—There is no legislation authorizing the government to make a contract with the Grand Trunk Railway for an exchange of traffic with the Intercolonial Railway and the proportion which each should receive, nor will there be any difficulty in doing so with any other railway.

Hon. Mr. BEIQUE—These provisions which are referred to in the amendment are provisions vesting the board with certain powers as far as regulating freights and tolls and passenger rates are concerned. These matters are left with the board, and although the government might desire by Order in Council after the passing of this Bill, to give the board jurisdiction on these matters, they could not do it. We have to provide for it in this Bill, or the board could not have any jurisdiction over it by virtue of an Order in Council.

Hon. Sir MACKENZIE BOWELL—That is the point to which I wished to call the attention of the Secretary of State. The 3rd clause says:

3. This Act shall apply to all persons, companies and railways (other than government railways) within the legislative authority of the parliament of Canada, and shall be incorporated and construed, as one Act, with the special Act, subject as herein provided. 51 V., c. 29, s. 3, Am.

2. Any section of this Act may, by any special Act passed by the parliament of Canada, be excepted from incorporation therewith, or may thereby be extended, limited or qualified. It shall be sufficient, for the purposes of this subsection, to refer to any section of this Act by its number merely.

3. If in any special Act heretofore passed by the parliament of Canada, it is enacted that any provision of the general Railway Act in force at the time of the passing of such special Act, is expected from incorporation therewith, or if the application of any such provision is, by such special Act, extended, limited or qualified, the corresponding provision of this Act shall be taken to be excepted, extended, limited or qualified, in like manner; and, unless otherwise expressly provided in this Act, where the provisions of this Act and of any special Act passed by the parliament of Canada relate to the same subject matter, the provisions of the special Act shall be taken to over-ride the provisions of this Act in so far as is necessary to give effect to such special Act. 51 V., c. 29, ss. 5 and 6 Am.

So that the Governor in Council is precluded from making the arrangements to which the hon. gentleman refers, unless given power to do under the amendment which I propose. The arrangement made with the Grand Trunk Railway and Canadian Pacific Railway now exists, and I do not suppose that would be interfered with; but supposing traffic comes from Ontario—from Ottawa, for instance—and has to go on to Prince Edward Island, it might have to pass over three different railways, and then the hon. gentleman will understand that freight might be consigned from here to Charlottetown. It might pass over the Canada Atlantic Railway, the Grand Trunk Railway, the Intercolonial Railway, and then by water from Point du Chêne to Summerside, and thence to Charlottetown by rail, or to any other place in Prince Edward Island. Now, this is a case in which a through rate would be to the advantage of all the carriers.

Hon. Mr. McSWEENEY—They get the through rates now.

Hon. Sir MACKENZIE BOWELL—I am informed they do not.

Hon. Mr. McSWEENEY—Oh yes, they do.

Hon. Sir MACKENZIE BOWELL—Then if they do, there is no necessity to get an Order in Council to govern rates after reaching Point du Chêne. There is now a local rate and the rate on the government railway in Prince Edward Island. I think it would be an advantage, and no disadvantage, to the railway in shipping goods from Toronto, or from some other western point, if you could make a through rate, and make it equitable to the carriers and also to the shipper.

Hon. Mr. SCOTT—If the hon. gentleman will let the proposition stand, I shall submit it to the government. I have not considered the question.

Hon. Mr. POWER—The objection which I see to adopting this amendment in its present form is that if the consent of the Governor in Council were once given there is no provision for its being recalled. What was the intention of the hon. gentleman from Marshfield, I presume, was that the Governor in Council might from time to time order that this section might apply.

Hon. Sir MACKENZIE BOWELL—I have no objection to the suggestion made by the Speaker to give power to the Governor in Council to repeal any Order in Council which may have been passed, although I differ altogether from the opinion expressed, that such power would not exist unless this proviso was made.

Hon. Mr. POWER—It stands as a notice.

Hon. Mr. SCOTT—My attention has been called to several important sections which may have to be changed. In the clause relating to the location of the railway, we have vested the whole power in the board. That was not the original intention. The government did not propose to divest themselves of the responsibility of seeing that the line was properly located. It is not a power which should be given to the board. Therefore, there will have to be considerable changes in the Bill where power is given to the board to control and direct the location of the line. We all know that in Acts of parliament a line may be built from one point to another, but the section of country it is to pass over is not defined in the Bill. There may be a very wide difference of opinion as to the correctness of the line, and it may be the government would not approve of the line as the board fixed it; therefore, it is proposed to make alterations in all those clauses. It is referred to in so many clauses that it will have to be very carefully considered.

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

It being six o'clock, the Speaker left the Chair.

After Recess.

JURISDICTION OF EXCHEQUER COURT AS TO RAILWAY DEBTS BILL.

THE COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (155), An Act respecting the Jurisdiction of the Exchequer Court as to Railway Debts.

(In the Committee.)

On subclause (a) of clause 1.

(a) At the instance of the Minister of Railways and Canals, or of any creditor of any person or company owning or operating such railway or section, to order or decree in such manner as it may prescribe, the sale of such railway or section of railway, and of all the rolling stock, equipment and other accessories thereof, whenever such company has become insolvent, or has for more than ten days failed to efficiently continue the working or operating of such railway or section or any part thereof, or has become unable so to do.

Hon. Mr. BEIQUE—I move that this subclause be amended by adding in the second line after the word 'or,' the following:—

With the approval of the Railway Committee of the Privy Council, at the instance

And in the 15th line substitute the word 'thirty' for the word 'ten.'

Hon. Mr. SCOTT—But the Railway Committee goes out of existence.

Hon. Mr. BEIQUE—But when this railway Bill comes into operation, it is provided that the Railway Committee will be superseded by the Railway Commissioners.

Hon. Mr. SCOTT—It will have the approval of the board?

Hon. Mr. BEIQUE—It will have the approval of the board.

The amendment was adopted.

On subclause (b),

(b) At the instance of a creditor of such person or company, having a lien or charge upon the railway or section, or of a mortgagee of such railway section, to order or decree a like sale of such railway or of such section, with the rolling stock, equipment and other accessories thereof in each case ; or, at the instance of a mortgagee of such railway or section, to order or decree the foreclosure of the interest of the person or company owning or entitled to such railway or such section, with the rolling stock equipment and other accessories thereof, or the equity of redemption therein, whenever in like circumstances of default the High Court of Justice in England can, at the time this Act comes into force, so order or decree with respect to mortgaged premises situate in England ; provided that nothing herein contained shall in any way affect the provisions of sections 94, 95 and 96 of the Railway Act.

Hon. Mr. BEIQUE—I propose to substitute for the word 'premises' in the thirtieth line the word lands. It is the suggestion of the Department of Justice because mortaged premises might be taken as meaning railway premises, and it is not the case. What is meant is mortgaged lands, because in England railways cannot be sold ; it is simply to make the clause clear.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. gentleman what would be the effect of selling a section of a railway ? This provides that you may sell

the following stock, equipment and other accessories thereof in each case ; or at the instance of a mortgagee of such railway or section, it might destroy the whole railway, might it not ?

If you sold a section, it might destroy the whole railway, might it not ?

Hon. Mr. BEIQUE—It is provided in the Railway Bill which we have been discussing that a section may be mortgaged instead of the whole railway. This power is to be exercised by the court, and the court would not dismantle a railway. It is to provide for cases when a railway has been mortgaged, not as a whole but by sections.

Hon. Mr. SCOTT—In this clause (b) you contemplate the approval of the Railway Committee. Does the creditor named in subclause (b) require such approval ?

Hon. Mr. BEIQUE—No, it is a creditor having a lien. In the first section it is a creditor having no lien, and he should not cause the sale to be made, except with the approval of the government, or of the Railway Board, but in the other case it is a creditor having a lien. He stands as a mortgagee.

Hon. Mr. SCOTT—Is it not rather an anomalous thing to say 'the owner of a railway' ? No person can own a railway. He cannot work it. It is rather a puzzle to know why that is introduced there.

Hon. Mr. LOUGHEED—You used the same term in the Bill we have just been discussing.

Hon. Mr. SCOTT—An individual cannot run a railway. He must have the approval of the government.

Hon. Mr. BEIQUE—He can run a railway for two years under a license from the Minister of Railways.

Hon. Mr. SCOTT—He must have the license.

Hon. Mr. BEIQUE—But having the license he keeps the railway in operation.

Hon. Sir MACKENZIE BOWELL—Does not the hon. gentleman think that the words 'fail to efficiently continue to work or operate the road' rather a sweeping and dangerous provision ? There might be many causes which would prevent the working of the road for some days, or a week—the washing away by floods of portions of the track, a snowstorm or anything of that kind. How would a court decide as to what constituted efficiently working ? We can understand in the ordinary acceptation of the word what it means, but this seems to me to be going a little too far, to use plain language.

Hon. Mr. BEIQUE—Of course it is always under the jurisdiction of the court, and the court would not interfere with the railway for trifling reasons. In the English Act there are provisions to this effect as far as the appointing receivers.

Hon. Sir MACKENZIE BOWELL—We know that in the case of new roads, many times where they have not much money at their disposal, a road may continue to run, but in the general acceptation of the term you would not say it was inefficiently run. Now under this clause the road must be efficiently run, or if it fails for thirty days to be so run, then you can seize and sell it.

Hon. Mr. BEIQUE—The hon. gentleman cannot suppose that the court would inter-

fere except on serious grounds. It is difficult to define those grounds.

Hon. Sir MACKENZIE BOWELL—My experience of the courts, when it is anything affecting the interests of a person, they construe the law literally. That has been my experience in anything I have had to do with courts.

The subclause was adopted.

On clause 6,

6. A railway company is insolvent within the meaning of this Act, in all cases which constitute insolvency under sections 5 and 6 of the Winding up Act, except that paragraph (g) of section 5 of that Act shall not apply to cases where possession of any railway or section thereof has been taken by trustees for bondholders under the provisions of section 94 of the Railway Act, and except further that the delay to secure or compound allowed in the case mentioned in section 6 of the Winding Up Act, shall be fifteen days instead of sixty; but such transfers to trustees shall not exclude such railway from the provisions of this Act.

Hon. Mr. CASGRAIN—I move that all the words after '60' in line 42 be struck out, as they are contradictory to the other parts of the Bill.

Hon. Mr. LOUGHEED—Those words are simply declaratory of the law.

Hon. BEIQUE—I do not think they have any effect at all.

Hon. Mr. LOUGHEED—A transfer to trustees would not affect the operation of the Act.

The amendment was adopted.

Hon. Mr. SCOTT—The hon. gentleman invokes the clauses of the Winding Up Act. Under the Winding Up Act railways are especially excluded and it seems rather incongruous and illogical to introduce the clauses of the Winding Up Act when under the Act itself they are absolutely excluded.

Hon. Mr. BEIQUE—The reference made to the Winding Up Act is merely for the purpose of defining when the railway shall be considered insolvent—defining the meaning of the word 'insolvents.' The Winding Up Act is not involved in it at all.

Hon. Mr. SCOTT—It is a definition of a condition that was not considered when it was framed. They are not applicable to railways; they were specially excluded.

Hon. Mr. LOUGHEED—This does not bring the railway under the Winding Up Act.

Hon. Mr. SCOTT—If the conditions which affect a railway are similar to those which affect a business under the Winding Up Act they are declared to be insolvent.

Hon. Mr. KERR—It is section five of the Winding Up Act.

Hon. Mr. SCOTT—The definition there of insolvency was not intended to include railways because they are specially excluded.

Hon. Mr. BEIQUE—If the hon. gentleman can furnish a better definition I am not wedded to that.

Hon. Mr. SCOTT—This is a short and sharp way of bringing a railway to time. We have general provisions for railways that become insolvent; this takes it out of the category of the law applicable to railways.

Hon. Mr. BEIQUE—The remark was passed yesterday by Mr. Fisher who addressed the Railway Committee that if we had a law of this kind the Brockville and Westport Railway would not have been for ten years in the hands of receivers, and the creditors unable to get satisfaction. We have in this country actually a number of railways that are a burden on the public instead of fulfilling the requirements of their charter, and of the government itself; and this is for the purpose of providing means to reach such railways without destroying the equitable interest in them. It seems to me it is a very proper way when we have to define the meaning of a word, such as the word 'insolvent,' to refer to another Act of the same parliament where it is already defined, and try to find conditions which are applicable to the case.

Hon. Mr. SCOTT—It could not have had the effect my hon. friend speaks of in the case of the Brockville and Westport Railway, because there were nine hundred thousand dollars of bonds in the first lien, so that the outside creditor would not have much chance.

Hon. Mr. KERR—It would be a very bare equity.

The clause was adopted.

Hon. Mr. KERR—I desire to move the addition of a clause to the Bill, clause 8, which will read as follows:

That this Act shall not apply to the Central Ontario Railway Company, nor shall it affect pending litigation respecting that road.

The circumstances in that case are peculiar, and the reason why I feel justified in asking for the addition of this clause, which I may say the hon. members agree is reasonable and proper to be added, is largely from this fact; that there was a private Bill applied for during this session respecting that road with a view of bringing about just such an operation as is proposed here. In the House of Commons, after hearing the matter, the bill was rejected by a vote of 128 to 3, or something like that, and under those circumstances it would seem unreasonable in a general Bill that we should comprise that case after they had determined there against it.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman give us the reasons why it was rejected by the Commons.

Hon. Mr. KERR—The reason under the circumstances was that in that case as a whole it was not right that there should be such a proceeding taken, and there is a bona fide contest as to who are the owners of the bonds and who are the owners of the stock, and while it was pending and in that shape it is not reasonable that there should be a power of this kind to those who temporarily might have control of the road.

Hon. Mr. WOOD—That is the greatest condemnation of the whole Bill.

Hon. Mr. SCOTT—In past years my experience has been that it is better to have special legislation. I know the first railway that was sold was by special Act. Where the circumstances are different in the different conditions of a railway, I would feel very much safer, and I think it would be more satisfactory—because no doubt this Bill was pointed at a particular railway—if in that particular case special legislation were brought in. My hon. friend from Toronto has found out that this Bill would have worked a harm if the parties connected with the Ontario road which he mentioned had not become aware of this Bill. There are a dozen cases in Canada, I have no doubt, where roads, which practically may be thrown into insolvency, are not aware of it at all, and the first thing they will know of it will be the service of notice, and that is why I hesitated about the wisdom and propriety of such legislation. I would very much rather in those cases see an Act passed in reference to the road intended to be affected by it. We do not know where it will hit. If my hon. friend did not happen to be in the Senate it would have hit the road and worked an injury.

Hon. Mr. LOUGHEED—It is hard to reconcile the case mentioned by my hon. friend from Toronto with the fact that the Commons has apparently passed this Bill. It passed the Commons and must have done so with the consent of the government, and yet the very first case that is brought before the Commons that would come within the purview of the Bill is thrown out by one hundred odd to three.

Hon. Mr. SCOTT—You exempt it from this Bill.

Hon. Mr. LOUGHEED—It seems to be the very strongest condemnation of the principle of the Bill. If such marked disapproval as to a specific case has been made by the Commons as in the case referred to by my hon. friend from Toronto, it is difficult for us to appreciate the expediency of the Bill, but yet it is even a more extraordinary thing that my hon. friend the Secretary of State, who represents the government in this House, is condemning the Bill notwithstanding the fact that the government have passed it in the other House.

Hon. Sir MACKENZIE BOWELL—That is nothing new.

Hon. Mr. SCOTT—It is not a government measure.

Hon. Mr. LOUGHEED—But the government should not have let it go through.

Hon. Mr. BEIQUE—First of all, I must say this: as far as the amendment is concerned, I have inquired about the special circumstances of the case and I would have expected that perhaps the hon. gentleman might have given them to this hon. House. If it is deemed advisable, I suppose he will have no objection, and I am quite satisfied

even if the Bill had been in force at the time, that the circumstances were such that the court would not have put the law in motion in a case of that kind: but as the question was made the subject of a special Bill in the House of Commons during the present session, the parties interested were made somewhat nervous by this Bill and have suggested this amendment in order to be on the safe side. I have been requested by the Prime Minister and by the Minister of Justice, to take charge of this Bill, and before doing so I asked the Secretary of State to take the Bill himself, but because I was more familiar with the measure he suggested my taking it. It was introduced as a private Bill in the House of Commons. I prepared the Bill myself at the request of the Prime Miniter, after consultation with the Minister of Justice, and it is because I happen to be familiar with the Bill, having drafted it, that I took charge of it. The Bill was amended in some measure in the House of Commons. Subclause 2 was added after very serious discussion between the Minister of Justice, and the leader of the opposition, and several other members of the House of Commons, and to my mind it improved the Bill. That is the reason why I happened to father the Bill in this House.

Hon. Sir MACKENZIE BOWELL—This is another evidence of departmental administration of the affairs of the country. It is not the first time we have had exhibitions of this kind. I am not going to elaborate upon that point, but simply to call attention to the unfortunate way in which the government is carried on in that particular respect. A Bill emanating from the government ought to be understood and the provisions known by every member of that government, so that whoever has charge of it the members of the goverment could intelligently assume the responsibility when it comes to this House, and be prepared to justify it and give his reasons for it. That is my idea of responsible government. We have had a good many exhibitions here in which even the late Minister of Justice, when he was here, told us pointedly and distinctly that Bills that had been introduced affecting land titles in the North-west and many other very important matters were never submitted to him at all, at which he felt very indignant. For which no one could blame him. However, this is only another of the many illustrations that we have had. Now, in reference to the amendment proposed by the hon. gentleman from Toronto, something certainly ought to be provided in this Bill so as not to interfere with litigation and rights of ownership now being contested in the courts. The road to which the hon. senator refers runs through the county in which I have been living for the last seventy years, and through a portion of the riding which I had the honour to represent for about twenty-five years, and I know that that road has been in litigation almost ever since the rails were first laid, a quarrel between the stockholders and the United States capitalists who had invested large sums of money in iron mines and iron deposits in the north riding of Hastings, and it is now in the same position; but I believe that the decision of the courts at present is likely to settle the ownership, but the proposition made by the hon. gentleman would exempt this Central Ontario Railway for all time to come from the provisions of this Bill. Now is it advisable that that should be done? Would it not be better to make a general clause at the end providing that the Bill should not affect any rights that are in litigation, or where there are difficulties as to ownership, so as to prevent the possibility of declaring a certain road to be bankrupt at the instance of a small creditor. The road has been run, and I believe efficiently run, for a long time past. I do not think there is any doubt about that question. My hon. friend will know, but I am pretty sure that is correct, because I have been over the road, and it is constantly running.

Hon. Mr. KERR (Toronto)—Oh, yes.

Hon. Sir MACKENZIE BOWELL—But would the passage of this Bill, without a proviso, such as that proposed by the hon. senator from Toronto, not have the effect of jeopardizing the interests of parties interested in that road who might take advantage of the Bill in order to throw it into bankruptcy?

Hon. Mr. KERR (Toronto)—This has received a great deal of consideration and the hon. senator who introduced the Bill gave it a great deal of consideration as well, but

the conclusion we arrived at was that it was impossible to cover the case otherwise than by just such a definite exception as we have made here, without embarrassing the operation of the Act with reference to possible other cases we know nothing about. Under those circumstances, this being in a very peculiar position, and the Bill having been rejected in the Commons this year, it was thought that was a reasonable ground to ask that it should be excluded from the operation of the Act this year. Of course when the litigation is over, it would be quite open to repeal that section and make it apply to this case.

Hon. Sir MACKENZIE BOWELL—You would have to introduce a new Bill.

Hon. Mr. KERR (Toronto)—Yes.

Hon. Mr. LOUGHEED—Why was the exception not made in the Commons ?

Hon. Mr. KERR (Toronto)—Because it was not known.

Hon. Mr. LOUGHEED—Would this road not come within the clause you have provided here as to it not affecting any proceeding now pending in any of the courts ? It seems to me to be rather an anomalous proceeding to ask the Chamber to omit from the operation of the Act a specific road about which we know nothing. We do not doubt for a moment the statement of facts made by my hon. friend from Toronto, yet there is nothing before the Chamber by which we can exercise our individual judgment as to whether this is a road which should come within the operation of the Act or not. I would be quite satisfied to vote for a general clause that it is not to affect any proceedings pending in litigation, but to specify a particular road without our having any data, or any knowledge upon the subject, seems to me to be rather an unbusiness-like proceeding.

Hon. Mr. KERR (Toronto)—The reason why this specific road was named is because it has been the subject of a Bill relating to it specially applied for by one of the parties to the litigation. That is a matter which is within the power of this Chamber, about which there can be no question whatever. That is the reason why it was justifiable to name this specific company, as is often done where the private companies or private interests are definitely to be protected and so on, instead of doing it by general terms. We tried to frame a clause in such way that it would by general terms exclude it. The point of the matter is this : there is a contest going on as to who are the owners of the bonds and stock of the company. One party who claims to be the owner is operating the road. He was entitled to the stock and bonds, they being his property, but they were out of his hands. The person in whose hands they were instituted litigation for the sale of the road, and that person got a judgment which is still the subject of appeal. They got it, of course, without notice to the adverse party. The adverse party having recovered possession of his shares, interposed, but the difficulty was there were some other bond holders outstanding, and some of them said : 'We don't want the judgment disturbed,' Therefore, a new suit has been instituted. There are some three suits or applications pending to get the interests of the parties settled by the courts. They brought a new suit for the purpose of establishing their right to the shares or bonds which they had recovered possession of, and then held. There are issues pending with reference to those shares and bonds. The difficutly of it is, if you say the pending litigation shall be observed, they could dismiss the action and bring a new suit asserting their ownership of the bonds. Under the circumstances, as there are precedents for such a thing in railway cases where there have been special exceptions of the kind, it was thought reasonable in this case to make a special exception.

Hon. Mr. DeBOUCHERVILLE—But this Bill would apply to other cases.

Hon. Mr. KERR (Toronto)—Yes, this Bill would apply to other cases.

Hon. Mr. DeBOUCHERVILLE—That is contrary to anything I have ever known in legislation before. All pending cases are always excepted in passing a statute. Are the parties now in litigation to lose all the expenses they have incurred ?

Hon. Mr. KERR (Toronto)—No.

Hon. Mr. DeBOUCHERVILLE—Does the hon. gentleman say this applies to pending cases ?

Hon. Mr. BEIQUE—What does the hon. gentleman mean by pending cases? It applies to railways generally.

Hon. Mr. DeBOUCHERVILLE—If there is litigation.

Hon. Mr. BEIQUE—What kind of litigation? Supposing there should be litigation whereby a mortgage creditor would be asking that the road be sold by the sheriff, surely it would apply to a case of that kind if it is a road which is under the jurisdiction of this parliament. Instead of having the road tied up for six months or a year and not operated, a receiver might be appointed who would operate the road, and keep it running to protect the interests of the bondholders and other creditors. That would be a pending case.

Hon. Mr. DeBOUCHERVILLE—This is the way I understand it. The case is before the courts now, and by this Bill that case would be affected.

Hon. Mr. KERR (Toronto)—A bondholder who might want to take advantage of this may have obtained a judgment or issued a writ to recover. This would enable him to take proceedings in the Exchequer Court instead. It would not be proper to exclude such a case as that. In the case in question, technically there is a judgment. Therefore, if you were to say all cases in which judgment has been recovered it would not affect it. It is a peculiar case.

Hon. Mr. LOUGHEED—Would not your case come within the latter clause of the amendment, namely a case in which a judgment had been recovered, without specifying the name of the road?

Hon. Mr. KERR (Toronto)—We might except a great many cases which might not properly be excluded.

Hon. Mr. LOUGHEED—But you have excepted cases.

Hon. Mr. KERR (Toronto)—One particular case.

The clause was adopted.

Hon. Mr. YEO, from the Committee, reported the Bill with amendments which were concurred in.

Hon. Mr. DeBOUCHERVILLE.

PENSIONS TO JUDGES BILL.

SECOND READING POSTPONED.

The Order of the Day being called.

Second reading (Bill 243), An Act to amend the Supreme and Exchequer Courts Act, the Exchequer Court Act, and the Act respecting the Judges of provincial courts.

Hon. Mr. SCOTT moved that the Order of the Day be discharged and that it be made an order for the 22nd September.

Hon. Mr. FORGET—This order has been postponed several times. Will the hon. gentleman be able to proceed with it after the adjournment?

Hon. Mr. SCOTT—It may not be an opportune time. If I can give my hon. friend any better information I shall be glad to do it.

Hon. Sir MACKENZIE BOWELL—Would it not be well to postpone it until the 22nd day of December?

Hon. Mr. DANDURAND—I understand the House will be in session then.

Hon. Mr. McMULLEN—We are here to stay.

The motion was agreed to.

THIRD READING.

Bill (73) An Act to incorporate the Ontario and Quebec Power Company.—(Hon. Mr. Young.)

RULES OF THE SENATE AND HOUSE OF COMMONS.

REPORT OF SELECT STANDING COMMITTEE POSTPONED.

The Order of the Day being called for the consideration of the report of the Select Committee to confer with a like committee of the House of Commons with a view of respectively revising rule 49 of the Senate, and rule 51 of the House of Commons, and make them harmonize.

Hon. Mr. BEIQUE—I might inform the House that at the request of Mr. Clarke and Mr. Barker an amendment is intended to be introduced in the report as it was adopted by the Joint Committee. It reads as follows:

Mr. Clarke moves to amend section A by inserting the following subsection between subsections 3 and 4:—

3a. A company for the construction of any railway, canal, telegraph, telephones sytem or other works which, although wholly situate within one province of Canada, the promoters desire or intend shall be declared to be for the general advantage of Canada and which in their construction or operation might specially affect the interests of any particular municipality or municipalities, a copy of the notice shall, in addition to the notices in the 'Canada Gazette' and in the particular locality or localities which may be affected by the proposed Act, be sent by mail in a registered letter addressed to the secretary of such province.

The idea seems to be a good one, as tending to facilitate the work of the special committee. I move that the Order of the Day be discharged and that it be placed on the Orders of the Day for the 23rd September.

The motion was agreed to.

THE FRENCH STEAMSHIP LINE.

Hon. Mr. LANDRY—Before the House adjourns, I would ask the leader of the government if he is in a position to let us know if any arrangement has been completed between the government and Mr. Carbonneau, acting in the name of the French syndicate who propose to establish a line of steamers between a port of Canada and France.

Hon. Mr. SCOTT—I think the terms have been settled, I do not know if the agreement has been actually signed, but it is ready for signature. I know of the terms.

Hon. Sir MACKENZIE BOWELL—I understand it has been signed, but there was some difficulty as to the power of assigning it to another company, and that the government had acceded to that, so that the matter is virtually settled so far as the government and the contractors are concerned. It only needs parliament to confirm it. I do not know whether I have given the correct statement, but that is my understanding of it.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, September 4, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (155) An Act respecting the jurisdiction of the Exchequer Court as to Railway Debts.—(Hon. Mr. Bêique.)

AN ADJOURNMENT.

Hon. Mr. CASGRAIN (de Lanaudière) moved:

That when the Senate adjourns to-day, it do stand adjourned until Tuesday, the 22nd instant, at eight o'clock in the evening.

The motion was agreed to.

CANADIAN TRANSPORTATION AND STORAGE COMPANY BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. KERR (Toronto) moved concurrence in the report of the Standing Committee on Banking and Commerce on Bill (176) An Act to incorporate the Canadian Transportation and Storage Company.

Hon. Sir MACKENZIE BOWELL—It is not my intention to oppose the concurrence by the House in the report, but I may call attention to the fact that the proceedings in connection with this Bill are the most extraordinary that have ever occurred in the Senate. It is difficult to know where the blame lies for the peculiar position in which the matter stands. It appears this Bill was introduced and then it was left off the notice paper, then followed a motion to place it upon the Order paper. Then a motion was made to send it to the Standing Orders Committee, and the Standing Orders Committee are supposed to have reported, but I have since been informed that they never did report on the Bill, although a report was laid before the House. It was then moved by Hon. Sir John Carling that the report be adopted. Then, if my memory serves me right, a subsequent motion was made in the House rescinding the motion adopted to refer it to the Standing Orders Committee. That report was sent to the Committee on Banking and Commerce, and afterwards another motion was made to refer it to the Committee on Standing Orders. How all that bungling took place I do not pretend to say, but what are the facts as they came before the Railway Committee? The report that was supposed to go to the Standing Orders Committee recommended that the operations of the Bill be confined to

Ontario, as that was all they asked for in the notice that was published of their intention to apply for legislation. By that means it would have destroyed the real objects of the Bill, and in addition to that, there was a clause in the Bill giving them the right to carry on wrecking in all waters of the Dominion. That would have to be struck out on account of the adoption by this House of the report of the Standing Orders Committee. They have acted to a certain extent upon the recommendation of the committee, which was sent to them by this House. Now, the motion of my hon. friend, as I understand it, is to strike out before the third reading the amendments which were made to the Bill thereby giving the company full power and authority to carry on their business throughout the whole Dominion. It is not my intention to object to that, but I call attention to these facts so that the Senate may know what it is doing.

Hon. Mr. YOUNG—In explaining the circumstances to which the hon. leader of the opposition has called the attention of the House, I should like to give a short statement connected with the procedure on this Bill. I do not do so for the purpose of reflecting on the Committee on Banking and Commerce, but I do so on account of the questions which have been raised by the special report placed before this House by the Banking Committee, which calls for some explanation because it would seem to imply that the Standing Orders Committee were not doing their duty. At the time this was passed on by the Standing Orders Committee, I happened to be in Manitoba, and the gentleman who presided over the Standing Orders Committee at the time was an old parliamentarian, and I have no doubt the proceedings of that committee closely followed the rules of the House. With reference to the explanation that the records warrant me in making, I want to say on May 27 (page 194 of our minutes and proceedings) you will find that a petition was presented from Frederick Nichols praying for the passage of this legislation. On the 29th of May that petition was received and read by the House. Therefore the petition, so far as this Bill (176) was concerned, came regularly before the House and I wish to explain that the Standing Orders Committee adopted this policy, that when a petition was referred to it, and the required notice did not appear to have been given by the party applying, rather than put in an adverse decision against the petition on account of the advertisements not being long enough, they set the petition to one side until the notices were in accordance with the rules of the House—provided the notices were being published at the time according to our rules. This petition was short in time of notice. Therefore it stood on one side until that time had expired. We find on July 15th the petition came before the Standing Orders Committee, and was reported upon as hon. gentlemen will see by the report of the Banking and Commerce Committee in which they quote the report of the Standing Orders Committee of July 15th. I just wish to refer only for a moment to that. The Committee reported as follows :

> Your committee have examined the following petition :—
>
> Of Frederick Nichols and others, of the city of Toronto ; praying to be incorporated as 'The Canadian Transportation and Storage Company,' and find that the notice of application required by rule 49 has only been published in the 'Canada Gazette' and in one newspaper in the province of Ontario.
>
> Your committee recommend that the committee to whom the Bill incorporating the petitioners may be referred to shall confine the operations of the said company to the province of Ontario.

This report was adopted by the House, and therefore the petition in all its stages was perfectly in order, and the procedure up to that time cannot be questioned. But on July 10th, we find this Bill (176) was read the first time in this House, and referred to the Standing Orders Committee under rule 59. On July 10th the petition had not been passed upon by the Committee on Standing Orders. It was passed on by the committee on July 15th. When the report of the Standing Orders Committee was adopted by the House, the senator in charge of the Bill found it was not necessary to have the Bill go before the Standing Orders Committee, because the petition had been passed upon, and he moved that the order of the House referring the Bill to the Standing Orders Committee be rescinded, so that the Bill would be brought under the jurisdiction of the House at once, because the petition had been passed upon and there was no longer any necessity to go before the Stand-

ing Orders Committee. The order rescinding the former order of the House is on record. It was the only course left open to the hon. senator who had charge of the Bill if he wished to facilitate its passage, and not lose any unnecessary time, because the petition had been passed upon and there was no necessity to consider the Bill. It would be duplicating the work, which the Standing Orders Committee would not be justified in doing, because they had already reported on the petition covering the same Bill. I take it, however, that the Banking and Commerce Committee did not have that information in full before them when they were making their report yesterday. They did have before them what they embodied in their report, but they did not have a record of the proceedings that were taken on the petition. Consequently, it appeared to them that there was an irregularity. There was something there that they could not understand. Not having the full information before them, but feeling or thinking something was wrong, the committee acted very properly in reporting to the House when there was even a suspicion that the procedure was not as complete as it ought to be. Had the explanations been made before the Committee on Banking and Commerce, they would not have referred to the proceedings before the Standing Orders Committee, but would have made the reports on the merits of the Bill as on ordinary occasions. The hon. leader of the opposition pointed out that the Standing Orders Committee reported that the Bill be confined in its operations to Ontario. They had no other option. They could have recommended the suspension of the rules, but they recommended that the operations be confined to the province of Ontario because the notice had only been given in Ontario, and while the Bill was apparently extended further, it was for the committee to exercise its judgment, which I am not going to question or criticise at all. I am only detailing the history of the case to show that the procedure was regular, and if the circumstances were to occur again to-morrow, the very same procedure I think would be followed in the best interests of forwarding legislation in the House.

Hon. Mr. SCOTT—Is there not some uncertainty about the last paragraph? Does it not state that it is for the House to say whether it is to apply to Ontario or to Canada generally?

Hon. Mr. KERR—Yes.

Hon. Mr. SCOTT—Would it not be well to amend that?

Hon. Mr. KERR—The hon. gentleman from Grey is giving a notice which I do not wish to have taken up to-day, because the hon. gentleman from Sorel understands it is not to come up to-day. I move that this Bill be read a third time on Tuesday, the 22nd inst.

The motion was agreed to.

OTTAWA VALLEY RAILWAY COMPANY BILL.

SECOND READING POSTPONED.

The Order of the Day being called,

Second reading (Bill Z) An Act respecting the Ottawa Valley Railway Company.

Hon. Mr. WATSON moved that the Order of the Day be discharged and placed on the Orders of the Day for 22nd inst.

The SPEAKER—I think it proper to call the attention of the House to certain circumstances in connection with this Bill. The following memorandum was placed in my hands by one of the clerks of the House:

A petition was presented to the Senate (under seal as required by rule 57) and read and received the 18th of March. The petition and notice in the 'Canada Gazette' and newspaper asked for power to construct a branch line of railway to St. Combe only. This petition was reported upon by the Standing Orders Committee as being in conformity with the rules.

The House of Commons Committee on Standing Orders reported to the same effect.

Bill (59), a copy of which is attached, was presented to the House of Commons, and on report of the Railway Committee, thrown out—preamble not proven.

The Bill as presented to the Senate to-day is an entirely different Bill, a new Bill, a Bill for which there is no petition presented as is required by Rule 54, and no notices published as required by Rules 49 and 50. These ought to be suspended, as Rule 54 has not, as I take it, been complied with.

Rule 53, consequently, cannot be complied with.

Rules 49, 50, 53 and 54 should be suspended.

I read this memorandum for the information of hon. gentlemen interested in the Bill, so that we shall not get into a tangle over this Bill, as happened in connection with the Bill we have just been dealing with.

Hon. Mr. YOUNG—The motion is simply to defer the Order of the Day, and the merits of the Bill are not under discussion, but I should like to ask the hon. Speaker if the petition was not presented to and received by the House under the same title as the Bill.

The SPEAKER—A petition was presented about three days ago by the hon. gentleman from St. John.

Hon. Mr. YOUNG—Is that the only petition presented ?

The SPEAKER—That is as far as I know. I know nothing of the matter myself, but this memorandum was handed to me by one of the officers who has charge of the Bill.

Hon. Sir MACKENZIE BOWELL—Does the memorandum refer to the fact that this Bill was introduced in the Commons and thrown out ?

The SPEAKER—Yes, but this is not the same Bill.

Hon. Mr. WATSON—Might I ask what officer furnished the memorandum ?

The SPEAKER—The clerk who has charge of private Bills, Mr. Soutter.

Hon. Sir MACKENZIE BOWELL—I was informed that the hon. gentleman who had charge of the Bill intended to postpone it till the House re-assembled.

Hon. Mr. WATSON—He requested me to make that motion.

The motion was agreed to.

TORONTO AND HAMILTON RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. KERR (Toronto) moved the second reading of Bill (147) An Act to incorporate the Toronto and Hamilton Railway Company.

The SPEAKER.

Hon. Mr. McMULLEN—I have no desire to bring the House to a vote on the question involved in this Bill, undertaking to charter a railway such as the one now under consideration. The provisions of the Bill we have just disposed of, and which is left over until after the Senate re-assembles, are of the same kind, absolutely and entirely local in character, and they should be dealt with by the provinces. This is another case. However, as I have stated, as the Senate is thin, I am willing to let the second reading pass, and when we re-assemble we can thresh out the whole principle before the committee, but it is with the understanding that we are not committed to the principle of the Bill that I consent to that being done.

Hon. Sir MACKENZIE BOWELL—I think that is a principle that has been recognized for many years past. The old parliamentary practice was that the moment a Bill passed the second reading the principle of the Bill was affirmed but not the details. I know in the House of Commons the question was discussed many years ago and it was distinctly understood then,—I heard the principle laid down by the then hon. leader of the government, Sir John. A. Macdonald—that it was to be considered that as the full merits of a measure were to be considered in committee, it should be understood in the House that upon allowing the second reading to take place the principle that had prevailed in the past of being a confirmation of the principle of the Bill should no longer be considered to be binding. Those in the House of Commons at the time, will remember it. I think that has been the practice ever since. I hold very strong views upon the question of our legislating upon questions which are purely local, but I have no doubt the intention of the promoters of this railway is to purchase and amalgamate with all the electric roads running from Hamilton, although the city of Hamilton is precluded under the Bill, to Niagara Falls, with the ultimate intention of extending it as far as Montreal. I believe that is the intention. There is one peculiarity in this Bill to which I call the attention of the House. We are asked now to incorporate an electric road from Toronto to Hamilton ; that is to declare it to be

a road for the general benefit of the Dominion, and consequently coming within the purview and control of the legislation of this House. Another provision is that they are to have power to acquire one or two roads running from Hamilton to St. Catharines, and on to Niagara Falls. Those roads are by the provisions of the Bill, to remain under the control of the provincial legislature. I have no doubt in the world, that if this Bill is passed the promoters of the Bill will come down next year and ask that the other portions of the road be declared to be in the general interest of the Dominion and certainly if there is to be but one road it should not be under the double jurisdiction, and if we live until next session, I shall not be at all surprised, the moment these roads to which I have referred have been acquired by this line which is declared to be in the general interests of the country, to find a Bill introduced here to have them all placed under the jurisdiction of the Dominion. I call attention to that fact to justify the remark that I made that this Bill is rather conglomerate in its character. I do not know, under the circumstances, having passed so many Bills during the present session of a somewhat similar character, that we should reject this one.

Hon. Mr. DAVID—The promoters of the Bill should show us what it is that gives a federal character to the Bill, and what brings the Bill within the jurisdiction of the federal parliament. There has been a great abuse of those declarations that certain works are in the interests of Canada, and I think it is time a stop was put to those abuses. I have the Bill before me, and I see nothing so far to convince me that it is within the jurisdiction of the federal parliament. It is not sufficient to say that a work is in the interests of Canada. It is not sufficient to declare that it is. It must be demonstrated in some way.

Hon. Mr. SULLIVAN—In view of what the hon. member from Hastings has said, and from his experience of parliamentary practice, that the second reading does affirm the principle of the Bill, and from what I heard outside, it is very important that the Bill should be studied, and therefore, I think it would be far better that the hon. gentleman should postpone the second reading. I am willing to admit that the greater part of the brains of this House are in the possession of the Railway Committee, but there might be a slight modicum of the cerebellum of the brain outside, and therefore, I think that in deference to them and the small number of members present, and in view of the time we shall have to study this case, in view of what Sir Mackenzie Bowell has said, we should all look into it, and, anxious as I was before, I am more anxious now, and I should ask the hon. gentleman to postpone the second reading until we return. There will be nothing lost by his doing that, and it is only in order that he might push it a step further that the hon. gentleman from Wellington has assented to its being allowed to pass the second reading to-day. I would ask the hon. gentleman not to press the second reading now, but to leave it until we resume.

Hon. Mr. DANDURAND—It seems to me the view expressed to me by the hon. gentleman from Belleville does not cover the whole doctrine. There are Bills which contain a declaration that the work is for the general advantage of Canada and which do not show very clearly in express terms the fact that they are for the general advantage of Canada ; but that is a fact which it seems to me the committee has a right to investigate. The promoters may throw such light upon the Bill and establish so clearly that it is for the general advantage of Canada, that the doubt which might exist on a cursory reading of the Bill would be removed. That is why it seems to me that the promoter of the Bill should be entitled to make an explanation before the Railway Committee in regard to the Bill.

Hon. Mr. BEIQUE—Would the hon. member for Belleville permit me to ask him if this is a railway crossing the Grand Trunk Railway ?

Hon. Mr. KERR (Toronto)—Yes.

Hon. Mr. BEIQUE—Then I desire to express my pleasure that the hon. gentleman from Belleville has somewhat changed his opinion, because when I moved the other day to strike out clause 6 of the Railway Bill, which purported to bring under the jurisdiction of this parliament all railways.

whether federal or local works for the general advantage of Canada, if they crossed a railway under the jurisdiction of this parliament, the hon. member supported clause 6. Now, I understand he holds the opinion that that is no sufficient reason.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is altogether in error. This is a road, as I understand it, to run from Toronto to Hamilton. It may or may not cross the Grand Trunk Railway. You can reach Hamilton without crossing the Grand Trunk Railway or the Canadian Pacific Railway. My hon. friend here (Hon. Mr. Kerr) tells me it does cross the Grand Trunk Railway. That does not change my opinion on the point raised by the hon. gentleman. This Bill has been opposed principally on the ground that it is an interference with municipal rights and because of its local character.

Hon. Mr. BEIQUE—I draw the attention of the hon. gentleman to the consequence of making a declaration such as that contained in clause 6. If that declaration had been made, all railways of this kind would have been declared to be exclusively under the jurisdiction of this parliament, and therefore opposition to this Bill on that ground could not have been urged.

Hon. Mr. KERR (Toronto)—Perhaps it is due to the House that I should say a word or two with reference to this Bill. I did not anticipate there would be any opposition to it, or that this question would be discussed. The Bill is an important one, I did not undertsand the hon. member for Belleville to say that by giving the Bill a second reading the principle of it was adopted. On the contrary, my understanding of what he said was that it was not a recognition of the principle of the Bill, and that the committee was quite able to deal with that matter when we sent it to the committee, or the House could, on its return, deal with the principle of the Bill. That being so, I would call the attention of the hon. gentleman from Kingston to the fact that the Bill is, after all, only a very short one. There is very little in it—permission to build a railway—and I am quite sure, from what I know of the hon. member for Kingston, it would not take him very many minutes to see all that there is in it. Under these circumstances, perhaps I may be pardoned for saying that the Bill should receive its second reading and be advanced a stage, so that when we come back on the 22nd instant we may have something to do; for I doubt very much if we will have much to do once this Bill does pass. The Bill is to incorporate a company to build a railway—I want to emphasize the word 'railway'—to build a railway from Toronto to Hamilton. The impression is that it is an electric tramway. I desire to have it understood here that it is nothing of the kind, but that it is designed to be a main through railway from Toronto to Hamilton, crossing the Grand Trunk Railway near Burlington Beach, and crossing at Burlington Beach, with the permission of the municipality, if that can be obtained, and which no doubt can be obtained of the townships of Saltfleet and Nelson, and to a point connecting with the other two roads leading from there to Niagara Falls. The idea, and ambition of those who are seeking incorporation for this purpose is to build a high class railway, of the very highest order, equipped in the best and most complete and perfect manner, and to have it propelled with power from Niagara Falls as an exemplification of the finest piece of railway construction and the finest piece of electric road on the continent, and that means anywhere in the world. I can conceive of nothing in the present age better calculated to be of benefit to Canada than a road of that order, built under such circumstances, in such a place, and equipped in that manner, drawing power from Niagara Falls, connecting on the Niagara river with the leading United States railways, on the boundary of the Dominion, and from there to Hamilton over the lines of railroad which are already within the jurisdiction of this Dominion, connecting at Hamilton with this new road to be built from Toronto to Hamilton, making one complete line. Let me say to hon. senators whose attention may have been directed to this Bill on account, perhaps, of proceedings in another place, that a number of people got excited over this Bill and were under the impression that municipal rights were being invaded. Whether that was or was not possible under the Bill as originally introduced in the House of Commons, it is not

necessary for me now to state. Suffice it to say, if there ever was such a provision in the Bill, it is not in the Bill now. Municipal rights are protected in this Bill to a greater extent than they would be under the laws of the province of Ontario. More complete control over their property and streets remains in the municipality under this Bill than if this railway were incorporated under the general law of the province of Ontario. So that there is no room any longer for fear or alarm that the public interest is not going to be guarded or protected by the provisions of this Bill. Under these circumstances, it appears to me that this is a case which, having regard to what occurred in the other House, it is reasonable to ask the Senate to sanction this incorporation. I may add, all the opposition to this Bill was excited by the action taken by the City Council of Toronto, who, without knowing much about the provisions in the Bill itself—it had started before they had seen the Bill—called upon a number of municipalities through which the road passes—and I believe that all or nearly all the municipalities through which the road is to pass, except the city of Toronto, were anxious that the road should be built, and were not at all apprehensive of their rights being invaded. The city of Toronto, however, opposed the Bill, but ultimately a compromise was arrived at, and a memorandum was handed into the Railway Committee of the other chamber, by which they withdrew their opposition, and the Bill was passed there, and subsequently in the House of Commons. Opposition was withdrawn and there is no reason any longer why there should be any fear or apprehension about the propriety of the Senate passing this Bill. If there were, I should not assume the responsibility of taking charge of it. Under the circumstances, I think I was justified in moving the second reading.

Hon. Mr. BEIQUE—I desire to join in the wish expressed by the hon. gentleman from Toronto that this Bill be read the second time to-day. It seems to me we shall be gaining time, and anyway it is a question of fact whether this work is to be declared or not for the general advantage of Canada. That is a question of fact which can only properly be dealt with in committee. If the Bill receives its second reading to-day, I suppose it will be referred to the Railway Committee, where that question will be decided, and the hon. member has given information to this House which, it seems to me, tends to establish a prima facie case, anyway, sufficient to ask that the Bill be referred to the Railway Committee.

Hon. Mr. SULLIVAN—I have no desire to retard the passage of the Bill in any way. I was under the impression that we were asked to agree to the principle of this important Bill before we had given it sufficient attention. Of course, I should be glad, as I suppose we all would be, to see electricity used as a motive power for railways, and probably it may be the beginning in Canada of a power which will spread all over the Dominion. We are all sanguine enough to hope that very soon electricity may be used instead of steam. I hope the Bill will go through like a flash.

Hon. Mr. McMULLEN—When I intimated my willingness that this Bill should go to a second reading, I did not expect a discussion would arise on the principle of the Bill. I wish to say in reply to the hon. gentleman from Toronto (Hon. Mr. Kerr), that I challenge the action of this House with regard to the Bill, on the ground that it deals with a local work entirely within the limits of the province of Ontario, and therefore, that the company should be chartered by that province, and not by this House. Roads that are declared to be for the general advantage of Canada, come under our jurisdiction, but we cannot declare such a road as this will be for the general advantage of Canada until it is brought into existence. If it is in existence and crosses the Grand Trunk Railway and Canadian Pacific Railway, and becomes a work for the general advantage, it can be declared as such; but we cannot do that until it is in existence. I have taken the stand strongly that these Bills that properly belong to the province should be chartered by the provincial legislature. We are here asked to do the work of the province, to encroach on the rights of a province in granting charters just to such lines as this and the one which preceded this order. I said as a matter of courtesy, owing to the fact that the House was thin, I was willing to let the Bill go to the second reading, and discuss

the principle afterwards; but seeing that the principle is being discussed, I want to clearly and distinctly state that I take my stand on the point that a road cannot be declared for the general advantage of Canada until it has an existence. Then, if it is of a character to be a road for the general advantage of Canada, it can be so declared, but until that time, if it is a local line, it is entirely under the control of the local legislature, and should seek its charter from the local legislature and not from this House. I care not how hon. gentlemen explain that it crosses the Grand Trunk Railway or any other Dominion work, these are no sufficient arguments for this House assuming the responsibility of chartering a local railway. That is the stand I take, and I intend to fight it out on that stand and adhere to it, until I am convinced I am wrong. I have formed these views after many years of experience, and I believe they are the views which should prevail. I know we have been sinning in this direction for fifteen or twenty years—ever since the railway Bill was introduced by Sir Charles Tupper. I do not blame him for passing that Bill, but I believe parliament has been erring on this question of chartering roads that were entirely and absolutely within the province, and should be chartered by the province. Now, I say that we should, in justice to ourselves and in justice to the province, at once recognize provincial rights in connection with all local questions. It is not within our sphere, and that is why I oppose this Bill, and the Bill which we dealt with before it. It is a flimsy thread on which to hang a contention that we should grant a charter for a road here because in years to come it may become a work for the general advantage of Canada. We have no right to bring it into existence. Let those who promote it go to the local House, and get a charter there, and in after years, if it becomes a work for the general advantage of Canada, let it be so declared.

Hon. Mr. KERR (Toronto)—I should like to point out to the hon. member that there is yet time for him this session to introduce a Bill to repeal a Bill introduced by himself, which contains the very same obnoxious principle which he says is contained in this Bill. To be consistent, and to enable us all to understand that he is absolutely dead in earnest in this, and not merely talking to the gallery, I think it is incumbent on him to introduce a Bill to repeal the Bill which he has already had passed in this House, with his name attached to it, under precisely the same conditions he has been pointing out. Nay, more, I will undertake to point out before the committee that there are many reasons why this Bill should receive the declaration which he has been speaking of, while I think they are not existing in the Bill which he had passed.

Hon. Mr. McMULLEN—The Bill that stood in my name this session was put in my name without my consent. I was requested to move its reading here and I did so. Up to that time, I had never given to this whole question such serious consideration as I have given to it recently, and I have come to the conclusion that it is wrong on our part. I confess that I have been a sinner as well as other hon. gentlemen. In the other House, and in this House, we have passed such Bills. I confess I have been a sinner along with the others, but repentence at the eleventh hour is better than none at all. I say we should draw a line now. As far as I am concerned, if other members of this House do not see it their duty to draw the line, I find no fault with them, but I shall draw the line myself.

Hon. Mr. WATSON—I would suggest to the hon. gentleman from Wellington, if he admits being a sinner up to the last hour, and purposes to repent at the eleventh hour, this being probably a more important Bill than the small Bills he has been sinning about all session, he might let this Bill go to the committee now.

Hon. Mr. McMULLEN—I did not object to that.

Hon. Mr. WATSON—The hon. gentleman's attention was called to the obnoxious provision in the Bill he was fathering when it was before the committee, and he said because two other Bills of the same character had been sanctioned by the committee, his ought to go through also. The arguments advanced by the hon. gentleman show that if any electric railway in western Ontario is entitled to consideration by this parliament, it is the one which is now before us. It

is in the vicinity of where there is ample electric power to be secured, and, as stated by the hon. gentleman from Toronto, I believe in a short time nearly all those railways in the vicinity of Toronto will be run by electric power. I believe steam railways will adopt electricity as a motor power. It will avoid the trouble of smoke and danger of fire, and I believe will be much cheaper in operation than the present steam motor power. If there is any one Bill of this character which has come before parliament this session which should receive the endorsation of parliament, it is this Bill. The objection to this Bill was raised in the House of Commons by the city of Toronto. The city of Toronto thought the Bill was to secure some control over the street railways of the city, and they came here to oppose it. I had an opportunity to listen to some of the arguments advanced in the committee of the House of Commons, and all the municipalities through which this road is to operate came here and supported the Bill. About the only opposition it had was from the city of Toronto, and that opposition was withdrawn on the insertion of a compromise clause in the Bill before it left the House of Commons. That being the case, there is not much left for us but to approve of the Bill. So far as the argument of provincial rights is concerned, I believe in provincial rights, but I would not like to say we should bind ourselves by a hard and fast rule that no legislation which comes before this parliament that may be considered within the jurisdiction of the local legislature, shall be dealt with here. I believe in a province having exclusive control over local affairs, as I stated here yesterday when we were discussing educational matters, but a different course may be necessary when it comes to railways. The whole purport of the Railway Bill is that the traffic of Canada can be better served by having the control of all railways under a Dominion commission. If that is a good principle, it should be applied to all railways for carrying passengers, so far as rates and tolls are concerned—they all should be under the management of the railway commission.

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

A QUESTION OF PRIVILEGE.

Hon. Mr. BERNIER—I desire to call attention to a grievance I have before the House adjourns. I do not want to make more out of it than necessary, but I think it is right that we should see to the correctness of the record of our proceedings. The proceedings with regard to my motion of yesterday are inaccurately recorded. In the first place, the mention of it does not appear at the proper place. It is mentioned as having taken place at the night session, whilst it took place at the three o'clock meeting. In the second place, there is no motion recorded. I made a distinct motion, which was carried, and I see in the proceedings that the motion is not mentioned at all; consequently there is no order of the House, and I cannot request the production of any paper because my intention was to call for the production of some papers and the House granted the motion. I think the attention of the proper officer should be called to it in order that our proceedings should be recorded rightly. I make these remarks with a view of having the error corrected. Whilst I am on my feet, I should like to ask the Secretary of State what is the number of the sessional paper.

Hon. Mr. DEBOUCHERVILLE— I think the way to correct the mistake would be to enter in the proceedings a note that there has been an irregularity.

Hon. Mr. SCOTT—The correction will be made no doubt.

Hon. Mr. DEBOUCHERVILLE—I move that the correction be made in the record of the next proceedings of the Senate.

Hon. Mr. SCOTT—In reply to the inquiry of the hon. gentleman from St. Boniface, I laid on the Table a copy of the document, but I could not tell the number just now. It was in the session of 1897.

Hon. Mr. BERNIER—I looked in the appendix and could not find it.

Hon. Mr. SCOTT—I laid a copy of it on the Table.

Hon. Mr. BERNIER—I call attention to the fact that the document which has been laid upon the Table is not the document

which I asked for. That document must have been signed by somebody, and there is no signature to it. Later on I will call upon the hon. gentleman to produce the genuine document.

Hon. Mr. DEBOUCHERVILLE—I move that the correction of the error pointed out by the hon. gentleman from St. Boniface in the minutes of proceedings of to-day be published in the next issue of the minutes of proceedings.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, September 22, 1903.

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

MANITOBA GRAIN ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (232) An Act to amend the Manitoba Grain Act, 1900.

Hon. Mr. PERLEY—I should like to have this Bill stand over, because I wish to see the original Act. A great many sections are repealed and amended.

Hon. Mr. SCOTT—Would not the better way be to deal with it in committee? It is full of details.

Hon. Mr. PERLEY—Very well, but I should like to get a copy of the Act which this amends.

Hon. Mr. SCOTT—Yes. It will be within the recollection of the House that in 1900 this body gave a great deal of consideration to the Manitoba Grain Act. It was very much discussed, particularly by our friends from Manitoba and the North-west, and I think we considerably improved it. However, there are numerous interests involved in this question. There is the grain-grower; there is the elevator man; there is the purchaser of the grain, and there is the railway company, and a great variety of questions have arisen affecting their several interests. During the early part of this session the grain-growers' association sent delegates to Ottawa, and so did the buyers' association. They met here, and the railway officials, who were familiar with the questions that arise in the consideration of this matter, met here, and they, I will not say agreed to the clauses set forth in this Bill, but as nearly as possible they did so, each one yielding something. They thought that this was the best compromise. The Bill repeals the amendments made last session in toto. In 1902 we amended the Act of 1900. This Bill repeals the Act of last year. I will run rapidly over the various paragraphs, mentioning the interests that they affect. The second clause is the interpretation clause. The next authorizes the appointment of deputy warehouse commissioners. Heretofore there has been just the one commissioner, and as his territory extended between Fort William through to the Rocky mountains, it has been found impossible in the busy season that he should give attention to the various difficulties that arise in different localities which require personal attention, and authority is given to appoint a deputy commissioner. Then, a new individual has arisen under this Bill, known as the track buyer. The parties engaged in the selling and buying of grain take out a license. It is found that there is a person, known as the track buyer, who does a considerable amount of business. It is proposed that he should be included among the persons compelled to take out a license. The next clause adds to the duties we impose in obliging them to also state whether the car is leaking or in bad order, when he is making his examination. Then, the next is regarding statements that heretofore have been made every Tuesday morning. They are hereafter to be made weekly, but under the direction of the commissioner. Clause 7 gives power to the commissioner to settle disputes as they arise from time to time between the parties. Then, clause 9; heretofore it was absolutely necessary for an elevator to receive the grain, and it was found in many instances that a larger quantity was offered than the elevators could receive; there was not sufficient space, and so that clause has been repealed.

Then this matter of storage; it was provided in the law as it stood, that if grain

had been placed in an elevator with the intention of removing it on to Fort William, after seven days there should be no storage charge. This is modified. Provision is made that no storage shall be charged in the event of the person entitled to remove the grain, obtaining a car at the earliest possible time, and having the grain sent forward. Clause 12 amends the provision relating to the duty of the warehousemen when grain is out of condition. Clause 13 deals with the duty of the warehousemen in furnishing statements for the commissioner. Clause 14 provides for the erection of flat warehouses. Clause 15 defines the time within which any person who has procured a site shall be required to commence the erection of his elevator or warehouse. Clause 16 makes provision for the erection of loading platforms. Clause 17 regulates the duties of grain commission merchants. Clause 18 provides for the application of the fees collected. Clauses 18, 19 and 20 relate to the penalties for infractions of the Act. Clause 21 deals with the distribution of cars, and the remaining clauses, 22 and 23, deal with the question of storage charges. These are clauses that individually are not affected by preceding or subsequent clauses, and therefore we can discuss them better and give fuller explanations when the House is in committee on the Bill.

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

PENSIONS TO JUDGES' BILL.

SECOND READING POSTPONED.

The Order of the Day being called :

Second reading of Bill (243) An Act to amend the Supreme and Exchequer Courts Act, the Exchequer Court Act, and the Act respecting the Judges of Provincial Courts.—(Hon. Mr. Scott.)

Hon. Mr. SCOTT moved that the Order of the Day be discharged and that it be made an order for Friday next.

Hon. Mr. LOUGHEED—Will the hon. gentleman inform the House why this Bill is postponed from one sitting to another.

Hon. Mr. SCOTT—There are a number of gentlemen who take a very great interest in it who are not present to-night—one particularly.

Hon. Mr. LOUGHEED—Why not say to-morrow ?

Hon. Mr. SCOTT—There are some questions on which I wish to get the views of my colleagues.

The motion was agreed to, and the Order of the Day was discharged.

OTTAWA VALLEY RAILWAY COMPANY'S BILL.

SECOND READING POSTPONED.

The Order of the Day being called :

Second reading of Bill (Z) An Act respecting the Ottawa Valley Railway Company.—(Hon. Mr. Domville.)

Hon. Mr. SCOTT—I do not think the hon. member can proceed with this Bill, inasmuch as a similar Bill has been thrown out by the House of Commons, and it would be contrary to all parliamentary practice, after a Bill has been defeated in one House to introduce it in another. There is a slight change in the Bill. Perhaps it would be more fair to the gentleman who has charge of it not to give the facts as I have them, and therefore it will be better to let the Bill stand over.

The Bill was allowed to stand.

PENNY BANKS BILL.

FIRST READING.

A message was received from the House of Commons with Bill (198) An Act respecting Penny Banks.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said : This Bill is due to a movement made by a number of benevolent people in the city of Toronto, who desire to establish a bank to encourage thrift among the poorer classes, allowing very small sums to be deposited. The bank starts with a capital of $10,000, and the directors carry it on simply for the object set forth in the Bill, which can be more properly explained, perhaps, at the second reading of the Bill. The capital is limited to $10,000, and the moneys under deposit are to be transferred to the government savings banks. A sum of five per cent is retained by the bank for the purpose of meeting the cheques which may come in from parties who desire to withdraw their deposits.

Hon. Sir MACKENZIE BOWELL—Is the word 'penny' recognized in our currency?

Hon. Mr. SCOTT—I do not think it is, since we adopted the decimal system. I presume this was copied from some English Bill, but that will not disturb it. Depositors can, of course, invest one cent, or five cents or two cents.

Hon. Sir MACKENZIE BOWELL—As we understand it, the English penny passes for two cents. Is that provided for in the Bill, declaring that a penny shall be two cents?

Hon. Mr. SCOTT—No, it is a mere name.

The motion was agreed to.

IRON BOUNTIES BILL.

FIRST READING.

A message was received from the House of Commons with Bill (238) An Act to amend chapter 8 of the statutes of 1899 respecting bounties on steel and iron and to provide for the payment of bounties on certain articles manufactured from steel.

The Bill was read the first time.

Hon. Mr. SCOTT—The object of this Bill is to enlarge the bounty system in regard to steel and iron, giving a bounty of $6 per ton on rolled round wire rods of certain proportions made in Canada. It also extends the bounty system, as passed in 1897—that is, continuing the present year the higher rate that was in force last year. I shall explain the details of this Bill more fully at the next stage. I move that the Bill be read the second time to-morrow.

The motion was agreed to.

LEAD BOUNTIES BILL.

FIRST READING.

A message was received from the House of Commons with Bill (239) An Act to provide for the payment of bounties on lead contained in lead-bearing ores mined in Canada.

The Bill was read the first time.

Hon. Mr. TEMPLEMAN moved that the Bill be read the second time to-morrow. He said: This Bill grants a bounty of $500,000 a year for five years for the mining and smelting of lead in Canada. It is payable, I think, at the rate of three-quarters of a cent a pound on the refined lead mined and smelted in Canada. The mining of lead and silver ores in the province of British Columbia some years ago was a very large and important industry. Due to various causes, largely to the combination of smelting interests in the United States, the mining of lead became unprofitable in Canada, because we could not sell our ores to the United States smelters. The price of lead also depreciated the last few years, so that, to encourage the industry, it was found necessary to grant a bounty of this kind, or give some aid, and this was the method adopted by the government to assist that large and important industry. I am very glad to say, the announcement of this bounty has very greatly improved the condition of things in the great lead and silver mining country of the Slocan. The Bill is a very simple one. No doubt, it will provoke a discussion on the second reading, which I have moved for to-morrow.

The motion was agreed to.

CANADIAN CABLE NEWS BILL.

FIRST READING.

A message was received from the House of Commons with the Bill (240) An Act to assist in establishing and maintaining an independent foreign service of telegraphic news from Great Britain for publication in the Canadian press.

The Bill was read the first time.

Hon. Mr. TEMPLEMAN moved that the Bill be read the second time to-morrow. He said: This Bill grants to an association, to be called the Canadian Press Association, the sum of $15,000 a year for two and a half years, ten thousand dollars for the following year, $5,000 for the fourth year, after which the aid is to be discontinued. This, I understand, is about one-half of the expected cost of the new Canadian Associated Press system, which has been recently established, and which is now in actual operation, the despatches being received by the newspapers of the country which have taken advantage of the formation of this association, as already hon. gentlemen will see. I myself, as a newspaper man, am inclined to think it is calculated to be of considerable advantage to the country, although I am bound to say there is a possibility of improving the service as re-

gards the character and class of news thus far received. No doubt, however, as the correspondents at the headquarters in London familiarize themselves and learn the class of news required in this country, the service will be materially improved. We have been complaining for many years that the character of the despatches received from Great Britain, filtering through the United States channels, gave to the British news published here a distinctly United States flavour. It was for the purpose of obtaining accurate and reliable news from Great Britain that the government have thought it wise to supplement the efforts of the newspaper men of this country, by giving them this aid.

Hon. Mr. ELLIS—I hope the government will, if possible, endeavour to make some general statement with regard to its policy as to bounties. I regret that the hon. gentleman from Rockland (Hon. Mr. Edwards) is not in his place, because I understand him to be generally opposed to bounties, as I myself am, although I do not say that I would not vary my view to meet some particular case where it would seem to be exceedingly advisable to do it. We have already passed one Bill for bounties, and here are three more Bills of a similar character. It is quite a novel practice to grant a bounty to such an industry as the collection of news. Perhaps I should not object to it, although I do not think the result will follow which the hon. member who has charge of the Bill predicts. What has been done so far is not very much. I think there should be a statement, for the satisfaction of free traders like myself, as to how far the government intend to pursue a policy of granting bounties. They appear to me to be very inconsistent with the general policy of the Liberal party, and I should like to know, when the second reading comes up, in a more definite way what is to be done in the matter of bounties.

Hon. Sir MACKENZIE BOWELL—The suggestion of the hon. gentleman who has just spoken, I think will meet the approval of the members of the Senate generally, whatever their opinions may be as to the policy of granting bounties. When we reflect for a moment on the position taken in the past by the gentlemen who are now extending the principle of bounties, we might well ask what the policy is to be for the future? Speaking personally, I am not opposed in toto to bounties; I am not a free trader like my hon. friend, but the policy of the present government in extending the principle of granting bounties is simply a device to evade the other greater and more important question of protecting the industries in this country. It is a kind of makeshift, if I may use that expression, in order that they may say to the people: 'We have not violated the free trade principles which we have been advocating; we accomplish the same object by granting bounties out of the funds of the country to which you all pay a part.' It was not my intention to have said anything upon the question at this stage, nor should I have done so had not the hon. gentleman from St. John asked for an explanation of the general policy of the government upon this question. Are we to evade the economic principle of free trade or protection and adopt the other—what shall I call it?

Hon. Mr. MILLER—Compromise.

Hon. Sir MACKENZIE BOWELL—Well, that is scarcely the correct word.

Hon. Mr. LANDRY—Substitute.

Hon. Sir MACKENZIE BOWELL—Compromise or substitute—I think it is an evasion of the principle, and whether it is to be the general policy of the government is an important matter, because it is a very grave question to submit to the people as to whether industries of the kind which are being aided by a bounty, temporary in its character, will have the effect that we desire, of encouraging and perpetuating the industry thus aided. My own view is that if we desire to encourage such industries as the refining of lead in this country, we have to adopt a principle similar to that which exists in the United States. When the United States refuse to admit our raw material into their country without taxing it in proportion to its intrinsic value, or the percentage of lead that is in the ore, that we should at once—I do not like the word retaliate, but I would adopt a principle in the interest of Canada no matter what policy the United States might pursue. If we impose a fair protective duty,

the lead could be refined in this country, and I have no doubt that in a year or two there would be ample to supply the markets of this country and also a large quantity to export to outside markets. Until we do that, depend upon it we will have no real success in the establishment of these different industries permanently. The expedient of granting a bounty for a few years is temporary, and when the aid is withdrawn the producer would find himself in the same position he occupied before the bounty was granted. Another point we ought to consider is that in granting a bounty we do not interfere with or restrict the importation of the article that comes in competition with that which is produced in the country by granting the bounty.

Hon. Mr. WATSON—Hear, hear.

Hon. Sir MACKENZIE BOWELL—In other words, it does not give the market to the producers in Canada. It is only a temporary expedient for a very short time. I hope when the second reading is moved we will have the information asked for, and we will then be in a position to deal intelligently with the Bill.

Hon. Mr. TEMPLEMAN—I am inclined to think my hon. friend has been speaking more with reference to the bounties on lead than with regard to the Bill before us. I can scarcely think that my hon. friend will consider this a bounty of the same character as the aid extended for the encouragement of the lead-mining industry or the manufacture of steel. This is really a grant, so to speak, to encourage for a time the newspaper men of Canada to procure a reliable news service from the old country. It is a very common thing with governments to encourage deserving enterprises of this kind. This year already the government has given grants to the Toronto exhibition of $50,000; to the Board of Trade, Montreal, in connection with the recent meeting of the chambers of commerce of the empire, $25,000, and so on. This is not a bounty such as my hon. friend has been discussing. It is an encouragement to the newspaper men, a contribution, dollar for dollar, to the newspaper men, of $15,000 per annum for three years. It may not exceed that. It may be less. I trust my hon. friend will join the association, so that the cost to the country will be less. If we all joined the association and paid toll for bringing the news across the cable, the cost to the country would be small indeed. But the newspaper men of Canada are poor, as my hon. friend and myself know. They cannot afford to pay the very large toll charged for cable service, and it is very necessary in the public interest that Canada should be served with a reliable, up-to-date news service from the old country. We thought it a patriotic thing to give this aid, and I dispute entirely the premises of my hon. friend when he argues along the line that this is a bounty which is being given because we want to evade the giving of encouragement through the medium of protection, as he would advocate. As to the suggestion of my hon. friend from St. John, I am sure my hon. friend the Secretary of State will be able to announce the policy of the government in respect to bounties on the second reading of this Bill.

The motion was agreed to.

MOUNTED POLICE ACT, 1894, AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (242) An Act to amend the Mounted Police Act, 1894.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said: Under the Mounted Police Act they are not to be engaged in carrying out the laws affecting municipalities—that is, police work of the locality. In the Yukon their position is somewhat different; they really are the constables who put in force the various ordinances there. To remove any doubt, this Bill provides that subsection 3 of section 13 shall not apply and shall not be deemed to apply. That clause made provision that they were not to interfere in carrying out the by-laws of the various municipalities.

The motion was agreed to.

JUDGES OF PROVINCIAL COURTS ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (250) An Act to amend the Act, respecting the Judges of Provincial Courts.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said: At the last session of the provincial legislature of Ontario, an Act was passed providing for the appointment of two more judges for the Exchequer Court, and the object of this Bill is to appoint a Chief Justice for the Exchequer Court and an additional judge, the salaries being the same as are paid to the judges of the other courts. The judges of the other courts are enumerated in this Bill, but simply for the purpose of having it all consolidated. It only affects practically the two judges who have to be named to fill offices created by the province of Ontario.

Hon. Sir MACKENZIE BOWELL—Is this Bill to provide the salaries of the two new judges for Ontario?

Hon. Mr. SCOTT—Yes, that is all.

Hon. Sir MACKENZIE BOWELL—And for their appointment. It is a matter which can better be discussed at the second reading, but I notice that there is another Bill—I do not suppose that is provided for in this—to provide an additional judge for the province of Quebec. That has been introduced in the other House. It was only last year, or the year before that, we passed a Bill to appoint three new judges in the province of Quebec, if I recollect rightly, and the new Bill is for a fourth.

Hon. Mr. SCOTT—This is Ontario, making the Exchequer Court on the same plane as the other courts.

The motion was agreed to.

BILL INTRODUCED.

Bill (244) An Act respecting the Western Assurance Company.

MANITOBA GRAIN ACT AMENDMENT BILL.

NOTICE OF AMENDMENT.

Hon. Mr. YOUNG—I beg to give notice that on the third reading of Bill (232) 'An Act to amend the Manitoba Grain Act, 1900,' I will move an amendment to make the wording and the intention clear.

Hon. Mr. LOUGHEED—Why is it necessary now to give notice of an amendment? It can be done in committee without notice. It is not necessary, but of course it gives us some information. It seems to me that it establishes a very undesirable practice by implication. It may lead to the conclusion that hereafter members will have to give notice of an amendment to be made to a Bill in Committee of the Whole.

Hon. Mr. YOUNG—My only object in giving notice was to follow the practice in the House, and also to give an opportunity to those interested in the measure to consider the proposed amendment, so as to see that the amendment is one which they can heartily concur in and support. However, I do not wish to weary the House.

The SPEAKER—There is no objection to the hon. gentleman giving the notice, and I think he had better give it.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, September 23, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CANADIAN TRANSPORTATION AND STORAGE COMPANY BILL.

THIRD READING POSTPONED.

The Order of the Day being called:

Third reading Bill (176) An Act to incorporate the Canadian Transportation and Storage Company, as amended.—(Hon. Mr. Kerr, Toronto.)

Hon. Mr. CASGRAIN—In the absence of the hon. gentleman from Toronto, I beg to move that this Bill be now read the third time.

Hon. Mr. YOUNG—There is a notice of motion on the Order paper of an amendment to this Bill, and I think it would be better to postpone the third reading until the hon. gentleman who has given this notice and the hon. gentleman in charge of the Bill are present.

The SPEAKER—I am informed that this amendment which is proposed to be made is one which was proposed in committee and not accepted by the committee. I think it was dealt with by the House before.

Hon. Sir MACKENZIE BOWELL—The fact of its having been rejected, even if it were proposed in committee, would not prevent a member making a motion to amend the Bill on its third reading by inserting the word 'Ontario.' For myself, I do not recollect whether the question was decided or not in committee. I do not think it makes much difference.

Mr. SPEAKER—I remember the circumstance now. The report of the special committee recommended that the word 'Ontario' be inserted instead of 'Canada,' and the amendment is to propose that the House shall reverse its action on a previous occasion.

Hon. Sir MACKENZIE BOWELL—I think the hon. Speaker is right. If the House has already pronounced upon the proposed amendment, it cannot take it up again this session.

Hon. Mr. YOUNG—I would suggest, in fairness, inasmuch as the hon. senator who has charge of the Bill is not present, that it should stand over until Friday.

Hon. Mr. ROBERTSON—Could we not let it stand until Monday next? The hon. gentleman in charge of the Bill asked me to have it set down for Monday next.

The Order of the Day was discharged and set down for Monday next.

RAILWAYS LAW CONSOLIDATION BILL

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (21) An Act to amend and consolidate the law respecting railways.

(In the Committee.)

Hon. Mr. SCOTT—During the recess I had the opportunity of hearing a good deal of criticism in reference to the amendments made to the Bill by the Senate, and was advised that when they came to be considered elsewhere, possibly some changes might be made. I think, therefore, if we can revise some of our amendments in the direction of making them more acceptable in another place, it would be in the interests of this body to do so. I shall go over carefully the various clauses, in which changes and some new amendments ought to be made. I announced at the time the Bill was before the committee on the last occasion that, under the Bill, the board had control, practically, of the location of the line, because the plan was submitted for the approval of the board, and that therefore it seemed to me the location of the road, under the Act of Parliament, ought to be a matter of policy on the part of the government; because we know in a large country like this, the road might be deflected a couple of hundred miles, and the spirit of the Act would not be carried out. The government ought to be responsible for the location of the road in accordance with the intention of parliament in granting the charter. I propose, therefore, to strike out the clause giving the board of commissioners power to accept the location of the line. I first take up clause 2 of the Bill: We struck out subsection (b) for the reason, as urged strongly, that a resolution ordinarily is not attended with the same ceremony as a by-law, and therefore they should not be on the same plane. On looking over a number of clauses of the Bill, I find resolutions are referred to in the sense that by-laws are, and that therefore the object of subsection (b) was to elevate the resolutions to the plane of a by-law—in other words, wherever 'resolution' is referred to in the Bill, it carries with it the ceremony which usually accompanies the passage of a by-law. That is, the seal of the company must be affixed, and the signature of one of the executive officers must be attached. As that is the intention as appears by subsequent clauses, I move that we reinstate subsection (b).

Hon. Mr. BEIQUE—I would suggest that the clause be made to read as follows: 'Except when referring to municipal bodies, the expression 'by-law' includes a resolution, for the reason that I mentioned before. There are clauses of this Bill dealing

with rights or franchises to be granted by a municipal council. Those rights should be granted not by resolution, but by by-law; therefore I think there would be serious objection to re-inserting subsection (b) as originally printed.

Hon. Mr. SCOTT—Perhaps my hon. friend did not understand me. Where 'resolution' is referred to in this Bill, it requires to be carried with the same formality and ceremony as a by-law is. Therefore we are very much safer in restoring the clause. That is the opinion of the critics I have heard.

Hon. Mr. BEIQUE—I understand what the hon. Secretary of State says, but a resolution passed by a municipal council, and a by-law passed by a municipal council, are two very different things; and if we say that the expression 'by-law' includes a resolution, it will amount to saying this, that when we deal with a by-law to be passed by a municipal body, under specific clauses of the Bill, it will be open to this contention that the expression 'by-law' means there a resolution as well as a by-law——

Hon. Mr. SCOTT—No, it is the resolution means a by-law, not the converse.

Hon. Mr. BEIQUE—And, therefore, the franchise could be granted by mere resolution of the municipal body.

Hon. Mr. SCOTT—No, the resolution must be accompanied by the same formalities as the by-law, and a resolution passed as the hon. gentleman sets forth would not be in accordance with the statute.

Hon. Mr. POWER—The hon. Secretary of State has made an assertion. Would the hon. gentleman be kind enough to point out the place in this Bill where it is stated that every resolution shall be accompanied by the formalities of a by-law?

Hon. Mr. SCOTT—Where you make it a by-law it must be accompanied by the formalities.

Hon. Mr. LOUGHEED—Does not subsection (b) refer to a resolution of a company, not of a municipality? My hon. friend from de Salaberry seems to think it would apply to a resolution passed by a municipality dealing with any matter coming within the by-law.

Hon. Mr. BEIQUE—The hon. gentleman will notice that subsection (b) says in a general way that the expression 'by-law' includes a resolution. Therefore, the word 'by-law,' is defined wherever it is to be found in this Bill, and this expression 'by-law' is to be found in this Bill not only in connection with a by-law passed by a company, where I would not object that it be made to include a resolution but also in connection with by-laws contemplated to be passed by a municipal body. I object to the by-law comprising or being the equivalent of a resolution, or in other words, as covering the word 'resolution' as well as 'by-law.'

Hon. Mr. LOUGHEED—I quite agree with my hon. friend, and I think this limitation should be applied to the term, namely, a by-law or a resolution of the company should do so and so.

Hon. Mr. BEIQUE—That is my suggestion.

Hon. Sir MACKENZIE BOWELL—I understand the hon. Secretary of State to say that the passage of a resolution under this Act would require the same formalities as the passage of a by-law. Unless that is provided for in the Bill, it certainly could not bear that construction, and I have no recollection of any such interpretation, or any such clause in the Bill. Those acquainted with municipal government know that a snap resolution may be passed by a body of men almost upon any occasion, sometimes when there are but few members present. A by-law has to be introduced and notice given of it, and it must be read a first, second and third time. So that it gives every member of the municipality an opportunity of knowing what is being done when a by-law is passed. A mere resolution, as compared with a by-law, certainly might become very dangerous, if the word 'by-law' is to include a resolution without any explanation being made, as suggested by the hon. Secretary of State. If a provision is made in the law declaring that a resolution, to have the effect required here, shall have the same formalities in its passage by the municipalitiy as a by-law, then there can be no objection to it, but it strikes me as a dangerous provision without that safe guard.

Hon. Mr. SCOTT—The design of the gentleman who drafted the Bill was to put that interpretation upon it. I find there are several clauses which relate to by-laws, rules and regulations. His interpretation was, that rules and regulations came under the definition of 'resolution,' and as such, that they should be passed with the same particularity as a by-law.

Hon. Mr. POWER—I understand, the gentleman who is referred to is a clerk in the Railway Committee of the other House, and it does not seem to me that his interpretation of the Bill binds the Senate in any sense.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. POWER—There is a heading here, No. 10, 'By-laws, Rules and Regulations.' The word 'resolution' is not mentioned in any of these sections 243 to 250. 'Resolution' is mentioned in clause 80, and that clause reads as follows :—

> The directors may make by-laws or pass resolutions from time to time for the management and disposition of the stock, business and affairs of the company not inconsistent with the laws of Canada.

The two things are distinguished here. I think the Senate, having made this amendment after due consideration and deliberation, had better adhere to it, and if the House of Commons choose to disagree, it is their affair, and it will be our duty to deal with their action when it comes before us; but I do not think, because a clerk of the Railway Committee of the House of Commons thinks we made a mistake, that we should give way to him.

Hon. Mr. SCOTT—No, it is not a clerk of the Railway Committee.

Hon. Sir MACKENZIE BOWELL—It is the law clerk of the Railway Department, not the law clerk of Commons. There is a great deal of force in what the hon. Speaker says will be proven hereafter, when we consider one or two other clauses which it will be necessary to amend, because the law clerk himself, I believe, has stated that he had no such intention, that that was not his intention, and that he had overlooked certain points. It is for the Senate to consider whether these amendments should be made or not; but if the hon. gentleman persists in his motion, I would respectfully suggest that he have a provision made to define what a resolution of a railway company means.

Hon. Mr. BEIQUE—I find, on referring to the Minutes of 31st August, that I had given notice of this amendment, at page 739. I gave notice to substitute for subsection (b) the following :—

> Except when referring to municipal bodies the expression by-law includes a resolution.

Hon. Mr. SCOTT—I have no objection to adopt that.

Hon. Mr. LOUGHEED—I do not wish to be too critical, but it seems to me that even that might possibly lead to mischievous consequences, inasmuch as the railway companies will probably have to deal with other companies. Now, those other companies would not necessarily acquaint themselves with the requirements under the Railway Act as to a by-law which they might pass in connection with the railway companies. I think, if the amendment were simply confined to the company's resolutions and by-laws, it would cover the ground. Then, all railway companies coming under this Act would see that their resolutions complied with the Bill, namely, that they were passed subject to all the formalities required, but if you go outside, as my hon. friend's proposed amendment would, it might extend to bodies other than municipalities, and possibly lead to mischievous consequences, for this reason: it would also lead to a conflict probably between Dominion and provincial legislation that is, where other corporate bodies are entities under provincial law. The provincial law calling them into existence will define what a resolution or by-law may be and what formalities will have to be observed with reference to either. This Bill would then step in and come in conflict with the provincial legislation as to what constitutes a by-law or resolution. I think, if we would put it 'resolution or by-law of the railway company,' it would answer.

Hon. Mr. POWER—The best way is to leave the matter as the Senate passed it before. A by-law and a resolution are essentially different, and the ordinary reader who takes up this Bill will probably not go to the interpretation clause. He will see such and such things are to be done by by-law, and he will not suspect that what requires

a by-law, which is passed with various formalities, can be done by a mere resolution, passed without any notice and without any repeated consideration. No difficulties whatever, as far as one can see, can arise from what we have done.

Hon. Mr. SULLIVAN—To the layman this phrase is very ambiguous; I certainly do not understand it, and if the hon. Secretary of State will consult with the gentleman who framed this, probably, knowing the feeling of the Senate, he would make it so as to suit. I know the legal phraseology is very much involved. I thought it had all been done away with years ago, but still it crops up occasionally, and this is one of the cases. I think that the framer of the clause would probably fix this to suit.

Hon. Mr. BEIQUE—With all due deference to the law clerk——

Hon. Mr. SCOTT—It is also passed by the Department of Justice.

Hon. Mr. BEIQUE—I think the object would not be attained at all. I think the intention of the Law Clerk, from his remark, is to avoid a resolution being taken as the equivalent of a by-law. If we adopt this subclause (b) as it is printed, it would have the other effect. It would be better to strike it out altogether.

Hon. Mr. SULLIVAN—I do not see why they should not have an opportunity of arranging it after the explanation given by the hon. Secretary of State. It is for the purpose of making it more stringent and strict; where a by-law should be passed a resolution will not be accepted. I take it that is the explanation.

Hon. Mr. POWER—If you say that, it is another thing.

The committee divided on the motion to re-insert subclause (b).

The motion was agreed to: Contents, 23; non-contents, 14.

Hon. Sir MACKENZIE BOWELL—I hope the hon. Secretary of State will consider the proposition I have made to define what a resolution is and how it should be carried.

Hon. Mr. SCOTT—I shall call the attention of the Minister of Justice to it when it goes back to the House of Commons. The next clauses to which I shall call attention are 5, 6 and 7. We made very important changes in these clauses, inasmuch as it was thought the clauses as they stood in the Bill rather encroached on the domain of the provinces, and there was a very strong opposition to the clauses as they were. An amendment was introduced in lieu of 5, 6 and 7, reading:

5. Every railway steam or electric street railway or tramway, the construction or operation of which is authorized by a special Act passed by the legislature of any province, now or hereafter connecting with or crossing a railway which, at the time of such connection or crossing, is subject to the legislative authority of the parliament of Canada, is hereby declared to be a work for the general advantage of Canada in respect only to such connection or crossing or to through traffic thereon or anything appertaining thereto, and this Act shall apply.

The objection to that clause is this: it was urged there were very many other subjects than the mere through traffic which ought to be considered, and would not at all encroach on the provincial domain. These clauses were very much discussed as clauses encroaching on the railways, and even electric railways under the authority of the province, and therefore we restricted the control of the board to the question of through freight, and to the crossings and junctions. I propose adding this:

Also to the provisions set forth in this Act relating to fines and penalties, navigable waters, criminal matters, accidents and statistics.

In the return made in the report of the Minister of Railways, he has included even the returns from the roads which are connected with the main lines which hold their charters from the Dominion. It seems to me, therefore, there would be no objection to inserting these words.

Hon. Mr. BEIQUE—There is no objection; they are already covered by subclauses of the Bill, except the word 'accidents.' There are special provisions in the Bill dealing with offences and statistics.

Hon. Mr. SCOTT—Would they be covered, as we have struck out the control——

Hon. Mr. BEIQUE—They are already covered. As far as the word 'accidents' is concerned, I think there would be no objection to that. If it is a provincial road, then it would not come before the board. For instance, an electric road or a railway entirely under the statutes of

the province, should not be brought before the board.

Hon. Mr. LOUGHEED—According to the amendment which the hon. gentleman himself moved to clause 5, provincial roads which heretofore have been under the authority of a provincial legislature would be taken out of this authority in the particular classes enumerated in the amendment—namely, connections, crossings, or through traffic therein, or anything pertaining to those three classes of cases. I think the position taken by the hon. Secretary of State is quite consistent with the amendment which has been passed. I was opposed to the amendment at the time my hon. friend from de Salaberry moved it, because it is entirely against the general policy of the Bill. The amendment which is now proposed would certainly bring it in line with the Bill's general policy.

Hon. Mr. BEIQUE—I call attention to clause 3 of the Bill, which says:

> This Act shall apply to all persons, companies and railways (other than government railways) within the legislative authority of the parliament of Canada.

And to clause 302, dealing with statistics, and the following sections, and also to clause 290, dealing with fines and penalties. I have no objection, if there is any doubt on that point, provided the word 'accident' be left out.

Hon. Mr. SCOTT—We have completely altered the Act. As the law stood railways which connected with or crossed Dominion railways, came under the jurisdiction of the Railway Department, in so far as all those subjects were concerned. Our amendment was very sweeping. It limited the application of this Bill to those three different subjects—the crossing, the through traffic, or anything pertaining thereto—practically only two subjects. We completely eliminated all other subjects from the control of the commission. We went very far, I thought. We would have more chance of having our amendment acquiesced in by the House of Commons if we were willing to concede that certain subjects in the public interest which did not supersede the power of the provinces in any way, but were merely for the information of the public shall be dealt with by the commission—for instance, statistics. Now, our statistics on railway matters would be very imperfect if we should exclude every road except roads under the control of the federal power. It would be a very imperfect report.

Hon. Mr. BEIQUE—If the hon. Secretary of State will omit the word 'accident' the amendment is all right.

Hon. Mr. SCOTT—I think it would be better to leave it in, because we would have a more prompt appeal to what is right and proper, if the commission could hold an investigation. An accident is a matter in which the whole public are interested. It is not an invasion of the provincial rights. They could have their inquiry also.

Hon. Mr. LOUGHEED—I do not desire to hark back to the discussion which took place on this subject, but it demonstrates the mischief which must necessarily arise owing to divided authority on that class of road. My hon. friend the Secretary of State has apparently seen the error of his ways, because he voted against the policy of the Bill and now wishes to practically restore the federal authority with reference to that class of subjects enumerated. There is this consideration about the proposed amendment, that it certainly will divest the province of the exercise of authority along these particular lines which my hon. friend from de Salaberry was fighting for when he moved the amendment; and yet it seems manifest if this Bill is to be observed in its entirety in the public interest, that that class of roads should certainly be dealt with in the same way as the federal roads. There should be no invidious distinction therein where the public are affected to the extent they will be in the operation of these roads. Because the public are as much interested in the administration provided for in connection with railways chartered under provincial authority as though they were Dominion roads. However, the hon. gentleman from de Salaberry and the hon. Secretary of State will have to fight it out between them.

Hon. Mr. POWER—The amendments suggested by the hon. Secretary of State are in the right direction, as a rule. but there are some of them which are not necessary, and the hon. Secretary of State and the hon. gentleman from de Salaberry might consider this proposed amendment and submit at the next meeting an amendment to which there

would be no objection. Take clause 302, for instance, with respect to statistics:

302. In the following sections of this Act down to section three hundred and eight inclusive, unless the context otherwise requires, the expression 'company' means a company constructing or operating a line of railway in Canada, whether otherwise within the legislative authority of the parliament of Canada or not, and includes any individual or individuals not incorporated, who are owners or lessees of a railway in Canada, or parties to an agreement for working a railway in Canada. 51 V., c. 29, s. 298.

So there is no necessity of putting the word 'statistics' in the clause under consideration. The better way would be to let the Secretary of State and the hon. gentleman from de Salaberry consider the question and get the clause worded in the best way. We agree to the principle.

Hon. Mr. SCOTT—The amendment proposed certainly excluded every subject and there was a debate in this House as to whether we could do it, whether, where the statute declared and where the road was for the general advantage of Canada, we could exclude it in this Bill, except as to certain subjects. I am not aware that I voted for my hon. friend's amendment. The Bill is too long, and life is too short to spend much time over all these clauses.

Hon. Mr. BEIQUE—I desire to add to what I said, as far as accidents are concerned, the moment a railway is under the jurisdiction of the provincial legislature, such matter as accidents on that railway are governed by the railway committee of the province, and we could not put in under the jurisdiction of the board under this Bill.

Hon. Mr. SCOTT—Would not the same argument apply to some other subjects?

Hon. Mr. BEIQUE—No.

Hon. Mr. SCOTT—Police matters and the general public safety. If the House approves of striking out the word 'accident' I am willing to let it go.

The amendment was altered and adopted.

Hon. Mr. SCOTT—It has been pointed out that on clause 11 the amendment of my hon. friend from Wellington to subsection 2 of section 11, in reference to the members of the commission, is too sweeping:—

3. Any member of the board accepting any gift or favour for himself or any relation or friend not provided for in this Act, or exercising his influence on behalf of any relative or friend with any railway company or officer for any position or favour, shall thereby forfeit his seat as a member of the board.

The objection to that amendment is this, that the offender might have accepted a bribe three or four months ago and the effect of this amendment would be to invalidate his acts since that time, because he would have forfeited his seat. The clause might be drafted in a less drastic form. The government have the control practically and the clause should provide that the commissioners shall not, nor shall any of them, solicit or request from or recommend to any company any position or favour of any kind from the company.

Hon. Sir MACKENZIE BOWELL—Under what penalty?

Hon. Mr. SCOTT—It should be competent for the government to dismiss any commissioner found guilty of doing so.

Hon. Sir MACKENZIE BOWELL—But it provides no penalty.

Hon. Mr. SCOTT—No; it provides no penalty, leaving it to the government to dismiss the official.

Hon. Sir MACKENZIE BOWELL—Then you should say so in the clause.

Hon. Mr. SCOTT—In the other case it was thought the effect would be to invalidate his acts since the time he forfeited his seat on the board.

Hon. Mr. LOUGHEED—My hon. friend is astray in the proposition of law he has advanced. The courts have already held in analogous cases that where a member of a municipal council would vacate his seat upon the doing of certain acts, the acts of the council would be regarded as valid until such time as the seat was declared to be vacated.

Hon. Mr. SCOTT—I shall not press the amendment if the sense of the House is that I should not.

Hon. Mr. McMULLEN—If the amendment of my hon. friend opposite were added, I can see no objection to it. If you leave it to the government to say whether a member of the commission should be dismissed or not, to my mind, you might just as well

strike out the whole clause. I submitted my amendment to very high authority before proposing it, and he said he thought the clause was necessary. It might be altered in this way, that any act performed by the guilty member should be valid up to the time of his forfeiting his seat.

Hon. Mr. BEIQUE—It is declared that he shall forfeit his position, but it does not vitiate the acts in the meantime. For my part, I am entirely in accord with the clause as it was passed.

Hon. Mr. SCOTT—Let it stand, then.

The amendment was withdrawn.

On clause 43,

Hon. Mr. SCOTT—This clause, which was amended by the Senate, permits the board, of its own motion, or on the application of any party, to state a case for the opinion of the Supreme Court of Canada. The Governor in Council has, under the Supreme Court Act, the right to refer any question at any time to the Supreme Court, and therefore the addition was unnecessary.

Hon. Sir MACKENZIE BOWELL—It does no harm.

The clause was allowed to stand.

On clause 122,

Hon. Mr. SCOTT—This is an important clause, referring to the location of the line. I propose to substitute a clause for this giving power to the minister rather than to the board.

Hon. Mr. POWER—I should like to draw the attention of the hon. minister to this point; the commission is composed of three gentlemen who are supposed to be specially qualified to deal with railways. The amendment now submitted proposes to take the matter of the location of a road out of the hands of the board and give it to the minister. It is right that the responsibility should be with the government, but it occurs to me that the location of an important railway should not be left to the minister, but to the Governor in Council. The minister then would submit his views to his colleagues and an Order in Council would pass approving of the location, but in the interests of the public it would be better that the location of an important railway should be approved by the Governor in Council and not by the minister alone.

Hon. Sir MACKENZIE BOWELL—Is that not the amendment?

Hon. Mr. POWER—The amendment is that the location shall be approved by the minister and not by the Governor in Council.

Hon. Mr. SCOTT—It leaves the law as it is to-day. Under our Railway Act the minister is the person who approves of the plans and it would be a very inconvenient thing if parties had to wait for meetings of council. Very often these things are done in a hurry and council must take the advice of the Minister of Railways, and practically you take the advice of the Deputy Minister of Railways in all these cases. The Minister of Railways is a member of the government, and I think there is no difficulty in leaving it as it is.

Sir MACKENZIE BOWELL—Are there not plans, and approving of the character of the plans and approving of the location of the road? I understand the minister has the power to approve of the plans under which the road is to be constructed, but certainly that would not include the location. If my memory does not fail me the government have not adopted in all cases the advice or decision of the Minister of Railways, either as to plans or locations. Now my hon. friend wants to place this duty exclusively in his hands.

Hon. Mr. SCOTT—The location is shown on the plan, and it is the plan that controls practically.

Hon. Mr. LANDRY—Are we to understand from the amendments proposed by the minister that the company is obliged to furnish a map showing the location of the road?

Hon. Mr. SCOTT—The course adopted is this: The railway company get a charter; they prepare a plan of the line, say a line between Montreal and Ottawa on the north shore of the Ottawa river. They prepare a plan showing where they intend to locate the road. That is submitted to the Minister of Railways and Canals. He has it examined. It may be in some cases that it may avoid important points on that line

that ought to be touched, and therefore the minister would call attention to it. He should exercise his judgment, particularly in granting a charter assuming that they were going to take a particular direction which the plan showed they were not, and this is for the purpose of enabling the minister to judge whether the plan is in strict compliance with the charter granted by parliament.

Hon. Mr. LANDRY—Is that the course the government intends to pursue with regard to the building of the road from Moncton to Quebec ?

Hon. Mr. SCOTT—I am unable to answer any questions of that sort at the moment. All I can say is that it is proposed to leave the law in that respect as it is to-day. It rests now with the Minister of Railways and Canals to approve of the plan.

The clause was allowed to stand.

On section 186, subsection 2,

Hon. Mr. SCOTT—My hon. friend made a proposal with reference to this clause relating to highway crossings. It seemed to me, from the wording of it, that it was altogether too wide and therefore I asked the House subsequently to strike out the clause. It was in reference to where a railway crossed a highway. The language in the amendment moved by my hon. friend I thought was somewhat involved and left it uncertain what the company were to pay for the land they required. I had no objection to a clause being drawn showing distinctly and clearly that they were not obliged to pay for the highway, that if they took any extra land outside of the highway, then they were obliged to pay for it, and it was proposed to amend the clause in that sense.

Hon. Sir MACKENZIE BOWELL—It would meet the views of the hon. gentleman if he would add the words 'exclusive of the highway' after the word 'land' in the 8th line. It never could have been contemplated that the railway should pay for the crossing of the highway.

Hon. Mr. SCOTT—I have no objection to that. They are not expected to pay for the highway; they have a right under the law to cross the highway.

Hon. Mr. ELLIS—The clause says 'upon, along or across an existing highway.' Supposing they run five hundred yards along the highway, are they to pay for that? This is objected to by the municipalities, as I understand it.

Hon. Sir MACKENZIE BOWELL—But under the municipal law they could not run along a highway or road without the consent of the municipality. They would have to secure the consent of the municipality before they could do it, and if they should declare that the road should not run along the highway, then they would be protected. A case came under my own observation a short time ago in our own county. They desired to build an electric road from the city of Belleville to Trenton, twelve miles. The first thing they did was to get the consent of all the land-owners along both sides of that road, and then they had to go to the county municipality for approval before they could take possession. The only object of this is to remove what is supposed to be an ambiguity by which the railway companies might have to pay even for crossing the road.

Hon. Mr. BEIQUE—I understand the object of this subsection as it was printed in the Bill was to open the door to a municipality whose street may be used for a considerable distance by a railway, to such compensation as any one else would be entitled to for his land. If that is not the object, then the clause should be struck out altogther, because if the suggestion of the hon. member from Belleville were adopted it would make the clause contradictory. The whole object of the clause is to provide for compensation for the use of the highway, and therefore the clause has either to remain as it is printed, or it should be struck out altogether. If the intention is to deprive the municipality of the right of compensation when the railway uses the highway, I would understand that it would not be necessary or advisable to provide for compensation when the highway is merely used for the purpose of crossing, but when a highway is used as a right of way, possibly, for a mile or two miles, why should not the municipality be entitled to compensation ?

Hon. Mr. SCOTT—The law is plain and not changed in that respect. If they run

along the highway, they must obtain the consent of the municipality. The crossing of the highway has always been allowed. Clause 184 reads :

184. The railway may be carried upon, along or across an existing highway upon leave therefor having been first obtained from the board as hereinafter provided, but the board shall not grant leave to any company to carry any street railway or tramway, or any railway operated or to be operated as a street railway or tramway, along any highway which is within the limits of any city or incorporated town, until the company has first obtained consent therefor by a by-law of the municipal authority of such city or incorporated town.

We can make the matter clear by inserting the words in subclause 2 of clause 186, 'exclusive of the highway crossing.' That makes it perfectly clear that if they run along a street they have to pay for it.

The amendment was adopted.

On clause 211, subclause 4,

Hon. Mr. SCOTT—I understand the hon. leader of the opposition has an amendment to propose to this clause.

Hon. Sir MACKENZIE BOWELL—The Senate will observe from the reading of this clause that it is rather drastic in its character. It reads as follows :

4. Every company which fails to comply with any of the provisions of this section, shall forfeit to His Majesty, a sum not exceeding two hundred dollars, for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of the non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person : provided, however, that no proceedings shall be instituted to enforce or recover any forfeiture to His Majesty hereunder without the consent of the board first obtained. Sub. for 51 V., c. 29, s. 243 Am.

No matter what agreement has been entered into between the employer and the employee it would be of no avail whatever under this clause, and I have been given to understand that such was not the intention of the drafter of the Bill. I would, therefore, suggest the following :—

Notwithstanding any agreement to the contrary with regard to any such person, provided always that any agreement made by the company with its employees, or any of them, shall be valid if such agreement shall be judged by the court or judge before whom any question relating thereto is tried to be just and reasonable.

This is giving to the court and the judge the power and the authority to say whether the agreement which has been entered into between the railway company and the employees is just and reasonable. That is only fair to the company. As the clause reads now, it is of so drastic a character that no matter what carelessness might have occurred on the part of the employee by which he got injured the company would be responsible, and no matter what agreements might have been entered into between the injured employee and the company, they would be null and void, and the company would be subject to any amount of penalty. I therefore move that the proviso which I have read be added after the word 'person' in the seventeenth line.

Hon. Mr. POWER—I hope the committee will not accept this amendment. Clause 211 contains a number of provisions as to what the railway company shall do in order to secure the safety of passengers and the employees of the company, and the amendment proposed by the hon. gentleman will enable the company, by making an agreement with its employees, to contract itself out of the obligations which are placed upon it by this Bill. That would be legislation of a very injurious character. The signing of this contract might be made a condition of a man's being employed by the company, and then if any accident happened that employee the company could plead the contract. We had better let the clause stand as it is.

Hon. Sir MACKENZIE BOWELL—I do not know what interpretation the hon. gentleman puts upon the clause. I can assure him that such is not the intention. The intention is that if there was any dispute between them as to the character of the accident, and the manner in which the accident occurred, as to whether it was the fault of the employee or not, the court and the judge shall have the power to say whether that agreement was reasonable, equitable and fair. That is all, and it applies to no other portion of the clause. This system of restricting and hampering corporations. and the tendency of legislation in the present day, will do much to prevent the investment of capital for purposes of this kind. There is nothing unreasonable in the proposition in this proviso, unless you want to place the railway and other corporations in the hands of irresponsible par-

ties to demand from them on all occasions just what they want.

Hon. Mr. POWER—I do not think the clause as it stands is open to the criticism passed upon it by the hon. leader of the opposition. If the hon. gentleman will look at the first portion of this subclause 4, he will see how the company's liability is limited. It reads as follows :

Every company which fails to comply with any of the provisions of this section.

That is all. If the company fails to comply with the provisions of the section, then the company forfeits to His Majesty so much, and also is liable in damages to the other party. If you enable the company to contract itself out of that obligation, then the company is not so strongly bound to comply with the provisions of the section.

Hon. Mr. LOUGHEED—I would point out to the Speaker that the power would not be vested in the company to contract itself out of the liability. It would be for the court to say whether the contract was a reasonable one between the company and the employees. One can readily fancy a condition of circumstances arising which might be extremely onerous, unreasonably onerous, upon the company, where the employee would be only too glad to enter into such a contract as that indicated, and surely we can rely upon the courts of the country to say whether a contract of that character is just and reasonable. If it is not such a contract as would be approved of by the courts, then the company is clearly liable and the employee takes advantage of the repudiation of the contract. It seems to me to be a fair proposition, and one which, in the hands of the court, would certainly safeguard the interests of the employees.

Hon. Mr. SCOTT—The proposition is a reasonable one, and quite as much in the interest of the employee as of the company. We know they have funds set apart just for purposes of this kind, and which the employees get the benefit of, and a man may be receiving substantial benefits for twenty-five or thirty years, and it might be profitable for him to turn and prosecute the railway company, irrespective of any advantage which he may have derived from them. A judge would be the very best person to say whether the proposition was a safe one. You certainly cannot leave it in safer hands. The sympathy would be rather with the man than with the company.

Hon. Mr. ELLIS—It seems to me to add so much to the difficulty if you have to proceed against the company. Further, if this be a sound principle, it should be introduced into a general law applying to all workmen and all companies, but to introduce it in the Railway Act means the adoption for railway purposes of principles to which parliament has not yet assented, and to which public opinion is not educated.

Hon. Mr. SCOTT—I understand it is practically limited to one company in this country—the Grand Trunk Railway Company. If there is an agreement by which the employees are receiving transient advantages from year to year, it would be a different matter.

Hon. Sir MACKENZIE BOWELL—There is a law of a similar character in the province of Ontario—the Workmen's Compensation Act, which prevents any contract with an employee by which he would relieve the employer of the responsibility of any accident which might occur. There is a proviso however, which leaves it to a judge to decide whether an agreement entered into by an employee and an employer is just and reasonable. This is all that is asked in the amendement proposed.

Hon. Mr. LOUGHEED—It certainly will deprive many of the employees of the beneficiary funds which, in many instances, have been established to meet requirements of this character. It will drive the railway companies to say : 'You cannot take advantage of this particular fund.' It seems to me to be a reasonable proposition for the employee to say whether he will do one thing or the other, and leave it to the courts to safeguard the interests of the employee.

Hon. Mr. BEIQUE—I cannot say that I would be against the principle embodied in the motion of the hon. gentleman from Belleville, but I doubt whether it should be embodied in this clause. For my part I would not be ready to pass a judgment upon it to-day. I would suggest that it be given as a notice of motion. This subsection of clause 211 refers to damage or injury by

a railway company that has not complied with the requirements of section 211. Section 21 makes it imperative upon the railway company to adopt such and such apparatus therein described, and if any of their employees are injured and the company has not complied with these provisions of the Act, then the company is liable for damages. The hon. member suggests that a proviso be added permitting, as I understand, the company to enter into an agreement with its employees, whereby they would accept, for instance, an insurance policy instead of claiming damages that might arise under this section. I am inclined to think that the idea embodied in the motion is not altogether germane to section 211, and I would suggest that it stand until to-morrow.

Hon. Mr. LOUGHEED—These amendments would not exempt the railway companies from complying with the law. They would continue to be under the liability provided for in the earlier part of the clause with reference to neglecting to provide such apparatus as might be required, not only by the Bill, but by the Railway Commission. It seems to me to be only an exemption as to personal injuries which might happen between themselves and the employees; but the right of the Crown to proceed against the company for not providing the apparatus would still continue.

Hon. Sir MACKENZIE BOWELL—I have no objection to accept the suggestion of the hon. gentleman from de Salaberry, if he thinks there is any doubt about it—more particularly as he approved of the principle contained in the amendment I have suggested—and I would say let it stand and appear as a notice of motion. The intention of the proviso is merely that which has been indicated by the hon. gentleman from Calgary. It applies only to injuries to the employees who may have entered into a bargain with the company to exempt them from liability in case of accident. This law proposed provides that no matter how the accident occurs, whether it be through the negligence of the man himself or not, the company would be held responsible, notwithstanding any agreement which may have been made, and the proviso is simply to provide for cases of disputes of that kind, as to whether the accident was the result of the negligence of the man himself or of non-compliance with the rules by the company. Then, it is left to the court and judge to decide whether the agreements which were entered into were reasonable under the circumstances. I have no objection to let the amendment appear as a notice of motion.

Hon. Mr. BEIQUE—The hon. member has gone a little further than I intended to go. I would not be ready to condemn the principle embodied in this motion. It appeals at first sight to my mind, but I should like to consider it more fully, and I am quite sure that I shall be able to satisfy the hon. gentleman that it is not germane to subsection 4—that it should be made a separate section.

Hon. Sir MACKENZIE BOWELL—I have no objection to that. Let it stand.

The motion was allowed to stand.

On clause 236,

Hon. Mr. SCOTT—This clause refers to accidents. The last subsection sets forth what is to be done in case of accidents, and the representations to be made.

> The person or persons so appointed shall report fully in writing to the board his or their doings and opinions on the matters respecting which he or they are appointed to inquire.

I propose adding to that a clause worded this way:

> And the board may act on such report and order the company to suspend or dismiss any employee of the company whom he may deem to have been negligent or wilful in respect to such accident.

The amendment was agreed to.

On clause 237,

Hon. Mr. SCOTT—This is a clause relating to the killing of animals at crossings. In amending the clause, our intention was, no doubt, that if an animal got on the railway from the highway where the railway crossed it, and got on the track, the company should be liable. But to carry out effectively our view, the words 'subject to the provisions of the foregoing sections of this section' should be struck out, and should read 'whenever any animal,' and so on. The amendment we made, I do not think differs very materially from the clause passed by the House of Commons, which made the com-

pany liable wherever the animal got from the highway on to the property of the company. It could only get on the property of the company by a defective fence or cattle-guard, and, to that extent, I think public opinion is in favour of holding the company liable. The impression in the minds of many hon. gentlemen, I think, when this clause came up first, was, that the company would be liable for an animal killed on a highway at a crossing. The clause prepared in the House of Commons did not carry out that intention, and I think it was in the minds of several senators that it went that far, though it really does not; therefore, practically, the difference between the amendment made by the Senate and the amendment made by the House of Commons, if you strike out the words I have indicated, will be very little.

Hon. Mr. BEIQUE—I have drafted an amendment as a substitute for this subsection 4 of clause 237, which I shall give as a notice of motion. I call attention first to subsection 2 of clause 199, which says:

Such fences, gates and cattle-guards shall be suitable and sufficient to prevent cattle and other animals from getting on the railway.

Under this subsection the railway company is required to keep and maintain fences, gates and cattle-guards, suitable and sufficient to prevent cattle or other animals from getting on the railway, and if they fail to do that, of course they become responsible. Then under 237, now under consideration, it is provided in subsection 3 that:

3. If the cattle of any person, which are at large contrary to the provisions of this section, are killed or injured by any train, at such point of intersection, he shall not have any right of action against any company in respect of the same being so killed or injured.

It is when the owner allows the animal to be at large on the highway within a given distance,—half a mile, I think——of the railway crossing, he is deprived of the right of action. It is very objectionable, to my mind, to adopt, except under absolute necessity, any special law. The common law should take its operation as far as possible, and this would apply to this railway Bill as in all other cases. Now, the duty of the railway company being established, and therefore the liability being established, as it is under several clauses of this Bill, and especially clause 199 to which I have just referred, it seems to me that the best way to meet the difficulty would be by adopting as subsection 4 the following:—

Except as provided in the first and third subsections hereof,—

The first and third subsections are the sections providing that the owner of the animal will not be entitled to damages if he allows his animal to be at large without protection within half a mile of a railway crossing:

Except as provided in the first and third subsections hereof, whenever an animal is killed or injured on the property of the company, the fact that such animal got on such property from land other than that of the owner of the animal or that such animal was not then in charge of some competent person, shall not deprive such owner of the right to recover from the company the amount of the loss.

If otherwise, he is entitled to recover.

Hon. Mr. SCOTT—That is practically the House of Commons amendment.

Hon. Mr. BEIQUE—Yes, it is practically the House of Commons amendment; it embodies all the provisions of the House of Commons amendment, except this very important provision, placing upon the railway company the onus in all cases of proving the negligence of the owner of the animal, which is altogether unfair. If this clause is allowed to stand, I give this as a notice of motion.

Hon. Mr. McMULLEN—I think the clause to which the hon. Secretary of State has drawn attention should stand, with a view of trying to make the provisions of that particular clause fairly just to the railway company and to those owning cattle. For instance, supposing a man has a breachy animal, an animal that he cannot let into his own field, and suppose that animal gets out, and jumps across the cattle-guard, or breaks the fence and gets on the railway track, is it justice to call on the railway company to pay for an animal of that kind if it is killed? I do not think it is. It is not fair that we should legislate to make the company liable where there is carelessness on the part of the owner, or inefficiency of the enclosure in which animals are kept, or the gates are left open and animals get on the public highway. If the company have complied with the provisions of clause 199, and

their fences are of standard efficiency, and if they have complied with the by-laws of the municipality through which they run with regard to the height of these fences, and if the cattle-guard that they are using is efficient, as good as anything that is known of, to guard against ordinary animals which run the highway, the company should not be held liable. But if you have an animal, for instance a racehorse, a bull or some animal of that kind that breaks out of his enclosure in the night and gets on a railway over a proper cattle-guard and a proper fence, and is killed, is it fair to say that the railway company shall pay for that animal after all the precautions they have taken ? I do not think that should be law. It is an extreme view to take. I am quite willing to guard farmers wherever, through inefficiency of fences or cattle-guards or carelessness of trackmen, they sustain loss, but where the company adopt the best known guard in use, and comply with all the conditions in regard to the height of fences, and the fences and cattle-guards are kept in the proper condition, is it right that the railway company should be called upon to pay for some vicious animal that breaks out on the railway and gets killed ? I do not think so.

Hon. Mr. POWER—I hope the suggestion made by the hon. gentleman from de Salaberry will be accepted and that this clause will be allowed to stand. Certain newspapers have complained in very strong language of the action which the Senate took with respect to this particular provision. I know they made special reference to myself—in fact, a newspaper attributed to me an amendment which was moved by another hon. gentleman. I had prepared an amendment and another hon. gentleman submitted one which he thought was better, and I abandoned mine. The enactment as made by the Senate is a very reasonable and proper one. It is not quite perfect. It needs some amendment, and I think on the whole, the substitute proposed by the hon. gentleman from de Salaberry is an improvement. I wish to say, with respect to myself, that in 1888, when the Railway Bill was going through parliament I called attention to the fact that the cattle owners' interests were not sufficiently protected, and an amendment was inserted at that time, extending to the three lower provinces provisions which would not have been extended to them under the Bill as it came in here. Again in 1890, with other members of this House, I advocated the claims of farmers as against the railway company. We are here to do justice betweeen the two parties. When the labour men, for instance, ask us to do things which are not just and fair, it is our duty not to agree with them. If the employers of labour wish to do things which are not just and fair we should not agree with them either. It is our duty to try and do what is just and fair ; and if there is any doubt in a question I would rather lean to the farmer than to the railway company, because the railway company is generally a wealthy corporation and able to look after its own interests. Still I do not think this House would be justified in passing legislation which is manifestly unfair to the railway companies. The hon. Secretary of State misapprehends to some extent the intention of this House when it made the amendment. Subclause 4 as it stands in the Bill would override the provisions of the previous subclauses, and therefore the words 'subject to the provisions of the foregoing subsections were necessary.' This fourth subclause makes no exception whatever, but states when any cattle at large on the highway or otherwise —it does not refer to cattle at the crossings particularly, but no matter where they are at large—if they get on the property of the company and are killed or injured, the owner shall be entitled to recover. There is no limitation to that. Then it goes on :

> In any court of competent jurisdiction, unless the company in the opinion of the court or jury trying the case establishes that such animals got at large through the negligence or wilful act, or omission of the owner or his agent.

Now, how can the railway company establish that ? You are putting on the railway company something which is entirely beyond its power to establish. The owner can prove if the railway company has not a proper fence, but it is impossible for the company to establish that the animal got on the track through the wilful or negligent act of the owner. Under the Bill the company are liable if they have not provided a proper fence. I try to do what is fair and right, and I do not think we should be influenced in this House by what I should look upon as the unreasoning clamour of any particular section of the population. It is our

duty to try and do justice to all parties. Now, I shall read the amendment which I drafted, but I think on the whole the amendment of the hon. gentleman from de Salaberry suits better. This is what I proposed to substitute:

4. Subject to the provisions of the foregoing subsections, whenever any animal at large upon the highway or otherwise, gets upon the property of the company, whether from the land of the owner of such animal or not, and is killed or injured by a train, the owner of such animal shall be entitled to recover the amount of such loss or injury from the company in an action in any court of competent jurisdiction, if, in the opinion of the court or jury trying the case, such animal was at large without any negligence or wilful act or omission of the owner or his agent, or of the custodian of such animal or his agent, and got upon the railway by reason of fences, gates and cattle-guards not being erected and maintained by the company, as required by this Act: Provided that, in any case not falling under the first or third subsection, the fact that such animal was not in charge of some competent person shall not, for the purposes of this subsection, deprive the owner of his right to recover.

I think that is going rather further against the company than it ought to go, but in cases of that kind, one gives the farmer the benefit of the doubt. I shall let this go as a notice of motion.

Hon. Mr. SCOTT—Why mention those words, 'subject to the provisions of the foregoing,' etc.?

Hon. Mr. POWER—Simply to provide that where the owner of the cattle has to come under the provisions of the first and third subclauses, he shall not be entitled to recover.

Hon. Mr. SCOTT—It is contradictory to have those words in.

Hon. Mr. POWER—I do not see that. It is contradictory as it is, because now you provide by subclauses one and three that the owner shall not recover if he has been guilty of negligence, and then you provide in subclause 4 that he shall recover in any case. It is to prevent conflict that I give this notice.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman from de Salaberry intimate what his amendment proposes?

Hon. Mr. BEIQUE—The amendment is to this effect: Under clause 199, amongst other clauses, the liability of the company is established in this manner, that they are bound to maintain fences and cattle-guards sufficient to prevent cattle from going on their property; therefore, if they fail to comply with that provision, they become liable and responsible to the owner of the animal killed or injured. All that is required, to my mind, is to provide for this in an additional paragraph, that the fact that the animal will go on the property of the company from the land of an adjoining owner, instead of from the land of the owner of the animal, or that the animal will be at large, otherwise than is mentioned in the first and third paragraphs of section 237, will not deprive him of compensation if the common law provides for the liability of the company. It is to apply the common law to the company and not create any exceptional law.

Hon. Mr. LOUGHEED—I should like also to give notice of motion to amend section 199. It may not be necessary when we come to discuss the various amendments which are proposed, but I shall give notice of the following amendment:

That subsection 2 of section 199 be amended by adding at the end thereof the following:—
'The Board may, from time to time, by order or regulation, determine standard descriptions and specifications for the construction of any such fences, gates or cattle-guards, and may declare that fences, gates or cattle-guards properly constructed in accordance with such order or regulation shall be deemed to be suitable and sufficient.'

I think hon. gentlemen will appreciate the value of the board determining what is a suitable fence or cattle-guard so that there may be uniformity of decision or of holding upon that point. That is to say, the company throughout the Dominion, may establish certain cattle-guards, and build certain fences. The courts of one province may hold them insufficient, the courts of another province may hold them sufficient. Hon. gentlemen will appreciate the desirability of having uniformity with reference to the construction of these utilities, and in that way companies will recognize what their liability is and there shall be no departure from the uniform system of construction along those lines.

Hon. Mr. YOUNG—I heartily approve of that.

On clause 239,

Hon. Mr. SCOTT—We struck out that clause and introduced an amendment which

was a very good one, but we can improve it. The clause as it stood read :

239. The company shall at all times maintain and keep its right of way free and clear of all inflammable matter.

We amended that as follows :

The company shall at all times maintain and keep its right of way free from dead grass, weeds, and other unnecessary combustible matter.

It is proposed to add the word 'dry' after 'dead.'

Hon. Mr. LOUGHEED—Take, for instance, the case of dry standing grass. Is it necessary for the company to have a lawn mower run over their entire right of way ?

Hon. Mr. SCOTT—I think they would have to cut it down.

The clause was amended and adopted.

On clause 242,

Hon. Mr. SCOTT—Clause 242 reads as follows :

All actions or suits for indemnity for any damages or injury sustained by reason of the railway shall be commenced within one year next after the time when such supposed damage is sustained, or if there is continuation of damage within one year next after the doing or committing of such damage ceases, and not afterwards ; and the defendants may plead the general issue and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by the authority of this Act or of the special Act. 51 V., c. 29, s. 287.

As the law now stands in actions of tort—that is, for wrongs or individual injuries or actions of that sort—the time within which the action must be brought is limited to one year, and it is proposed to make that clearer than it is in the section. In all matters of contract the limit is five years in the province of Quebec and six in Ontario. Whatever the provincial law may be it is not disturbed or interfered with , but in so far as torts are concerned it is only fair that parties should not be allowed to go on from year to year holding claims of that kind, because it is impossible for the companies to obtain their evidence. I suggest therefore that in line 2, after the word 'of' we insert 'the construction or operation of.'

The amendment was adopted.

On subclause 2,

Hon. Mr. SCOTT—In order to carry out what I stated just now, drawing a distinctive line between actions of tort and actions of contract, there should be a slight change made in subsection 2. I suggest that it should be framed to read in this way :

Nothing in this section shall apply to any action brought against the company, upon the breach of any contract expressed or implied.

Striking out 'or for any wrong or default committed by it,' because a wrong or default involves an action of tort. Then, I strike out the words 'in its capacity as common carriers,' and I propose to substitute in lieu of that the words 'in the carriage of any traffic.' The effect of that would be in an action of tort or wrong, there would be a limitation to one year. In all other actions there is the law of estoppel, which is five years in the province of Quebec and six years in Ontario, and that would prevail.

Hon. Mr. BEIQUE—Better leave that as a notice of motion.

Hon. Mr. SCOTT—I shall let it stand as a notice of motion.

The clause was allowed to stand.

On clause 258,

Hon. Mr. SCOTT—We had a little puzzle on clause 258. Some hon. gentleman made an amendment where it referred to the fractions. It reads :

Any fraction of five cents, less than two and a half shall be waived by the company, and above two and a half cents shall be considered as five cents by the company.

It should read as follows :

And above two and a half cents and up to five cents shall be considered as five cents.

The clause was amended and adopted.

On clause 284,

Hon. Mr. SCOTT—We introduced a substituted clause. We struck out all of 284, subsection 2. It related to traffic agreements. The railway companies maintained that as the law was framed it was impossible for them to make temporary arrangements, and there were occasions when two companies coming together made traffic arrangements for comparatively short periods. They were not of a permanent character and it would be quite impossible for these to be ratified by the board and published in the 'Canada Gazette' as the law required. Therefore this House introduced an amendment, or rather a substituted

clause, the effect of which was that where the traffic arrangement was for one year or less it was not necessary to have it ratified in the manner indicated. I understand there is some objection to be urged against our amendment in that regard and, in order to make it wholly unobjectionable, I propose that at the end of our amendment we authorize two companies to make temporary arrangements—it might be for a week or for a month, it might be for twenty days. I am told that that is a very common practice between the managers of lines, and it would be quite impossible for them to apply to the board and go through all the formalities that are involved in this clause of the Bill, and therefore we thought that traffic arrangements between companies that extended over a year should be ratified by the shareholders and approved by the board and published in the 'Canada Gazette,' but arrangements made for shorter periods—I do not know whether one year was considered the correct time, or six months—need not be so ratified.

Hon. Mr. POWER—We fixed it at one year.

Hon. Mr. SCOTT—The objection I understand has been urged, that if we give the power to the companies they might say when the year expired, 'we will make it for another year,' and so on, and contract themselves out of the law. In order to meet that objection I propose to add these words at the end of the section :

> And provided further that the agreements referred to if made for a period of one year or less may at any time be cancelled by the board.

So that it would be competent for the board to interfere if they think a traffic agreement is in violation of the statute and the powers vested in them. They may say to the company, 'we will cancel that.' I think that will remove the objection urged against the clause.

Hon. Mr. BEIQUE—I call attention to the fact that on a previous occasion the amendment adopted was considered altogether against the economy of the Bill. The Bill seeks to place under the jurisdiction and control of the board all questions of rates and traffic tolls, and the amendment as adopted to my mind would have the effect of taking away from the board those questions, and leaving it entirely with the company. I think there are very good provisions in clause 204 as it was printed in the Bill, and I refer specially to the latter part of the first paragraph of it, where it is said :

> Provided that the board may, by order or regulation, exempt the company from complying with any of the foregoing conditions with respect to any such agreement or arrangement made or entered into by the company for the transaction of the usual and ordinary business of the company, and where such consent of the shareholders is deemed by the board to be unnecessary. 51 V., c. 29, ss. 238, 239 Am.

I think that there is in this proviso almost all that is necessary to protect the company, because on appealing to the board they would be enabled, I have no doubt, to obtain such relaxations or concessions as would cover the ordinary business of the company. However, with a view to meeting the wishes of the railway company in a fair measure I would suggest that the following be substituted for the first portion of clause 284, the portion extending down to line six on page 97 :

> The directors may at any time make and enter into any agreement or arrangement not inconsistent with the provisions of this or the special Act with any other company, either in Canada or elsewhere, for the interchange of traffic over the said railways respectively, and for the division and apportionment of tolls in respect of such traffic.

I would make this an independent section which would be left altogether to the board of the company, or the company and its officials, and then I would proceed with subsection 2 and make it read as follows :—

> The directors may also make and enter into any agreement or arrangement not inconsistent with the provisions of this or the special Act for the running of trains.

And then go on with the section as it was in line six—'of one company over the tracks of another company,' &c. I give notice of this amendment for to-morrow.

Hon. Sir MACKENZIE BOWELL—Is that to amend the amendment which the Senate has already adopted ?

Hon. Mr. BEIQUE—Yes, it would be in lieu of the amendment already passed.

Hon. Mr. SCOTT—I think my hon. friend is wrong in the interpretation he puts upon the clause. It has no reference to tolls. It is simply an interchange of traffic, or the

cars of one road running over the tracks of another. It has no connection with traffic or anything of that sort. Clause 284 reads as follows :—

284. The directors may, at any time, make and enter into agreement or arrangement, not inconsistent with the provisions of this or the special Act, with any other company, either in Canada or elsewhere, for the regulation and interchange of traffic passing to and from the company's railways, and for the working of the traffic over the said railways respectively, or for either of those objects separately, and for the running of the trains of one company over the tracks of another company, and for the division and apportionment of tolls in respect of such traffic.

It is only limited to that particular traffic that runs over the road.

Hon. Mr. BEIQUE—If it is important to give to the board the control of the traffic and the rates on the roads, surely it applies to all roads of the several companies and it would not be logical to declare that when it is a traffic or toll arising from traffic on the lines of two companies, then that the board would have no control, that it would be left entirely at the mercy of or under the control of the companies.

Hon. Mr. SCOTT—If we begin amending our own amendments it will be some time before we get through. It seems to me that where we vest in the board the supreme power to cancel any agreement made with the companies at any moment, we are not carrying the principle too far of allowing them that reasonable latitude. Take two companies out in British Columbia ; the board are all here. It will suit them to make a traffic arrangement lasting perhaps for a week for interchange of cars. It will only perhaps be for two or three occasions. Are they to hold up their traffic until they communicate with Ottawa and get permission of the board ? The law as it stood has been a dead letter. This clause is taken from the old law and the Railway Department have never attempted to put it in operation. Why should we put in operation a law that has never been observed in the past, where there is no necessity for it, so long as we vest in the board the supreme power of cancelling any agreement of that kind made for a short period. The clauses in the Bill are taken from the Railway Act. On inquiry I find it has been a dead letter, and no attempt has been made to interfere or disturb it, and I thought we should allow a certain degree of elasticity to railways doing business day by day and leave with the board the power to cancel any agreement that they made that was not in the public interest.

Hon. Mr. POWER—I suppose the hon. Secretary of State would not have any objection, if his amendment were carried, to insert these words :

Not inconsistent with this Act or the special Act.

Hon. Mr. SCOTT—It is in a measure inconsistent with this Act.

Hon. Mr. LOUGHEED—That is the law as it is at present.

The amendment was allowed to stand as a notice of motion.

On clause 267,

Hon. Sir MACKENZIE BOWELL—I have given notice of an amendment to this clause. I move that the following subsection be added to clause 267 :—

5. Notwithstanding anything to the contrary in section three of this Act, this section and the next preceding section shall apply to the traffic on Dominion government railways and vessels connected therewith :

Provided, however, that the Governor in Council may from time to time, in his discretion, order that this and the next preceding section shall apply.

We have already made this exception in the case of provincial government railways and it is thought, in the interest of navigation in particular, and the maritime provinces, that power should be vested in the Governor General to make the clauses affecting traffic apply to steamships, which connect Prince Edward Island with the mainland. This is a matter in which the hon. gentleman from Marshfield has taken a great interest. This is not bringing the railways under the control of the board, but placing the traffic to which this clause refers in the same position as the traffic on the railways owned by the local legislatures, and it leaves it to the Governor General in Council to say whether it will apply or not. I ask the hon. Secretary of State to take this matter into consideration.

Hon. Mr. SCOTT—I shall do so.

Hon. Mr. POWER—If the government decide to accept this amendment, it will need

to be worded a little differently. I would suggest as follows :—

Provided, however, that the Governor in Council may from time to time, at his discretion, order that this and the next preceding subsection shall apply to the traffic on Dominion government railways and vessels connected therewith.

Hon. Mr. SCOTT—I may say there was a very decided vote taken on section 3, and after a consultation with the government as to whether any concession was to be made on that subject, bringing the Intercolonial Railway under the control of the board, the decision was it should not be. The Intercolonial Railway is not now within the purview of the Railway Act, and it is proposed to let that policy continue, leaving it entirely with the Minister of Railways to make any regulations which, in his judgment, may be reasonable and proper. A traffic arrangement was made by the minister with the Grand Trunk Railway at one time, when the Intercolonial Railway was extended to Montreal, and it must rest entirely with the minister. That is the decision of the government on the subject. There is no intention to disturb that arrangement. The people of the maritime provinces seem to prefer continuing the present policy.

Hon. Sir MACKENZIE BOWELL—That being the determination of the government, I shall not press it to a vote, but I do not think the instance given by the hon. gentleman is at all analogous. That would be between the Grand Trunk Railway and the Intercolonial Railway where the traffic would have to be interchanged at Point Lévis or Montreal. That I think is all right enough, but this is particularly to affect the freight which would go to Prince Edward Island. The steamers that connect the mainland with the railway system on Prince Edward Island can put up their rates, without any control whatever either by the government or by the board, to an unreasonable height. I shall not press the amendment, but will leave it for the hon. gentleman from Marshfield to give his reasons for it hereafter.

Hon. Mr. SCOTT—I shall be very glad to submit to the Minister of Railways any suggestions that the hon. gentleman from Marshfield may make.

On clause 239, subsection 2,

Hon. Mr. SCOTT—The law at present in regard to accidents by fire caused by locomotives depends on this principle : if the company are guilty of negligence, then in all cases they are liable ; if not, they are not liable. The question of negligence depends on a variety of circumstances. Amongst others the most prolific for inquiry is the question as to whether the hood of the locomotive is sufficient to prevent sparks escaping from the smoke-stack. The law has been changed, and I believe is different to the law which exists in any country as far as I know. As the Bill came from the House of Commons it made the company liable in all cases and for every amount and not only for the immediate but for the distant effects of conflagration, which might mean a very serious matter, because while the direct and immediate consequence of a fire might be apparently small, yet if it were allowed to smoulder for days or weeks, it might, owing to the carelessness of other parties outside of the railway proper, spread and cause a serious conflagration. I propose to amend subsection 2 so as to read :

Whenever damages caused to crop, lands, fences, plantations or buildings, and their contents, by a fire started by a railway locomotive, the company making use of such locomotive, whether guilty of negligence or not, shall be liable for such damage, and may be sued for the recovery of such damage in any court of competent jurisdiction, provided that unless it is established that the fire was started by the negligence of the company the total amount of compensation recoverable under subsection 2 of this section in respect of any one or more claims for damages from the fire or fires started by the same locomtive and on the same occasion, shall not exceed $5,000.

Hon. Mr. POWER—Is this given as a notice of motion ?

Hon. Mr. SCOTT—We have given too many notices of motion and I think the House ought to decide where it can. It leaves it as it is now where the company is guilty of negligence—the liability is unlimited. But we depart from the common law of the country, and the law of all other countries, and make the company liable in all cases, whether they are guilty of negligence or not, and this amendment provides that in a case where they are not guilty of negligence, the limit shall be $5,000. If there is negligence the liability remains just as it is now.

Hon. Sir MACKENZIE BOWELL—Why should a company be held responsible for losses that do not occur through any negligence on their part ?

Hon. Mr. SCOTT—My hon. friend knows what the House of Commons have done.

Hon. Sir MACKENZIE BOWELL—The House of Commons have passed a good many of these clauses that we amended.

Hon. Mr. SCOTT—We have passed this clause ourselves.

Hon. Sir MACKENZIE BOWELL—They will scarcely know their own child when they get it back. I cannot understand the equity or justice of holding any individual or company responsible for damages that have not occurred through their negligence or their fault. Why we should hold a company liable for damages to the extent of $5,000 for destruction of property by fire which they have not caused, I cannot understand.

Hon. Mr. SCOTT—The railway companies recognize the feeling which prevails at present, and they are willing to accept this as a settlement of the question.

Hon. Mr. WATSON—We by legislation give a railway company power to run locomotives through the country. They have to carry fire and they certainly ought to excercise care in ruuning tliose locomotives and see that they do not do any damage. If we felt they were going to set fire to the country, we would not grant the company a charter, and the company ought to be held responsible for fire caused by their engines. I do not believe, if a railway company use proper appliances in their locomotives, that they can set fire, because I am satisfied that cinders which blow out through a proper screen on the smoke-stack will not set fire. In a great many cases the engineers remove those screens from the hoods of the locomotives to assist the draft, and large cinders escape and start fires.

Hon. Sir MACKENZIE BOWELL—That would be an unlawful act.

Hon. Mr. WATSON—How are you going to prove it is an unlawful act ? I do not believe fire can escape from a locomotive if proper precautions are taken. It is through neglect that fire escapes, and if we do not make a very stringent Act, holding companies responsible for all damages caused by fire from their locomotives, it will be impossible for an individual to prove that they did not have proper screens. In Manitoba the settlers are held responsible for fire escaping and causing damage. If a fire can be traced to the individual who started it in a prairie, he is liable for the damage.

The amendment was allowed to stand as a notice of motion.

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

Hon. Mr. SCOTT moved that the House do now adjourn.

The SPEAKER—It is moved by the Hon. Mr. Scott, seconded by the Hon. Mr. Templeman that this House do now adjourn.

Hon. Sir MACKENZIE BOWELL—It is past six o'clock and I object. We have plenty of work to keep us busy to-night.

The SPEAKER—Pursuant to the order of——

Hon. Sir MACKENZIE BOWELL—I object to the House being dictated to by the Speaker. There has been too much if it of late. At six o'clock the rule is that the House rise, and no motion can be put.

Hon. Mr. SCOTT—Some of us have made engagements for this evening and I hope the hon. gentleman will not persist in his objection.

Hon. Sir MACKENZIE BOWELL—In deference to the hon. gentleman's wish——

The SPEAKER—I declare this House continued until 3 o'clock p.m. to-morrow.

Hon. Sir MACKENZIE BOWELL—I withdraw my objection, but in future I shall take care not to be blocked by the Speaker or anybody else.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, September 24, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are proceeded with, I desire to call attention to the proceedings of last evening at the close of the sitting. I am sorry the hon. Secretary of State is not here. I should like him to be present, as I propose to deal with the rules which I think should govern the Senate in all matters and more particularly these rules which should guide us in questions of adjournment, and also questions affecting the honour of the Senate and the honour of the senators and their position and their rights in respect of the Speaker as well as of the House. I need scarcely say that for some 36 years of parliamentary life that I have never before felt it incumbent upon me to take a position, either in this Chamber or in the Commons, antagonistic to any Speaker. I have great respect for the Chair, and realize the difficulties which constantly present themselves to a Speaker in keeping order and dealing with questions which may be referred to him, for that reason upon very many occasions in this House I have not publicly differed from the position taken by the Speaker, though I have differed from him for reasons which I have indicated, and I think that many of the senators who are present are well aware that upon many occasions I took sides with the Speaker when I thought he was right against those of my own individual friends. I merely make that statement in order to show that anything that I may say now in reference to what took place last night will not be considered as emanating from a spirit of revenge or retaliation, but that I call attention to the incident of yesterday for the purpose, principally, of endeavouring to bring back, if I may use that expression, the Senate to a proper sense of its own duty and its own dignity. Last night when we were in Committee of the Whole, the clock had passed the hour for rising—not for adjournment. I called the attention of the then chairman that it was past six o'clock, and it was his duty then to have vacated the Chair, and the House would consequently stand adjourned until 8 o'clock p.m., but the hon. Secretary of State having got through the different motions which were before the committee at the time, asked that the committee rise, report progress and ask leave to sit again. I objected to that on the ground that the hour had passed at which the House should rise, and I frankly say that my intention in doing so was that the Senate should meet again after dinner at the regular hour, and proceed with the business. That there may be no mistake about this, the House will remember that when the hon. gentleman from Marquette rose to address the House the chairman called his attention to the fact that it was after six o'clock. Now, the usual practice in the Commons—I do not think we have carried it out so rigidly here—has been that when an independent member calls the Speaker's attention to the fact that it is six o'clock, the member at once takes his seat, and the Speaker announces the fact, 'It being after six o'clock. I leave the Chair.' Then what follows we all know—the re-assembling of the Senate in the evening. Notwithstanding my objection, the motion was put to rise and report. The chairman vacated the Chair and did report to the Speaker. The Speaker assumed his position as Speaker of the House, and put a motion moved by the hon. Secretary of State, and seconded by the Hon. Mr. Templeman, for an adjournment of the House. I took exception for the reason first, that it was past the time, that his duty was to vacate the Chair, and not to put the motion. I took a further objection, that I heard no motion made or proposed by the Secretary of State. However, the Speaker at the time kept his position, standing. The Secretary of State then very courteously gave a reason why we should adjourn—in order to meet the convenience of certain of the members, and he expressed the hope that I would not press my objection. I rose at once and I think the language I used—in fact in reading the official report just now, I find my memory was quite correct—that in deference to the request made by the hon. Secretary of State, I would—but then I could get no further. The Speaker declared the motion carried, vacated the Chair, followed by the Ser-

jeant-at-Arms with the mace, and that was all done while I had the floor. Now, every parliamentarian knows that no motion can be put while a gentleman is standing and addressing the House, and more particularly under the circumstances, when I was about acquiescing in the request of the hon Secretary of State. The motion was declared carried, the Chair was vacated and the Speaker left the House. Whether that be a discourtesy to the gentleman who was speaking, or whether it was violating a rule of the House I must leave those who were present and saw and heard what took place, to form their own opinion. I frankly admit that very often I have known this to take place, that when it was desirous to finish a certain debate, or to secure the passage of a certain motion which was before the House, and the hour hand had passed six o'clock, some person would intimate to the Speaker, 'Don't look at the clock,' and I have heard, further, where it was necessary to do that—and there are gentlemen here from the House of Commons who will verify what I say—the remark. 'We will not call it six o'clock yet.' On other occasions, fifteen minutes before six o'clock, it has been said, 'We will call it six o'clock,' and in doing so the House rises. This procedure has always been by mutual consent, in order if possible to facilitate the carrying on of the business of the House, which is quite correct, because it is a courtesy extended to both sides of the House—to individuals, to the government and the opposition. It constantly occurs, and that kindly feeling always should exist in both Houses. In the House of Commons party relations are much more acrimonious than they are here. We should not be governed by the same spirit, and are not, I hope, that governed us while we were in the other House, and for that reason a greater courtesy should exist, not only between the government and the opposition, but between the Chair and the members. Having said this much, let me refer to the rules which should guide us, but unfortunately have not guided us to a great extent in the past. If we refer to rule 4, headed 'Evening Sessions,' hon. gentlemen will find that if at six o'clock the business be not concluded, the Speaker leaves the Chair until 7.30, the mace being left on the Table. If we refer to rule 75 hon. gentlemen will find that the rules of the Senate are to be observed in the Committee of the Whole, except the rules limiting the number of times of speaking, and that the previous question can not be put, &c. Now, the rule which governs the Senate is that the Speaker leaves the Chair at six o'clock. The same rule applies to the committee with the exceptions to which I have called attention, and consequently it was the duty of the chairman, when six o'clock arrived, to have vacated the Chair, and having vacated the Chair, the recess between six o'clock and 7.30 p.m. would have occurred. Consequently, no motion could have legally and properly, been made under the rules of the Senate, after the attention of the Speaker had been called to the fact that the time had arrived from him to vacate the chair.

Let me call the attention of the Senate to Bourinot, page 488, second edition, where it will be found that the duty of the Speaker, when the House is in Committee of the Whole, at six o'clock, is clearly and definitely defined. Bourinot says:

> When six o'clock comes the Speaker will resume the chair immediately, without waiting for any report from the chairman, and will say: 'It being six o'clock, I now leave the Chair.'

There can be no misunderstanding that language. Now let me turn to rule 17 which reads as follows:

> No motion to suspend, modify or amend any rule or part thereof, shall be in order except on one day's notice in writing, specifying precisely the rule proposed to be suspended, modified or amended, and the purpose of such suspension. But any rule may be suspended without notice by the unanimous consent of the Senate, &c.

That being the case, the motion of the hon. Secretary of State made after it was six o'clock, could not have been properly put under the rules, unless rule 4 had been suspended, which declares that the Speaker, or Chairman, shall leave the Chair when six o'clock arrives. Under these rules it is quite clear that the motion made by the Secretary of State was not in order, and I objected to it at the time, but for the reasons I have already indicated, I had no desire to prevent those members from carrying out their social or whatever arrangements had been made, as indicated in the request of the hon. Secretary of State. It was also objected to, when the Speaker put the question to

the House for the adjournment. I then took the objection that the motion could not be put under the rules. The remark of the Speaker at the time, as I understood him, was that that was something new. Well, I admit it was something new. No one had ever been placed in the same position, to my recollection before, and consequently when the motion was put and I was desirous, as I said then, of continuing the session after six o'clock that we might proceed with the business on the Notice paper, it suggested itself to me at once that that motion could not be put under the rules, and consequently I took objection to it. However, my objection was not accepted by the Speaker, who at once, as I have stated before, and repeat now, while I occupied the same position I do now, addressing the House, offering to accept the suggestion made by the hon. Secretary of State, in deference to the request he had made, declared the motion carried, and left the Chair, leaving me standing. I have not been standing ever since, but I mention the facts as they occurred. There are some other questions to which I might call the attention of the House, but I do not know that it is necessary. I have no desire to intensify any feeling which may exist either in my own breast or that of any other hon. gentleman in connection with this matter, but I hesitate not to say that on many occasions his Honour the Speaker, has stepped beyond the bounds of his duty in his interference with members of this House when they have thought it their duty to make suggestions.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—There have been occasions when some of the oldest members of this House have risen in their place to make objections and have been interrupted and interfered with by the Speaker in a manner that, I am quite sure, on reflection he would know is neither right nor proper, nor within the purview of his duties as Speaker of the Senate. While we are discussing this matter, we may as well be frank. The Speaker frequently rises in the Chair and addresses this House without leaving the dais. If hon. gentlemen refer to the authorities they will find that the Speaker has no right to address the House from that position. Bourinot lays down the doctrine, and so does May, very clearly so far as the duties of the Speaker are concerned. Bourinot, chap. 3, page 203, uses the following language :

> The Speaker presides over all the deliberations of the Senate except when the House meets in Committee of the Whole, and then he must call another member to the Chair. He has in all cases a vote which is the first recorded on the side on which it is taken, and he decides the question of order when called upon for his decision and not before.

Senators had better keep in mind, that the Speaker of the Senate does not occupy the same position, or have the same authority in that respect as the Speaker of the House of Commons. The Speaker's duty, under the law as laid down in this book, is, when his attention is called to any question, to decide the point of order, not to raise it himself, or to interfere with the deliberations of the House. Then it goes on :

> If he wishes to address the House on any subject, he will come down from the Chair like the Lord Chancellor in the House of Lords, and speak from the floor like other members, but this is a privilege which he will very rarely exercise.

I presume the writer when he penned that sentence must have had the Lord Chancellor in mind, and not the present Speaker of this House. The writer continues :

> He stands uncovered when speaking to the Senate, and if called upon to explain a point of order or practice, he has to state the rule applicable to the case and also to decide the question when required, subject to an appeal to the Senate.

I have occupied a longer time upon this question than perhaps was necessary, but I felt it incumbent upon me, in defence of the position which I took last night, to make this statement. I felt it still more necessary and incumbent upon me as, perhaps, not a very old member of the Senate, but having had some thirty-six years' knowledge of parliamentary practice, and having a very high regard and respect for the dignity of this House, that it was quite time the Senate's attention was called to the irregularities that have occurred in the past on the part of the members themselves, myself not excepted from the number, and from what I may term, and what I believe to be, the unnecessary and undignified position assumed by the Speaker of the Senate. I must apologize for having made this statement. It has been a painful duty for me, but I am acting, I repeat, in self respect and in the interest of the proceedings of the

Senate. I wish it distinctly understood—and I think the Speaker will give me credit for it—that what I have said is from no disregard for the Speaker personally, or from any revengeful spirit. I hold the Speaker in as high estimation as any gentleman here, but while we have a duty to perform and should respect to the fullest possible extent the authority and power of the Chair, he should extend the same consideration to each member of this House. I have made these remarks from the best and purest motives, and I trust that I may never, if I am here for thirty-six years more, feel it incumbent upon me to call the attention of the Senate to the action of any Speaker no matter who he may be. I shall endeavour in future to treat the Chair with that respect which I think I have shown it in the past, and all I ask from the Chair is the same courtesy and respect that I extend to it.

Hon. Mr. SCOTT—I am sorry that I have been the innocent and unintentional source of this unpleasant incident of last evening, and the repetition to-day. I myself had an engagement last evening that I was obliged to keep, and it so happened a number of gentlemen, I think from each side of the House, came to me between five and six and asked if there would be an evening sitting, and I said 'no, the feeling is that we will not sit to-night. We have had a very active afternoon, and we will not sit to-night,' and that became the general impression, in this neighbourhood at all events. My hon. friend is perfectly correct in the rule he has laid down, and the authorities he has cited as to the practice that should prevail in this Chamber, but he will admit, I have no doubt, that we have been very lax in the past in observing the rule as to the hour of six o'clock. Invariably when the House has been in committee at the hour, and we were within a short period of finishing the subject under discussion, it has been usual to go on, no one calling attention to the fact that it was six o'clock. No doubt the proper course would have been for me to have moved the adjournment out of committee five minutes before six, in order to have properly put myself before the Chairman to move that the House adjourn over until to-morow. I did not do that, misled by the loose practice that has prevailed in the past of allowing the Chairman in committee to sit beyond six o'clock, and then trust to the general good-nature of the House, if it became desirable not to sit in the evening to allow the motion to be put. Probably the Speaker was aware of the fact that there had been a very general feeling to adjourn and it had been supposed that the House would have acquiesced in the proposal without any hesitation. I am quite sure that the Speaker had no intention really to act improperly, or to act too hastily. We all have our little weaknesses sometimes of acting perhaps more hastily than we should, and the Speaker I presume, is subject to that human weakness, the same as the rest of us. But I am quite sure every one in this Chamber will acquit him of any intention to offend any hon. gentleman, and especially the hon. leader of the opposition. They have always been the best of friends and the kindliest sentiments have always been expressed by my hon. friend towards the Speaker, as I have noticed on very many occasions, and therefore it could only have been from thoughtlessness at the moment that this unhappy incident occurred. I am sorry that I happened to be the cause of this unpleasantness. I shall be extremely careful in the future to see that similar conditions do not arise while I have control of this side of the House.

TORONTO AND HAMILTON RAILWAY COMPANY BILL.

THIRD READING.

The Order of the Day being called :

Third reading Bill (147) An Act to incorporate the Toronto and Hamilton Railway Company.—(Hon. Mr. Young.)

Hon. Mr. YOUNG—In the absence of the hon. promoter of this Bill, I move that the Order of the Day be discharged and placed on the Order for Tuesday next.

Hon. Mr. SCOTT— I received a letter to-day from a number of influential parties in Hamilton desiring to be heard against this Bill. Their objection was to the line being carried along Burlington Beach, where a number of citizens have private residences. I am not sure whether that question was brought up in the committee and attention called to it. I answered the letter and said that the Bill had been reported to the House,

and was set down for third reading, and it was now too late to give any notice to amend the Bill, and it was useless to offer any opposition. If the Bill is postponed till Tuesday, I presume, in deference to the request of these gentlemen, I will have to present three objections. It is for the hon. gentleman to say what course he is going to take. I should like to be informed whether this opposition was urged in committee.

Hon. Sir MACKENZIE BOWELL—For the hon. gentleman's information, I may state that Mr. Bruce, one of the members for Hamilton, was present at that committee and read the resolution that was passed at a meeting of the summer residents of Burlington Beach. They objected to an additional track being laid on the beach upon which summer residences are erected on account of the danger to the children in the locality. The resolution passed was that it should be provided in the Bill as far as practicable that the electric railway should run its cars over the Grand Trunk tracks, which was given permission by the city of Hamilton to enter the city by the beach. It was pointed out to Mr. Bruce that it would be impossible to insert a clause in the Bill compelling any property holder to allow a second company to utilize their track for other purposes than that for which it was built, and that it would be better to put in a clause recommending the Grand Trunk Railway to accede to this request, that they could accomplish that object just as well by negotiations between the two companies for the use of the Grand Trunk Railway track over the beach as if it were placed in the Bill. Mr. Bruce saw the reasonableness of the position taken by the committee. I myself made the same suggestion that my hon. friend has offered, that we should postpone the Bill for two or three days in order to enable a deputation to come down and lay their views before us, and after a good deal of consideration it was looked upon as utterly useless to delay it, for the very reason that no clause could be put in the Bill that would meet their request. I may say for Mr. Bruce that he saw the reasonableness of the position taken by the committee, and he said that under the circumstances perhaps it was just as well to let it be passed as it was quite evident the Bill would be pased under any circumstances.

Hon. Mr. WATSON—The Bill provides for all the care that can be taken of the residents ; the municipalities through which it runs have to give their consent. Burlington is in two municipalities, and these municipalities will have to give their consent. These residents on the beach can go before the municipalities and represent their claims. I felt on the committee, and feel now, that the Bill ought to be passed. It has been long enough before the Commons and the Senate and no good object can be served by a deputation coming from Hamilton. They did ask to have a clause inserted to operate the road over the Grand Trunk Railway tracks. Of course we could not do that.

Hon. Mr. VIDAL—I might be permitted to add that the provisions in the Bill appear to me wholly to protect the rights of those who brought this grievance before us. I am familiar with the track that they speak of. It is a very narrow tract of land at Burlington Beach and by the time the railway allowance is taken off it, there is scarcely any room for another line of railway to come in there and I suppose on that account the provision in the Bill is made so strict that it is impossible for an electric line to be built there unless the parties interested give their consent. There must be by-laws passed by the two townships, under different jurisdiction, and we considered that was as much protection as could possibly be given by parliament, because it is utterly impossible to insist upon the Grand Trunk Railway giving them the right to go over their land. I do not think parliament would be willing to say that, independent of the consent of these residents and these municipalities, we should should give power to them to have any other line made there, and I rather think the rights of these people are quite sufficiently protected by the Bill as it stands.

Hon. Mr. SCOTT—I am very glad to hear that the views of the residents on the beach have been before the committee and have been considered, and that what they desire has proved to be impracticable. Therefore they canot complain when it is impossible to meet their wishes.

Hon. Mr. YOUNG—There is evidently a desire on the part of the House to pass the third reading now. With the unanimous

consent of the House, I move the third reading of the Bill. The hon. gentleman in charge of the Bill is unavoidably absent. He asked me to take charge of it yesterday. I fancy there are no other amendments to be made to it.

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

RAILWAYS LAW CONSOLIDATION BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole, consideration of Bill (21) 'An Act to amend and consolidate the law respecting railways.'

(In the Committee.)

Hon. Mr. SCOTT—I desire to submit for the approval of the committee some amendments of which I gave notice yesterday. The first one to which I shall call attention is clause, 122, in regard to the location of the line. This clause will stand as it is, and what I am about to move is a preliminary to that section. The effect of it is to give power to the Minister of Railways and Canals to pass on the plans as they are presented. I move that the following form part of clause 122, preceding the clause as printed :

The company shall prepare a map showing the general location of the proposed line of the railway, the termini and the principal towns and places through which the railway is to pass, giving the names thereof, the railways, navigable streams and tidewater, if any, to be crossed by the railway, and such as may be within a radius of thirty miles of the proposed railway, and, generally, the physical features of the country through which the railway is to be constructed, and shall give such further or other information as the minister may require.

2. Such map shall be submitted to the minister in duplicate and prepared upon a scale of not less than six miles to the inch, or upon such other appropriate scale as the minister may determine, and shall be accompanied by an application in duplicate, stating the special Act authorizing the construction of such railway and requesting the minister's approval of the general location as shown on the said map.

3. Before approving such map and location the minister may, subject to the special Act, make such changes and alterations therein as he may deem expedient, and upon being satisfied therewith shall signify his approval upon the map and the duplicate thereof, and when so approved, the map and application shall be filed in the Department of Railways and Canals and the duplicate thereof with the board, and no change or alteration from the general location of the line of the railway, as approved by the minister, shall be allowed, unless such change or alteration has been first approved by the minister.

4. The aforegoing provisions of this section shall only apply to the main line and to branch lines over six miles in length.

5. Upon compliance with the preceding provision of this section.

The motion was agreed to.

Hon. Mr. SCOTT—The next important amendment to which I desire to call the attention of the House is in reference to subsection 2 of clause 239, the fire clause. This clause has been fully considered by the government, and they think that the amendment which was submitted to the House yesterday, of which I gave notice, is a very fair one. As I explained, wherever the company are guilty of negligence, their liability is unlimited. Where, however, there is no negligence, and where under the law of other countries the company would not be liable, the companies are willing, in view of the strong feeling on the subject, to submit to be liable up to the amount of $5,000. So long as the amount is limited they are prepared to accept it, rather than battle with public opinion, hastily formed on the subject. The amendment is as follows :

239 (2.) Whenever damage is caused to crops, lands, fences, plantations, or buildings and their contents, by a fire, started by a railway locomotive, the company making use of such locomotive, whether guilty of negligence or not, shall be liable for such damage and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction :

Provided that, unless it is established that the fire was started by the negligence of the company, the total amount of compensation recoverable under subsection two of this section, in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion, shall not exceed $5,000.

3. The company shall have an insurable interest in all such property upon or along its route, for which it may be so held liable, and may procure insurance thereon in its own behalf.

Hon. Mr. LANDRY—Are we to understand by the amendment that the $5,000 is to cover damage caused to one person only, or to a whole village ?

Hon. Mr. SCOTT—Where the fire arises on one day from one cause, the $5,000 would be distributed amongst the persons affected.

Hon. Mr. WATSON—I understand that the clause suggested by the hon. Secretary of State would mean that if a locomotive on one day started five fires, the company

would be liable only for $5,000 ?

Hon. Mr. SCOTT—No, on the same occasion.

Hon. Mr. WATSON—On the same occasion ? The same locomotive might start half a dozen fires on a run of 100 miles and the company would be liable for only $5,000. This clause, if adopted, would throw the onus of proof that there was negligence on the part of the company, in case a fire was started by a locomotive, on the party who suffered. It must be apparent to any hon. gentleman that that is practically impossible.

Hon. Mr. SCOTT—The hon. gentleman is wrong. In any case, the company is liable for damage caused by fires to the extent of $5,000.

Hon. Mr. WATSON—The sufferers must prove it was caused by a locomotive.

Hon. Mr. SCOTT—No.

Hon. Mr. WATSON—I do not believe it is possible for fire to start from a locomotive unless it is due to negligence. We know, from cases which have been tried, it is very hard for anyone to prove that a railway company has been guilty of negligence. The evidence may show the fire was caused by a locomotive, but to establish negligence is almost impossible, and the damage often exceeds $5,000. I know of one large fire started a year ago in Manitoba, which ran for thirty or forty miles. There was no question but that it started from a locomotive, and the Canadian Pacific Railway did settle with those who lost their hay and cattle. The law which applies to an ordinary resident and settler in the North-west should apply to a railway.

Hon. Mr. SCOTT—They would be liable in the case the hon. gentleman puts.

Hon. Mr. WATSON—To the extent of $5,000. I am satisfied that in all cases where a fire does start from a locomotive it is due to negligence. The engineer takes the screen out of the locomotive for the purpose of improving the draft. They say they cannot keep up steam unless they do it. The result is they set fire to the prairie and there is loss. Another way in which damage results from negligence, is allowing fire to escape from the ashpan. These are the only two places from which fire can escape from a locomotive. I am satisfied if proper appliances were placed and retained in the locomotive it would be impossible for fire to escape. The same way, if cinders are not allowed to escape from the ashpan, there can be no fire. If fire starts from the locomotive, the company ought to be liable.

Hon. Mr. SCOTT—This is going very much further than the present law. In the case the hon. gentleman put, the company would not dispute the question of negligence. They would pay. They very often pay where persons lose their property, to escape litigation.

Hon. Mr. WATSON—Sometimes.

Hon. Mr. SCOTT—This is a large concession.

Hon. Mr. DAVID—Either the company is responsible or it is not. If the company is responsible, it must be responsible to the extent of the damage caused. If it is not responsible, the company should not be condemned to pay $5,000 or one dollar. You might as well put a clause in the Bill to provide, when a man loses two arms or two legs, the company will be responsible for one arm or one leg if negligence cannot be proved. The limitation is based on no principle of law. I should like to have a text of the law cited which would justify such a limitation.

Hon. Mr. SCOTT—The hon. gentleman must know—it has been pretty well discussed in the papers—that the company are not liable at present unless negligence can be proved. A different judgment was rendered in the case of Roy vs. the Canadian Pacific Railway, which originated in the province of Quebec. The case went to the Privy Council, and the judgment was reversed. Now, this clause is a concession to the people. The company are not liable as the law stands. We authorize railway companies to use fire. That is for the convenience of the general public. We could not do without locomotives. The consequences flow from that. We say at the same time to the company, you must be exceedingly careful of a dangerous element. If you are not careful, you must pay the consequences. So long as you use the best appliances and exercise care, you are not liable. Now, this is to meet cases similar

to that of Roy vs. the Canadian Pacific Railway; but if the principle my hon. friend lays down were adopted, any railway company might be ruined, because their liability would be unlimited. They should be responsible for the direct results. But we know that indirect consequences very often flow from a fire. Take, for instance, the conflagration in the city of Ottawa some few months ago, where railways pass through lumber piles. It might be given in evidence that the fire in the lumber piles was started by a spark from a locomotive. The fire from the lumber piles communicated to the buildings, and extended over a very large area. The company ought not to be responsible for the indirect and consequential results. They were not the direct cause of the large conflagration, and therefore my hon. friend will see it would be manifestly an injustice to hold them responsible. However, this is a modification in order to meet the conditions which have been represented in the other Chamber, and it has been considered a fair compromise.

Hon. Mr. BEIQUE—I would call the attention of the hon. Secretary of State to this feature of the proviso, that the $5,000 is intended to cover a multitude of claims. How would it be divided? It seems to me if there is a compromise, the compromise should rest upon some principle. There may be twenty persons concerned. Under what rule would the money be divided? Would it go to the party whose property was first destroyed?

Hon. Mr. SCOTT—It would be divided.

Hon. Mr. BEIQUE—I do not think it is so clear as that. It would be very puzzling to divide it.

Hon. Mr. SULLIVAN—How would the hon. gentleman divide it

Hon. Mr. BEIQUE—The principle adopted in England has been to exonerate the railway companies, and has been adopted on this ground: they are chartered to perform a certain service, and provided they use the ordinary apparatus the intention of parliament is presumed to absolve them from any damage. That may be very well in England where the companies are not subsidized as they are here.

Hon. Mr. SCOTT—It has been the law in Canada.

Hon. Mr. BEIQUE—No. In the province of Quebec the law has been applied the other way, and it was only in the case of Roy that the judgment went to the Privy Council, and the Privy Council applied, very properly, the principle which they had been applying in England for a great many years. They held that the common law of the province of Quebec was not different from the common law of England, in that respect. It was by interpreting the statute that the judgment was rendered exonerating the company. In this country most of the railway companies are subsidized by the government, either the federal or the local, and I fail to see that they are entitled to be treated differently from any one else—that they should be exonerated from the responsibility which they incur in using locomotives or any other apparatus. As has been very well stated by the hon. gentleman from Marquette, by using proper precautions, the railway companies can relieve themselves from responsibility, and the principle which has been adopted in the Bill as printed is not unreasonable. I would call the attention of the House to this fact: in the province of Quebec, where the law has been applied up to a year ago in the direction of holding railway companies responsible, it will be admitted it has not been ruinous to the railway companies. They have not had to pay large amounts of damages, and have not been seriously inconvenienced. As far as the 3rd paragraph contained in this amendment is concerned, I am altogether in accord with it. I think it would be well to declare that the railway companies should have an insurable interest in order to protect themselves.

Hon. Mr. LOUGHEED—It might be pointed out that the railways which have been incorporated by the federal law of Canada, have in law been exempt from the liability which, under this Bill, it is proposed to attach to railway companies. This certainly is a very radical invasion of vested rights of railway companies. A railway company, up to the passage of this Bill, had a right to assume that the only liability which they contracted with reference to fires, was in respect to their liability arising through negligence on the part of the company. We now make a very serious departure so far as railway companies are concerned—that is to

say, we make them liable now for all the damages which may arise from a fire started by a locomotive. Now, inasmuch as the railway commission have authority to say what appliances shall be used upon locomotives, and to place all sorts of restrictions around railway companies, it seems to me to be illogical to say that notwithstanding the fact that they observe most strictly every requirement placed upon them by Act of parliament, and that they are sanctioned by parliament to run their locomotives through the country, they must be liable in a way they have not hitherto been. My hon. friend from Montreal has asked for a citation of a principle of law analogous to this embodied in the amendment of the hon. Secretary of State. I would direct his attention to an analogous principle which obtains in England, and in almost every province in the Dominion. I refer to the principle of the limitation of liability under the Workmen's Compensation Act, and the Employers' Liability Act, by which dangerous machinery may be used by employers, and under which Acts the employers are exempt from injury which may proceed from the use of that machinery by an employee beyond a certain amount. I think in England the employer is liable only to the extent of £500 in each case, and that has been followed in some of the Canadian statutes. I understand also in the different states of the neighbouring Republic, similar legislation is to be found on their statute-books. That, I might say, is an analogous principle to that which has been introduced in this amendment. It seems to me extremely unreasonable that, as railway companies have up to the present time been exempt from this liability we should now attach to them a liability which, in its magnitude, could possibly wipe out the whole assets of a company—all on the finding of a petit jury that may be prejudiced against a company and decide that a fire has been created by a locomotive. When you take into consideration that that means liability which one can easily fancy would run into millions, that it rests in the hands of a petit jury to find the fact——

Hon. Mr. WATSON—You have an appeal.

Hon. Mr. LOUGHEED—The liability is one that should have its limitations. My hon. friend says the railways would secure an appeal. There is no better established principle laid down by courts of appeal than this, that once a jury make a finding on a question of fact, a court of appeal will not review that finding of fact. They will review the law, but except the evidence is manifestly wrong, they will not disturb a finding made by a jury. Consequently, there is practically no relief, even if they go to the Privy Council, from a finding of fact of that character. Under the circumstances, I think the rights of the public would be well preserved by the adoption of this proposal, and certainly a very onerous responsibility, vastly different from that which has heretofore obtained, would be placed upon the company.

Hon. Mr. BEIQUE—If the statement of fact which has been made by the hon. gentleman from Calgary was admitted, it would appeal to my mind, but I dispute his statement that the railway companies heretofore have been exempt from that liability under their charters. On the contrary, I could cite any number of judgments of courts in the province of Quebec—and I would invite the hon. member to cite a judgment to the contrary effect—whereby it has been held that they were liable. They have been held liable in virtue of the common law principle—the common law principle in England, as well as the common law principle of Quebec. Therefore, the decision of the Privy Council, which is but a single decision rendered twelve or fifteen months ago, is a new departure, and based merely on an interpretation of the statute. Therefore I fail to see how the railway companies have vested rights. The hon. gentleman refers to the principle adopted in the provinces as to liability for accidents. There is no parity between that principle and the one in question. There it is because the employer is made responsible, although he is not in law responsible—he is made to insure his employee, and that law is not based on the principle of responsibility. Here it is based on the principle of responsibility.

It is very well to say that the railway company may be exposed to a very large amount of damages, but suppose I am a manager or the owner of a mine—let us take, by way of illustration, the Dominion Coal Company. They have thousands of employees working underground. Through

the negligence of one of their employees, thousands of lives are lost. The company is responsible, and may be mulct into hundreds of thousands of dollars damages. Should they be relieved of their responsibility? They should not be. And why should the railway company be relieved if they cause damage to any neighbouring property by fire or otherwise? By what principle should they be relieved of their responsibility? I fail to see the unreasonableness of the principle sanctioned in this Bill. I would have understood that the railway company would have drafted a clause to avail themselves of this. They have been claiming that under the common law, as it obtains in Ontario, and other provinces, if a fire is set to a neighbouring property, and then passes from that property to another one, their liability would not extend to a second or third, but be limited to the first property. If that is the common law, I would understand they would ask to be placed on the same footing as any one else. In the province of Quebec the common law is not the same. The moment a fire is caused to property, however far it may extend, the law would reach the party responsible for the fire, and it would extend to any number of owners.

Hon. Mr. DAVID—Suppose damage is caused to twenty proprietors of farms on a railway? One of the proprietors puts in a claim for $5,000. It goes before a court, and he proves that he has suffered damage to that extent. The other proprietors do not put their claims before the court—they are waiting. What will the judge say? This amendment says the company is responsible only to the extent of $5,000; will the judge give the whole $5,000 to the first man who has sued the company, or will he say 'no, I will not give judgment now. I must wait until the other proprietors put in their claims, so as to make an equitable division of the $5,000.' If the hon. gentleman from Calgary can answer that I shall vote for the amendment.

Hon. Mr. SCOTT—The clause says distinctly, recoverable in respect to any one or more claims for damages. It is divided amongst them.

Hon. Mr. BERNIER—Has parliament the right to put such a limitation? It is a matter of civil rights, and civil rights fall under the jurisdiction of the provinces. We have the right here to grant franchises to railway companies, but we have no right to amend the law of the respective provinces. It seems to me this clause should remain silent on the matter, and the whole thing should remain under the common law.

Hon. Mr. SCOTT—In the Bill as it passed the House of Commons we reversed the laws of the province in that respect.

Hon. Mr. BERNIER—By what right?

Hon. Mr. SCOTT—We are doing it in the Bill, because we say the railway company will be liable in any case where fire arises that can be traced to the company, whether caused by negligence or not. You have already, by the adoption of that principle by the House of Commons, interfered with the laws of several of the provinces, and I must dispute the conclusions reached by my hon. friend from Montreal, in which he says that the Privy Council did not decide the case of Roy on the Quebec law. I say, they did. The only reason it was not decided before was that these cases were not appealed until they became too numerous. Then when an appeal was taken, the decision was given in favour of the company's contention.

Hon. Mr. WATSON—Speaking of liability with regard to accident, it is quite easy for a manufacturer to produce evidence to show negligence on the part of an employee, but it would be almost impossible for a farmer out on the plains to prove that a railway company was negligent and caused a fire on the railway track. The hon. Secretary of State says that this would apply to damage from a fire or fires started by the same locomotive on the same occasion. The question arises, what is 'the same occasion.' I am satisfied any court or jury would decide it was during the trip of a locomotive going from one point to another.

Hon. Mr. POWER—No.

Hon. Mr. WATSON—The Secretary of State calls attention to the fact that if this fire which occurred in Ottawa last May had been traced to the negligence of the railway company, or by accident through the railway company, it might ruin the company. What about the people who were

burned out? They have some rights. I do not think any person has offered to suggest that there is any chance of fire starting from a locomotive unless there is negligence. If you make it easy for a company to escape the damages, they will not be so particular about exercising caution. In the case to which the hon. Secretary of State alluded, why should the man who has got his lumber piles burned up be paid while the man whose house was burned by the fire from the lumber piles gets nothing? Take the prairie country for instance: I have known fires, started from a railway locomotive, or from some settlers being careless setting out fire, to run over fifty or sixty miles, and destroy a great deal of property.

Hon. Mr. SCOTT—Did the railway company pay in that case?

Hon. Mr. WATSON—They paid if it was proved it was due to their negligence.

Why should a railway company be exempt any more than a settler in Manitoba? A settler is liable for every dollar of loss he causes by setting out fire. Out in the ranching country there is great danger of fire starting by setting fire to the grass in the fall or spring. We cannot impose too great liability on railway companies for the purpose of making them careful not to allow fire to escape. I do not think there is any hardship. They may not be able to haul as many cars because they have to keep a screen in the smokestack, but they can do their work, and if we make a stringent law, we will prevent a great many fires. In the distributing of the $5,000, the case cited by my hon. friend from Montreal (Hon. Mr. David) shows it would not work. If one man's claim is $5,000, and he sues and proves his damages, where would the others get anything? Suppose the company damages property to the exaent of $5,000, the man who sues and gets judgment for $5,000, he will get the entire amount. Others might go before the court and be told: Judgment to the extent of $5,000 has been given, and there is nothing for you?'

Hon. Mr. SCOTT—Oh no, it would be nothing of the kind.

Hon. Mr. WATSON—I should like to ask the hon. Secretary of State what a court would do in a case such as has been cited by the hon. gentleman from Montreal?

Hon. Mr. SCOTT—The court would say there would be only $5,000 to be divided among those who suffered the loss.

Hon. Mr. WATSON—But the court has no knowledge of any loss except that which comes before the court. They cannot take cognizance of any loss or damage unless it comes before them, and the only case before the court is the one in which they have given judgment. The others have not taken action, and the result is they would get nothing. I do not think there should be any limit, and if this clause is to pass, a change should be made to make plainer what a fire or fires from a locomotive on the same occasion means.

Hon. Mr. POWER—Anything which is necessary to make the meaning plain should be inserted, but I call the attention of the hon. gentleman from Portage la Prairie to the fact that the railway company would not make any defence up to $5,000. The company will ascertain, as a matter of course, I assume, what the approximate amount of the loss was, and who the losers were, and see that the $5,000 which they were called upon to pay was apportioned between the sufferers by the fire. If that is not the case, this clause should be made plainer. Now there is this to be considered, that the common law liability of the company to which the hon. gentleman from de Salaberry has referred, and also the hon. gentleman from St. Boniface, is not interfered with at all. Where there is any negligence established on the part of the company, the liability is unlimited, and in addition to that common law liability, this amendment proposes that the company shall, in any case, whether there has been negligence or not, be liable to the extent of $5,000. It may be that the amount is not just the right amount. The 'same occasion' would mean the one occasion which arises at the same instant; but if that language is not clear I suppose the hon. Secretary of State is quite prepared to make it clear. If there has been no negligence on the part of the railway company, it is going a long distance to impose upon them an unlimited liability for the damage caused by the fire.

Hon. Mr. LANDRY—I call attention to this case. The last speaker has just said that probably there will be no suits, that they might settle. Supposing ten or twelve farmers have their houses burned by fire and one of them comes up and asks for the $5,000, and there is no negligence at all, the company might give the $5,000 to one of them.

Hon. Mr. SCOTT—No, they could not.

Hon. Mr. LANDRY—What prevents them?

Hon. Mr. SCOTT—The statute is perfectly clear.

Hon. Mr. LANDRY—What prevents them giving the $5,000 without going to court? Is the company obliged to go to court?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—If they give the $5,000, what next?

Hon. Mr. McMULLEN—It is quite clear if the company was called upon for damages in the case cited by my hon. friend, the company would take steps to ascertain who was entitled. The railway companies do not engage solicitors and counsel of such stupid calibre that they would allow them to pay over $5,000 without investigation. They would investigate and see that the company would be freed from all liability by that payment.

Hon. Mr. LANDRY—If they paid $5,000 no one could claim more, and if they find a lawyer that comes and asks $5,000 for an individual that lost by a fire, they might pay the $5,000.

Hon. Mr. BEIQUE—I desire to read an extract from the judgment of the Privy Council in support of what I stated as to the grounds upon which the judgment was rendered. Law Reports, House of Lords, Canadian Pacific Railway v. Roy, at page 231, Lord Cairns used the following language:

> Much was argued by the learned counsel for the respondent as to the peculiar jurisprudence of Quebec; but in truth there is no such difference between the law of England and the law of Quebec in this respect as he seemed to suppose. The law of England, equally with the law of the province in question, affirms the maxin 'sic utere tuò ut alieno ne lædas,' but the previous state of the law, whether in Quebec, France or England, cannot render inoperative the positive enactment of a statute, and the whole case turns, not upon what was the common law of either country, but what is the true construction of plain words authorizing the doing of the very thing complained of.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. BEIQUE—The Lord Chancellor in his judgment proceeds as follows:

> The argument appears to be founded on the suggestion that Quebec has a civil law of its own and that in that province all corporations like all other persons are responsible for causing damage to their neighbours by a fault—that is to say, any actionable wrong, whether imprudence or want of skill; and another article of the code provides that civil corporations constituting by the fact of their incorporation ideal or artificial persons are as such governed by the laws affecting individuals, saving the privileges they enjoy and the disabilities they are subjected to. If the immunity claimed for the applicants were simply claimed upon the ground that they were a corporation without reference to what they are authorized to do in that capacity, the argument would be well founded; but the fallacy of the suggestion lies in supposing that that immunity is claimed because they are a corporation. If that were so, there would be no difference between the law of England and the law as so expounded in the province of Quebec; but the ground upon which the immunity of a railway company for injury caused by the normal use of their line is based is that the legislature which is supreme has authorized the particular thing so done in the place and by the means contemplated by the legislature, and that cannot constitute an actionable wrong in England any more than it can constitute a fault by the Quebec code.

And, I repeat, the whole case went on the ground that the railway company is absolved by reason of the fact that they were authorized to use their engines and provided they employ the ordinary methods in using them they are absolved from all consequences, and this is placing railway companies in a different position from ordinary companies, because all other corporations or persons are responsible for damage caused by them.

Hon. Mr. LOUGHEED—The principle which I mentioned a moment ago is based on the fact that parliament having authorized those companies to use locomotives, they were absolved, except where they were negligent or where there was an absence of skill. I quite appreciate the remarks of the hon. gentleman from Portage la Prairie with reference to a serious fire being set out in the west, but I would point out to the House this great difficulty which a railway company is called upon to face. The courts have held that a jury would be warranted in making a finding of fact as to a fire having been started by a locomotive, although there was no direct evidence that

the fire was set out from a locomotive—simply from the fact that the locomotive passed a certain point at a certain day and the presence of fire immediately thereafter. It does not require any violence of the imagination to come to the conclusion that that fire might have been set out from a dozen other causes. A passenger might have thrown a cigar from the train, or a traveller might have thrown a match from the train, and a dozen causes quite as conclusive as that of the locomotive originating the fire might easily be arrived at.

Hon. Mr. WATSON—We have provided in this Bill that all combustible matter shall be removed from the right of way.

Hon. Mr. LOUGHEED—It might not happen on the right of way, but might happen on a lumber pile where a tramp was sheltering himself. According to the authority I have given, the jury can be told that a locomotive passed at a certain hour on a certain day, losing sight of the fact that the fire might arise from other causes. As to the apportionment of the $5,000, it might be solved in this way: that the $5,000 should be apportioned by the court as they saw fit. Under Lord Campbell's Act, when an action is brought the court will ascertain who might be interested and will make such an appointment as seems proper. If at the end of subclause 2 the words 'and shall be apportioned as the court may declare' were added it would meet the difficulty.

Hon. Mr. BEIQUE—There is a more serious difficulty arising from that proviso. This proviso would be liable to the interpretation that the liability of a company would be limited to cases where there was actual negligence, and that they would be presumed to have been relieved from responsibility for having used proper appliances. I am quite satisfied that the House of Commons will not, even if this amendment was adopted by this House, accept it. If it is the sense of the House to mitigate to some extent the effect of the clause so as to show that we do not go beyond the common law of any province, the clause should be drafted differently, but in its present form it seems to me it should not be adopted.

Hon. Mr. SULLIVAN—I hope it is no breach of the dignity of this House, and I hope it will not be considered as such, for me to say that I wish that the legal gentlemen of this House would meet together in some conclave and decide on what is the law, and then they could inform us. To have one's mind wrenched in the way it has been this evening by these eminent lawyers is something terrible, and it may have a serious effect on some of the members who are not gifted with that fine sense of analysis that these legal gentlemen have. I do not think we will ever get through with this Bill. I was going to suggest that it be allowed to stand. I suppose that would entail another day's discussion; but as to this point I may say that I have seen a great many men punished and mulcted severely in damages where it was not their fault at all. The hon. gentleman from de Salaberry tells us about the law. Well, what are the juries like there? I suppose the juries are as depraved in Quebec sometimes as they are in Ontario, and do not always decide according to what is right or fair. I have seen men severely punished where a case would go to a jury, and I think it is eminently proper to put in something that would debar people from bringing these actions. The hon. gentleman from Calgary has made this very plain and clear. If they have their redress against the company for negligence, it is proper they should be debarred from bringing these actions trusting to get a jury who will give other damages. Every one knows how any action tried by a petit jury against a railway company will result. You can make a sure prognosis on that case. I have the greatest respect for the hon. gentleman from Laprairie, but if he does not know any more about law than he does about the English language, I think he had better go and study it up, because what he learns here will not tend to instruct him very much.

Hon. Mr. SCOTT—I have added the words 'the amount to be apportioned as the court may direct.'

Hon. Mr. ELLIS—Suppose the insurance along the line is greater than the $5,000, what is to happen then?

Hon. Mr. SCOTT—The company can only recover from the insurance company what they have to pay.

Hon. Mr. LOUGHEED—It would be the same if you insured a building for a cer-

tain amount and the loss did not come up to the amount of the insurance.

The committee divided on the amendment, which was adopted on the following vote : Contents, 24 ; non-contents, 15.

On clause 242,

Hon. Mr. SCOTT—This clause was made to read as follows :

All actions or suits for indemnity, where any damages or injuries sustained by reason of the construction or operation of the railway, shall be commenced within one year after the time when the damage arises.

There is a proviso to that that it shall not apply to any action arising out of contracts, or to questions of tolls, and the amendment would read in this way :

Nothing in this section shall apply to any action brought against the company upon any breach of contract expressed or implied in the carriage of any traffic nor to any action against the company for damages under any section of part of this Act respecting tolls.

In all of those actions the parties have five years, six years, whatever the law of the province happens to be, to bring the action.

The clause was amended and adopted.

Hon. Mr. SCOTT—There are several amendments of which hon. gentlemen have given notice. Probably I had better deal with those that I have a note of. We made a change in section 310, which was the repealing section. We repealed chap. 29 of 51 Vic., except 306, and we also repealed—I am not sure what hon. gentleman moved the proposition to repeal that part—sec. 2 of chap. 9 of 59 Vic., which I think was a mistake, because we are repealing a statute passed in 1896, which declared that resolutions, where they had been adopted up to that time, should have the force of by-laws under certain conditions, and therefore we should not disturb legalized resolutions. The question might arise now, if we repealed that section, that the resolutions might be called in question and therefore we should leave it as it was.

Hon. Mr. POWER—The repealing of any Act does not render anything done under that Act invalid, and for the future clause 80 of the Bill provides as follows :—

The directors may make by-laws or pass resolutions from time to time for the following purposes.

That is practically a re-enactment of the Act of 1896, and there is no sense in having the two things.

Hon. Mr. SCOTT—My motion is to restore all except section 2—to allow it to stand.

Hon. Mr. POWER—One of the objects of the government is to have all the railway law consolidated in one Act. There is no necessity whatever for leaving in those words that are proposed to be put in again, and they are calculated to mislead any one who is dealing with the Act.

Hon. Mr. SCOTT—The Act of 1896 refers to what occurred before 1896. Why should we disturb it ?

Hon. Mr. POWER—We do not disturb it.

Hon. Mr. SCOTT—I propose to read from the statute passed in 1896 amending the Railway Act. It would appear to have been prompted by the fact that certain proceedings of the railway company were illegal because the directors had not observed the ceremony of adopting the ordinances by by-law, and so parliament, in order to confirm what was defective, among others, passed this section :—

All resolutions heretofore passed——

It only refers to a time anterior to 1896. It proceeds :

Instead of by-laws for the purpose mentioned in section 59 of the Railway Act as substituted by this Act are hereby confirmed.

Is it not very much better not to disturb the Acts that have already confirmed what occurred anterior to 1896 ?

Hon. Mr. LOUGHEED—Why should my hon. friend not re-enact it and have the whole body of the railway law in this Bill ?

Hon. Mr. SCOTT—It seems simpler as it was passed by the Commons in that form, to let it go, and it can certainly do no harm. Striking it out at first sight looks like interfering with class legislation which has legalized certain results.

Hon. Mr. LOUGHEED—I quite agree with the necessity of its retention. I think my hon. friend is perfectly right there. I did suggest before that these two exemptions, namely, chap. 29 of 51 Vic., and chap. 9 of 59 Vic., should be reenacted in this Bill, and then we should have the whole body of

railway law in the Bill that we are about to pass.

Hon. Mr. BEIQUE—I am quite sure there is a provision in this Bill to the same effect.

Hon. Mr. LOUGHEED—I think my point is entirely overlooked.

Hon. Mr. POWER—Let me call attention to the Interpretation Act in the Revised Statutes, paragraphs 50, 51 and 52, which provide :—

50. Whenever any Act is repealed, wholly or in part and other provisions are substituted, all by-laws, orders, regulations, rules and ordinances made under the repealed Act shall continue good and valid in so far as they are not inconsistent with the substituted Act, enactment or provision, until they are annulled or others made in their stead :

51. Whenever any Act or part of an Act is repealed and other provisions are substituted by way of amendment, revision or consolidation, any reference in any unrepealed Act, or in any rule, order or regulation made thereunder to such repealed Act or enactment, shall, as regards any subsequent transaction, matter or thing, be held and construed to be a reference to the provisions of the substituted Act or enactment relating to the same subject-matter as such repealed Act or enactment : Provided, always, that where there is no provision in the substituted Act or enactment relating to the same subject-matter, the repealed Act or enactment shall stand good, and be read and construed as unrepealed, in so far, but in so far only, as is necessary to support, maintain or give effect to such unrepealed Act, or such rule, order or regulation made thereunder :

52. The repeal of an Act, or the revocation of a regulation, at any time, shall not affect any Act done or any right or right of action existing, accruing, accrued or established, or any proceedings commenced in a civil cause, before the time when such repeal or revocation takes place ; but the proceedings in such case shall be conformable when necessary to the repealing Act or regulation.

The point is, in 1896 an Act was passed to validate what had been previously done, and giving the companies power to do these things by legislation or by-law, and that has been in operation ever since.

Hon. Mr. LANDRY—To confirm what had been done.

Hon. Mr. POWER—It remains confirmed.

The clause was adopted.

Hon. Mr. BEIQUE—In connection with clause 2, subsection (b), yesterday this subsection was re-inserted in the Bill ; I desire to call the attention of the Secretary of State to some of the provisions of the Bill which would come in conflict with that interpretation of the word 'by-law.' I propose to move that instead of subsection (b), the following be inserted :—

The expression 'by-law' when referring to an Act of the company includes a resolution.

I call attention to clauses 184 and 185 of this Bill. The first subsection provides for the consent of the municipality to carry a railway along, upon or across an existing highway, and the consent of the municipality should be obtained by by-law. Well, if subsection (b) was maintained, the word 'resolution' would be taken as the equivalent of 'by-law.' Then in clause 185, we have the very same thing.

Hon. Mr. SCOTT—I have no objection to the hon. gentleman limiting it to the railway. I do not agree with him in his interpretation.

The motion was agreed to.

On clause 8,

Hon. Mr. POWER—The amendment of which I have given notice is as follows :—

That clause 8 of the Bill be stricken out, and the following section substituted therefor :—

8. The Railway Committee of the Privy Council is abolished, and in lieu thereof there shall be a commission, to be known as the Board of Railway Commissioners for Canada,' consisting of three members, who shall be appointed by the Governor in Council, at any time after the passing of this Act, and from time to time, as vacancies occur. Such commission shall be a court of record and have an official seal, which shall be judicially noticed.

2. The term of office of a commissioner shall be ten years ; but any commissioner may be removed for cause, by the Governor in Council, before the expiration of such term. A commissioner shall be eligible for reappointment on the expiration of his term of office. No commissioner shall be capable of holding office after attaining the age of seventy-five years.

3. One of such commissioners shall be a barrister of not less than ten years' standing, shall be appointed by the Governor in Council, chairman of the board, and shall be entitled to hold the office of chairman as long as he continues to be a member of the board. Another of such commissioners shall be a man of experience in railway traffic, and the third commissioner shall be a farmer or a commercial man. One of such two last-mentioned commissioners shall be appointed by the Governor in Council, deputy chairman of the board.

4. Whenever by an Act or document the Railway Committee of the Privy Council is given any power or authority, or any duty is cast upon it in regard to any company, railway, matter or thing, the power or authority so given, or the duty so cast upon the said committee, may or shall, as the case may be, be exercised by the board.

Also, substitute 'chairman' for 'chief commissioner' wherever the latter words occur in sections 10 and 11 and any subsequent sections.

I propose to strike out a portion of the amendment of which I have given notice, beginning in subclause 3, 'Another of such commissioners shall be a man of experience in railway traffic,' down to the end of the sentence.

The Bill sets out that the chairman of the board is to be a person of very considerable consequence. His decision on questions of law is to bind the board, and clearly he should be a barrister. It is assumed that he will be a barrister, but there is nothing in the Bill to make it necessary that he should be, and I think that the declaration made by the hon. minister who had charge of the Bill in the other House, to the effect that this officer was to be a barrister, ought to be embodied in the Bill. I hold, also, that the wording of this amendment is better and clearer than the clause in the Bill.

Hon. Mr. SULLIVAN—Supposing he was a judge, and had retired, or was not a practising barrister at all?

Hon. Mr. POWER—If he was a judge he would be a barrister.

Hon. Mr. SCOTT—This clause was thoroughly discussed by Council, and they thought that the announcement they made to the House ought to have been sufficient as to the personnel of those who are to form this commission. It is usual to accept announcements of that kind made by the government. They thought it was only proper they should have the latitude under the clause as drawn, and I hope my hon. friend will not press his motion.

Hon. Mr. POWER—It may be true that the present government can be trusted, but there may be another government which cannot be trusted. The best way is to make the law clear.

The amendment was declared lost on a division.

On clause 237,

Hon. Mr. WATSON—In the absence of the hon. gentleman from Toronto, I move that the following be substituted for subsection 4, amended :—

That subsection 4 of section 237 of the Bill be stricken out and the following substituted therefor :—

4. When any cattle or other animals at large upon the highway or otherwise, get upon the property of the company and are killed or injured by a train, the owner of any such animal so killed or injured shall be entitled to recover the amount of such loss or injury against the company in any action in any court of competent jurisdiction, unless the company, in the opinion of the court or jury trying the case, establishes that such animal got at large through the negligence or wilful act or omission of the owner or his agent, or of the custodian of such animal or his agent; but the fact that such animal was not in charge of some competent person or persons shall not for the purposes of this subsection, deprive the owner of his right to recover.

The clause is word for word as it came from the House of Commons. While I do not hold the Senate should be bound by a decision of the House of Commons, still this is a question which has engaged the attention of that House for three or four years, and Bills have been introduced to that House, for the purpose of trying to protect settlers from the loss of cattle by accident on railways and the result is the House of Commons, I believe unanimously, adopted subsection 4 of clause 237. The motion before the House is to restore that section as it came to us originally. The objection taken to the clause as it stands is the fact that the company have to prove the negligence of the owner of the cattle. There is no doubt there is a great deal of loss to farmers, by having their cattle destroyed on account of the negligence of railways in not providing suitable cattle-guards, and not keeping their fences in proper condition. Up to the present time, the only cattle-guard which has been found effective in stopping cattle is the old pit. That guard was used by railway companies up to about fifteen years ago, when the government saw fit to make a change in the Act. As far back as 1857, it was provided that cattle were illegally at large if on the highway half a mile from a crossing, and if they were killed on the track the company was not responsible. Later an Act was passed declaring cattle were illegally at large if they were straying on lands which did not belong to the owner of the cattle. And that being done, it was almost impossible for the owner of cattle to recover from a railway company, or prove that cattle got on the track through the negligence of the railway company. Since that change was made, the railway companies have not been so particular about keeping cattle off the railway tracks. This

clause was passed in the House of Commons after a great deal of consideration—passed unanimously by members who had paid particular attention to the matter, and had been advised by their constituents. I am satisfied from the unanimous feeling which prevails in the House of Commons, that the amendments suggested in the Senate will not be acceptable in the other House, that the clause as submitted to the Senate in the Bill coming from the House of Commons, will be reinstated in that House, if not here, and that being the case, I think we had better accept the clause as it came to this House originally in the Bill. It was a matter of discussion in the Railway Committee of the House of Commons, and a matter of discussion in this House, and the result of careful consideration on the part of the representatives in the House of Commons. It is said it is unfair to ask a railway company to prove that it was through the negligence of the owner of the cattle they got on the track. It is just as hard to say that the owner of the cattle shall prove that the railway company was not negligent. As a matter of fact, when the owner of cattle makes a claim against a railway company, and finds it necessary to sue the company for damage for his cattle killed on the railway track, he will have to produce evidence to show that the cattle were legally at large or legally crossing the track. If he cannot establish that, the Act provides that under certain conditions the railway company are not liable. The company are required to have cattle-guards and fences, and they ought to be required to prove that the owner of the cattle was negligent in allowing them to be on the track. If the argument were applied so far as the fires are concerned it should apply now, because it is much easier in one case to know how a fire starts from a locomotive than to prove negligence in the other. I should like to suggest for the consideration of the House a further clause added, to provide :

In all actions under this section, where a judgment shall be obtained the amount of which does not exceed $200, there shall be no appeal from a court of competent jurisdiction.

I have named $200 because I do not think the amount is excessive. If a railway corporation appeals, it can be easily understood no farmer can afford to follow an appeal for the value of a horse or cow. I think this will facilitate the settlement of a great many claims without going to court at all if the railway company knew that there would be no appeal from the first court of competent jurisdiction for any amount under $200. I offer this amendment along with the other because they may as well be discussed together.

Hon. Mr. BEIQUE—Without taking up the time of the committee I desire to say, as I stated yesterday, in my mind the liability of the company is fixed by section 199 of this Bill, under which it is incumbent on the railway company to maintain and keep cattle-guards and fences sufficient to prevent cattle getting on their property. If they fail in that, they are responsible for any animal found killed on their tracks. It seems to me that is going as far as is necessary. Subclause 4 is in contradiction to subsection 3. Under subsections 1 and 3 it is provided that if an animal is allowed to go at large without being in charge of anybody, and within half a mile of a crossing, the party cannot recover. Then subsection 4 comes in and tends to make the company responsible in all cases unless they prove that the owner of the animal was guilty of negligence. I must confess it is going altogether too far. It is asking a railway company to prove an impossibility. How can they, as a railway company, know anything of what took place on the property of land owners residing perhaps a mile or two from the railway ? In virtue of what principle of justice could you make the company responsible and throw on them the onus of proving that the owner of the cattle has been guilty of negligence ? I have given notice of an amendment in substitution of subsection 4 and it seems to me it should meet with the approval of this House. My amendment reads as follows :

That subsection 4 of section 237 be stricken out and the following substituted therefor :—

4. Except as provided in the first and third subsections hereof, whenever an animal is killed or injured upon the property of the company, the fact that such animal got upon such property from land other than that of the owner of the animal, or that such animal was not then in charge of some competent person, shall not deprive such owner of the right to recover from the company the amount of the loss.

As far as liability is concerned, it is altogether fixed by clause 199 and all that we have to provide for is, as mentioned in subsection 4, that the fact that the animal

got on the property of the company from land other than that of the owner of the animal, or that the animal was not then in charge of some competent person, shall not prevent the owner from recovering.

Hon. Sir MACKENZIE BOWELL—Do I understand that amendment is to be substituted for subsection 4 ?

Hon. Mr. BEIQUE—Yes, as amended.

The committee divided on the amendment to the amendment, which was adopted : Contents 21 ; non-contents 18.

Hon. Mr. POWER—The amendment of which I gave notice becomes unnecessary now.

Hon. Mr. WATSON—Before we leave that clause I should like to move to add subsection 5 of section 237, to read as follows :—

With all actions under this section where judgment shall be obtained in which the amount thereof does not exceed $200, there shall be no appeal from a court of competent jurisdiction.

Hon. Mr. LOUGHEED—I would suggest that we have no authority to pass a clause of that kind. It is something entirely within the jurisdiction of the provincial courts. We are certainly attempting to take away from the provinces the right which they have of permitting an appeal in those matters.

Hon. Mr. LANDRY—We have been doing that the whole afternoon.

Hon. Mr. BEIQUE—The point of the hon. gentleman from Calgary is well taken.

The motion was adopted on the following division : Contents, yeas, 27 ; non-contents, not taken.

Hon. Mr. LOUGHEED—I would suggest to my hon. friend, who seems to be the champion of the farmer, that he should look into that matter because he is making lots of trouble under that legislation for any farmer who may seek to take advantage of it.

Hon. Mr. WATSON—I have never known a farmer to appeal from the decision of the court, and I have always known the railway company to appeal.

On clause 199,

Hon. Mr. LOUGHEED. I beg to move :

That subsection 2 of section 199 be amended by adding at the end thereof the following :—

The board may, from time to time, by order or regulation, determine standard descriptions and specifications for the construction of any such fences, gates or cattle-guards, and may declare that fences, gates or cattle-guards properly constructed in accordance with such order or regulation shall be deemed to be suitable and sufficient.

I pointed out yesterday the desirability of there being uniformity of this kind, so that as between the different provinces it cannot be held in one province that a cattle-guard is insufficient, and in another province that it is sufficient, and the same would apply to fences. It is also desirable that this power should be vested in the board so that the public may have the best crossings and fences that can be obtained.

Hon. Mr. WATSON—I should like to say that we cannot posibly have any uniformity with regard to fences throughout the Dominion of Canada. The description of fence that would be accepted in one province would not be accepted in another.

Hon. Mr. LOUGHEED—Then they can stipulate what it shall be in each province.

Hon. Mr. WATSON—I think that the fences and gates and cattle-guards are specified in clause 199, and it is stated what they should be. I was afraid that if we provided that the board should state what the fence should be and the companies erected such a fence and an accident happened, then the company would be relieved. I do not think we should complicate matters, or give any chance for lawyers to get in their fine work to interpret as between what section 199 sets forth and what it might be intended to mean by the amendment of the hon. gentleman from Calgary.

Hon. Mr. LOUGHEED—I should like to ask the Secretary of State what was the object of the government appointing a commission to inquire into the efficiency of cattle-guards with a view of the adoption of an efficient guard, if they are opposed to legislation of this kind being embodied in the Act. The principle of the appointment of such a commission was all wrong, and the investigation made by the commission was all wrong, and in fact the whole idea was wrong if it now is unwise to embody the principle in this Bill.

Hon. Mr. SCOTT—The effect of the adoption of that clause would be this : that if

an animal got on to the railway track owing to a defective cattle-guard that had been approved by the commission, the company would not be liable, and I do not think that is a reasonable proposition. I think that if an animal gets on the track because of a defective cattle-guard or a defective fence the company should be liable, and the adoption of this clause would have defeated that proposition which we have affirmed over and over again.

Hon. Mr. LOUGHEED—It simply resolves itself into this: it has to be determined between a jury and the board of commissioners which is to be the tribunal. A court or jury can pass upon the point. Surely the commission who are experts are much better qualified to say than a court or jury. You must elect between one or the other. If the commission does not say what is an efficient cattle-guard, then the court is going to say.

Hon. Mr. SCOTT—But supposing the cattle-guard is the best ever invented, if the cattle get over it the company is liable, and in the same way with the best fence constructed, if the cattle can get over or through, the fence the company is liable.

Hon. Mr. LOUGHEED—If the court finds the company has erected the best fence, or the best guard, then the company should not be liable.

Hon. Mr. SCOTT—I dare say that, but the principle of the Bill, and the principle of all the amendments, even the last amendment, admits the soundness of that. The only diffence, as I understand it, from this amendment just now in reference to an animal killed is that the proof is not thrown on the company when an animal gets on from the highway. In all other cases the company are liable, and as the Bill came from the House of Commons, the company are liable also for an animal getting on the track from the highway, although in the preceding clause it is declared that the person owing the animal is guilty of an offence because he let the cattle stray on to the crossing, but yet we have affirmed the principle that though the owner is at fault, if the cow is killed the railway company must pay for it.

The amendment was adopted.

On clause 211,

Hon. Sir MACKENZIE BOWELL—I beg to move the following amendment after the word 'person' in the 17th line of subsection 4 of section 211:

Provided always that any agreement made by a company with its employees or any of them shall be valid if such agreement shall be adjudged by the court or judge before whom any question relating thereto is tried, to be just and reasonable.

When I made the motion the other day the hon. gentleman from de Salaberry made some suggestions. I then intimated to him that I was quite willing to accept any suggestion that he might make which would have the effect desired in the amendment which I have proposed. Subclause 4 reads as follows:

4. Every company which fails to comply with any of the provisions of this section, shall forfeit to His Majesty, a sum not exceeding two hundred dollars, for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of the non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person; provided however, that no proceedings shall be instituted to enforce or recover any forfeiture to His Majesty hereunder without the consent of the board first obtained. Sub. for 51 V., c. 29, s. 243 Am.

My amendment is to insert after the words 'notwithstanding any agreement to the contrary,' the following: 'in regard to any such person.' Clause 10 of the Ontario statutes, in what is termed the Workmen's Compensation Act, reads as follows:

No contract or agreement made or entered into by a workman shall be a bar or constitute a defence to any action for the recovery under this Act of compensation for any injury;

1st. Unless such workman entering into or making such contract then was other consideration than that of his being taken into or continued in employment.

In case he should make an agreement of that kind, that could not be set up in defence of any action for damages because it would be considered unreasonable. Then the clause proceeds:

2nd. Unless such consideration was, in the opinion of the court or judge, ample and adequate.

3rd. Unless in the opinion of the court or judge such contract or agreement in regard to such consideration was not on the part of the workman improvident but was just and reasonable.

The intention of adding the proviso which I have moved is simply to place the railway

companies in the same position as they would be under the Ontario Act. If an employee enters into an improvident contract with the railways, or one that is not reasonable, or one that might be exacted from him in order to secure employment on the railway, then that could not be set up as a defence, and very reasonably so too, and that is simply the object of the amendment that I have proposed. So that in case any difficulty should arise as to the character of the contract into which the workman and the employer entered, it should be left to the court to adjudge as to the reasonableness or unreasonableness of it. I might intimate to the hon. gentleman from de Salaberry that I am not wedded to this wording if he thinks something else could be substituted therefor which would have the same effect.

Hon. Mr. BEIQUE—I have given some consideration to that question, and it seems to me that there is something in the suggestion made by the hon. gentleman from Belleville, but I would suggest either to add after the words 'any other person,' the following :

Unless such agreement shall have been adjudged by the court or judge before whom such litigation is tried to be just and reasonable.

Or the following :

Unless such agreement shall have been first approved by order or regulation of the board.

I think it would be better to adopt the latter wording and leave it to the board, because otherwise it is opening the door to a great deal of litigation. It would be only on the occasion of the trial that the court would be called upon to declare whether the agreement was fair or not. If, on the other hand, it was left to be approved by the board, no litigation would take place.

Hon. Sir MACKENZIE BOWELL—I have no objection to that.

Hon. Mr. POIRIER—I do not think that is practicable. I regret that the hon. member for Belleville has accepted the suggestion. In principle it may be all right, but I do not see that it can be applied. In that case all agreements made between employees and the government would have to come to the board and the board would have to express their opinion as to whether they are reasonable or not. I think it much better to leave that question to the judges. The judges or the jury will in all cases give sufficient justice to individuals and at the same time will provide that the railway companies shall not be molested. I think in practice that the suggestion made by the hon. gentleman is not at all practicable.

Hon. Mr. BEIQUE—I would draw the attention of the hon. gentleman to the fact that what I want to cover by this wording is this : open the door or give power to the board to approve of a class of contracts such as the contract which has been referred to. Under the law governing in Ontario, and in England, it is permitted for the company to enter into certain contracts with their employees whereby the employees are protected to a considerable extent, and the company's liability is limited, and that I understand is the intention of the hon. gentleman from Belleville. I think it is better to leave it to the board to decide. If it is left to the court, the court will have to pass on each individual contract.

Hon. Mr. POIRIER—So will the board.

Hon. Mr. BEIQUE—No. The board will approve of a form of contract which the company will be allowed to make with all its employees, and therefore it will avoid litigation and be settled once for all.

Hon. Mr. POIRIER—On principle I think it is all right, but I cannot see that it will work. Supposing a particular arrangement is made between a company and an individual employee ; all this would have to be referred to the board, which in the case of a lawsuit would be impracticable. Of course, if the companies were to make uniform agreements with employees they would be all right, but certain railway companies may make a special arrangement with particular individuals which will not be according to the general tenor of what is suggested here, and in that case, if there was a lawsuit, that particular question would have to be referred to the board, which, in my view of it, would be impracticable.

Hon. Mr. LOUGHEED—I would point out that I think the board should determine upon the question. That is the only practicable way ; otherwise you would

have the different courts of the province pronouncing differently upon it.

Hon. Mr. BEIQUE—The hon. gentleman is losing sight of the wording of the amendment. The amendment requires that the contract be approved before it is made. It will cover a classification of contracts. The approval of the board must be obtained before the contract is made.

The amendment was adopted.

It being six o'cock, the Speaker left the Chair.

AFTER RECESS.

The House resumed in Committee of the Whole, consideration of Bill (21) 'An Act to amend and consolidate the law respecting railways.'

On clause 284,

Hon. Mr. BEIQUE moved that the clause be amended by adding the following words to the end of the clause :—

And provided further that the agreement referred to if made for a period of one year or less may at any time be cancelled by the board.

This would restore the clause and change it by adding these words. The difference is this : the first portion is the same except that the word 'regulations' has been left out.

Hon. Mr. SCOTT—Is that the only difference ?

Hon. Mr. BEIQUE—There is this big difference, it is not controlled by the last part of the clause requiring the approval of the board. It is left entirely to the directors to enter into an agreement or arrangement with other companies. This is in no way controlled by the last portion of the clause.

Hon. Mr. SCOTT—Why does the hon. gentleman contend that the latter part of the paragraph does not qualify it ? Does he make this a separate paragraph ?

Hon. Mr. BEIQUE—Yes, that is the reason I made it a separate paragraph.

The motion was agreed to.

On clause 5,

Hon. Mr. BEIQUE—I have no intention of moving any other amendment, but I desire to draw the attention of the hon. Secretary of State to an amendment which was adopted at his suggestion. I hope he will, before the third reading of the Bill, consider the matter. It is the addition, which he caused to be made yesterday to clause 5, of the following words :—

Also the provisions set forth in this Act relating to navigable waters, criminal matters, offences, penalties, police and matters of the general public safety.

When this addition was read yesterday I took it as being correct, providing the word 'accident' was left out of the motion, but on seeing it in print to-day I notice that these police matters and the general public safety should be reconsidered. I desire to call the attention of the hon. Secretary of State to this, that as far as police matters are concerned, there are, of course, police matters in connection with railways which are under the exclusive jurisdiction of the province, and it would not be proper to interfere with their jurisdiction as it would lead to a great deal of confusion. The same remark applies to the words 'safety of the general public.' As far as railways which are under the jurisdiction of this parliament are concerned, it is already provided for, but the effect of this clause would be to put anything connected with the running of a train on railways exclusively under the jurisdiction of the local parliament, under the control of the board. I am quite sure that that cannot be the intention, and I hope the hon. Secretary of State will look carefully into it.

Hon Mr. SCOTT—I had, myself, doubts on the subject. I introduced the clause at the suggestion of another party. With reference to public safety and police matters I had grave doubt as to whether it was not going too far. I have no objection to having these struck out. I therefore move that the words 'police matters and the general public safety' be struck out.

The motion was agreed to.

Hon. Mr. FULFORD, from the committee, reported the Bill with amendments, which were concurred in.

NOTICES FOR PRIVATE BILLS.

The order of the Day being called :

Consideration of the report of the Select Committee to confer with a like committee with a view of respectively revising Rule 49

of the Senate and Rule 51 of the House of Commons, and make them harmonize.

Hon. Sir ALPHONSE PELLETIER—The select committee of this House appointed to confer with a like committee of the House of Commons with a view of revising rule 49 of this House and rule 51 of the House of Commons, to make them harmonious as to notice to be given for private Bills, have made their report as printed in the Minutes of this House at pages 673 and 674. The committee in the House of Commons have given notice of another amendment to this report, and I have myself given the notice which appears in the Minutes to-day. I move to add the following as subsection 5 to clause 'A':—

> And if the works of any company (incorporated, or to be incorporated) are to be declared to be for the general advantage of Canada, such intention shall be specifically mentioned in the notice; and the applicants shall cause a copy of such notice to be sent by registered letter to the clerk of each municipality which may be specially affected by the construction or operation of such works, and also to the secretary of the province in which such works are, or may be located; and proof of compliance with this requirement by the applicants shall be established by statutory declaration.

If this House is ready to accept the amendment, I move that it be adopted.

Hon. Mr. McKAY (Truro)—Has the House of Commons adopted the same amendment?

Hon. Sir ALPHONE PELLETIER—The House of Commons were to adopt it to-day, but they want us to adopt it first.

The motion was agreed to.

Hon. Sir ALPHONSE PELLETIER moved that the report as amended be now adopted.

Hon. Mr. VIDAL—I would call attention to the fact that there should be a suspension of rule 16 before we can carry this motion.

The SPEAKER—This is really making a new standing order, and comes under rule 16, which provides:—

> No motion for making any order of the Senate a standing order can be adopted, unless the senators in attendance on the session shall have been previously summoned to consider the same.

The motion was agreed to.

Hon. Mr. LANDRY—How does the matter stand now?.

Hon. Sir ALPHONSE PELLETIER moved, in accordance with rule 16 of the Senate, that the report be submitted to a meeting of the House on Tuesday next at three o'clock.

Hon. Mr. LANDRY—We have already adopted the report.

Hon. Sir MACKENZIE BOWELL—Are we to understand that the adoption of the report of the committee makes a change or an alteration in the rule? If the adoption of the report has that effect, then it can only be ratified and made legal by the course suggested in the hon. gentleman's motion.

Hon. Sir ALPHONSE PELLETIER—Perhaps it would have been better to have made this last motion before moving concurrence in the report of the report of the committee. I see now that the course I took was wrong. I would ask the House to rescind the order made, and that this report stand for Tuesday.

Hon. Mr. LANDRY—I think the hon. gentleman is quite correct. The House may make an order, as they did last year, compelling a member to read his notices of motions before handing them to the Clerk. That order is only good for the session, but if we want to make an order like the one passed to-day, a standing order, we must comply with rule 16. I think the hon. gentleman has taken the regular course.

Hon. Mr. BEIQUE—I understand the position to be this: the motion which has been adopted adopts the report of the committee. What is the report of the committee? It is that the following be substituted for such and such rules—49 and 50 of the Senate and 51 of the House of Commons. This report has been adopted. Now, to make it a rule, it is necessary that the members of the Senate be summoned, and the motion which is now before the Chair is that the members be summoned for Tuesday to consider the making of this report a standing rule of this House.

Hon. Mr. VIDAL—The procedure is defined very distinctly in rule 17.

Hon. Mr. BEIQUE—The first motion was unnecessary.

Hon. Sir MACKENZIE BOWELL—I understand the motion of the hon. gentleman was to adopt the report. That was declared carried. If that is right it is the law. The hon. gentleman's motion should have been for the adoption of the report at a future day, when the senators should be summoned, when it could be adopted and become law, but we have made it law by adopting the report to-day. We are asked now to summon the members to do what?

Hon. Mr. ELLIS—We have not made it law. We can only make it law by compliance with the rule of the House, which provides how it shall be made law. The only way to make it a standing order is to give notice that the members be summoned to make it a standing order at a certain date.

Hon. Mr. BERNIER—The first motion disposed of the Order of the Day, and there is nothing before the House. I do not see how the hon. gentleman can make a new motion now. The best way would be to rescind the motion and the hon. gentleman might give notice for Tuesday.

Hon. Mr. LANDRY—I differ from my hon. friend. I think the motion made by the hon. gentleman is quite correct. By the adoption of the report we have made this an order, but we have not made it a standing order.

Hon. Mr. McMULLEN—That is right.

Hon. Mr. LANDRY—Now, if you want to make it a standing order you must proceed according to rule 16.

Hon. Mr. POIRIER—I cannot see how we can skip this motion and have it not an ordinary order. The moment it is adopted, as it has been, it is made a standing order. If we wish to act according to the rules of this House, I humbly suggest that the whole proceeding be nullified. I submit that all that has been done should be undone, because, as it is now, that motion, which is essentially one of the standing orders, is adopted and I do not see what we can do further with it.

Hon. Sir ADOLPHE PELLETIER—With the permission of the House, I move that the order for concurrence in the report be rescinded and that the Senate be summoned at 3 o'clock on Tuesday to make the report a standing order of the House.

The motion was declared carried.

Hon. Mr. BERNIER—That is not in order.

Hon. Sir MACKENZIE BOWELL—That was not the full motion. The motion of my hon. friend was that the motion which had been made for the adoption of the report be rescinded and that the Senate be summoned for Tuesday to adopt the report.

Hon. Mr. SCOTT—That is the motion.

The SPEAKER—Will the hon. gentleman be kind enough to put his motion in writing?

Hon. Sir ALPHONSE PELLETIER—I asked the permission of the House to rescind that order and the Speaker declared it carried. Then I made a new motion to have the Senate summoned for Tuesday.

The SPEAKER—I did not catch what the hon. gentleman said. I thought he spoke of having the original motion put and I declared it carried. Now he moves that it be rescinded.

Hon. Mr. VIDAL—It is not necessary to rescind that motion. If my judgment is correct, the mere acceptance of the report affirms the principle but does not make it a rule. We adopt the principle and then I think the procedure is laid down as to how we should make it a rule.

Hon. Mr. ELLIS—What have the committee reported? They have reported that they have conferred with the committee of the other House and both committees recommend that certain rules be reported. Very well, the House must adopt that before doing anything else.

Hon. Sir MACKENZIE BOWELL—That is not all.

Hon. Mr. ELLIS—The main proposition is that rules 49, 50 and 51 of the House of Commons and rules 49 and 50 of the Senate be rescinded. We agreed to do that and we then have to amend our standing orders in accordance with rule 17, and the original motion passed, I think, was the proper motion, and the right time to make the other motion will be on Tuesday.

Hon. Sir MACKENZIE BOWELL—Is that the only portion of the report? Does it not substitute other portions?

Hon. Mr. ELLIS—Yes.

Hon. Sir MACKENZIE BOWELL—We have not only adopted the portion of the report which rescinded the rules, but that portion which substituted other rules.

Hon. Mr. ELLIS—We have agreed that these rules be rescinded and others substituted, but we have not substituted the others yet.

Hon. Mr. VIDAL—We have agreed to the principle of that report. That principle recommends that the House of Commons shall make an alteration as well as the Senate, but we cannot alter the rules of the House of Commons and consequently the order is not in the nature of passing a rule, but simply suggesting it to us as a rule which should be adopted.

Hon. Sir MACKENZIE BOWELL—The Speaker wishes the motion put in writing, a rule, which I hope, he will enforce in future.

Hon. Sir ALPHONSE PELLETIER—I would be disposed to withdraw the whole thing rather than put it in writing, if I cannot make myself understood.

Hon. Mr. POIRIER—The only way in which we can deal with this question is to summon the senators for Tuesday under rule 16, and then we will consider the original motion and the amendment thereto, and will adopt the whole thing and ipso facto by its adoption it will be adopted. After it is adopted we will refer it to that committee and take it all over again. The motion by itself is essentially one of a standing order.

Hon MEMBERS—Question.

The SPEAKER—I do not know where we are at.

Hon. Sir ALPHONSE PELLETIER—If my motion to call the Senate for Tuesday to make the standing order cannot be understood, I cannot make any further motions.

The SPEAKER—Then I propose to put the motion as I understood it to be moved by the hon. gentleman. I was told by an hon. senator that that was not the motion, and in self-defence I have to ask the hon. gentleman to put it in writing.

Hon. Mr. McKAY (Truro)—I do not see that the House has made a mistake so far. I think we were perfectly justified in adopting that rule. We appointed a committee to confer with a committee of the other House and the chairman of that committee has reported to that House. It is on the records. There is a motion on record that on a certain day they will move the adoption of the report. That has been done now. I think the House is quite right in making a motion that it be taken into consideration on a certain day.

Hon. Sir ALPHONSE PELLETIER—I have made that motion twice already.

Hon. Mr. SCOTT—If the motion cannot be put, I would advise that we proceed with the next order. The hon. gentleman has made his motion three times and it has not yet been put.

The SPEAKER—There is a rule that requires that motions shall be reduced to writing, and inasmuch as there is a difference of opinion as to what the motion was, in self-defence I have to request that the motion be put in writing.

Hon. Sir ALPHONSE PELLETIER—I move, seconded by the Hon. Mr. Béique, that the motion to adopt the report be rescinded. I do not believe it is necessary, but I make the motion.

Hon. Mr. LANDRY—I object to that. Our rules say :

No motion to suspend or amend any rule, or any part thereof, shall be an order except on one day's notice.

Hon. Mr. VIDAL—Read on and you will find that with general consent that may be dispensed with.

Hon. Mr. LANDRY—I do not consent. I think we are pursuing a bad course. The motion that was passed adopting the report of the committee is in order, and I do not see why, if we are in order, we should make a motion to rescind what we have done. It is in order, and the next step is to make a motion for the attendance of the House on a certain day.

Hon. Mr. VIDAL—I think the hon. Speaker could settle the matter in one minute by giving us his opinion of what the rules are. My own opinion is that the adoption of the report was all correct and proper, and that it does not need to be rescinded, but that report was simply the recommendation

of the committee that the rules should be changed. I think the adoption of the report was all right, and the motion to summon the House on Tuesday to adopt the new rule is also correct.

The SPEAKER—I quite agree with the hon. gentleman who has just resumed his seat. He has stated my views exactly.

Hon. Sir ADOLPHE PELLETIER—Once more I will make the motion. I move, seconded by the Hon. Mr. Béique, that the members of the Senate be summoned for Tuesday next at three o'clock in the afternoon, to consider the report of the select committee, and to make the contents thereof a standing order of this House.

The motion was agreed to.

MANITOBA GRAIN ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (232) 'An Act to amend the Manitoba Grain Act, 1900.'

(In the committee.)

On clause 5,

Hon. Mr. YOUNG—I move that the following be substituted for subclause 4 of clause 58 of the Bill :—

4. Each applicant, or an agent of the applicant duly appointed in writing (such agent to be a resident in the vicinity of the shipping point), on being informed by the railway agent of the allotment to him of a car, shall at once declare his intention and ability to load the said car within the next ensuing twenty-four hours.

In the event of such applicant being unable to so declare his intention and ability to load the car allotted to him, the railway agent shall thereupon cancel the order by writing the word 'cancelled' in the remarks column of the car order book, and shall award the car to the next applicant entitled to it.

If the applicant, after declaring his intention to load the car, fails to commence loading such car within the twenty-four hours aforesaid, the agent shall thereupon cancel the order in like manner as aforesaid, and award the car to the next applicant entitled to it, and the applicant who so fails to load such car shall pay car rental at the rate of twenty-five cents (25c.) per hour for each hour that the car is held for him by the railway agent.

If the applicant, having commenced the loading of a car, is unable to complete the same within twenty-four hours as aforesaid, he shall pay car rental at the rate of twenty-five cents (25c.) per hour for each hour over the twenty-four hours aforesaid that the car is held for him to complete the loading. The railway company may decline to furnish further cars to such applicant until the car rental hereinbefore referred to is paid to the railway agent.

This amendment is simply for the purpose of making the meaning and intention of the measure more clear. I might explain that the Grain Growers' Association of Manitoba, and also the Grain Growers' Association of the North-west Territories at the beginning of the session made an application here, and made those several recommendations which we find in this proposed legislation. They were very clear on one point, and it was this : that any applicant ordering a car and not loading it, but detaining the car unnecessarily should be punished, inasmuch as the cars are at a premium, you may call it, and for delay of a car, which would be a loss to other farmers who could have loaded their stuff promptly, they propose a penalty of 25 cents an hour for every hour the car was unnecessarily detained. The wording of this subclause as printed does not appear to quite bear out their proposition, and I think the amendment I have proposed will answer the requirements. Just so soon as a man knows that he has a car at his disposal on the siding he has to state whether he will load it or not. If he says no, there is no penalty, but if he says 'yes, I will load it,' and does not load it, or if he declines to say whether he will load it or not until twenty-four hours are up, then the penalty ensues from the time that he has had fair notice to declare his intention.

The amendment was adopted.

On clause 62,

Hon. Mr. SCOTT—This is only where grain is bought on credit. The whole object of the clause is to see that proper security is given.

Hon. Mr. WATSON—I have seen letters from people who have track-buyers out in the west, men who buy three or four carloads of wheat, and the interpretation the commissioner is inclined to put on that particular clause is that every man who bought a car of wheat not for a commission man in Winnipeg would have to give bonds. The clause does not bear that construction and the commissioner would be justified in accepting the bonds of the person.

Hon. Mr. SCOTT—So long as he has the security in any person, I think it would be

sufficient. If the commissioner has ample security from A for B, C and D, that is sufficient.

Hon. Mr. YOUNG—In recent years a new set of men dealing in grain have cropped up, largely the result of the congestion of traffic and the cars being at a premium, who buy grain by car-loads and pay to the owner of the grain a certain amount down, the balance to be paid when the car is inspected and weighed. Consequently, for a certain length of time on each car-load there is an unpaid amount, varying according to whatever margin is left between the seller and the buyer. Under our Act of 1900 the elevator men, the mills, &c., had to put up security to ensure the proper payment of these moneys when they became due, and the track-buyer, who very frequently might not be one who would be responsible—it might so happen—has no security to put up at all; therefore it is to make the law uniform that every one who buys grain on time and does not pay cash for it shall furnish a certain amount of security to the farmer who sells the grain. He may not know the buyer at all, and it is to protect the farmer and to see, as far as bonds will go, that he is secured for the balance of his car-load.

Hon. Mr. SCOTT—I do not think there need be any apprehension. The principal will get the proper bonds to cover all the agents.

Hon. Mr. YOUNG—He will have to carry the bonds according to the conditions. If a man starts out with one or two buying, and ends up with a dozen men buying it is only reasonable that he should increase the bonds, because there is a greater risk.

Hon. Mr. WATSON—There is no complaint against the track-buyers or commission men giving ample security, but the commission man in Winnipeg objects to have the track-buyers throughout the country each one giving a separate bond. He is willing to give ample security, but he was afraid the commissioner was inclined to put the construction on the clause that each individual who bought would have to give bonds. That is not the intention at all.

Hon. Mr. BEIQUE—The clause says it shall be unlawful to act in that way, but there does not seem to be any penalty.

Hon. Mr. YOUNG—In the Act of 1900, section 57, we find provision for a penalty, and it should be in this one, to be uniform.

The clause was adopted.

Hon. Mr. PERLEY—In respect to the cars being made fit to receive the grain before they are assigned the buyers, I have a motion to make. I have had some little experience in this matter. A few years ago a car was assigned to me to load, and I did not give it that careful attention that perhaps I should have given it, but when I got it half loaded I discovered it was badly damaged at one end, and I had to go to great expense and inconvenience to get the wheat out of that car and into another car.

Now I have prepared a motion to this effect:

All cars, before being assigned to the shipper for loading, shall be inspected by some officer appointed by the railway company as to their fitness to receive grain, and if found faulty, to be made secure and safe by the railway company before they are offered for loading.

That is common sense and fair. A farmer sends a man to load his car. He may have his wheat in sheds in the town, and he hires a man to take it out at a cent a bushel, and that man might not be careful enough in getting the wheat loaded—the car might be leaky. Last winter I know a large quantity leaked out of cars on the track. The amendment I have should go in clause 58.

Hon. Mr. SCOTT—All those cars now, under the Act of 1900, are subject to inspection, and are, I presume, inspected.

Hon. Mr. PERLEY—No, they are not inspected.

Hon. Mr. SCOTT—Clause 10 of the Act of 1900 makes provision for the inspection.

Hon. Mr. PERLEY—That would be at some terminal point.

Hon. Mr. SCOTT—We have amended that section in clause 5, by adding the words 'and stating if the car is leaking or in bad order.' Before a car is sent out it must be inspected, and there must be a report as to whether it is leaking or in bad order.

Hon. Mr. PERLEY—Sometimes a car will bring lumber or merchandise in large quantities to the different stations and unload

it, and before the merchandise is all taken out of it, I have seen them attempt to load the car with wheat. That would not apply to this case. My motion is simple and to the point. The railway company could get a man to repair the car.

Hon. Mr. SCOTT—There would have to be a man at each point.

Hon. Mr. PERLEY—The agent could do it.

Hon. Mr. SCOTT—The difficulty is to get a person to do it at a particular point—at a farmers' platform, for instance, where there is no possibility of having it done.

Hon. Mr. PERLEY—Yes, there is a possibility in ninety-nine cases out of one hundred. There are the roadmasters, for instance, and the agents.

Hon. Mr. YOUNG—There can be no question that a great many cars are sent out to various shipping points in bad order through carrying, maybe, heavy freight. The bottoms become smashed up and the result is either a great loss in shipping, or a great deal of carpentering at shipping points. This trouble increases more especially during the time of congestion, or car shortage, and frequently cars are sent out in a condition calling for a great deal of repairing. My hon. friend makes a suggestion to cure that, but I do not know whether it can be worked out or not. At many points, under that amendment, the railway company would require a car inspector.

Hon. Mr. LANDRY—No.

Hon. Mr. YOUNG—A car is sometimes in bad order when it is unloaded at a shipping point in the interior. If it has been loaded with heavy castings, or other heavy goods, the inside may be smashed and that car would be unloaded probably at some interior point, and the inspector would have to inspect it there and the repairing would have to be done there. A cure might be effected in another way—if the farmer or shipper, whoever he may be, were allowed the cost of repairing the car.

Hon. Mr. PERLEY—They are allowed that now.

Hon. Mr. YOUNG—Then, if my hon. friend has been allowed it he has been one of those very rare privileged persons. I have been interested in the loading of a great many cars, many of which have had to be repaired and I never got a cent yet from the railway companies for any of the cars I have had to repair. Some of them were extensive repairs, but rather than do without cars, I have had them repaired myself. It is a grievance, but I am not clear that my hon. friend's amendment will work out satisfactorily, much as I would like to see all cars sent to shipping point in good order for carrying grain. I think my hon. friend had better let it stand over and see if it can be improved.

Hon. Mr. SULLIVAN—I presume every station agent can report whether a car is in good order or not.

Hon. Mr. WATSON—It might be well to at least provide that the shipper who orders a car would not be required to receive a car which is in bad condition or leaking. As I understand, at the present time the shipper has to register for a car and must take his turn, and if the farmer is notified to receive a car at a certain date and he finds it in a bad condition and refuses to accept it, he loses his turn. It seems to me he should not lose his place under the circumstances. The clause read by the hon. Secretary of State is there for the purpose of requiring inspection and report, because if a car is leaky and in bad repair and has lost weight in transit, the company are responsible. The shipper will really not be the loser. The company is supposed to furnish cars in good condition to carry grain. The hon. gentleman from Killarney suggests that subsection 4 of section 58 be amended after the word 'car' in the fourth line by inserting the words 'in good order and condition.' The company are not supposed to give cars which are not in good condition, and that will protect the farmer who registers for a car in the order-book.

Hon. Mr. PERLEY—All I want is to provide that the cars shall be in good order. Last year the cars came frequently to Wolseley loaded with lumber. You apply for a car and you are told, 'the moment we unload this car you can have it.' It may be a leaky car. I want to have it so that you can get a car that will carry grain. The hon. gentleman is wrong in saying the loss will be made good to the farmer. The shipper does not know the weight of the car and cannot tell how much may be lost. The car-load is not

weighed when the car is loaded. The wheat is only weighed when it is taken out, and these cars may receive some injury and the buyer, if he is not sharp and does not examine it carefully, might put his grain in a leaky car. The company should be required to see that the cars are fit to receive grain, and should be held responsible for leakage. I have no business to tinker with the railway company's cars. Let the company do it themselves, and they will do it in a proper way.

Hon. Mr. YOUNG—The Secretary of State has pointed out that an endeavour is made in this Bill to check the cars as they arrive at Fort William, by an independent officer, the weighmaster, who, in addition to the duty of weighing, will know the condition of each car and see that it is put in proper condition. He will know whether it has leaked on the way, so that the shipper will know where his grain has gone.

Hon. Mr. PERLEY—But you may have examined the car before you ship your grain. I have always made a close examination of every car I have had anything to do with. If it has been out of order, I have said to the agent: 'This car is not fit; there are several holes in the bottom of it,' and I have sent to the lumber yard myself for lumber and fixed up the car and the company have paid me for it. I presume they will do that for anybody. However, it is a great inconvenience to a shipper, and if a man is not careful he will not do it. If the railway company will examine their cars, through their agents and foremen, they can see whether they are in proper condition. They have no right to give us a leaky car. A car may be injured on the way and they would know nothing about it. In that case you take the car and are prepared to pay a dollar or two to repair it, but the company should be compelled to do that.

Hon. Mr. SCOTT—The loss of grain by being placed in cars that were in bad condition has evidently been the reason for making the amendment I have referred to, that is, it is the duty of the weighmaster, when weighing the car before sending it out, to see that it is in proper order. It is suggested this amendment would meet the hon. gentleman's wishes. In the amendment moved by the hon. gentleman from Killarney a clause has been introduced that an applicant will not be obliged to accept a car unless it is in good order and condition, and it does not count against him. If he orders a car it is placed at his disposal, and if he finds it is not in good order and condition it does not debar him from demanding a good car.

This amendment, I think, will meet the case exactly. If a car is placed at the disposal of the applicant, and it is not in good order he is not obliged to accept it.

Hon. Mr. YOUNG—He is to decide it.

Hon. Mr. SCOTT—I think that will meet the case.

Hon. Mr. SULLIVAN—Anyone, of course, can refuse a car if it is not in good order, but what the hon. gentleman from Wolseley wants is to have a car and have it in repair too. At a time when there is a scarcity of cars, if the shipper refuses to accept one in bad condition, another shipper might take it, and he would be without a car.

Hon. Mr. SCOTT—This does not deprive him of his right to a car. He makes the entry in the book, and he is entitled to a car in his order.

Hon. Mr. SULLIVAN—Would he not forfeit his turn?

Hon. Mr. SCOTT—No, he is entitled to get a good car then and there. He does not lose his turn.

Hon. Mr. WATSON—The amendment will encourage the agents to put cars in good condition. I think the company will instruct their agents to keep the cars in good condition.

The amendment was agreed to.

Hon. Mr. TESSIER, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time and passed.

SECOND READING.

Bill (Z) An Act respecting the Ottawa Valley Railway Company.—(Hon. Mr. Domville.

PENNY BANKS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (198) 'An Act respecting Penny Banks.' He said: I explained very fully at the first reading, the object of this Bill. The measure has been very carefully prepared by the Finance Department to protect depositors. The money is not intended to remain in the bank, but will be transferred from time to time to the government savings banks, the bank retaining only five per cent of the deposits to meet cheques.

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

BOUNTIES ON STEEL AND IRON BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (238) 'An Act to amend chapter 8 of the statutes of 1899 respecting the bounties on steel and iron, and to provide for the payment of bounties on certain articles manufactured from steel. He said: This Bill is amending chapter 8 of the statutes of 1899, which authorizes the payment of bounties. Under this Bill the Governor in Council, may authorize the payment of bounties on the following articles manufactured in Canada from steel produced in Canada, from ingredients of which not less than fifty per cent of the weight consists of pig iron made in Canada. On rolled round wire rods, when sold to wire manufacturers, for use in making wire in Canada, a bounty of $6 a ton. On rolled angles, tees, channels, beams, joists, girders, or bridge building or structural rolled sections, and on other rolled shapes not round, oval, square or flat, and also on flat eye-bar blanks when sold for consumption in Canada, a bounty of $3 per ton. On rolled plates, not less than 30 inches in width, and not less than one-quarter of an inch in thickness, when sold for consumption in Canada for manufacturing purposes, a bounty of $3 per ton. The bounties are to be continued until 1907. I do not know that it is necessary for me to make any further remarks, though some reference was made to the necessity of explaining why we give bounties. The first Act passed on the subject was in 1883. The bounties were given then for pig-iron produced from Canadian ore, and these have been considerably enlarged and extended with the object and purpose of securing particular industries in Canada. The fact was accomplished. Whether these bounties will be a success or not, I cannot say. I think myself they will be. We are not responsible for mistakes made sometimes in the formation of companies, and establishing concerns on, perhaps, too extravagant a basis, and I will not say putting too much water into them, but inducing the investment of more capital perhaps than was absolutely necessary. The principle of bounties has been one that Canada has for a long time been a party to, perhaps not always directly under that name. Our subsidies to railways are nothing less than bounties; our subsidies to graving docks are bounties. We are contributing to a number of enterprises which are of very great value when developed, and which, without government assistance, would not be started. I think the proposition is a wise and good one. Both political parties are committed to it—at all events to the extent we see it in the statutes. It is likely to be beneficial, or parliament would never have affirmed and approved of the policy.

Hon. Sir MACKENZIE BOWELL—I hope that my hon. friend from St. John (Hon. Mr. Ellis) is fully satisfied with the lucid explanation that has been given of the policy of the government on this question. It is so clear that any one with ordinary comprehension can understand it. There is one expression which he used, we can understand, and that is the declaration that the principle of bounties 'is a good and a wise one.' It is still further evidence of the marvellous change in opinion that has taken place in the minds of hon. gentlemen opposite, within the last few years. If we refer to the Debates and the utterances of the party leaders on the stump and in parliament, it will be seen what a marvellous change has taken place. If the hon. gentleman belonged to the religious denomination, with which my hon. friend opposite (Hon. Mr. Templeman) and myself are connected, who believe in the doctrine of sudden conversion, my hon friend would be a good representative of the same principle in his political faith that his hon. friend does in his religious faith. The hon. Secretary of State has not given an explanation

of the effect of this Bill such as it deserved. He refers particularly to the bounties which were granted by the late government which inaugurated this principle, so far as the production of iron from the raw material was concerned in Canada. The bounties, as he terms them—bonuses, I think is a better word—as applied to graving docks, and the construction of railways, should not be, and cannot be considered analogous to the bounties provided for in this Bill. If the bounties which are to be granted were for the production of a manufactured article from the raw material, as we understand raw material, then it would be a full adoption of the principle inaugurated by the late government. I know there is great room for argument as to what constitutes raw material. Raw material to one man is the manufactured article of another man, and consequently, if the economic principle of protection be adopted, so far as it applies to our manufacturing industries, you will have to begin at the bottom. If you require a scientific tariff you must apply the principle to iron, beginning with the ore as you take it from the earth, and so raising it in proportion to the more refined article. If my hon. friend said that the tariff now on the statute-books had virtually closed the industries which produced the articles mentioned in the clauses to which he called the attention of the Senate, he would have correctly stated the reason why the bounties are extended to those different articles. The duties on railroad iron, on wire rods and structural iron generally, have been made so low that it is impossible to produce them in this country without the imposition of a higher duty or the granting of this temporary aid by way of bonuses.

Now, those who have watched the operations of the tariff know that the duty on beams and joists and girders and bridge building materials, under the old protective tariff, was some 12½ per cent, and for this reason : that they were not produced in this country at the time that Tariff Act was placed upon the statutes. That was the reason why the duty at that time was made so light. Afterwards the duty was raised and they began the manufacture of these articles. When the present government came into power and introduced what they called a revenue tariff, in some respects they so lowered the duty as to render the manufacture of such articles in this country impossible under the circumstances by which these industries were surrounded. The difficulties of obtaining raw material, freight and other causes which it is not necessary for me to enumerate, render their manufacture unprofitable and some of these industries have been closed, and others are about to be closed. Take the article of barbed wire ; it has been totally closed. If I had time I could point out other cases, but I do not think it is necessary. Hon. gentlemen who have studied the tariff know that it is so worded and so arranged as to make it more profitable for the seller to purchase the article abroad than to manufacture it in this country, for this reason : that the raw material from which the wire is drawn pays a higher duty than is imposed upon the wire itself. Hence we find now this expedient of introducing a bounty system in order to enable them to pay the duty upon what to them was the raw material in order to enable them to carry on their industries. As every political student knows, it is a very intricate question, and one which would occupy the attention of any speaker for hours if he attempted to elaborate all the different points that suggest themselves. While I stated the other day that I was not opposed to bounties under certain conditions and on certain principles, the system of granting aid in the way the present government is doing it, instead of by a direct protective tariff, can only be temporary in its character. It may enable the manufacturer to continue his industry by subsidizing him out of the public revenue to which every man who consumes an imported article contributes his mite, instead of adopting a good round protection, you will have temporary aid given to these industries, and the moment the bounties cease, the manufacturers will have to face the same difficulties that prevail at the present moment ; whereas, if you adopted the other principle, of a good round protection, you would secure the whole market of the Dominion to the Canadian manufacturers, and so long as that duty was maintained just so long the industries would be carried on. They would become more firmly established in the country, that you might adopt the principle that was suggested by the late Sir John Thompson when

discussing this question, 'to lop off the mouldering branches,' as he termed them, or reduce the duty upon articles when the manufacturers had become sufficiently wealthy and sufficiently established to enable them to carry on their industries. Had there been a good round duty upon the products of the Sault Ste. Marie works, they would not have been closed to-day. I am confident of that; and had the government, instead of offering them $7 a ton and a certain bounty for the protection of steel rails, given them a good round duty as that placed upon articles imported into the United States, these works would have been flourishing to-day and producing hundreds of thousands of tons of iron. The moment this country proposed to put $7 a ton upon steel rails, the United States manufacturers reduced the price of steel rails to the extent and more than the extent of the duty. I may be met with this argument: that while it is true that they reduced the price per ton on those articles which have been, and would have been, under a protective duty, manufactured at Sault Ste. Marie, that duty would have to be paid upon the price at which the articles were sold in the United States. That we all know is the law, but it requires constant vigilance in order to protect the revenue from what may be termed frauds in that respect. I am not prepared to say that the present Minister of Customs does not take every means possible for the protection of the revenue, but I merely point out this to show what the effect is. You might grant bounties till doomsday and it would not affect the importation from the foreign countries to the extent of one dollar, for the simple reason that they can get into the market of Canada without paying any extra duty. But if a duty equivalent to the bounty were placed upon these articles, then the market would be secured to the Canadian manufacturer, and what is equally important, the party who used the article which is imported upon which the duty is paid would have to pay the duty. He would be the sufferer, if sufferer there would be, under the circumstances, and not those that have, under the present system, to contribute towards the payment of the bounty. I am very much afraid in discussing this question, which is so prolific in its character, that I may weary the House. I merely rose to show first, in my opinion, the fallacy of adopting his principle of bounties to the extent to which government are carrying it, and secondly, to point out from my experience in the administration of the Customs Act, and watching the effect of a revenue tariff and a protective tariff, that granting bounties is not a proper policy to pursue in order to accomplish the object which my hon. friend says the government have in the encouragement of those industries. It gives temporary aid to the manufacturers, to that extent I approve of the principle, but it would be much better if the government did not try to make the people believe that they are carrying out the pledges which they made when in opposition, of adopting either a revenue or a free trade tariff, by presenting to parliament bills of this character which to the extent to which the bounty goes, gives protection to certain industries. It is nothing more or less than an attempt to convince the public that they are all still free traders, and at the same time to try to convince the protectionists that they are doing what they profess to abhor and spoke so long against and denounced in such vigorous terms. I am surprised that the ghost of the former self of the hon. Secretary of State does not haunt him every night when he considers for a moment that he has introduced in laudatory remarks a Bill of this character, particularly when we consider his utterances in days gone by, and I can only account for it, as explained in a very popular hymn, that:

> While the lamp holds out to burn
> The vilest sinner may return.

Hon. Mr. CASGRAIN (de Lanaudière)—I quite agree with the hon. leader of the opposition that this system of bonuses is simply temporary. In order to establish industries I think it is the proper course for the government to pursue. If we were to adopt the policy now advocated by the hon. leader of the opposition and to impose immediately duties on articles not manufactured in this country, it would amount to taxing the people and giving no protection, simply increasing the cost to the consumer.

It would take some years before the finished product could be manufactured and sold in the market. Then would be the time, if thought necessary by the government of the day, to drop the bonuses, but for the present I believe it is only right

to grant bonuses to encourage the establishment of industries. What would be the good, for instance, now, of putting duties on articles that are not manufactured at all in Canada? As I pointed out, these articles are not manufactured in Canada, and supposing a duty was put upon them, the people would be called upon to pay duty on those articles. But when those industries are established in the country, if they cannot get along without adequate protection, then will be the time for the government to consider helping them. I do not want to discuss the matter of the Sault Ste. Marie industry at present, but every one knows that the works were carried on at the Sault at an immense expenditure, and if those interested in the iron and steel industry would look at what took place in the United States they would see that many of these industries, under a duty 30 per cent higher than the duties in this country, went to the wall, and only a few of them with the strictest economy have been able to survive.

Hon. Mr. SULLIVAN—What does the hon gentleman mean by that?

Hon. Mr. CASGRAIN—I am speaking of the steel industries in the United States. They put a duty of $28 a ton on rails and they sold as high as $85 a ton, and when the price came down to $56 a ton; yet these very high duties did not save all the industries. I would refer the hon. leader of the opposition to a most interesting book which has just been published, the history of the United States Steel Corporation, where this matter is treated at length. This huge corporation got control of all these various manufactures during a period of some 40 years, and when the manufacturers were on the verge of bankruptcy, notwithstanding the very great amount of protection they were receiving at the hands of the United States government acquired many of them. I believe the bonus system of this government is the right policy. These bonuses are on a sliding scale diminishing every year, and after these bonuses have run out it will be for the government of the day to put on duties if necessary in order to continue the industry.

Hon. Mr. McGREGOR—I should like to ask the hon. leader of the opposition one question; was it because the duty was not high enough that the Clergue Company failed to fulful the contract for 25,000 tons of steel rails some years ago?

Hon. Sir MACKENZIE BOWELL—All I have to say, in reply, is that the manager and controller of that industry told me that had they had a good protective duty they would have been able to carry that out—I won't say two years ago, because the plant was not then in a position to produce it.

Hon. Mr. McGREGOR—They undertook to manufacture 25,000 tons of rails within a certain time? Why did they not fulfil their undertaking?

Hon. Sir MACKENZIE BOWELL—I have told the hon. gentleman distinctly why they did not fulfil it. The mills were not in a position at that time to produce it, hence they were unable to produce the 25,000 tons of rails to which he refers. But they went on as rapidly as possible to complete the rolling mills and steel plant, and if there had been sufficient duty on steel rails while they might not have been able to produce as much as they believed they would in the time required, they would have been justified in making a greater effort. I would advise my hon. friend to go up and see the extent of those works.

Hon. Mr. McGREGOR—I have been there.

Hon. Sir MACKENZIE BOWELL—If they had a sufficient duty on the articles which they were to produce, I believe that they would have been running to-day instead of having to shut down with 3,500 men thrown out of employment.

Hon. Mr. SCOTT—It ought to be remembered that the government announced that the moment any concern was ready to turn out steel rails a duty of $7 a ton would be put upon rails.

Hon. Sir MACKENZIE BOWELL—Yes, and when that announcement was made, the United States manufacturers reduced the price to the consumer in Canada to that extent and consequently left the market in the same position.

Hon. Mr. ELLIS—If I did not get as much information as I desire from the hon. Secretary of State, I got poor consolation from my hon. friend opposite, who advises me to jump from the frying pan into the fire. My

position is this: In 1898 I had the honour of a seat in another place when this question was up. I expressed my views upon it, and I expressed my fear of what has now come, that the system of bounties would be enlarged. I declared myself against such a policy. The system would be enlarged and the time extended. My hon friend —the Senator from de Lotbinière—holds out a hope in the few observations he makes that there will be a time when these bounties will be removed. I am afraid I am too old to live to see that time, and I am afraid he is too old to live to see it, because I observe the system does not decrease. It grows, and I raised the question the other day upon the proposition of a bounty to the cable service for newspapers. This year we have already passed one bounty bill, I think it was on binder twine. We have now three before us, the present one for bounty on lead; the one we have just read giving a bounty on iron and steel, and the one which gives a bounty to newspapers in the collection of news; and so we can extend the system indefinitely. It may be that the system of bonuses is not as troublesome as the system of protection, but both are the same in a sense, and I feel sometimes, when I see the growth of the disposition to embrace heresies which I believe are compatible with sound principles of political economy, that it is the duty of those Liberals who believe in free trade, who believe that the principle of free trade is a sound one, who believe that the best interests of the country are promoted by the adoption of the free trade principle as far as it is possible to adopt it in a country which requires a revenue, to at any rate, protest as far as protest may go against the extension of the principle now before us as presented in this Bill. I regret to observe that there is a heavy tax already on the revenues of the country to pay bounties. I have not the figures before me, but if I remember rightly this year we will pay a million and a quarter, something over a million in the effort to bonus this iron industry. It seems to me there might be something gained if the duty on coal were taken off. I know that coal is largely used in the production of iron, but there is a heavy duty on coal. Instead of bonusing iron I would take the duty off coal in part or altogether. I am in a part of the country where we have to pay a duty on coal, and instead of doing what is being done now, increasing the number of articles on which a bonus is to be paid and extending the time during which the payment is to be carried over, I would take the duty off coal. I regret exceedingly that this system of paying bonuses has been adopted by the hon. minister and his colleagues, and I regret that the promises made to myself in 1898 and to the hon. gentleman from Rockland (Hon. Mr. Edwards), who is not present—were not fulfilled. Therefore, I raise my voice against the insidious way in which the protection theory is being pushed.

Hon. Mr. BEIQUE—This question has been raised so often, and it has been urged that the government is responsible for the condition in which the Sault industry is found to be, and also for the position in which the Dominion Iron and Steel Company is placed, that I suspect that several persons who have expressed that opinion have done so for political effect. I exclude the hon. leader of the opposition.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman allow me one moment to disent from that imputation as far as I am concrned. Ever since I was a boy reading the tracts of Horace Greeley on this question I have been an ardent protectionist, and the older I grow the stronger I am in the conviction that it is right as applied to this country. So that it is not for political reasons. I advocated it before my own party took the matter up, and have advocated it ever since, and had the hon. gentlemen now in power introduced a Bill of this kind they would have had my hearty support.

Hon. Mr. BEIQUE—I purposely disassociated the name of the hon. leader of the opposition from the accusation, if I may use the expression. I am myself a protectionist and have always been a protectionist. I have been for a great number of years considerably interested in a large number of industries in the country, and I have made it my business to follow the developments of the industries of this country. As far as the Dominion Iron and Steel Company are concerned, if they have met with any trouble I think it is due mainly to

their expanding too much and wasting money to an enormous amount in installations. We have the fact that the Nova Scotia Steel Company has been a prosperous company paying high dividends because it has been well conducted, and alongside of that we have this big corporation which has sunk an enormous amount of capital. Now, as far as the Sault works are concerned, I have no desire to say anything injurious to that enterprise, but it is well known that they have expanded beyond measure, and that is also the reason of their trouble. The hon. leader of the opposition suggests that if the government had raised the tariff these troubles would have been avoided. But that would have created much more serious trouble for them; it would have brought United States steel company into this country. They would have established works here and injured both the Sault Ste. Marie and the Dominion Iron industries, and my own impression is that these bounties, although they do not go as far as the raising of the tariff, as suggested by my hon. friend, would yet bring the same result. I do not think that this Bill should be the occasion of raising a discussion of the bounty question as a general principle.

I am not in the secrets of the government, but I take it for granted that the government has had in mind to try and meet a temporary difficulty for one reason or another. These two concerns got into trouble. Public opinion was very much concerned in trying to rescue them from their difficulties. Whether they deserved it or not, it was considered it was in the interest of the country that some measure should be adopted whereby they would be assisted to a reasonable extent. This is the only measure which could reasonably be adopted. It is well known that the tariff should have a character of permanency. Tariffs cannot be changed from one year to another. A change of the tariff is a very serious thing. As has been stated by the hon. leader of the opposition, what is raw material for one manufacturer is the finished product of another and vice versa. The raising of the tariff on certain lines of goods is liable to disturb the conditions of a large number of manufacturers. If could not be done during the present session, and the only reasonable remedy was to proceed by bounties, as is now proposed to be done by this measure. If the tariff was as bad as suggested by the hon. leader of the opposition, we would not have the condition of things known to exist, that the manufacturers as a rule—almost without exception—are exceedingly prosperous. Their establishments have been kept busy to their full capacity for the last five or six years, and the country has been exceedingly prosperous. This, it seems to me, indicates that the tariff is not as bad as suggested by the hon. leader of the opposition. I could invoke a very valuable authority. It was only five or six days ago that at a meeting of the Manufacturers Association the gentleman who has just vacated the presidency of the association, stated, not that the manufacturers were of opinion that a general raising of the tariff was necessary, but that what was necessary in the near future was an adjustment of the tariff as to certain items. When we approach the question irrespective of political bias, the government should be complimented on the tariff that has been adopted, and on having decided to bring this present measure before parliament, because it is the best measure under the circumstances that could be submitted for the purpose of assisting to a reasonable extent these important industries.

Hon. Mr. DAVID—I wish to say one word to console the hon. gentleman from St. John. I wish to satisfy him that a man may be a free trader, and at the same time in favour of temporary protection and bounties. If I had the book before me, I could cite an authority which I read long ago and remember well—a book written by the great writer on political economy, John Stuart Mill, who is considered the father, almost the god of free traders. Mill, after having written three or four hundred pages in favour of free trade, to prove that free trade is the only sound principle of political economy, says, if I remember well in the 5th chapter of his book, that he must admit in a young country, where industries are in their infancy, temporary protection may be necessary. Palgrave, the author of the Dictionary of Political Economy, speaking of the principle of Stuart Mill says the arguments used by John Stuart Mill, to advocate a temporary protection applies as well to bounties. That is all I rose to say. I want-

ed to show that a man may be a free trader like the hon. gentleman from St. John and be in good company.

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

BOUNTIES ON LEAD BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (239) 'An Act to provide for the payment of Bounties on Lead contained in Lead bearing Ores, mined in Canada.' He said: After the very general discussion on the Bill that has just been read the second time, I do not suppose it will be necessary for me to make any lengthened explanation of the Bill now before us. The principle is the same, although the Bill is somewhat different in its method of applying the bounty. As I explained on the first reading of the Bill, it is proposed to pay a bounty of $500,000 a year as a maximum for five years, for the mining and smelting of lead in Canada. At the present time there is a statute authorizing the payment of a bounty of $100,000 a year on lead mined, smelted, and refined in Canada. The operation of that law has proved to be not altogether satisfactory, and in increasing the bounties under the present law it will be found that the existing Bounty Act is repealed. My hon. friend the leader of the opposition will see that it will be possible, under this Bill, if the price of lead should go up in the London market, to have the bounty relatively reduced. In other words, if the price of lead should advance to about £16 per ton, the bounty under this Act would be entirely wiped out. That is a new principle in paying bounties. I think it ought to be acceptable. In order to allay the fears of some of our friends, who think we are rushing into the granting of bounties to an alarming extent, I may point out what would have been the result if this law had been in force the last five years. Clause one of this Bill provides:

> 1. The Governor in Council may authorize the payment of a bounty of seventy-five cents per one hundred pounds on lead contained in lead-bearing ores mined in Canada, such bounty to be paid to the producer or vendor of such ores: Provided, that the sum to be paid as such bounty shall not exceed five hundred thousand dollars in any fiscal year: Provided also, that when it appears to the satisfaction of the Minister charged with the administration of this Act that the standard price of pig lead in London, England, exceeds twelve pounds ten shillings sterling per ton of two thousand two hundred and forty pounds, such bounty shall be reduced by the amount of such excess.

Now, the average price of lead in the London market, during the last five years—I take five years, because it is the term for which we propose paying the bounty—has been as follows: In 1898 the average price was £13 10s. That year, instead of paying 75 cents per hundred pounds as bounty, as it is proposed to do, we would have paid 62 cents. In 1899 the average price was £15 per ton. That year, under the operation of a bounty system such as this, we would have only paid 25 cents per hundred pounds, or one-third. In 1900, the average price of lead in London was £17, 3s. In that year we would have paid no bounty at all. In 1901, the price was £12 10s. and in 1902 it was £13. In each year we would have paid the total amount of bounty, 75 cents per hundred pounds. Another provision of this Bill is that sixty per cent of the bounty is paid on smelter returns. Hon. gentlemen will see that the proposed bounty is to the miner, that is, the mineowner, the man who mines the ore, but it can only be paid on his having sold the ore to the smelter, and on proof being furnished that it will be subsequently smelted in Canada. The remaining forty per cent will be paid at the end of the year when evidence is furnished that the ore has been so smelted in Canada. Another clause provides, as only $500,000 is to be paid in bounty, that should the total amount of lead smelted in Canada exceed 33,333 tons, the bounty would of course have to be relatively reduced, so that the total amount of the bounty would be proportionately distributed to all the miners who had produced ore. We have introduced clause 3, providing that should it appear that the smelters and transportation companies were combining in any way to discriminate against the mine owners, the Governor in Council may authorize the payment of a smaller bounty and permit the ore to be smelted out of the country. These are the main features of the Bill. This bounty is being granted at the request of the mining interests of the province of British Columbia. It is only a few years since the mining of lead and silver was first started in that province. It grew

rapidly until about 1900 or 1901, when the maximum was from 32,000 to 33,000 tons, the largest output we have ever reached. Since that time, the output has been rapidly decreasing owing to various causes, but very largely to the fact that the smelters in the United States in that year, or about that time, formed a combine, and refused to purchase the ores from the province of British Columbia. The output last year was approximately only 5,000 tons, and that output was very largely due to the fact that mines have to be worked more or less in prospecting and further developing, and a certain quantity of ore is being taken out all the time, and also the fact that a few mines, which are very rich in silver, produce more or less lead. But 5,000 tons of lead, as I am advised by those engaged in the industry, was all that was produced in 1902-03. In the year of our greatest prosperity the value of the lead and the silver contents of the lead ores was approximately about $5,000,000. That great output—because it was a very large output having grown to that in a very few years indeed—has almost entirely disappeared.

Hon. Mr. McSWEENEY—That is silver lead.

Hon. Mr. TEMPLEMAN—Yes.

Hon. Mr. SULLIVAN—Which is the more valuable, the silver or the lead ?

Hon. Mr. TEMPLEMAN—The greater value was in the lead. The galena mines of the Slocan county are all silver lead—that is, the majority of the mines are more valuable in lead than in silver. There are a few rich in silver. In mining one, they mine the other, but they are primarily and essentially lead mines. We at that time employed some 2,500 men in mining the ore, which gave employment to three or four smelters, and two or three small transportation companies. Then our mining country was very prosperous. The cause of the depression in the mining industry was also due, no doubt, to the fact that the price of lead has depreciated in the London market in the last few years, and also to the fact that the melting trust of the United States refuse to purchase our lead ores altogether, because in the year I have mentioned as our more prosperous year, our ores were sold to the United States smelters. We have the richest lead mining country in the world in British Columbia. I know my hon. friend, the leader of the opposition, will tell us that if we had adopted his method of curing this evil, and had changed the tariff and put a high tax on pig lead and the products of lead, we probably would have accomplished this result in a better way.

I have myself a very great doubt that a revision of the tariff along those lines would have accomplished the result that will be accomplished by the payment of this bounty. As a matter of fact, the entire consumption of lead in Canada of all kinds, on lead and lead products, do not amount to more than 14,000 or 15,000 tons. The entire output of our mines in British Columbia alone when working to their normal capacity—and it is quite possible to increase them very largely by developing the mines—was 32 or 33,000 tons a year ago, so that we have to find a market for the difference between the consumption in Canada and the possible output of our mines, and while I have no doubt it was quite possible, by a slight rearrangement of duties, to give to Canadian mine owners and producers of lead the Canadian market, they would still have to find a market abroad for fully 20,000 tons of lead. The proposal was made early in the agitation of a change in the tariff to provide some assistance to our lead miners. The proposition was made that we should put up the duty to a level with the United States tariff which would allow the lead producers to charge for the lead and lead products such a price for the amount of lead consumed in the country that they could sell the excess abroad in a foreign market below its cost. The government thought they could not very well do that. This bounty will, I believe, place on a sound substantial basis the mining industry of British Columbia. I hope it is only temporary. If I thought we were entering upon a system of giving bounties for the encouragement of the lead mining industry of our province, that we would have to continue for ever, I for one would not favour it. I believe when we have this industry well established, and transportation all through all the country, and the mines more largely developed, the cost of conducting mining operations being reduced in that western country as it will be by the time this bounty has expired, that our

mine owners will be able to compete with the mine owners of the United States and with cheaper products from Spain and Mexico.

Hon. Mr. McSWEENEY—Can the hon. gentleman tell me how much will be paid out on lead ?

Hon. Mr. TEMPLEMAN—Five hundred thousand dollars is the extreme.

Hon. Sir MACKENZIE BOWELL—I do not propose to follow the hon. gentleman who has just spoken upon this question, although he has laid down a good many principles which at least are controvertible. I shall not at this hour of the night attempt to answer him. The two clauses to which he has referred and upon which he laid very great stress as meritorious are the worst features of the Bill, to my mind. I am very much inclined to agree with my hon. free trade friend from St. John, who has just spoken, with reference to bounties. I do not expect that about the time the payment of the bounty ceases the miners will be able to stand upon their own feet and to compete with the producers of lead in the United States who have a prohibitive tariff. The experience of the past shows that that statement at least is not verified by precedent or practice. It is evident too from the clause to which he has referred and which he thought was very meritorious—that third clause—that we are to grant a bounty at the will of the government of the day, who can use it for any purpose they think proper for political purposes in case of elections. Judging from their actions in the past there is little doubt that they would do it as, at any time they can grant a bounty in case the market of Canada was glutted with raw material which the United States required in order to carry on their industry. I take issue too altogether from the statement that it was the combines of the United States that led to the decrease in the products of the raw material of lead in Canada. The great cause of the falling off of the industries was the fact that they had not refineries in this country to enable them to refine the ores which they produced in Canada, and that the duties were of such a character in the United States as to prevent Canadians from producing and refining it in Canada and sending it into the United States, and selling it there at a profit. It is also well known—the documents are in the possession of the hon. gentleman.

Hon. Mr. TEMPLEMAN—My hon. friend must know that we have never had a refinery on a large scale. We have not to-day.

Hon. Sir MACKENZIE BOWELL—I quite admit that ; that is what I say.

Hon. Mr. TEMPLEMAN—He must further know that we can send all our lead bullion into the United States, refine it there in bond and ship it back in bond to Canada or ship it to any other part of the world without paying duty.

Hon. Sir MACKENZIE BOWELL—Only proportionately.

Hon. Mr. TEMPLEMAN—No, practically all of it.

Hon. Sir MACKENZIE BOWELL—My recollection of the fact is not as the hon. gentleman states. However, in committee we can have the facts and figures before us and also a return as to the amount which has been paid. I am not going into a discussion in which I might be led if time permitted arising out of the statements of the hon. gentleman, but when he tells us that the producers of lead in Canada, wanted a duty sufficiently high to enable them to supply the whole of the market in Canada at a price sufficiently remunerative to enable them to send their surplus to the United States and other foreign countries, and sell it at a loss. He is asking us to believe the miners are more than unreasonable. I do not question the hon. gentleman's veracity, but I would like very much if he could produce the document suggesting a policy of that kind. I hesitate not to say, that if a proposition of that kind was made, the hon. gentlemen opposite and the government of which he forms a part were quite justified in snubbing, if I may use the term, those who asked for such a tariff. This we know that while Canada's market may not be sufficiently large to consume the full product of the rich mines to which the hon. gentleman has referred, the object of a protective tariff would be to enable them to keep that market, and to export the surplus into foreign countries at, not a loss to themselves, but a profit. That is the real object that we desire to attain in Canada.

Hon. Mr. TEMPLEMAN—My hon. friend says that by putting on a protective tariff we secure to the producers the Canadian market at a fair profit, and they can sell their surplus abroad——

Hon. Sir MACKENZIE BOWELL—I did not say anything about a profit.

Hon. Mr. TEMPLEMAN—It is assumed that they would have a profit, and that they would sell their surplus abroad at a profit. I shall give the hon. gentleman the average prices in London for the last ten years. It has varied from twelve pounds ten shillings to seventeen pounds per ton in that time. How can British Columbia lead be sold in a London market at such figures when it cannot be produced as pig lead in British Columbia for anything like that price? The cheap leads of Spain and Mexico find ready access to the London market.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman's theory be correct, then there should be no industries of that character in Canada. If there is no market for the surplus products of the mines of this country, after the Canadian market has been supplied, then it is not an industry into which any one should enter unless the hon. gentleman proposes to keep it in existence by means of bounties, taken out of the general funds of this country. I was about illustrating the point when the hon. gentleman interrupted me. We know what the condition of the agricultural implements industry was prior to the introduction of the national policy. We know that scarcely any portion of the Canadian market was supplied by Canadian manufacturings. We know that under the National Policy not only was the market of Canada supplied, but hundreds of thousands of dollars worth of material was sent to foreign countries, and not only found a market, but a remunerative market thereby, and in order to assist that industry, we gave them a drawback of the duty paid upon all the materials imported into this country, that entered into the manufacture of the implements, so as to enable the manufacturers to compete in foreign countries with machines produced in the United States and in other ports of the world. That that policy was condemned with the same vehemence, and in the same tone, and with as much virulence as was the policy of granting bounties, and yet, strange to say, the moment the hon. gentlemen came into power, and the great agricultural implement manufacturers in Ontario brought pressure to bear upon the government, they refunded ninety-nine per cent of the duty paid on the articles which go into the manufacture of the implements after condemning the Conservative government for refunding ninety per cent. It is only another illustration of the difference between profession and practice. I compliment my hon. friend from St. John, because he is honest. I believe in the sentiments to which he gives utterance, just as I claim for myself to be honest in utterances which I have made in favour of the policy diametrically opposed to that which his intellect induces him to think is right. I may say to the hon. gentleman from de Salaberry, if I can judge from his remarks to-night, that were I to attribute to him that which he attributed to me, and those who hold the same views that I do, I should be much more correct in the application than he was in making it to me. He avows himself a protectionist, and so does my hon. friend sitting opposite. They profess to be strong protectionists, and yet they compliment the government because they lower the principle of protection and adopt a temporary expedient for the purpose of accomplishing that which a true protective policy would accomplish, and yet with that coolness which characterizes the party to which they belong, in order to defend themselves against a violation of the principles which they have promulgated for years, they turn round and say, Oh you are advocating this for political reasons.' I am advocating it for political reasons in the higher sense of the term. If the hon. gentleman had used the term 'party reasons,' the application might be more direct in regard to some people, and if I were to attribute to him the position he has taken in this matter as a protectionist, his interest largely in industries which aid, not only in the establishing, but keeping them in operation and rendering a profit, we might say he was talking for party purposes in advocating such a doctrine. I am not interested in any industry, and consequently my views are not formed from any pecuniary reason or any profit I expect to derive from it. I frankly admit that within the last twelve months, I have

put money into one factory—a lock factory. I hope it may succeed. It has paid no dividend yet, but we intend to keep it going as long as we have any money to do so; and if we had a little higher protection, I have no doubt it would return a dividend. Although those who have put their money into the industry have not received a cent in return therefor, we give employment, however, to fifty or sixty persons.

Now, instead of the American monopolies destroying and refusing to purchase Canadian lead, it was the American tariff and the cursed effects of what the hon. gentleman advocates—that is the encouragement of those labour organizations and unions which have destroyed the industry in the Rossland district and in the Slocan district to which my hon. friend refers. I visited nearly all these mines. I know what they are; I know they were prosperous and I now that the curse of the age—strikes, which I am sorry to say upon every occasion the hon. gentleman votes to sustain and to aid, have been the means of destroying these industries and I am satisfied that the perverseness of these combinations which exist in labour organizations is destroying the industries of the mother country and have driven millions of money out of the country to be paid to German and other manufactures. We are rapidly approaching that same condition in this country. Having been a labouring man from boyhood up—for I commenced earning my own livelihood at eight years of age, and have now to make my living by my labour—I look upon these organizations and the extent to which they are carried as a curse to the country and its industries, and are driving out of the country the industries which should exist here. I do not object to the organizations but I object to their dictating to the manufacturer, what man he shall employ, what he shall pay him and how long he shall work; and I object further to the system which prevails that if you do not strictly bring yourself in accord with their sentiments they will not allow you to work, though you might starve in the streets. That is one of the principal reasons in connection with the United States industries and not the combinations which my hon. friend has so eloquently, and to his own mind so convincingly laid before this House. Labour should receive every reasonable encouragement and protection, but labour should not be permitted to do what I think it has done and what I know it has done in different parts of the world and in the mining sections of British Columbia in particular. Going back to the other point made by the hon. gentleman from St. John, I believe his predictions will be verified if we live to see the time when the payment of these bounties begins to decrease the result will be in the future what it has proved in the past, as the amount of bounties decreased so in proportion will the industries fail to be carried on on account of the flooding of the market from foreign countries. Carry out the policy that you are now doing and the industries of this country will not increase as we hope and think they should, nor will the general development of the country be such as we have a right to expect.

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

SECOND READINGS.

Bill (240) An Act to assist in establishing and maintaining an independent and efficient service of telegraphic news from Great Britain for publication in the Canadian press. —(Hon. Mr. Templeman).

Bill (242) An Act to amend the Mounted Police Act, 1894. (Hon. Mr. Scott).

PROVINCIAL COURTS OF JUDGES ACT AMENDMENT BILL.

Hon. Mr. SCOTT moved the second reading of Bill (250) An Act to amend the Act respecting the judges of provincial courts.

Hon. Sir MACKENZIE BOWELL—Does this raise the salaries at all?

Hon. Mr. SCOTT—No there is no increase in salaries.

Hon. Sir MACKENZIE BOWELL—But it is an increase in the number of judges?

Hon. Mr. SCOTT—Yes, they have been provided for in Ontario.

Hon. Sir MACKENZIE BOWELL—In order to enable the work that is behind on account of a number of the judges being engaged in other work to be performed. It was announced in the other House that four of them had been absent for a year, hence, it was necessary to appoint two additional

judges to perform the work of those who are employed at something else.

Hon. Mr. SCOTT—We have no alternative.

Hon. Sir MACKENZIE BOWELL—Yes, you have an alternative and the alternative is not to do what you are proposing to do. There is nothing in the constitution that makes it obligatory upon the Dominion government to make the appropriation or pay their salaries unless they like. The provision if I understand the constitution, is that the regulation of the courts is with the provinces but the appointment of the judges and the providing for their salaries is with this government.

Hon. Mr. CLORAN—One carries the other.

Hon. Sir MACKENZIE BOWELL—Unfortunately it does. I am not speaking from my own view, but speaking from a common sense view of the law, and from statements which have been made by legal gentlemen equally eminent with the hon. gentleman who has just interrupted me, some of the best lawyers and best men in this country, Sir John Thompson, Sir John Macdonald and Sir John Abbott have given utterance to the very same opinion that it is optional with this government to grant salaries and to appoint the judges if they think proper. I admit that I believe the spirit of the law was as my hon. friend states.

Hon. Mr. CLORAN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—When the framers of the constitution relegated to the provinces certain powers in connection with the courts, the presumption was that that power would be judiciously exercised. If not so exercised, and it be shown to the Dominion parliament and to the Dominion government that the power is being abused by appointing a number of judges to fill the places of other judges, who are occupying their time, and attention and talent in other work, then I say it is time we should assert the rights of the Dominion, and put our foot down and not appoint them. We appointed three judges for Quebec, and now we are to have another. When that question comes up, I may call attention to some little instances that were brought out in connection with the matter before. I do not propose to waste any time on this point at present. My hon. friend might allow the second reading to stand over, or perhaps it could be understood that we should discuss the matter freely on the motion to go into committee. That is one reason why I did not object to the other Bill.

Hon. Mr. SCOTT—They can be discussed on the motion to go into committee before the Speaker leaves the Chair.

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

THE MANITOBA SCHOOL QUESTION.

Hon. Mr. SCOTT—I beg to lay on the table a return to an Address dated on the 4th of September, 1903, for a copy of the agreement referred to by the Honourable Mr. Roblin, in his interview with the gentlemen who composed the Catholic deputation, as having been entered into and signed by Sir Wilfrid Laurier, representing the Dominion government, on one side, and Honourable Mr. Clifford Sifton, representing the province of Manitoba, on the other side, together with a copy of the 'reply given in writing to the memorial of the delegates, by the Premier, Sir Wilfrid Laurier, and the Minister of Justice, the Honourable Mr. Fitzpatrick,' and that, if no written reply was given by the Premier, the Senate be informed of the character of the demands made by said deputation, and of the answer given by, or of the action taken thereon, by the Premier and the Minister of Justice.

Hon. Sir MACKENZIE BOWELL—In reference to this return, I have not had time to look at it closely, but it seems to me to be a copy of the agreement entered into bebetween the Greenway government and Sir Wilfrid Laurier, and Mr. Sifton.

Hon. Mr. SCOTT—That was what was asked for.

Hon. Sir MACKENZIE BOWELL—I know that, but it does not contain the signatures.

Hon. Mr. SCOTT—I do not know ; they never were on the agreement.

Hon. Sir MACKENZIE BOWELL—I beg the hon. gentleman's pardon. I have in my hand a copy of the agreement which I had in my desk and it contains the signatures.

Hon. Mr. LANDRY—The document produced by the Secretary of State is not genuine.

Hon. Mr. SCOTT—It is the only one I could find, and there is no signature to it. It has been brought down several times.

Hon. Sir MACKENZIE BOWELL—This was never laid on the Table.

Hon. Mr. SCOTT—I laid one on the Table a month ago.

Hon. Sir MACKENZIE BOWELL—If so what necessity was there to bring it down now ? What has been laid before the House in the past has been an Act which was passed by the Manitoba legislature which embodies the principles in this agreement. All I complain of is that this document which is laid before parliament does not show the parties who are responsible for it. Fortunately I have a copy of the original in my hand, together with the Order in Council based upon the order, which is signed by Sir Wilfrid Laurier and Clifford Sifton, dated in October. Might I ask, while I am on my feet, if the government intend to proceed to-morrow with the second reading of Bill 243 ' An Act to amend the Supreme and Exchequer Courts Act ' &c. ? It is set down for to-morrow.

Hon. Mr. SCOTT—No, I think not.

Hon. Sir MACKENZIE BOWELL—Has the hon. gentleman not been able to reconcile his friends to the acceptance of this Bill ? Does the rebellion still exist among the followers of the hon. gentleman, if it is a fair question to ask.

Hon. Mr. SCOTT—I am unable to take my hon. friend into my confidence on that subject.

Hon. Sir MACKENZIE BOWELL—That will do.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, September 25, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE HOUR OF MEETING.

MOTION WITHDRAWN.

The Order of the Day being called :

That the order for the meeting of the Senate at eight in the evening on Mondays be rescinded.

Hon. Mr. SCOTT said : When we adopted the rule that, as a matter of course, when the House rose on Friday we should meet again on Monday evening, it was understood that if at the end of the session, it became necessary to meet at an earlier hour than 8 o'clock on Monday, the House would readily acquiesce in the adoption of the former rule, and therefore I gave the notice yesterday. I am entirely in the hands of the House. I observe from the appearance of the Order paper that there is not likely to be much business for Monday. I do not know that there will be any, for the reason that the important bill that I expected from the Commons will not be here on Monday. I am having it reprinted. Therefore, if it is more convenient for the House to continue as before and meet at 8 o'clock, I am quite willing to agree to that.

Hon. MEMBERS.—Hear, hear.

Hon. Mr. SCOTT.—Then I beg to withdraw the motion.

The motion was withdrawn.

MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. BERNIER—Before the Orders of the Day are called, I desire to ask the intention of the government about the production of the paper that I asked for on the 3rd of September last. I moved then that a certain document be produced, and the order of the House was passed that it should be produced. I am aware that the hon. Secretary of State has laid upon the Table a certain paper purporting to be the document, but I maintain that the paper that the hon. Secretary of State has laid upon the Table is not the document that I want, and not the document which the House ordered—I mean the agreement between the government of Canada and the government of Manitoba on the school question. The paper which has been produced bears no signature. I have every reason to believe that the document for which I moved bears the signature of somebody.

Consequently the paper which has been produced is not the document, and is not in conformity with the order of the House. I wish to know from the government whether they intend to produce the document with the signature attached to it or not?

Hon. Mr. SCOTT—I can assure my hon. friend that I produced the only document I could find in the archives of the government. What occurred in 1897 was this——

Hon. Mr. BERNIER.—We know what occurred.

Hon. Mr. SCOTT.—It is not anywhere within our archives. We have not any other document. The same document was brought down in the session of 1897 or 1898, and it is to be found in the appendix of the Journals of the House of Commons without signature, the same as this one. It is simply an agreement made by certain persons, Sir Wilfrid Laurier and, I think, myself, and I have forgotten who else of the Dominion cabinet, and certain gentlemen of the Manitoba cabinet. They drew up a memo which was afterwards embodied in a statute, I think in Manitoba. It formed the foundation for it, and beyond that there are no other papers—not a scrap of paper. I had a careful search made on former occasions, and have had it made again, and I can assure my hon. friend there is no other paper in the archives. That had to be copied from the appendix in the Journals, because there is no other memo.

Hon. Mr. BERNIER—I have good reason to believe there is a document. What has been produced is the result of the conference between the two governments, but I have every reason to believe that there is a document bearing the signature of the two parties at least who acted then on behalf of the governments of the Dominion and of Manitoba respectively and if the hon. gentleman is not willing to give me any other answer, I take it as a refusal on the part of the government to produce the paper.

Hon. Mr. SCOTT—My hon. friend is very unfair. I gave instructions in the Department of the Secretary of State, to make a search there, and I spoke to the Department of Justice about it. There is no other department could have the paper. There is no reason to withhold it; it would be much more pleasant for me to produce it, than not to produce it. I am willing to take any further steps, and question Sir Wilfrid Laurier about it, in fact I did ask him, and he referred me to a paper to be found in the appendix. He said it was the only paper he knew of.

Hon. Mr. BERNIER—If it is agreeable to the hon. gentleman I can show him a copy of the document.

Hon. Sir MACKENZIE BOWELL—The paper which was laid before the House and discussed on former occasions was a document showing what the result of that conference was. My hon. friend, I think, will recollect that a good deal of discussion took place on the 10th clause. I remember distinctly reading that and giving what I considered to be an interpretation of it, and the present Speaker who was then occupying a position on that side of the House, before he was Speaker, asked me to read it again—I remember that distinctly. It was of such a character that I thought the concesions made to the Protestant portion of the province of Manitoba were not as great as those which were conceded to the Roman Catholics, as there was no provision in the resolutions laid before the House at the time for the teaching of the English language, while it provided that if a certain number of residents in any school section demanded the teaching of any language—it matters not what it was—they should have the right of having it taught. I remember that discussion very well, and when my hon. friend called attention to the fact that papers were laid before the House I pointed that out to him. I do not know whether my hon. friend from St. Boniface was present last night when the document was laid upon the Table, just before the adjournment. I called the attention of the hon. Secretary of State to the fact that that document did not contain the signatures to which my hon. friend has now called attention, and the explanation of the Secretary of State was precisely of the same character as that which he has given to-day. I then took the liberty of declaring I knew there was a paper containing the signature of Sir Wilfrid Laurier, and Mr. Sifton, and I have it in my hand here. Consequently the paper which was laid before the House, is not

a complete document, nor is it in the state in which it ought to have come before the House. Whether the return which the hon. Secretary of State laid on the Table is the only one he has, and he has not a copy of the original containing the signatures of the parties who negotiated this arrangement, I am not prepared to say. I am bound, from a parliamentary standpoint, to take his statement that he has not that document. Then if he has not that document, he has not a proper record of the events which took place in connection with that very important question.

Hon. Mr. SCOTT—Is the document that the hon. gentleman has in his possession the same as the paper that was brought down.

Hon. Sir MACKENZIE BOWELL—I have not compared it critically.

Hon. Mr. BERNIER—It must be the same except the signatures.

Hon. Mr. SCOTT—It is only the signatures that are missing ?

Hon. Mr. BERNIER—I consider the signatures are important.

Hon. Sir MACKENZIE BOWELL—As soon as the paper was laid on the Table, I asked for it and on looking at it, I came to the conclusion from a partial reading of it, that it was precisely the same. My hon. friend from Killarney (Mr. Young) also came across the floor and looked at it, and I believe came to the same conclusion that I did.

Hon. Mr. SCOTT—Has the hon. gentleman the original document ?

Hon. Sir MACKENZIE BOWELL—The document I have is the report of the executive committee of the council of Manitoba, also the report made by the Attorney General, Mr. Cameron, based upon the agreement entered into between Sir Wilfrid Laurier and Mr. Sifton which the document now under discussion purports to be, but does not contain the signatures of Sir Wilfrid and Mr. Sifton, and therefore not a true document.

Hon. Mr. SCOTT—The material point was that the Manitoba legislature were to adopt it. I understand they did adopt it at the following session. The document, therefore, became part of the statute. The original one, I presume, went to Manitoba. I have no recollection of seeing one here with the signatures, because I had occasion to refer to it some years ago, and had difficulty even to find a copy. There are no signatures attached to the one brought down in 1897.

Hon. Mr. WATSON—I was one of those who took part in the conference which resulted in the settlement arrived at between the Manitoba government and the Dominion government. It will be remembered a Remedial Order was made by the Dominion government on the province of Manitoba to do certain things. That was objected to on the part of the Manitoba government, and there was a conference. A change of government took place at Ottawa, and there was a conference between the Manitoba government and the government at Ottawa. A memo was drawn up, a copy of which was laid on the Table here last night. It was put in the form of a resolution, and on the understanding that it would be crystallized into law, and the Roman Catholic minority of Manitoba should have the concessions agreed to in that memo, the Ottawa government agreed not to interfere with the school law. That is the whole story. The agreement was carried out and is the law of Manitoba to-day, and there has been no interference with the law of Manitoba. The law has not been changed by the Conservative government under Mr. Roblin which has been in power three years in Manitoba.

Hon. Mr. BERNIER—We are not discussing that. The remarks of the hon. gentleman are totally irrelevant to the subject before the House now. My point is this : There is a paper produced before the House in response to an order of the House. I contend this paper is not an official document at all, because it does not bear the signatures of the parties thereto. I may be wrong, but I attach great importance to having the document with the signatures. That is the only point I brought before the House.

Hon. Mr. WATSON—We had better move to have the leader of the opposition lay his original document on the Table of the House.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman should not try to draw a

red herring across the trail. We are discussing a document which should have been a complete document when it was laid before the House, and which is not a complete document, but a mutilated one.

RAILWAYS LAW CONSOLIDATION BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (21) An Act to amend and consolidate the law respecting railways, as amended.

Hon. Mr. MACDONALD (P.E.I.) moved:

That the words 'Senate and House of Commons' be inserted after the words 'members of the' in the fiftieth line of clause 275, subsection 3, and that the words 'for members of the Senate and House of Commons of Canada and' be struck out of the 23rd and 24th lines of subsection 5 of clause 275.

He said: The object I have in view is to do away with the duty which is placed on the railway companies of Canada to grant free transportation to all members of parliament—to make it compulsory for them to do so. I want to leave it optional for the railway companies to grant or withhold free passes as they please.

Hon. Mr. MILLER—I hope the amendment of my hon. friend will not be adopted by the House.

Hon. Mr. SCOTT—No danger.

Hon. Mr. MILLER—I think the Bill should be left, in respect to the clause alluded to, as it came from the House of Commons. It is a great deal better that the granting of these passes should be made compulsory than that we should receive them as we do now, as a matter of compliment or favour. I am sure there is not a single member of this House who is likely to be, or ever has been influenced in the slightest degree in his vote in legislation in connection with railways by the passes he has received from these railways from time to time; but while I am positive no improper influence has been exercised in that way in either House, there are reasons why the provision made in the Railway Bill is wise and proper. We all know there is a class of people in the country who do believe we are influenced improperly by these passes. We should not be surprised at that, because a pass such as we receive from the railways would be looked upon by many in the country as a great favour indeed. But when we see the press of this country, from which we would expect better things, denouncing the acceptance of passes by members of parliament as if it were likely to influence our action on legislation in connection with these railways, when from such a source as that, where you would expect more intelligence and a better sense of justice to prevail, you hear such denunciations, I think it is time that either one of two things should be done; either that we should be prohibited from taking passes——

Hon. Mr. POIRIER—That is right.

Hon. Mr. MILLER—Or that we should receive them in such a way that no suspicion whatever could attach to the acceptance as influencing our votes as members of this House. I feel strongly on this matter. I receive a lot of passes. I seldom use more than two, on the Intercolonial or the Canadian Pacific Railway, to come to Ottawa or return to my home. I seldom use any of the others, but if we are to accept passes at all, it is better they should be given under such a provision as this Bill contains.

Hon. Sir MACKENZIE BOWELL—I am sorry upon this occasion to have to differ from my hon. friend (Hon. Mr. Miller). I take altogether a different view on this question of passes. I think the railways should be left in the same position that they are in now, to extend passes as they think proper. It is said that we grant them subsidies and other concessions and that therefore they should be compelled to carry members of this House free. I could understand the force of the reasons given by my hon. friend to my left if the passes were confined to members of parliament coming to and returning from their parliamentary duties. There might be some reason for that, but my own view is that we should have no law compelling railway companies to grant passes so long as investments in the corporation are made by private individuals. What the hon. gentleman has said in reference to the press of the country is quite correct, but it is not confined altogether to members of parliament. The same condemnation of the receiving of passes has been made by the press of the

country against the judges. Whether the judges receive passes or not I do not know.

Hon. Mr. MILLER—I do not think they do.

Hon. Sir MACKENZIE BOWELL—All I do know is that the press assert most positively that they do receive passes when they are travelling on their official duties, and also on other occasions, and the insinuation is that they are not honest in their judgments in trying cases affecting the railways from which they receive favours. I have no sympathy with that kind of accusations. I do not believe that the granting of a pass to a judge would have any more effect upon his decision in cases that come before him any more than I believe it would upon the mind and vote of my hon. friend or any other senator. On the broad principle that as these corporations are carried on and managed by private individuals, as they have been built to a great extent by private means of individuals, they should not be compelled by this parliament to grant passes to any one. I would much rather see the suggestion made by my hon. friend from Richmond carried out, preventing any member of parliament accepting a pass at all. If he will make that motion I shall be very glad to second and vote for it. Having expressed my opinion before upon this question, I am not going to prolong the discussion. I desire, however, while upon my feet, to call attention to a report that appeared in the newspapers in connection with the discussion that took place during our last sitting. Whether our official reporter for the press is responsible for it or not, I do not know. All I know is that there are utterances here that I did not make use of at the time, and there is attributed to me a charge against the Speaker which I certainly never made. I am reading now from the 'Mail and Empire,' but the same report appeared in the 'Gazette,' and, I think, in the 'Star' and other papers. It reads as follows:

> Sir Mackenzie Bowell said the insinuation was that because members of the House received passes justice to the country has not been done.

That far I did say, and that is what my hon. friend repeated. Then it adds:

> He appealed to the records to disprove this. The Speaker had made an insinuation against him.

I have no recollection of the Speaker having made any insinuation against me in this matter. Then, the Speaker is reported to have said:

> You are putting the cap on.

I think if the Speaker used that expression and I had heard it, the probability is there would have been a retort of some kind. I would not say what kind of a retort there would be, because I never in all the discussions which took place, which were somewhat animated, heard the Speaker make any insinuation against me, neither did I hear him use the expression, 'You are putting the cap on.' I take this opportunity, first of all, of denying most distinctly that I made any insinuation against the Speaker. He and I differed, but I have no recollection of his using such an expression. Whether he did or not, he himself knows, and if he did it must have been made in such a low tone that it did reach across the House. Another complaint I have to make in connection with this subject is this: in discussing the Manitoba school question a short time ago, I was made by the same official report to say that the minority in Manitoba had been deprived of the rights which were given to them by the Confederation Act. I do not think any one will credit me with making such an absurd statement, particularly as Manitoba was not a portion the Dominion when the Constitutional Act under which we are now living and governing this country was passed and became law. It may be that I gave utterance to my opinion in such an incoherent manner that the reporter did not hear me—either that, or he did not know what I said. These incorrect reports make a public man appear ridiculous and absurd in the minds of those who read them. Every one who knows anything of the constitution of the country, every one who knows anything about the Manitoba school question and the time at which Manitoba came into the Dominion, knows very well that unless I was stupid I would never make use of expressions of that kind. I may differ from my hon. friend when it comes to a vote on the amendment before the House, I will vote for it, and if it is not carried, I shall put myself on record by moving that the words 'Senate' be struck out.

The motion was put and declared lost.

Hon. Sir MACKENZIE BOWELL—I move :

That the words 'Senate and' in the second line of subsection 5 in clause 275 be struck out.

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman has no right to make a motion. He has made a speech on the subject.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is out of order himself. I did not make a speech upon this question. I made a speech on the motion of the hon. gentleman from Prince Edward Island, and that having been lost, I have a perfect right to move a dozen amendments and speak for 16 hours if I wish.

The motion was declared lost on division.

On clause 237,

Hon. Mr. WATSON—I beg to move ;

That subsection 4 of section 237 of the Bill be stricken out and the following substituted therefor :—

4. When any cattle or other animals at large upon the highway or otherwise, get upon the property of the company and are killed or injured by a train, the owner of any such animal so killed or injured shall be entitled to recover the amount of such loss or injury against the company in any action in any court of competent jurisdiction, unless the company, in the opinion of the court or jury trying the case, establishes that such animal got at large through the negligence or wilful act or omission of the owner or his agent, or of the custodian of such animal or his agent ; but the fact that such animal was not in charge of some competent person or persons shall not for the purposes of this subsection, deprive the owner of his right to recover.

I might say this matter has been fairly well discussed before all the members of the Senate and it is simply restoring the clause as it appeared in the Bill as sent to us from the House of Commons. I might say that I am satisfied, from what I know of the Commons, that they will insist on having that clause reinstated in the Bill as it left the Commons, and for that reason I am satisfied in my own mind—and I think the other members of this Chamber are satisfied—it would be well for us to restore that clause and have the amendments made in the Senate accepted in the House of Commons so that the Bill would not have to come back to us.

Hon. Sir MACKENZIE BOWELL—What is the opinion of the government on this question ? I think the members of the government supported the amendment made to this clause.

Hon. Mr. WATSON—No ; one of them did.

Hon. Sir MACKENZIE BOWELL—They generally divide.

Hon. Mr. SCOTT—I think it will be generally admitted that the Senate have improved this Bill very materially. We have made amendments that are in the right direction in a number of instances, and it is very desirable that this amendment should be adopted by the other House. In reference to the clause to which my hon. friend has referred, relating to cattle-guards, we know that the House of Commons unanimously approved of that clause. The press of the country have approved of it ; whether they understood it correctly or not, is another question. In arguing it I think there has been a great deal of misunderstanding, even by those who have been ardent supporters of it, because it does violence to a principle that has been recognized in this country now for fully half a century ; that is, that the owners of animals living along a railway line have certain responsibilities. The law placed on the statute-book was not at the instance of the railway companies, but at the instance of the travelling public, that where a farmer or others lived in the vicinity of a railway crossing it was their duty not to allow their cattle to stray on the track. In a wide country like this, where railways are crossing concession lines, sometimes as many as ten in twenty miles, it would be absolutely impossible for a company to protect their highways by gates. It would be impracticable and too expensive, and therefore parliament, at a very early period, passed very stringent laws prohibiting the straying of cattle on to the railway tracks. The amendment adopted by the House of Commons, while it does not absolutely repeal that clause, goes this far ; that though the cattle may stray on to the railway from the highway contrary to the law, yet unless the railway company prove that the owner of the cattle was guilty of negligence he has a right to recover against the railway company if the cattle get killed on the track, owing either to a defective fence or defective cattle-guard. That is the condition of things.

I myself believe that very many who have spoken earnestly in support of this clause perhaps have not thoroughly understood it. But the clause has been adopted and is there to stay, unless it should be modified after a conference. If the Senate refuse to give way, I do not know what might be the result. I do not think it would be justifiable or in the interests of this body to dispute with the other Chamber on a question of this kind. Therefore I am inclined to support the clause as it stood, in the hope that the House of Commons will accept all the other amendments that we have made, which I consider a very great improvement. No doubt if we have a difference of opinion in reference to this particular clause, it will involve a difference of opinion in reference to many other clauses of the Bill which I think are of too great value to be lost, and which may be lost if the House of Commons were to resist our view. Under these circumstances I advise that it would be better to accept the proposal of the hon. senator from Manitoba, in the hope that the House of Commons, in a like friendly spirit will accept the amendments we have made to the other clauses of the Bill as a sort of compromise.

Hon. Sir MACKENZIE BOWELL—It is exceedingly unfortunate that we should have the leader of the House accepting the proposition to insert a provision in the Bill which he himself declares to be in violation of all the principles that have guided us in legislation, and in the administration of the criminal law in the past, simply because he comes to the conclusion that the amended clause would not be accepted by the House of Commons. Well, his argument for the acceptance of the old clause would be very good and pertinent after the House of Commons has refused to accept the amendment which has been made to the Bill by the Senate. I question very much whether the Senate, if the Bill came back to us with that amendment rejected, would go to the extreme length of again adopting it, necessitating a conference between the two bodies ; but rather than adopt the principle of this clause my own impression is that we ought to go the full length and wait for the decision of the Commons as to whether they would accept it or not. In reading the proposed clause, we find that it makes the company liable in any action in any court of competent jurisdiction unless the company, in the opinion of the court or jury trying the case, establishes that such animal got at large through the negligence or wilful act or omission of the owner or his agent or of the custodian of such animal or his agent. That is to say, a vicious person might deliberately, in the night, open his fence, let out an old horse that he desired to get rid of and let it run on the track ; the train comes along—it might be a passenger or a freight train—and the animal is killed. How in the world, under those circumstances, would a company be able to prove that there had been negligence on the part of the owner ? The gate would be opened and closed. The animal would be put on the track and get killed. I do not say that would occur, but it might. There are people who are criminal in their character and commit deeds much worse than that and endanger life and property, and what I have described might happen. I regret exceedingly the course that the government has taken on this question. If the House of Commons had rejected the amendment, then my hon. friend's argument would have been pertinent and to the point, because other difficulties might have arisen, and it might endanger the whole Bill if the Senate persisted in its amendment. The Senate would not, under the circumstances, have pushed it that length. I have put myself on record on the matter, and I do not propose to do more.

Hon. Mr. WATSON—Clause 201 provides against the possible contingency mentioned by the leader of the opposition. It is :—

201. Every person who wilfully leaves any such gate open without some person being at or near it to prevent animals from passing through it on to the railway, or who takes down any part of a railway fence, or turns any horse, cattle or other animal, upon or within the inclosure of such railway, except for the purpose of, and while taking the same across the railway in the manner provided by section 198 of this Act, or who without the consent of the company, or except as authorized by the Act, rides, leads or drives any horse or other animal, or suffers any such horse or animal to enter upon such railway and within the fences and guards, is liable, on summary conviction, to a penalty of twenty dollars for each offence, and is also liable to the railway company for any damage to the property of the company or for which the company may be responsible by reason of such gate being so left open, or

by reason of such fence being so taken down, or by the turning, riding, leading, driving or suffering to enter, upon or within the inclosure of such railway in violation of this section of any horse, cattle or other animal; and no person, any of whose cattle are killed or injured by any train owing to the non-observance of this section, shall have any right of action against any company in respect to the same being so killed or injured. Every person violating the provisions of this section shall in addition to the penalty herein provided be liable to pay any person injured by reason of such violation all damages sustained thereby.

Now it appears to me that is a very drastic clause. The penalties are severe. There is a penalty for allowing an animal to go on the track, and in addition to that, the person can be followed for all injury caused to the railway company or to any individual by his action. It appears to me there is no danger of anybody deliberately letting an animal on the railway track. The penalty is very severe, and I do not object to it. It cannot be too severe. There are two things to be considered—the owner of the cattle, and the travelling public, and I put the protection of the travelling public first. Having provided for that, we ought to see that the railway company pay for any damage done through their negligence. All the penalties set forth in clause 201 are such as to deter any person from opening a gate, and turning cattle on the track for the purpose of having them destroyed, because there is no limit to the offender's liability, and I do not think there should be any. I am satisfied that this clause answers all the arguments made by the leader of the opposition in his objection to the clause, because there is no danger of any person deliberately putting animals on the track for the purpose of having them destroyed.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman think that the clause first read sufficient to protect the railway and also the farmer?

Hon. Mr. WATSON—They have recourse at law.

Sir MACKENZIE BOWELL—Does that clause sufficiently protect the public and the parties who may sustain losses? If I understand the clause, it provides penalties to be imposed on those who do not comply with the provisions of the Act.

Hon. Mr. WATSON—Yes.

Hon. Sir MACKENZIE BOWELL—What has that to do with this? This holds the company responsible for damage done to animals, and, what is objectionable, it adopts the principle that the railway company must prove that there has been negligence on the part of the owner. If a man wants to get rid of his old horse, he puts it on the track, and the company must prove that it got there and was killed through his negligence or pay for it.

Hon. Mr. WATSON—I am satisfied when a claim is made for damages, the claimant has to give evidence to show that the animal was not on the track through his negligence. The argument advanced by the hon. gentleman was that some person might wish to destroy an old horse, and get paid for it. I venture to say, in view of clause 201, a man would be very careful about pulling down a railway fence or leaving a gate open for such a purpose. He cannot recover if there has been any neglect on his part, and besides, there are heavy penalties. If the animal is killed, or any injury is done to anybody through that action, the person who is guilty can be prosecuted and followed, and there is no limit to his liability.

Hon. Mr. McMULLEN—There appears to be in the public mind, a very confused idea with regard to this clause. There appears to be an idea that the Senate is relieving the railway companies from responsibility for cattle killed on the track. There is no such intention. The intention is by clause 99 to call upon railway companies to keep good and sufficient fences, to keep the best kind of cattle-guard they can get. They are bound to comply with the orders of the railway commission with regard to these matters. Then, if through any neglect on their part, cattle get on the track, the railway company have to pay if they are killed. But if cattle break out of an inclosure at night when the owner is in bed, and stray on the public highway, and from that public highway, they get on to the track, the railway company, notwithstanding the fact they have got an efficient fence and crossings—that they have complied with every order of the board—are to be responsible for the loss of breachy horses and cattle that the owner himself cannot keep in bounds. In my opinion that is an extreme piece of legislation and entirely unfair to the company. I know the House of Commons has

passed the Bill with a very drastic clause on this point, and I believe the feeling in the country on the subject is because the people do not understand it. If they understcod it better, they would not be so extreme in their views. I should regret if we came in collision with the House of Commons on this Bill. I think the clause makes very fair provision. If the railway companies allow their cattle-guards in winter to become filled with ice, so that cattle can cross them, it is a ground upon which the railway company would be asked to pay, and would have a good right to pay. If their fences become dilapidated and are in an insecure condition and cattle get killed in consequence, they have to pay. If gates are left open and cattle get on the track, the company have to pay unless it can be shown it is the fault of the farmer. The leader of the opposition has drawn attention to a case where a man wants to get rid of an old horse. He leads him on the track at night, the animal is killed and the railway company has to pay for it. My hon. friend from Portage la Prairie replies to that. He says there is a very grave penalty for such an offence. The man who will do such an act as has been described by the leader of the opposition will do it at night when there is nobody to see what he is doing. He will take good care of that, and if you attempt to find out and put the responsibility on him, it is impossible to do it. A man who would be guilty of doing an act of that kind would be guilty of swearing it through the court. I don't want to relieve the railway companies of any reasonable responsibility, but I object to passing a law imposing upon them responsibility beyond all reason, making them pay for animals, no matter under what circumstances they get on the track. I think it is unfair. The company is made the victim, and has to pay the penalty. I think it is extreme legislation. I do not understand our law at present is in that shape, and I cannot bring myself to vote for such legislation. I am sorry the country newspapers take the view they do. I believe they do not understand the question. However, the matter is in the hands of the House.

Hon. Mr. BEIQUE—It was at my suggestion that the amendment was adopted yesterday. I then explained, and I have no desire to repeat it, how far the amendment goes. To my mind, it goes as far as is reasonable in the direction of putting upon the railway companies the onus of proof, and the whole responsibility, because they have to keep, construct and maintain cattle-guards, fences and gates sufficient to prevent cattle from getting on their property, and then they are made responsible for animals killed on the track, whether those animals escape from the land of their owner or not. They are made responsible even if an animal is at large, to the extent of placing on the company the onus of the evidence in all cases, requiring them to prove that the animal was killed because its owner was guilty of negligence is asking an impossibility. I cannot reconcile myself to a doctrine of that kind, and I sincerely regret that the hon. gentleman from Marquette has deemed it advisable to make this motion. It is not a question of conflict between the two Houses. I would hesitate in that case myself as to whether I should insist on our amendment, but it is a question of doing what we think is right, leaving the House of Commons to act on their own judgment and responsibility.

The Senate divided on the amendment, which was rejected: Contents, 19; non-contents, 26.

Hon. Mr. BEIQUE—The hon. gentleman from Mille Isles has given notice of a motion, but I rise to say that he is willing to withdraw it, if the clause I am going to suggest is adopted. It is as follows:

That subsections 2 and 3 of section 239, as amended, be struck out and replaced by the following:—

2. Whenever damage is caused to crops, lands, fences, plantations, or buildings and their contents, by fire, started by a railway locomotive, the company making use of such locomotive shall be liable for such damage and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction.

The hon. gentleman is willing to withdraw this amendment and substitute the following:

Provided, that if it be shown that the company has used modern and efficient appliances, and has not otherwise been guilty of any negligence, the total amount of compensation recoverable under subsection 2 of this section in respect of any one or more claims for damage from fire or fires started by the same locomotive, and on the same ocasion, shall not exceed

$5,000, and it shall be apportioned amongst the parties who suffered the loss, as the court or judge may determine.

Hon. Mr. SCOTT—I have no objection to the amendment.

Hon. Mr. WATSON—I was not in favour of the amendment made last night, limiting the liability, but certainly I should not be satisfied with the amendment now proposed. The provision is that if the company has used all appliances, they are not liable, and the defence in court would be that they had proper appliances, and the fire could not escape. So far as the farmer is concerned in this legislation, it is 'heads you win, tails I lose.' Now, I am satisfied that in a great many cases the fires are caused by the railway employees. A railway company may wish to use such appliances as would prevent the possibility of fire, and I believe if such appliances as I have mentioned are used on a locomotive, it is impossible for fire to escape; but the employees remove the screens from the smokestack as obstructions to the draft of the locomotive. That allows the fire to escape and the damage is done. An employee of the company would be very loth to admit that he had removed such appliances. The company would prove they had these contrivances in the locomotive, and consequently would not be liable. I oppose this amendment. If you limit the liability to $5,000, it is much better to let the clause stand as it was passed last night. The hon. gentleman from Calgary suggested that if the company had fences and cattle-guards approved of by the commissioners, that would remove the liability, and this is putting that suggestion in the shape of an amendment. This would make it almost impossible to prove that the company were negligent, because the company in all cases I know intend to have screens in their locomotives, and they would be prepared to show that when the locomotive went out on its trip it was properly equipped. I believe in a great many cases, where fire escapes from a locomotive, it is through the negligence of the employees.

Hon. Mr. BEIQUE—The hon. gentleman from Marquette does not quite understand the bearing of the clause. He ignores the first paragraph of the section under which the company is liable for damage, whether guilty of negligence or not. That affirms the principle of the liability of the company. The proviso is only for the purpose of limiting the amount of their liability, in the absence of negligence, that is when the damage is inherent to the operation of the road, and the use of appliances, then the damage in any one case would be limited to $5,000. That is the effect of the clause.

Hon. Mr. WATSON—Which would never exceed $5,000, because they would say they had the proper appliances.

Hon. Mr. BEIQUE—Yesterday we discussed and for my part I voted against the clause but we have to deal with the clause as amended yesterday, and the proviso as amended yesterday is liable to a construction so unfair and unfavourable to the company, that on showing it to the members who have taken an interest in the matter, they came to the conclusion to adopt the draft I have submitted. For instance, in the proviso adopted yesterday it says 'provided it is established that fire was caused by negligence of the company.' The whole principle of law is that the company are not liable unless there has been negligence. It might be construed as limiting it to an act of negligence on the part of the company, not an act of negligence arising from the fact that they used defective appliances. It is for the purpose of making it as far as possible conform to the principle embodied in the amendment yesterday, that I suggested it. Surely this new draft, if the hon. gentleman will read it attentively, will be found to be more against the railway companies than the other one, because it puts upon them the whole responsibility unless they prove that they have used modern and efficient appliances, and that they have not otherwise—I call attention to the use of the words—'committed any act of negligence.'

Hon. Mr. McGREGOR—Do I understand that no matter how valuable the property destroyed the liability is five thousand dollars?

Hon. Sir MACKENZIE BOWELL—That is where they cannot show negligence.

Hon. Mr. McGREGOR—But where there is negligence?

Hon. Mr. BEIQUE—There is no limit.

Hon. Sir MACKENZIE BOWELL—Then they would be responsible for the full amount.

Hon. Mr. YOUNG—I would suggest that this very much discussed and vexed question should be allowed to stand. We have had the notice before us submitted by the hon. gentleman from Montreal and at present we have a motion by my hon. friend from de Salaberry, which contains a new proposition to some extent of which no notice was given, and it would be fair to the House that we should have time to consider it.

Hon. Sir MACKENZIE BOWELL—The only difference between the clause as amended as it appears upon the Minutes of Proceedings and what has been proposed by the hon. gentleman from de Salaberry is this; it defines how the $5,000 shall be distributed. That is the difference between that and the principle we have already affirmed. The House has affirmed the principle that the liability where there was no negligence proved on the part of the companies should be limited to five thousand dollars. Under the clause as it came from the House of Commons, they would be liable to any amount—an amount which might absorb almost the whole of the proceeds of the railway itself. Then a compromise was made that the limit, under the circumstances to which I have referred, should be confined to five thousand dollars. Then a question was raised by my hon. friend from Stadacona, as to how the money was to be distributed. The company might, in case of fire where the damages were over five thousand dollars, give it all to one man, and it was contended that that would be unfair to other parties who had sustained loss. The hon. gentleman from de Salaberry, in an amendment which we are now asked to adopt, provides that the five thousand, if the loss extends to that amount, shall be divided pro rata among those who lose. That is the only question before us. There is no new principle involved in the amendment proposed by the hon. gentleman, but it simply provides how it should be distributed, and that was in order to meet the views of those who objected to leave it in the hands of the railway to dispose of the whole five thousand dollars to any one individual.

Hon. Mr. WATSON.—I should like to say that the hon. gentleman's amendment contains more than that. The hon. gentleman's amendment, as far as the distribution is concerned, differs very little from the suggestion of the hon. Secretary of State last night, but it does refer to the appliances to be used, and in my opinion, if a railway could show that they had used the best railway appliances, it would go a great way to acquit them of negligence. That would be used in court to show the company were not negligent, and I should think that perhaps if they could prove that they had used all those appliances it would exonorate them.

Hon. Mr. BEIQUE.—No, no.

Hon. Mr. WATSON—I think you are narrowing down the liability of the company by this proposition, and that the total liability, either by negligence or otherwise, if they use these screens, will be $5,000; because the railway companies would be prepared to put their officers in the witness box and say that they were adopting these appliances. They do not wish to set fire to property, but their officials may have been negligent and they will try to escape the consequences. It is only by negligence that fire can escape from a locomotive.

Hon. Mr. SCOTT—If it is the desire of the House that it should stand over, all right, but I think it is perfectly clear. They are guilty in all cases whether negligence is shown or not, even though they have had the best appliances. But if they use the best appliances and are not guilty of negligence, then the liability is limited. In all cases they are liable up to $5,000, but if negligence exists, or if the mesh of the screen is too large and a fire occurs, then they are liable to any amount.

Hon. Mr. ELLIS—We have been discussing the Bill for a fortnight, and I think we should dispose of it.

Hon. Mr. WATSON—This requires a notice, and I would ask that this be made a notice.

Hon. Mr. SCOTT—I do not think there is any notice required in the case of a public Bill. This is only a variation in the mode

of expressing the same idea that was discussed yesterday.

The SPEAKER—There is no rule of this House which requires a notice of an amendment to a public Bill. There is a rule which requires notice of an amendment to a private Bill.

Hon. Mr. BEIQUE—In a matter of this importance, if any hon gentleman desires to postpone it, I think we should accede to his request.

Hon. Sir MACKENZIE BOWELL—I call attention to the fact that no member has a right to speak after the question has been put from the Chair.

The House divided on the amendment, which was carried on the following division: Contents, 34; non-contents, 7.

On clause 284,

Hon. Mr. BEIQUE—I beg to move that the words "the said" in this clause as adopted yesterday be stricken out and "there" substituted, and that the word "respectively" be struck out and the words "or vessels" substituted.

The amendment was adopted.

The Bill was then read the third time and passed.

THIRD READING.

Bill (104) An Act to incorporate the Brockville, Westport and North-western Railway Company.—(Hon. Sir Alphonse Pelletier.)

SECOND READING.

Bill (244) An Act respecting the Western Assurance Company.—(Hon. Mr. Watson.)

PENNY BANKS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (198) 'An Act respecting Penny Banks.'

(In the Committee.)

Hon. Mr. MACDONALD (P.E.I.)—I should like to know how this guarantee fund is to be raised in the first instance.

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—The sum of $10,000 has to be subscribed, as the basis of it, by the parties who are getting up this benevolent institution. It may be called a benevolent one, because the government are paying to the bank one-half per cent more than the regular rate. That is supposed to cover the actual disbursement connected with the management of it.

Hon. Sir MACKENZIE BOWELL—The government pay one-half per cent more than is paid to depositors?

Hon. Mr. SCOTT—Yes.

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

The Bill was then read the third time and passed.

STEEL AND IRON BOUNTIES BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (238) 'An Act to amend chapter 8 of the statutes of 1899 respecting the Bounties on Steel and Iron, and to provide for the payment of bounties on certain articles manufactured from steel.'—(Hon. Mr. Scott.)

(In the Committee.)

Hon. Mr. ELLIS—Yesterday when this matter was under discussion I desired to call the attention of the House to some figures with reference to these bounties, and I take the opportunity to do so now, so as to complete the observations which I then made. I know, of course, that there is no chance between both sides of the House, of having this Bill rejected, and as it is part of the government policy, I might be torn by conflicting emotions if it were. On the 17th of this present month the Minister of Trade and Commerce (Rt. Hon. Sir Richard Cartwright) was asked what was the amount paid as bounty on iron and steel each year, ending the 30th of June, from 1890 to 1903, both years inclusive, and he submitted the following statement to the House:

Years ended June 30.	Pig Iron.	Steel.	Puddled Bars.	Total.
	$	$	$	$
1890.	25,697 27			25,697 27
1891.	20,153 05			20,153 05
1892.	30 294 37			30.294 37
1893.	93,896 48			93,896 48
1894.	125,044 49			125,044 49
1895.	63,383 96			63,382 96
1896.	104,104 84	54,498 52	5,611 17	164,214 53
1897.	66,508 69	17,366 16	3,018 82	86,893 67
1898.	165,654 25	67,454 03	7,705 78	240,814 06
1899.	187,954 35	74,644 28	17,511 02	280,109 65
1900.	238,296 14	64,360 29	10,121 10	312,777 53
1901.	351,259 07	100,057 74	16,703 09	468,019 90
1902.	688,769 11	84,609 79	17,710 48	791,089 38
1903.	670,339 74	721,923 86	9,541 18	1,401,804 78
	2,831,355 81	1,184,914 67	87,922 64	4,104,193 12

In 'Hansard,' No. 80, on the 13th of July, the Minister of Finance also brought down a return in which he showed how much money for the last year had been paid. He was not able at that time, the accounts for the fiscal year not being closed, to give the full statement which Sir Richard Cartwright gave for the preceding years, but he was able to give the following information up to that date :

1. The total amount paid for bounties on iron and steel during the last fiscal year, so far, is $1,245,382.25, which includes $147,022.91, deferred from the previous year.

2. The amount paid to each company has been :

Pig Iron.

Dominion Iron and Steel Company..	$386,337 98
Hamilton Steel and Iron Company.. ..	90,314 73
Nova Scotia Steel and Coal Company..	38,973 05
Canada Iron Furnace Company..	87,472 22
John McDougall & Company..	4,598 40
Deseronto Iron Company..	12,409 20
	$620,706 18

Steel Ingots.

Dominion Iron and Steel Company..	$499,625 51
Hamilton Steel and Iron Company ..	36,792 21
Nova Scotia Steel and Coal Company..	79,851 59
	$616,269 31

Puddled Iron Bars.

Hamilton Steel and Iron Company..	$ 8,406 76

The total amount received by the Dominion Iron and Steel Company alone was $885,963 out of the $1,245,382 paid up to that time. Of course, my objection to bounties is that bounties are a form of protection, the most objectionable to my mind. I differ from the hon. member for Hastings on that. I think it is a more objectionable form of protection than levying the duties over the country altogether, and although the hon. gentleman behind me (Hon. Mr. David) gave me some consolation from John Stuart Mill. If I remember right, the position which Mill then took was withdrawn from the later editions of his books, and he did not remain an adherent of that heresy through his life. I hope he died in a state of glory. I merely bring these figures forward in support of the position I took yesterday, reminding the House that as the years go on, the amounts which will have to be paid will have to be increased, the demands will become greater, and I fear we can never satisfy the demands of gentlemen who are getting this money so largely out of the public treasury, and who get it so easily.

Hon. Mr. SCOTT—But those bounties expire by gradual diminution.

Hon. Mr. ELLIS—The point I made yesterday was when the Finance Minister in 1898 brought down his scheme for bounties, that was an extension which he declared ought to be a finality, but this year he has brought down a further extension, and an increase of the articles on which the bounties are to be paid. I feel my humble effort in this direction is like Mrs. Partington's endeavour to sweep the ocean off the shore with a broom ; but I call attention to the fact that this is an evil which is likely to grow and will not expire with time.

Hon. Mr. SCOTT—My hon. friend recognizes it has already been productive of good in these cases.

Hon. Mr. EDWARDS—Where ?

Hon. Mr. SCOTT—In the establishment of works at Sydney, Collingwood and Sault Ste. Marie.

Hon. Mr. EDWARDS—That is a detriment to Canada.

Hon. Mr. SCOTT—It is believed that before the year 1907 these concerns will be on such a footing that they will be able to live without this aid. They would not have been started without this aid, because from the figures read by the hon. gentleman from St. John, it is quite apparent since the establishment of the bounties, which commenced in 1883, the progress was very slow, scarcely moving, until we increased the bounty in 1897. That was the first thing that gave the industry a stimulus in this country. When Mr. Whitney and those associated with him were going to establish an industry at Sydney, they only did so on the assurance that they would receive bounties. That started the industry. Will any one contend that has not been of value to Canada? Even the unfortunate concern at Sault Ste. Marie has given an important name to Canada. The general consensus is that under proper management that industry will flourish and be an important one in this country.

Hon. Mr. McMULLEN—I listened to the address delivered by the leader of the opposition last night on the subject of bounties, and comparing it with adopting a system of protection. In my humble opinion, if there is any raw commodity that Canada has and wishes as a country to develop, it is very much better to develop it by granting bounties than by a system of protection. In the first place, take the question spoken of last night, the bounty on lead. We do not consume anything like the quantity of lead we produce in this country, and by producing it under a system of bounties we can find an outside market and build it up so that it will be able in a few years to live without a bounty. A bounty is the most prudent and honest system that can be adopted for developing anything for which we have the raw material. If we develop the lead industry by imposing a duty, those who use lead have to pay enhanced prices. But when we develop by a bounty, we pay it out of the gross revenue which is collected from all classes, grades and conditions of men. As I said before, the leader of the opposition uses no lead, and if he uses no lead he will pay no duty; but he wears a plug hat and on that he pays a duty and a percentage of that will go to help to develop the lead industry. Another man wears something else on which a duty is paid, and a certain percentage of that duty goes toward developing the lead industry. My hon. friend wears a good suit made of English worsted, and from the duty which he pays on that a certain portion is taken to develop the lead industry. Now, that is a prudent policy, and it strikes all consumers of imported goods. I say that is a right policy—more particularly is it right just now, because the revenue of the country at this moment is buoyant—the surplus is twelve or thirteen millions of dollars. It is prudent, therefore, on the part of the government to bring into existence industries for which we have the raw material, and put them in a position where, after a few years, they will be able to live themselves. If we had a population of some eighty millions, like the United States, very large users of lead and tin, we could very well develop an industry by putting on a duty; but where we have a limited population such as ours, and a limited number of consumers, it is a different thing. In the United States, for instance, they put a duty on tin so high that they crushed out all foreign tin and laid a heavy burden on the users of tin in the United States for many years. But they developed the tin industry, and now it is able to compete with Great Britain. Great Britain's tin industry was virtually wiped out by that policy, and the operatives had to come across to the United States and seek employment in the tin industry there, because the manufacture of tin in England was seriously interfered with by the very heavy duty put on in the United States, and because the United States had gone into the production of tin. The United States is successfully competing with England in the markets of the world with tin, but the industry was established under a protective duty. Would they have ever done it without that? Certainly not. If you have a large population and large consumption of any article for the manufacture of which you have the raw material, you can encourage the industry by a duty, but where

a population is limited, and where the consumers are limited, the most prudent policy is to grant a bounty carefully until the industry gets on its feet and is able to live without a bounty. The same argument applies to pig iron. Where would the pig iron industry of this country have been to-day without a bounty ? The leader of the opposition I know is strongly devoted to the principle of protection. He knows that under the government of which he was a member himself they vitalized the pig iron industry by granting a bounty. They did that for years, and I commend them for the wisdom of the course they took, although I am not a protectionist to the extent of loading down the people who consume the product with a heavy duty in order to produce an industry. But wherever a country has a raw material essential for the production of something that is in common use, and it is lying in the earth unused, if you can bring it into use by means of a bounty, you are doing a prudent thing in building up the industries of the country and bringing into use raw material that otherwise would be latent, and you are giving employment to the people. The bounty under these conditions is a justifiable method of producing an article for which we have the raw material.

Hon. Mr. EDWARDS—I do not desire to engage in any lengthened discussion on this matter ; I simply wish to enter my protest against bounties on lead or upon anything, and I dissent entirely from the views expressed by my hon. friend opposite who advocates bounties as being preferable to a protective duty. The principle is identical. There is no difference whatever. It is the taking of money from the entire populace to put it into the pockets of special individuals. That is what it amounts to. Now, so far as the advocacy of the principle of bounties is concerned, look at the position of the sugar bounties in Germany. If my hon. friend who has just spoken desires an illustration showing that it is for the benefit of the people of Germany that those bounties were granted, let us state the facts. The people of Germany have been paying to supply cheap sugar to the people of England. Is it wise that we should follow that practice and that the people of this country should pay a bounty on pig lead in order that the manufacturer may sell it cheaply abroad ? Is that desirable ? By no manner of means. What was the condition of things in England ? England has been able to buy the cheap sugar of Germany and use it to produce jams and other articles which they have sold back to the Germans at a profit. Of course that condition does not continue to-day, but England profited for many years by the folly of the Germans. Applying the question of lead bounties to the people of Canada, if the people of Canada were to derive a benefit as a consequence of paying those bounties, there might be some argument in favour of it, but my hon. friend says they are not using lead to any great extent, and it is not because the people of Canada are going to be benefited very much, but the producers of lead are going to get the benefit by being enabled to sell lead cheaply abroad. If there is anything sound in that policy I am unable to see it. A protectionist necessarily has a diseased mind, and when he wants an argument he has to go and get it somewhere, but a sound argument is simply this : we have products which are natural to Canada, which Canada can produce as cheaply, or perhaps more cheaply, than any other country, and the people of Canada are best engaged in producing that which is natural to Canada and which can be produced without any artificial means. If we are going to carry out the policy of giving bounties to its logical conclusion, then for all our native products which cannot be produced any other way you should give a bounty. If you are going to do that, give a bounty to the production of gold ; it is just as sensible as giving a bounty for the production of lead. The gold of Canada was never produced at a profit. Taking the aggregate, it has been produced at a terrible loss. In the aggregate not a dollar has been made by the production of gold in Canada. Would it be suggested for a moment that a bounty should be given for the production of gold ? I do not think it. There is no argument for giving bonuses for the production of lead. It means this, that the Canadian people as a whole have to pay to sustain an industry which cannot naturally sustain itself. It means that and nothing else. Now, as to what the hon. leader of the government has stated with regard to the bonuses paid on the produc-

tion of iron and steel at Sault Ste. Marie and at Sydney, these are delicate questions. I do not wish to say anything detrimental to these industries in any respect, but I was in the House of Commons when Sir Charles Tupper introduced the first bounty upon iron, and what was his statement at that time? By the granting of these bounties we were going to see from Halifax to Vancouver works established for the production of iron. But did we see that? Not at all. But many years afterwards these two industries to which my hon. friend referred did get into operation, and because unnatural means were used for putting them into operation they have not up to the present been any benefit but are both a detriment to Canada. I hope they will exist notwithstanding that. I should be very sorry to see them suppressed, but the foundation on which they were laid was an unsound foundation and as a consequence they may be both yet a very great curse to Canada. I hope they will not, but the best means to adopt in order that an industry shall prosper is that it shall have a sound basis to start from, and unless it has that sound basis we had better be without it in Canada. The question is a large one. Discussing the relative positions of the producers of the wealth of Canada, the farmer after all is the great producer of wealth. If iron has to be produced in Canada by means of bounties and the farmer has to pay more than he would for imported iron, then iron never can be produced in the Dominion in the interests of the people of Canada. If it can be produced more cheaply without any artificial support, then it will be a benefit to the people, but just so long as it has to be produced by artificial support it will be to the disadvantage of the people and the country. These are the reasons why I am opposed to bounties. I am unalterably opposed to bounties and protection as being adverse to the interests of the great producing and consuming industries of this country and of all countries.

Hon. Mr. McMULLEN—The hon. gentleman in his argument has said that Germany sent her bounty-paid sugar into the English market, and that year by year the people of Germany had to contribute to the well-being of the people of England by selling German sugar in the English market below its actual intrinsic value. The government of England are supposed to be practical, long-headed statesmen. My hon. friend will say they are because they are free traders. Why was it that lately England said to Germany, unless you repeal your bounty system we will put on countervailing duties to meet that system? It was simply because Germany was driving out of existence every sugar refinery in England. They felt that in a short time Germany would have the whole of the sugar refining business.

Hon. Mr. EDWARDS—Not at all.

Hon. Mr. McMULLEN—Yes, and England itself at last woke up to the fact that unless they made a move in the direction of stopping it, the Germans would kill out the sugar refineries of England. I admit free trade is a grand principle if you can get people to free trade with you, but here we are alongside of a nation which has systematically adopted a tariff to exclude Canada from their markets. Will my hon. friend say if we were to reduce our tariff to a revenue basis and let the people of the United States come into this country and sell as they please, that our manufacturers could stand it? They would shut up every manufacturing institution in Canada to-day. Here is my hon. friend who runs an agricultural implement establishment. The United States competition would put him out of business, and they would destroy every industry we have if we permitted them to do it. I never was a protectionist from choice, but I am a protectionist to prevent outsiders from ruining our industries. If the nations would free trade with each other, I would say, 'All right, we will meet them in open competition'; but when other nations adopt a policy to shut out of their country everything that they can produce themselves —everything we have to send them, then I say, under such conditions we are bound to adopt a policy to counteract conditions we have to contend with, whether we like it or not. Canada is bound to see that her industries are not wiped out of existence, simply because the conditions which surround us are such that if we were to adopt the policy suggested by my hon. friend, we would not have a cotton factory or a refinery or any other manufactory in a short time; but it would please my hon. friend

because he appears to be a free trader above everything.

Hon. Mr. EDWARDS—My hon. friend has never known himself; he has been a protectionist all along. When any gentleman says that if a country will free trade with me I am willing to free trade with him, that man is a protectionist, not a free trader. The protectionist is a man who says 'I do not care how foolish another country is, I shall not impose duties upon the population of my country for the benefit of the few.' That man is a free trader, but the other is a protectionist.

Hon. Mr. McMULLEN—Then Mr. Balfour is a protectionist.

Hon. Mr. EDWARDS—As to Canada being in danger from the United States manufacturers, I dissent absolutely from that idea. The importation of free commodities into this country will not hurt the farmers. The United States agricultural products coming into Canada cannot hurt the Canadian farmers. We produce a surplus and sell it abroad. If all the agricultural products of the United States passed through Canada, it would be only to find a market in foreign countries. Would it hurt the lumbermen? Not at all. Would it hurt the Canadian miners or the fishermen of Canada? Not at all. These are the producers of the actual wealth of Canada. If it hurt the cotton king, who cares? He never had a right to exist in Canada. Every pound of cotton produced in Canada has been produced to the serious detriment of the Canadian people. It would have been better for the Canadian people to have voted every man manufacturing cotton in Canada a bonus to stay idle, and Canada would be much better off. But we must not get into a discussion of the whole question to-day. I simply want to answer my hon. friend's question as to why England has taken the position it has against Germany and other European countries giving bounties on beet sugar. Germany is not the only country that has given bounties for the production of sugar. Belgium and France were in the same position. The reason is because of the pressure brought to bear on the Imperial government from the British West Indian Islands. That is the reason and the whole reason, and England in doing so, will suffer seriously as a result for her colonies. There are men to-day in England who are crazy enough to think that they are going to punish the people of England for the benefit of the other colonies. I am one of those Canadians who think too much of my own country to think that the Canadian people would ever ask England to levy duties which will be for the benefit of Canada, but for the crushing of the poor people of England. I am absolutely opposed to the suggestions which are made in England which will impose duties upon the masses of England for the benefit of Canada or any other colony. But I simply desire to answer my hon. friend as to the reasons why England is doing what I think is a folly in not allowing Germany to slaughter herself by supplying England with cheap sugar.

Hon. Sir MACKENZIE BOWELL—This discussion I must confess is somewhat interesting to me, as it will be no doubt to those who hold the same opinions as I do upon trade questions. It is extremely gratifying to find so many gentlemen in the present day in accord with the system that was adopted by the late government and which they condemned so vehemently. The speech made by the hon. Secretary of State, is one that might have fallen from the lips of the strongest protectionist in the country. He actually and bona fide justified the voting and granting of bounties at its inception in Canada. And therefore, through that, he has expressed confidence to that extent in the government of which I was a member, and which had something to do with the imposition of the bounty system upon the people and who inaugurated what is termed the National Policy. I am glad to find that my hon. friend from Wellington is following in the wake of the hon. Secretary of State. I do not think the minister without portfolio is exactly in accord with his colleague upon very many questions, for the reason that we have found him, even during this session and previous to it, voting in a way diametrically opposed to him. One would rise on one side and the other on the other. That is admitting a freedom of thought and action in a government that is supposed—because it is a mere supposition—to be governing the country under the principles of responsible government.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. TEMPLEMAN—Will my hon. friend be a little specific and point out wherein the minister without portfolio differed from his colleague the Secretary of State upon any question of principle or government policy, or any important measure? I assume the hon. gentleman allows me to have my private opinions on legislation of all kinds, but where it comes to a question of government policy I desire the hon. gentleman, instead of indulging in this badinage, to be a little specific and point out wherein I have departed from that general rule of responsibility and of unanimity in the principles of the government in respect of public questions.

Hon. Sir MACKENZIE BOWELL—Unanimity is a good word under the circumstances. We had a Bill before us yesterday which, when a vote was being taken, the hon. Secretary of State told his followers was a government Bill. My hon. friend who sat to my right, who is in the opposition, remarked to me, 'Well, the government will have to be sustained on this occasion by the votes of the opposition,' as one of the government is voting against the other member, and they were. My hon. friend without portfolio voted contrary to the vote given by the hon. Secretary of State.

Hon. Mr. TEMPLEMAN—Would my hon. friend permit me. It is within the recollection of my hon. friend the Secretary of State as it is within my recollection—and I am sure it is in the recollection of every member of this House who noticed that little incident—that the hon. Secretary of State and myself voted in accord on that occasion.

Hon. Sir MACKENZIE BOWELL—All I have to say is that it is within the recollection of this House that upon two occasions during the discussion of this Railway Bill which we have been considering for so many days, the two hon. ministers voted on opposite sides. He can reconcile it to his own conscience or to his own views, and I have no objection to what course he takes. Upon one occasion yesterday the hon. gentleman voted upon a question and the hon. Secretary of State sat still. My intention at the time was to call for a division so that we would have the pleasure of seeing them recorded in opposition to each other. My hon. friend asked me if I desired to deprive him of his private and individual opinion. No, I do not but I tell him that as a member of the government, no matter what his private opinions may be, the moment the government decides upon any policy and crystallizes that policy in a Bill his duty is to support it.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Or leave the government.

Hon. Mr. TEMPLEMAN—Quite right.

Hon. Sir MACKENZIE BOWELL—Just as he pleases; but he has no right under our system of government to come to a legislative body and exercise his own individual opinion and vote in accordance with it.

Hon. Mr. TEMPLEMAN—Quite right. I ask the hon. gentleman to be specific and point out wherein I voted in that way.

Hon. Sir MACKENZIE BOWELL—Keep your temper, and you will get on better. Take your medicine coolly and nicely. We will cover it with sugar. We will give you a sugar-coated pill next time, if that will be swallowed easier. That is not badinage.

Hon. Mr. TEMPLEMAN—No, it is rubbish.

Hon. Sir MACKENZIE BOWELL—I want to say to my hon. friend from Rockland and my hon. friend opposite me, that I differ from them both. My hon. friend has laid down a principle that I do not think ought to be accepted. He wants to make a portion of the population pay for that in which they have no interest, and which they do not consume. I am opposed to that principle. The principle of protection is that the man who consumes the article upon which the duty is paid pays the duty and he has a right to pay it. If he will drink champagne, let him pay the high duty upon it, and not ask me or any else who does not drink it to pay for it. I differ from my hon. friend when he says the two principles are identical. They are different in this respect, that the man who pays the duty and consumes the article contributes to the revenue and pays for what he uses. When a bounty is paid in support of any industry, the whole community is taxed to pay it, even the man who does not use or require it.

It being six o'clock, the committee rose for recess.

After Recess.

The committee resumed.

Hon. Sir MACKENZIE BOWELL—I did not intend to pursue my remarks at any length, but simply for a short time, to give my opinion of the action of the English free traders in reference to the sugar bounty, and also to call attention to the fact that the establishment of the iron industries was declared by one of the gentlemen to be a detriment to Canada and to the remarks made both by the hon. gentleman from Wellington and the hon. gentleman from Rideau upon this question. But I do not feel inclined either to occupy the House or to talk to the benches at any length. I can only repeat my congratulations upon the conversion of the government, and the Secretary of State in particular, and the hon. member for Wellington to protectionist views. While I might differ from some of the doctrines laid down by those hon. gentlemen, I am not at all prepared to differ from the defence of this Bill made by the hon. Secretary of State. It must have been a matter of gratification to any one who was a party to the granting of bounties in the first place, to hear the hon. Secretary of State express his approval of what was done, and to point out the great benefits that had resulted to the country from the granting of these bounties which is, to a certain extent, an objectionable form of protection. With that fact I am quite content to let the matter drop, and allow the Bill to proceed without further discussion. We might very well, in looking round here, defeat the Bill if we tried, but in deference to the expressions of opinion by the hon. Secretary of State, acquiesced in by the free trader who sits to his left, no matter what his individual opinion may be, we will take it for granted that they will proceed in the line of improvement and that their intellects may suggest still further protection. Experience teaches the whole of us, and if the hon. gentlemen sitting before me advance as rapidly in the future as they have advanced in the last six years in the line of the policy which has done so much for Canada, they will be greater protectionists than myself, and that is saying a great deal. I hope we may all live to see the result which we expect to follow from the increased bounties to be paid. Still, I frankly admit that I am strongly of the opinion expressed by the hon. member for St. John (Hon. Mr. Ellis) that they will not have that lasting effect that is anticipated and predicted by the hon. Secretary of State. A good all-round heavy duty that would secure the home market would have the same effect upon the products of iron and steel in this country as it has had upon the same industries in the United States.

Hon. Mr. McDONALD (C.B.)—Hear, hear.

Hon. Sir MACKENZIE BOWELL—That they would be able in a very few years to produce an article in Canada, cheaper than it can be produced in the United States, from the fact that they have the coal, the iron, and the stone necessary for the proper fluxing of the ores, and there is no reason in the world why, with the shipping facilities that they have, iron being carried from the furnace by a small tramway and dumped into a vessel, they could not compete with any part of the world. I hope the result predicted by the hon. Secretary of State may be realized. I repeat, I would much rather see a good high protection without bounties, believing as I do that it would be a much greater benefit to the industries themselves and would result in supplying our own people at as cheap rates as those which prevail in any other part of the world, and that the surplus would find a market abroad. With these remarks I may say that I do not propose to oppose the Bill.

The clause was adopted.

Hon. Mr. McKAY (Truro), from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

BOUNTIES ON LEAD BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (139) 'An Act to provide for the bounties on lead contained in lead-bearing ores mined in Canada.'

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—I understood the minister to say that pig lead could not be produced profitably in this

country while the price in England was less than £15 per ton.

Hon. Mr. TEMPLEMAN—I said £12 10s. was the average price in England for the last twenty years. It would perhaps be correct to say that lead cannot be produced profitably in Canada when the price in London is under £16.

Hon. Sir MACKENZIE BOWELL—The Bill provides that when it exceeds twelve pounds ten shillings the bounty is to be reduced.

Hon. Mr. TEMPLEMAN—Yes, relatively.

Hon. Sir MACKENZIE BOWELL—I notice also that power is taken by the minister to regulate the bounty. It may be exercised on behalf of the producers, or in the other direction. Do I understand that if the price of lead in London, England—because I see London is the market which is to govern the price of lead—remains under twelve pounds, that is, if it was eleven pounds nineteen shillings, the minister would not have power to reduce the bounty; but that if it went one shilling beyond the twelve pounds he could reduce it. That would be the practical working of the Bill.

Hon. Mr. TEMPLEMAN—The reason the price is fixed at twelve pounds ten shillings is because that has been the average price in London for the last twenty years. Twelve pounds ten shillings in London means $2.70 per hundred pounds, plus 75 cents. This bounty would give the producer of lead in this country $3.45 per hundred pounds. Every ten shillings that the price goes up in London the bounty is reduced by ten cents per 100 pounds. In other words, if the price of lead in London is thirteen pounds, that is $2.80 per 100 pounds, the bounty is 65 cents, which gives $3.45 per hundred pounds. No matter what the fluctuations of price in London, provided it does not go below £12 10s., the bounty will give the same price to the producer in Canada, $3.45 per hundred pounds. So when lead would go up to sixteen pounds a ton,—and it has exceeded sixteen pounds several times in the last five or six years—they would be obtaining the same price, that is $3.45 per hundred pounds, without the bounty and they would be paid no bounty. The price in London is easily obtainable, as it is officially recorded from day to day. As a matter of fact, all the lead that is sold by mine owners to the smelters in the Kootenay country is paid for from day to day at the London price. All lead ore sold to smelters, the lead product is paid for, when the ore is delivered, at the London prices for that day. It will work out easily. It is a new feature of the bounty system. It is impossible, under this arrangement, for the bounty ever to exceed the maximum of $500,000, while it is possible it may be very much less by being dependent on the price of lead in London, and it is impossible under this system for the lead producers of the Kootenay country to make exorbitant profits in consequence of an advance in the price of lead, because there is the relative reduction in the bounty as the price of lead advances.

Hon. Mr. LANDRY—What is the limit?

Hon. Mr. TEMPLEMAN—When it reaches sixteen pounds the subsidy disappears on that transaction. A mine owner selling ore to the smelters to-day would get no bounty at that price; but if to-morrow the price should drop ten shillings, he would get a small bounty.

Hon. Mr. MACDONALD (P.E.I)—It would appear as if the object was to limit the quantity of lead produced by the mines in Canada, because it says in one subsection:

> If at the close of any year it appears that during the year the quantity of lead produced, on which the bounty is authorized, exceeds thirty-three thousand three hundred and thirty-three tons of two thousand pounds, the rate of bounty shall be reduced to such sums as will bring the payments for the year within the limit mentioned in section 1.

According to that, it would be in the interest of the miners to limit their production so that it would not exceed that quantity on which bounty is paid.

Hon. Mr. TEMPLEMAN—It depends on the market price whether the mine owners would combine to limit the output. Of course, it will be apparent to my hon. friend that, as a given amount of money is being appropriated for the purpose of the bounty, at a given price per 100 pounds, necessarily the quantity of ore that is to be benefited by that bounty must be named. The quantity mentioned in the clause is exactly the amount multiplied by 75 cents per 100

pounds that would consume the five hundred thousand dollars bounty, and the more ore produced over and above that, the less the bounty to the producers because no more than five hundred thousand dollars would be paid.

Hon. Mr. MACDONALD (P.E.I.)—The hon. gentleman said this bounty was given at the request of the miners. I saw it stated in the press, and in resolutions at various meetings of boards of trade and miners, that it would be much more beneficial to them to have a protective duty than a bounty—that it would encourage people to embark their capital with the prospect of the work being continued indefinitely, but a bounty, such as is proposed under this Bill I think will not have that effect. It will only encourage them to go on to a certain extent and for a limited time, and the probability is, as the bounty is reduced and the money expended, the work in the mines will stop after they produce the quantity which will earn the full bounty for there will be no inducement to go on. The minister in introducing the Bill said there was no market abroad for the lead product of our mines. I see by the returns given in the Statistical Year Book that there has been a very large export of lead from the Dominion within the last year or two. Canada produced in 1901, 51,900,958 pounds of lead, valued at $2,349,387. There were exported in the same year 65,561,823 pounds of lead contained in the ores, and the chief portion of that export went to the United States market. The value of the total export in that year is given as $2,512,061, so that there must have been at that time a very considerable demand for lead ore in the countries to which it was sent. It was sent mostly to the United States, and also to Chili and other countries, so there must be more demand abroad for it than the hon. gentleman intimated last night.

Hon. Mr. TEMPLEMAN—I think my hon. friend said, in his opening remarks, that I stated last evening that this bounty was being given at the request of the mine owners of the country. My hon. friend must have misapprehended my remarks, or if I expressed myself so as to give that impression, I was not as clear as I had intended to be. There is no question that in the early agitation for government assistance to revive the mining industry of the country, the mine owners of the west, in conference assembled on several occasions, notably at the city of Sandon, which is in the lead-mining belt of British Columbia, and at the city of Nelson on another occasion, after long deliberation and a full discussion of the question, advocated the adoption by the country of the Dingley tariff as it exists in the United States on lead and the products of lead. The mine owners were not altogether unanimous for a long time on what form of help would be most beneficial to the industry, but finally, as I have said, they arrived at that decision. Now, as the House knows, the government decided early in the session, in fact very early in the session, that the tariff would not be touched at all this year. Without saying the government had any intention, even had they revised the tariff, of touching the lead duties, I think it probable that had there been a revision some of the incongruities in the lead duties would have disappeared. We do not need to take the doctrine of free trade or protection in this matter to show that, in so far as lead and the products of lead are concerned the tariff as it exists to-day is in some respects inconsistent. When these items in the tariff were first adopted, there was no such thing as a lead industry in the country. In fact I believe that pig lead, which is the raw product of some of our manufactures, is admitted into the country at 15 per cent ad valorem, whereas corroded lead, which is the raw product of the paint mixtures, being the white leads and the red leads for paint purposes, is admitted at 5 per cent. That is rather anomalous inasmuch as the raw product, the pig lead, pays 15 per cent and the manufactured article, the white lead, only 5 per cent. The government having decided not to revise the tariff this session, the next recourse was to help out the industry by giving it a bounty. This proposed help to the mining interests of the west, is I repeat, perfectly acceptable to all interested in the business, to mine owners, smelters and refinery men. The refinery men in British Columbia, I might say, are the Canadian Pacific Railway, as the only refinery we have in the province is owned and operated by the Canadian Pacific Railway Company, that refinery being situated at Trail. So much are they impressed with

the importance of this bounty, with the certainty of its accomplishing results that they have in view, that they have voluntarily relinquished the bounty which they had hitherto been receiving of five dollars per ton on lead refined in the country. There has been on the statute-books of this country, and there is now, an Act giving a bounty of $100,000 a year to lead refined in Canada. The refinery of British Columbia, feeling that if the industry was encouraged, if the mining was resumed and the ore smelted in the country, is ready to take its chance of being able to get, for refining purposes, all the bullion it can handle. I do not know that we need discuss just now what, after all, is a matter of opinion, that academic question of whether protection on lead ores would be more beneficial than a bounty. For my part, while I have given some considerable thought to the question of duties on the products of lead ores, I am bound to say that I am more strongly inclined to think that the bounty, as we have offered it in this Bill, will be infinitely more beneficial to the industry in the west than even the Dingley tariff which our friends, the mine owners, originally proposed should be established.

Hon. Mr. LANDRY—That is where the hon. gentleman is mistaken.

Hon. Mr. TEMPLEMAN—I may be mistaken.

Hon. Sir MACKENZIE BOWELL—That is the hon. gentleman's opinion.

Hon. Mr. TEMPLEMAN—That is my opinion. We must remember the fact that the entire consumption of lead for all purposes in this country is less than fifteen thousand tons. I am bound to admit that it is growing rapidly.

Hon. Sir MACKENZIE BOWELL—How much did the hon. gentleman say ?

Hon. Mr. TEMPLEMAN—I was speaking approximately. I was told it was 14,000 tons. I think probably it is less than that, but it is growing rapidly. With the filling up of the North-west, naturally the amount of paint used will be largely increased, and I think one-half the consumption of lead in this country is in the form of paint. When we remember that the entire consumption of lead in this country is less than 15,000 tons and the mines of British Columbia alone, operating at their normal capacity, could easily supply 30,000 tons, we can understand the situation. The figures quoted by my hon. friend are probably nearly correct, although I thought they applied to the year 1900 instead of the year 1901. However, that is immaterial. The highest output we ever had was thirty-three thousand and some two or three hundred tons and that was in the year 1900-01, since which time the output has been gradually diminishing until last year it was approximately about 5,000 tons, which was practically no output at all. I do not know whether the returns are all in or not. but I received this information and these figures from the representatives of the mine owners who were here this summer on this question of bounty.

Hon. Mr. McSWEENEY—In 1902 it was 23,000,000 pounds.

Hon. Mr. TEMPLEMAN—That is 10,000 tons. I was making comparisons between the bounty and the duty. If the consumption of lead is only 15,000 tons and the output 30.000 tons with the possibility of increase to almost any extent—we could make it 50,000 tons in a year or so—I think the hon. gentleman from Prince Edward Island will see that while we might have increased the duty to give the Canadian owner the market, and I think that could be easily done without any great hardship on the consumer, still, if we are to enable them to sell their surplus abroad at a profit, we would have to increase the duty to an enormous extent. It is for that reason I think that in this case the bounty system is much preferable to a change in the tariff.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman must have been furnished with figures not at all in accord with the record. The hon. gentleman told us in his opening remarks that the combination in the United States had resulted in a policy of non-purchase of the Canadian ores or Canadian lead—that they refused positively to purchase it.

Hon. Mr. TEMPLEMAN—That is true.

Hon. Sir MACKENZIE BOWELL—It may be true, but the latest figures laid before the House do not bear out that statement. I have the Trade and Navigation returns be-

fore me. My hon. friend gave figures for the year ending June, 1902, and he has just said that the total product was 14,000 tons. That multiplied by 2,000 gives 28,000,000 pounds.

Hon. Mr. TEMPLEMAN—I did not say the total product was 14,000 tons. I said the total consumption of lead in Canada year by year was 14,000 tons. I said to make it ample call it 15,000 tons.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman to say the output of the mines was that.

Hon. Mr. TEMPLEMAN—Oh, no.

Hon. Sir MACKENZIE BOWELL—Then of course my remarks in that respect would not apply, but the hon. gentleman did say in his opening remarks that the United States combine resulted in the non-purchase of Canadian lead and lead ores. If my hon. friend will turn his attention to the details of the Trade and Navigation returns for the year 1902, the last laid before parliament, and turn to page 323 of the exports, he will find that last year we exported no less than 30,613,704 pounds of lead, that we sent to Great Britain 589,720 pounds, to Belgium 5,301,485 pounds and to the United States, the country where the combination existed not to purchase our ores or the products of our mines, no less than 24,722,499 pounds. We can scarcely reconcile the statement made that lead industries of the United States have entered into an agreement not to purchase Canadian lead, unless that combine has been organized since the 30th June, 1902. These are the latest returns. Of pig lead we exported very little, only 200 pounds, and that went to St. Pierre. Now if you turn to page 143 of the imports, our market must have been tolerably well supplied, for I find that we imported very little lead of any kind. The manufacturers of lead—that is old scrap, pig and block—the only part, I suppose, which would interfere with our market—we imported from Great Britain 23,670 hundred weight, and from the West Indies, two hundred weight, and from Newfoundland, five hundred weight, and from the United States 98,421 hundred weight. I am giving these figures as they appear in the Trade and Navigation returns, which I have no doubt are correct. Then bars and ingots of lead from Great Britain 15,196 hundred weight, and from the United States 2,980 hundred weight. That is the whole, unless we take the lead pipe, a manufactured article. Taking the lead pipe, we find Great Britain sent us 149,523 pounds, United States 51,351 pounds, making a total of only 201,054 pounds. These are the figures as they are given to us by the government, and they show that the United States, as in the past, whatever it may be in the future, has been really the market, notwithstanding the high duties, for the product of the lead mines in this country. It will be observed, when you take these figures in the return for 1902, that they are largely in excess of those quoted by the hon. senator from Prince Edward Island, for the year 1901. So that it shows an increase in the output of the mines and the export of lead, to say nothing of the consumption in Canada, which would be very little here. I am not aware—perhaps my hon. friend could tell me—whether there are any refineries except the one to which he has referred conducted by the Canadian Pacific Railway.

Hon. Mr. TEMPLEMAN—That is the only one.

Hon. Sir MACKENZIE BOWELL—That refinery, one would be led to conclude from the very small importations that have taken place during this year ending 1902, must be supplying the market of Canada tolerably well. So much for the figures. Unless my hon. friend can show that the combination to which he refers has been organized since 1902, it is difficult to understand how he reconciles these figures with the statements he has made. Let me ask him one or two questions with reference to this matter. The intention of this Bill, I should suppose, was to encourage the refining of lead ores in this country.

Hon. Mr. TEMPLEMAN—Not directly.

Hon. Sir MACKENZIE BOWELL—That is not the intention ?

Hon. Mr. TEMPLEMAN—No, excepting incidentally, of course.

Hon. Sir MACKENZIE BOWELL—That is the conclusion I came to from reading it. To my mind, that is one of its deficiencies. If we grant a bounty or expend public moneys for the purpose of producing an article, it ought to be to encourage the refining industry. If a high bounty was

given for the refining of ore, or a tariff was enacted by which you could establish these industries, then the effect might be and would be that which has been indicated by the hon. Secretary of State as the result of giving a bounty on iron. Then there must be some system adopted by which the government, before paying the bounties, have to ascertain the actual value of the ores, because the first clause which we are considering provides a bounty of 75 cents per cwt. on lead contained in the lead-bearing ores mined in Canada. What test do you propose to put them to? Are they to be analysed?

Hon. Mr. TEMPLEMAN—Certainly.

Hon. Sir MACKENZIE BOWELL—Take a sample or the whole of it? It will be observed that this bounty is not for the purpose of establishing the industry in this country, but for the purpose of assisting the miners in mining ores, which must of necessity be exported to some part of the world; or is it proposed to separate the metal from the rock before it is exported? Do you take the rock and test it, because I can easily see the difficulties that might arise from that? You might be working a mine and have a pocket that contains extremely rich ore with a large percentage of silver in it, and you might mine half a dozen feet, beyond that, and turn out ore that would not be half its value. Unless there are very rigid and strict regulations as to the test of the intrinsic value of the ore from the amount of lead it contains, my hon. friend will see, and know from his experience in mining, that it would be subject to a great deal of abuse.

Hon. Mr. TEMPLEMAN—My hon. friend has fallen into a series of errors.

Hon. Sir MACKENZIE BOWELL—Let us hear them.

Hon. Mr. TEMPLEMAN—He is usually well informed on most matters, but not so on this subject, and though I have given it considerable thought and study myself, a year ago and six months ago, I must confess that there are a great many things in connection with the intricacies, if I may so speak, of mining that I am not well informed on. But my hon. friend undoubtedly has not even given a superficial look at this question. I made the statement generally, and without the quotation of any figures or any official information, that the lead mining industry of the province of British Columbia was at its highest in the year 1900 or 1901 when we produced, as I said, some 32,000 tons of lead. I made the further statement that in the year of our greatest prosperity and previous to that time, most of our lead ores were sold to smelters in the United States, that in consequence of a combine having been formed by the American Smelting Trust and that trust having refused to longer purchase the lead ores of the province of British Columbia, our industry rapidly declined. My hon. friend, to disprove the accuracy of that statement, quoted the figures of last year as to the amount of lead in the ore shipped out of British Columbia. When I said that I thought the output of the province for the last year of which we had returns was about five or seven thousand tons, I had reference to 1902-3, for which we have not the figures, and my hon. friend has not disproved anything of what I said with respect to this. If he will quote the entire returns he has in his hand every statement made will corroborate what I said. The growth of the lead industry in the province of British Columbia is clearly indicated by these figures. Away back in 1892 we shipped to the United States 60,000 pounds, next year 150,000 pounds. Another year we shipped 18,000,000 pounds. That is the lead in the ore, which was determined by assay. In 1897 we shipped 30,000,000, in 1898, 43,000,000, in 1899, 34,000,000 pounds, in 1891 we shipped 57,952,613 pounds to the United States. In the following year, 1902, we sent 24,722,000, which was 12,000 tons and last year we sent practically nothing to the United States. I am quoting from page 374 of the Trade and Navigation returns. My hon. friend was not fair in his argument. He tried to show that the industry was not lagging in British Columbia when we were shipping to the United States large quantities of ore.

The most of the ores in the Slocan country are what are called wet ores, that is with a high percentage of lead, and they want a certain quantity of that to smelt their ores, which are dry ores, and they buy a certain quantity of our wet ores for that purpose and that purpose only. With the exception of that, there has been very little ore sold

of late to the smelters of the United States. The hon. gentleman says this is to be paid to the mine owner simply for the purpose of taking out ore, and that it will not encourage any industry in the province of British Columbia. My hon. friend forgets this will be paid for the mining and smelting of ore in British Columbia. That is another of the intricacies of this question, the large industrial work connected with mining. The industry that employs the most men is mining, second, transportation, third, smelting and the refining of it is the last. The work is putting it into bullion. The bullion is the metal from the ore—the silver, the lead and the zinc, all in one mass. That will be done in British Columbia under this bounty. Then the bullion is sent to a refinery and the metals in it are separated. We have in British Columbia started, as a consequence of the bounty to our refining industry, a small experimental refinery at the town of Trail, where the bullion is refined by the new process of separating metals. It has been remarkably successful, but up to the present stage it has been largely experimental. To the credit of the Canadian Pacific Railway, be it said, who put up the money to experiment along these lines, this is one of the first electrolytic processes of lead refining successfully carried on on this continent, I believe. Now, that it has been proved a success, the refinery is to be enlarged. Its present capacity is only 5,000 tons a year. It could not handle one-sixth of the quantity to be refined until it is enlarged, and it will be enlarged. My hon. friend will see that the effect of a bounty to lead will be to encourage, first, the mining of the lead ore; second, the smelting of lead, and necessarily, the refining of that lead in the country. I am sure if the Trail refinery is enlarged and can take care of all the lead produced in the country, all the lead mined and smelted in British Columbia will be refined in Canada also. I do not know if I have covered all the points raised by my hon. friend.

Hon. Sir MACKENZIE BOWELL—Yes, and more too.

Hon. Mr. TEMPLEMAN—The hon. gentleman will see with respect to the effect of this bounty in establishing a smelting industry, he was overlooking that point. He will also see, if he refers to the figures again, that while the mining of lead ore in the west gradually increased up to a certain year, and decreased since then, there must be a cause for it so far as our lead industry is concerned. My hon. friend must recollect this fact: All the lead in ores taken into the United States was smelted there, refined and exported, and the amount of duty paid on them was refunded, less ten per cent. The United States is a great producer of lead itself, and can produce all the lead it requires and does not need to buy our lead ore except for the purpose of keeping the smelters going. The United States does not import any lead except for the purpose of smelting and sending it abroad to Canada and other markets.

Hon. Sir MACKENZIE BOWELL—No one in the House is more pleased to receive information than I am, and more particularly from a gentleman who is so well posted, not only on the refining of lead, but on the mining industry, particularly in his own country. I would suggest to him, however, the propriety of trying to listen to what a gentleman says when he is quoting figures and making statements. If he desired to be fair to myself, he would have remembered and stated that the figures I quoted, as I mentioned, were the output of the year ending the 30th June, 1902, and that his statement could not be correct as to the effect of the combine to which he referred unless it had been formed in the year 1903, after the close of the year 1902. I do not presume to express an opinion upon the results of the lead industry for the fiscal year which ended on the 30th June, 1903, for which, I said, we had no returns. If the hon. gentleman had been fair he might have saved himself the trouble of making the explanation he did, and it was quite unnecssary for him to play the school master. I stated the facts before me in the departmental return, and qualified it by saying I did not know anything of the last year.

Hon. Mr. TEMPLEMAN—In 1901——

Hon. Sir MACKENZIE BOWELL—I am not talking of 1901.

Hon. Mr. TEMPLEMAN—In 1901 we sold practically 58 million pounds of lead to the United States and in 1902 we sold 24 million

pounds. Will the hon. gentleman explain the falling off, if it was not the result of the combine ?

Hon. Sir MACKENZIE BOWELL—The figures before me, and they are furnished by the hon. gentleman's own government, are over thirty millions, and not what he has stated. He might just as well do as I did, confine himself to the years and the figures to which I referred, and not try to mystify the statement.

Hon. Mr. TEMPLEMAN—Thirty millions is the total. Of that 24 millions went to the United States. We are speaking of the United States.

Hon. Sir MACKENZIE BOWELL—Are not those the figures I quoted ?

Hon. Mr. TEMPLEMAN—No, the hon. gentleman said 30 millions.

Hon. Sir MACKENZIE BOWELL—No, I said 30 million altogether. I then went on to show where it was sent. Has the hon. gentleman no memory ? If he has not, I advise him to get a phrenologist to rub up his bumps so that he may remember what is said to him. The admission the hon. gentleman has made would suggest the propriety of imposing a direct high protection on this article. The hon. gentleman tells us that we sold no lead to the United States for consumption there, that the people of the United States purchased it for the purpose of smelting it in their own smelters to export to other countries, and that their country gives them a drawback of duty paid when the refined article is imported. What they are doing in the United States in reference to lead we do in Canada in reference to articles not manufactured in Canada which we use in the manufacture of agricultural implements. While they pay back duty less 10 per cent, we pay back 99 per cent of the duties paid on these articles which enter into the manufacture of implements which are exported. That is the very principle on which the Conservative party inaugurated that system for the purpose of enabling articles to be manufactured in this country. The result is, the industry gives employment, in the city of Toronto alone, to over 1,000 artisans and labourers. That industry never would have been in existence had it not been for the policy which we then adopted, and which hon. gentlemen opposite condemned in the most vehement manner. As soon as they came into power, they very wisely—I think they did right—increased the rebate to manufacturers to the extent of 99 instead of 90 per cent, the sum retained by us. They did more than that ; they encouraged the manufacturers of agricultural implements by allowing the Conservative tariff, the National Policy tariff, to remain precisely as it was when they came into power, and as it had been established by the Conservative government. But what did they do in addition to that ? They reduced the duty on the raw material out of which the article was manufactured, and added just in proportion to that reduction to the protection of the article, and that policy has enabled that industry to flourish in a marvellous manner during the last five or six years. If hon. gentlemen look at the Table of Exports, they will find that industry is growing rapidly every year. That is the system I approve of. That is the system adopted in the United States. If they, by a combine, are going to ruin our lead industry, that is their business ; we should adopt a policy that will enable us to mine and manufacture the lead and export it, just as, by means of a drawback, the manufacture of agricultural implements has been increased in Canada. I accept the figures which the hon. gentleman has mentioned. I do not dispute them, but the reason I called attention to this point was to show that the United States had imported from Canada to the extent of nearly 25 millions of pounds for the year ending 1902, and to mix that with what has been done before and that has been done since is, I think, hardly treating the subject fairly. Next time the hon. gentleman reads me a lecture about quoting figures, I ask him to stick to the text and I will have no fault to find with him. I would rather have seen, instead of a Bill of this character—though I do not object to it—provisions for the payment of bounties so arranged as to establish in this country refineries to take the bullion and reduce it to pig lead, and then to see sheet lead, lead pipe and manufacturies of that kind established. My hon. friend from Wellington says that men like myself pay no duty upon lead, and therefore are not directly inter-

ested and that for that reason I ought to be willing to contribute my mite. If the hon. gentleman had a daily newspaper run with type-setting machines, he would find his bill for type metal, which is made from lead, zinc and antimony, run up pretty high in the course of a year. If he wants verification of that, let him apply to the hon. gentleman from London (Mr. Coffey) and the hon. gentleman from St. John (Mr. Ellis). As we have some machines in the establishment with which I am interested, I know what it costs us for lead and the waste of material, and if there was a good high duty upon it we would pay our share. I would not object to that. My hon. friend opposite (Mr. Ellis) would, for he is a free trader and I am not.

Hon. Mr. MACDONALD (Prince Edward Island)—The hon. gentleman from Vancouver said that British Columbia lead was sent to the United States for the purpose of being smelted there, and that it was not sold in the markets of the United States. If that is the case, I am surprised to see the figures in the exports to the amount of two and a half million dollars, and again figures in the imports for very nearly the same amount. It is rather peculiar, if it was only really sent across the border for the purpose of being smelted or refined, that it should appear as a valuable export of the Dominion. It is also stated that some fourteen or fifteen thousand tons of lead are consumed in Canada in the course of the year. That lead is not the production of Canada. The greater part of it is imported into the Dominion. If there were a duty of 25 per cent imposed on that article those who are interested in the mining and manufacturing of lead might supply the home market. But when it comes in on low duty, it is evident that the Canadian manufacturers of lead have not been able to secure this market. The importer brings lead from outside countries; whereas, if there was a reasonable duty on lead, our own people would get the benefit of the market to the extent of whatever is required in the Dominion itself.

Hon. Mr. McSWEENEY—What would the hon. gentleman call a reasonable duty?

Hon. Mr. MACDONALD (P.E.I.)—The duty in the United States is at least five times as much as the duty we impose in Canada, and I am sure if we had that or a duty of 25 or 30 per cent more on lead, our own people mining and manufacturing lead would have the advantage of this market, which they have not under the present circumstances.

Hon. Mr. McSWEENEY—I think the hon. gentleman is mistaken. If he will look at it, three-quarters of a cent is really a duty of 25 per cent.

Hon. Mr. MACDONALD (P.E.I.)—The duty on some kinds of lead is five per cent.

Hon. Mr. McSWEENEY—The duty in the United States is two and a half cents a pound, and here it is three-quarters of a cent. I was in Denver about two years ago, and I found that the reason we do not sell lead in the United States is that they have a surplus. They have also immense concerns in Mexico and have all the lead they can sell and a good deal more, and that is why they have not been buying lead from us. If we put on a duty of five cents a pound it would not make a particle of difference.

The clause was adopted.

On the third clause.

Hon. Sir MACKENZIE BOWELL—I should like to have an explanation of this clause. It reads:

> If at any time it appears to the satisfaction of the Governor in Council that the charges for transportation and treatment of lead ores in Canada are excessive, or that there is any discrimination which prevents the smelting of such ores in Canada on fair and reasonable terms, the Governor in Council may authorize the payment of bounty, at such reduced rate as he deems just, on the lead contained in such ores mined in Canada and exported for treatment abroad.

Hon. Mr. TEMPLEMAN—The business of mining and smelting ores, as I said before, is somewhat intricate. The miner mines his ore, and the smelter owner who buys his ore, visits the mine and buys the ore there—he takes the ore from the dump to the smelter, and smelts it, and pays the miner on the assay value.

Hon. Sir MACKENZIE BOWELL—On the value of the lead contained in the ore?

Hon. Mr. TEMPLEMAN—The value of the lead contained in the ore on the assay value, and that is approved by the miner

himself. Every mine owner has an essayer, and every smelter has an assayer, and they have to agree, because a difference of a very small fraction would make a great difference in the total. The transportation of ore, and the smelting of ore are in the same transaction. That is, the purchaser of the ore, buys from the miners at a certain figure, according to assay value, less transportation and smelting charges. In other words, the smelters quote the figure to the mine owner. It will be readily seen there is a possibility there for the smelter man and the transportation man, by a combine, to increase charges and discriminate against the mine owner, and practically absorb this bounty. If the smelter man and the transportation man say 'We are not getting enough for our work,' they could raise their charges so as to practically take the whole of the bounty. You say if we find there is any discrimination against the mine owner, then we permit the ores to be shipped to other smelters, which of course, would be outside the country, and we will pay such a bounty as we think proper under the circumstances. Of course, it would be very greatly reduced. The clause is there as a slight hint to the smelter man and the transportation man to deal fairly with the miner.

The clause was adopted.

On clause 4,

Hon. Mr. TEMPLEMAN—Gentlemen interested in metallurgical investigation, have found out a process whereby they can corrode lead in the ore. The lead at present has to be taken out of the ore and corroded. Now, they say they can take the crude ore, and corrode the lead by a new process. In the event of that being found successful, we have made the provision contained in this clause.

Hon. Sir MACKENZIE BOWELL—The only fear I have is that it may be an encouragement to foreign transportation companies to take ores out of the country. The provision, as explained by the hon. gentleman, being a deterrent to the home transportation companies perhaps is quite correct. They may learn by this that their trade would be interfered with if they entered into an arrangement for the purpose of robbing—because it would be nothing more or less than robbery—the actual miner. The fear I have of this is as I have indicated. I can conceive it possible that railways and steamers would adopt such extreme measures as that indicated, which would destroy, to a very great extent, the profits which should arise from the mining of these ores. Still it is not a bad provision under the circumstances. On the contrary, I think it is a good protection to the miners to prevent any attempt of that kind; but if all these ores were smelted at the mines, or near the mines, and all the other metals taken from the ores, then the profits would be much greater to the miner, because the expense of transportation would be upon the pig lead, only. Some of the ores run 24 per cent, some 50 per cent—some larger and some smaller. The freight charges on the ore, however, are the same, on the weight.

Hon. Mr. TEMPLEMAN—The process of concentrating is carried on in all the large mines. They have machines for crushing the rock and separating the paying rock from the barren rock.

Hon. Mr. MACDONALD (P.E.I.)—I think the hon. gentleman from Moncton was mistaken, and perhaps I was a little off myself, in the statement made about lead. I see here that the duty is five per cent on quite a number articles of lead. On scrap and pig lead, 15 per cent; lead bars, 25 per cent; nitrate and acetate of lead not ground and tea lead are free.

The clause was adopted.

Hon. Sir MACKENZIE BOWELL—I want further to congratulate the government on having adopted in this Bill the policy pursued by the late government, and which has been condemned so often—that is, governing by Governor in Council. It was always an objection on the part of the hon. gentlemen opposite, giving so much power to the Govenor in Council.

Hon. Mr. TEMPLEMAN—How else could it be done?

Hon. Sir MACKENZIE BOWELL—It is a question I should liked very much the hon. gentleman's party to have answered at the time to which I am referring. I remember very well some years ago when the opposition used to object to this mode of legislation—that Sir George Cartier used to tell

the House of Commons 'There is nothing like the Governor in Council.' My hon. friend has adopted that policy. I think the hon. gentleman for Marquettte used to kick up a row about it, but like the rest of his colleagues, he has been converted, and we welcome him to our ranks in this particular, as well as in some others.

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

The Bill was then read the third time and passed.

CABLE NEWS SERVICE BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (240) 'An Act to assist in establishing and maintaining an independent and efficient Service of Telegraphic News from Great Britain for publication in the Canadian Press.'

(In the Committee.)

Hon. Mr. TEMPLEMAN—This Bill was discussed somewhat on the second reading, and I think meets the approval of my hon. friend opposite, and will not require any explanation. The first clause provides for paying $15,000 a year for three years, ten thousand for the next year and five thousand for the next. This assistance to the press of the country has been given at the solicitation of the newspapers principally of the provinces of Ontario and Quebec. I think on the whole it is a wise proposition and ought to work out well.

Hon. Sir MACKENZIE BOWELL—Might I ask, before we proceed with this clause, who are the parties, if any, that have been appointed in Great Britain to forward the news to this country ?

Hon. Mr. TEMPLEMAN—As my hon. friend will know, the newspaper men of the country have formed the association. I am not sure who the president is, but I think Mr. Brierly of the Montreal 'Herald' is the secretary. I received a communication from him about it. They pay the expense of cabling news from the old country and delivering to certain points here.

Hon. Sir MACKENZIE BOWELL—Has any one been appointed ?

Hon. Mr. TEMPLEMAN—Yes. The service is now in operation. I think there are two trained newspaper men in London, England, sending out despatches every day. It is scarcely in good workable shape yet, but it will become so very soon. I understand the association have determined to fix a charge of $375 a year to each man using the service, for the morning and for the evening edition—$375 for each service. The understanding is that the newspaper men pay dollar for dollar, and we are proposing to pay half the expense. The whole matter, in the operations and working out of it, is left to the newspaper men.

Hon. Mr. POWER—I was disposed to think, when I saw that this undertaking had been gone into, that the object was a desirable one. The news which is filtered through the United States agency has not always been just the kind of news that suited us in Canada. It was very much coloured by the medium through which it had passed, and it did seem that an independent service which would not be coloured in that way was very desirable. I am glad the hon. gentleman has stated that the Canadian Press Association were just getting to work. I must say that I have been much disappointed in the results up to the present time, and I hope with further experience the despatches will be more calculated to meet the views of the ordinary common sense man. If the despatches we get reflect the views of the average Englishman with respect to Canadian affairs, it is rather something to be regretted. Really some of the despatches are, to my mind, not such despatches as we might expect to get. What we want is good honest news of what is going on in England, and I do not think we need to get the impression which certain people in England have about Canada, people who know very little about this country and whose views are of very little consequence or value to us. They may be valuable in this way : they may show that we ought to send some Canadian school masters over to England to instruct the people. I really am very much disappointed in the character of a great many of the despatches.

Hon. Sir MACKENZIE BOWELL—I was about calling the attention of the House to the character of the news that has been

cabled from England to Canada since the organization of this press bureau, if such it may be termed. We had a very important item cabled to us the other day by a cable from London that General Laurie had left London to come to Canada on account of his health. General Laurie at the time of the arrival of that cable, was in Ottawa. If that is to be the character of the news that is to be sent, we might just as well save that money.

Hon. Mr. TEMPLEMAN—I do not think that was a portion of the Canadian service.

Hon. Sir MACKENZIE BOWELL—It came from England as a press despatch.

Hon. Mr. TEMPLEMAN—But that is not our service.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman stands about as well informed on that question as I do. Here is some news that has been cabled across the Atlantic since the provisions of this Bill have been announced to the world and to the press. Whether they are responsible for it or not I do not know, but I am going to read to the House the character of the information which we have received. It states that the news service tells Canada so and so, then that must be the service which we are subsidizing. The item reads as follows :

> The new service tells Canada that one London paper remarks on 'the growing difficulties in which we are being involved by the growing importance of the colonies,' that the Spectator contains a letter charging Canadians with the crime of regarding J. B. with bumptious or pitying contempt, that the Globe and the Pall Mall Gazette 'disparage conditions in Canada' ; that no self-respecting Australian will allow himself to be spoken of as a colonial without protest,' that Doctor Howard, Lord Strathcona's son-in-law (a Montrealer) has stated that Canadians are so certain of the justice of their Alaska boundary case that they will be very much incensed if the British commissioners don't back it to the last gasp,' and that the Liverpool Mercury ironically inquires whether the Dominion will make war on her own account if her view of the Alaska matter be not maintained by the imperial representatives. This exacerbates anew the family squabble that the industrious service excited last week by telling John Kanuck that John Bull was in a fine rage because John Kanuck was reported to suspect Lord Alverstone of a disposition to give away the Canadian case by way of placating Uncle Sam.

If that is a character of the news we are to have for an expenditure of $15,000 a year, I think the government should exercise some little supervision over it and I do not know of a better suggestion than that thrown out by his honour the Speaker that we should have some practical Canadian newspaper man sent from Canada to collect the news which he knows would be of interest to this country. Everyone has deplored in the past the news which has been sent from England through the United States, which we have all look upon as being filtered through United States sources. That is not what we require. I am very glad that this service is established. I hope that it may have the effect that is anticipated, but unless we have good practical men who understand their business and know what newspapers require, what the country requires and what is actually news which would be of interest to us, it would be utterly useless. No man knows better than one who has been connected with a newspaper how important it is, even in his own locality, to have a reporter for local news who has a knowledge of what news is, and having that knowledge knows how to condense it and put it in a shape which would be interesting to its readers. My hon. friend who has charge of this Bill has had as much experience as I have had in that matter, and it is one of the difficulties of all newspaper proprietors and publishers, and we all approve of the action of the line suggested by the Speaker. It was something I intended to suggest myself, as practical men who have had something to do with these matters know the importance of it if any benefit is to be derived from the expenditure.

Hon. Mr. ELLIS—Under the Bill we are appropriating $60,000 for this service to be spread over a period. I think the government could not very well refuse the application, inasmuch as it came from members of the press of both parties and perhaps it is a reasonable effort on the part of the government to meet public opinion with regard to this question, but a great deal of the news is trivial—his honour the Speaker did not use the word—that has come so far, and some of it a duplicate of news already published. I read in the Canadian Associated Press despatches that the Minister of Militia was to be invited to a dinner in Boston. I read that ten days ago in the Boston newspapers, though it may not have been published in Canadian newspapers. There is one thing to be said,

it is an aspiring effort on the part of the Canadian Press, and, on the other hand, it is well to remember that the United States newspapers, while there has been criticism of them for the character of the news, are often represented in Europe by men of great knowledge, gentlemen speaking four or five languages, who are diplomatic and able to get at the secrets of courts, who understand political movements, who can foresee events and therefore do this service as effectively as it is done in the United States. We want men of considerable ability. I think the government, in view of the fact that they are expending this large amount of money, should keep in some way a supervision over the business, and if it be not properly done—if the country does not get better value than so far received—the subsidy should be brought to a close. I heartily agree with the proposition, and perhaps we may get some benefit from it, still, I would not recommend continuing it on the news so far received.

Hon. Mr. MACDONALD (Prince Edward Island)—An appropriation of this kind will, no doubt, receive the approval of hon. gentlemen who are connected with the press. We have heard this policy eulogized by gentlemen who are more or less interested in or connected wtth the press.

Hon. Sir MACKENZIE BOWELL—Go for the pressmen.

Hon. Mr. MACDONALD (Prince Edward Island)—It is not easy to go for the press; it is one man against a thousand, so I shall let them down without any further remark. But, I think it is an unnecessary expenditure of the public money to appropriate it for the purpose of obtaining such news as has been given out to us as a sample of the information we are to get over the cable. We are lavish in our expenditures this year, I must say. We are giving bounties not only for steel, iron and lead, but for the purpose of obtaining news which would be obtained, I presume, just as quickly and as readily through the United States despatches as we can get it through this new arrangement.

Hon. Sir MACKENZIE BOWELL—Not as truthfully.

Hon. Mr. MACDONALD (Prince Edward Island)—Judging by the specimens coming over the cable up to the present time under the new arrangement, I must say that, although it was stated by the hon. leader of the opposition that we all agreed about this matter, there is one exception at any rate.

Hon. Sir MACKENZIE BOWELL—I withdraw that.

Hon. Mr. MACDONALD (Prince Edward Island)—I must say I do not believe in this appropriation. Bounties are, I think, indefensible in almost any case. Certainly this is one for which nothing can be said. It is an expenditure which the country will not justify or approve of. It is all very well for the press to get what they can out of the government. It is certainly to their advantage, but I doubt very much whether the country is going to benefit from this expenditure.

The clause was adopted.

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

The report was received.

Hon. Mr. TEMPLEMAN moved the suspension of rule 40 in so far as it relates to this Bill.

Hon. Sir MACKENZIE BOWELL—Allow me to call attention to rule 41. It is not necessary to suspend that rule under the circumstances. Under the heading of public bills, rule 41 reads as follows:

'No Bill shall be read twice the same day; no Committee of the Whole House shall proceed on any Bill the same day the Bill is read the second time, and no Bill shall be read the third time the same day that the Bill is reported from the committee when any amendments have been made in committee.'

Now there are no amendments made to this Bill, and the inference would be that the suspension of the rule was unnecessary.

The SPEAKER—The hon. gentleman is correct.

Hon. Mr. SCOTT—That is my view of it, but I did not choose to raise the question.

Hon. Mr. TEMPLEMAN—I move that the Bill be now read the third time.

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

THIRD READING.

Bill 242 'An Act to amend the Mounted Police Act of 1894.—Hon. Mr. Scott.

JUDGES OF PROVINCIAL COURTS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (250) 'An Act to amend the Act respecting the judges of the Provincial courts.'

(In the Committee.)

Hon. Mr. SCOTT—The Bill recites the salaries at present paid to judges in Ontario, except the two last on the list, and the judges in the North-west Territories. The reason for the Bill is that at the last session of the Ontario legislature they passed a Bill adding two judges to the Exchequer Court—a court similar to the Common Pleas and King's Bench divisions. No judges have been appointed and I do not know that there will be, but in compliance with the action taken by the legislature of Ontario, we put ourselves in a position to appoint them.

Hon. Mr. POWER—The first clause deals with the salaries of the judges of Ontario. We cannot, of course, amend or alter the Bill here, but I think we are justified in making any observations which naturally suggest themselves in looking at the list. If hon. gentlemen will look at the list of salaries, they will find that the chief justice of Ontario—who is the highest in rank of all the judges of the province of Ontario, and is the chief justice, as I understand, of the Court of Appeal—receives a salary of $6,000, and the other four justices of this court receive $5,000; that the salary of the chief justice of the King's Bench is the same as that of the Chief Justice of the Court of Appeal, and that the salaries of the other judges of the divisions of the High Court of the Court of Appeal. It would strike one that, prima facie at any rate, the judge of the Court of Appeal ought to have a higher salary than the judge of the court from which the appeal comes to him. That is not the case in Ontario, and it is not the case in Quebec. But that does not tell the whole story in the province of Ontario. In the province of Ontario the judges of the High Court—there are three divisions of the High Court from which appeals go to the Court of Appeal—receive certain sums in addition to the salaries which are paid by the Dominion.

Hon. Sir MACKENZIE BOWELL—$1,000.

Hon. Mr. POWER—And consequently, from a financial point of view, the position of the judge of one of the subordinate courts is very considerably better than the position of a judge of the Court of Appeal. No matter what one's opinions may be as to the salaries of judges, it must appeal to the common sense of any hon. gentleman that it is not a becoming, or logical, or sensible sort of arrangement, and I regret that the government have not seen fit to provide some additional remuneration for the judges of the Court of Appeal in Ontario.

Hon. Mr. ELLIS—I do not propose to deal with that part of the question. I do not pretend to speak for any other province except New Brunswick, but there is a very strong feeling that there is an injustice to the judges of the province of New Brunswick, inasmuch as they are not paid the same salaries as the judges of the Ontario and Quebec courts. There seems to be no reason whatever why there should be any difference. The hon. leader of the opposition says—and I have no doubt he is correct—that some of them receive more than is declared by the Bill. I take this opportunity to express the opinion that that is a very great injustice to the judges in the maritime provinces. The hon. Speaker seems to think the judges of the High Court of Justice, Chancery Division, or whatever division he refers to, the King's Bench, are not as great in the judicial line as the Chief Justice and the judges of the Court of Appeal. That may or may not be so, but it does seem to me to be very wrong to make any difference whatever between these judges so far as the ordinary judges are concerned. I observe in the second clause of this Bill that the Chief Justice of the North-west Territories is to have no more pay than the Chief Justice of the Exchequer Court division, or any of the chief justices in Ontario. I do not see any reason why, in any part of this country, the Chief Justice in one province should be treated differently from the Chief Justice in another, and while there

might have been in the early days of the country a reason for it as regards the Chief Justice of British Columbia, where it was supposed that living was more expensive, yet my observation is that New Brunswick is one of the most expensive provinces in the country to live in, that a judge living in Ottawa or in Quebec can live more cheaply than he could in that province, that at any rate the railways and all the other arrangements which have come in since confederation have equalized many differences, and while I am not in very good odour with the judges in New Brunswick, yet I feel it my duty on this occasion to say that they are entitled to be paid the same as the judges of any other province.

Hon. Mr. McDONALD (Cape Breton.) I wish to put in a plea for the county judge court in the county of Cape Breton. I refer to Mr. Justice Dodd. I believe he has been the hardest worked judge in the maritime provinces for the last three or four years, since these great industries started in the Island of Cape Breton. The general opinion of the barristers of Cape Breton is that Justice Dodd does more work than any of the Supreme Court judges of the province. I may say I brought this matter to the attention of the late Hon. Mr. Mills two or three years ago, and he promised to give it his consideration. He told me privately that he believed Mr. Dodd was entitled to a much larger salary than he was receiving. I am quite sure that his jurisdiction extends over a greater population than the county court judge at Halifax, or the county court judge at Charlottetown, and yet these judges receive larger salaries. I trust the government will consider this case specially and allow Justice Dodd a larger salary. With regard to the cost of living in Cape Breton at this time, I believe it is higher than at Halifax, or even at St. John, N.B., and therefore, on that ground also, I trust the government will consider the case of Justice Dodd.

Hon. Sir MACKENZIE BOWELL—I understood the Secretary of State to say, when he introduced this Bill, that it did not increase the salaries of any of the judges in Ontario ? Am I correct in saying that ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—The law, as it exists now, provides certain salaries for the different judges.

Hon. Mr. SCOTT—I looked it up the other day and there is no increase.

Hon. Sir MACKENZIE BOWELL—Then why are they all included ? Is it for the purpose of consolidating the laws.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—As to the Speaker's remarks in reference to the Chief Justice of the Court of Appeal in Ontario, I do not know what the new arrangement may be, but the impression in the minds of the people—and it has been the opinion of the Bar as well as the people generally—is, that the position of Chief Justice of the Court of King's Bench is the highest court. Does the new law make the Court of Appeal the highest court, I do not know, but there is no difference in salary. If the Chief Justice of the Court of Appeal in Ontario, be paid more than the other Chief Justices, it would be on account of the honour of being the Chief Justice of Ontario, and not the Chief Justice of the King's Bench or the Chancellor of the Exchequer Court. For I notice the Chief Justice of Ontario is to receive $6,000, the Chancellor of Ontario, $6,000, and the Chief Justice of the Common Pleas, $6,000, and the Chief Justice of the Exchequer Division—that I believe is a new division

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—He also, is to receive $6,000. They receive from Ontario $1,000 extra. Does that apply to all of them ?

Hon. Mr. SCOTT—I am not sure. The admission of the Heirs and Devisees Act is one.

Hon. Sir MACKENZIE BOWELL—I know they were granted that by direct vote, and Sir John Macdonald objected to the paying of judges an extra sum by any provincial court, as that duty devolves exclusively, under the constitution, on the Dominion government. In order to meet that objection, they passed the law to which my hon. friend refers, and paid them $1,000 extra for work in the Heirs and Devisees Court. That gives the

chief justice the same salary as the judge of the Supreme Court receives, $7,000. I am not finding fault with that, or finding fault with placing the different justices in the whole Dominion on the same basis, but the question suggests itself to me whether the salaries should not be commensurate with the work and duties performed by the different judges. If the system which now prevails is based on that principle the question would at once arise, whether the judges in the Maritime provinces have the same amount of work to perform as they would have in this province or in Montreal. I shall reserve what remarks I may have to make on the general character of the Bill for the third reading when, it is understood, we shall have an opportunity of expressing our opinions. But I may say this, while urging increased salaries to judges of the higher courts, it does seem to me that the amounts paid to our county court judges are altogether too small. These judges are appointed at about $2,400 a year. I am speaking of my own county, and I daresay other hon. gentlemen can verify it so far as their own counties are concerned. The county in which I live extends thirty or forty miles east and west. and about one hundred miles north. The county court judge has to travel about one hundred miles north to hold his division courts. There is as much expense attending the living of the County Court judge as there is that of the Supreme Court judges, and it seems to me $2,400 a year is altogether smaller than the sum which should be paid them. Our deputy heads of departments work from 9.30 a.m. till four or five in the afternoon. In justice to many of the deputy heads, I may say they work as arduously and as many hours as the ministers—but speaking from my own experience, I have had deputies who would work until 12 o'clock at night if necessary ; we pay them $4,000 a year. I do not find fault with that, but when we compare the position they occupy, and the work they have to perform with the enormous amount of work a county court judge has to do, and the extent of country he has to travel to hold his courts, it is due to them that the country should increase their salaries, to at least $3,000 per annum. It is a dignified position, and one which should be properly remunerated and maintained. The answer to that is this : let a County Court judgeship become vacant, and you find a dozen applicants besieging the government for the appointment. The County Court judgeship of this county (Carleton) has been vacant for a long time. The County Court judgeship of Lennox has been vacant for a long time. Why are they not filled ?

Hon. Mr. SCOTT—They are filled now.

Hon. Sir MACKENZIE BOWELL—Both of them ?

Hon. Mr. SCOTT—Lennox and Addington has been filled. Mr. Madden has been appointed.

Hon. Sir MACKENZIE BOWELL—There has been a squabble over that one ever since the late judge died, and it has been a question who was best entitled to it for political services, and what appointment would create least difficulty in the party. Judge Madden is the most unpopular man that could have been selected and, politically speaking, I am glad he has been appointed. Why is there squabbling over the appointment of a judge for the county of Carleton ? The same reasons prevail today in reference to this appointment, which will be the most popular, and who will bring the most influence to the government. I say in all sincerity, that is a feeling which ought not to influence the government in making these appointments. While upon my feet, I may say it is a great mistake to appoint county court judges from the local bar where they have to administer justice. They have had their practice there, and will have prejudices, and if an outsider were brought in it would be much better. I know it was the opinion of Sir John Macdonald and Sir John Thompson, but unfortunately it was not carried out, and in all probability for the reason I have indicated—political influence was too great. Let a vacancy occur, and you find a dozen men ready to take the position, and once they are appointed they begin to agitate for higher salaries. I shall be very glad to see, in the appointment of judges, the question of politics, race, or religion dropped. They should not be allowed to interfere.

On clause 2,

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman give me any reason why the salary of the Chief Justice of the North-west Territories is lower than the

salary of the Chief Justices of the other provinces? From my experience of the North-west Territories and Manitoba and British Columbia, I know that living is much higher there than even in New Brunswick.

Hon. Mr. TEMPLEMAN—British Columbia is just the same as the Territories.

Hon. Sir MACKENZIE BOWELL—The salary ought to be $6,000.

Hon. Mr. TEMPLEMAN—Yes. Nova Scotia has no right to kick.

Hon. Sir MACKENZIE BOWELL—I am not speaking on behalf of Nova Scotia. I am speaking on behalf of the North-west Territories, Manitoba and British Columbia. I regret to hear the hon. gentleman say the judges there are not entitled to as much as the judges in Ontario.

Hon. Mr. TEMPLEMAN—I did not say that. I simply said Nova Scotia had no right to kick, considering our judges do not get as much.

Hon. Sir MACKENZIE BOWELL—Can the hon. Secretary of State tell us why this distinction is made between the country in which living is really expensive, as it must be in all those new countries?

Hon. Mr. SCOTT—It is based on the assumption that the cases which arise, for instance in the Territories, do not necessitate a judge of as high a standard, as where the character of litigation is more complicated. In the North-west for a long time the president of the court was paid just the same as the others, and I think it is only two or three years ago that a change was made, giving the president of the court an extra $1,000.

The clause was adopted.

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

The Senate adjourned.

THE SENATE.

Ottawa, Monday, September 28, 1903.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

Hon. Mr. LOUGHEED—Before the House adjourns, I should like to call the attention of the government to an article which appears in the 'Citizen' of to-day, and which I shall read to the House:

SOLDIERS ARE KICKING.

Object to a State Church in Canada.

Members of 43rd Regiment do not Approve of Preference Shown One Particular Church in Matter of the Annual Church Parade.

Members of the different units of the Ottawa brigade are raising objections to the proposal of the district officer commanding to hold again this year the annual church parade to Christ church cathedral and St. Jean Baptiste church. The Catholic party goes to the latter church, and, of course no kick is coming on that score, but members of the Protestant communion attached to the evangelical churches object to going year by year to the Anglican church, when, they say, two-thirds of the corps belong to other communions. It will be remembered that a storm was raised over the same question last year, and, while a large number went to Christ church cathedral out of courtesy to the officers, a number stayed outside, and others accompanied the Catholics to their service.

'There is an attempt to make a state church of the Anglican church,' stated a Forty-third man Saturday; we who belong to the other communions object to that course. Two-thirds of the men belong to other churches, and why, from year to year, we should be asked to go to a church with the worship of which we disagree, is more than we can stand. We objected last year and the kick this time is going to be even stronger. There are plenty of other churches just as large and just as much entitled to have the annual brigade service as the Anglican church. Turn about is fair play.'

The reason I direct the attention of the government to this article is owing to the frequency of, what I may term, the disregard to the other religious denominations throughout the Dominion by the officers commanding the Ottawa brigade. Some sessions ago I felt it my duty to direct the attention of the government to an article referring to a similar instance which occurred at that time, Shortly after, or about that time, I directed the attention of the government also to a similar instance which occurred in Halifax when the second contingent was on its way to South Africa and when certain members of that contingent refused to attend the church parade to the Anglican Church. They were placed under military discipline, and it required the intervention at that time, of the Minister of Militia to relieve them of what, apparently, in the estimation of the officers, was the penalty which they had incurred. I would point out that the officer commanding the Ottawa brigade, whoever he may

be,' seems persistent in ignoring a well-established regulation taken from the King's regulations, and which is to be found in paragraph 20 of section 3, of the Regulations and Orders of the Militia of Canada, 1898, which makes it imperative that where there are twenty men belonging to any particular church it shall not be optional but it is the duty of the officer commanding to see that those men are marched to their own church. In 1890 a similar difficulty arose in Ottawa and considerable attention was paid to it. The matter was very much discussed in the press, and at that time the attention of the government was called to the fact that the regulations had been ignored and that men had been denied their rights and it was hoped that this would not occur again. I need not point out that the Anglican Church is not by any means to blame that this happens from time to time. The Anglican Church, the same as any other church, is only too glad, I fancy, to throw open its doors, and extend all its offices to those who choose to enter within its walls, but why the Anglican Church, to the exclusion of other churches, should be selected in total disregard of the militia regulations, I find it difficult to understand. It can only be due to the want of knowledge which characterizes some of the officers in the militia force of Canada. It must not for a moment be assumed that there is a state church in Canada, or that the Anglican Church is an estate of the realm as it is in Great Britain. It must be recognized that all churches occupy a position of equality in Canada. The regulations are framed in recognition of the equality of all churches in the Dominion. I think it is only necessary to direct the attention of the government to this apparently wilful defiance of the regulations of the Militia Department which seems to take place from year to year. I therefore give notice that I will, to-morrow, inquire :

Under what authority the officer commanding the Ottawa brigade has issued, or is about to issue, an order for the annual church parade to the Anglican church, and under what authority such church parades have annually taken place to the Anglican church to the exclusion of other denominational churches, and contrary to paragraph 20, section 3 of the regulations and orders of the militia of Canada, 1898.

Hon. Mr. DOMVILLE—I think my hon. friend is mistaken with regard to the militia law. The regulations which he quotes are that the men can go to a church of their own denomination under a non-commissioned officer or an officer, therefore, all they have to do is to call the attention of the adjutant —the adjutant being the proper officer—to the fact that they wish to go to another church, and they are dismissed from the parade for that purpose. The government does not have anything to do with it. The commanding officer could not compel the men to attend a church to which they did not belong, and I am sure he would not ask them to do so. I have seen a regiment turn out for church parade in the morning in camp for service, and afterwards the men fell out and went to their own churches. It is entirely their own fault if they go to churches to which they do not belong.

Hon. Mr. LOUGHEED—I might point out to my hon. friend that the contrary was the fact in Halifax, when the 2nd contingent was going to South Africa. The men sought to take advantage of the regulations which permitted them to attend their own church and notwithstanding that the statement is made on good authority, and I believe it to be substantially true, that those men were placed under military discipline, and it was not until the Minister of Militia was asked to intervene that they were accorded their rights. I am not saddling the Department of Militia with this responsibility, but the department should see that the officers in command are not permitted to issue arbitrary orders or any orders which the men might misunderstand as compelling them to attend any particular church. If an officer in command issues an order that there will be a church parade on a particular day to a certain church, the men may fall out, but no commanding officer has a right to issue such an order. There should be no coercion ; there should be no order designating any particular church. The objection is to designating a particular church to which the parade shall be. That is the fault I have to find with those who gave the order in the case to which I have referred. Let the men understand what their rights are. I hope hereafter, that the democratic spirit which underlies all our institutions will actuate the men whenever an attempt is made to coerce them into attending a church to which they do not belong.

Hon. Mr. DOMVILLE—It is incumbent on the officer commanding the corps when on duty to order a church parade, but he has no power to go any further. He cannot order them to go to any church, but he must order them out for church parade every Sunday when serving as militia on duty. If he should issue an order compelling them to go to a particular church, his regimental orders of the day would show it, and the government would be bound to bring him up, because he has no power to do so under the King's regulations, which govern the Militia Act. The regulations are quoted in the Militia Act, and they cover everything which the Militia Act does not cover. The Militia Department have no right or authority to compel the men to go to any church except their own, and therefore my hon. friend will find there has been a misunderstanding in this matter—either the men did not understand it, or they had no non-commissioned officer to tell them to fall out from the ranks and to take them to their own church. The commanding officer would take no notice where they did not claim their rights. I think my hon. friend will find that there could not be any desire to take them to the Anglican Church, although it would not hurt them if they went there.

Hon. Mr. SULLIVAN—There is one view of the question I wish to present. As I belong to a military town, and know something of these matters, and have served some time myself, I think I might enlighten some hon. gentlemen on this matter. The fact is that the church parades are exhibitions, united exhibitions, of the regiments of whatever corps are going to attend religious services on that day. It is not so much for the exercise of religion as it is for the purpose of the men having a parade, and for the people listening to the band and seeing the exhibition. The soldiers themselves do not want to split up the business. If I were commanding officer I should have one church and they would all go to it. Military discipline requires united action and there is not supposed to be any voluntary principle in military matters. Each denomination cannot exercise its own will. Supposing they were allowed to do so, look at the disorder that would result. They come out to show their strength and beauty and to charm the young girls who are looking at them. If they all separated into detachments what sort of an affair would it be ? Who is going to collect them together ? How are they going to divide ? What church will the band go to ? You would have it all confusing. In the city of Kingston there is a church parade of the military several times annually and they all go to one church and they go to the Anglican Church par excellence—the state church of Great Britain if there is such a thing—and I do not know the reason, but they all seem to wish to go there. I never heard the slightest disturbance or whimper and instead of there being any fault on the part of the officers or commanding officer I am bound to say that the fault is among the clergymen.

Hon. Mr. DOMVILLE—Oh, no.

Hon. Mr. SULLIVAN—A clergyman will get jealous and will not see why they cannot go to his church as well as any other; but I hope no such argument will be used here that it as an offence against a religion or the religious belief of the soldiers. They need not go to church unless they wish. They are told it is a parade, and they go voluntarily and seem to enjoy it and there is never the slightest trouble over it in Kingston.

Hon. Sir MACKENZIE BOWELL—Do they always go to the Church of England ?

Hon. Mr. SULLIVAN—Yes, always. Let them have the same sense of politeness in Ottawa as they have in Kingston and there will be no trouble about it.

Hon. Sir MACKENZIE BOWELL—I think there is a slight misunderstanding on the part of the junior member for St. John and the hon. member for Calgary. The hon. gentleman from Calgary did not find fault with the Militia Department, but he found fault with what he thought an undue interference on the part of the commanding officer. My recollection of the King's regulations is precisely the same as stated by my hon. friend opposite. It is laid down very distinctly that the religious faith of any soldier is not under any circumstances to be interfered with. When I was on duty, under military rule, when a Sunday parade was ordered the commanding officer turned out the battalion. They all had to go to church. Those belonging to the Anglican Church were

told to 'fall out.' Then they would fall out. Those belonging to the Church of Rome would be asked to step aside and they would do so, and so on with the Methodists and Presbyterians, and they would then be marched off according to their numbers to each church by an officer or sergeant or corporal or lance-corporal, as the case may be. That is the way we used to manage it. I am afraid if my hon. friend from Kingston were the commanding officer and attempted to enforce any such rule as he says he would enforce, he would very soon have his regiment disbanded. Why can they not do in Ottawa as they do in Belleville? There also they have church parades. One Sunday they will go to the old Kirk, and the next Sunday to the Methodist Church, and the next Sunday to the Free Church and then to the Anglican Church, and so on. I never heard of any dispute amongst them. In our town it is all done by mutual arrangement between the officers and the men, and the very best of feeling prevails between the battalions. My recollection of the Halifax escapade is not exactly the same as that indicated by the hon. gentleman from Calgary. If my memory serves me right, the difficulties did arise to which he called attention. The Minister of Militia was applied to and he did not, unless my memory is at fault, give any instructions but simply decided that it rested with the commanding officer, indicating that they must settle it between them. What struck me at the time was, that the Minister of Militia, instead of giving that order—instead of evading the question, perhaps that is the better way of putting it—should simply have referred the commanding officer to the King's regulations, and had he done so, he would have done all within his power, and the commanding officer if he had known his duty, would have acted in accordance with those regulations. If the men knew what the regulations were, they could have refused to go to any church whether Roman Catholic or Protestant if they thought proper. They might be compelled to go to church, but they could go to their own church. It is a pity that these troubles occur, because it tends to dismemberment of the force, and prevents that cordiality which should exist between officers and men. If the commanding officer in this city does not know his duty better than to issue an order compelling his battalion to go to any particular church, the sooner he is taught his duty the better, and, perhaps, the fact of bringing this question under the notice of the House will have the desired effect. I have no doubt my hon. friend opposite will call the attention of the Minister of Militia to the matter, and if an improper or illegal—I mean illegal, in a military sense—illegal order has been issued by the commanding officer, I think the Minister of Militia should call his attention to the fact and tell him not to do it again.

Hon. Mr. SCOTT—Not having a military education such as my hon. friend who spoke before me seems to possess, I can only say I am really not familiar with the King's regulations. My hon. friend from Rothesay seems to be an authority on the subject and his answer appears to be a plain one, that the men were free to break from the ranks and go to their own church. However, if there has been any irregularity on the part of the officer commanding in ordering the men to go to any particular church against their inclinations, the Minister of Militia will rectify the matter. I shall call his attention to the observations that have been made and it will probably lead to a removal of the grievance referred to.

Hon. Mr. DOMVILLE—I am sure that the hon. gentleman from Calgary feels as I feel, and that he has no intention to make any attack on the district officer, for it might be looked upon as such, and the hon. leader of the government having signified to him that he will look into the matter, I would ask the hon. gentleman to withdraw his motion.

Hon. Mr. LOUGHEED—I have no desire to precipitate any acrimonious discussion on the subject, and as the hon. Secretary of State says he will communicate with the minister on the subject, I have no objection to withdraw the motion.

The motion was withdrawn.

BILLS INTRODUCED.

Bill (253) An Act to increase the Representation of the North-west Territories in the Senate.—(Hon. Mr. Scott.)

Bill (254) An Act to further amend the Yukon Territory Act.—(Hon. Mr. Scott.)

Bill (255) An Act to further amend the Act respecting the Judges of Provincial Courts.—(Hon. Mr. Scott.)

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, September 29, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RULES OF THE SENATE.

MOTION.

Hon. Sir ALPHONSE PELLETIER moved that the order of the 24th instant, adopting the report of the Select Committee appointed to revise and amend rules 49 and 50, be declared, under rule 16, to be a Standing Order of the Senate.

Hon. Mr. LANDRY—Before the motion is adopted, for my own information, I should like to know why we adopt it in its present form at this sitting? If a meeting was called why did not the meeting take place in the regular way before the House met? I received a notice of motion calling a meeting at three o'clock sharp. I do not see why we did not have it.

Hon. Mr. DANDURAND—Is it not three o'clock so long as it is not four? Is that the only objection the hon. gentleman has to the report?

Hon. Mr. LANDRY—I think the regular way would be, we should sit outside of our regular hours.

Hon. Mr. MILLER—Although it might have been more regular had the House gone immediately into the consideration of the matter for which we were called together, still I do not think there is any irregularity in taking the matter up now and putting it through.

Hon. Sir ALPHONSE PELLETIER—I did ask the consent of the House before making the motion. The question before the House at the present moment is a proposed permanent amendment to two of our rules, namely, 49 and 50, which have reference to the manner in which notices of application for private Bills shall in future be advertised. It seems unnecessary for me to enter into any further explanation of the matter, as that was done when the report of the select committee appointed for the purpose was placed on the Table some time ago and later on amended and concurred in by the House. Rule 16 of the Senate reads thus:

> No motion for making any Order of the Senate a Standing Order can be adopted, unless the Senators in attendance on the session shall have been previously summoned to consider the same.

The object of bringing the question before the House to-day is to obtain, under that rule 16, the sanction of all the members in attendance at the present session of parliament to the proposed amendments, so that those two rules as amended shall become permanent rules of the Senate in lieu and stead of rules 49 and 50 heretofore in force.

Hon. Mr. VIDAL—The objection that I see is that the motion is not a proper motion. The adoption of the report of that committee is not what is required to change a rule. There should be a specific motion that rule No. 56 be repealed, and this substituted for it. If we adopt the report of the committee, there is the appointment of a new standing committee recommended. In my judgment these things should be done deliberately and separately. If there is a committee to be appointed on legislation, that should be a separate motion, so I think, and substituting the one which the committee recommended should be done regularly and in order.

Hon. Sir ALPHONSE PELLETIER—I am in the hands of the House. If his Honour the Speaker decides that it should be done, I have no objection to moving the repeal of rules 49 and 50 and the substitution of the new rules for them.

The SPEAKER—To be very accurate, I think the hon. gentleman from Sarnia is correct, but at the same time, this motion is clear enough. Every one understands it, and it will be the duty of the clerk of the House to substitute the rule which is embodied in the report of the select committee. If I may be allowed to say so, I find that this is really not the resolution which I thought it was. It will be remembered that the recommendation with respect to the alteration of rules 49 and 50 was reported by

the Standing Committee on Railways, Telegraphs and Harbours—at least, I think so.

Hon. Mr. VIDAL—Yes.

The SPEAKER—And this is a report of a select committee appointed to revise rules 49 and 50. I am not aware that there was a select committee appointed for the purpose.

Hon. Sir ALPHONSE PELLETIER—Yes, there was.

The SPEAKER—Then, substantially this resolution is correct, because it will be the duty of the clerk to substitute the rules which are submitted in that report for the existing rules 49 and 50.

Hon. Mr. YOUNG—The motion of my hon. friend would be in better form if he would simply move that rules 49 and 50 be amended as follows, and then give the recommendation of the committee.

Hon. Sir ALPHONSE PELLETIER—I do not see that it would be better.

The motion was agreed to.

Hon. Mr. YOUNG—Would it not be well that due notice be given to the public of this amendment of our Standing Orders, because it so happens that we amend that portion which deals particularly with those who seek private legislation, and due publicity should be given of the change before another session.

Hon. Mr. LANDRY—As a matter of course that is done every year.

Hon. Sir ALPHONSE PELLETIER—Of course it is done, but it will be done more particularly this year.

Hon. Mr. VIDAL—I should like to ask, for information, whether the motion which has just passed changes rule No. 80 ? That is a part of the report that rule 80 be changed by the appointment of a committee on legislation ?

Hon. Mr. YOUNG—That is another report. We are not dealing with that portion.

Hon. Sir ALPHONSE PELLETIER—That portion has been already adopted. It has nothing to do with the present one.

The SPEAKER.

GRAND TRUNK RAILWAY INDEBTEDNESS.

INQUIRY.

Hon. Mr. BERNIER inquired :

Is the Grand Trunk Railway Company indebted to the government of Canada ?

If so, what is at the present moment the amount of such indebtedness ?

How much for capital ?

How much for interest ?

At what date, on what conditions and under what circumstances was such indebtedness entered into ?

Has the Grand Trunk Railway Company ever reduced in some way such indebtedness, and if so, in what way, and when ?

Hon. Mr. SCOTT—In answer to the first question, yes, there is a debenture account charged up against the Grand Trunk Railway Company to the amount of $15,142,633.34. The interest charged up to date is $10,457,458.01, together with a special account of $7,302.18. The above amounts were taken over from the province of Canada at confederation, and no change has been made in the accounts since that date. The account was incurred somewhere about, I think, 1835 to 1860. It was long before confederation. No claim that I am aware of has been made on the Grand Trunk Railway for it, and in my opinion, none should be made.

Hon. Mr. FERGUSON—Is interest running on to the present time ?

Hon. Mr. SCOTT—I presume so. I got this reply from the Finance Department.

Hon. Mr. FERGUSON—It seems strange that on such an old debt the interest should be only ten million dollars.

Hon. Mr. SCOTT—I do not know at what rate the interest has been charged.

Hon. Mr. FERGUSON—What was the original rate of interest ?

Hon. Mr. SCOTT—At the time the money was borrowed, the rate would probably be 6 per cent.

Hon. Mr. FERGUSON—What would be the authority for reducing the rate ?

Hon. Mr. SCOTT—I do not know. Canada got the benefit of it four times over, in my judgment.

Hon. Mr. POIRIER—I suppose the debt is proscribed, anyway ?

Hon. Mr. DANDURAND—Has any government since confederation, made an attempt to collect that amount ?

Hon. Mr. LANDRY—I think it is not fair for the hon. gentleman to take the minister by surprise in that way.

Hon. Mr. DANDURAND—Perhaps the question should have been put to the leader of the opposition.

Hon. Sir MACKENZIE BOWELL—The Secretary of State expressed an opinion altogether outside of the question asked.

Hon. Mr. SCOTT—Yes, it was my own opinion.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman might have gone a little further and informed the House that a number of Bills have been passed by parliament giving other claims priority over the original loan ; consequently, if the government made an attempt to collect this claim it would be useless, because the preferential stock, anl other issues by the Grand Trunk Railway Company have been so large that this claim is valueless. Those later issues have been under the authority of parliament. and have been given precedence over the government's claim. It stands, however, in the public accounts as an asset. I might express the opinion to my hon. friend that instead of that twenty-five million dollars standing as a liability against the Grand Trunk Railway, it should be wiped out altogether. It is not an asset that is worth the snap of your finger under the circumstances I have told you, and I might say that was my view when I was a member of the government. I am sure if the present government would do it the country would not lose one cent by it and it would place the Grand Trunk Railway in a much more favourable position than it is at present.

Hon. Mr. MILLER—Another argument is that it would put the Grand Trunk Railway in a position to make a bigger haul out of the people of Canada than they could otherwise.

Hon. Mr. SCOTT—I think if my hon. friend would give a little attention to the history of the Grand Trunk Railway he would see that it is a blemish on the fair name of Canada, the representations made by the government in this country when some twenty or thirty millions of dollars were raised in Great Britain, and Canada received the benefit of every dollar spent. Trust money in England was invested in the stocks of this company because two or three members of the government of what was then Canada chose to recommend it as a first-rate investment, six per cent interest.

Hon. Sir MACKENZIE BOWELL—No, it was 3 per cent which Sir Francis Hincks pledged himself to pay in the prospectus.

Hon. Mr. SCOTT—As a result families in England in independent circumstances were reduced to poverty. So that I do not feel that the Grand Trunk Railway owes Canada anything. The account is the other way.

Hon. Mr. DeBOUCHERVILLE—Have these families, with whom I sympathize, received any benefit from the Grand Trunk Railway ? Have they been paid anything.

Hon. Mr. SCOTT—Not a dollar. It was all swept away and it is not worth a dollar except for floating purposes.

Hon. Mr. FERGUSON—While we are discussing it, perhaps my hon. friend can inform the House whether this amount owing by the Grand Trunk Railway was taken over by the Dominion as an asset of the old province of Canada at the time of confederation—and whether it is still regarded as an asset of the Dominion ?

Hon. Mr. SCOTT—It has been retained, following the system of book-keeping from old Canada. In my judgment it ought to have been wiped out long ago.

Hon. Mr. FERGUSON—Then the actual debt of Canada is so much greater.

Hon. Mr. BERNIER—I must express my regret that the hon. gentleman has not given a precise answer to my question. We have no answer from the government. We know no more than we knew before. This matter is not directed against the Grand Trunk Railway or in favour of it. There are many of us who are not so old as the hon. gentleman, and who do not know as much about this debt as he does. I think it is fair the government should place before us the cir-

cumstances of this case. If the Grand Trunk Railway owe us anything we should know it, and if we owe the Grand Trunk Railway anything we should know it, and I regret that the hon. gentleman has not posted himself properly so as to give me a precise answer.

Hon. Mr. SCOTT—I have answered the questions put by the hon. gentleman as definitely and as positively as I could. I do not know what is remaining, unless he wants me to go into the history of the country from 1852 down to the present day.

Hon. Mr. BERNIER—Why not ?

Hon. Mr. SCOTT—I do not propose to do that. I refer the hon. gentleman to the history of Canada.

JUDGES OF PROVINCIAL COURTS ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (250) An Act to amend the Act respecting the judges of provincial courts.

Hon. Mr. SULLIVAN—I wish to say a few words before this motion is carried. When this Bill was introduced by the Minister of Justice, about the 10th of August, I find that it went through with a hop, step and a jump without anyone objecting in the slightest. I was astonished at that, inasmuch as there are so many legal gentlemen, and able legal gentlemen too, in the House; but I would observe that we have in this an unprecedented Bill, a Bill which discriminates and a Bill which I think would not be a benefit to the judiciary of the country at the present time. In thinking over this matter it has led me a little far afield, and I hope, therefore, the House will bear with me if I allude to some other matters so as to bring before you thoroughly the position of the judiciary in Canada at the present time and the absolute necessity there is for some change. Every Prime Minister since the days of Sir John Macdonald—and I believe including that right hon. gentleman also—has been most anxious to make some change in the judiciary of the country. They saw that the judges, in the first place, were not sufficiently well paid and that there was some discrimination existing as between the different provinces. However, on approaching the question they seemed not to take hold of it. It seemed as if there was something about it which was repugnant to their feelings. At all events, Sir J. Thompson, Hon. Mr. Mills and Hon. Mr. Mowat, all those premiers in fact let it pass. I think the Senate is the proper place to discuss a question of this kind because it is a Bill absolutely free from politics and the Senate contains a large number of gentlemen well-versed in law, gentlemen who could, by bringing their united judgment together, evolve a measure which would not conflict with the policy of the learned and hon. Minister of Justice, but which would be a sort of suggestion to him. We could bring in a Bill which might remedy the defect which exists, because if defects exist and if there are grievances they should be remedied. There is no reason why they should drag on from year to year without being attended to, and I think I have shown that there are defects, and if I have shown that, I think hon. gentlemen ought to consider it would be worthy of some act or recommendation. If I have not done so—I shall apologize for occupying the time of the House. In looking at this matter, we consider three things, the jurisprudence of the country, the judiciary of the country, and the public. The jurisprudence of this country is the same as that of England. In fact there are only two systems of jurisprudence at present that are recognized by the civilized world. One of these is the Roman law, a law which ought certainly to be perfect. It is the accumulated wisdom of ages, and the most learned jurists have spent their efforts on it. Placing its origin in Egypt, the Greeks took it up. They must have improved it by the wisdom of Solon and the eloquence of Demosthenes. The Greek empire broke up and there we have the prototype of the great British empire to-day, because the Romans took what they wanted, and they said : what we have we will keep. Those two ideas which are thoroughly English were acted on by them. However, it passed through them, and, on the breaking up of the Roman empire, went to the west, and was acted on by the emperors there, Theodosius and Justinian, and came down to the present time. It has also been ad-

ded to by the extraordinary genius of Napoleon, and it was through him—at least he and the men he had were engaged in perfecting it—it was called the Napoleon code and I believe, to a certain extent, it has an existence in lower Canada. The other code is that which you all are acquainted with, that which we live under. Now I am not going to make any great distinction, but if I were an Englishman, I would be exceedingly proud of English law. I should be proud of it because it is connected with the history of that country from the Saxons down to the present day. If we trace the history of British law we are simply tracing the history of England, not going any further back, not taking up the trial by jury of Alfred, nor the confessions of Edward, considering them as apocryphal. We boast of charters, the Magna Charta of England which should be the pride of England, and two men stand out in connection with this whose names ought to be remembered and revered by everybody. One was Stephen Langdon, who represented the church, the Archbishop of Canterbury, and the other was Hubert deBurg, who was the Justinian of England at that time, and one of the most notable men England has produced. We have the most fortunate union of church and state, a union bound to stand for patriotic motives, against the use of arbitrary power by the King, and it would be well if the law as founded upon this was applied to many of the institutions we have at the present time. We have the Habeas Corpus Act, the Bill of Rights and other matters, and portions of them are taken from these old laws. One of the clauses of this great charter was that I shall not steal, I shall not deny nor delay justice to any man in the kingdom. Another was that every man should have a fair trial, that he shall not be confined in prison dispossessed or outlawed without a trial by his peers and that he shall be tried according to the laws of the land. These things hon. gentlemen will see were not accomplished, of course, immediately, but I mention this merely as an attribute of my respect at all events for this great work of the judiciary. I might illustrate the whole of the English history down, passing on to each of the great movements that were made. They did not act on its provisions immediately, but after some hundred years it was acted upon, and has been acted upon down to the present time. Comparing it with the old law, we find that there is a great deal of difference. In order that we should realize the importance of the subject of the Bill before us, we may compare the law of England with the law of France—and France may be taken as the champion of this Roman law. If you examine the two and make a contrast you will see what a great difference there is. I have a paper here with regard to the judges, and I could give the House some figures compiled carefully from the latest returns. Turn to the English law and compare it with that and we will see a great difference. We will see a difference in the mode of conducting trials also, and we find that a number of judges in France will sit on a case, whereas the English system is to leave the trial to one judge. They hold that man responsible. He must be a man to suit the requirements of the position and they pay him a good salary, so the difference is very great. There is first, the Lord Chancellor, who receives $50,000 a year; the Lord Chief Justice of England receives $40,000 a year; and four members of the Court of Appeal of the Privy Council get $30,000 a year each. Then, they have other judges, twenty-three of them, of the Superior Court who receive $25,000 each. The Master of the Rolls receives $30,000. Coming down to the less important ones, the County Court judges, they receive $7,500 each, and eleven metropolitan magistrates are paid at the same rate. So you see the number is infinitely less. Whereas judges number by the thousand in Europe, in England there are comparatively few, only fifty-six county court judges, and you can understand why there is the difference. Not one of them receives less than $7,500 a year, and I find there is no other country in the empire but Canada where a judge receives so small a salary as our county court judges are paid. I have said this much in order to bring before the House forcibly, the necessity for doing something to place the judges of this country in the position that they should occupy, filling the important office which they do. I have examined into the payments to judges in every colony of Britain, and I find there is not one of them outside of Canada which

pays so small a salary to its judiciary as Canada does. My authority is 'Whitaker's Almanac.' There is not a judge in any other colony who receives less than $7,500. They have followed British precedent with the object of having the law respected, and it cannot be respected unless you have judges who are capable of inspiring respect, and no man can support the dignity and inspire the respect due to the position on such small salaries as are paid to our judges. People pay great respect to wealth, and if our judges are respected only in proportion to their salaries, the amount of respect must be very small. Now, in Canada there are differences on the bench also. There are four chiefs in the province of Ontario, who receive $7,000 each. The puisne judges attached to the same courts, receive $5,000 each.

Hon. Mr MILLER—The Chief Justice gets $1,000 from the local government and $6,000 from the Dominion government.

Hon. Mr. SULLIVAN—In the province of Quebec we find the same judiciary, but under different names. The province of Quebec has a court of King's Bench, presided over by Sir Alexander Lacoste, who receives $6,000. Sir Melbourne Tait and Judge Casault are paid at the same rate. The Superior Court in Quebec corresponds with the county court in Ontario. There are five judges of the Superior Court who are separate from the others, and who get $5,000 each and besides there are thirty-one judges who may be compared with our county court judges of Ontario. They stand in exactly the same position so far as their work is concerned, but they receive higher salaries. Heaven forbid that I should say a word against the judiciary of the province of Quebec. I consider that they are fairly entitled to higher salaries than they are paid, but, I find that they receive from $4,000 to $5,000 each for precisely the same court work that is done by our county court judges in Ontario, and for which the Ontario county court judges receive only $2,500.

Hon. Mr. THIBAUDEAU (Rigaud)—The hon. gentleman is entirely mistaken.

Hon. Mr. SULLIVAN—I do not care what title you give them; I take the work they do. I know the character of the work which has to be done, and it is precisely the same as the work done by the county court judges in Ontario. I am only mentioning this as an argument for increasing the salaries of the county court judges of Ontario, and I hope the judges of Quebec and the legal gentlemen from that province in this parliament will assist in having the salaries of the county court judges of Ontario increased. There has not been an increase in their salaries since confederation—I am speaking now specially of the county court judges. They are the men whose cases cry loudly for redress. We know the only people whose remuneration has not advanced are the salaried classes of this country, and specially the judges. Anyone who will figure out the cost of housekeeping must recognize that a judge cannot maintain his household in the style befitting his station in life for the amount that he is paid. I know three judges, very able men, one a gifted son of a most gifted father, Judge Draper, who, when he died, left nothing, not even insurance. The amount paid him was not sufficient to enable him to ensure his life. Instead of superannuating judges they should be given enough to enable them to carry a proper amount of life insurance. The man who now holds the position of judge in succession to Judge Draper had a lucrative practice before he accepted the position. He finds that he cannot live on the salary he receives, yet there is no more moderate living man, consistent with the respect due to his position, in this country. He told me that he has to draw on his private income. It is the same with the rest. It is high time, if the Senate could find it within their power, to endeavour to rectify this wrong. A judge must be a man of education and refinement, a man of spotless character, and a man well versed in the law. The course required of a law student in Ontario, is not surpassed by that of any student in the English-speaking world, and I should like to see our judges receive their due. Some mention may be made of probate dues. We have nothing to do with that, and they do not amount to much. The probate dues are paid by fees, and the Dominion should not shelter themselves behind the fees. Taken altogether, they do not amount to more that $400 a year in a county.

Hon. Mr. FERGUSON—Do the judges receive those fees ?

Hon. Mr. SULLIVAN—They were to receive the fees, but they were commuted for so much.

Hon. Mr. FERGUSON—It is very improper.

Hon. Mr. SULLIVAN—That has been mentioned as a large addition to the income. I hope I have made clear to the House the position of the county court judges of Ontario. I have stated nothing but what is true. This year is not annus mirabilis but an annus tristis. In the first place we have this unfortunate Gamey trial mixed up with politics. It is unfortunate that judges were mixed up in it. It is admitted that it has soiled, to some extent, the purity we have always associated with the judges of the land. My hon. friend from Marshfield (Hon. Mr. Ferguson) introduced a Bill this session to prevent judges from acting on commissions. That was characterized as a political movement. If it was a political movement it would have been perfectly fair to vote it down, but if it was not intended to have any effect of the kind the matter rests with the conscience and honour of the hon. gentleman who brought in the Bill. Next, we have the incident of Mr. Ewart addressing Judge Perdue in Winnipeg. Not since Judge Gascoigne rebuked the Prince of Wales, who threatened him in open court, has there been such a case. I cannot understand why a judge should allow any one to lecture him in the way Judge Perdue was lectured by Mr. Ewart. It is singular that the judge allowed him to go on.

Hon. Mr. MILLER—He was pleased with the remarks.

Hon. Mr. SULLIVAN—If the remarks were offered in an honest, sincere spirit. There is no doubt the gentleman who uttered them is a lawyer of great prominence and ability, and I am told he is a Liberal too.

Hon. Mr. WATSON—No.

Hon. Mr. SULLIVAN—Ah, that is what I was told. I think he had a right to go deeper into the reasons why judges are sometimes placed in that position. I have had a little experience myself in connection with a loan company which illustrates what I have been trying to point out. I took some stock five years ago in a loan company of which a judge is the president. It is in one of the largest towns of Ontario. I could not find the agent for a time, and when I did find him, I paid arrears and six months in advance, for the amount was small. I found that I was fined two dollars and ninety cents—on the arrears—that was more than the whole of the interest. I asked him to send me a copy of the by-laws, and I found that under the by-laws, the company is allowed to impose a fine if you are one month in arrears, and if you are six months in arrears they can wipe out your interest altogether. Here are the sections of the by-laws under which the fines are imposed :

ARTICLE VII.

Fines and Forfeitures.

Sec. 1. Every member who shall neglect, or fail to pay the monthly instalments, premium, or interest when due, shall pay to the association a fine of ten cents per share on classes A and B stock, &c.

Sec. 2. If any member neglects or refuses to pay the monthly instalments, premium or interest, or fines for a period of six months, the shares, in regard to which such default exists, may be declared forfeited to the association by the directors, and such shares shall revert to the association.

That is a terrible law, and it is a disgrace to this country that such a thing should exist. If a judge can tolerate such conduct as that in a company of which he is the head, if he can allow his agents and managers to charge me in the way I have described, it shows that there is a necessity for a change. I paid in $72 and was to be allowed $73, and there was $2.90 of that for fines. I think a judge should be ashamed of such conduct, and the sooner such a law is taken off the statute-book, the better. What is the cause of all this trouble with the judges ? Politics and insufficient salaries. If they had sufficient to live on as they should, if they had enough to maintain that high and dignified position, which they were intended to occupy and which they do occupy in England, there would never be any such trouble as this. The estimate of the bench in England is such that a judge connecting himself with such a company as the one I have referred to, would be impeached. Politics have nothing to do with judges in England, and the highest lawyers in the land are attracted to the bench. The

late chief justice received £16,000, £20,000 and £22,000 for three years previous to the year he was appointed to the bench, and for the portion of the year before his appointment, he had received £10,400. These large incomes are given up gladly because in England judges are so highly honoured; they are the equal of the highest aristocracy of the land for life, and no matter what amount they are earning at the bar they are willing, because of the honour of the position, to serve their country on the bench. Have we no able lawyers or jurists who will be glad to take such positions, and have such dignity and honour on the bench that it will make up for any deficiencies in income there may be connected with it? I think that the English law is the most splendid body of laws that could be devised by man. Blackstone says it is the perfection of reason, but Blackstone used a good deal of blarney when he said that. Bacon says it is based on Saxon custom, moulded by Norman lawyers; it is essentially a national system. It is as national as our language, and as varied. Another man, as great as Bacon—the greatest critic and law reformer and severest critic of existing systems that has ever appeared in any age or country, Jeremy Bentham, has admitted this:

> Confused, indeterminate, inadequate, ill-adapted, and inconsistent as to a vast extent the provision or no provision would be found to be that has been made by it for the various cases that have happened to present themselves for decisions yet in the character of a repository of such cases it affords, for the manufactory of real law, a stock of materials which is beyond all price. Traverse the whole continent of Europe, ransack all the libraries belonging to all the jurisprudential systems of the several political states, add the contents together, you would not be able to compose a collection of cases equal in variety, in amplitude, in clearness of statement—in a word, all points taken together, in constructiveness—to that which may be seen to be afforded by the collection of English reports of cases.

I thought I would read this as it gives an adequate idea to those who are not legal gentleman of the beauty of English law. The more one studies it, the more he becomes convinced of its greatness. It is true it is a sealed book to all who have not studied law, and to a good many who have studied it, but at the same time it is calculated to awaken the highest interest and to give one a great deal of information. That principle which England lays down of giving a sufficient salary and every honour to judges, I cannot speak of too highly. It keeps them free from suspicion of foul play, and when one goes to them for justice he feels that he is getting it from the fountain head. I hope the government will do something for the county court judges of Ontario.

Hon. Mr. MILLER—After the eloquent and very learned disquisition of the hon. gentleman who has just sat down, on the different systems of law, ancient and modern, I rise with a good deal of diffidence to make one or two plain, prosaic statements of fact. In the first place, my hon. friend has appealed to this House to do something with regard to ameliorating the sad condition, he would lead us to believe, of the judges of this country in respect to their official remuneration. Now, my hon. friend must know that this House has no power to initiate legislation of that character; that a Bill of that character would be a money Bill, and must originate in the House of Commons, and therefore this one plain, prosaic fact comes very much in collision with the beautiful disquisition of my hon. friend upon the principles of Roman and English law. Yet I listened to the hon. gentleman with a great deal of pleasure. His speech showed much research of an abstract kind, but its relevancy to the Bill before the House, I found it difficult to understand.

With regard to this question of the judges' salaries we have had a great deal of talk in both Houses, and without any reference to my hon. friend, I would say that there was a great deal of nonsense talked about it. I am in accord with the learned leader of the opposition in the other House who recently uttered some very sensible remarks in regard to this matter. I have never said anything one way or the other on the question, because, in my opinion, the condition of the judges of this country is not at all as bad as we hear it represented to be sometimes. When judges go upon the bench they know what salary they are to receieve. Very few of them make large sacrifices of emolument when they go there, and the majority of them none. I admit that in some great centres of population, such as Montreal and Toronto, and perhaps Quebec the judges sacrifice their professional incomes for the honour, dignity and ease of the bench. They

do not expect as big a salary on the bench as they would make in the struggle and turmoil of the bar. They make that sacrifice with their eyes open, and I do not think they are entitled to the commiseration that we find so frequently given to them, not only in this House but in the other Chamber. I consider that the great majority of the judges of this country are well and sufficiently paid, but I can understand how in expensive centres where social duties have to be maintained, the salaries of the judges are inadequate, and I could understand some discrimination being made in regard to those living in the large cities as compared with those in the country districts or small cities. A judge of the Superior Court in Quebec receives $4,000 a year. The chief justice of that court living in Quebec receives $6,000 a year. I believe $3,000 would be a better salary to the puisne judge in his district than $6,000 would be to the judge living in Quebec or Montreal.

Hon. Mr. THIBAUDEAU (Rigaud)—Hear, hear.

Hon. Mr. MILLER—The money would go further and give more comfort. He could keep his horse and wagon in the country district. Lawyers in those country districts live cheaply, but in Montreal, Toronto and Quebec besides the expense of living there are social duties to be considered. The great trouble has been that this matter has not been taken up in the proper way. Sir John Thompson felt that some of the judges had good grounds of complaint. I believe the present Minister of Justice feels the same thing, but the difficulty is that the minister has not the moral courage to increase the salaries of the deserving ones without increasing the salaries of the judges who do not deserve it, and who have no claim to it whatever. If an impartial investigation were made of the salaries and duties and the expenses of living of all the judges, it might be found that out of the whole judiciary fifteen or twenty of the judges of this country would deserve to have an increase of salary, and that the others were getting just as much, or perhaps more, than they were making at the bar. In the smaller provinces of the Dominion very few first-class lawyers make more than $4,000 a year by their practice, and is nothing to be allowed for the dignity and ease and prestige which the bench gives to a lawyer when he becomes advanced in years? Many a man sacrifices a large practice for the sake of obtaining these advantages. I wish to place myself on record on this question, and my opinion is that there are some judges in the country who deserve the consideration of parliament, but that the great majority of them are sufficiently well paid at present. I am in perfect accord with the hon. leader of the opposition in the other House, as expressed a few days ago, that this continual agitation about the injustice we are doing to our judges is doing more harm than good, and I feel it my duty to make the few remarks I have made as expressive of my opinion on the subject.

Hon. Sir MACKENZIE BOWELL—I should not have inflicted any remarks on the House were it not distinctly understood that this question should be fully discussed on the third reading of the Bill. I have listened with a great deal of attention to the remarks made by the hon. gentleman from Kingston and also the remarks of the hon. gentleman from Richmond, which have been more of a practical character, probably, than the disquisition of the hon. gentleman from Kingston. The Bill before the House at the present moment is for an increase of the number of judges in the province of Ontario, and also for regulating their salaries. A great deal has been said in reference to the amounts paid to the different judges. I have already given my opinion, so far as it affects the county court judges of the province in which I live, and I am fully in accord with the hon. gentleman from Kingston when he says their remuneration is not what it ought to be, although there is no denying the fact that the moment a vacancy occurs, whether by a death or otherwise, there are a dozen lawyers eagerly seeking the position.

Hon. Mr. MILLER—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Now what I object to more than anything else is the increase in the number of judges. It has been said—and, I think, with a great deal of truth—that the time of the judges has been taken up in other matters than those which pertain to their official duties. The instance given by the hon. gentleman

from Kingston, of a judge who was president of a loan company, is one of the evidences of the necessity of doing something in reference to these county court judges both in the way of increasing their remuneration and by adopting the principle involved in the Bill introduced by my hon. friend from Marshfield, to prevent them from occupying any other position than that which pertains to their duties on the bench. You can easily understand from the remarks made by the hon. gentleman that a judge who is president of and controlling a loan company may have cases constantly coming before him arising out of disputes between the company and those to whom they have loaned money, and also, in cases between the shareholders and the directors. It is one of the strongest evidences that can be given, I think, of the necessity of preventing judges occupying any such position. I know a county court judge in another city who is president of a loan society, and while I know nothing of an improper character in reference to his proceedings, I am aware that negotiations are going on to-day for the amalgamation of two companies and circumstances have arisen as to the manner in which the proceeds of the sale are to be distributed. I give that as a practical illustration, and another reason why I think our county court judges and Superior Court judges should be prevented from entering into any other occupation than that to which they are appointed. In the province of Ontario we have ten judges who go on circuit, four in the Chancery division, three in the King's Bench division and three in the Common Pleas division. Of these ten judges it is alleged that four have not performed any official duties during the last year. That is disputed, however. But it is admitted that there were three. Supposing there were three whose time was occupied with matters other than those for which they were appointed—that is judicial duties—is that not a good reason why this Bill should not have been passed by the other House, or presented to this House? Of these ten judges, three at least are admitted to have been out of the country or engaged in some other vocation. Why should the provincial government, in order to enable the judges to devote their time and attention to other business than that for which they were appointed, ask parliament to appoint additional judges? Under the Bill before us it is provided that a salary of $6,000 is to be allowed certain judges. Under the Ontario statute these judges receive an allowance of $1,000 per annum. It will be remembered that I called attention to this the other day, and stated that the late Sir John Macdonald, when he was Premier, objected to the law and informed the Ontario government that unless they would repeal the law he should feel in duty bound to disallow it on the ground that the Dominion government alone were the parties who should remunerate the judges appointed by them, for the reason that they should not be occupied in other positions. Now in addition to that, if you consult the Auditor General's Report, you will find that some of these judges of the Superior Court drew $1,000 for travelling expenses, while others drew as high as $2,000, and others $1,700, $1,400 and $1,500 for travelling expenses. The difference between the travelling expenses might possibly result from the fact that some of the judges have to attend the election courts, and consequently, have to be away from home more frequently than those who have not such duties to perform. I wish it to be distinctly understood that I am not casting any reflection upon the judges who drew these amounts, but what I mean to say is that while they received the $6,000 per annum from the Dominion and the $1,000 from the Ontario government, making $7,000, and their travelling expenses in addition to that, making their salary $8,000, and some of them $9,000 per annum, they are not so badly paid as some hon. gentlemen seem to think. The wrong that is inflicted upon the litigants and the trouble to which the legal profession is put, is well illustrated in an article which appeared in yesterday's Toronto 'News.' It shows the bad effects of judges having been appointed to perform duties other than that for which they were appointed, and if hon. gentlemen have not read this article, I will read it. I am sure it must convince any one who will take the trouble to think of it for a moment, that the position taken by the hon. gentleman from Marshfield should have been affirmed by this House in the interest of litigants, in the interest of the profes-

sion, and in the interest of good government. The article reads as follows:

The absence of Mr. Justice Britton, who was sent by the government to the Yukon, for the purpose of conducting an inquiry into the Treadgold concession, is causing much delay and worry to lawyers and litigants at Osgoode Hall. The financial loss sustained by parties to suits pending is incalculable, and is directly owing to the absence of the judge. There are numerous cases on the list of the Divisional Court involving large sums of money, and rights of equal value, which are practically tied up as a result of the lack of judges. This state of affairs cannot be accounted for by the fewness of the judges on the Ontario bench, it being clear that were Judge Britton here to attend to his judicial functions, the present crisis would not have occurred. A sitting of the King's Bench division was scheduled to begin on the 14th of September, before Chief Justice Falconbridge, Mr. Justice Street, and Mr. Justice Britton. Unfortunately, Justice Street fell ill. This, however, would not have interfered with the work of the court, as two judges constitute a quorum, and, had Justice Britton been on hand to take his seat beside Chief Justice Falconbridge, no delay would have occurred. As it was, however, the sittings had to be adjourned till the 5th of October. The term opened with ninety-eight cases on the Divisional Court list. Of these fourteen cases were disposed of by the Chancery Division, leaving eighty-four still pending, and in which no progress can be made till the sittings of the Common Pleas division. The cases waiting include the names of municipalities and large corporations and firms with whom time is money.

Then follows a list of the cases which had to be laid over until the next court. It would not add anything to the argument I am presenting to the House were I to read the list. Hon. gentlemen can easily judge of it when it occupies nearly half a column of space in the newspaper in simply giving the names of suits alone which have to be laid over arising purely and simply from the fact that the judge who should be here in Ontario to attend to his duty is now performing duties for which he is to receive in addition to his travelling expenses $2,000, and his full salary running on at the same time. It is a very serious matter. Let us apply the position to ourselves. You might have a case before the court and you might not be possessed of much of this world's goods to assist you in carrying it on in paying your lawyers. In the delay which takes place your interests must suffer. These delays are of so flagrant a character that it does strike me that whatever may have been the practice of past governments, one is not more guilty than another, experience should teach them and should teach us that the practice of employing judges on extra judicial duties should be put a stop to. I must differ entirely from the remarks made by the hon. gentleman from Kingston, in which he refers to Mr. Ewart's address to the judge in Winnipeg. I think Mr. Ewart deserves the approval of every right-thinking man in this country for having the courage to express his opinion on an occasion such as that which presented itself to him at that time. I have seen it mentioned in some of the Liberal papers that it was only a political move on the part of Mr. Ewart. Those who know Mr. Ewart know very well that if he were acting from political motives he would not have taken the position he did in reference to Mr. Justice Britton, or on any appointments which might reflect on the present government. I have known Mr. Ewart for many years. He occupies one of the most prominent positions at the bar, I am safe in saying, in Manitoba, and I do not believe there is a man in Canada who stands higher morally, legally and otherwise in the estimation of those who know him. So conscientions is he that I have a distinct recollection of the time when the title K. C. was tendered to him by the late Sir John Macdonald government, so fearful was he that it might be considered a sop to him, being a strong Liberal, it was a question with him whether he would take it. The hon. gentleman from St. Boniface may remember the circumstance. He is also a nephew of the late Sir Oliver Mowat, although it does not necessarily follow that he should be a Liberal. But we do know he has been one of the leading spirits of the Liberal party in the province of Manitoba. The party press that attack him and accuse him of being a Tory, I suppose do not think it possible that one of their own party could utter such sentiments and tell the truth when it might reflect on the party of whom he had been a supporter all his life. I am so impressed with the importance of his remarks, in relation to the question I have been discussing, that I propose to read them in order that they may go upon the record of our debates. I can only repeat what I have said, that in my opinion—and I believe in the opinion of most men in this country who have given any thought to or reflected on this matter—that Mr. Ewart was justified in the course he pursued, and, I may add further, that instead of the new judge who was appointed

lately disapproving of the remarks made by Mr. Ewart, he complimented that gentleman on the fact that he had taken the opportunity of expressing his opinions and expressed his concurrence in them with the exception of one or two points in which I think the judge was quite right. That point was one in which a judge might be required to assist in the consolidation of the statutes. In that case he should be paid extra when he is appointed to perform such duty. If his time permits it and he should be occupied in that particular work, he should receive extra pay, his salary running on at the same time. The gentleman to whom my hon. friend from Kingston referred as being a critique on this question laid down the principle clearly and distinctly that no judge should be permitted to do any work outside of his judicial functions other than that to which I have referred, namely the consolidation of the laws and literary work. He said there could be no objection to literary work, more particularly when writing articles or books upon questions of law or constitutional or other such questions as would not interfere with his judicial functions. Mr. Ewart, in addressing the judge spoke as follows :

My Lord, supplementing the welcome already given to your Lordship in Chambers, may I be permitted now, as for the first time you appear in court, to extend to your Lordship, on behalf of the bar, their congratulations upon your elevation to the bench of this province ?

Your Lordship will recognize that an attempt to supply the place rendered vacant by the elevation of Chief Justice Killam to the Supreme Court of Canada is a task of no ordinary difficulty, and I can place no higher or more truthful estimate upon the value of your services as a Manitoban judge, and at the same time better express my hope for your Lordship's success, than to say that I could wish that you should be in all things, save one, such as he was. Justice Killam possesses in a very rare degree, the qualifications and equipment of an excellent judge, and it is with the very greatest of personal regret that I see coming to an end the frequent recurrences of the pleasure which I enjoyed in arguing cases before him ; and yet, my Lord, I would not have you accept employment and emolument outside that attached to your office.

I am firmly convinced that the recent governmental practice of giving jobs to judges is subversive of the usefulness of the bench. It is destructive of the popular belief in its impartiality and its integrity.

My Lord, courts of justice stand between society and anarchy. Their strength lies in the security which they give to property and rights and in the satisfaction felt by the people in their administration of justice. It is the duty, therefore, of every good citizen, and, perhaps, especially the duty of members of the bar, to endeavour to maintain the existence of such conditions as will protect the bench from the approach of influences which are injurious to it.

My Lord, who can congratulate with equanimity or patience the present position of the judicial office in Ontario ? I do not believe that it is well for the bench that it should be shielded from all criticism, but I do think such criticism is a misfortune, and that the habit of mind which seeks explanation for decisions in personal bias of the judges is one of the most deplorable mental attitudes which can take possession of society.

My Lord, the result of the Gamey investigation, if Mr. Stratton was to be acquitted, was easily foreseen, namely, that two of the very best and purest-minded of the Ontario judges are believed by probably scores of thousands of people to have been influenced by circumstances not found in the evidence. Those who know these judges, as I know them, have no such thought, or, if the language of the judgment is calculated for a moment to rouse the idea we can easily put it aside. But we must not wonder that the general public, and particularly strong Conservatives, are not so generous, and that these judges have been attacked and condemned not only in the press, but in the legislature and upon public platforms. To a lover of his profession this is, I say, inauspicious and disquieting.

In Dawson city, at the present moment, a judge, who, till yesterday, was a strong political partisan, is inquiring into matters in controversy between the political parties. And can we be surprised that his rulings are being telegraphed to the opposition at Ottawa to be there discussed and denounced ? While Mr. Justice Britton's regular salary runs at the usual rate, he is presented by his political friends with the finest holiday trip that the continent can afford and a bonus of $2,000. His judicial usefulness in every case of political complexion is for ever gone. Henceforward every decision adverse to the Conservative party will evoke memories of the Treadgold commission.

My Lord, the habit of attributing decisions to improper influences is easily acquired, and had already become so familiar that an attack upon Mr. Justice Maclennan (as righteous a judge as ever sat upon a bench), because of his action in some interlocutory application, passes almost unnoticed. Mr. Justice Killam, too, has been traduced in unmeasured language by the press, and little more heed is given to the incident than if he were a politician. Process for contempt has lately become almost impossible, for the reason, unfortunately, that too many people would be involved.

My Lord, now that you are Mr. Justice Perdue, you will be approached by the railway companies, and will be offered free transportation over their lines of railway. It is my belief that you will refuse all such degrading offers. If it be asked whether I think that government jobs and railway passes influence judges, I reply that human nature is weak ; that motive and mental influence work subtly, and their operations are much more easily discerned by onlookers than by the one affected ; that such things usually do produce a frame of mind favourable to the donors, and that I myself, with all my innate and trained respect (reverence, I would almost say), for the bench, cannot sometimes restrain the thought that elevation to the bench is not equivalent to inoculation against the feelings of gratitude for past favours or pleasing anticipation of those to come.

My Lord, it is a fact of some sinister significance that the political parties, the governments and their oppositions, have in these latter days become the most frequent of litigants and that the practice which I am venturing to condemn has grown up and expanded synchronously with the development of that condition. My Lord, I see no justification for the employment of judges in matters outside their office, and not covered by their salaries in the assertion that it is the governments of the day that are the employers and the paymasters. The 'government of the day' is but an euphemistic alternative for the name of some particular politician, representing some political party. If employment is accepted from Mr. Sifton and Mr. Roblin, why not from Mr. Borden and Mr. Greenway? If from the government of the day, whose members are deeply interested in much litigation, why not from the Canadian Pacific Railway, or the Hudson Bay's Company? Would it be sufficient reply to such employment to say that the judges were too pure and too little human to be affected by such engagements; and if, my Lord, judges may accept free transportation from the railway companies and be unaffected, why may they not also accept a cask of wine from Mr. Galt, a bale of silk from Mr. Stobart, or a bag of flour from the Ogilvie Milling Company?

My Lord, I hesitated long before deciding to say publicly what I have now addressed to your Lordship, and I have awaited for its utterance some public opportunity which might possibly attract to my words that notice which my private position would not of itself insure. I am persuaded, too, that by the judges my words, although probably thought unnecessary or even ill-judged, will be accepted as the true belief of one who I can assure them, by no means stands alone in the apprehension with which he contemplates the present popular attitude towards the judiciary of this country.

I read this to the House for the purpose of presenting to hon. gentlemen what an eminent barrister thinks of the course that has been pursued by all governments. I am not confining it to one government—and I know that if you read the debates in the Ontario legislature, you will see that Hon. Mr. Foy, one of the leading barristers of Toronto, condemned in the strongest possible manner the appointment of two additional judges for the province of Ontario, as not being at all necessary. I know others whose names I shall not mention now, who occupy high positions at the bar of that province, who take precisely the same view as expressed by Mr. Ewart and by Mr. Foy. It is lamentable that it should be so. As has been very properly said, we have been in the past looking on the bench as incorruptible. I do not say they are corruptible now, but unfortunately the positions they have occupied, and decisions they have rendered in cases which are to a certain extent, of a political charcter, have led the public to believe that they were influenced improperly, and for that reason I should like to see this Bill thrown out, just as two or three years ago we threw out a Bill appointing three additional judges in the province of Quebec. It was then argued that they were required to relieve the congestion in the courts of the district of Montreal at that time, but it was acknowledged by the Premier himself that there would have been no need for more judges if it had not been, to use his own term, for the 'antiquated' system which exists in that province, to which the people were so wedded that no political party had the courage to effect a reform. In the Ontario case we are in the same position, but for other reasons. Judges have been appointed to perform duties outside of their offices, and the result has been, as I have already pointed out, that there are some eighty-four cases in one court, which are delayed to the annoyance, expense and trouble of the litigants, and their legal advisers. I take it for granted that lawyers who have cases in court like to get through with them, and when they go to court prepared to proceed and find their cases thrown over for months, and they have the trouble and annoyance of having to study up their cases again, it must be a very serious inconvenience to them. I hope the present government will take the strongest grounds in the future on this question. I should like to see it go further, although formerly I frankly confess I was strongly in favour of relegating all election contests to the judges, I should like to see some system adopted by which they would be relieved of the responsibility of deciding such cases, and more particularly in view of what has taken place of late. I shall not mention the names of the judges, but I may refer to two cases in the province of Ontario. In one, a member was unseated because his agent bought a glass of whisky and treated an elector. In another election contest in a neighbouring county, the candidate himself admitted under oath that he had bought liquor and treated electors over and over again during the contest. He was not unseated—why? Because, in the evidence which he gave, he stated that it was his practice always to treat his friends when he met them. Such decisions as these lead politicians to the conclusion that while

judges may honestly differ in their opinions, some other means should be adopted whereby they should be relieved from the imputation of being influenced in any way by political considerations in their decisions, and in any action they may take when these cases come before them. I apologize for the length of time I have occupied in discussing this question, but I have done it from the conscientious conviction that I should try and impress on the government and upon this House, the necessity of taking positive and distinct action when questions of this kind come before them. Notwithstanding the additional three judges appointed two or three years ago in the province of Quebec, we have a Bill before us now for the appointment of another judge. How far litigation has increased in that province to render it impossible to relieve the courts of congestion without another appointment, I do not know. My hon. friend opposite will be a better judge of that than I am; but I am quite convinced he will agree with the remarks made by the late Attorney General of the province of Quebec, and which were acquiesced in to a very great extent by the Premier himself, that if the system in the province of Quebec were changed, there would be no necessity for adding to the judiciary of the province.

Hon. Mr. CLORAN—As a young attorney, and as a young member of this House, I rise with a sense of diffidence to disagree with the opinions and sentiments expressed by the hón. leader of the opposition. The hon. gentleman should understand that the government of Canada is not responsible for the creation of positions for judges; the provinces alone have a right to deal with that, and once the place is created, it is the duty of the government of Canada to make the appointment.

Hon. Mr. LANDRY—Not in all cases.

Hon. Mr. CLORAN—Under all circumstances. The law does not say that they shall be filled, but the British North America Act gives the province the right to create the position of judge, and it must be filled, otherwise the provision would have no sense. When the leader of the opposition endeavours to fasten the responsibility for creating more positions on the Dominion government he is not doing what is correct, or in accord with proper political warfare. He must know that the responsibility for creating those positions rests not with the government of the day, but with the provinces, who are the best judges of what they want. It is not for this House to say whether a judge is wanted for a particular district; the leader of the opposition has admitted that. He says he does not know to what extent litigation has increased in the province of Quebec to warrant the appointment of more judges, and nine-tenths of the members of this House are in the same position; but the province of Quebec knows. Those who preside over the destinies of that province know whether more judges are needed or not. The province creates the position, and it is the right and the duty of this parliament to fill that position. The hon. gentleman (Hon. Sir Mackenzie Bowell)has quoted an instance in the province of Ontario where some 84 cases are awaiting consideration. I have known the courts of Quebec to be congested to a much greater extent. Three or four years ago thousands of cases were behind because there were not sufficient judges to try them. Therefore when this House was asked to pass judgment upon the wisdom of an Act of the local legislature, I say no senator should appeal to political or party prejudices to subvert the decision of the legislature.

Hon. Sir MACKENZIE BOWELL—Who did?

Hon. Mr. CLORAN—That quotation from Mr. Ewart's address is an appeal to party prejudice against the usefulness of our judiciary. It was mentioned as an address of welcome to a judge. I look upon it as a piece of effrontery. That would be first-class literature before a Sir John Macdonald club or a Junior Conservative club, but to a man who goes on the bench for the first time, I would not consider it an address of welcome. The hon. leader of the opposition wants the country to take that as the real estimate of what our judges are worth and are able to do. He must know that two-thirds of the judges on the bench of the country to-day are his own nominees, or the nominees of his predecessors. In their name, and on their behalf, I repudiate the attack which is made upon them through Mr. Ewart.

Mr. Ewart does not command in this country all the wisdom and judgment necessary to form an opinion of our judiciary and what they are able to perform. It was not fair to put that expression of opinion of Mr. Ewart on the records of this parliament as being the sentiment of the Canadian bar. It is not the sentiment of the bar of the several provinces, and it is not the sentiment of the vast mass of the people of this country, and when the leader of the opposition apologized for making his remarks, I considered an apology was well merited. Under the circumstances, when the leader of the opposition appeals to this House to reject a measure which is not the work of the federal government, but which simply meets the wishes and needs of the provinces, that appeal should not be listened to. We are here to sanction the principle of home rule in every province; we are not here to advocate the principle of centralization. This country is a federation; every province must be master of its own business, and when an hon. gentleman of the capacity and experience in the government of the country, such as the leader of the opposition has had, makes such a speech as he has made here to-day, I say he belongs to the old school of Sir John Macdonald, which would have wished to see this country under a central government instead of a federation. I challenge his attitude to-day, and in behalf of the provinces I rise and ask the Senate to stand by the principles which underly the constitution of this country. We are a federated power, and every component part thereof must have its rights respected, not only in its own home, but here at Ottawa. The hon. leader of the opposition has put his work in, and he did it deftly, but he belongs to the old school——

Hon. Sir MACKENZIE BOWELL—And he is not ashamed of it, either.

Hon. Mr. CLORAN—I admire the attitude of the hon. gentleman. I admit that he has a right to his opinions, but there are others in this House who will combat them in the interests of the provinces and of the Dominion, and on that ground I say our duty is to stand by the rights of the provinces, especially in regard to the judiciary.

Hon. Mr. LANDRY—I think the hon. gentleman who has just addressed the House has not fully understood the remarks of the leader of the opposition. He must have thought that the meeting which took place last night was in the name of the Senate and not in the name of the constituency when Mr. Tarte was asked to resign his position. Full of the vim he displayed last evening, he comes here to-day and tries to impress this honourable Chamber with sentiments which may be his own, but which certainly are not ours. I would ask the hon. gentleman, if he is sincere in his argument, to answer this question: suppose the province of Quebec at the next session of its legislature should enact that there shall be twenty-five more judges——

Hon. Mr. CLORAN—Then they would go down to the hon. gentleman's asylum at Beauport.

Hon. Mr. LANDRY—Where I might find the hon. gentleman himself. I would ask him if the province of Quebec were to enact that twenty-five judges be appointed, would this government be obliged to name the twenty-five and provide their salaries?

Hon. Mr. CLORAN—If necessary, yes.

Hon. Mr. LANDRY—Who is going to settle that question of necessity?

Hon. Mr. CLORAN—The members of the Quebec government.

Hon. Mr. LANDRY—And this government would have nothing to do but be the humble servant of the province of Quebec or any other province—would have no discretion as to the necessity for the additional judges? The proposition of the hon. gentleman is so extravagant that it needs no further comment.

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

MARITIME RAILWAY AND TRANSPORTATION COMPANY BILL.

DEBATE ON SECOND READING RESUMED.

The Order of the Day being called for resuming the adjourned debate on second reading Bill (180) An Act to incorporate the Maritime Railway and Transportation Company.

Hon. Mr. FERGUSON—It will be remembered that when this order was reached

some weeks ago my hon. friend, the member for Port Hill (Hon. Mr. Yeo) addressed some very pointed observations to this House against the Bill becoming law. I entirely agree with the hon. gentleman in that view. I think it is a Bill which this House should not proceed any further with. It is almost impossible to find out what the promoters of this Bill are after, what they are really seeking to do. I am sure my hon. friend who has charge of the Bill has not studied its genesis up to the present time, or he would not care to have his name connected with it. When the notice was given with regard to this Bill, and when the Bill itself was introduced it had altogether a different form and object from that which it now appears to have. It was described at that time as a Bill to incorporate a Prince Edward Island Ferry Company, and the Bill was then following the lines of the petition presented in this House and its published notice in the maritime province newspapers; and I cannot help thinking, notwithstanding the name of the Bill is changed and many of its provisions also very seriously altered, that the object of the promoters of the Bill is still to endeavour to get in between the government of Canada and the people of Prince Edward Island with regard to winter communication. On that account, if for no other reason, I do not think that this House should proceed any further with the Bill. Hon. gentlemen will remember that part of the terms of Union between Prince Edward Island and the Dominion was that efficient steam communication, winter and summer, should be maintained by the government of Canada between the island and the mainland. It is not necessary that I should discuss the present state of that service, but hon. gentlemen who followed the newspapers last winter and heard the discussion which took place in the other branch of this parliament, know very well that the present position of that service is not satisfactory, notwithstanding that we must give to the present and past governments of Canada credit for doing a great deal and making faithful and honest endeavours to make that communication as satisfactory as possible. Last year the service was split up, one of the boats being placed on a western route where an experiment was being tried, and the other boat being left on the old route between Georgetown and Pictou. The western boat got fast in the ice and drifted up and down the straits, and the other boat had to be taken from the other route to go to her relief and also got disabled. The consequence was that the province was left for many weeks without any communication whatever. There are two excellent boats provided there, one by the late government and one by the present government. They are manned, I am bound to say, by excellent officers, and I have every reason to believe that with better direction than has been given to the service a great deal better results can be obtained. One of the difficulties arising in connection with the service is the attempt to direct the whole service from the Marine Department at Ottawa, which it is utterly impossible to do—from a point 1,200 miles from the scene of operations. The department at Ottawa insists on being consulted in dealing with conditions which are liable to change every few hours. It was so under the former government; it is so to-day. They give an order on the advice they receive, and when the time for action arrives it is found that the conditions have altogether changed and a different course should be pursued. To my mind the direction of that service must be more thoroughly a matter to be dealt with in the lower provinces at the seat of the trouble. Although I am not going to enter very fully into the subject at the present time, I have a strong conviction that if this service were placed with the Department of Railways, that department having a staff of officers at Moncton and Charlottetown so nearly on the spot, and having railway communication to the different points on both sides of the straits where the communication is attempted to be carried on and being well equipped for railway transportation, we would have much better service than we have now under the direction of the Department of Marine and Fisheries. I do not find fault with the officials of the Department of Marine and Fisheries, but I believe the Railway Department is the proper department to control the service, and in this way we would get rid of the divided control which now prevails with regard to furnishing trains and providing accommodation in connection with the steamer. I want to say this much with regard to the summer service between the island and the mainland; that is

in the hands of a local company subsidized by the government of Canada for the purpose of carrying the mails, and I am bound to say the service is an excellent one and is giving good satisfaction. They have two boats on the route. One of them, the one between Summerside and Point du Chêne is a splendid boat and is giving every satisfaction. The other is a good boat but probably is not as large as is now required in consequence of the trade that has developed in the eastern part of the island, in connection with the enterprises which have been developed at Sydney.

There is only one criticism that I would make with regard to the summer service, and that is that there is a difficulty about getting through freight rates on very many things, both in importing into the island and in exporting from it, and also for passengers. It is conceded that the steam navigation company which controls that service could not possibly be expected to accept a pro rata division of the freight rate with the railways on the mainland, when it is remembered that they have so very much of the handling to do, and that therefore their rate has to be somewhat of an arbitrary one. I am not finding fault with that. I do not know the rates are too high, but we ought to be able to get a through rate both in getting goods moved to the island and in sending away our produce to any point on any other railroad or to any port of ocean shipment. I find that that is very difficult to get. During the last vacation of the House I had a difficulty in that line and I found I would have to write to Halifax and wait for a week before I could get a through rate. That is one difficulty to be encountered with regard to freight rates which I hope will be grappled with, so that any person doing business on the island or abroad will be able to obtain through rates, not insisting that they shall be less than the local rates now quoted, but that a through rate shall be granted. That is the state of the service in summer and in winter. Now we have a Bill to incorporate the Prince Edward Island Ferry Company. They propose to carry on this service at any point between the island and the mainland both summer and winter. As far as the summer service is concerned we would be sorry to see any company come in to interfere, because my experience with the Steam Navigation Company is that they are well able to do it. They are rendering a good service and there is no necessity for any other company to come in. With regard to the winter service, a great many are of the opinion that it can be best carried on at the narrowest point, between Cape Traverse and Cape Tormentine, where the strait is only eight or nine miles wide. It is the belief of a great many practical men that if good harbour facilities were provided on the Prince Edward Island side of the ferry, having already a railroad extended to both points, a good service could be maintained at that place, but we know very well that it calls for the expenditure of a large sum of money by the federal government to provide harbour facilities on the island side. There are estimates of what that would cost, and we know that they are very considerable, and while I am not to be considered at this moment as urging the government—though strong petitions have been presented to the government to go on with the harbour at this place—I am not saying I would urge the government to take up this matter immediately, but there is so much that is reasonable in the proposition to solve the question of winter communication at that point that we should not let any private speculators come in and get rights at that place which would interfere with the government carrying out the terms of union as provided for at the time of confederation. We have had some experience with regard to telegraphic communication. More will be said on the subject in this House within a short time about the difficulties we have had on that point. A private company has come in who claim a monopoly. They give a very inefficient service now, and that they will not furnish us telegraph facilities such as are enjoyed in every other part of the Dominion, and the government may have to come in and buy that company out. I am quite satisfied that this company is composed of men who have not the means to grapple with that question, that it is a service out of which no private company can make money. It will have to be done by the government of Canada, if it is done at all, at a loss to the taxpayers of the country. There is no question about that. It is not desirable, in addition to all the natural dis-

advantages that the government has to contend with in giving communication to the people of Prince Edward Island, that they should allow a private company to come in and get vested rights at that place and do something which we know would be wholy futile in the way of establishing communication with the island, but by which the government might be held up to pay compensation before they could deal with the question themselves. I have stated the view that is taken by the people of Prince Edward Island; I think I am expressing the view of nearly the whole population of the island. They are opposed to allowing this private company to obtain the rights they are seeking to acquire at that place. But apart from that although I should think that would be a strong enough ground why we should not proceed any further with this Bill, I wish to point out to the House that this Bill which we have now before us is not the kind of Bill that was petitioned for. I have a copy of the petition in my hands, and I find there that the ferry is made the main undertaking; there is no ferry mentioned in the Bill before us. The petition proposes to carry on transportation in connection with the ferry, and the Bill provides for a general transportation business between ports of Canada and ports in foreign countries. The Bill is not in the slightest respect, as it stands to-day, like the petition, or in fact like the original Bill. Then the petition proposes to own and operate branch lines of railways to connect with railways situated within twelve miles of either extremity of the ferry; the Bill asks power to construct railways starting at Cape Tormentine. One of them would run to Truro, Nova Scotia, and another to Shediac in the province of New Brunswick. Then the petition asks for general powers incidental to the operation of a ferry, while the Bill gives them full power to bond railways, to mortgage vessels and deal in other property which they may wish to possess. In addition to that, I find that the notice is only published in Prince Edward Island and New Brunswick, while one undertaking is to build a railway from Cape Tormentine to Truro in Nova Scotia, which has not been asked for in the petition. Then they ask power to build a railway from Cape Tormentine to Shediac, a ground that is traversed by a charter for a railway granted by the province of New Brunswick. In addition to all this, they ask for federal incorporation for building these local railways. The one in New Brunswick would be essentially and entirely a local railway, while they do not ask that it be declared 'a work for the general advantage of Canada.' Putting all these things together, taking the cardinal objection that it is strongly objected to by the people of Prince Edward Island—and all the members of Prince Edward Island in this House, and I think nearly all the members of the House of Commons also are unanimous—and that the Bill in itself is so entirely foreign and repugnant to the petition on which it is founded, I do not think we should proceed further with it. I therefore move, seconded by Mr. Robertson:

That this Bill be not now read the second time but that it be read the second time this day six months.

Hon. Mr. ROBERTSON—After the lucid manner in which the hon. senator from Marshfield and the hon. senator from Port Hill have laid their objections to this Bill before the House, I shall only make a few remarks simply that I may show hon. gentlemen that representatives from the province of Prince Edward Island are unanimous in their opposition to this Bill. I make that statement because the people of Prince Edward Island are almost unanimous in their opposition to the Bill. I have here a letter from the Board of Trade of Summerside and also letters from the boards of trade from the east end of the island, composed of the business men of the island, in opposition to the Bill. I shall not occupy the time of the House reading those letters but will simply state that I have evidence here that the business men throughout Prince Edward Island generally are opposed to this Bill and that the people are opposed to it. The reason they are opposed to it is, first, that it may interfere in some way between the Dominion government and the province of Prince Edward Island in regard to our terms of confederation with the Dominion. If hon. gentlemen will just look at the Bill they will see what I mean. I refer hon. gentlemen to section 11 of the Bill, which reads as follows:

11. The company may enter into an agreement with the New Brunswick and Prince Edward Island Railway Company, the Shediac and Coast Railway Company, and the government of Canada, for conveying or leasing to such companies, and to the Intercolonial Railway, in whole or in part, any powers or rights acquired under this Act.

Here they come in and ask for powers from this parliament, they can re-lease back to the Intercolonial Railway, which is simply the Dominion of Canada. From this I argue that they can come between us and the Dominion in regard to our terms of communication. I also wish to say that the board of trade at Summerside sent a delegation here when the Bill was before the committee in the House of Commons to oppose this Bill. The business men of Charlottetown sent a delegate to oppose the Bill; the four senators from Prince Edward Island are opposed to it, and all the members of parliament from Prince Edward Island are opposed to it except one. Surely, under all those circumstances, I think the Senate will be fully justified in voting for the motion of the hon. gentleman from Marshfield. My hon. friend has so lucidiy described our summer and winter communication that I shall not make any remarks about that. Our summer communication is as good as it can be, giving good satisfaction, and I may add in this connection that on the New Brunswick side the steamer touches Point du Chêne where the government of Canada has expended large sums of money to build a pier for the purpose of accommodating the steamer, that is one of the termini of the Intercolonial Railway. If we pass this Bill and the promoters of it should attempt to do anything it would destroy all that arrangement. That portion of the Intercolonial Railway between Painsec junction and Point du Chêne would be useless, and the works they have built there would be useless at Summerside, where a town of some 5,000 or 6,000 inhabitants has grown up from the trade on this route, would be destroyed also. Again, at the east end between Charlottetown and Pictou, where the other boat runs, the government have expended large sums of money to build a pier and warehouses for the convenience of this trade. It is also one of the termini of the Intercolonial Railway, and those works would be lost also, in a similar way to the western end. I think the House will be fully justified in adopting the motion of my hon. friend and I hope they will do so.

Hon. Mr. POIRIER—As my name happens to be mentioned as one of the incorporators of this Bill, I think I may be allowed the privilege of saying a few words concerning it. Although my name is on the Bill, I must at the start say I am not interested financially in this measure. My name was put there to represent people that were likely to be in a position to carry out the purposes of the Bill. The great alarm that is raised against this scheme, in my humble opinion, has very little foundation indeed. I should like to know what my hon. friends from the island really desire. My hon. friend from Marshfield talks about the genesis of this Bill. I hear a great deal about the genesis of this Bill both privately and publicly. I can say, hon. gentlemen that I am perhaps the first promoter of this Bill, and there is nothing to be dreaded in the intentions of the promoters of this Bill, there is no sinister intention, nothing at all that could be in any way objectionable to it. The genesis of this Bill, since it has been referred to is this: In 1890 with the intention of establishing permanent communication between the Island and the mainland; and at that time our friends from the Island were clamouring to have regular communication with the mainland, and you are all aware that these gentlemen have been constant in their clamouring every year for communication which they have a right to demand. I am sorry that they have not so far succeeded in obtaining it from either government. Every year they come before parliament for a ferry or a tunnel, and I admire their perseverance. On the strength of that, parties from the other side of the line keeping close in touch with our Dominion politics, came, some thirteen years ago with the intention of arranging this winter and summer communication. They did it leisurely. They took the right way of doing it. I was their counsel. That is how I happened to be mixed up with the Bill. There was misgiving as to the possibilities of the navigation, in winter especially. The Department of Marine and Fisheries placed men at Cape Wolfe and Prince Edward Island, and Cape Richibucto on the New Brunswick side, to take daily observations, which were

taken for two years. It was shown conclusively that a ferry could be made there to run every day of the year barring tempests—that the passage was clear in winter. Engineers were employed. They had the preliminary work done and they were ready to carry the scheme into effect. A Bill was passed. I introduced it myself. It was for a ferry between Cape Wolfe and Richibucto, about 14 miles. The cost and everything had been computed, and whilst my hon. friend says no man was competent to build that road, I will tell him of one firm who could build it. It was the Drexels of Philadelphia, and hon. gentlemen know that they were at that time the first financiers with the Goulds and Vanderbilts. Those people took all the precautions to proceed as business men proceed. The Bill was passed by the Conservative government, and what was the result? The result was that the Liberals of Prince Edward Island especially opposed it as this Bill is now opposed. There was a chance for them to have winter and summer communication. The company that was undertaking it was able to do it. The opposition came from the island, and the scheme was abandoned, because I told my clients, 'gentlemen, it is useless to try and impose a ferry upon people who are clamouring for it every year, if, when the ferry is offered, they do not want it.' So there was no more pressure. The Conservative government were ready to allow us to go on with the Bill, and we were asking for no subsidy.

Hon. Mr. FERGUSON—The hon. gentleman did get the Bill.

Hon. Mr. POIRIER—Yes, but it was abandoned on account of the opposition of your people.

Hon. Mr. FERGUSON—There was nothing to prevent them going on.

Hon. Mr. POIRIER—Those strangers from the United States would not force on the people a ferry for which they clamoured so long, and against which they had turned. My clients came in as foreigners and I advised them not to press the project, because it was not desirable to force the ferry on the island. This year what happens? One of the reasons why the islanders—and I have none but good feeling about our neighbours, they are good people—one of the reasons why they did not up to this date get the ferry they were asking for was because they could not agree upon its location amongst themselves. One party was for one route and one for another. One party was for Summerside and Tormentine and another for Summerside and Pictou, and another for Georgetown and Pictou. There was rivalry amongst themselves, and any house divided amongst itself does not stand. I shall not follow the ground taken by my hon. friend. The people last winter found themselves without any service for nearly a month, because they had prevailed on the government to have a test over different lines which they were sure were the best lines. The consequence was, one vessel got entangled in the ice and the other went to its rescue and got entangled in the ice also and both remained there for several weeks and the people had no communication during that time except by ice-boats. The people then got together and found out that divisions among themselves were delaying the project and were detrimental to their interests, and recommended the Cape route. That convention that met on the island—I am speaking from memory—was held last winter and agreed upon a resolution, the tenor of which was the recommendation of a ferry between the two capes. On the faith of that, hon. gentlemen, I took the initiative in this affair, and I say that if I now put my name forward it is to meet this argument that it is a political affair. I should like to know from the hon. leader of the government if I ever did try to pull from the Liberals and try to obtain moneys and subsidies for the election of Liberals. That is one of the arguments that is put forward openly or otherwise against the scheme. I tell hon. gentlemen there is no political motive at all in this measure. I simply saw an opportunity of having the ferry built, now that the people were agreed upon it, and I told my friends about it and started the project. What happened? When the Bill came to the other House the very same opposition that was offered 12 years ago was offered again, and we found that the people who were saying that they wanted to have a ferry would not have it any more. I have no

personal interest in it. I represent other people. What did the company do? Our main object was not the ferry even then. Our main object is recited here. Our main object is transportation, to have docks, elevators, and so on. Seeing that the islanders were opposed to the ferry, to please them we dropped the ferry, and what do we ask now? We ask what every free citizen of this country has a right to ask, for privileges of a commercial nature. Is the company to be deprived of the right of constructing and navigating steam and other vessels for the conveyance of passengers, goods and merchandise, between any ports in Canada or ports in Canada and any port in any other country, and carrying on the business of common carriers of passengers and goods and to act as warehousemen and wharfingers, and to construct buildings, and so on, as recited in the Bill, because we may possibly deal with Prince Edward Island, that beautiful little island, so fertile, which is exporting products of all kinds in such large quantities, but which is now under the control of one company, which company, I understand, is substantially making the opposition to this Bill. Are we, because our friends of the island are supersensitive, to abandon all legitimate enterprises? There is no ferry about it, since a ferry they do not want, but hon. gentlemen will find they will be asking again for a ferry next year, and I will support it, because they have a right to it. But we ask for no ferry. We ask for the general powers that are usually given to such companies as these. One of the promoters of this Bill has large interests in Prince Edward Island. He goes for the business of pork-packing, for example, and elevating grain. Are we going to be deprived of the advantage of having this company in operation because it may be, as I said before, that we will deal with our little island? I do not think it is fair. There is nothing wrong with this Bill as it is. I will admit it is not exactly on the lines of the notice, but if it is not, it is not the fault of the promoters. It is the fault of the hon. gentlemen themselves. It is not my habit to make extended remarks, but I have to answer the points taken. The hon. gentleman from Marshfield has stated, and it has been repeated by my hon. friend from Port Hill, that there was unanimity of the people of the island against this Bill. I am sorry to contradict him. Doing it in the most polite manner I can, I say that I do not believe that to be the case. I beg to move the adjournment of the debate.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, September 30, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (Z) An Act respecting the Ottawa Valley Railway Company.—(Hon. Mr. Domville.)

CANADIAN TRANSPORTATION AND STORAGE COMPANY INCORPORATION BILL.

THIRD READING.

The Order of the Day being called, third reading (Bill 176) 'An Act to incorporate the Canadian Transportation and Storage Company, as amended.'

Hon. Mr. KERR (Toronto) moved:

That the order of the 4th September instant, adopting the report of the Standing Committee on Banking and Commerce on the said Bill, be rescinded, and that the said report be not concurred in.

He said: It will be remembered by hon. gentlemen that the Bill was limited in its operations to the province of Ontario, and that was an objection which was taken at the time. I understand the opposition to the Bill has been withdrawn and that all are agreed that the Bill should be passed as originally introduced. For that purpose I make this motion. That will leave the Bill as it stood when sent to the committee after second reading.

The SPEAKER—I venture to suggest to the hon. gentleman in charge of the Bill that the report of the committee recommended that the Bill be passed with a certain amendment. Now the resolution which the hon. gentleman has moved will strike out

the report altogether and the Bill will not be properly before the House. I think it is only so much of that order as proposes to substitute the word 'Ontario' for the word 'Canada' which should be striken out.

Hon. Mr. KERR (Toronto)—With the permission of the House I ask to amend the motion in the way His Honour the Speaker suggested and beg to move :

That the Order of the 4th September instant, adopting the Report of the Standing Committee on Banking and Commerce on the said Bill be rescinded, and that the said Report, in so far as it refers to the amendment made to the said Bill, be not concurred in.

The motion was agreed to.

Hon. Mr. KERR, moved that the Bill be now read the third time as amended.

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

MARITIME RAILWAY AND TRANSPORTATION COMPANY BILL.

SECOND READING.

The Order of the Day being called,

Resuming the adjourned Debate on second reading (Bill 180) An Act to incorporate the Maritime Railway and Transportation Company, and the motion in amendment that the said Bill be read a second time this day six months.

Hon. Mr. POIRIER—I showed yesterday that a similar Bill to this one, passed about the year 1890, was nullified by the opposition that came from the island, because they did not wish to have a ferry running between Cape Wolfe and Cape Richibucto under the pretense that it was too much to the west of the island and would displace the commercial axis. So the company, which were able and willing to operate at that time, on my own recommendation, discontinued. Now, after the island, last winter, had decided upon advocating this Cape line, a company comes in, I believe, with sufficient capital at their back to build their road. The road is killed already—nipped in the bud. I should imagine, that ought to be sufficient for the hon. members for the island. But let me review some of the reasons given by my hon. friends for killing this Bill. My hon. friend on my left here stated that it would injure the St. John and Shediac Railroad and also the Pictou road. He displays a great deal of solicitude for those two roads, which can very well take care of themselves. At all events one could possibly perceive some lack of sincerity when in the very same breath the building by the government of the identical ferry is advocated. But I will not deal with that question; I will take the argument of my hon. friend from Marshfield. He, I believe, came nearest to the true reason why this Bill is mercilessly opposed. He showed us that there was the Steam Navigation Company doing all that the island apparently requires in the way of navigation—a monopoly, hon. gentlemen, or what is equivalent to a monopoly. There is no fault to find in the transportation of the people; there might be some fault found in the prices charged for the transportation of grain, but as he himself hails from the island he would wink over that.

That is possibly the gist of the question, I am in a position to say this, that to-day the island demands better transportation facilities. A ferry is certainly needed for passengers, but the island demands better facilities for traffic. I may illustrate this by my own experience. I went three or four years ago to the island to get some grain, some fifteen or twenty thousand bushels of feed for mashing. I went to Alberton and Tignish. I could get any amount of feed there, but I found it would cost me just as much to get that grain from Alberton or Tignish to Shediac as it would cost to get it from Toronto, and why? Because the boat with which the hon. gentlemen are so much satisfied asked me, I think, four and a half cents a hundred, simply to carry freight from Summerside to Shediac, and then I would have freights on two railroads to pay, and the price would be as high as bringing it from Toronto. I could handle a large quantity of wheat, but I cannot to-day buy my grain from the island. Is it reasonable to say that the island is opposed to better communication? The island cannot very well wait, but it is the Steam Navigation Company that can wait just now. They do not wish to have competition, and hence this opposition to the Bill. I was told and the House was told by my hon. friend from Marshfield that the people on the island were opposed to an enterprise such as I advocate, and my hon. friend to my left (Hon. Mr. Robertson) said

the opposition was unanimous in Prince Edward Island. I will not put my word as against the word of those hon. gentlemen, but I will take one of the newspapers I happened to find to-day and read an article on the subject. This is one of the island papers edited by Mr. McCready, a former editor of the St. John 'Telegraph', and a man that will not be discouraged from advocating what he thinks is favourable to the island because it might not suit the views of the Steam Navigation Company. Here is what Mr. McCready says in the Charlottetown 'Guardian':

The Ferry Company's Bill.

For some reason not fully explained to the general public an attempt has been made to make our representatives at Ottawa believe that the people of Charlottetown and the island are opposed to the Capes Ferry Bill. At a very small meeting of the Charlottetown Board of Trade, with fourteen members present a resolution was passed by a vote of seven to four, the majority making up a bare half of a small meeting, and this resolution was thought important enough to be wired to Ottawa. Next we hear that F. L. Haszard and Richard Hunt appeared before the Railway Committee at Ottawa in opposition to the Bill. These are respectable and influential men no doubt, but whom did they represent? Their principal argument seems to have been that the incorporation of the ferry company might in some way tend to release the federal government from its obligation to provide continuous steam communication. Both Mr. Haszard and Mr. Hunt are quite intelligent enough to know that it could not possibly have any such effect, and so the reason for the opposition to the ferry company must be sought for elsewhere.

So far as we can find the public are not only not opposed, but are very favourable to the development of the Capes route. Preferably we would have the government complete the work upon which already a good deal of public money has been spent, but the next best thing would be to have a strong company undertake it. We want free competition in the carrying trade between the island and the mainland. That is clearly in the public interest. Any opposition to the Bill based on shutting out competition ought not to be entertained or carry weight with our legislators. We fail to see any danger from giving the Ferry Company the incorporation they ask for, and we see in the measure distinct possibilities of benefit to both the island and the mainland.

This is the unanimous opposition presented to this measure by the people of the island. It is not natural that an island so prosperous and so full of initiative, so overflowing with natural products should oppose facilities for exporting its products. Competition is what is wanted in every country and what is particularly asked for in Prince Edward Island, except I am very sorry to say, by the Steam Navigation Company and the shareholders thereof. But I will drop that question. I simply want to show that I stand to-day perhaps a better champion of the island that the representatives that are here, on this particular question. The Ferry Bill has been dropped, and why? Because of this opposition. But now we come in with a different Bill. Why should those gentlemen pursue their vengeance to the extent they are pushing it? Are they not satisfied to have crushed the Ferry Bill and killed it? Why should they come and oppose this innocent Bill which has nothing to do, apparently at least, with a ferry? Hon. gentlemen will remember what is said of a Roman emperor who had killed some one whom he hated. He would go every day and trample on the body, until one day one of his courtiers said 'Your Majesty that corpse is putrid.' 'Nonsense,' said the emperor. 'The corpse of an enemy always smells good.' In this case, my Prince Edward Island colleagues are not satisfied with having killed the original Bill. Behold, they come here and make every effort to kill, on principle, an innocent Bill. The second reading of a Bill affirms the principle of a Bill, and I ask the House in all fairness, what is there that is wrong in this Bill. Here is what we demand:

8. The company may, for the purpose of its undertaking,

(a.) construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise between any ports of Canada, and between any port of Canada and any port of any other country, and may dispose of the said vessels, and may carry on the business of elevating grain, of common carriers of passengers and goods, and of forwarders, wharfingers, warehousemen and shipbuilders;

(b.) construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other facilities or buildings;

(c.) construct, or aid in and subscribe towards the construction, maintenance and improvement of terminals, harbours, piers, wharfs, elevators, warehouses, roads, docks, dock-yards, and other buildings and works necessary or convenient for the purposes of the company;

(d.) construct, acquire, lease, use and sell all facilities designed for the lightering of steam or other vessels, and charge tolls for such lightering.

What is wrong in principle in this Bill? I know some of the promoters of the company, and they are all, barring possibly myself—good, substantial men. I know that some of them intend to go to the island, and do pork-packing. I know some, like myself, would like to do some lightering,

and import some grain from the island. Is there here anything wrong in principle? And hon. gentlemen propose a six months' hoist on the plea of principle. Hon. gentlemen will mark that for fear of shocking the sensibilities of hon. gentlemen, the name of the island is not mentioned. The island we are not to touch, except possibly by navigating the straits. We may force some of the waves to strike the shores of that beautiful little island, and possibly affect the sensibilities of the Steam Navigation Company, but that cannot be helped. We have nothing to do with the island especially. It is a legitimate enterprise we are asking for. These gentlemen, I should think, ought to have been satisfied with killing the ferry and not pursue this Bill with vengeance to the extent they are doing now. I know, hon. gentlemen, I speak to an unprepared jury. I have asked no hon. gentleman beforehand to support me in this matter. Ask my room mates, the hon. gentleman from Wolseley, the Hon. Mr. Casgrain, and the Hon. Mr. Baird, if I ever even asked them to support this Bill? I do not believe that such things should be done. I stand here having canvassed no one. I am told that many senators have been privately asked to kill this Bill. This is regrettable, on principle. I think we are doing wrong if we allow ourselves to be canvassed, and to be committed beforehand to a Bill. Every Bill should stand on its own merits. The fact that I go and ask hon. members beforehand to support a Bill, shows there is something wrong with it. On the other hand, the fact that I ask hon. gentlemen to kill a Bill would indicate that that Bill is possibly all right by itself, but that I had some personal motives in killing it. I stand here with a jury unprepared, but I will ask all of you who believe in equal rights for all men and all companies, to give this Bill a fair show; at all events to allow it to go where other Bills go, to the committee who will have charge of the details of it. You are not going to condemn this Bill on principle. There is nothing wrong in the principle; if the details are wrong, then there is a committee detailed to deal with them, and I would ask hon. gentlemen in fairness and justice to vote at least, for the sending of this Bill to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. POIRIER.

Hon. Mr. WOOD—I desire to say just a few words upon this matter before a vote is taken. After what my hon. friend from Shediac has said there appears to be at least two sides to this question, and perhaps the representatives of this Bill, or the persons interested in the Bill, the promoters of the Bill in the other House and those who are interested in it in the maritime provinces have not had their views properly presented to this Senate, and the request which my learned friend has made to allow the Bill to go to the committee, and to give those gentlemen an opportunity of presenting their case, is a fair one and entitled to the consideration of the House. A good deal of reference has been made in the course of this discussion by my hon. friends from Prince Edward Island to the unsatisfactory nature of the communication between the island and the mainland. This is an old subject which has often been discussed in both branches of parliament, and I intend to say but a word or two on that point. I agree with the principal part of what has been said by the hon. gentlemen from Prince Edward Island in the references they made to this subject, particularly to what my hon. friend opposite from Port Hill (Hon. Mr. Yeo) said in his remarks some weeks ago. He refers to the attempts which have been made by the government during the last two years to improve this service by placing one of the steamers which the government have built and which have been in use in that service, upon the route between Summerside and Cape Tormentine, and to the fact that the first winter the steamer 'Stanley' was placed upon this route the service was, upon the whole, satisfactory. The steamer made as many trips as the steamer 'Minto' on the eastern route, and the expenses, owing to the shortness of the route, were very much less. It is true it did not do as much business as the other steamer, but that could be naturally explained. The route was new and the public were not aware that freight could be carried by that route, and passengers were generally directed by the railway agents to go by the other route. Last winter, unfortunately, a mishap occurred; the steamer became entangled in the ice, as my learned friend said, and after drifting about for some time, it was near spring when she was released, and she was not placed

on the route again. There have been many expressions of opinion in regard to who was to blame for this condition of things. Blame has been attached to those in charge of the service and to the captain—I don't intend to express any opinion on that point, but I do not think that the failure of the steamer to give a better service during the last winter was sufficient in itself to condemn the route entirely. I agree, however, with my hon. friend when he says that the shorter route between the capes must eventually be adopted, if this service is to be made a success. The ground of opposition to the Bill as it was originally introduced arises, if I understand it correctly, from the fact that the people of Prince Edward Island desire to hold the government responsible for the proper performance of this service, and are not willing that any company should intervene between the government and the people of the island. I admit there is force in the argument, and I do not propose to combat it. I merely say on that point that I think, if the views of our friends are correct in this regard, that they should urge more diligently and forcibly upon the government the necessity of taking some prompt action in this matter. They have been labouring under the inconveniences of the present service for a number of years, indeed for all time up to the present, and I am satisfied, from my own knowledge and observation of the conditions there, that, so far as the winter service is concerned, it will never be satisfactory to the people of Prince Edward Island, that it will never be as efficient as it should be until the short route between the capes is adopted. It is a short route, it is only about eight miles. There are very seldom blocks of ice between the capes to prevent the passage of a steamer. The route is so short that the person in command of the steamer can always know before he leaves the wharf on either side whether the conditions are such that he will be able to make the other side or not. So that the dangers of that route are, for this reason, reduced to a minimum. If the people of Prince Edward Island, and those who represent the interests of the island in this House, and in the House of Commons, desire the government to carry out the terms of confederation, they should insist upon prompt action in this regard. If they do not do this; if they do not utilize the advantages which the Capes route affords by establishing a government service there, I think they are hardly justified in offering opposition to a private company desiring to establish a ferry between those points. So far as the summer service is concerned, the gentlemen who have spoken have expressed satisfaction with the service as it is now performed by the Prince Edward Island Steam Navigation Company. I concur in what they say with regard to that company, that they provide very good and suitable boats and are giving an excellent service, but if I understand correctly the views of the promoters of this Bill, they desire to be allowed to establish some additional steam communication between other points on the island and the mainland. Just what their schemes are, I am not able to explain to the House: I have no doubt they will be fully explained if this Bill goes to the committee. My hon. friend has referred to some enterprise in connection with pork-packing. I understand the promoters of this company are engaged in that business now, and intend to enlarge the business, and also have something in view in connection with the export of fish and other articles of island produce. It would appear to me that if this Bill went to the committee, should there be an objection on the part of the gentlemen from Prince Edward Island to the company being allowed to conduct a winter service, that might be eliminated from the Bill, and anything which would interfere with the interests of the present steam Navigation Company might also be struck out. But it seems hardly reasonable that this House should take the position that because there is one good service between the island and the mainland, therefore no other company should be incorporated or given powers to carry on business, or to establish a steamship service to carry on business between the island and the mainland. So far as I am personally concerned, I have no interest whatever in the Bill, but as I live in that locality and know something of the people and have had some communication with the promoters of the Bill, I only thought it proper that I should make these remarks. It is, of course, a delicate matter to urge anything affecting

the island against the unanimous views expressed in this House by the gentlemen who come from that province, and I would only do so to the extent of asking the House to consider whether it is not right and proper, under the circumstances, that this Bill should be allowed to go to committee, and that the gentlemen who are interested in it should have the advantages which the committee affords of enabling them to explain the project in which they are interested, and to express fully their views in regard to it.

Hon. Mr. MACDONALD (P.E.I.)—The hon. gentleman from Acadia (Hon. Mr. Poirier), who opened up the question to-day, and whose name appears in the Bill as one of the promoters, set out by giving us the genesis of that measure, and truly it was an appropriate term to apply to the Bill, for we have to go back to the past century to find its inception. It appears that in 1890 this matter of communication between the provinces of New Brunswick and Prince Edward Island was first proposed by means of a ferry between Richibucto in the province of New Brunswick and Cape Wolfe on the island. A Bill was passed authorizing the inception of that work. About that time a gentleman of some means and ability was down here before the members of the Senate and House of Commons promoting that measure, and during several succeeding years, he was to be found here advocating the measure very actively; but it never came to anything. As is stated by the hon. gentleman from Acadia, the names of some celebrated people were mentioned in connection with it—the Drexels and other men of means who certainly were in a position to carry that scheme into effect. The hon. senator stated that it was not carried out because the people of Prince Edward Island did not take any stock in the measure. Now, I do not know that that is a sufficient reason for that project not being carried into effect. After the gentleman who had first advocated it had disappeared from the scene, another gentleman from New York, or originally from Paris, came here and proposed to establish a ferry between New Brunswick and Prince Edward Island at the shortest crossing possible, if the other was not feasible, and he spoke in very liberal terms as to what could be accomplished there, and apparently from his advocacy of the measure it was a matter that millions would not prevent their accomplishing. The amount of money required to build harbours, steamers, and all those things in connection with it was nothing to them; they had lots of money and could do this without any trouble. That scheme also dropped, and now we have the present Bill before us. We do not find associated with it the names of any such celebrated financiers as Drexels or Vanderbilts or men of the means which they possess. We know the gentlemen whose names are associated with the Bill, and although the Dominion Packing Company was mentioned, I have the authority of some members of that company for stating that they have nothing whatever to do with it.

Now, hon. gentlemen, I think, under these circumstances that it is our duty to consider whether it is advisable to pass a measure of this kind which will certainly to some extent, interfere with what the government of the Dominon has undertaken to do in the way of keeping up winter communication between the province of Prince Edward Island and the rest of the Dominion. I fear that if we pass a Bill of this kind, it will interfere with that to some extent. The Bill as it was originally introduced was a Bill for the purpose of establishing a ferry between Prince Edward Island and the mainland. Some of these powers were eliminated in the House of Commons, and, as the hon. senator from Acadia has stated, it is now apparently a Bill of another character. True, it may be apparently so, at the same time the object of this measure has been the same from the first to the last. We fear that it will interfere with the duty which the government is pledged to discharge to Prince Edward Island. The hon. gentleman referred to the Bill that was passed in 1890. That Bill was not thrown out through any opposition from Prince Edward Island. There was no opposition whatever to it in the province, and it was altogether in the power of those who were the incorporators under that Bill to give it effect if they had desired to do so, but it was only a paper charter and we should be very cautious about passing Bills which are merely charters on paper and which the parties who obtain them may not be able to carry out. We

know that in order to carry out this scheme it requires a very large amount of money to give such communication as they proposed under the original Bill between Prince Edward Island and the mainland. The government of the Dominion, during the past winter had a survey made at Cape Traverse in Prince Edward Island for the purpose of ascertaining what it would cost to make a proper landing place with harbour there, and although I have not the figures before me I am sure that the amounts required for that purpose would be many hundreds of thousands of dollars. As far as I recollect the amount asked is about eight hundred thousand dollars. The hon. gentleman stated that the island was united in asking for this Bill, and he read to us an extract from a paper published in Prince Edward Island advocating a measure of this kind. As far as that is concerned, if I were to take the time or trouble of reading to you extracts from several other papers that are published there, hon. gentlemen would find that they did not agree in the conclusions which apparently were arrived at by the paper from which my hon. friend has quoted. He spoke also of the monopoly which the Prince Edward Island Steam Navigation Company have of the service. I have no interest in the company, never owned a share in it, and never expect to. That company has no monopoly. It is true they have a subsidy from the government and are keeping up the service there, as far as that service goes, in a very satisfactory manner. I may say that the people of Prince Edward Island generally are not in favour of a measure of this kind.

Hon. Mr. POIRIER—It has been dropped.

Hon. Mr. MACDONALD (P.E.I.)—They desire to have this matter left altogether in the hands of the government. The hon. gentleman says that measure has been dropped. He just told us a few moments ago, when addressing the House, that this Bill was, apparently, of a different character. Well, hon. gentlemen, it is only 'apparently' so, but the object is the same, and I leave it with your honours to deal with as you deem best.

Hon. Mr. McMULLEN—I have listened to the discussion upon this matter with considerable interest. I have no desire by my vote to force upon Prince Edward Island something that the people of that island do not want. I do not think it would be courteous on the part of this Chamber to do so, when we find that every senator in this House, from that province, has risen and expressed his opposition to the Bill. Under those circumstances I certainly should hesitate to give a vote to force them to consent to the passage of a measure to which every one present is opposed. I sympathize somewhat with the view expressed by the hon. gentleman from Westmoreland. I would be quite willing, if the members from Prince Edward Island were satisfied, to allow the Bill to go to committee and give every party who has an opinion to express for or against the measure an opportunity of expressing that opinion and there dispose of the Bill, or to make a report recommending its adoption. But if they force a vote on the six months' hoist, in view of the opinions expressed I certainly should feel disposed to vote against the second reading. I do not want by my vote to force upon the people of Prince Edward Island what they do not want themselves.

Hon. Mr. FERGUSON—Before the vote is taken I desire to make an explanation to make my own position perhaps a little clearer than I did yesterday. I may say in reply to my hon. friend from Shediac, that I have not one cent interest in the Steam Navigation Company, and the course that I am taking here is not in the interest of that company. Hon. gentlemen who followed my remarks yesterday will notice that to a limited extent, just as far as I thought they deserved it, I criticised that company and I am perfectly free from any inference that I am acting in the interest of the Steam Navigation Company in any sense whatever, and, more than that, let me tell my hon. friend that the opposition of the island to this Bill does not come to any great extent from the Steam Navigation Company but from the people generally. My hon. friend seems to have a grievance with Prince Edward Island because they have not accepted him as a deliverer—he and his New York friends—when he undertook to lead them out of the house of bondage some ten or thirteen years ago. I want to make an explanation with regard to

that. It is just one point that should make us a little more careful with regard to this measure. At that time a Doctor De Bertram, from New York, appeared here with a proposition to connect the island with the mainland between Cape Wolfe and Richibucto, and he prepared a prospectus, I saw it myself, that he was going to submit to some capitalists—I suppose those my hon. friend refers to—and in that prospectus he had gone to the previous census and found how many bushels of potatoes and oats and other things of that kind Prince Edward Island produced and computed the earnings of the company upon the transportation of the entire product of the island in potatoes, oats and other things, all of which they were to carry away around by Richibucto. I may say, as far as I am aware—and I think I speak from some knowledge—that nobody in Prince Edward Island raised a finger against that proposition. It afforded them a good deal of amusement. This Doctor De Bertram proposed to acquire the Prince Edward Island Railway, to change the gauge of it and to put steamers on the route which could carry loaded trains where the channel was seventeen miles wide. They were allowed to have their own way. They came to parliament and got a Bill, and nobody said a word against them, and the scheme all evaporated in thin air.

It was not because the people of Prince Edward Island raised any objection at all. It afforded them a little amusement. They did not take it seriously. But I may say with regard to the communication between Cape Tormentine and Cape Traverse, it is a serious matter for Prince Edward Island. I have no hesitation in saying there are only two points between the island and the mainland where communication can be carried on successfully in the winter, and these are between Georgetown and Pictou at the east and between Traverse and Cape Tormentine at the middle west. With due deference to my hon. friend from Port Hill and others in the province, who think differently, I am quite satisfied that no service that could be of any use to the island would ever be effected between Summerside and any point on the mainland or between Charlottetown and any point on the mainland. These places are entirely out of it. The two points where the service can be maintained efficiently are between Georgetown and Pictou in the east and between the capes. The capes are, to my mind, the most important points. They are only seven or eight miles apart. There are railways communicating with the capes on either side, and it is the place we have to fall back on when the steamers get disabled or troubled in the carrying of mails and passengers. Almost every winter we have to fall back on that route, and if a steam service, as many believe, can be maintained at that place, it will have the enormous advantage, first, that it is so short, and secondly, when the steamers get disabled, as they may, or impeded from crossing, the mails can be transferred to the ice boats and the transportation of mails and passengers will go on. But, on any other route, when the steamers are blocked the mails have to be sent away to the capes, and a great deal of time is lost. Sometimes they get blockaded at one point and have to be shifted to another. If the service could be carried out at the capes, the ice boats would always be available there, and there are many—I confess I am one of them—who believe that if a good harbour were provided on the island side, and a good dock erected there, the question would be solved in a way that would be advantageous to the people of Prince Edward Island. I want to emphasize this point; the people of Prince Edward Island will not submit to wild experiments. They cannot afford to have the steamers taken away in experimenting, because it paralyses the whole trade of the island. There is no getting over the fact that very valuable service has been done to Prince Edward Island with the running of these steamers between Georgetown and Pictou——

Hon. Mr. McSWEENEY—At whose instance did they put the 'Stanley' on the Summerside route last year?

Hon. Mr. FERGUSON—My learned friend asks this question. I don't want to find fault, but I have this to say, you will find in Prince Edward Island at almost every place people who will stand up for their own particular locality and they will say honestly, I suppose, that the service can be carried on at such place. It is true the steamer at Summerside made a good many

crossings in 1892, so many as to make some think that route would be successful, but my hon. friend from Westmoreland knows very well we had practically no winter in 1892 at all. The thermometer never fell to zero at Prince Edward Island during the winter, and very little ice formed. It was a winter we never saw the like of before, and may probably never see again. I want to emphasize this point, that it is in the interests of Prince Edward Island that this Capes route should not be handed over to a private company of promotors whom we know have not sufficient capital to undertake such an enterprise as this, for the engineer's report shows that three-quarters of a million is required to build a dock at Cape Traverse to begin with, and we know these people have no thought of doing anything of that kind, which will have to be done by the federal government who will build the transcontinental railroad and who appear to have money enough to do anything which they undertake, and who are bound by the terms of union to give constant and efficient communication with Prince Edward Island. We do not want the government, in addition to having the great expense of building docks at Cape Traverse, to have to buy out private promoters who may claim, if this Bill is passed, to have some vested interest there. It is not in the interest of Prince Edward Island that any such thing should happen. We know the value of the route between these capes and we do not want any private company to interpose any new difficulties. There are too many difficulties now, and it is not desirable there should be any more. We are always glad to have the sympathies of our friends on the mainland with regard to this question, but they are not so deeply interested generally as we are. Projects have been suggested in favour of this route and that route by the people on the mainland. The people of each section believe that their own particular locality is better than any other. I will make one exception as to the assistance we have received from other provinces in favour of my hon. friend from Westmoreland. My hon. friend has done signal service to Prince Edward Island as well as to a particuler part of the province of New Brunswick by extending a railway down to the capes, a railway which will become a most important link in the carrying out of the terms of union with Prince Edward Island. An excellent service has been rendered as far as it is possible for any railway to effect that service, and I believe that it is not in the interests of that company, it is not in the interests of the people of Prince Edward Island, and it is not in the interests of the government that there should be given to any gang of promoters, who, as far as we know, possess no money at all, any valuable rights there which would stand in the way of the carrying out of the terms of union with Prince Edward Island.

Hon. Mr. POIRIER—I should like to say just two words: First, the features in the Bill that are objected to by my hon. friend have been dropped. There is no ferry now. Second, the Bill presented in this House has come in its present shape from the other House, where it had been opposed. The ferry part was dropped and it was accepted there in its present form, and it would look a little harsh for us to reject this Bill by giving it the six months' hoist, without condescending to look into it. It would not be a compliment to the other House.

Hon. Mr. McGREGOR—I quite agree with the hon. gentleman from Marshfield, in my opinion, that the only place where a winter service can be satisfactorily carried on and maintained is between Georgetown and Pictou. I live where, by fifteen minutes driving, I can go to a place where I can see those boats crossing, and that is my opinion. It is only an opinion, and what has that to do with the Bill before us? I understand the Bill is from gentlemen who ask for an Act of incorporation. I have read it very carefully, and have not found a single objectionable clause in it. They are not asking for any subsidies, exemptions from taxes, or anything else. They are merely asking us to incorporate them for a certain purpose. My experience in this House has been short, and I do not know what the practice has been, but it seems a summary way to treat gentlemen who are seeking incorporation by a private Bill, to move the six months' hoist on its second reading without allowing them to go before a committee to explain what they want.

Hon. Mr. ROBERTSON—I should like to say, as the hon. gentleman from Marshfield has said, that I do not think the Steam Navigation Company have given any opposition to this Bill. Not a member of that company has spoken to me about it, and I am not influenced by them. If they had spoken to me, I probably would not be as decidedly opposed to the Bill as I am. We are opposed to it entirely because it is coming between us and the Dominion government in the matter of maintaining winter communication. We are very thankful to the gentlemen from New Brunswick who have shown such an interest in this matter, but I assure them we object on that ground particularly. When this Bill was first introduced in the other House, it was called an Act to incorporate the Prince Edward Island Ferry Company, and by it the company asked for power to run, operate and maintain a ferry between Cape Traverse and Cape Tormentine. When they saw the opposition from Prince Edward Island in the other House, they very shrewdly, and of course, wisely in their own interests changed the name of the Bill altogether, and called it an Act to incorporate the Marine Railway and Transportation Company of the Maritime Provinces.

Hon. Mr. POIRIER—That was done expressly at the request of Mr. Blair, and we did it reluctantly.

Hon. Mr. ROBERTSON—When Mr. Blair saw the opposition from Prince Edward Island with regard to the Bill, he opposed it. Then the promoters changed the name. But what does clause 8 of the Bill say ?

8. The company may, for the purposes of its undertaking,

(a.) construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise between any ports of Canada.

Now, Cape Traverse and Cape Tormentine are both in Canada, and they have substituted this, which is a very sinister way of getting the same thing through the House. That is the important thing they are asking for in this Bill, to get a charter for a service between Tormentine and Traverse, and as the hon. gentleman from Marshfield said, we utterly object to any company or man coming between us and the Dominion government in regard to our control of communication between those two points, because we do not know what the Dominion government may do for us, and we do not want to have another Chignecto Ship Railway business in the maritime provinces. One of them was enough. The government has had a sorry experience in regard to that, and we want no more of it. That is why I oppose this Bill so strenuously.

Hon. Mr. SCOTT—No doubt the rule has prevailed, and very properly, in this Chamber, that private Bills should be remitted to the Private Bills Committee, and if the opposition is strenuous, it is to be fought out there. That has been the practice, and a very proper practice it is. There may be occasions, however, when the feeling against a Bill is that it is going to operate injuriously to certain vested interests, the House adopts the unusual practice of throwing it out on the second reading. I do feel a good deal impressed as to the manner in which I shall vote on this motion—and I have no doubt many of my colleagues have the same feeling—by the position taken by the representatives from the island. I have had a long experience of this difficulty of maintaining communication between the island and the mainland. Thirty years ago, when I was a member of the government I know I was very often attacked by the representatives from Prince Edward Island because a better service had not been established. During those thirty years I have been a listener on many occasions, to accusations not only against the government of that day, but also against their successors, that a service such as was called for by the terms of union, had not been established. For the first time in thirty years I hear to-day an expression of approval on the subject. Whatever my disposition would be ordinarily, I am very strongly disposed to take advantage of this opportunity, and say: 'Let well enough alone.' A good deal has been said about the parties who are opposing the Bill not wishing to have the relations between the present company and the government disturbed. I know nothing whatever about that. The government have no policy on the subject. The parties seeking incorporation have a right to make any proposition they please, but knowing something of the history of the past, I fully appreciate the fear that the representatives of Prince Edward

Island entertain, that some complications may arise which will make the service less satisfactory than it is at present. It is the people of the island and not the people of the mainland who are interested in this. The object is to establish a satisfactory communication between the island and the mainland, in the winter months particularly, and it is their feelings that have to be largely consulted, and that influences my judgment in the view which I take on the present occasion. As I said before, it is a very embarrassing question. On the one hand, one feels that a Bill of this kind ought to go to the Private Bills Committee to be threshed out there ; on the other hand, our friends from Prince Edward Island seem to be unanimous, and if the island is unanimous on the point, my judgment would rather lead me to favour the motion made to throw out the Bill.

The Senate divided on the motion, which was agreed to on the following vote :

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YUKON TERRITORY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (254) An Act further to amend the Yukon Territory Act. He said : The object of this Bill is to provide that when an appeal is made from a judge sitting in the Yukon Territory to the present Court of Appeal there, the two judges shall take the appeal, and the judge who rendered the decision in the court below shall not be one of the two judges.

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

CONTINGENT ACCOUNTS OF THE SENATE.

MOTION.

Hon. Mr. WATSON moved the adoption of the third report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

Hon. Mr. SCOTT—It is a prerogative of this Chamber to fix the salaries of its officials, but it is a matter of very great regret that some proper principle does not prevail in adjusting the salaries of our officers. In the civil service generally, of which those officers are members, there are regular gradations from junior clerks up to senior and chief clerks and all the intermediate stages. The same rule prevails in the House of Commons, and when salaries are being increased the rule has been to adopt some uniform system. The rule which prevails in all the departments of the government has been to increase gradually by fifty dollars a year up to the maximum of the class, and then, when the official deserved it, he was moved up to the class above. The Senate has entirely ignored that rule and promotion from time to time has been in a very hap-hazard way. I had occasion last session to call attention to what I thought was a very extraordinary thing, the giving of an increase of $600 at one jump to an official. However deserving the increase might have been, it did not seem to accord with the practice that has prevailed in the past elsewhere, and the effect of the action of the Senate has been to disturb very materially the officials in the other branches of the government. They note that, by, I shall not say favouritism, but by a judgment that does not seem to be based upon any sound principle, officials are moved up one hundred, two hundred, three, four and five hundred dollars at a time. That does not prevail in any other branch of the service and it cannot be urged that the officials of the Senate are more hardly worked than any other branch of the service. On the contrary, it is the

lightest branch of the government service. I think we have sat now, in this unusually long session, only eighty days, and the House of Commons has sat probably a third longer, and that I quote as one of the evidences why the service ought not to be compensated at a higher figure certainly than in the several departments. Speaking from my own department, I can point out officers who have been in the service since the early seventies and have not yet reached anything like the figures of other clerks who were appointed very many years subsequent to that date, and the effect is that it gives rise to a great deal of dissatisfaction. The pressure brought to bear constantly upon ministers—and my hon. friend opposite, I dare say, has had some experience of that—to increase salaries, is perpetual and when they point to increases granted in other branches as precedents, it gives rise to a very serious difficulty in administering a department. I think it is very unfortunate that the Contingent Committee has not laid down some rule that ought to prevail in making those increases. Where increases are made in a department we all know that if the increase is beyond fifty dollars the name has to be given, the special attention of the House of Commons has to be called to it, and the words 'notwithstanding anything in the Civil Service Act to the contrary' have to be added in order that public attention may be directed to the fact that this is a departure from the principle that prevails throughout the public service. Since this report has come from the Contingent Committee, I have heard a great deal of dissatisfaction expressed outside at the changes which have been made. It is a delicate matter to disturb or interfere with a report made by a committee of this Chamber, particularly when that committee consists of twenty-five members composed of gentlemen on both sides of the House. It is an ungracious thing to interfere with, because one would naturally like to feel that they had given some consideration and thought to the subject and that they felt they were justified in making the recommendation they did; therefore, I felt very great repugnance about disturbing or interfering with the report of the committee. One has a natural objection to doing it. We depute to a body of hon. gentlemen the duty of considering certain subjects, and the natural inference is that they have done their duty faithfully, and having appointed them to do a special duty we recognize that we ought to accept it, but while accepting it, I felt it my duty to call attention again, as I did last year, to what I think is a very improper practice that prevails in that committee of giving these increases without any principle to guide them, and not based on any rules. I trust, hereafter, when we form that committee another year, that we shall adopt the principle laid down in the House of Commons, that the officials must rank in some class or other, juniors, first class or second class, chief clerk or some definite term by which their salaries shall be regulated. I have no fault to find with any of the officials, none whatever; but it must be conceded that they are not nearly as hard-worked as the officials in other departments of the government. Certainly the officials in this department cannot be charged with working more than from three to four months of the year, whereas officers in the other departments, who are paid very much less salary, holding similar positions, work the whole year with a vacation perhaps of three weeks. I make these observations in the hope that when we are again forming the Contingent Committee they will be impressed with a sense of the duty that this House casts upon them to adopt some rule that will justify the action of that committee and that it will be somewhat in harmony with the promotion and advances that take place in other branches of the government.

Hon. Mr. MILLER—I should like to ask the hon. Secretary of State a question. The government has introduced a Bill in the other House regulating the salaries of deputy heads. I should like to ask him if it is intended to apply the same rule to the chief officers of this House who occupy the position of deputy heads, the clerks of the Senate and the House of Commons, who are officers in point of rank higher than any deputy head of the ministers, who are officers in point of rank higher than any deputy minister, and whose salaries now are higher than the great majority of deputy ministers? I see the government has introduced a Bill giving an increase first of three hundred dollars to deputy heads having now thirty-two hundred dollars, and a further

increase of one hundred dollars a year until their salary reaches the sum of four thousand dollars. I should like to know—I presume the hon. gentleman will be in a position to give me the information—if the officers at the head of the service in both Houses are to be placed on the same footing as deputy ministers of inferior rank, and now with inferior salary, under the new arrangement? Of course the officers of parliament do not, technically speaking, belong to the civil service. They are outside of the civil service, technically speaking, and it will require some special legislation, I presume, to place the heads of the staff in the two Houses upon the same footing as the deputy ministers who are to be promoted. I certainly think that the principle ought to be applied to the officials in both Houses, and I should be very glad to hear from my hon. friend that it is to be applied to these officers.

Hon. Mr. SCOTT—I think in the past the high officers to which he has referred, the clerks of the Senate and the House of Commons have been paid the salary of deputy heads.

Hon. Mr. MILLER—They take rank over all deputy heads.

Hon. Mr. SCOTT—I am speaking of the material point which my hon. friend raised. That is, their salaries. I think in the past Mr. Langevin who was so long here, and also Mr. Lemoine, who was here so long, received a salary equal to a deputy head, which was then $3,200.

Hon. Mr. MILLER—They have more than some of the deputy heads.

Hon. Mr. SCOTT—As a rule they receive $3,200. There are special officers in the Department of Railways and Canals, Finance and Department of Justice.

Hon. Mr. MILLER—And the law department.

Hon. Mr. SCOTT—They have enjoyed an increase of $1,000 a year for very many years. They were considered to be exceptional officers, having very high and important duties, much more so than the deputy heads which it is proposed this year to increase the salaries of. Speaking from memory, I do not really know the exact position of the Bill or whether any changes have been made in it, but in the original I think it was provided that the deputy heads should be increased up to a certain sum, I think up to $3,600, and a gradual increase of $100 a year until they reached the $4,000 maximum. I think that is the rule laid down. I think it would be for the House of Commons and the Senate to adjust these salaries. They have had to deal with the salaries of these officers. They have not been fixed by the government. They have been added to from time to time by the committee of each House, and it will be for the committee in the future, as in the past, to adjust the salaries according to their judgment, which I think most fairly ought to be up to the class my hon. friend refers to, whatever the deputy heads have received.

Hon. Mr. McMULLEN—I happen to be a member of the Contingent Accounts Committee, and I must express regret that there was no minister of the Crown there during the time this question was under consideration.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. McMULLEN—I am sorry the hon. Secretary of State was not present. I dare say had he been at the meeting the committee might have been guided in the course they took by the advice he would have been disposed to give them. Under these circumstances, I feel quite satisfied that the members of this House are disposed to deal generously with all the officers. We have unquestionably a very efficient staff of officers, and I for one am quite willing they should be dealt with on the same line that officers of an equal standing in the other House are dealt with. If they have increased the salaries of deputy heads in the other House, I would be quite willing to recognize the merits of the officers that we have in the same grade, and in order to give the committee a further opportunity of considering the question and bringing in a recommendation that may meet with general approval, and to give the hon. Secretary of State an opportunity of meeting with the committee and advising as to what should be done, I move:

That the report be not now adopted, but that it be referred back to the committee for futher consideration.

Hon. Mr. MILLER—I second that motion.

Hon. Mr. WATSON—Before the motion is put, I may just say that I have no particular objection to the report being referred back to the committee. The increases that were made, I might say, in some cases, were not made with the unanimous approval of the committee, but the consensus of opinion of members of the committee who were present was, of course, that the increases reported should be made. I trust that all the members of the committee will be present when this report is reconsidered. I should much prefer that some system should be adopted, such as the hon. Secretary of State has suggested, and which is a standing rule, I believe, in the House of Commons. While their officers are not on the civil list and are not in the civil service, they are controlled by the classification in the House of Commons. I am perfectly satisfied that it would be much better and much more agreeable to the Committee on Internal Economy if the officials were classified in the Senate in the same way. I find in the House of Commons they adopted a rule in 1885 which really applies to all the officers of the House of Commons. They classify them and fix the maximum salary, and it would be much better if that were done in connection with the Senate staff, because, as can be seen by this report, one or two gentlemen are selected who pressed their claims more than others, and called the attention of the committee to the matter, and got the majority of the committee to support the increase. Other members of the service, who are, probably, just as much entitled to increased pay are neglected because they do not press their claims, and I think it is well that this report should be referred back to the committee, inasmuch as the government, at the present time, are passing a Civil Service Bill which is dealing with the branches of the civil service. We will have to base the salaries paid to officers of the Senate somewhat along the lines of the salaries provided for in that Civil Service Act, because I can quite understand that when we increase in one branch of the service, all branches will expect the same increase, and there can be no question about the increases we make. I believe the clerk of this House ought to rank with the deputy ministers.

Hon. MEMBERS—Hear, hear.

Hon. Mr. WATSON—I believe, considering the responsibilities he has in connection with the affairs of the country, that he should rank with the deputy ministers. The proposition submitted in the House of Commons is that $4,000 shall be the minimum salary of deputy ministers, and I think Mr. Schreiber's salary is $6,000. Law clerks may be dealt with in the same way. I think it would be well, when we consider the salaries of our officials, to take into account what the government is proposing to do in connection with the Bill at present before parliament dealing with the salaries paid the civil service. I have no particular desire to press my motion and am quite prepared to reconsider this report in committee.

Hon. Mr. MILLER—I feel that some justification is required for referring the report of the committee back for further consideration. Of course it is not a reflection on the committee by any means, and the members of the committee, I have little doubt, will not look upon it in that light. Still one ought to have some justification for sending a report of this kind back for further consideration, because the committee appointed to look after the contingencies and internal economy of the House is a committee that is presumed to be perfectly cognizant of all the details of the service and generally gives its best attention to matters in detail as they come before us. But a practice has prevailed, a very good practice it has been, for years past in summoning the Committee on Internal Economy to accompany the notice with a docket showing the business to be brought before it at that meeting, and that practice has been so firmly and generally established, that one expects to receive specific notice in such a docket, of the business to be transacted, at every meeting of the committee. When the last meeting took place, I received a notice beforehand, and instituted inquiries as to the business that was to come before the committee, and I was told then that only the consideration of the clerk's report, which had been submitted early in the session, was

to engage the consideration of the House. I therefore considered there was no urgent necessity—I was not very well at the time—to attend the meeting of the committee. I found, however, that the meeting, which was a small one, I believe only half of the committee were present, most unaccountably, to my mind, undertook to make very serious additions to the disbursements of this House, in the way of increase of salaries of officers. Some of them are justifiable, or partly justifiable. The increase in the clerk's salary, for instance, I think is partly justifiable. I would go, as I said just now, for placing it upon the same footing as the salary of a deputy minister. Three hundred dollars of an increase this year, and an annual increase of $100 until it came to $4,000. The postmaster is the oldest member of the service, connected with the Senate. He came here at confederation, and has been employed in the Post Office Department connected with the old legislative council. During all his years of service, since confederation, he has occupied this most important and responsible position and has been most obliging and courteous and assiduous in the discharge of his duties, and there has not been one single complaint of any kind against him. In fact he is a man who will go out of his way to oblige a senator whenever the occasion offers. I would, therefore, be favourable to increasing his salary, not to $1,900, but to $1,800, in view of his early retirement and superannuation. The clerk of the other House, who has not seen so long service, retired on superannuation with $1,900 a year, but I think a fair increase on which to base the retiring allowance of a postmaster should be about $1,800. On those two items I do not differ. The others are open more or less to argument, but there is one item, which I certainly would not have approved of if I had been on that committee, and that is the increase to the law clerk. I think it is altogether unjustifiable. I think there is no man perhaps in the civil service that has a softer thing, than has our law clerk, and I think he is well paid at $2,800 for any services he renders to this House. I recollect when that officer came in first his salary was fixed at $2,000, with the understanding that he should be here a month before the session opened and should stay a month afterwards, and the rest of the time he should have to himself. He said he had some law practice, and as there was no business for him to do, during those months in connection with the Senate, we generously allowed him to have that time and gave him a salary of $2,000. It is a very handsome salary for the work he had to do. There are in all the provinces, in the rural districts especially, and in many of the cities, first-class lawyers—gentlemen in the first place, and men of ability and education and standing in their profession who would be very glad to come here and take that office for $2,000 a year, and would give at least as much satisfaction to members as the occupant of that office does at the present time. What does he do? During this parliament we have had only two sessions, not including this one, and neither of them was a four month's session but our average session ought to be about four months. That would make the time that the law clerk would be in the service of the Senate, six months, and for six months you give him now $2,800, nearly as much as those hard-worked men, the deputy heads get for the whole year round, and I assert there are no harder worked men in the civil service of Canada than the deputy heads, I do not care what department you go to. Taking the amount paid to the law clerk for his six months' services, it would amount to $5,600 a year, and with the increase it would be $6,400 a year. I say we can easily get a man for $2,000 on the terms on which Mr. Creighton was brought in here, fitted to discharge the duties of law clerk of this House. There is another thing in this report to which I decidedly object, in consequence of which I would like it to be referred back to the committee. There is an item here for a typewriter operator in the law clerk's office. I have asked many members, in fact there is no one better able to answer the question than myself, from my experience as a member of this House, what are the duties that require a typewriter in the law clerk's office. My experience in this House ought to enable me to answer this question as well as any gentleman to whom I addressed it, but I cannot tell you what they are. I found no member who could tell me what the duties are. Last year we gave the chairman of the committee power, in his discretion, to authorize the employment of a typewriter in the law clerk's office. Well, it was done.

We know what a kind-hearted man the chairman of the committee is. We know how hard it is for him to refuse a favour of that kind, and he did it. But what do I find this year ? I find a clause was drafted by the law clerk—it is drafted by the law clerk, of course, in this year's report that the hon. chairman has no option in doing next year what he did this year. I think it is a little bit of sharp practice, because it was never intended. It was intended that the discretion this year, as last year, should be with the chairman, and that is one reason the matter should be referred back to the committee. But I want to know, before I vote for the employment of a typewriter, I want to know what service she has to perform ? There are typewriters next door to the law clerk's office, the official reporters of the House, who have their regular scale of fees for typewriting work. I venture to say that all the work that would be required to be done by a typewriter in the law clerk's office would not exceed $20 or $30 if done according to the regular rate. But three or four hundred dollars is the bill for this useless office. I consider it one of the most unjustifiable items in all our disbursements, and it is one of the reasons I want to have the report sent back to the committee, that we may get some information with regard to this point ; what is the service, and what is the necessity for this typewriter ?

Hon. Mr. McMULLEN—Might I be permitted to add one word to what I said ? My idea in moving that the report be referred back, was for the purpose of considering the increases in the light of the statement made by the Secretary of State regarding increases made in the other House, and to heads of departments. Now, as far as our clerk is concerned, I have not the slightest desire in any shape or form or way, to oppose a respectable increase being made to him, to bring his salary up to that of a deputy head of any department. I am quite willing to do that. I must confess that I would like on many matters to agree with my hon. friend who has addressed the House, but I cannot agree with him with regard to the law clerk. I may be mistaken, but since I came to this House I have admired the ability that that gentleman has displayed in the discharge of his duties. I think that he is, on the whole, an efficient law clerk. I do not know what he may be able to do after this House rises, or whether he does any legal work at all or not. In my humble opinion if he does not earn money in any other shape than by the services that he renders in connection with this House, he is not overpaid and I would be quite willing to grant him an increase. I believe him to be a thoroughly able, capable man. With regard to the typewriter, I do not at all agree with my hon. friend, for this simple reason : I have made attempts to prepare a Bill or two to introduce into this House, and I know that I got very efficient assistance from the law clerk, and in every case where they were amended, they were re-typewritten by his typewriter. If every other member of this House gave the same trouble as I did, the law clerk would certainly require to have that typewriter all the time. I have had work done also at a time when I could not get it done elsewhere, and without any charge, at the request of the law clerk, so that in the discharge of his duties, I cannot see very well how he would be able to get along without a typewriter. Most business men and lawyers now have typewriters. They cannot get along very well without them. I do not see how the law clerk, in answering correspondence that comes from a distance with regard to Bills and business in this House, could attend to such correspondence without the aid of a typewriter. It would take up a considerable amount of time, and I do not think it would be a credit to the dignity of this House if the correspondence had to go out written by hand instead of being typewritten. I do not for a moment challenge the right of the law clerk to have a typewriter. I am willing, however, if it is the wish of the House, to refer the report back and let the committee talk the matter over quietly with the Secretary of State present, and decide what increases should be made in view of the increases that have been made in the other House and to deputy heads, and I am willing to act generously with every officer of this House and place them fully upon a par with officers in other departments. I do not wish to force the report upon the House if there is anything in it that shows extravagance or excess, or anything beyond what we really should recommend.

Hon. Mr. DOMVILLE—I do not understand this question of a typewriter. I presume that when a gentleman comes to the Senate he has passed through many phases and he ought to be able to do his own typewriting, and if the law clerk requires a typewriter, I think each of us should have one. I do my own typewriting. I have a machine in my own room, and I come there early in the morning and get through all my correspondence. Why should I be placed on a different platform from the law clerk of the House ? I had served my apprenticeship before I got to the Senate. I was elected in 1872, and have been in public life for many years, and though I am here as a senator I am not too old to do my own typewriting. I would like to have a good-looking typewriter. It is all the better to have an operator to do such work when the work is heavy. I fully agree with the proposed increase to the salary of the clerk of this House. He holds a very responsible position.

I had the honour of being for a number of years a member of the House of Commons, and judging from my experience there and recognizing the value of the services there, I think next to His Honour the Speaker, perhaps the clerk is the most responsible man in the House, and I can recognize when we get to the heads of departments, that he should be in no position inferior to them, either in position or in pay; but when we come down to advocate an increase of salary to the law clerk, it is a large sum of money, and if he does not think it is enough, let him get out like myself. If I am not satisfied to come here and spend seven months at a time and be docked eight dollars a day for every day I am absent, I can pick up some other job. I am not finding any fault with the law clerk or with his services. I think it is a very great thing to have him here to advise some gentlemen who are not very well posted, and who, like myself, are somewhat lazy, perhaps, and do not intend to get posted. One thing I have to say, and I think this is the proper time to say it—I entirely object to the law clerk taking charge of the committees of the Senate. I was for four years chairman of a committee in the House of Commons, and the law clerk of that House never attempted to dictate to the committee. We have had instances of such dictation within the last few hours. The law clerk can take advantage of his position to throw obstacles in the way of legislation.

Hon. Mr. MILLER—Hear, hear.

Hon. Mr. BEIQUE—I am entirely in accord with what has been said by the hon. Secretary of State. An additional reason to send the report back to the committee is this—I am not a member of the committee, but I happen to know that a sub-committee has been appointed to look into the question as to whether other employees' salaries should be raised. Their work is not before us, and for my part, without any solicitation, without having been approached on the subject by any employee, I consider that some salaries should be increased. I know of one who is entitled to an increase, but these questions should come as a whole before the Senate ; the subject should not come up piecemeal. The employees should be fairly treated, but they should be put on a proper scale, and whether they ask for an increase or not, the merits of each employee should be considered. The fact that a matter of the same kind is actually engaging the attention of the sub-committee of the Contingent Accounts Committee is a sufficient reason to send the report back and have the subject reported upon as a whole.

Hon. Mr. MacKEEN—I would venture to say that this discussion and criticism of the servants of the Senate is not exactly fair. I do not think it is quite kind on our part to criticise men who are evidently doing their duty, and perhaps are entirely innocent of the action of the committee in recommending these advances. My experience, and I have had some, in the way of regulating salaries in connection with banks and incorporated companies, has been to make it a rule that these advances should be uniform, for two reasons : to reward merit and encourage good, honest service, and also to recognize that it is necessary to keep these advances uniform, otherwise you are discouraging servants who are trying to do their duty—not only discouraging, but prejudicing them. For instance, I may be working alongside of an office clerk doing the same work ; he may have more

aptitude than I, but if he gets a hundred dollars of an advance and I get none, what do I consider? That my employers do not think I am worth the same remuneration as my desk mate. Now very often there is not enough attention paid to regulations of that kind. What I wanted to say was this: From my intercourse and what I have seen of the servants of the Senate, you will meet as uniform courteous treatment from the employees of the Senate as you will find in any institution I have had anything to do with. They are uniformly polite. Although I do not pretend to judge, I would say that this law clerk is doing his duty fairly well—as well as any of his predecessors—and to say that he is useless and over-officious in his attendance on committees is, I think, a little censorious, not to use any stricture towards the speakers who have given their opinion pretty freely. The law clerk is taken before those committees for what? To advise them. His advice is asked—he is there for that purpose and it is his duty, I take it, to advise on questions of law, of usage and so forth, that the ordinary lawyer perhaps is not as conversant with as he has every right to be. I do not think it is quite fair to criticise these men without closed doors. I do not think it is quite fair to say they have typewriters that they should not have, and indulge in criticisms of that sort without hearing the report of the committee. There may be reasons for these statements, but I thought perhaps it was a little unnecessary to make some of the remarks to which we have listened.

Hon. Mr. MILLER—It is in the report; are we not discussing the report?

Hon. Mr. MacKEEN—It may be, but all the same, that is my view. Though they may be well paid, there ought to be strict regard to the comparative salaries in the advances that are given to all our employees. In this matter there should be a joint committee of both Houses to regulate the advances, so that there would be no hard feeling between the branches. They should be uniformly paid for the services rendered. It may be out of order to make some of these remarks, but it struck me the criticisms were just a little too hard on some of these men, who, perhaps, are not responsible for the views the committee have taken.

Hon. Mr. MacKEEN.

Hon. Mr. BERNIER—The minister was quite right in expressing the view that there should be rules to govern all these matters. As a member of the committee, I have tried on two or three occasions to come to that, but never succeeded in convincing my colleagues on the committee. I hope the stand taken on this report has directed attention to the subject, and that the suggestion made to-day will be followed up. Until then we shall never have any satisfaction. All the members of the committee have experienced a good deal of unpleasantness in such matters as those now under discussion. If there were rules to govern the committee that unpleasantness would disappear.

Hon. Mr. YOUNG—Apparently the sense of the House is in favour of uniformity, as expressed by the hon. gentleman from Cape Breton (Hon. Mr. MacKeen), and that appeals to the sense of fair play in the House. If uniformity could be established, it would go a long way towards preventing jealousy or dissatisfaction among the servants of the Senate. In 1885, when the House of Commons passed the regulations to which the hon. gentleman from Portage la Prairie (Hon. Mr. Watson) has referred, they must have felt the very same necessity. They classified their officers. I am not a member of the committee, but I should like to know if it will not be necessary, in order to ensure uniformity, that there shall be a classification. If that is so, would it not be well to add to the motion of my hon. friend that the report be referred back to the committee for further consideration with a request that the committee take into consideration the classification of the officers of the House. That is the best method to ensure uniformity, as the hon. gentleman from Cape Breton has said very truly, and we should at once take such steps as will bring it about. It will be more satisfactory not only to ourselves, but also to the officers of the House, because all then would get justice, whether they pushed their claims or not. They would get justice on the principle laid down by my hon. friend, good service would be recognized by the committee, and we would have none of this trouble from year to year.

Hon. Sir MACKENZIE BOWELL—I simply desire to emphasize the suggestion

made by the hon. Secretary of State and concurred in by the chairman of the committee, that is, in the line suggested by the hon. gentleman from Cape Breton (Hon. Mr. MacKeen) and the hon. gentleman from Killarney (Hon. Mr. Young). It would prevent in future what may be termed unpleasant discussions in reference to the salaries of our officials. What did strike me as peculiar when I read that report, was that some of the officials of the Senate, whom we all know are assiduous in the performance of their duty and never fail to attend to it, are not mentioned at all. I refer particularly to the gentleman who is in the accountant's branch. There is not a kinder-hearted or more faithful servant belonging to the Senate.

Hon. Mr. MILLER—What is his salary ?

Hon. Sir MACKENZIE BOWELL—I do not know, but it is not so large as some of those that have been recommended for increase. The accountant has to attend to his duty the whole year round, because he has to pay the different officials. When I made inquiry as to why this gentleman had been overlooked, the answer was that his name had not been brought before the committee, and that he himself had not made application or pushed his claims before members of the committee, and my impression is that he was not thought of. I do not think it was intentional on the part of any member of the committee, and if this report is sent back, some consideration should be given to that gentleman as well as the others, if the salaries are to be raised. This difficulty has arisen almost every session, owing to the fact that some ardent members of the committee, perhaps, are unnecessarily bothered and canvassed upon this question of salaries. If the chairman of the committee will only carry out the suggestion made to-day and classify the officers, and lay down as a principle what the minimum salary shall be when an official enters the service, and what the maximum shall be, and let the increases be annually, as provided for in the civil service, I am quite sure this matter will be dealt with in a more satisfactory way in the future than it has been in the past. There is one point raised by the hon. gentleman from Rothesay (Hon. Mr. Domville) in reference to the law clerk, comparing his duties with those of the law clerk of the Commons. They are not analagous. The law clerk of the commons never attends the meetings of the committees.

Hon. Mr. DOMVILLE—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The law clerk of the Senate is obliged, by our rules, to attend the committees. He is made a clerk of the committees, and my experience has been, without saying anything about his salary, that he has very seldom—and I have been on nearly all the important committees since I have had the honour of a seat in this House—given an opinion unless it is asked by the chairman or by some member of the committee as to the effect which an amendment will have upon the clauses in the Act. That he sometimes unnecessarily gives his opinion, I frankly confess. I think I have objected once or twice myself, intimating that he had better wait until he is asked for his opinion, but there is this justification, and I desire to point it out in justification for his interference in that way, and that is the different position which he occupies towards the committees of the Senate to that which is occupied by the law clerk of the House of Commons. I notice, in the debate in the House of Commons the other day, that one of the members from Toronto complained that the salaries paid to the officials in the Senate were higher than those paid to similar officials in the Commons. I must confess that I was not aware of that. I had been under the impression that it was the other way; but when he asked an explanation from a member of the government upon that question the answer was that he could not tell. The Senate had control of its own contingent fund and consequently could dispose of it as they thought proper. That is all I desire to say upon that question. From the tone of the hon. gentlemen who have spoken I am under the impression that the report will be sent back, and in any report the committee may make during the session—I do not think it will take much time—they will take upon themselves to lay down a rule or principle upon which the salaries of all the officials will be treated in the Senate and I am quite sure we shall accept the proposition. I compliment my

hon. friend opposite on the moderate tone —I cannot help referring to a little ancient history—with which he dealt with these unprecedented increases. When I brush up my memory I remember, when another party had the control of the Contingent Committee, how vehemently he attacked us when we would recommend a hundred dollars, or fifty dollars, or two hundred dollars of an increase to some of the officials. The tone was quite different then from what it is now when his own friends control, not only the destinies but the distribution of the funds that are in our hands for the payment of clerks and otherwise. It is only another evidence to my mind that as we advance, that that which used to be termed extravagance and unnecessary expenditure of the public money on our part can be excelled and exceeded by the hon. gentlemen themselves. Those who used to find fault with us upon that point can change their minds and be much more extravagant than we ever were. They are becoming much more lavish in the expenditure of money in every way than their predecessors in office. However, I congratulate the hon. gentleman on the different tone which he now adopts. As we grow older we become more moderate, and a suggestion thrown out by him just now in reference to uniformity in payment of salaries I am fully in accord with. I hope the Contingent Accounts Committee will adopt the suggestion and will bring in a report which I have no doubt will be accepted by the Senate.

Hon. Mr. SCOTT—My hon. friend's memory is better than mine. I am not aware that I was the economist he would describe me when I was a member of that committee. I am not a member now. I was rather a prominent member years ago.

Hon. Sir MACKENZIE BOWELL—I hope the hon. gentleman did not understand me to say that he was a member of the committee or that he was an economist, except when in opposition. I was speaking of the tone with which he treated the report of the committee.

Hon. Mr. SCOTT—Because I have always been in favour of paying the officials of the Senate a fair salary. I was very sorry to hear the remarks of the hon. gentleman from Rothesay in reference to the law clerk. I have known the law clerk for a great many years and I have found him an extremely efficient officer. I know that not only myself but other members of this Chamber have had recourse to him whenever it became necessary to draft Bills or draft clauses of Bills, and I have always found him equal to the work he was engaged for. It must be remembered that in employing a professional man we select one in whom we have every confidence. We have every reason, I think, to feel confidence in the gentleman we selected a good many years ago. I think it was 1882 that he was appointed, which was over 20 years ago. It must be recollected that that gentleman had to give up all his practice. It was quite impossible for him to practice outside and at the same time act as law clerk of the Senate. He has to be here for some considerable time before parliament meets and he has to be here for some time after it prorogues, and the duty he performs is very efficiently done, in my judgment. In reference to the observations made about his having an assistant in the office, a typewriter, I think that is quite defensible, and I am glad to hear that hon. gentlemen agree in that view; but certainly I do not think he is open to the criticisms that have been passed upon him. When I have attended the meetings of the committees I have found when he was appealed to that his judgment was always good. He knew where the point could be settled by looking up the statute or the case which was referred to. It was a great convenience to members of that committee to feel confidence in an official to whom they appealed for guidance in matters of doubt with which he happened to be familiar. I do not desire at this late period of the session that this report should go back. I merely wanted to sound a note of warning that for the future some change should be made. There is a Bill relating to the civil service before the House of Commons. I do not know what changes they will make. It would be rather premature, I think, for the Contingent Accounts Committee to make any alterations or changes until the Bill becomes law and I, therefore, should much prefer if the matter were postponed. This is rather a late period to make changes unless we are confident that they are in con-

formity with the Bill that will be passed by parliament. It will probably be up before this Chamber next week and possibly it will be wise to defer until that Bill comes before us, advice to the committee to take any action on the matter which has been suggested in reference to classification.

Hon. Sir MACKENZIE BOWELL—That Bill only deals with the civil service.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Not with us at all.

Hon. Mr. POIRIER—I should like to ask the chairman of the committee how much we pay for the typewriter who is working in the law clerk's office ?

Hon. Mr. WATSON—$40 a month.

Hon. Mr. POIRIER—And I suppose that assistant is necessary ?

Hon. Mr. WATSON—It has been judged so.

Hon. Mr. POIRIER—The law clerk in the House of Commons has no typewriter. I do not doubt the efficiency of our law clerk. I do not doubt that a great many hon. gentlemen here have nothing but praise for him, but as far as I am concerned I had better not deal with his case personally. But if I cannot help him I do not wish to be prejudicial to him, I simply wanted to ask the question as to the salary, because what is paid for his assistant accrues to his salary—increases it to that amount. She is paid $40 a month, I am told.

Hon. Mr. PELLETIER—Only for the session.

Hon. Mr. KERR (Toronto)—Although but a young member of this House I feel that it is due to the gentleman whose name has been discussed here to-day that I should say something with reference to what I think is the able and efficient manner in which he has discharged his duty. I think Mr. Creighton is an underpaid man at the sum to which it is proposed to increase his salary. I think he is thoroughly fitted for the position, and I have observed him not merely during this session, but in previous sessions when I have been here, and I should be extremely sorry to have this matter dealt with at all, without bearing testimony to his uniform courtesy, and to the ability which he has displayed when called upon to give advice promptly, sometimes in difficult matters. I think it is due to him, that I should say what I have said upon that point. There is no person who has occupied that position as long as he has but is well worthy of fair, reasonable compensation on a much more liberal scale than is proposed in this Bill. I do think it is an unfortunate thing, when a person enters the civil service of the country—a man occupying a position in the profession which he did, with reasonable prospects which he had of promotion, and the income he could reasonably have expected to earn, all of it being set aside—I think it is an unfortunate thing when the opportunity is afforded of doing some justice to him, that it is not taken advantage of, and I think, therefore, it is only right that one who has had an opportunity of forming a judgment about it, should give the House the result of that judgment.

Hon. Mr. MILLER—Does the hon. gentleman think a salary of $2,800 for half a year, which is about the time he is occupied in the Senate, is not a very good salary ?

Hon. Mr. KERR (Toronto)—No professional man can leave his practice for the length of time Mr. Creighton is engaged in the Senate, and expect to go back to his profession and realize that his professional income is going on as if he had not been here. Many who leave their practice because they become members of the House, or who have been otherwise called upon to leave their profession, know perfectly well that in leaving their profession they are abandoning a great deal more than is represented by a salary such as this. There is no opportunity to resume practice, because he is at a different place, and I think it would be an undesirable thing that he should be practising here in competition, with the professional men who would be called upon to bring matters before the House and with whom he would be brought in contact. I think it is a fortunate thing he does not practice here.

Hon. Mr. MILLER—I think Ontario legal gentlemen have very large ideas with regard to the remuneration of the profession, hardly suited to the economical ideas that prevail in other parts of Canada.

Hon. Mr. KERR (Toronto)—Is the reason not because they have some knowledge of what the services are worth ?

Hon. Mr. MILLER—The highest salary of a county court judge in Ontario is $2,400. He does four times as much work as the law clerk. He must have talents and requirements just as great as the law clerk of the Senate, and, as I said just now, you can get dozens of men in the profession, of good standing, gentlemen in every respect, who would be very glad to come here and take his position at the salary Mr. Creighton was engaged at, with the privilege of following their business the other six months of the year. That is the fact we have to deal with. We are not to deal with the fancy figures of the practice of a great lawyer in the cities of Montreal or Toronto. We cannot make a comparison with those figures at all. I can understand my hon. friend from Toronto, who has been in a circle where tens of thousands of dollars may be the income of a lawyer, gauging everything by that, considering that our law clerk is not sufficiently paid for the work he does ; but those who come from the smaller provinces, and whose ideas are not at all the same as those entertained by the profession in such places as Toronto, look upon these matters in a very different light. But I know that the law clerk got a very soft thing when he received an appointment at $2,000, and he could not have got it had it not been for my support and assistance. I had sufficient influence in the committee, which was very closely divided, to carry it for him. I did it because he was a Nova Scotian, and I did it because I thought Nova Scotia had not a fair representation in the offices of parliament, connected with the civil service.

The amendment was adopted, and the report was referred back to committee.

REPRESENTATION OF NORTH-WEST TERRITORIES IN SENATE BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (253) An Act to increase the representation of the North-west Territories in the Senate. He said : In consequence of the large increase of the population of the North-west it is proposed to give two additional senators to the Territories. I may say that even giving it two additional senators, the senators of the North-west will represent a larger number of electors and population than any other province except the province of Ontario. The twenty-four senators from the province of Quebec mean one senator for every 68,000 persons. The twenty-four for Ontario mean a senator for every 98,000. In Prince Edward Island, one senator represents 25,000, the same as the representatives of that province in the other Chamber ; the ten from Nova Scotia mean one senator for 46,000 ; the ten from New Brunswick mean a senator for every 33,000 ; the four from Manitoba mean a member for every 63,000 ; the three from British Columbia a senator for every 59,000 ; the four from the North-West Territories mean a senator for every 70,000 based on this assumption : In 1891 the population of the Territories was 66,749 in the organized, and 32,000 odd in the unorganized, making 98,000, which would be one for every 49,000 ; but at the time the two senators were given to the North-west Territories the population was very much below that. It was based on a calculation about one for every 25,000. I calculate the population of the North-west Territories at present at 184,000, which, I think, is under the mark. It was 184,000 taking the organized and unorganized territories and excluding the Yukon, in 1901, when the census was taken, and certainly 100,000 people have gone in since that time. I think considerably more have gone in, but I put it on that basis and that would give one senator for every 70,000 of the population, which is a larger proportion than any province except the province of Ontario.

Hon. Mr. LANDRY—Does the hon. gentleman think it is fair to take population as the basis of representation in the Senate ?

Hon. Mr. SCOTT—It is some guide.

Hon. Mr. LANDRY—No, not at all.

Hon. Mr. SCOTT—Perhaps not in the eyes of the hon. gentleman. I do not take it as an absolute guide, because I am pointing out that the smaller provinces have properly, in my judgment, the true representation on ratio just as they have in the United States where the little State of Rhode Island has as strong representation in congress as New York with five or six millions of population.

But in the past the representation has been some guide in fixing the number of senators. If you take the Territories the claims of the North-west Territories would be very much greater because it is the most expansive part of the whole Dominion, far greater than any of the provinces, and therefore if you put it on that ground the two additional senators would not be an unreasonable proposal.

Hon. Mr. PERLEY—What district in the Territories will the new senators represent ?

Hon. Mr. SCOTT—It has never been thought of.

Hon. Mr. FERGUSON—Would the Yukon Territory be included in the representation ?

Hon. Mr. SCOTT—No, it was not on this calculation. The Yukon with a population of 20,000 has one member representing it in the House of Commons.

Hon. Mr. FERGUSON—But would not these senators be for the Territories, including the Yukon.

Hon. Mr. SCOTT—It is not in the Bill.

Hon. Sir MACKENZIE BOWELL—I am merely going to remark that the North-west Territories have not been given the additional representation in the Senate too soon. I know it was the intention, when I was in the government six or seven years ago, to add to the representation of the North-west Territories in the Senate. The only question now is as to whether the additional two members is sufficient, considering the rapidity with which that country is being populated and the extent of territory, though I am not aware that the extent of territory, or the population of any portion of the Dominion should be the guide or the principle upon which the representation in the Senate should be based. As has been intimated by the hon. Secretary of State, in the United States, the different states are represented in the Senate equally, no matter what their size or population, and that is, as I understand it, to prevent the more democratic bodies from interfering with the rights and privileges of the different states, and it was upon that principle that the fathers of confederation adopted the system which prevails to-day in Canada giving to Quebec twenty-four, Ontario twenty-four, and to the maritime provinces twenty-four senators.

As the new provinces were added to the Dominion, there was no guide, and it is simply a question of equity with the government of the day, as to how many senators shall be appointed. When British Columbia came into confederation, they had a larger representation, proportionately, than the other provinces in the Senate, and it was for the reason that I have already indicated, that it was known to be a growing province, just as in the case of a representative in the Commons when the redistribution took place a number of years ago, giving a representative to the Muskoka district with only 8,000 people living in it. But experience justified the Act of the government of that day, from the fact of its rapid growth until now it has a population that have a number of representatives. I fully concur in the provisions of this Bill, and the only point with me is whether the representation should not be increased to six instead of four. I suppose the probability is, in a very short time that the representation will be increased, no matter which party is in power.

Hon. Mr. LOUGHEED—I desire to express my satisfaction with the policy of the government in thus increasing the number of senators for the North-west Territories. The only fact I regret is that the increase has not been larger than four. Even with the present population, and the rapid development of the country, certainly the government would have been justified in increasing the representation in the Senate, say, on the same basis as the Senate is represented in the maritime provinces. Take, for instance, the province of New Brunswick, which is represented by ten senators in this House, and the present population of the Territories must very closely approach the population of New Brunswick. My hon. friend from Stadacona seemed to express some degree of surprise that the principle of representation should be upon the basis of population. A very much more important fact is to be taken into consideration in the matter of representation of the Territories, and particularly the western part of Canada. If any portion of the Dominion should be well represented it is those portions that are being so rapidly developed, as the west is, at the present time. The duties

of members are certainly more onerous on account of the growing character of the country, than those imposed upon members from the eastern and more settled sections of the Dominion. I might refer particularly to the very onerous duties imposed upon the members of the Commons from the North-west Territories. I undertake to say that no members of the Commons begin to perform the onerous and the burdensome duties that those gentlemen are called upon to perform in their respective constituencies, not only departmentally here, but while they are at their homes. I cannot say that the same will so largely apply to the duties cast upon members of the Senate, from the west, in this Chamber, at the same time if they will discharge the duties commensurate with the growth of the districts which they represent, and if they will keep in touch with the public business in those rapidly growing districts, certainly the duties which would be imposed upon senators in this Chamber, would warrant the government in giving as large a representation from the North-west Territories as from the other parts of the Dominion where the population is no greater.

Hon. Mr. LANDRY—I do not find fault with the government in bringing in a Bill to increase the number of the senators in this House and give two English-speaking senators to the North-west, but I do protest against the argument, saying that this increase is based upon the fact that the population is increasing there so rapidly. The population was never the basis of representation in the Senate, and I protest against this argument being used at the present time.

The Bill was read the second time.

BILL INTRODUCED.

Bill (252) An Act to amend the Act relating to Ocean Steamship Subsidies.—(Hon. Mr. Scott.)

The Bill was read the first time.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, October 1, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

Hon. Mr. LOUGHEED.

THIRD READINGS.

Bill (211) an Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company.—(Hon. Sir Alphonse Pelletier.)

Bill (168) an Act to incorporate the Chicoutimi and North-eastern Railway Company.—(Hon. Sir Alphonse Pelletier.)

PENSION TO JUDGES BILL.

Hon. Mr. SCOTT moved the second reading of (Bill 243) an Act to amend the Supreme and Exchequer Courts Act, the Exchequer Court Act, and the Act respecting the Judges of Provincial Courts.

He said: The main features of this Bill are to enable the government to retire judges after they have attained a certain age, and have served a given number of years. We all know—it is pretty well recognized in a majority of instances at all events—that when judges have arrived at a certain age their mental acumen is very apt to diminish, the vigour of mind suffers with the physical decay of the body. The persons least apt to recognize that melancholy fact are the judges themselves, and without referring to any living cases, I daresay I could recall to many hon. gentlemen that in past years, it has been somewhat of a scandal that judges continue to remain on the Bench long after the time when they have ceased to be of any service in their judicial capacity. This Bill authorizes the retirement of a judge after he has attained the age of seventy-five years, and has served on the bench for twenty years, and also, in the case of a judge who has attained the age of seventy years and has served for twenty-five years. Under these circumstances the judge may retire under the salary that he enjoys. It also applies to a judge who has served on the bench as a judge of one or more of the courts for a term of thirty years, which seems only reasonable and fair, that after so long a period a judge should be entitled to retire on the full allowance. Clause 2 is of a different character and refers to the pension of a judge who has served for a time as lieutenant governor. I understand there is such decided opposition to this clause that it is proposed to drop it. The clause allows the time a judge may have served as lieu-

tenant governor to count on his superannuation, although he may not have served the requisite time, either as judge or lieutenant governor. Clause 3 refers to the county court judges, and enacts that a county court judge who has attained the age of eighty years may be compulsorily retired, and at seventy-five if he resigns. In both those cases he shall be entitled to the full allowance of his salary, but if he has served less than twenty-five years then he would only be entitled to receive the two-thirds allowance. The last clause, clause 4, provides that a judge of a county court who has continued in office for a period of thirty-five years, and has become afflicted with some permanent infirmity which disables him from discharging the duties of his office, may be retired on a salary equal to the one he was enjoying on the bench at the time of his retirement. With those observations I move the second reading of the Bill.

Hon. Sir MACKENZIE BOWELL—The Bill before the Senate, is to my mind, as a layman, of a somewhat extraordinary character. In the first place it provides for the granting of a full amount of salary which a judge may have received upon his retirement either voluntarily in one case, or compulsorily in the other. Speaking to the principle of the Bill I do not understand why a judge should be thus favoured any more than any other public servant, or any other class of the community. If the government is prepared to adopt the New Zealand law and provide what is termed 'the old Age Pension,' then I could understand carrying it a little further on the line of democratic and socialistic principles; but for myself, I would have no objections—and I think I speak the opinions of a vast majority of people—at least of those amongst whom I live—to increasing the salaries of judges commensurate with the importance of the positions they hold in order that they might do as others do who are not so favourably situated—lay aside a portion of their earnings during the time of their health and youth. I think the hon. Secretary of State in his introductory remarks fell into an error. If I read the law correctly we have no power, under the constitution, to compel a judge of the Superior Court to retire. The provision is, if I read it correctly, that if he retires when he attains a certain age, then he shall be entitled to the full amount of his salary as a pension for the balance of his life.

Hon. Mr. SCOTT—The compulsory retirement applies only to county court judges.

Hon. Sir MACKENZIE BOWELL—So I understood. What I was calling attention to was, that the hon. gentleman in his remarks when introducing the Bill stated that they took power to retire the judges compulsorily, and I came to the conclusion that that only applied to the county court judges. I do not see what necessity there is for compulsory retirement of the county court judges. I know the difficulties, to which the hon. gentleman has called the attention of the Senate, did arise during the time of Sir John Thompson's administration and while he was Minister of Justice. In order to meet a case of a judge who had softening of the brain and who was totally unfit to perform his duty, Sir John Thompson introduced a Bill, which stands now on the statute-book, providing for the appointment of a commission to make an investigation and if the report should be of a character to justify the retirement of the judge on a pension, then the government had the power to retire him. Clause No. 3 of this Bill goes much further than that. Upon a county court judge arriving at a certain age, the government can, under this Bill, compel his retirement, and, in certain cases he is to have the full retiring allowance and in other cases only a portion of it. These are the principal features of the Bill, and why, I ask again, judges who have served for a certain length of time should be paid the full amount of their salary on retirement any more than any other civil servant who has performed his duties satisfactorily to the country, I fail to understand. I think the reason which will be given for this will be the fact that they are learned in the law, that it costs a great deal to acquire their education, that they have devoted themselves to the administration of justice during the whole of their lives, and that when they arrive at the age at which they are no longer fitted for the performance of their duties, they should be offered as an inducement to retire the full pay which they had received during

the whole time they were on the bench. That is the reason which will be given to justify the placing of judges in that position and supporting them at the full amount of their salaries for the balance of their lives. I cannot answer that question further than to give my own opinion and to say that if a question of that kind were submitted to the people they would reject it, and on the broad grounds I have indicated.

I was a little surprised—and I have no doubt many other hon. gentlemen were surprised, when the Bill first came before the Senate—at the provisions of the second clause, I notice that the rebellion, I may so term it, I think, in the ranks of the government supporters, was of such a character as to compel the government to withdraw that clause, if I understood the hon. Secretary of State aright ? Whether it was from an objection to the princple laid down in the clause and whether it was to affect a certain judge who afterwards became a lieutenant governor, I am not prepared to say ; but, if I were to draw my own conclusions from political likes and dislikes, I should be inclined to the latter view. However, it is scarcely necessary to waste time in discussing this clause as the government intend to drop it. Those who have studied it will observe the peculiarity that under this clause if it became law—and it has passed the House of Commons—they have given their approval to it—the judge who had served six months or twelve months on the bench and had then been appointed a lieutenant governor had served a portion of his time, or the full five years term, could be retired upon two-thirds of his salary as a judge. That I think is the provision of the clause as I understand the reading of it. While I was not going to offer any objection to the principle contained in it, I was going to object to the wording of it, and the purposes to which it could be applied, in case any government thought proper to so exercise their power under the clause. It would be dangerous, to my mind, for any government—I am not speaking particularly of this government—although I would not trust them very far, if they had an object to gain—to be in a position to exercise this power. I am speaking of the general principle. They might desire to reward a man for political purposes, or they might desire to reward him for any other purpose. They could appoint him to a judgeship and in six months they could appoint him as a lieutenant governor, and after he had served the five years, they could retire him on the full allowance to which he would be entitled as a judge, had he served a full term as judge. How it was that the House of Commons with the number of legal gentlemen who are there and the number of laymen who are in the House, never pointed out this peculiarity of the Bill, is a marvel to me. As the clause is to be dropped I shall not pursue that point further than to say, that if a judge has been serving on the bench sufficiently long to enable him to a retiring allowance of two-thirds of his salary. and then he retired and was appointed to the honourable position of lieutenant governor of the province, after having served as governor of the province for five years, it would scarcely, to my mind, be right to deprive him of the pension which he would then, by right be entitled to had he remained on the bench the whole time. I give that as an expression of my opinion in reference to the retirement of judges under those particular circumstances. Certainly I should have felt myself justified in moving some amendment to this clause if the government was prepared to push it to a decision. Perhaps I am singular, and may stand alone, but I am opposed to giving judges their full pensions when they think proper to resign, that is the Superior Court judges, although I must frankly admit there have been cases in the courts in which judges refused to be retired unless they got their full salaries, when they have arrived at an age that probably should have induced them if they had considered their own interests, their own health and their duties as judges to have resigned. There is another point which has just suggested itself to me, to which I desire to call the attention of the Secretary of State. This Bill is not retroactive. If it is equitable and just that a judge should now, upon his retirement after he has reached the age provided in this Bill, be entitled to the full salary why are not those who have been a month or two ago retired from the bench, entitled to the same consideration ? Take our own chief justice of the Supreme Court. Only a few months

ago he retired after some thirty years' service, I think.

Hon. Mr. SCOTT—Thirty-two years.

Hon. Sir MACKENZIE BOWELL—Why is he not entitled to the same consideration in reference to the amount paid on retiring, as those who may retire to-morrow, who perhaps have not served nearly the same length of time? I know some county court judges in Ontario who retired some few months ago, on account of ill-health, and they will be cut off from the advantages which would have accrued to them had they remained on the bench until this Bill became law. I do not know whether the Justice Department of the government or whether the Secretary of State has considered that point. I think it is a point well worthy of consideration. Admitting—of course I must modify my remarks in this way—admitting the principle is correct, and it is affirmed by this Bill, of retiring judges under certain circumstances with their full salaries, I think it should be extended to those judges who retired but a short time ago. Whether it should go back for all time, I am not prepared to say. We had an Act of this kind introduced into parliament during the time Sir Oliver Mowat was leading the government—my hon. friend will no doubt remember it—for compulsory retirement, and for granting full pay in case of retirement on account of age, and those ages were laid down in the Bill, and yet the most extraordinary thing was, and I chaffed the late lieutenant governor of Ontario about it at the time—finding the Senate disapproved of that Bill he withdrew it, and my hon. friend who is looking at me across the floor (Hon. Mr. Kerr) will remember distinctly that not two months afterwards, a very short time afterwards, one of the Superior Court judges was promoted to the chief justiceship, although he had attained an age a number of years over and above the limit provided for in the Bill introduced—I am speaking of the late Chief Justice Burton. My hon. friend will remember very well that after that Bill was presented to parliament, and rejected here, a Bill which would have not compelled, because if I understand the constitution correctly, we cannot compel the retirement of a Superior Court judge, notwithstanding that fact, a Superior Court judge was promoted and when I spoke to the late Sir Oliver Mowat about the inconsistency he laughingly said: 'You are right.' I give that as an illustration to show how the powers placed in a government can be used under certain circumstances, whether properly or not. I cannot say that the judge to whom I have referred, was not qualified for the position he held, because I know he stood very high at the bar, but the point we chaffed Sir Oliver about was the judge's age, as the Bill introduced had provided for his retirement, before he reached that age; and it may be the same in these cases. In the first place I am opposed to the principle of giving a man the full salary, and in the second place as far as the county court judges are concerned, there is ample power in the law as it now stands on the statute-book, for their retirement in case they are unfit for the duties which they have to perform. That is the view of a layman. I do not expect that to be acquiesced in by the legal fraternity. I would not accuse them of being actuated by personal motives, but we are all actuated to a very great extent by our ambition which leads us to attain higher positions in life, and I have no doubt that every legal gentleman here who is ambitious for a judgeship, would like to retire on full pay after he had attained a certain age. I do not find fault with that feeling, but if I had the power to prevent it, he would not get it. I would give him say sufficient salary to enable him to live, not only live in the way in which he should live, and maintain the dignity of his position, but I would leave him in the same place that other people are left, to live economically and save a portion of their salary for their old age.

Hon. Mr. BEIQUE—In examining this Bill I note under clause 3 it would be in the power of the government to allow the full salary as pension, and even full pay to judges irrespective of the time they have served. I am very doubtful that it was the intention of the party who drafted this Bill, and anyway I intend to give notice that when the Bill is considered in Committee of the Whole, I will move to amend clause 3. I know that it is not necessary to give any notice on a Bill of this kind, but I shall do so in order that hon. members will be better able to follow the suggestion, when

the suggestion is made. My own judgment is not against the principle embodied in that clause so far as permitting the retirement of judges who have attained the age of 80 years is concerned, nor am I opposed to the principle of empowering the government to give judges—I am referring to county court judges—who have served during a reasonable number of years and who have become incapacitated, a retiring allowance. In clause 3 of the Bill it will be noticed—and that will be one object of my amendment—that no reference has been made to the fact that a judge is incapacitated. He could be retired at any time without his being incapacitated at all, and whether he has served for five years or twenty years. I doubt very much that it was the intention.

Hon. Sir MACKENZIE BOWELL—Is that not provided for in the Act to which I have already referred, introduced by the late Sir John Thompson ?

Hon. Mr. BEIQUE—I have not looked that up. We have to take this Bill as it is before us, and I think it should be amended in the way I suggest.

Hon. Mr. SCOTT—I have not called attention to the particular inconsistency that I recognize in the Bill. I noted it on my own paper for the purpose of calling the attention of the Department of Justice to it, because I think it in a measure nullifies the preceding language of section 3 regarding county court judges, giving the government a very much wider power than I think was intended to be exercised.

Hon. Mr. LOUGHEED—The hon. gentleman refers to the last clause.

Hon. Mr. SCOTT—The last four lines. I had not the opportunity after I discovered it of discussing the matter with the Minister of Justice, but I propose to call his attention to it. My hon, friend, however, has moved an amendment in that direction.

Hon. Mr. FERGUSON—The question arises in connection with clause 3 of this Bill as to whether parliament has the power to compulsorily retire a judge.

Hon. Mr. SCOTT—We take the power to retire county court judges.

Hon. Mr. FERGUSON—That is a very important point I think and the question arises, can we constitutionally exercise that power ? To my mind there is little difference between the position of the county court judges and the others. The British North America Act makes a slight difference, but practically there is no difference between the position of a county court judge and a superior judge so far as compulsory retirement is concerned. The appointment by letters patent and during good behaviour is what, I think, settles the whole matter. I gave the subject some attention during the early part of the session and I have not been able to find any authority for the view that this parliament has power to compulsorily retire a judge, excepting through the process adopted in the Act of this parliament, chap. 138 of the Revised Statutes, to which my hon. friend to my left has referred, the statute introduced by Sir John Thompson, dealing with county court judges. As far as I have been able to ascertain we have the power to provide by law for the removal from the bench of any judge under an old imperial statute of 1872. It must be done in regular form. An investigation must be held and the judge must be allowed to appear in self-defence, but there is nothing that I can see in any authority on the subject or any practice I think, either in the colonies or Great Britain, by which a judge who was appointed by letters patent and during good behaviour can be summarily and compulsorily retired except for cause. The British North America Act provides that Superior Court judges can be removed by an address, but Todd lays it down very plainly that such proceeding may also be resorted to with regard to county court judges. It is undoubtedly in the power of parliament to proceed by address against county court judges as well as against the judges of the Superior Court, but I have not been able to see any authority or any precedent for the compulsory retirement of a judge for the reason given in this Bill, namely, because he is 80 years of age. No member of this House will agree for one moment with the proposition that because a man has reached 80 years of age that he must be unable to perform his duties. I believe that is the position of my hon. friend to my left (Hon. Sir Mackenzie Bowell). If he is not that age he is not far from it. and I think it will be admitted that his mind is as clear as it need be.

Hon. Sir MACKENZIE BOWELL—I wish I were a lawyer; I would retire on the allowance.

Hon. Mr. KIRCHHOFFER—The hon. gentleman is one in 10,000.

Hon. Mr. FERGUSON—I want to call the attention of the legal gentlemen of the House to that point. It is not likely that a judge would be found to resist retirement because his work is being taken from him and he is getting his full salary, but supposing we found a judge who was desirous of continuing his work and delighted in it, and would not retire, a serious question would arise whether parliament had a right to pass legislation to retire the judge under such circumstances and it might lead to very serious complications and furthermore we are establishing a dangerous precedent. Perhaps we may have the right to pass this Bill under the authority contained in the principal section of 91 of the British North America Act under which this parliament has power to make laws for the peace, order and good government of Canada, but a judge might be able to show that it was necessary for the peace, order and good government of Canada, that he should be compulsorily retired and denied the right to continue on the bench and perform his work. He might not be able to agree with the idea that he should be retired, and it might be found, if inquiry was made into it, that it was not necessary for the peace, order and good government of Canada that he should be retired, as he was still able to perform his work. If this point is, as I think it is, a substantial one, we should not place a law on the statute-book which might be challenged, and might be attended in the end with serious consequences.

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

THIRD READINGS.

Bill (254) An Act further to amend the Yukon Territory Act.—(Hon. Mr. Scott).

Bill (253) An Act to increase the representation of the North-west Territories in the Senate.—(Hon. Mr. Scott).

OCEAN STEAMSHIP SUBSIDIES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (252) an Act to amend the Act relating to Ocean Steamship Subsidies. He said: This Bill proposes to authorize the Governor in Council to enter into a contract for a term not exceeding ten years with any individual or company for the performance of a steamship service between a port or ports in Canada and a French port or ports, on such terms and conditions as the Governor in Council deem expedient, and to grant therefor a subsidy not exceeding $133,333.33 a year, based upon a minimum service of eighteen round voyages a year, and a subsidy therefor not exceeding $100,000, and so in proportion for a more frequent service. It contemplates a service of twelve voyages in summer and six voyages in winter. Hon. gentlemen will probably recollect that we have on several occasions passed similar propositions, not in amount, the amount on one occasion was $100,000 and on another $50,000. In 1894 a treaty was made with France by Sir Charles Tupper from which very great benefits were expected to flow to Canada. The treaty, however, required that the products shipped from this country should be carried in steamships direct to France, and as we have had no direct steamship line that treaty has availed very little. The party with which the contract is proposed to be made is a Mr. Colombier, of Bordeaux, who brought letters to the government of Canada stating that he was a man of character and position, and on subsequent inquiry through the British consul the report furnished was that though not a very wealthy house yet it was a house of good standing. and that very little doubt was entertained, if the contract was entered into, that they would be able to carry it out.

Hon. Sir MACKENZIE BOWELL—I do not rise for the purpose of opposing this Bill, but to express the hope that the increased subsidy may have the effect of creating a trade between France and Canada that has not existed in the past. Years ago subsidies were granted for the purpose of

assisting a line of steamers between France and Canada. They never were successful. The treaty to which my hon. friend referred that was entered into between Sir Charles Tupper, when he was High Commissioner, and the French government, was of a character to secure to Canada the minimum tariff. As we all know, France has for a number of years past had what is called a maximum and a minimum tariff, the minimum tariff being accorded to those countries that would carry on a trade directly with a French port in French vessels. Although the benefits that would accrue to Canada by getting the advantage of the minimum tariff are obvious, it has never been a success—never such a success as to justify the payment of the money which was voted for carrying on that trade. The government has in this Bill increased the subsidy, something more than double, and I am under the impression, from reading the debates elsewhere, that it is the intention to place on that route a better class of steamers, than have hitherto been plying between France and Canada.

Now, if that be done, and we can secure a good freight line of steamers with the aid of this additional subsidy, the government is justified in the course it is pursuing. In granting these subsidies in many cases the vessels which are employed for the service cannot secure return freight to compensate the ship-owners for the investment that they have made in carrying on the trade. The difficulty in the way of making the Australian trade as profitable as we should like to see it, arises from the fact that while the steamers leaving the Canadian port on the Pacific have always had, since the establishment of the service and more particularly lately, full cargoes, they have had comparatively nothing coming back. I had something to do with assisting in the establishing of that line, and the only justification for the government granting a good subsidy is this, that it opens a market for the output of our agricultural implement establishments, for the output of other manufactures and for the lumber of the Pacific coast, and also, when there is a failure of grain in Australia for the grain of the North-west. If it were not for that, we should not be justified in granting these subsidies. In this case I do not see any reason why, if we can get a class of steamers fit for the work, and to carry passengers, and ply directly between the French ports and Canada it should not be a success. It has not been in the past, and I think my hon. friend the Secretary of State will concur in the view I have taken in this matter, and the step which they have taken in order to make a success of that which has been a failure in the past. I think the financial condition of the country will justify what they have done. We can only hope a large and profitable trade may spring up between these two countries. I need not enter into the question of what we can send to France, because they import largely that which we produce and of which we have a surplus, and there is no reason why, with a little aid, we should not open that market to our producers as well as other markets which are opened by the granting of these subsidies. Having had some little experience in questions of this kind, having taken a deep interest in establishing a trade and opening communication between other ports and the Dominion, I felt justified in calling attention to this. I hope the government will come down with large subsidies sufficient to open up a trade with South Africa, where I am convinced, from studying the statistics of that country, there is a large market for our surplus products, while the same difficulty presents iteslf to the ship-owner that I have already indicated. There is very little in South Africa that we can bring back except it be wool and perhaps fruits which can be obtained in many parts of that country. Under the circumstances I reiterate the opinion that the government is quite justified in endeavouring to make a success of that which has been a failure in the past.

Hon. Mr. DANDURAND—I am happy to see we are about all in accord in approving of the repeated attempts made by the government to establish a line between France and Canada. I had something to do with the effort made in 1900 to start a new steamship service between the two countries. The company that was formed at that time subscribed only a small capital, which was all absorbed by the first attempt, but the work which that company did in 1900 and the year after has convinced me—I followed its work from month to month—

that there is indeed a sufficient demand for our goods in France to justify the government in making an effort to maintain a steamship service. As the hon. leader of the opposition has well said, it has been hard to find return cargoes, because the trade from France comes from the Mediterranean and from Bordeaux by long-established channels. It would take some capital and some persistency in gathering together all the trade that can come to a direct Franco-Canadian line, but I am quite sure that if there is some persistency in the attempt that we will before long have sufficient return cargo. I have followed, as I stated, the amount of trade done in two years' of the service, and there was not one trip in which the ships left without their full cargo from this side, and always came back with one-fourth cargo or one-half cargo on the return trip, and I am quite sure from the trade returns that we have that there will be sufficient return cargo if there is persistency in maintaining the line, in order to draw all the French and Spanish trade through that channel. As to the capabilities of the present directors to establish a line, I do not know. I hope that they will be able to accomplish what they have contracted for. At all events the government stands simply to win, because it can only pay a subsidy when the subsidy is earned.

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

BILLS INTRODUCED.

Bill (66) An Act to readjust the representation in the House of Commons.—Hon. Mr. Scott.

Bill (235) An Act respecting the construction of the National Transcontinental Railway.—Hon. Mr. Scott.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, October 2, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MUTUAL RESERVE LIFE INSURANCE COMPANY OF NEW YORK.

MOTION.

Hon. Mr. DOMVILLE moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate a statement of the affairs of the Mutual Reserve Life Insurance Company of New York, as last sent to the Insurance Department.

The motion was agreed to.

COMMUTATION OF DEATH SENTENCE ON JOSEPH CARVER.

MOTION.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid on the Table of the Senate copies of all petitions addressed to His Excellency, or the Department of Justice, praying for the commutation of the sentence of death passed on Joseph Carver for the murder of Alexander M. Stewart, near Southport, P.E.I., during the month of March or April last.

Also, a copy of the Order in Council authorizing the commutation of said sentence.

He said : In making this motion I do not desire, and I do not think it would be proper, to make any comment whatever upon the commutation of the death sentence of this unfortunate man, Joseph Carver, who was sentenced to death, and whose sentence appears to be commuted. My reason for asking for these papers is that the brother of the murdered man has written me saying that he believes, on good authority, that many of the names to the memorials and petitions that were sent to the Department of Justice are not genuine, and it is his desire, as it is the desire of many others deeply interested in this matter, to know what representations were made and what names were attached to the petitions.

Hon. Mr. SCOTT—At this moment, I cannot remember the rule in these cases. I presume those papers are always brought down. The report of the minister, which is really a substantial document, is not brought down. My hon. friend has not asked for that ?

Hon. Mr. FERGUSON—No.

Hon. Mr. SCOTT—But I think his own judgment will tell him that really the petitions have very little to do with the commutation. It is based on a very much more

important matter than the mere fact of a few signatures to a petition. It is the circumstances that are represented to the Minister of Justice, and on which he makes the report to council. However, I will be very glad to bring down any papers I can in connection wth it.

Hon. Sir MACKENZIE BOWELL—I speak under correction just now, but my impression is that the report of the Minister of Justice, which leads the council to come to a conclusion, can be brought down, and has been brought down in the past, although I cannot speak positively upon that point. That, however, is my impression, for this reason: the minister must have had good reasons for recommending the commutation of the sentence, and there can be no reasons why the public, who may labour under the impression that the man should have suffered the death penalty, should not know the reason why the sentence was commuted. There are, unfortunately, in cases of this kind strong prejudices for and against, and if it is not contrary to the rule, as my hon. friend says, if there is any precedent for it, I suppose he will bring it down; but my impression is, for the reasons I have given, that there can be no possible harm; on the contrary, it would do good, as it might allay the feeling which exists against the course which has been adopted by the minister, because he may have shown good reasons for the course adopted. No one knows better than those who have been in council the delicacy with which questions of that kind must be treated. It is only when good reasons are given, or evidence exists on certain points, that the Executive Council depart from the decision of the jury and the sentence of the court. My own impression is, the reasons must have been good to induce the government to take the course they did, and being good reasons, it would tend to allay the feeling which evidently exists in Prince Edward Island on this questions, if they were known.

Hon. Mr. FERGUSON—My own impression was similar to that of the Secretary of State, that the report of the minister to council was not usually brought down. I am not quite clear on that point. However, there is no object in asking for it, and I have not asked for it. What I have moved for is a copy of the petitions with the signatures to these petitions.

Hon. Mr. SCOTT—There is no objection to that.

Hon. Mr. FERGUSON—Notwithstanding the opinion expressed by the hon. Secretary of State, I am satisfied these representations must have had a great deal to do with the decision, because these may be from very important sources, and if it is possible that any document which is not genuine has been treated by the Minister of Justice as a genuine document, it is a very serious matter. I want to call my hon. friend's attention to the importance of dealing with this matter almost immediately, as it is of great consequence.

The motion was agreed to.

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

THE SENATE.

Ottawa, Tuesday, October 6, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

TELEGRAPHIC COMMUNICATION WITH PRINCE EDWARD ISLAND.

MOTION.

Hon. Mr. FERGUSON moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency may be pleased to lay before the Senate all communications between the government of Canada, or any member thereof, and the Anglo-American Telegraph Company, any other telegraph company, the provincial government of Prince Edward Island, any board of trade in Prince Edward Island or any other province, and any representative of Prince Edward Island in the House of Commons, respecting the improvement of the telegraph service between Prince Edward Island and the mainland of the Dominion; and also a copy of any contract existing between the Prince Edward Island Railway and the Anglo-American Telegraph Company regarding the use of the lines and offices of the said railway for telegraphic purposes.

He said: The matter which I am about to submit to this honourable House, deals, as will be noticed, with the question of telegraphic communication between Prince

Edward Island and the mainland of Canada. Hon. gentlemen may not remember that this is a question which is entirely within the jurisdiction of this parliament. I refer to the terms of union on which Prince Edward Island entered the Dominion, and I find that section 7 provides that the Dominion government shall assume and defray all the charges for the following services: Then there are a number of subections, a to j, and then comes k, which reads in this way:

> The maintenance of telegraphic communication between the island and the mainland of the Dominion and such other charges as may be incident to and connected with the service.

That is why this matter of telegraphic communication with Prince Edward Island comes properly within the jurisdiction of this Dominion. Before confederation the province had a contract with what was called the Newfoundland and Prince Edward Island Telegraph Company, and an attempt was made to maintain telegraphic communication in that way. However, it was not satisfactory, and later, in the year 1854, another company came in called the Newfoundland, New York and London Telegraph Company, and an Act of the provincial legislature was passed giving that company certain franchises, and calling upon them to perform certain work for the province, in the matter of telegraphic communication between the Island and the mainland.

I may mention this point, that it has been persistently held by the Anglo-American Telegraph Company who now perform this service that they have exclusive privileges, and that exclusive privileges were conferred upon them by the legislature of Prince Edward Island before confederation; in other words, they possess a monopoly. I shall point hon. gentlemen to the Act on which they have relied. It is a private Act of the province of Prince Edward Island, chapter 4 of the statutes of 1854, and it contains this provision, in section 2:

> The said corporation may establish, contract, purchase, hire, keep in order and work any line or lines of magnetic, electric, or other telegraph, or means of telegraphic communication in any part of the island or its dependencies, or places under its jurisdiction, or between any two or more points therein, or between any point or points therein and any other island, province, country or place in or near the continent of America, or in or near the continent of Europe, or in the Atlantic ocean; and during the existence of the said corporation, no other person or persons, body or bodies, politic or corporate, shall be permitted to extend, to enter upon or touch any part of this island, or the coast thereof or of the islands or places within the jurisdiction of the government of this island, with any telegraphic cable, wire, or other means of telegraphic communication from any other province, state, country or places whatsoever, beyond the continent of America.

This is the clause upon which the Anglo-American Company have been relying as giving them an exclusive right to land a cable on Prince Edward Island from the mainland of the Dominion, and for carrying on exclusive telegraphic service in the province of Prince Edward Island. Any hon. gentleman who will take the trouble of looking carefully at this section will find that the exclusive privilege is in regard to laying a cable between Prince Edward Island and any other land not embraced in the continent of America—in other words it was an exclusive privilege against another company laying a cable from Great Britain or from any other part of Europe, not simply direct to Prince Edward Island but by coming through Newfoundland or by Cape Breton, the way in which the telegraph lines were expected, and were then being put through.

Hon. Mr. SCOTT—Was there not a limitation for 50 years?

Hon. Mr. FERGUSON—There is no limitation in the clause.

Hon. Mr. SCOTT—There was a limitation in the Newfoundland Act.

Hon. Mr. FERGUSON—We had nothing to do with the Newfoundland Act, nor has my hon. friend to be troubled with that question in any way, and I think I shall make it quite plain to my hon. friend that there is nothing in the legislation of Prince Edward Island which interposes any difficulty in providing a service by another company or which gives any monopoly to the Anglo-Saxon Company. This was the Act of 1869. Then came other Acts of the province in relation to it. In 1857 there was another Act passed, and this was simply providing for a subsidy to the New York, Newfoundland and London Telegraph Company, providing that if they established an efficient telegraph service between the island of Prince Edward and the mainland, the province would grant £300 of the lawful current money of the island, &c., as a re-

muneration or a subsidy to assist in the performance of that service. It appears that no satisfactory service resulted, and in the year 1862 we had another Act of the legislature passed, which may fairly be claimed to revoke all the previous concessions, whatever they were, to this company, and setting forth, as it does in its various recitals, that the service had not been adequately performed, and it contained a further offer. It authorized the government to make a contract with any company that would give the island telegraphic communication, to make the term twenty years, and that the annual payment was to remain at the same amount, £300. During all this period it was the New York, Newfoundland and London Telegraph Company that was being dealt with. Then, in 1869, another Act on the subject was placed on the statute-book of the province, setting forth in its first section a provision which I think is of sufficient importance to read in full :

If the New York, Newfoundland and London Telegraph Company shall, on or before the 1st day of July next, lay down, in proper working order, a new submarine telegraphic cable across the Straits of Northumberland, so as to connect this island with the provinces of New Brunswick and Nova Scotia and the continent of America generally, that is to say, at or near Capes Traverse and Tormentine, respectively, or at some convenient points on each side of the said straits, and shall open offices and provide operators at Capes Traverse and Tormentine, or some other convenient point on each side of the straits, to the satisfaction and approval of the government of this island, then so long after the completion of such telegraphic communication and connection as before mentioned as the said New York, Newfoundland and London Telegraph Company shall maintain a regular telegraphic communication between this island and the provinces of New Brunswick and Nova Scotia, and the continent of America generally, and shall, likewise, during the same period, at the costs and charges of the said company, build, erect and maintain telegraph offices and stations at either end of the electric cable connecting this island with the provinces of New Brunswick and Nova Scotia and the continent of America generally, that is to say, at Capes Traverse and Tormentine, respectively, and shall, likewise, maintain and provide properly qualified operators at the said stations for the purpose of transmitting intelligence from and to this island, and to the post offices in Charlottetown and Summerside, respectively, at the same rates and charges, as regards the transmission of inland messages between one office and another in Prince Edward Island, as heretofore charged by the company, and at a rate not exceeding fifty cents additional on former charges or messages passing out and into this island through the submarine cable, and in the ordinary proportion for any additional number of words in each message, and, also, in the event of any of the people or the government of this island erecting good and sufficient posts, free of costs to the said company, for an extension of the land line to Cascumpec or Alberton, the said company do furnish the wires and insulators therefor and perfect telegraphic communication to Cascumpec or Alberton, as the case may be, and maintain said lines in proper working order, and also keep up and maintain telegraphic offices and stations and operators at Charlottetown, Summerside and Cascumpec or Alberton for the transmission of messages, there shall be paid to the company, from the public treasury of this island, the sum of six hundred pounds of lawful current money of the said island, in lieu of any former contract, by half-yearly payments, and for such sum the Lieutenant Governor, or other administrator of the government of this island, for the time being, shall draw warrants in favour of the company on the treasurer of this island in the usual manner.

Hon. Mr. SCOTT—Was there any limit to that agreement ?

Hon. Mr. FERGUSON—No, no limit. This is simply a contract that while they shall perform this service, they shall be paid this sum of £600, which in Dominion currency is about $2,000.

Hon. Mr. SCOTT—What is the date of that contract ?

Hon. Mr. FERGUSON—That was in 1869. Then, the second clause sets forth that this company, if they perform the service in the way described, shall have all the rights and privileges given in the original Act in 1854. So that any right or privilege that was given in the Act of 1854 is renewed by this Act on consideration of their performing this service, and their continuing to perform it.

Hon. Mr. SCOTT—It would be in perpetuity if the conditions were observed.

Hon. Mr. FERGUSON—It would be in the form of a contract in perpetuity, but there must be a good service rendered. Then, there is the closing clause of this same Act —and I wish to direct the attention of my hon. friend the Secretary of State to that particularly, as it limits the perpetuity of the contract. It reserves to the government the right, if matters are not proceeded with satisfactorily, to revoke the concessions and the conditions of sections 1 and 2. It reads this way :

In order to enable the government to carry out in good faith any arrangement respecting telegraphic communication already made or negotiated, or which may hereafter be made or negotiated, with the said New York, Newfoundland and London Telegraph Company, or any other company, person or persons in connection with or within this island, or any point or points therein, whether hereinbefore named and specified or not, it shall be law-

ful for the lieutenant governor, with the advice of the executive council, from time to time, if it appear advisable, to alter, change, relax or dispense with, and again, if need be, to require to be performed any of the services in respect of telegraphic communication required to be performed by the first section of this Act, and also, from time to time, if need be, to make such further or other arrangements respecting telegraphic communication as shall be found necessary and advisable, and to apply the sum of money hereby granted to defray the costs of such altered arrangements so far as the same can extend or provide for the same.

So that my hon. friend will observe that in this very same Bill which provides for the contract with the Anglo-American Telegraph Company, and the payment to them of £600 annually for the performance of this service, the closing section of the Act reserves power to the Governor in Council to revoke, change and alter all that was done and to make a contract with any other company if the circumstances call for it or warrant their doing it.

Hon. Mr. SCOTT—Was an actual contract signed ?

Hon. Mr. FERGUSON—I think not.

Hon. Mr. SCOTT—It rests entirely with the statutes.

Hon. Mr. FERGUSON—I think so. I have never been able to find that any contract was signed. Whatever contract there is is the statutory contract which is contained in the first section of the Act of 1869. My contention with regard to these extracts which I have read is, that there was, in the first instance, no monopoly of any kind given to the Anglo-American Telegraph Company excepting landing a cable from some point outside of the continent of America, an island such as Newfoundland or Cape Breton or any part of the continent of Europe, or islands adjacent to the continent of Europe, that is to lay a transatlantic cable or a cable of that character, but no exclusive privilege was ever given with regard to telegraphic operations within the province itself or between the island and the mainland. I want, however, to point out that in 1873 this Newfoundland, New York and London Telegraph Company, of which we have been speaking up to the present time, merged with the Anglo-American Telegraph Company, a strong concern having its headquarters in London, and this company took up this contract with the province of Prince Edward Island which has been going on from that time drawing $2,000 a year and has been performing the service in a certain way. I wish, however, to point out the fact that while the old company, the Newfoundland, New York and London Telegraph Company was merged with this company, it never was legally merged with it as far as the province of Prince Edward Island was concerned. There was no legislation asked for and no legislation obtained for that merger ; and it would therefore, appear that the statutory contract, whatever force there may be in it, made in the Act of 1869, has no bearing and no force in favour of the Anglo-American Telegraph Company, and the only right which they have is that which has grown from the annual payment to them of $2,000 a year. As I have already remarked, when we entered confederation the federal government undertook to defray the charges and maintain the service, and that is why I am addressing these observations to the House with regard to it at the present moment. I may say I have no question whatever in my mind that if it had not been so arranged, and if the province itself were dealing directly with the Anglo-American Telegraph Company, there would have been a remedy found for the present state of things long before this time. The people of the island, while they were fairly satisfied in 1873 with the service that was then being rendered, are far from satisfied now. The service has fallen altogether behind the requirements of the trade and the interests of the province. Hon. gentlemen will fully agree at the very first blush that such must be the case. Any service of that kind might be considered to be fairly good thirty years ago, but if the service has continued with scarcely any change from that time up to the present, no place in Canada would be satisfied unless they got some improvements, such improvements as are necessary from advances made in telegraph service all over the world and the cheapening of the modes of communicating by electricity in all other communities. The people of Prince Edward Island have a perfect right to expect them also, and we therefore appeal to the government of Canada to take this matter up and provide a remedy. Our contention is that

in dealing with this question, they are not likely to be troubled in any way with any monopoly; that is, with any monopolistic right possessed by the Anglo-American Company. They have none. The reasons I have already submitted, I think, are sufficient; but, in addition to that, I would point out that in 1874 the parliament of Canada gave a charter to the Dominion Electric Telegraph Company to do business in Prince Edward Island. They paid no attention to any claim which the Anglo-American Company might be setting up at that time about having a monopoly and they gave a charter to the Dominion Electric Telegraph Company to extend its business to Prince Edward Island.

Hon. Mr. SCOTT—Did the Dominion Telegraph Company go into operation on the island?

Hon. Mr. FERGUSON—No.

Hon. Mr. SCOTT—They did nothing?

Hon. Mr. FERGUSON—They did nothing; they simply got the power to extend their lines to the maritime provinces, including Prince Edward Island, but they did not do so, and afterwards they merged with the Montreal Telegraph Company. I need not quote that Act. It is to be found on the statute-book of the Dominion, but I wish to point out that in my opinion, and in the opinion of a very eminent authority, that even if the Anglo-American Telegraph Company had obtained a monopoly in 1869 under this provincial Act that I have been reading, but which I do not at all admit, that even if they had, the Acts of the parliament of Canada has repealed that monopoly. Hon. gentlemen remember that under section 129 of the British North America Act certain Acts in force in the older provinces remained in force until they were repealed or otherwise dealt with by the parliament of Canada, and it is in that way that the Prince Edward Island Act of 1869 has effect and I turn to 44 Victoria, chapter 1, section 16, the Act confirmed the agreement made with the Canadian Pacific Railway Company. The section reads in this way:

> The company may construct, maintain and work a continuous telegraph and telephone line throughout and along the whole line of the Canadian Pacific Railway or any part thereof, and may also construct or acquire by purchase, lease or otherwise any other line or lines of telegraph connection with the line so to be constructed along the line of the said railway, and may undertake the transmission of messages for the public by any such lines or lines of telegraph.

I may say that this matter was submitted to Judge Clark, formerly solicitor of the Canadian Pacific Railway, and I have a communication from him among the papers on my desk, in which he expresses his unqualified opinion that that section, if we had to rely upon it alone, gives the Canadian Pacific Telegraph Company ample authority and power to lay a cable to Prince Edward Island and conduct telegraphic operations in that island, and consequently that section alone could be relied upon as entirely setting aside any claim of a monopoly on the part of the Anglo-American Telegraph Company. In 1874, parliament dealt with marine telegraph companies, and a general Act was placed on the statute-book at that time. The Act was reserved by the Governor General at that time—Lord Dufferin, I think—and a very lengthy discussion took place between the government of Canada and the Colonial Office with regard to that matter. It will be remembered that that Bill was aimed almost entirely at the Anglo-American Telegraph Company. In those days there were great difficulties encountered in laying submarine cables between Europe and America in consequence of the monopoly which the Anglo-American Telegraph Company had acquired with regard to laying cables on the coast of Newfoundland, and up to that time it was believed that perhaps the only method of successfully connecting the old world and new by cables was by the shortest route to Newfoundland, and then connecting the adjacent continent; yet the Anglo-American Company had obtained, in 1854, an exclusive right to land wires on the coast of Newfoundland, just as they had also acquired on the coast of Prince Edward Island. The federal government was endeavouring to break down that monopoly, and the Act of 1874 was aimed at the Anglo-American Telegraph Company, in so much as it contained provisions which would render it almost impossible for the Anglo-American Telegraph Company to continue business in any part of Canada unless they relinquished the monopoly which they possessed on the shores of Newfoundland. That Bill, as I

mentioned, was reserved, and the correspondence in regard to the reserving of that Bill, hon. gentlemen will find in 'Hodgins,' pages 20 to 30. The Anglo-American Company opposed the passage of that Bill. They appeared before the Senate Committee here and endeavoured to prevent it becoming law, but their reasons were not considered sufficiently good and the Act was passed; but in view of the fact that English capitalists were largely interested in the company, as stated in the course of the correspondence, Earl Dufferin thought it was a safe course to pursue to reserve the Act for the consideration of Her Majesty the Queen. The Anglo-American Company (the late Mr. Abbott, afterwards Sir John Abbott, was their counsel) sent memorials to the British government on the subject, very strong memorials, urging reasons why this Act should not become law, and insisting that it would interfere with the business which they had in Prince Edward Island. A Minute of Council was passed at that time in reply, and I shall take the liberty of reading from that Minute of Council to show what was the well-considered attitude of the government of Canada twenty-nine years ago in regard to this question, and the wonder, I think, hon. gentlemen will feel, is why this matter was not settled in the interests of Prince Edward Island long ago, in view of what were the settled opinions of the government of Canada upon the subject as long ago as 1874. This Minute of Council, after setting forth some of the steps that had been taken with regard to submitting it to the consideration of Her Majesty, says:

After full inquiry, the committee find as follows:—

1. That any exclusive concession in Prince Edward Island by Acts of its legislature was in favour of 'the New York, Newfoundland and London Telegraph Company,' a Newfoundland corporation, and it was expressly limited 'during its existence.'

2. That the Newfoundland company did not in fact avail itself of the exclusive provisions of the Act of 1854, or construct any cable on the faith of this protection.

3. That another company had previous to the passing of that Act laid down a cable from the island to New Brunswick, and this by section 8, was vested in the Newfoundland Company.

4. That the committee are informed that the service was, and continued to be so inefficiently performed, as to give rise to the conditional revocation of the company's powers by the Act of 1862.

5. That the Newfoundland Company were to receive an annual subsidy from the province for maintaining this line; it would therefore appear to have been constructed for the local convenience of the island and not with reference to any cable line in contemplation by the company to which the prohibitory provisions of the Act of 1854 might have attached.

6. That moreover, by section 3 of the Act of 1869, the right would appear to be reserved to the Executive government to dispense with these services, and to make arrangements with any other company for this connection.

7. That in May, 1873, the Newfoundland Company became merged in the Anglo-American Company (a corporation under the Imperial Joint Stock Companies Act), and the intention and effect of such merger was to put an end to the existence of the Newfoundland Company as a corporation. Note (b.)—See proceedings at 'General Meeting of the Anglo-American Company, May 22, 1873;' also, Société du Cable transatlantique, May 22nd, 1873. Also, terms of resolution adopted at these meetings reported in the 'Money Market Review,' May 24th, 1873 (herewith), also, pamphlet of company, p. 46.

8. That an Act of the legislature of Newfoundland had been passed which authorized such consolidation being entered into, and the transference of the rights of the Newfoundland Company to the Anglo-American Company, but must such legislation be sought or obtained in the province of Prince Edward Island?

9. That the committee believe that by the terms of amalgamation the Anglo-American Company retained part of the consideration 135,000 pounds) going to the proprietors of the Newfoundland Company against the pre-emption claim of the province of Newfoundland, but that there was no similar provision as to Prince Edward Island.

10. That the concession in the latter province would appear not to have been deemed of any importance to the contracting companies, or to have formed an element of value in the consideration.

11. That the same time that negotiations for this amalgamation were proceeding between the telegraph companies in May, 1873, terms of union between the province of Prince Edward Island and the Dominion were being discussed, and neither government could have considered that the island was in any way subject to any extensive concession in favour of any telegraphic company, because it was an absolute obligation imposed on Dominion that it should maintain telegraph communication between the island and the mainland of the Dominion, as well as an efficient steamer service for mails and passengers.

12. The parliament of Canada during the last session passed a private Act, introduced after the duly published preliminary notices, whereby the Dominion Telegraph Company was authorized to extend its limits by cable into Prince Edward Island.

It would therefore appear to be very questionable whether under these circumstances the Newfoundland Company having ceased to exist, any monopoly or concession it might have been possessed of is not also at an end, quite independently of the fact that no transfer of any such exclusive privilege or concession was made or could be made without the sanction of the Prince Edward Island legislature.

It may further be observed that, as far as the committee can ascertain, this concession does not appear to have formed any part of consideration for the purchase of the Anglo-American Company, and that as the Dominion has itself assumed the obligation of maintaining telegraphic communication between the island and the mainland, there was nothing which the Anglo-American Company could have urged before the legislature (if it had thought fit to do so) based on any circumstances connected with Prince Edward Island which could have averted to defeat the Marine Telegraph Bill or to form the subject of compensation.

And then in the same way the argument proceeds, every word of it emphatically in this line, that the company possess no monopoly with regard to Prince Edward Island. I might also read in this connection the reply of Earl Carnarvon to the government of Canada, declining to interfere with the law passed by the parliament of Canada. He says:

I am well aware from the numerous representations which have been made to me on both sides, that the reserved Bill affects the pecuniary interests of many persons not residing in Canada, but Her Majesty's Government is not on that account called upon to review the decision arrived at by the legislature of the Dominion. Looking to the large intercourse maintained between Canada and this country and the extent to which British subjects residing out of Canada hold real and personal property, and are interested in joint stock enterprises within the Dominion, it is obvious that, if the intervention of Her Majesty's government were liable to be invoked whenever Canadian legislation on local questions affects, or is alleged to affect, the property of absent persons the self government conceded to the Dominion be reduced within very narrow limits.

5. It is to the Dominion government and legislature that persons concerned in the legislation of Canada on domestic subjects and its results must have recourse, and this government cannot attempt to decide upon the details of such legislation without incurring the risk of those complications which are consequent upon a confusion of authority.

6. While therefore I entirely appreciate the action of your ministers in reserving the Bill, I am of opinion that any further consideration of the subject should be given by that body, whose province, as I have observed it, is to deal with such questions, and that I cannot properly assume the fiction of deciding between the conflicting views of those who have addressed me whether in favour of or against the policy embodied in this measure.

Lord Carnarvon declined to tender Her Majesty any advice with regard to the Bill, which we know is the course pursued, when the superior government does not consider that there has been any occasion for reserving a Bill, the matter affected belonging entirely to the parliament which originated the measure. Consequently, in 1875, the measure was re-enacted, and a clause was inserted in it, which reserved to the Anglo-American Telegraph Company any right to operate telegraphs within the province, which they were legally entitled to operate prior to the passing of the Act. A more merciful view prevailed than was the intention of parliament when it passed the Act of 1874 which certainly would have prevented the Anglo-American Telegraph Company from operating telegraphs in Canada. However, that was no expression of opinion whatever, as to whether they possessed a monopoly or had any legal rights. It simply permitted them to continue to exercise any right which they might possess to operate a telegraphic service in Canada, notwithstanding they had not ceased to hold this monopoly on the coast of Newfoundland. Hon. gentlemen will notice that my contention is that it is the duty of the government of Canada to deal with this question, and to do so without further delay. Through the courtesy of Sir Louis Davies, judge of the Supreme Court, who represented the province of Prince Edward Island for many years, both in the government and in the House of Commons, I have been permitted to see and peruse correspondence which took place some three years ago between himself, not in the capacity of a minister, but simply as a representative of the province of Prince Edward Island, and the Anglo-American Telegraph Company, with regard to this subject. I have found that the Anglo-American Telegraph Company have shown no disposition to meet the views of this government. Sir Louis Davies intimated to them he would be prepared to advise his colleagues to do anything that was just and reasonable with them in that matter; but I am sorry to say, from the correspondence I have seen, there is no indication of a disposition on their part to take a similar course. Now, there is another difficulty which interposes—it may not be very serious, it ought not to be very serious. In 1874, when the Prince Edward Island Railway was opened, an order in council was passed authorizing a contract to be made between the Prince Edward Island Railway and the Anglo-American Telegraph Company, with regard to a telegraphic service along the line of railway, and in the offices of the railway. I understand that that is a

very common way of carrying on a telegraphic service in connection with railways. I shall read this minute of council. I do not think it will interpose any very serious obstacle, but still it is a matter which has to be considered in dealing with this company. It is an order in council of the government of Canada, passed in September, 1874, and is as follows :—

On a memorandum dated September 29, 1874, from the hon. the Minister of Public Works, recommending that he be authorized to enter into contract with the Anglo-American Telegraph Company for construction and maintenance of telegraphic communication along the line of the Prince Edward Island Railway on the following conditions, in lieu of those cntained in Order in Council dated July 18, 1874, viz.:—

The Dominion government and the Anglo-America Telegraph Company to bear the cost of construction of said line of telegraph equally between them, except as regards instruments and office fittings at the railway stations, which shall be provided and paid for by the railway where only one instrument is required, but if in order to transact the business of the company, a second instrument be needed, the cost to be borne by the company.

The telegraph company, should they see fit, to have the right to string for their exclusive use, at their own cost, additional wires on the poles to be erected, in which case the original wire shall be devoted to the entire use of the railway, but in case of defect in, or interruption of either wire, the wire remaining in good order shall be used for mutual advantage of both parties until fault is remedied.

The telegraph company to maintain the line and poles in good working condition and furnish all main battery power free of cost to the railway in consideration of the privileges hereinafter mentioned.

The operators at the railway stations to be employees of the railway and to be paid by it, and to be under its exclusive control, except where the business of the company necessitates the appointment of an additional operator, in which case such operator shall be under the control and in the pay of the telegraph company, but shall nevertheless be subjet to the regulations of the railway. The railway operators to transact the telegraph company's business at the stations and to conform to the rules and regulations of the company in respect to the transmission of messages received or forwarded by them on account of the company, and in respect of all moneys received therefor ; but the telegraph company shall not hold the railway responsible for loss or damage arising from delay or any other cause whatsoever.

Railway messages on the railway to have precedence of all other messages, and telegraph company to transmit telegrams on railway service free of charge over any line belonging to or worked by them within the island, except on the line connecting with the submarine cable between Prince Edward Island and New Brunswick : messages on railway service to an amount not exceeding seventy-five words per day, not cumulative from mouth to mouth shall be transmitted by the telegraph company free of charge over the cable line from Charlottetown connecting with New Brunswick. The railway to carry free all telegraph operators of the telegraph company actually engaged on the company's business, and likewise, all telegraph material required to be moved from station to station for the working of the telegraph.

The telegraph company to have all reasonable facilities afforded them on the railway to maintain the telegraph line in good working order and condition.

All messengers required by the telegraph company for the public service in the delivery of messages to be employed and paid by the telegraph company.

The total length of the above telegraph line is estimated 204 miles, and the estimated cost of same is $12,240, of which the government proportion would be $6,528, and the telegraph company's proportion $5,712.

The minister therefore recommends that he be authorized to expend a sum of $7,000 on said service.

The committee submit the foregoing recommendations for Your Excellency's approval.

And it was certified and approved. I do not know whether a contract was signed in terms of this order in council or not. It authorized the making of a contract anyway, and under that contract, it appears that the cost of establishing that telegraphic line along the Prince Edward Island Railway was borne jointly by the government of Canada and the Telegraph Company. The Telegraph Company's share of the responsibility is estimated by this order in council, at $5,712. That line, I know, was established, and is part of the system ; and it is, therefore, quite evident that the Anglo-American Telegraph Company invested a sum of something like $6,000 at that time in establishing telegraphic service along the line of the Prince Edward Island Railway, and in any arrangement that is to be made between the government of Canada and this company, by which they shall cease to conduct this service along the Prince Edward Island Railway, undoubtedly, they will have to be compensated for the original cost of the line and any subsequent contribution towards renewals up to the time that the government terminate the contract. I bring that to the attention of my hon. friend the Secretary of State, because it is evident it will have to be taken into consideration whenever the government deals earnestly with this company. I am permitted to make use of some information contained in this correspondence to which I have already referred. I have here a letter from Mr. Carson, addressed to Sir Louis Davies—I have seen it before—it was used in a committee of this House, during this session of parliament, by the

legal representative of the Anglo-American Telegraph Company. As hon. gentlemen know, he endeavoured, in connection with the telephone and telegraph Bill which we passed this year, to prevent the extension of the company's operations to Prince Edward Island. The Senate Committee did not, however agree with him, and refused to insert any provision for that purpose. At that committee he had in his possession a document, which I now also have, and which is dated March 21, 1900. It is written by Mr. Carson, the general manager of the Anglo-American Telegraph Company. I do not propose to read this letter in full. It is very voluminous—but I wish to point out the conclusion at which he arrives. The point between himself and the representatives of Prince Edward Island (between himself and in fact the government of Canada, at that time, and still the remaining question, is for the improvement of that service. It is not the desire of the people of Prince Edward Island to oust the Anglo-American Company if it can be avoided. We have no quarrel with the officials of that company in the province. No better men could be got. They are carrying out the instructions of their manager and the company, and under such instructions, are doing the work as well and efficiently as any other set of men could do it. Therefore, we have no quarrel with the officials of the company. Our quarrel is with the company, that they do not maintain a proper service.

They close their offices at 8 o'clock every evening, and there is no more communication obtained until some time between the hours of 8 o'clock and 9 o'clock on the following day, and although they have been repeatedly appealed to to give a night service, they have absolutely refused to do it except on unreasonable terms. In this correspondence Mr. Carson states on what condition they will give this night service. There would be just two offices required, and all that was asked was that they should be kept open from 8 o'clock till 12 o'clock at night. That was not unreasonable; it was not demanded that it should be maintained all night, but till 12 o'clock every night. These offices at Sackville, N.B., and Charlottetown, P.E.I., were the only two offices regarding which the request was made. It would necessitate only the keeping of a junior operator in these offices a matter of four hours each night, and still they refused to do it unless they were paid $1,000 a year extra. That was the only condition on which they would give that night service, when it is notorious that a junior operator can be got in Prince Edward Island for $30 or $40 a month to work long hours, and out of the clerks so employed one of them might easily be allowed to remain three or four hours to keep up this communication at Charlottetown. But they refused to do it unless this extravagant amount of £208 should be paid for that service. Another demand the people are making is that they should get a more reasonable rate for their messages. I daresay many hon. gentlemen who have not considered this question will be surprised to learn that from Prince Edward Island to any point beyond Sackville, where the line of the Anglo-American Telegraph Company ends, we have to pay 50 cents for 10 words, and we cannot get a message any other way. There are no press despatches at night, and consequently it is posted, and information is kept back from the people that they should have through the newspapers. Therefore, our business men are prevented from having that free and easy communication that every hon. gentleman knows is so essential for doing business and keeping the people of the community informed of what is going on in the world. Still the company refuse to give this night service from 8 o'clock to 12 o'clock unless a sum of $1,000 a year is added to their subsidy. They refuse also to reduce the rate to the common rate on the mainland unless a sum of £1,300 is given to provide for the loss they say they would sustain on account of that reduction in the charge for messages, and a further sum, they say, equal to that would have to be provided to defray the loss which they allege would be sustained by other connecting telegraph companies in connection with that reduction of the rates. In this letter of Mr. Carson's they discuss the state of the telegraph business in that province and say it is not very profitable; nevertheless, they have continued that business for over 20 years, and the average net earning of the line has been over £1,000 a year, after defraying all expense of repairs of the line, the maintenance of offices and pay-

ment of salaries and everything else. The laying of a cable from Prince Edward Island to the mainland is a very small matter to-day, as well as the setting of poles and stringing of wires. An arrangement might be made with any other company to string wires from Sackville to Prince Edward Island, and there are poles placed all over the island for railway purposes to-day and for telephone purposes, and the original capital that the company has expended in this work is very small indeed. I know that up to the time of the retirement of Sir Louis Davies from the cabinet, that this subject was engaging his most earnest attention, and I regret very much that he did not remain just a little while longer in that position, because I believe, in fact I know from what I have seen of these papers, that if he had so remained a remedy would have been obtained before this time. But having gone out of the cabinet, no person appeared to feel that duty imposed upon him that Sir Louis Davies felt devolved upon him as a representative of the province, and the matter appears to have been lost sight of as far as I can ascertain from the papers I have been able to get and the information I have been able to obtain. The matter, at that time, had arrived within sight of adjustment—I may say the Canadian Pacific Telegraph Company were perfectly ready to go to the island at that time. They had stated in a general way the terms on which they would go. They had considered all this legislation to which I have referred, and found that no obstacle existed in the way of a monopoly as claimed by the Anglo-American Company. They perfectly satisfied themselves on that point.

Hon. Mr. SCOTT—Why did they not go ?

Hon. Mr. FERGUSON. Because Sir Louis Davies retired from the government and nobody there took the active interest in the matter that he did. Of course something would have to be done. The contract which the government had made with the Prince Edward Island Railway Company. stood in the way. The Canadian Pacific Railway Company were ready to go to the island, but they wanted to get the right to use the posts of the railway company, and wanted to be allowed to enter the railway offices, and do the telegraphing in the railway offices. But an order in council had already given that right to the Anglo-American Telegraph Company, and the Anglo-American Telegraph Company had borne a part of the expense of putting up the poles and establishing this service, and it could not be thought of for a moment that the Anglo-American Telegraph Company could be debarred from continuing to render that service along the line of the railway without being compensated, or without being bought out in some way or another. All these were matters of detail, and they were the only matters that stood in the way. The trouble was to get over the contract with the Prince Edward Island Railway and the government of Canada and to get over that order in council of 1874 which I have read. It was a question of the amount of subsidy to be settled, and these appeared to be the only points that were at issue between the Canadian Pacific Telegraph Company and Sir Louis Davies in the negotiations which they were carrying on at that time. If these were all the difficulties then, they are the only difficulties existing now. I said before, we have no animus against the Anglo-American Telegraph Company, and if they would give us a proper service we would be just as well satisfied to take it from their hands as from any one else. In fact better, because we know their offices and men, and we are quite satisfied with them. We have no reason to complain of them. They do what they can within the instructions they receive from their company. But there is a difficulty with reference to the Anglo-American Telegraph Company that would not exist with regard to another company. They do not own any lines on the mainland, and consequently any arrangement that is made with them for the equalization of the rate over different parts of the country would have to be made also with these other companies. They would have to make it with them and they would have to be compensated in order to bring the rate down and give us something like a continental rate. I think the proposition was that we could get a thirty cent rate. That was the proposition that was discussed between Sir Louis Davies and the other telegraph company with which he was in communication. It would still

be higher than that which prevails on the mainland, but it would be such a great reduction from the present rate of fifty cents, that it would be heralded as a very great boon in Prince Edward Island. My view of it is, however, that in consequence of the Anglo-American Telegraph Company having no connections on the mainland, that the most practical method will be to buy them out, and facilitate the coming in of some other company to take their place. Either the Canadian Pacific Telegraph Company who propose to connect the line with their service at St. John, N.B., or the Great Northwestern Company, would be in a position to render excellent service as they would have practically only themselves to deal with. They have lines on the mainland, and once they get connection on the island, they would have no difficulty in maintaining a regular rate and a regular service anywhere. I do not think there is any reasonable difficulty in the way. I want my hon. friend the Secretary of State, and other hon. gentlemen who may have this question to consider, to dismiss from their minds all idea that the Anglo-American Telegraph Company possesses a monopoly. They have no legal monopoly. There are various things set up against that contention, any one of which is fatal to it; but they have a monopoly just in the sense in which any telephone or telegraph company have a monopoly once they get into a place. It is not a very easy matter for others to come in and compete with them, particularly if the place is somewhat small and there is not business for two companies. Another company coming in would know that they would have to fight this company, and they would probably prefer to go to some other place where there was no competition. Owing to that fact there would always be difficulty in getting another company to come in, although, as I said, the Canadian Pacific Telegraph Company were willing to go in if matters had been made reasonable for them by the government a little over two years ago. The proposition I would submit to my hon. friend is that the Anglo-American Telegraph Company should be approached, and asked what they are willing to accept for their property there. They contend that it is not a very valuable business, and if that is so they should not want any unreasonable sum. Failing their coming to reasonable terms, parliament should authorize the government to expropriate the company's property and to take the service into their own hands. I see no reason why we should not do it. I have been looking up authorities on the subject, and I find there are very strong arguments in favour of our taking that course. I was struck by an observation made by the hon. gentleman from Toronto, whom I am sorry not to see in his place, when the subject was discussed before the Railway Committee during the present session. He said he saw no reason even if they had a monopoly, why it should not be interfered with. Monopolies were no more sacred than private property and private interests, and they had to give way to public interests. That being so, there is no reason why the Anglo-American Telegraph Company should not sell out to the government, and if they will not sell out, the government ought to come in and, after giving them proper compensation, take over the service. I can assure my hon. friend that if they do so, and a proper method is taken of assessing the value of that property, no matter how liberally the assessors may act, and how lenient they may be to the owners, in the case of a public expropriation, the government will get a property upon which they will be able to make three per cent on the cost. There is no doubt that if they acquire the property in a proper business-like way, that they will find that there will be a lively competition between the Great Northwestern Telegraph Company and the Canadian Pacific Railway Telegraph Company as to who will get in there first and there will be no difficulty on the part of the government in getting at least three per cent for any money they pay for expropriating the Anglo-American Telegraph Company's property and interests in Prince Edward Island. I do not think we are asking too much when we are asking the government to take that view of the question, and to take it immediately. To show hon. gentlemen how unfair it is that we should be left to the tender mercies of this London corporation, I will just read to the House part of a letter addressed to Sir Louis Davies by the general manager

of this company. The letter is dated April 19, 1900, and reads as follows :—

I am obliged by your cable letter of the 14th instant. We have received no complaint of the manner in which the company does its business in Prince Edward Island.

This certainly is about the coolest thing I ever read in my life. This is written only about two years ago, when there had been twenty years, I am safe in saying twenty years of agitation and complaint with regard to that service. My hon. friend from St. John knows that very well. Some of the letters from himself bearing on this subject are among the papers I have had the privilege of perusing, and I know he perfectly understands the question and took a very lively interest in it not long ago. The letter continues :

We have received no complaint of the service in Prince Edward Island. On the contrary we have received from the lieutenant governor and the leading merchants of the Island, most gratifying testimonials as to the courtesy and obligingness of our officials there.

I have already explained that. There is no question about that. I have taken care to say that these officials have been courteous, and we have no complaint to find with them, but to construe that into an admission that the service is one that we should not complain of seems to me very unreasonable. The letter proceeds :

And as regards the rates charged by this company, they are considerably below those which it is entitled to charge under the Act.

That is also true as far as charges under the Act are concerned. But hon. gentlemen who have occasion to cable over the Atlantic, know how different the charges are to-day from what they were thirty years ago when this company entered upon its operations, and it is a poor contention to set up to say they might charge more than they are charging when they are still so much in excess of what is charged for similar services in other parts of the world. Then he says :

We are unable to understand why Prince Edward Island is entitled to the same rates as the mainland any more than the Magdalen Islands or Anticosti.

This gentleman seems to think that we live on a barren rock something like Anticosti where there was no business to be done, and no communication except to warn the government or somebody else with regard to the dangers of navigation along that coast, or wrecks or anything of that kind. If so, why do they cling so tenaciously to the service ? They seemed to think that that is all the duty that devolved upon the government or themselves with regard to maintaining this service with Prince Edward Island. It is certainly very cool to say that they saw no reason why Prince Edward Island should receive any different treatment in the matter of telegraphic rates than the Island of Anticosti. He says further :

A reduction of this company's proportion on the rate of Canadian and American messages of twelve and a half cents would, as per my letter of the 21st March, entail a loss to the company of £1,300 and a corresponding loss upon the connecting companies.

His demand was that the government should indemnify them to the extent of £1,300, and there would have to be a further indemnification of a similar amount, £1,300, to the lines on the mainland, and they should be paid extra for keeping the offices open from eight till twelve at night. I do not know whether this calculation is at all accurate or not, about the amount of loss that an arbitrary application of that reduction would entail. Certainly it would not amount to £1,300 if the other proposition was adopted—that is if their rate would only be reduced to eighteen cents in place of twelve and a half, a very much smaller amount would suffice to compensate them. But they entirely ignore this fact which is known to every one, that if you reduce a rate, either for a letter or telegram, very materially, that business will increase so that in a very short time the former revenue will be reached. I know that in Prince Edward Island people feel so keenly with regard to this subject that merchants mail telegrams to Pictou and Point Du Chene, and have them telegraphed from there. They send them in a letter, and have them dispatched in Pictou and Point Du Chene for the purpose of evading this fifty cent rate. Not only that, but the rate in itself prevents that free use of the telegraph which would be resorted to if it were brought down to something reasonable. They make no allowance for that and the demand that an arbitrary sum should be provided by parliament that would make up for the entire loss of business, a loss to them equal

to the reduction, and making no allowance for increased business, which is certain to arise from the reduction in the rates is quite unreasonable. They made another proposition about that time. I have not found the letter, but I know it was made. They proposed that if the government of Canada would guarantee to them in the future this £200 for keeping the two offices open, and guarantee to them in future the receipts which they had been collecting in 1899, they would make the reduction which was asked for. I am told, although I have not the figures before me, that since 1899 there has been a very large increase in the receipts and in the net earnings of the Anglo-American Telegraph Company, and that the amount the government would be called upon to make good would not have been very large. There has been, as I have said, a very sensible increase in the business under the old rate, and had the rates been reduced, the business would certainly have largely increased. The capitalization involved in this service is not very large. Hon. gentlemen familiar with such matters know that to lay a cable seven or eight miles in length is not a very large affair. To connect it with Sackville would involve the stringing of thirty-six miles of wire, so that it does not call for a very large capitalization. Consequently there is no great difficulty to get over. Nevertheless, small as the obstacle is, trifling as the difficulties are that stand in the way, they have been sufficient to keep the question tied up for all these years, and the people of the island are very earnest about getting out of the difficulty. I hope my hon. friend will make a strong representation to his colleagues on the matter and that some one of them will take up this question. There is no representative from the province in the cabinet at present. But I hope some of my hon. friend's colleagues will take up the matter and push it to a successful issue, because it is absolutely necessary, in the interest of the people of Prince Edward Island, that it should be done.

Hon. Mr. SCOTT—Hon. gentlemen, I am not aware that there has been any correspondence on this subject in the last twenty-nine years, since the contract was made. The hon. gentleman himself really has very much more information on the subject than I ever possessed, and I at one time used to be pretty familiar with this subject. I shall be very glad to lay before the members of the government at an opportune time the statement he has made and the evidence he has produced on behalf of the people of Prince Edward Island to seek a remedy from the tariff of the Anglo-American. I am afraid this government will not be a very successful government in any negotiations they may have with the Anglo-American Company. It is very well known that the Liberal party some thirty odd years ago fought the Anglo-American Company for a great many years, and therefore we do not stand in very good odour with them. The Act to which the hon. gentleman refers, which was passed in the year 1874, and which I had charge of, and which required a good deal of skill and earnestness to get through this Chamber, which was supported by one of his leading friends from Prince Edward Island (Hon. Mr. Haviland), and which was very hotly contested, was carried only by a majority of seven. I am happy to say that some of the members who voted for it are still living and here. There are only four of us, however—Mr. Miller, Mr. Vidal, Mr. Wark and myself—out of the fifty-five members who were present on that vote. Mr. Haviland supported the proposal evidently under the impression that Prince Edward Island had granted a monopoly to the Anglo-American Company. That was assumed, and the amendment which was moved on the third reading was as follows—I am reading from the Votes and Proceedings of the 19th May, 1874 :

> To leave out all the words after 'now' and insert amended as follows : Leave out clause 16 and insert the following : In case any company heretofore incorporated has legally acquired any privileges of landing wire or cable for a marine telegraph upon the coast of the Dominion of Canada.

That claim applied only to Prince Edward Island, because that was the only part of the Dominion over which they then professed to have any claim.

> Or of any other company, such company shall be entitled to exercise and enjoy any such existing privilege unimpaired by this Act, but no company heretofore incorporated by any such special Act shall acquire any further or additional exclusive privileges of landing wires or cables as aforesaid.

So that at that time it was evidently assumed by a considerable number of gentlemen in this Chamber that there was a monopoly granted by the province of Prince Edward Island to the Anglo-American Company. We had a very interesting time of it here. Cyrus Field appeared before the committee and made a very appealing speech—perhaps my hon. friend the senator from Sarnia may remember it—almost cried, described how he had invested all his money in this cable, that even his family pictures had been sold in order that the cable might prove a success, and in that way he worked up a good deal of feeling. However, that Bill was carried by a certain number of gentlemen seceding from the opposition of that day to support the government measure. So I am inclined to think that the process by which we should obtain control of the telegraph system and the cable system of Prince Edward Island will be attended with a good deal of difficulty. I presume one of the first things to be done would be to repeal the statute under which a contract would be claimed. Naturally the Anglo-American Company would ask for a fiat in order to prove the damage they would sustain, and I doubt very much whether any negotiations would be successful, except upon payment of a very large sum. However, I am not disposed to take any melancholy view of it; on the contrary, I should be only too glad if some arrangement could be made by which our friends in the island of Prince Edward would be enabled to secure the competition of another company. I presume the local companies are now under contract to work with the Anglo-American Company ?

Hon. Mr. FERGUSON—There is no provincial company.

Hon. Mr. SCOTT—I understood the hon. gentleman to say there was a provincial company.

Hon. Mr. FERGUSON—There is no other telegraph company there, but there is a telephone company, and they have also a contract with the Prince Edward Island Railway, by which they string wires along the railway.

Hon. Mr. SCOTT—I shall be very glad to call the attention of my colleagues to the very full brief my hon. friend has provided, because it gives a great deal of information that is not available in any other way that I know of. I was not aware of a great deal of the legislation of the island on this question for one thing, and the matter will, of course, receive consideration, but I am quite unable to foreshadow that anything could be done within a comparatively short time. However, it will be taken up at some favourable occasion.

Hon. Mr. ROBERTSON—I am pleased to notice the Secretary of State is disposed to take up this question in favour of Prince Edward Island. I may say to the hon. gentleman that this is a burning question in Prince Edward Island, that the people are exceedingly anxious about it, and we sincerely hope the government will take up earnestly the matter and persist to a conclusion. After the complete analysis and thorough exposition of the question that the hon. senator from Marshfield has made, it is quite unnecessary for me to detain the House by any further remarks. I only wish to say I endorse all that the hon. gentleman has said, and I hope the government will take this matter up in earnest as soon as it is possible to do so.

Hon. Mr. ELLIS—I would like to say a word in support of this motion. It is not only the people of Prince Edward Island, but it is every one in Canada who wants to communicate with Prince Edward Island, that is aggrieved. Take up any morning paper printed in almost any part of the mainland of Canada and you will find some report—it may not be altogether as perfect as one would desire—of what has been done in parliament the previous evening, but the people of Prince Edward Island have to wait until the next evening before they know. The island office closes and you cannot send a message even if it is a matter of life and death, after eight o'clock at night. I think I am correct in saying that you cannot until the next morning communicate by telegraph with anybody on Prince Edward Island after that hour. The grievance is a great one. The hon. gentleman from Marshfield is quite right when he puts the case this way, that great progress has been made in the transmission of communications by the electric telegraph,

but in Prince Edward Island the system remains practically the same as it was when it was first inaugurated. That is a matter over which the people have a right to complain. I think the government would be quite right—I said it when I was a member of the House of Commons—in confiscating the company's whole business. I do not know whether it would be right to say that in this House, but at any rate the public demands are greater than the rights of this company, if they have any rights, and this service ought to be taken hold of with a strong hand.

Hon. Mr. FERGUSON—I just wish to point this out: My learned friend suggested that the first remedy would be to repeal the provincial Act to which I referred, and which authorized the making of this contract and the payment of this two thousand dollars a year. It is quite competent, telegraphic communication being a matter entirely within the control of the parliament of Canada, for this parliament to legislate, and I think it has already legislated, which is an equivalent in a way to a repeal of any concession or monopoly which that company has got. But I want to point this out, that this is not a matter which can be remedied by getting up a quarrel or by stopping the payment to these people. That has been tried. The government of the province has held back and refused to certify to the fair performance of this service for a very considerable time, but in the hope that the matter would be taken up and a settlement would be procured eventually the payment was made. Protests of this kind have been made from time to time, and it is not a matter over which in the interests of the province and of the public, you can get up a quarrel, because if they were suddenly to suspend operations and the government were unprepared to lay down another line or do anything, the people would be left without any telegraphic service for weeks or months, and the very thought of it is so serious that the government should not allow anything of that nature to happen. It has to be taken up by the government. We find it has been drifting on and drifting on in this way, neither getting any worse nor any better. The government has been—I apply to all governments—holding their hands and just allowing it to go on, and after a spurt being given to it by some of the representatives of the province they ultimately get tired and it is allowed to drop. The grievance goes on, and we are as far now apparently from a remedy as ever we were. The matter can not be allowed to drift that way very much longer; there will be something like an earthquake in Prince Edward Island, I am afraid. We must have this remedied.

The motion was agreed to.

BILLS INTRODUCED.

Bill (256) An Act to provide for advances to the Government of the North-west Territories.—(Hon. Mr. Scott.)

Bill (258) An Act to amend the Act respecting the Department of Railways and Canals.—(Hon. Mr. Scott.)

Bill (262) An Act to amend the Act respecting the harbour of North Sydney, in Nova Scotia.—(Hon. Mr. Scott.)

DEATH OF SENATOR LANDERKIN.

Hon. Mr. SCOTT—Before the Orders of the Day are called, it is with extreme sorrow that I rise to call the attention of the House to the absence of one of our colleagues who was recently with us. The wreath on his desk indicates the cause of his absence; he has gone to join the majority. At our meeting on Friday, the 4th of September, none of us thought that in parting with Senator Landerkin we were bidding our final adieu. He seemed to be in the same happy humour that usually marked his conduct, bright and cheery, and we all thought he would be returning when the temporary adjournment was over. Providence has willed it otherwise. The late senator was, in the full sense of the term, a general favourite; his bright, cheery smile was always ready to greet his fellow men. Wherever he was known he was extremely popular. He was first elected to the parliament of Canada in 1872, and he continued up to 1878 to be a loyal supporter of the administration of which I was then a member. In the great political battle that followed in that year, 1878, in which so many of the Liberals went down, he lost his seat with

the others. His personal popularity, however, continued, and in the following election in 1882 he was re-elected and re-elected at all subsequent elections down to the last election, 1900. I am quite sure that I echo the sentiments of every gentleman who has known him in expressing the great regret we all feel at his death, more particularly because he was taken away so suddenly and so unexpectedly, and that we tender our deepest sympathy to his family, the members of which have lost a kind husband and a loving father, and his friends in South Grey have lost a man who was alway true to them and who was among his constituents of both political parties a general favourite.

Hon. Sir MACKENZIE BOWELL—Hon. gentlemen, it is a very painful duty which has devolved upon both the Secretary of State and myself during the past few years to call attention to the demise of many of our colleagues, and when we consider the frequency with which this has occurred it cannot but bring to our minds how uncertain life is. When the hon. gentleman who has now joined the majority left for his home, I met him in the lobby and found him in that same jovial spirit he generally displayed. It is true that he complained of being a little unwell, nothing beyond that, and none of us supposed for a moment that ere two weeks had rolled round he would be missing from this Chamber. I have known the late senator from the time he entered parliament in the Commons. In our political battles we have had many 'bouts,' if I may so term them, and he has always engaged in them with the quaint witticism which has characterized the man in every position in which he has been placed, whether in private life, in social intercourse, in the House of Commons or in the Senate. It is true he did not display so much of it for the few years he was here, but, as the Secretary of State has said, notwithstanding all his little peccadilloes, he was a general favourite in the House, and more particularly with the press gallery, and I am sure we all deeply regret his death and sympathize deeply and sincerely with his family. When I look around and see that within the last seven years there have been about fifty changes in this Chamber, it is enough to make every one of us feel how uncertain life is, and how soon we may join those who have gone before. I do not know that I can say more. He was in the past, and I have no doubt would be in the future, had he remained with us, what he called himself, a staunch Liberal, and a firm supporter of the party to which he belonged. I have no fault to find, nor would any one who has strong opinions of his own have the slightest fault to find with him for the course he pursued in that particular. There may be times, and there must be under party government, in which every one is called upon to surrender to a certain extent his individuality in dealing with great public questions, but that is under the belief firmly in the mind of those who belong to a party, that the policy of his party is in the general interest of the country. That I am inclined to think, and hope, is the motive which actuates every member belonging to either party, whenever a question on which he is not fully in accord with his party, is presented to him and he is called upon to record his vote. I say that frankly from my experience. I doubt not every one of us has been placed in precisely the same position. Senator Landerkin will not be forgotten soon by those with whom he used to associate ; whether we agreed with him or not we shall all miss him. I feel that I express the opinions of all with whom I act in this Chamber, when I send our fullest sympathy to his family. We shall not soon forget our old, jovial friend, Dr. Landerkin.

A QUESTION OF PRIVILEGE.

Hon. Mr. CLORAN—I rise to a question of privilege. For the past three or four sittings a number of documents called petitions against the construction of the national transcontinental railway, have been presented in this House from different sections of the country. As a legislator who wishes to give heed to what public opinion has to say on public questions, I have taken the trouble to examine some of these documents. I regret very much to say that I find in these petitions proof that they are against the dignity and honour of this House. I hold in my hands documents which are supposed to bear the signatures of the electors of this country, and as far as I can see, without being an eye-witness to the signatures of

these people, there are names in this document which are forged. The question has been put in another branch of this parliament, and a decision has been rendered that any member of parliament presenting a petition must hold himself responsible for the genuineness of the signatures. I should like to know from the hon. Speaker of this House if that rule is to apply to the Senate. If it is, I would ask hon. gentlemen in future to be careful of what they present to this parliament. Petitions have been presented in the other Chamber, and we have proof by affidavit that many of them were forged documents. I therefore rise to ask for information on the subject: If the Chair rules that hon. members are not to be held responsible for the genuineness of the signatures attached to the petitions which they present, then I have nothing further to say; I shall treat the petitions with the contempt they deserve. But if the hon. Speaker should declare that members who present petitions must bear the responsibility for the genuineness of the signatures, then I shall treat the petitions with all due respect and examine them to see what they contain. I do not want to be called on here to examine documents which on their face are forgeries. I can quote an example here. On one I find the names of two Sutherlands written in the same hand.

Hon. Mr. FERGUSON—Does the hon. member say that that would constitute a forgery? Even assuming that his statement is right, does he say that is a forgery?

Hon. Mr. CLORAN—Certainly it is a forgery, because if a man cannot sign his name he has to make a cross according to law, and it has to be witnessed. There are petitions here to which all the signatures attached are in the same handwriting. Either those people do not know how to read or write, which would be a serious thing to admit, or the document is a forgery. We want the signatures of people written by themselves and not by a paid agent. I hold the documents here, and any hon. gentleman who wishes to examine them will see that, on the face of them, they are forgeries—forged petitions against one of the greatest works this country has ever been called upon to construct. We are expected to be influenced by documents of that kind; I say it should not be allowed, and I ask the ruling of the Chair whether senators are to be held responsible for the genuineness of the signatures to petitions which they present here.

Hon. Sir MACKENZIE BOWELL—Before the hon. Speaker rules on the question which has been put, I should like to ask him to rule first what there is before the House. I am under the impression that these petitions should first be read and be the property of the Senate, so that we may know what is in them and what we are dealing with. We have nothing before the Senate: they are petitions which have been presented, but have not yet been received. I have not looked at the rules governing the presentation of petitions for some time, but my impression is that the responsibility rests with the member who presents a petition, so far as the contents of the prayer of the petitions are concerned. It would be utterly impossible for any senator to be certain of the genuineness of the signatures to the petitions that he presents. For instance, I presented a petition from a portion of the constituency which I formerly represented. I looked to see that the prayer of the petition was properly worded and knowing most of the names attached to it, but if I were put on oath I could not vouch for the genuineness of the signatures, for the best of reasons—I am not familiar with their signatures. That a member is responsible for a petition containing an insult to this body or for any improper expressions, I quite readily admit, but common sense ought to suggest that no member can be responsible for the genuineness of the signatures attached to the petitions which are sent to him to be presented to the House. The new censor of the Senate, who has taken upon himself the responsibility of directing us as to the manner in which we should do business here, and the responsibility devolving upon each of us, should know the impossibility of being in a position to vouch for the genuineness of signatures to petitions. Everybody must thank the hon. gentleman for the deep interest he takes in the honour and dignity of the Senate. He told us on another occasion that certain questions were before the House which we did not understand, and he gave us a lesson on constitutional gov-

ernment a short time ago; now, I presume, if these petitions should be the forgeries he claims they are, we shall be put in the stocks or pilloried, or at the very least expelled or obliged to apologize to the House. Because if we are responsible to the extent that he claims we are and the Speaker should sustain his view, the decision ought to be followed up by some condign punishment of the members who present petitions of that character. If that is to be the rule, I am inclined to think very few petitions will be presented hereafter in this House.

Hon. Mr. DANDURAND—I am happy to see that some of these petitions have reached the Senate. I thought this House was being slighted by the Tory organizers who got up these petitions. Now I feel that the Tory machine recognizes that the Senate is entitled to know what are the opinions of the Conservative body in this country.

Hon. Mr. McKAY (Truro)—It would be a most absurd thing if we had to get an affidavit from every man who signs a petition to be presented in this House.

Hon. Mr. CLORAN—Get an affidavit from the agent.

Hon. Mr. McKAY (Truro)—If the Speaker should rule, as the hon. gentleman who brought up the subject desires, no member could present a petition unless each signature attached to it was accompanied by an affidavit. Very often a man asks a friend to sign a petition for him—that is a common practice. I have presented petitions today, and I am not in a position to vouch for the genuineness of any of the signatures. The rule laid down by the hon. gentleman (Hon. Mr. Cloran) is a most ridiculous one.

Hon. Mr. FERGUSON—I am not a lawyer, but I am not prepared to admit the soundness of the legal doctrine laid down by the hon. gentleman, that because I should tell a friend to sign my name to a petition it would be a forgery on his part. How does the hon. gentleman know that any of the names attached to these petitions were signed without the authority of the person to whom the names belong?

Hon. Mr. CLORAN—We have the proof on the paper.

Hon. Mr. FERGUSON—The only proof the hon. gentleman submits is his own opinion that some of the signatures are in the one handwriting. That is no proof whatever.

Hon. Mr. WATSON—Most of us have had experience of presenting petitions to parliament. If we were to be held responsible for the genuineness of the signatures to the petitions we present, I do not think anybody in this House would be free to present them. We know in the other branch of parliament petitions are presented containing signatures of persons who never saw them.

Hon. Sir MACKENZIE BOWELL—That may or may not be the case. The hon. gentleman has presented to this House no proof of this assertion.

Hon. Mr. WATSON—The old saying about petitions is pretty nearly correct—you can get a petition signed to hang a man. I have no doubt it is true, and especially so in the case of some men. As a matter of fact, a petition is hardly like a stock subscription list, where you make yourself liable if you sign your name for a certain sum of money. But you can ask a man to sign a petition for almost anything. I venture to say ten per cent of the people who sign petitions never look at them.

Hon. Mr. CLORAN—I have been asked for a proof of my statement. Here it is in the records of parliament. It reads as follows:

> We, the undersigned electors of the county of Bagot——

And it will apply to the other counties.

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman has no right to speak.

Hon. Mr. CLORAN—Has the hon. Speaker ruled against my right to give the proof in answer to the demand of the hon. gentleman from Prince Edward Island?

The SPEAKER—The hon. gentleman has already spoken, and if objection is taken I do not think he can speak again.

Hon. Mr. YOUNG—I must say, Mr. Speaker, that that rule has not been enforced very often recently. I think hon. gentlemen have been allowed to speak twice, and very reasonably so, too.

Hon. Sir MACKENZIE BOWELL—I rise to a point of order. The hon. gentleman has no right to speak unless he takes exception to the Speaker's ruling, and appeals to the House against it.

The SPEAKER—I may be allowed to say that the rules of this House are not enforced very rigidly as a general thing. The enforcement is in the hands of the members themselves, and as a rule they do not enforce the rules of the House, but when an hon. gentleman asks that a rule be enforced, it is simply my duty to carry it out.

Hon. MEMBERS—Hear, hear.

The SPEAKER—With reference to this matter we have not the same rule in the Senate that they have in the House of Commons; but our rule, I suppose, would be held to be the same. Rule 84 of the House of Commons reads as follows:

Petitions to the House of Commons shall be presented by a member in his place who shall be answerable that they do not contain impertinent or improper matter.

It is not alleged that these petitions referred to, contain impertinent or improper matter. It will be clearly impossible for a member presenting a petition to be in a position to verify all the signatures to it. At page 321 of Bourinot, I find this statement, which is a reasonable one:

Any forgery or fraud in the preparation of petitions will be considered a serious breach of privilege and be severely punished.

If the hon. gentleman has reason to suspect anything of the kind, he can take the proper steps to have an inquiry, and anyone who has been found guilty of forgery or fraud in connection with the petition can be punished.

Hon. Mr. CLORAN—That is what we shall do.

THIRD READING.

Bill (244) An Act respecting the Western Assurance Company.—Hon. Sir Mackenzie Bowell.

REPRESENTATION BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (66) An Act to readjust the representation in the House of Commons.

Hon. Mr. YOUNG.

He said: This Bill is submitted for the consideration of the Senate in accordance with the British North America Act, which provides for the readjustment of the representation of the House of Commons after every decennial census. Section 51 reads as follows:

On the completion of the census in the year 1871 and of each subsequent decennial census, the representation of the four provinces shall be readjusted by such authority, in such manner and from time to time as the parliament of Canada from time to time provides, subject to the following rule:

We are following the precedents that were observed in 1872, 1882 and 1892 and the readjustment has been provided for by the House of Commons itself as in former years. The mode in which the readjustment is carried out is also provided for in the Act. It is provided that Quebec has a fixed number of members, namely 65. Subsection 2 of the section I have read, contains this provision:

There shall be assigned to each of the other provinces such a number of members as will bear the same proportion to the number of its population, ascertained at each census as the number sixty-five bears to the number of the population of Quebec, so ascertained.

The population of Quebec at the last census was 1,648,898, which, divided by 65, gives a unit of 25,367, so that that is the unit on which the representation of the several provinces is to be formed. Prince Edward Island at the last census had 103,000—I do not give the odd figures—and that, divided by the unit, gives Prince Edward Island four members, which is a loss of one. Nova Scotia, with a population of 459,000 is to have eighteen members. New Brunswick, with a population of 331,000, is to have thirteen members. Ontario, with a population of 2,182,000 will be represented by eighty-six members. Manitoba with a population of 255,000 will have ten members. British Columbia, with a population of 178,000 will have seven members, and the Yukon will have one member. The North-west Territories, with a population of 158,000, and Keewatin and Athabasca being added to that brings the population up to 184,000, and considering the conditions that are prevailing in the North-west and the large population coming in, there has been added to that 100,000 which brings the total up to 284,000 and gives ten members. Ontario loses

six members, Prince Edward Island one, Nova Scotia two, New Brunswick one ; and the gains are Manitoba three, North-west Territories six, British Columbia one, Yukon one. New Brunswick objected to the loss of one member, although, strange to say, New Brunswick did not object when the number was reduced in 1892. It was then reduced to fourteen members. It is now reduced to thirteen. However, the government of that province thought proper to protest against the proposed readjustment and the case went to the Supreme Court, and the court decided against the contention of New Brunswick. The contention, I may say, of New Brunswick was that the Act applied only to the four provinces which came into confederation in 1867. The court held otherwise, deciding that any province coming in subsequent to that period came under the terms set forth in the British North America Act, and was subject, therefore, to have its representation either increased or diminished as the circumstances warranted. Prince Edward Island also protested against the change in representation. alleging that at the time Prince Edward Island came into confederation there was an understanding that the island was to be represented by six members. The clause in the Prince Edward Island Act reads as follows :

That the population of Prince Edward Island having been increased by 15,000 or upwards since the year 1861——

That is the year in which the preceding census had been taken.

—the island shall be represented in the House of Commons by six members, the representation to be readjusted from time to time under the provisions of the British North America Act.

Prince Edward Island contended that there was an understanding that her representation in the House of Commons was never to be reduced below six. However, on the case going to the Supreme Court, the court decided against that province. I understand that it was proposed to appeal from the decision. That, of course, can only be done by the Judicial Committee of the Privy Council in England, giving permission to the province to appeal against the decision of the Supreme Court. What strikes me as rather peculiar is that when Prince Edward Island suffered a reduction of one member before, as it did in 1892, when it was reduced to five, as far as I can find out, there was no protest, and, therefore, it did seem odd that they allowed the first occasion to go by without making a formal protest against the reduction of the representation. The Bill, as hon. gentlemen know, has been very fully discussed in the House of Commons, which is the branch of parliament that is affected by this legislation. Apart from the opposition which was made to the reduction of the representation in New Brunswick and Prince Edward Island, the chief contrast in regard to the change in the boundaries of the electoral districts was in the province of Ontario. The storm centre was there. In the other provinces the opposition has been comparatively trifling. In Prince Edward Island, as I understand, there has been some opposition to the method of allotting the four members. The plan adopted, if I am correct, has been that pursued in the past, of allowing one of the counties two members, and the other two, each one. In the province of Ontario a considerable number of the districts were affected inasmuch as the Redistribution Acts of 1882 and 1892 had been materially disturbed, and there was this further point which involved a very considerable change, Ontario loses six members. On former occasions, as in 1882, when Ontario got an increase of four members, there ought to be really no very great difficulty in allotting the four, but, strange to say, in order to give that four, over fifty electoral districts were disturbed. On the present occasion we have to take away not only six members but we have also to allot to newer portions of Ontario, where population has drifted, four members. The city of Toronto gets one. Muskoka, Parry Sound and Nipissing had one between them and now get one each, and Algoma, which has increased very largely in population, has three representatives now instead of the one that it had before. As hon. gentlemen know, population has rapidly flown in to what is called New Ontario, and therefore it became entitled to increased representation. I say, therefore, the task of taking away from the older constituencies no less than ten seats was attended with very serious difficulty, and I ven-

ture to say, if hon. gentlemen will look at the proposal fairly, that the task has been performed in a most equitable manner. In the first place the principle has been laid down, that there should be an adherence to county boundaries. That has been adhered to in all cases, except a very few where a departure from that rule was not only justifiable but proper. Take, for instance in this particular neighbourhood where the townships of Gloucester and Osgoode were attached to the county of Russell under the Confederation Act. They have remained there ever since. It equalizes the representation of Russell and reduces the number in a county that otherwise would be too populous for a single representative.

Hon. Sir MACKENZIE BOWELL—Does the Township of Gloucester belong to Russell ?

Hon. Mr. SCOTT—Does the hon. gentleman refer to Osgoode and Gloucester ?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. SCOTT—No, municipally they always belonged to Carleton, but under the British North America Act, and I think before that—I would not be positive about that —but under the British North America Act, at all events, they were allotted to the county of Russell, and in the redistribution of 1872, 1882, and 1892, they still remained with the county of Russell, and therefore there seems no reason why an arrangement that worked satisfactorily and had been opposed by nobody should be disturbed. The township of Monaghan which properly belongs to Northumberland, and lies north of Rice Lake, has always since confederation, and perhaps before, been attached to one of the Peterboroughs, West Peterborough I think, inasmuch as the waters of Rice Lake separate it from the county to which nominally it belonged, and its trade and business and all negotiations and markets are with the county of Peterboro. The only other departure from the rule, which I recall, are the townships of Clara and Head and Maria, in the county of Nipissing, which joined the extreme boundary of the county of Renfrew. The people there petitioned to continue with the county of Nipissing where they are now attached. Beyond those exceptions, which are not only capable of explanation but which are defensible and proper for very many reasons, there has been no departure from the principle to which I have adverted, of adhering to county boundaries. No doubt even in the distribution of an electoral district where two seats have to be given, there will be necessarily a difference of opinion, but I think if the question is looked at fairly, there cannot be much cause for criticism in the division that has been made under the present Bill. The argument used, I may say, in 1882, particularly, and afterwards in 1892, in the rearrangement of the electoral districts in Ontario, was that it was to equalize population. The government of the day took ample powers to adjust the population equally because they had no hesitation in taking away townships from one county and attaching them to an electoral district in another county. As I said before, there were over fifty disturbances in the province of Ontario, when the redistribution of 1882 was made, and therefore there was ample opportunity to have carried out the principle of representation by population and to have approached as nearly as possible to the unit of 25,000 under the Act. In order to show that this Bill now before the Senate is fairer in that particular than was the Act of 1882, I have jotted down here twenty-three electoral districts that contain less than 18,000 voters. They are as follows :

Brockville	15,000
Cardwell	13,000
Durham, East	14,000
Durham, West	13,000
Frontenac	12,000
Grenville, South	12,000
Hastings, East	17,000
Hastings, West	17,000
Huron, East	17,000
Huron, South	17,000
Kingston City	17,000
Leeds and Grenville	13,000
Lennox	13,000
Middlesex, North	17,000
Middlesex, West	15,000
Northumberland, West	13,000
Ontario, South	16,000
Ontario, West	16,000
Peel	13,000
Perth, South	17,000
Peterborough, West	17,000
Victoria, North	16,000
Prince Edward	17,000

There are twenty-three constituencies, electoral districts, which have less than 18,000,

which is 7,000 less than the unit. Under the new Act there are only seven that are under 18,000. They are Prince Edward county, which was also in the other list, West Algoma, West Elgin, which has 17,000, so you could not divide equally, because St. Thomas had to be given either to East or West Elgin, if you are adhering to county boundaries, and therefore, there must be a disturbance in the county boundaries. Then North Lanark, 17,000; North Middlesex, 16,000; West Northumberland, 13,000; East Peterborough, 16,000. It totals up seven as against twenty-three. So that in adopting the principle of county boundaries we have been able to adjust the unit of representation on a much better basis than did the government of 1882, who made the readjustment to which I have adverted. The committee to whom the Bill was referred, if I read aright the reports of the debate, agreed that a county containing 36,572 should be entitled to two members, and that a county containing 60,953 should be entitled to three members.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman say that is the report?

Hon. Mr. SCOTT—I understood the committee to whom the Bill was referred, decided on a figure—I may be wrong about that.

Hon. Sir MACKENZIE BOWELL—What was the figure?

Hon. Mr. SCOTT—As I understood, they agreed that any county containing 36,572 should be entitled to two members. It is rather under what I should have thought was the figure, because I thought the figures ought to be fifty per cent of 25,370, which would be rather more. A county having 60,953 should be entitled to three members. I presume the committee followed that out pretty closely. As I said before, no doubt the fairest way was to adopt the plan of the present administration. That is, of limiting the representation to the county if possible, because there is less opportunity to cause dissatisfaction. I quite admit that a township moved one way or the other may affect a vote, although my own individual opinion is that it exercises very much less influence now than it did years ago, that at all events as far as my observation goes, in very many of the provinces of this country, personal character has a good deal more to do with the success of the candidate than it had in former times within my early recollection when political questions were of a sharper and a keener kind than now, and therefore I attach, individually, much less significance to the division than some other hon. gentlemen do. In adopting the law of county boundaries—I daresay my hon. friend knows because I have had occasion to quote it before—we are following the plan that Sir John Macdonald, the leader of the Conservative party, laid down as a fundamental principle in making the subdivision of 1872. It is to be found in 'Hansard' of the 1st June, 1872, page 928. He spoke as follows:

> With respect to the rural constituencies, the desire of the government has been to preserve the representation for counties and subdivisions of counties, as much as possible. It is considered objectionable to make representation a mere geographical term. It is desired as much as possible to keep the representation within the county so that each county that is a municipality of Ontario, should be represented, and if it becomes large enough that it should be divided into ridings. That principle is carried out in the suggestion I am about to make. That rule was broken in 1867 in three constituencies, viz., Bothwell, Cardwell and Monck, and I do not think that the experiment has proved a successful one.

These are the genuine, honest opinions of the then leader of the Conservative government. The party overcame his good judgment some years after, I am sorry to say. In another part of the same speech he goes on to say:

> But it is obvious that there is a great advantage in having counties elect men whom they know. Our municipal system gives an admirable opportunity to select men for their deserts. We all know the process which happily goes on in Western Canada. A young man in the county commences his public life by being elected by the neighbours who know him, to the township council. If he shows himself possessed of administrative ability he is made reeve or deputy reeve of his county. He becomes a member of the county council and as his experience increases, and his character and abilities become known, he is selected by his people as their representative in parliament. It is, I think, a grand system that the people of Canada should have the opportunity of choosing for political promotion the men in whom they have the most confidence, of whose abilities they are fully assured. All that great advantage is lost by cutting off a portion of two counties and adding them together for electoral purposes only. Those portions so cut off have no common interest; they do not meet together, and they have no common feeling, except that once in five years they go to the polls in their own township to vote for a man who may be known in one

section and not in another. This tends towards the introduction and development of the American system of caucuses by which wire-pullers take adventurers for their political ability only and not for any personal respect for them. So that as much as possible, from any point of view, it is advisable that counties should refuse men whom they do not know, and when the representation is increased it should be by subdividing the counties into ridings.

That was the opinion of the distinguished leader of the Conservative party for many years. Those associated with me did feel very much aggrieved—and I need not advert to it now at any length—by the subdivision made in 1882. The effect of it was to nearly wipe out the other political party. When the Bill was before the other House, Sir Richard Cartwright alluded to the last election as showing the disastrous consequences of the divisions as they existed, and as they exist now. Sir Richard Cartwright gave the House the official returns for the election of 1900, excluding the city of Toronto. In the 87 constituencies of Ontario, the Liberals cast 190,465 votes, and the Conservatives 189,777, yet the Conservatives had one-third more representatives than the Liberals. In South Huron, Norfolk and Waterloo, where the candidates were elected by acclamation, the figures for the election of 1896 were taken. Apart from that and excluding the ridings of the city of Toronto, the figures are those shown by the returns laid before the House of Commons.

Hon. Sir MACKENZIE BOWELL—He might have made a much stronger case in favour of his party, if he had omitted some counties—Hastings, for instance.

Hon. Mr. SCOTT—I did not strike them out. I take all the cities except Toronto.

Hon. Sir MACKENZIE BOWELL—He might have made his statement much more favourable in the interest of the Liberals if he had omitted a few more Conservative constituencies.

Hon. Mr. SCOTT—But we did not do it.

Hon. Sir MACKENZIE BOWELL—You have just as good a right to do that as to omit Toronto.

Hon. Mr. SCOTT—Not at all. Both governments have recognized that the urban ought not to be as largely represented as the rural population. That is a principle which is well established, not only in Canada, but in Great Britain. In the figures I have mentioned are included the large majorities in Hastings. In North Hastings the Liberal candidate received 1,171 votes, the Conservative candidate 2,426 votes; in West Hastings the Conservative majority was even larger.

Hon. Sir MACKENZIE BOWELL—He ought to have omitted Hastings, and made the case stronger for the Liberals.

Hon. Mr. SCOTT—My hon. friend would have had ground then for finding fault.

Hon. Sir MACKENZIE BOWELL—I will deal with that later.

Hon. Mr. SCOTT—I desire to be fair and frank.

Hon. Sir MACKENZIE BOWELL—I like the hon. gentleman's fairness.

Hon. Mr. SCOTT—I am only giving the figures; and figures, it is said, cannot lie. In this case they speak eloquently. I had occasion myself to look up the figures after the election of 1882, and I found this result, that the number of voters on the electoral list in Ontario was 391,572. The Conservatives polled 140,025, the Liberals 133,771, giving a Conservative majority of 6,254. There were 55 Conservatives and 37 Liberals returned. We thought that was rather hard lines. It did not seem fair, a Liberal representing 3,165 votes and a Conservative 2,543 voters. It looked as if a Liberal required a much larger vote than a Conservative required to be elected, although his voice was quite as powerful in parliament as the Conservative.

Hon. Mr. FERGUSON—How would that rule apply to Quebec, where only six Conservatives were returned?

Hon. Mr. SCOTT—Probably it would count the other way. I presume we all acquiesce in the principle of this Bill. It is in accordance with the British North America Act. Any comments which hon. gentlemen may have to make on it will probably be made more conveniently when the House goes into committee and considers the readjustment. So far as the individual seats are concerned, of course no exception can be taken to them. The criti-

cisms will come on the divisions of the several counties.

Hon. Mr. LANDRY—Before the motion for the second reading is put, I call attention to the fact that this important Bill is not printed in French.

Hon. Mr. SCOTT—The fault is not mine. It rests with the translators of the House of Commons. I hope my hon. friend will not insist on his objection. I shall try and have the French version ready for the next stage of the Bill. The hon. gentleman is sufficiently educated in English to understand all the provisions of this Bill.

It being six o'clock, the Speaker left the Chair.

After Recess.

Hon. Sir MACKENZIE BOWELL—The remarks made by the hon. Secretary of State in introducing what is termed the Redistribution Bill, were of such a character as to justify one who differs from him occupying the time of the Senate for a short time in laying his views before the House, and, consequently, before the country. I should not have assumed the responsibility to the extent to which I intend to extend my remarks, were it not that in the distribution of the seats of the Dominion very few changes have been made except in the province whence I come. The province of Ontario seems to have been the battle-ground, and for reasons which the hon. gentleman referred to in his remarks. He referred particularly to the redistribution of the seats in 1882, and gave to the House what he thought of it, and what his party has repeated so often, that I have come to the conclusion they really believe the statements they have made. I shall endeavour to show from facts and figures, before I sit down, that the deductions which he drew from the elections which took place after the redistribution of 1882 are not strictly in accord with the record. Before entering into the particulars of this case, I may be excused for referring to one or two remarks which he made in his opening address. He told us that the representation in Ontario loses six men on account of the falling off of the population as per the last census. That is quite correct. It is not my province just now to enter into the character of the census of 1901, nor shall I refer to the means which were taken by certain of the ministers to have so large a representation in numbers in the province of Quebec, which necessarily leads to the reduction of the representation in the other provinces.

My hon. friend referred to Prince Edward Island. If the population of Quebec increases in the same ratio, taking it for granted that the census was correct in the province of Quebec, as compared with the others, I very much fear that Prince Edward Island will find itself in a very short time with less representatives in the Lower House than they have in the Upper Chamber, and consequently it should fall to the lot of gentlemen who occupy seats here to look more earnestly and more effectively into the legislation which takes place in reference to that Island. However, as that is in the future, I shall not at the present moment discuss that point further. The next statement made by the hon. gentleman was that it would be shown on investigation that the present Redistribution Bill, particularly as it affects the province of Ontario, was equitable and based upon correct principles. That is a point, I think, I shall be able to controvert by facts and figures before I resume my seat. He gave some other particulars, to which I do not deem it necessary to refer, except to that extraordinary calculation for securing the majority for his party which he quoted as having been made in the House of Commons by Sir Richard Cartwright. It is not the first time that that hon. gentleman has given the same reasons for their defeat in that province. He also said in his address the other day—and I should not have referred to it were it not for the reference made by the other hon. gentlemen, because, according to the rules of this House it is not in order to refer to the debates in the other House—I would just say, that I saw in the newspapers a statement by Sir Richard Cartwright that he was gerrymandered out of his seat in Ontario by the redistribution made by the Conservative party. What are the facts? I was astounded that no one in the House of Commons referred to the facts. It is true the county of Huron which was a growing county, increased in population much

faster than many of the other counties in that province, was given three representatives, and in the division of the county there was no portion of the adjacent counties brought into its redistribution. It was divided into the west, east, and, I think, north. Formerly it was called the centre, and the centre riding was the one Sir Richard represented. He said he was gerrymandered out. The centre riding of Huron remained in the same condition, comparatively, that it was in previous to the redistribution, but it was called by another name, I think the centre or east, and the reason why he lost that constituency was not on account of the gerrymander but because at the convention that was held immediately after the redistribution, Mr. McMillan, a Liberal, was selected by the party and Sir Richard was defeated. That was the reason he lost his seat in that county and not on account of a gerrymander. No one knows that better than himself.

It is true he sought election immediately afterwards in the centre riding of Wellington and was defeated by Dr. Orton. He then sought refuge in the county of Oxford, the member at that time having retired, and allowed the gallant knight to secure a seat in parliament. So much for that statement. The hon. gentleman again quotes from Sir Richard Cartwright's figures to show that at the elections the Conservatives had a majority of the members elected while in a minority in the whole province, but in order to establish that point he leaves out the important Conservative constituency of the city of Toronto. Why did he not go further? He might just as well have left out the city of Hamilton. When I called his attention to it, he said the intention of Sir Richard Cartwright was to show that it was the rural constituencies which gave the majorities. He might as well have omitted the city of Hamilton, which gave majorities for the two Conservative candidates ranging from 600 to 800. He might have piled up the Liberal majority by this mode to a much greater extent. Now, what are the facts at the present moment so far as Ontario is concerned? The Ross government have control of the province. By means of the Liberal machine they have so gerrymandered that province that to-day, though the Liberal government is sustained by a majority of two or three in the legislature, they are in a minority of between five and six thousand of the electors; and that is precisely what the result will be, providing the electors at the next election cast their votes as they did in the last, under the Bill which my hon. friend has asked this House, in such bland terms, to approve. Having said this much by way of introduction, it is not necessary for me to quote the clause of the constitution authorizing the readjustment of the constituencies. My hon. friend has referred to that himself and also to the opinions of Sir John Macdonald. He stated that the Conservatives had always, as a fundamental plank in their platform, advocated adhering to county boundaries in the redistribution of seats. If the hon. gentleman's recollection will carry him back to 1872—if he has not intentionally forgotten it, and I would not like to accuse him of that, because it would not be parliamentary—when the first redistribution was made, he will find on record in the annals of the House of Commons that Sir John Macdonald first laid down the principle, as my hon. friend very properly says, of adhering to county boundaries, and secondly, as far as practicable, the equalization of population. That was the first proposition made by Sir John Macdonald in 1872. In discussing the question at that time, Hon. Alexander Mackenzie, then leader of the opposition, advocated representation by population in opposition to county boundaries, which my hon. friend tells this House has always been the principle of his party. Here is what Mr. Mackenzie said upon that question:

> There was no reason whatever why the principle of representation by population should have been abandoned within the provinces. When we had to consider it between the provinces that principle was just in itself, but the Bill ignored that principle.
>
> In the portions of the country where additional population had been established, that the six additional members should be allowed to Ontario are due to the increase of population of that province, and should be allowed with reasonable regard to the population.

The House will observe that Alexander Mackenzie at that time never referred directly or indirectly to the question of county boundaries at all. Following it down to 1882, Sir John A. Macdonald, I must admit, changed his position to a certain extent, when he adopted the two principles, and

in the case of the redistribution of 1882, the right hon. gentleman put representation by population first and county boundaries afterwards, as far as it could be carried out consistent with the number of inhabitants in each of the ridings. In 1892 the same principle was laid down and advocated by Sir John Macdonald, making the fundamental plank in the redistribution platform representation by population first; that is the basis upon which the last redistribution was made. It will be seen further, that if hon. gentlemen refer to 'Hansard' and read Sir Wilfrid Laurier's speech in discussing this very question, they will find that he advocated under the circumstances representation by population, in the division of the different electoral divisions in the province, and laid very little stress whatever upon the question of county boundaries, in fact he said:

> If there is a principle which ought to be recognized in a measure of this kind as far as possible it is the principle of representation by population.

Now with these facts upon record, patent to every one who has paid the slightest attention to this question, for the Secretary of State and others of his party to assert in a deliberative body like this and in the House of Commons, and before the electors, that their fundamental principles in the redistribution was that of county boundaries is shown to be totally incorrect and unfounded, if you refer to the records of parliament. You will find that principle also if you refer to Sir Wilfrid's resolution, which he moved in amendment to the then Bill. These are facts that it is just as well, after the speech made by the hon. gentleman, should be laid before the House. In 1899—to do justice to the right hon. Premier of the present day—I should say that he advocated county boundaries verbally, but in the proposition to redistribute certain of the constituencies after the party came into power, he referred the whole question, as will be remembered by those who were here, to the judges, laying down the principle that it was the most equitable mode of proceeding under the circumstances, and likely to do the greatest justice to the people of the Dominion. If he were honest then in his opinions, and he has not changed them, why did he not carry out the same principles in connection with this Bill? Had he done so I question very much whether any opposition would have been given, though circumstances have transpired, as I stated the other day, when expressing my own views that the further judges are kept from interference in or dealing with these questions of a political or semi-political character the better for the judiciary in this country. Now, the Bill before us is a very important one, as my hon. friend the Secretary of State has said, and he, like his chief, has told us it is not only equitable, but it is based upon correct principles. Any one reading Sir Wilfrid Laurier's remarks in introducing the Bill, would come to the conclusion that he and his party were actuated by the highest, purest and most lofty motives, but when we come to examine the Bill itself and the effect which it will have upon the electorate, one must come to an altogether different conclusion. The hon. gentleman said:

> What we have in view, and what we desire is to introduce a fair measure that will give all parties an equal measure of justice, freedom and responsibility. The Liberal party has always contended that the redistribution that must follow each decennial census should take place under certain rules, well understood, well defined and which everybody could appreciate. These should be the unwritten law of the country and apply wherever and whenever a redistribution takes place and should be applied whichever party is in power. We have always maintained that the guiding principles in this redistribution should be the county boundaries and should be preserved.

I have already shown by quotations from his own speeches that he first laid down the principle and advocated representation by population. Then he refers next to what took place in England. He said:

> The object of the committee will be to create the constituencies which will be allowed to elect the members of this House. In other words we do not present to the House to-day a scheme cut and dried which has to be swallowed holus-bolus by our friends, and by the opposition whether they like it or not; so we propose to invite our friends now sitting on the opposition benches, to meet us in the committee room and there discuss with us the provision of the constituencies and in fact the creation of all constituencies which shall be empowered to elect the members of the House. We propose to do what has been done in England by the government of Mr. Gladstone. We believe that if our friends opposite will meet us in this way, we can prepare a measure which will be at all events fair to all parties. We believe that we shall be able to bring into the House a measure which will be free from those blemishes which are to be found in the

redistribution of 1882 and 1892. We believe that if they will agree to meet us in committee to discuss this Bill fairly without trying to take an undue advantage over each, we shall be able to present to the House a measure of which every Canadian will have reason to feel proud, a measure which will be free from those contentious elements which characterize the former Redistribution Acts which have been passed in the history of the Dominion of Canada. We intend to do this as a basis to be followed not only upon this occasion but upon all other occasions.

Who will say that these are not high sounding sentiments? Who will disagree in this House with the utterance of the hon. gentleman who made these statements? Have they carried them out? Are the statements all correct? Have they followed the precedent set by Mr. Gladstone? Mr. Gladstone referred the questions of redistribution of the constituencies in the kingdom to Lord Salisbury, and between those and the others with whom they were associated they came to a decision unanimously as to what should be the basis of the representation in that country. There was an equality between the two parties upon that committee and not a majority given by Gladstone to his own party to override every proposition made by those who were acting with Lord Salisbury. Was that the case here? They took a majority on the committee, and while the Premier states positively that principles would be agreed upon by which the distribution was to take place, what was the first act of that committee? A proposition was made by the leader of the opposition to lay down the basis upon which they should act; that was voted down. Why? Because they had a cut-and-dried scheme prepared for the division of the constituencies. Every single proposition made by Mr. Borden and his two colleagues in reference to the redistribution was voted down by the majority, and yet the Premier tells us with his customary eloquence and coolness that they adopted the same principle that had been established by Gladstone in England under similar circumstances. If hon. gentlemen have read the debates they will find that Mr. Sutherland acknowledged that they had received recommendations from the different counties as to the manner in which the distribution should be made. He acknowledged that in the county in which I live, strong representations had been forwarded to him as to the manner in which that county should be divided. Under the old system, there were three constituencies. The north, the one which I had the honour of representing, always went Conservative. The west, during the last twelve or fifteen years had elected a Conservative. The east has been represented on two or three occasions since the redistribution, by a Liberal member. I will show before I get through how this 'equitable' redistribution was to affect that county and the manner in which it was divided. I may say while upon this subject that the division of the county would have this result—the west riding contained the Conservative municipalities—the city of Belleville, and the town of Trenton. Sydney wes about equally divided. In Rawdon the Conservative majority is about 250, in Huntingdon about 150, in Madoc about 250, in Marmora and Lake about 100. In Tudor there would not be much difference either way, 20 or 30. These figures would give to the Conservative candidate a majority of between a thousand and fifteen hundred. The other portion of the county was so manipulated—that is if they vote as they did the last election—that the Liberal candidate should have about 200 majority. I have sufficient confidence, speaking from my personal knowledge of the electors of that county, to believe that this attempt—this flagrant attempt to disfranchise them and hive the two parties will have just the contrary effect to what the government hope to accomplish. Before leaving this point, I may just as well admit, because it has been done——

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—So flagrant was the division of the county of Hastings and so monstrously outrageous——

Hon. Mr. DANDURAND—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Strong words, but not half as strong as would properly characterize the machine the hon. gentleman (Hon. Mr. Dandurand) has represented in the past and no doubt will represent again if he takes the same position that he occupied before as organizer of the Liberal party in the province of Quebec.

Hon. Mr. DANDURAND—The hon. gentleman is speaking of the gerrymander of 1882 very likely.

Hon. Sir MACKENZIE BOWELL—I will come to that presently, and will show what the effect of that was. So obnoxious even to themselves was the iniquity of the division of Hastings and Waterloo, when it was pointed out to them, that they had to back down and allow Waterloo to remain precisely as it had been under the 'old gerrymander,' as they called it.

Hon. Mr. SCOTT—Oh, no, it never was gerrymandered.

Hon. Sir MACKENZIE BOWELL—It is exactly as it was before the hon. gentleman's government touched it.

Hon. Mr. SCOTT—Waterloo never was gerrymandered. It stands now in the Bill as it stood at confederation.

Hon. Sir MACKENZIE BOWELL—Why did the hon. gentleman touch it ?

Hon. Mr. SCOTT—Lots of things were touched.

Hon. Sir MACKENZIE BOWELL—Why did the hon. gentleman so gerrymander it as to make one riding run all around the other ? I am obliged to the hon. gentleman for his correction. We did not gerrymander it, but it has for a long time returned a Conservative for one riding. When the hon. gentleman thought it would return Grits for both, and in order to prevent that the Conservative Germans were hived around it. He got ashamed of that.

Hon. Mr. SCOTT—They are all right now.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman took the county of Hastings and added one of the strong Conservative townships of the west riding to the east riding, not for the purpose of giving political strength, but because the disproportion in population was so great that he could not defend it. The west riding, as first recommended by the committee, contained 33,500, and there were about 26,000 in the other.

Hon. Mr. DANDURAND—The hon. gentleman is not discussing the Bill as it is now.

Hon. Sir MACKENZIE BOWELL—I am discussing it exactly as it is now. I am discussing it as it was, and comparing it with the Bill as it is.

Hon. Mr. DANDURAND—May I put a question ?

Hon. Sir MACKENZIE BOWELL—I am trying to be clear. I was pointing out what the original division was, and showing that the government had changed that. Then I pointed out what the effect of the original division was, and was on the point of showing what the result will be under the amended division. I have here a plan of one of the ridings of Hastings. It has a bow window in one side. They have taken a township out of the east as it was in the original Bill, and attached it to the west, and for some unaccountable reason they take three rear townships that border nearly on the Madawaska river and add them to the west riding. I think I could give a reason for it.

Hon. Mr. FERGUSON—It is a Chinese puzzle.

Hon. Mr. SCOTT—It is to give the hon. gentleman two safe seats ; he has nothing to complain of.

Hon. Sir MACKENZIE BOWELL—I think so; I think the people are sufficiently honest and intelligent to administer a rebuke to the government for the attempt which has been made to prevent a fair expression of the popular will. This plan is very small, but at the narrowest part it represents a constituency 10 miles wide, at another place twenty miles, and at another thirty miles, and extending 125 miles in length from the Bay of Quinte to nearly the Madawaska river. The constituency on the other side is about the same. Having said this much—and I hope I have been sufficiently plain and explicit that my hon. friend from Delorimier may understand what I have said if he does not understand what I intended to say. I would not expect him to do the latter, but I am quite sure he will understand clearly what I have said. Let me look at some of the figures, and I must be excused if I am a little tedious, but the figures presented by the Hon. Secretary of State were of such a character as to justify my occupying some little time in considering them. The census of 1891 gave Ontario a population of 2,182,947, divided among 86 members. If no distinction were made between the urban population and the rural population we find a unit of 25,383. I think those are the same figures given by the Hon Secretary of State—at least they are so near it that there is no perceptible

difference. Now the table of 46 of these electoral districts shows the following result. In making this calculation, in referring to the county of Brant, in which there are about 3,000 Indians who are deprived by the Act passed by this government of votes and consequently I think may very fairly be stricken out of the calculation of the population which has the franchise, the result will be as I am giving it to the House.

Carleton would be	24,381
Dufferin	21,036
Dundas	19,757
Frontenac	24,746
Glengarry	22,131
Grenville	21,021
Haldimand	21,2333
Halton	19,545
Lennox and Addington	23,346
Muskoka	20,971
Parry Sound	24,936
Peel	21,471
Prince Edward	17,864
Brant	18,273
Brantford	19,867
East Elgin	17,901
West Elgin	25,685
East Kent	25,328
Lanark North	17,263
Lanark South	19,996
Brockville	18,721
Leeds	19,254
Northumberland, East	20,405
Northumberland West	13,055
Ontario North	18,390
Ontario South	22,018
Oxford, North	25,644
Oxford, South	22,760
Perth, South	20,615
Peterborough, East	16,291
Peterborough, West	20,704
Renfrew, South	24,556
East Grey	23,663
Grey North	24,874
Grey, South	21,053
Huron, East	19,227
Huron, South	22,881
Huron, West	19,712
Middlesex, East	20,228
Middlesex, North	16,419
Middlesex, West	18,079
Simcoe, South	26,399
York, Centre	21,505
York, North	22,419
York, South	20,699
Kingston	19,788
Total	46—966,178

It will be observed that in giving these figures the city of Toronto has not been included. That makes a total of 966,178. Now, if you add to those figures the four counties which are next lower in population increasing the number from 46 to 55 you will find the following result:

Hastings, East	26 787
Waterloo, North	25,156
Wellington, North	26,120
Simcoe, North	26,071

Making a total in these four constituencies of 104,134, or a grand total of the 55 of 1,700,312. This would make within 4,774 of one-half but you deduct the 3,000 odd of Indians if you please in order to get the fullest possible number given by the census, and this would make it 1,774, and the result would be that forty-six constituencies representing a population of 132,086 under this Bill would elect a majority of six members, and if you had five more, making it 51, the 51 constituencies would elect a majority of sixteen in Ontario and still be in a minority in the population. These figures are interesting for the purpose of comparison in more ways than one. The average population in a division to elect the 51 members would be 21,115 each. The other 35 of the 86 constituencies in Ontario would have an average of 31,325; that is to say the average number of population required to elect a member in each of these 35 constituencies would be almost 50 per cent greater than the number required to elect a member in each of the 51 constituencies. Yet the hon. gentleman told this House that the redistribution was not only fair——

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—But it was equitable.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The result politically will establish that fact no doubt to the interest of the hon. gentleman, and instead of saying hear, hear, twice, I have no doubt he will repeat it four times. Another table shows the population of the 18 smallest constituencies to be as follows:

Dundas	19,757
Halton	19,545
Prince Edward	17,864

Brant, including 3,750 Indians, has 18,276, but practically speaking for electoral purposes that 18,233 ought to be reduced by the 3,750 of the Indian population, scarcely any of whom, except they are freeholders, would have a vote in the case of an election. Then Brantford has 19,671, Elgin East 17,901, Lanark North 17,236, Lanark South, 19,901, Leeds (Brockville) 18,721, Leeds 19,254, Northumberland West 13,055, Ontario North 18,390, Peterborough East 16,291, Huron East 19,227, Huron West 19,712, Middlesex North 16,419, and Middlesex West

18,079 ; Kingston, 19,788, making a total of 329,243. It will be observed that while West Hastings has about 33,000 of a population and given only one representative, that West Northumberland, which returns a Liberal has only 13,055, and that is called an equitable redistribution of the constituencies. I wonder my hon. friend does not say, hear, hear.

Hon. Mr. SCOTT—We left it as the hon. gentleman had laid it down. Many of those seats we did not disturb at all.

Hon. Sir MACKENZIE BOWELL—Why did the hon. gentleman disturb any of them ?

Hon. Mr. SCOTT—We had to take away ten seats, and we disturbed as few as possible.

Hon. Sir MACKENZIE BOWELL—We shall come to that presently, but the hon. gentleman has so manipulated the redistribution that he has deprived nine out of ten of the Conservative constituencies of their majority, and by the redistribution as the vote was at the last election, he will have five or six of a Liberal majority in the different constituencies which he has manipulated with a minority of the electors, as I shall presently show.

Hon. Mr. KERR (Toronto)—Because of the gerrymander of 1882.

Hon. Sir MACKENZIE BOWELL.—I am glad the hon. gentleman has got some one to help him. My hon. friend can go on with his interruptions just as often as he pleases, it does not make the slightest difference. He can throw in interjections and statements which are totally irrelevant to the point which I am discussing for the moment, but which I shall reach by and by, in order to satisfy the hon. gentleman from Toronto. Now let me look at the eighteen largest constituencies in Ontario, excluding Toronto, and see what is the result. You may just as well throw in 1882 again, because that would be just as relevant as it was when the hon. gentleman interjected those words. Durham has 27,570 ; Lincoln 30,552 ; Norfolk, 29,147 ; Russell, 35,168 ; Thunder Bay and Rainy river, 28,987 ; Victoria and Haliburton—that is Tory, Conservative I would rather call it—the other name is obsolete just now—38,511; Welland, 31,588 ; South Bruce, 31,596 ; Essex North, 28,789 ; Essex South, 29,955 ; Hastings West 32,504 ; Kent West, 31,866 ; Lambton West, 29,723 ; Perth North, 29,259 ; Renfrew North, 27,676 ; Wellington South, 29,526 ; Simcoe East, 29,845 ; London, 37,975, making a total of 560,233. These are eighteen rural constituencies, at least treated as such by this Bill, with the exception of the city of London and the city of Toronto, the latter being so large it would not give an idea of the proper average. These eighteen large constituencies with a population of 560,233 have an average population each of 31,124, and the 18 smallest constituencies with a population of 329,243 have each a population of 18,291 as against the 31,124 of the other average. In other words, the eighteen largest constituencies, not including Toronto, have each a population of seventy-five per cent greater than the populations of each of the smaller constituencies, which of course, is equitable so far as the people are concerned, in the estimation of the Secretary of State and the government of which he is a member. It would be interesting indeed to look at the political complexion of these eighteen smaller constituencies, and in doing so the House will find the object which these gentlemen had in view in the redistribution upon what they termed the county boundaries system : The political complexion of these eighteen smaller contituencies, under the present representation is nine Liberals and nine Conservatives. One would say that is a tolerably equal distribution, but under this proposed Bill, if the vote were the same as at the last election, there would be thirteen Liberals and five Conservatives. Now, I think hon. gentlemen can understand where the equity of this redistribution comes in and the disinterested reasons which hon. gentlemen opposite had for making this division upon assumed county boundary lines. I will treat with that presently. I have already given my opinions as to county boundaries, in a former debate and I shall not hesitate to repeat them now.

Hon. Mr. DANDURAND—That perhaps explains the work of 1882.

Hon. Sir MACKENZIE BOWELL—No, because these redistributions are not going back, if I may use that expression, to the

constituencies as they existed under the redistribution ten years previous. If the hon. gentleman's statement was correct, and I do not suppose he intended to mislead, the constituencies were precisely, before that distribution to which he has referred as they are now; then his deductions would be correct. But such is not the fact, and if he will study the geographical position of the counties previous to the last distribution, and the one of the last distribution he will find my statement is literally correct.

Hon. Mr. BEIQUE—Has the hon. member given us this information as to whether the number of representatives is reduced or whether it remains the same? Those eighteen seats, as they stand, are represented by nine Conservatives and nine Liberals, but under the redistribution, I wanted to know if there is to be the same number of deputies?

Hon. Sir MACKENZIE BOWELL—Precisely, otherwise the argument would be good for nothing. Under the law as it stands at the present moment these eighteen constituencies are represented equally, nine Conservatives and nine Liberals. Under the proposed redistribution of the same territory it gives the same number of representatives but there will be thirteen Liberals and five Conservatives, provided the electors vote as they did at the last election.

Hon. Mr. DANDURAND—By adhering to the county boundaries.

Hon. Sir MACKENZIE BOWELL—Not by adhering to county boundaries, I deny the principle of county boundaries.

Hon. Mr. CLORAN—By putting the voter in the right place.

Hon. Sir MACKENZIE BOWELL—I thank the hon. gentleman for having the honesty to give expression to the true reason which has made this redistribution, to put the voters in the right place, and they are so distributed as to put the voters in thirteen constituencies to elect members, not similar to my hon. friend, I hope, but of another class altogether, who will have some little reason in dealing with this subject, and not guided altogether by a narrow partisanship which sometimes characterises senators, and particularly new ones, when they come in here and attempt to direct the older ones and the Senate generally, as to how they should behave themselves, and what they should do and what the constitution is, and a variety of other subjects which unfortunately those poor simple creatures who have such limited experience know very little about. I do not object to the interruption from my hon. friend from De Salaberry (Hon. Mr. Béique). I think that was a very pertinent question he asked me, because it enabled me to state the facts as they were previous to the proposed redistribution, and as they are to-day. The figures illustrate the peculiar results which the Redistribution Bill is calculated to bring about. The four smallest constituencies in Ontario and the four largest constituencies, omitting Toronto, will give results to show the unfair character of the Bill. I feel that I am wearying the House, but I am giving these figures for the purpose of putting them on record, so that hereafter when statements are made about gerrymandering by the Liberal party, they may be investigated and verified. Middlesex North has a population of 16,419, Northumberland West 13,055, Peterboro East 16,291, and Prince Edward county 17,864, a total of 63,629, or an average for each constituency of 15,907. In giving the largest constituencies I omit Toronto, because it is claimed that it should not be included in considering populations of this kind affecting rural constituencies. The argument is—and I admit there is some little force in it—that an urban population should not have the same representation proportionately to members as a rural population. That principle has in the past been recognized in the English Redistribution Bills, and has always been recognized by both parties in Canada. The four largest rural constituencies in Ontario are:

Victoria and Haliburton	38,511
Welland	31,588
Russell	31,116
West Hasting	32,504
Total	133,719

An average of 33,429, as against an average of 15,907 in the smallest constituencies. The population of the largest constituencies is twice as great as the population of the smallest constituencies, yet my hon. friend claims that this is an equitable division. Let me now for a few moments turn your attention

to other points in connection with this redistribution. Victoria and Haliburton, the largest constituency outside of Toronto, with a rural population of 38,511, is given one representative ; Northumberland, with a total population of 33,550, is given two representatives. But hon. gentlemen may contend that it is according to county boundaries. Haliburton is a provisional county, north of Victoria, and might with great propriety be designated a separate and distinct county ; Northumberland is one county divided into two constituencies. Peterborough is given also two members with a population of 36,995. I come now to what might be called a Grit gerrymander for the purpose of securing Liberal representatives—Middlesex with a population of 54,726, is given three representatives. Why ? If the Secretary of State does not know, perhaps I can tell him. They increased the population of the city of London, which is within the boundaries of Middlesex and gave it one representative. Then they say as London has a larger population than a rural constituency, ergo the country must have three distinct representatives. If there is any equity, reason or justice in this, why is not the same principle applied to Toronto ? Why not give the Yorks four representatives instead of three ? But that would never do. If they adopted that they would weaken their political influence in Ontario, hence they adopted this principle of giving three representatives to 54,000 people in Middlesex, while they give Victoria and Haliburton only one representative to 38,000, and that is called an equitable division of the constituencies in Ontario. Now let us look at it in another light. The smaller constituencies will be found to be Liberal. Northumberland West with a population of 13,055, is Liberal ; Northumberland East with a population of 20,000—7,505 more than the west riding—is Conservative. The four smallest constituencies in Ontario are Liberal, the largest constituencies in population in the whole province are Conservative. Of course that is equitable so far as equity is understood by the Secretary of State. Equity from his point of view consists in so dividing up the constituencies as to give the Liberal party a majority with a smaller number of voters. My hon. friend has referred to that point of view in one or two illustrations he gave in his opening remarks. The county of Peterborough with two constituencies is divided as follows : the West is Conservative, and has a population of 20,704 ; the east riding is Liberal and has a population of 16,299, a difference of 4,405. That is, a Liberal is sent to the Commons to represent a population of 4,405 less than the other portion of the county which sends the Conservative. I am only verifying what I previously stated, that the most populous constituencies—and if it would not be offensive to the Secretary of State, the most intelligent, send Conservatives to the House of Commons, while the other class, the smaller ones, send Liberals to the House. Middlesex has two divisions as follows ; the East has 20,288, and is Conservative. The North is Liberal with a population of 16,419, a difference of 3,809. I could apply the same argument to Essex and to Middlesex. Taking the six constituencies the three Conservatives represent a population of 61,429, and the three Liberals a population of 45,766, a difference of 15,663. That is another evidence of the equitable manner in which this redistribution has been arranged, showing about one-third greater population for the three Conservative members than the three Liberal members. If this be not a direct violation of the old principle advocated by my hon. friend opposite of representation by population, which led almost to a rebellion in this country as between the province of Quebec and the province of Ontario, and which ultimately led to the confederation as it exists to-day, then I fail to understand the principle. Now, another table will give some interesting illustrations of the political character of this division. The table which I am about to read shows the vote given at different polling places, at the election of 1900, and this is the point to which I was about to call the attention of the hon. gentleman opposite when he interrupted me. The vote given at the different polling places in the election of 1900 distributing them in accordance with the proposed gerrymander—I am distributing the vote as given at the last election to show the result that would follow if the same vote be given at the next election under the present Bill. I hope that is sufficiently plain to be understood. The majorities are halved for Hamilton, Ottawa and West Toronto ; that is because each of those constituencies sent two representatives and consequently

each elector had two votes. Every doubtful point has been given in favour of the ministerial lists. Toronto is treated as a unit as the polling divisions cannot well be separated. The Conservative majority would be as follows :—

Carleton	1,147
Dufferin	1,106
Dundas	258
Durham	251
Elgin, South	70
Frontenac	595
Grenville	552
Grey, East	792
Halton	146
Hamilton, East	422
Hamilton, West	322
Hastings, West	1,650

The latter is where I live. I take it for granted that is a good majority.

Hon. Mr. SCOTT—A good solid vote there.

Hon. Sir MACKENZIE BOWELL—A good solid rural constituency, men of stamina and character, physically, intellectually, morally and otherwise.

Hon. Mr. SCOTT—We have left it unimpaired.

Hon. Sir MACKENZIE BOWELL—Their characters are unimpaired.

Hon. Mr. SCOTT—We have left the constituency unimpaired. You have two seats in Hastings and you have nothing to complain of.

Hon. Sir MACKENZIE BOWELL—I am not complaining of that. I am showing the effect of the present Redistribution Bill, and I am showing the House that if the votes at the next election are the same as they were at the last what the Conservative majority will be. Wait until we get the result and the hon. gentleman may not smile so blandly as he does at the present moment. Then the other figures are :

Lambton, East	276
Lanark, South	781
Leeds	589
Lennox and Addington	231
Lincoln	371
Middlesex, East	302
Muskoka	844
Nipissing	964
Northumberland, East	366
Ottawa	239
Parry Sound	37
Peel	193
Perth, North	91
Peterborough, West	320
Prince Edward	68
Simcoe, South	489
Simcoe, East	34
Stormont	258
Toronto (five constituencies)	4,616
Victoria and Haliburton	567
Waterloo, North	1,188
York, South	754

Making a total Conservative majority in each of the constituencies to which I have called attention of 20,889 and would return thirty-eight Conservative members. Now turn to the Liberal constituencies and see what the result would be. The figures are as follows :

Liberal Majorities.

Algoma, East	249
Algoma, West	30
Brant	513
Brantford	276
Brockville	5
Bruce, South	165
Bruce, North	423
Elgin, West	304
Essex, North	477
Essex, South	266
Glengarry	614
Grey, North	233
Grey, South	194
Haldimand	197
Hastings, East	81
Huron, East	213
Huron, South	4
Huron, West	136
Kent, East	339
Kent, West	207
Kingston	150
Lambton West	116
Lanark, North	869
London	353
Middlesex, North	181
Middlesex, West	422
Norfolk	245
Northumberland, West	135
Ontario, North	81
Ontario, South	251
Ottawa	13
Oxford, North	1,389
Oxford, South	605
Perth, South	235
Peterborough, East	307
Prescott	419
Renfrew, North	132
Renfrew, South	353
Russell	566
Simcoe, North	507
Thunder Bay and R R	80
Waterloo, South	556
Welland	413
Wellington, North	234
Wellington, South	238
Wentworth	344
York, Centre	303
York, North	545
	14,968

Making a total of 14,968 Liberal majorities as against 20,889 Conservative majority, and yet this equal number of constituencies would return 48 Liberal members, while the 20,889 would only return 38 Conservative members, giving the Liberal majority by these two tables, calculating the votes as

cast at the last election and applying them to the redistribution now proposed will give with the difference in favour of the Conservatives of about 6,000 inhabitants—a Grit majority of 10. I hope my hon. friend thinks that is equitable. And further than that, the population in these constituencies give the Conservatives a majority in the province of 5,921 of the voters, while the Liberals according to the redistribution would have ten majority of the representatives in the House of Commons. And that is equitable in the estimation of my hon. friend opposite. Here we see the result which the gerrymander is intended to produce. There is a majority of Conservative votes, amounting to nearly 6,000 throughout the province which should return a majority of at least 15 Conservative representatives, instead of which there will be a majority of ten Liberal members, and the average majorities of the Conservatives elected is 550 against an average of the Liberals of 312. The Bill is carefully arranged so that a Conservative vote shall have less effect than a Liberal vote in electing a representative. It requires a majority of 75 per cent greater to elect a Conservative than a Liberal under the present redistribution, and this is a fair estimate of the result of the present gerrymander if such I may call it? The shaping of the constituencies so that a majority of electors may return a majority of members, thus defeating the very first object of an appeal to the electorate to choose men to represent them in parliament. Yet we are told by the declarations of the premier in introducing this measure that it is upon a fair and equitable basis, and we are told with a good deal of blandness and apparent sincerity by the hon. gentleman who is sitting opposite me that this is a fair and equitable Bill. Look at it, analyse these figures and see what the result is. If you look at them from the figures which I have given you will find that the results are as follows:—There are 46 ridings, with a population of 966,178, which is 123,295 less than half the population of Ontario which give to the Liberals six majority. Add the four ridings, the smallest, with a population of 104,134, making a total of 1,070,312, less than half of the population by 21,161, would elect 14 majority of Liberals out of the 86 members, notwithstanding they would have nearly 22,000 of a population less than those on the other side. The average population to elect 50 members is 21,406 and the average population to elect 36 members is 30,906, over 40 per cent greater than the population required to elect 50 members. That is another evidence of the equitable character of this Bill. Let me give another example. Eighteen of the smallest ridings have a population of 329,243; eighteen of the largest, not including Toronto, have a population of 560,233, a difference in favour of the smallest constituency of 130,990, and the average of the smallest is about 18,290, and the average of the largest is 31,124, being no less than 12,834 greater than what would be represented by a Liberal in a smaller constituency. The 18 smaller constituencies under the present law would elect 9 Conservatives and 9 Liberals. Under the proposed redistribution, as I have explained, it would elect only 5 Conservatives and 13 Liberals. Another evidence of the equity of the redistribution. The population of the four smaller ridings is 64,049. The four largest, not including Toronto, is 135,767. The average of the four smallest is 16,039, and the average of the four largest is 33,941, the four smallest not half the population of the four largest and the largest rural ridings in Ontario, Victoria and Haliburton, with a population of 38,511, elects one Conservative. The smallest constituency, Northumberland, with a population of only 13,055 elects a Liberal. Hence the 38,000 constituency of Victoria and Haliburton is retained with that number to elect one Conservative, while West Northumberland is retained with the 13,000 odd to elect a Liberal. We can easily understand why this division has been made from the facts as represented by the figures. I need not refer again to the premier's introductory remarks where he laid down such equitable principles which every one having any sense of fair-play would accept and the only pity is that it was not carried out. Let me, for the edification particularly of my hon. friend from Toronto, who interrupted me with a question as to the effect of the 1882 redistribution. My hon. friend opposite led in the attack by firing off the first shot, and then my hon. friend from Toronto came to his assistance and reiterated the same statement.

Hon. Mr. KERR (Toronto)—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I do not know if that is approval of what I say, or approval of the hon. gentleman's own objection. I give the latter interpretation to that. I think that is what he means, because he certainly would not approve of anything I said and it is quite right and proper that he should cheer his own declarations showing the high appreciation which he has of himself. Now, the result of the elections that took place after this 'horrid monstrous, infamous'—If I had only taken note of the different adjectives that have been used in reference to that redistribution I would give them for the edification of those who have not paid as much attention to the matter as I have.

Hon. Mr. DANDURAND—The result will not give the true test of the rascality.

Hon. Sir MACKENZIE BOWELL—How does the hon. gentleman know ?

Hon. Mr. DANDURAND—Because I know what the result has been. Some of the people were so indignant at the outrage practised on them and the interference with their rights that they rebelled against being hived together as Tories or Grits, and the result was not as bad as the attempt that was practised on that province.

Hon. Sir MACKENZIE BOWELL—Declamation is not argument : howling to an audience on the stump is not giving facts. I have heard gentlemen like the hon. gentleman who has interrupted me, before. I have heard them on the stump, I have heard them in the House of Commons, and I have heard them in very many places. If the hon. gentleman will give us facts and figures, to prove his statements, I shall consider them, but he will excuse me if I decline to accept his mere declamation for the purpose of effect, the mere reiteration of what has been said scores and scores of times by men like himself, who know nothing of the subject about which they are talking. Now, let us see what part of the declaration of the hon. gentleman is justified by the result—whether the statement he has made that the people became so indignant that they revolted against the redistribution is correct. Let us take the returns prior to that time, and compare them with the result of the election under that redistribution. I shall not be at all offended if my hon. friend hits back as hard as he likes : I have experienced a good deal of that kind of attack, and I am quite willing to meet it in the future. I shall try to do it as goodnaturedly and blandly as possible, and with less declamation than the hon. gentleman has used. Let us see the effect of the redistribution. I want the hon. Secretary of State, who knows something about it, to pay attention to the statement I am about to make, not because I expect to convey any information to him but in order that he may set me right if I fall into error. That is what I would like, and not leave it to his lieutenant from Quebec, who has not given the subject the same attention as the hon. gentleman has himself. The constituencies to which I shall call attention are those which were particularly changed, altered, and amended, and not by county boundaries. Some of them were left just as they had been. Bothwell in 1878 returned one Liberal and in 1882 it returned one Liberal. Brant in 1878 elected two Liberals and in 1882, two Liberals. Bruce, prior to the redistribution had two members : in 1882 it was given three members. Before the redistribution in 1878, the county sent to this parliament one Conservative and one Liberal: in 1882 it sent one Conservative and two Liberals. That was one result of this iniquitous gerrymander. Cardwell had existed since confederation, if my memory serves me correctly. It sent one Conservative to parliament in 1878 and in 1882, it still sent one Conservative. The county of Elgin consisted of two ridings in 1878 and sent one Conservative and one Liberal to this parliament : but in 1882, under the so-called gerrymander it sent two Liberals and no Conservative. Were these people so horrified by this redistribution that it resulted in giving additional strength to the Conservative party ?

Hon. Mr. CLORAN—Was that a case of a hive ?

Hon. Sir MACKENZIE BOWELL—Well, if my hon. friend knows as little about it as he does of what he has been talking about in the past he should not interrupt me. The county of Grey in 1878 was represented in this parliament by three Conservatives, and in 1882, under the gerrymander, that we hear so much about, it sent only one

Conservative and two Liberals. That was another evidence of what is termed the iniquity of that redistribution. The county of Haldimand in 1878 was represented by one Liberal, and in 1882 it continued to send one Liberal. The county of Huron in 1878 sent one Conservative and two Liberals, and in 1882 it sent one Conservative and two Liberals—precisely the same. The county of Kent, in 1878 sent one Conservative, and in 1882 it sent one Conservative. The county of Lambton formerly had one member, but in 1882 it was given two members. In 1878 it sent one Liberal to this parliament and in 1882, after the gerrymander, it sent two Liberals. That is another evidence of the iniquitous gerrymander to which the hon. gentleman has so often referred. The county of Lincoln in 1878 sent one Conservatice, and in 1882 it sent one Conservative. The county of Middlesex in 1878 sent two Conservatives, and one Liberal, to this parliament, and in 1882, after this very unjust measure as it was termed by hon. gentlemen opposite, it sent two Conservatives and two Liberals. The riding of Monck sent one Conservative in 1878 and in 1882 it sent one Conservative. Muskoka in 1878 sent one Liberal and in 1882 it sent a Conservative. I do not know whether I pointed out in my previous remarks, but I did upon a former occasion, that when the redistribution took place, Muskoka had a population of between eight and nine thousand, but it was known to the government at the time, that that being a portion of Ontario which was rapidly growing, although the disproportion of population was apparently great, it was given a representative for the eight thousand, and before the next redistribution took place it was large enough—some eighteen or twenty thousand, and so large has that section now grown that my hon. friends opposite are giving it two representatives and very properly so. The county of Norfolk in 1878 sent one Conservative and one Liberal. In 1882 they sent two Liberals instead of one Conservative and one Liberal. The county of Ontario in 1878 sent two Liberals and in 1882 after it was given three ridings instead of two, it sent three Liberals to this parliament. The county of Oxford in 1878 sent two Liberals, and in 1882 it also sent two Liberals. The county of Peel in 1878 sent one Conservative, but under the redistribution it sent a Liberal in 1882, and continued to send a Liberal until the last election when it was carried by a Conservative. The county of Simcoe in 1878 sent to this House two Conservatives and in 1882 that old Conservative county continued to send two Conservatives, but along with them, having been given three representatives, one Liberal. The county of Welland sent a Conservative to parliament in 1878, and also sent a Conservative in 1882. In 1878 two Conservatives and one Liberal came from Wellington, and in 1882 the order was reversed, they sent one Conservative and two Liberals. Wentworth, in 1878, sent two Liberals, and in 1882 two Liberals also. The county of York in 1878 sent one Conservative and two Liberals, and in 1882 it sent one Conservative and two Liberals. The result, therefore, in Western Ontario, of the redistribution of 1882, resulted in Liberal gains of 11, and of Conservative gains of one, or a net gain to the Liberals of ten members, and yet this is the horrid and iniquitous gerrymander to which my hon. friends have called attention. I have given these figures in answer to the many charges which have been so constantly made as to the result of the elections after the redistribution of 1882, and I do not think any reasonable and honest man looking at these figures can say it was an unfair redistribution. The figures I have given cannat be contradicted. There are the records to which you can refer and ascertain whether the statements I have made, and the figures I have given are correct or not. If it is shown I am incorrect I shall be very glad to make the corrections, as is the duty of every honest man to do in discussing a question of this kind. I think I have clearly shown, though it may be wearying to some hon. gentlemen to have listened to me, what the effects of the Redistribution Bill in 1882 were. I have also pointed out by facts and figures that provided the votes should be the same at the election as they were at the last election, it will be seen that if ever there was an attempt to hive, as one hon. gentleman used the expression just now, the different constituencies, it is done in this Bill, under the plea and pretense of adhering to county boundaries.

Now if representation by population is to be considered in any respect by the electors of this country, then county boundaries is a misnomer. I could understand the theory of county boundaries very well when applied to elections in the different provinces. There it might have some force, because the local legislatures have the exclusive jurisdiction of dealing with the municipalities, the roads, the bridges, the education and everything pertaining to municipalities, and there may be and is no doubt a community of interest in each municipality, when we are considering the representation in the local House, which does not apply in any way to the representatives in the House of Commons. What difference does it make whether the lines in a district lie alongside of another township, if he has to vote upon any great question that is before the country—say the question of national policy or protection or free trade —whether he lives on one side of the line of the county or the other side of the line from where he votes? He votes upon a principle not affecting any local interest, but upon a great fiscal principle affecting the whole Dominion, and if you divide the population equitably as it ought to be divided, then you give a fair expression of opinion through its representatives in the House of parliament. If, however, 13,000 people can send a representative to the House of Commons to vote upon a question of that kind affecting the whole Dominion, while the county lying nearly to the rear of it, Victoria and Haliburton, with a population of 38,000 can only have the same voice in the administration of the affairs as the 13,000 people living in the county to the south, that is one reason why I am fully in accord with the doctrine held by Sir John Macdonald in the latter portion of his life, when he laid down the principle of the redistribution in 1882, and still further in 1891, of making the basis of the redistribution according to the population, with county boundaries as far as practicable, as a secondary consideration. The voters' list is prepared for one township the same as it is for another. What difference does it make whether a man votes in one or the other? The hon. gentleman told us in the opening of his address, that there are two or three illustrations of this character—our own county of Carleton and the county of Russell are precisely in that position. Certain of the townships belonging to Carleton are in Russell for electoral purposes, and yet he gives the excuse for not interfering with them that that condition has existed for a long time. If the principle of county boundaries were as sacred as the hon. gentleman has described it, why not carry it out in Carleton? They have given Osgoode and the adjoining township for electoral purposes to the county of Russell; had they replaced those townships in Carleton they would have been obliged to give Carleton two representatives and they knew what the result of that would be. It is an overwhelmingly Conservative county, and so the government forego the sacred principle of county boundaries and leave Russell and Carleton as they have been for years and years past. I ought to apologize for the length of time I have occupied the attention of the House to-night, but I felt in duty bound to lay these facts clearly and distinctly before the Senate for reference in the future when we want to discuss questions of this kind, and not because I expect to influence those who have made up their minds to support the Bill in its present shape.

Hon. Mr. BEIQUE—The hon. member has entered into details to show us the result of the redistribution of 1882. As I am unable to follow him closely for want of knowledge of the province of Ontario, I would be very much interested in having the opinion of the hon. member as to whether he considers the redistribution of 1882 was a fair redistribution.

Hon. Sir MACKENZIE BOWELL—The redistribution of 1882 was not made on the basis of adhering to county boundaries; but on the basis of representation by population, and upon that basis it was as fair as it could be made under the circumstances. There were differences of population in some few cases which could not well be avoided. I do not pretend to say that in a redistribution of a province any government could make every constituency exactly alike. That is impossible, but taking population as the basis, I do not hesitate to say, having had something to do with it, that that representation was as equitable as it could have been made, as I could show by quoting the facts and figures I presented at that time in the House of Commons.

Hon. Mr. FROST—Why did the late Dalton McCarthy, who was a very ardent Conservative in 1882, express his very great regret in 1897 for having taken part in the redistribution of 1882 ?

Hon. Sir MACKENZIE BOWELL—I exceedingly regret that Dalton McCarthy is not here to answer the question himself. He never took me into his confidence to the extent of explaining his conversion. The hon. gentleman might just as well ask me why Dalton McCarthy changed his opinion on the subject of the National Policy of which my hon. friend is a great admirer, and by which he greatly benefits. Dalton McCarthy was a most talented man and gave more attention to the question of the tariff than most members. While he accused some of his old colleagues of having gone back on their principles I had the satisfaction of knowing that on the public platform he stated that he had no such charge to make against the member for North Hastings. His change of opinion on the subject of the redistribution, if he ever did change it, may have been for the same reason that he changed his opinion on the other subject. He has gone to his last reward, and I am not going to impute motives to him. I could give reasons which probably would satisfy most of those who listen to me, but I decline to do so under the circumstances.

Hon. Mr. McDONALD (C.B.)—I feel that the Redistribution Bill, as far as the island of Cape Breton is concerned, has done us an injustice. Cape Breton should have been left as it was with five representatives in the House of Commons. If those who were entrusted with the interest of Nova Scotia had followed precedent, the representation from Cape Breton would not have been touched, but, unfortunately for that island, it had no friends in the House of Commons powerful enough to have justice done. The representatives of the island in the other House, evidently were not able to influence the cabinet on that question. If we had a representative from eastern Nova Scotia or the island of Cape Breton in the cabinet or an influential cabinet Minister such as we had in 1872 in Sir Charles Tupper, our representation would not have been reduced from five to four. The first redistribution after confederation was in 1872. At that time Nova Scotia got an increase of two members, and one of them was allotted to Cape Breton. That representation was retained for over thirty years. The conditions existing at that time justified the government in allotting a second member to the island. Owing to the impetus the coal industry of that island had received for some few years previous to that date, the population increased largely. It was only in 1860 that the monopoly held by the General Mining Company of London was broken. Population flowed in, industries commenced, and Sir Charles Tupper, a great friend of Cape Breton at that time and ever since, allotted the second member to the county of Cape Breton. The basis of population then did not actually justify that, but the basis of population then and the basis of population compared, ought to justify this parliament in continuing the old representation. I was looking at the census just now. I had not done so until this evening. I find by comparing the census of 1901 with the census of 1871, that Cape Breton ought to retain its representation. The unit of representation for the island in 1872 was about 15,000. The total population of the island at that time was something like 75,000 ; to-day it is over 100,000, and it had nearly reached 100,000 when the census of 1901 was taken. I have no hesitation in saying that the population of the island is large enough, with the present unit to give it a representation of five members. Had the same principle that has been applied to the North-west Territories, been applied to the island of Cape Breton its representation in the House of Commons would not have been reduced. The new settlers of the North-west set a preference to the Cape Breton people. Nova Scotia has lost two members under the census of 1901. One member has been taken from the county of Pictou. If the government were disposed to do the same justice to the island that the Conservative party did in 1872, they would not have taken the second member from Cape Breton, but would have annexed two of the Nova Scotia counties and given them one representative. Pictou county with a population of about 32,000 has lost one member. If they had annexed Antigonish and Guysboro the population of the united counties would not have been as large as the county of

Pictou, and Cape Breton Island could have been left with five members, but that would never do; they would have lost one Liberal member if they had done that. I suppose they looked all over the province and found the same condition existing. They went to Cape Breton and said: 'We must reduce the representation of the island: it is true we have all Liberals from Cape Breton to-day, but we cannot trust them and we must make ourselves safe in the island.' Even then if they had followed the principle of county boundaries, they could easily have settled the matter for Cape Breton, by joining the counties of Victoria and Richmond. Victoria has a population of a little over 10,000, Richmond a little over 13,000 making less than 24,000 for the two. That would have been a fair unit of representation. They might have done that and left Cape Breton county as it was, but that would not do. They were afraid that the Liberals of Richmond would overcome the electors of Victoria, or vice versa. I read also in the newspapers and reports of the proceedings in the other House, that Mr. Fielding said there were very peculiar reasons why Victoria county should not be annexed to Richmond. I do not know what the peculiar reasons were: he did not explain them, and I presume he did not indicate what the reasons were to his colleagues in this House. I am therefore left to surmise what the peculiar reasons were. Perhaps also he had peculiar reasons for dividing the county of Cape Breton as he divided it. He divided it in a very peculiar way. His reasons for doing so I do not know, but I will surmise in the same way as I surmised what his peculiar reasons were in reference to Richmond and Victoria.

Hon. Mr. KERR (Toronto)—What would the hon. gentleman do with the county of Inverness? Does it not lie between the two counties?

Hon. Mr. McDONALD (C.B.)—Inverness has a population to justify it in maintaining its present representation in parliament. It is progressing by leaps and bounds in wealth and population, and if the county of Inverness got its rights, the island would have five representatives in the House of Commons. It no more lies between Richmond and Victoria than does a portion of Bras d'Or lake.

Hon. Mr. McDONALD (C.B.)

Hon. Mr. McGREGOR—Does not the county of Inverness lie between those two counties that the hon. gentleman proposes to unite?

Hon. Mr. McDONALD (C.B.)—Not to prevent their union for federal elections.

Hon. Mr. McGREGOR—Yes.

Hon. Mr. McDONALD (C.B.)—The county of Inverness extends along the Strait of Canso, and northward along the west coast of the island. The county of Richmond is on the Atlantic ocean on the south, and Victoria is on the Atlantic ocean on the northeast. The Bras d'Or Lake comes between the two counties, but that should not prevent the union of those two counties. I have heard to-night from the leader of the opposition that there is a county in the province of Ontario 155 miles in length. Richmond and Victoria from end to end is not anything like that—not more than three-fourths that length. I have seen in the papers that there is a county in the province of Ontario resembling the rim of a circle, and another county four hundred yards wide and six miles long and those who favour such should not object to the union of Richmond and Victoria. It is true, a large part of the county of Victoria is not settled. The settlements are along the eastern sea-coast. Richmond is settled all round, and for federal election purposes there would be no necessity to disturb any existing arrangement. But it would never do to unite those counties; the Liberals would certainly lose one member, and probably two members. I am not sure that they will not lose the whole island, notwithstanding the way they have divided it. If they had divided the county of Cape Breton as its geographical position suggests they should, they would have run a straight line from the head of East Bay to the head of Sydney Harbour, a distance of about ten miles. But that would not suit party interests. They went to the north of that line and took a section containing one thousand people and annexed it to the south riding where there was already a population of 34,000. I wonder if their object was to give the south riding a good claim for an additional member, as the Secretary of State has stated that that was a principle settled upon in the committee of the other

House, that counties with 36,000 should have two members. I cannot find any other reason for giving one riding over 35,000 and the other 24,000, unless they had some 'very peculiar reasons' such as they had for not interfering with Richmond county. I wish Mr. Fielding had made known what those 'peculiar reasons' were. We ought to have them before this Bill passes. I have no doubt a great many in Cape Breton and Richmond counties will surmise what those 'peculiar reasons' are.

Hon. Sir MACKENZIE BOWELL—Perhaps the hon. Secretary of State can tell us.

Hon. Mr. McDONALD (C.B.)—They might have left Cape Breton county as it was, in view of its great industrial enterprises and rapidly increasing population. The great coal mines, old and new, and the iron and steel industries are attracting wealth and population to that county and it has a fair claim to have two representatives continued in the House of Commons. The North-west Territories have been given ten representatives, although their population at the last census did not exceed 159,000. On that basis they would be entitled to not more than six or seven, but the government recognized the fact that population is pouring into the prairie country, and that they will be entitled to more than ten members before the next census. I do not find fault with that, but I think the government might have extended the same generous treatment to Cape Breton, one of the oldest parts of the Dominion, and with equal justice left its representation as it was fixed thirty-five years ago. I feel that an injustice has been done to Cape Breton, and I protest against it. Cape Breton has been deprived of a representative for political reasons, because, from a party point of view, it was not thought advisable to join Richmond and Victoria. This would lose them one Liberal member.

Hon. Mr. SCOTT—I did not hear any political reasons urged in the debate in the other House. I never heard that reason advanced before.

Hon. Mr. McDONALD (C.B.)—The hon. gentleman hears it now. We have no member in that House friendly enough to Cape Breton to protest against the injustice because of submission to party interests. The people of the island want fair representation in the House of Commons. They are entitled to their legitimate influence just as much as other parts of Canada, and I think, owing to their large industries, they have special claims to their full representation of five members.

Hon. Mr. SCOTT—We could not avoid taking two members from Nova Scotia under the British North America Act.

Hon. Mr. McDONALD (C.B.)—That is true, but they might have done it in a more equitable way. They might have joined Antigonish and Guysboro' counties, and the united counties would then have had less population than either Pictou or Cumberland, and I think, Lunenburg, and it would have left Nova Scotia in as good a position as it occupies to-day. In 1872, when Cape Breton got its five members, the representation was based on a unit of 15,000, though the unit for the whole Dominion was, at that time, 18,000. If we were accorded fair treatment now as we were then by a Conservative government we would retain our five members. Of course, it is useless for me, or for anybody, to protest because the Bill will pass without change, but I protest, with all my might, against this injustice to the island of Cape Breton.

Hon. Mr. McSWEENEY—In New Brunswick we have much greater differences in population than any the hon. gentleman has complained of in his province. Restigouche, with a population of only 12,000, is given one representative, while Westmoreland, with 43,000 people, has but one member, yet we are satisfied.

Hon. Mr. LANDRY—Hear, hear. No doubt the hon. gentleman is satisfied.

Hon. Mr. McGREGOR—I am sure if the hon. gentleman from Cape Breton were entrusted with the redistribution of constituencies, he would not join the two counties he has mentioned—Richmond and Victoria. He knows the difficulties in the way of such a change. Not only are the two counties separated by land and water, but the people are of different origins. In one county they are of Highland Scotch descent and speak Gaelic; in the other they are French and

speak the French language. They do not know each other, and I am sure the hon. gentleman would not put them together in one constituency.

Hon. Mr. McDONALD (C.B.)—Surely the hon. gentleman does not mean to say that there are no Highland Scotch in Richmond ? They are represented in the House of Commons by a Highlander who speaks Gaelic, English and I believe French.

Hon. Mr. McGREGOR—The French language is used in one county and Gaelic in the other, and the two counties are separated by large areas of land and water.

Hon. Mr. McDONALD (C.B.)—The population of both counties speak English as well as Gaelic and English as well as French, and are as intelligent and broad minded as the population of any constituency in the Dominion. And English is generally spoken in both counties.

Hon. Mr. MACDONALD (P.E.I.)—The hon. Secretary of State, having alluded to Prince Edward Island in his introductory remarks, I should like to show the position in which that province is placed under this Bill. We find the representation of our island has been reduced to four members, instead of the six that we had when we entered the confederation. Now, the principle on which the representation has been provided for in the different districts of the Dominion has been on the basis of population. That is not the basis on which Prince Edward Island entered confederation. It was protested against by the people of Prince Edward Island from the very outset. They declined to enter into confederation upon the basis of representation in the House of Commons by population. A deputation was sent from Prince Edward Island, after confederation had been formed, to the Dominion of Canada to arrange terms on which the island would enter the confederation. The commissioners from Prince Edward Island came to Ottawa and negotiated with the government of the day for terms on which the island would be admitted a province, and the point on which those negotiations were protracted and on which they held out from day to day, was the representation of the province in the House of Commons. The population of Prince Edward Island at that time was about 94,000, which would entitle them at the utmost to not more than five members. They held out from day to day for a representation of six, and they would not consent to the terms that were proposed unless they had a representation of six members in the House of Commons. That point was finally conceded, and the terms of confederation were drawn up. It would probably detain the House too long to go through the whole of those terms, but one of the conditions is as follows :

That the provisions in the aforesaid British North America Act, 1867, should, except those parts thereof which are in terms made or by reasonable intentment may be held to be specially applicable to and only affect one and not the whole of the provinces now comprising the Dominion, and except so far as the same may be varied by these resolutions, be applicable to Prince Edward Island in the same way and to the like extent as they apply to the other provinces of the Dominion, and as if the colony of Prince Edward Island had been one of the provinces originally united by this Act.

Now, hon. gentlemen will observe that the terms on which Prince Edward Island entered were different from those that are set forth in the terms on which the four provinces originally constituting the Dominion entered into confederation, hence this provision in the terms with Prince Edward Island sets out specifically that where the terms were varied with respect to the interests of that province, they were not to be governed by the provisions of the British North America Act, so far as representation by population was concerned. It was understood thoroughly at the time, I believe, between all persons who were concerned in drawing up those terms, that the representation of Prince Edward Island was to continue and not to diminish below the number of six representatives in parliament, and the British North America Act I believe contemplates that, and I have very good authority for the statement that there is no provision for diminishing or decreasing the representation granted originally to that province. In the debates of the House of Commons, in the session of 1892, volume two, Mr. D'Alton McCarthy, who was one of the leading legal minds of the Dominion, in speaking on this question, as to the powers of parliament, spoke as follows :—

We cannot, for instance, abolish our Senate. It is said that it is curious that we have not the same powers as the local bodies. They can, and they have abolished their second

Chamber, but we have no such authority. We cannot decrease the number of members in this House. The local legislatures can. We can, by a special provision, increase the number of members, but it is because express provision is made for that purpose. I take it that we cannot alter our quorum. It is 20, and it must remain 20. It is one of the fixed lines of the constitution, so far as regards this House. That being so, we have to look and see within those various clauses what our powers are as to the alteration of the House of Commons. Clause 40 says :—

Until the parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia and New Brunswick shall, for the purposes of the election of members to serve in the House of Commons, be divided into electoral divisions as follows :

Until it otherwise provides : There is no express power, it will be seen, there, but there is implied power, because 'until the parliament of Canada otherwise provides' plainly imports that we may provide otherwise, and therefore, as my hon. friend from Bothwell (Hon. Mr. Mills) very properly puts it, that standing alone would give us power to increase or decrease, to alter the distribution of seats, and in fact would give us almost unlimited power, but notwithstanding that, it is plain that we cannot decrease the number of our members. We can increase the number, but why ? Because by another clause there is power given us to increase. Read clause 40 and 52 together. Clause 52 says :—

The number of members of the House of Commons may be from time to time increased by the parliament of Canada, provided the proportion of representation of the provinces prescribed by this Act is not thereby disturbed.

Hon. Mr. SCOTT—Hear, hear. That is the vital point.

Hon. Mr. MACDONALD (P.E.I.)—Then Mr. McCarthy continues :

If it was not for clause 52, we would have the power not only to increase, but to decrease, but as clause 53 merely gives us power to increase, it is plain that the implied authority which would have arisen under clause 40, is limited by the power and authority merely to increase. So, in dealing with the question of redistribution, if there was nothing to be found but the power to redistribute given in clause 40, there would be power to do as we thought fit in regard to that, but the Act goes to say that :

On the completion of the census in the year 1871, and of each subsequent decennial census, the representation of the four provinces shall be readjusted by such authority, in such a manner, and from such time as the parliament of Canada from time to time provides, subject and according to the following rules.

We get here the explanation of the power which is given to us by clause 40. We are not at liberty, therefore, to imply more than is expressed, especially when that would be at variance with the expressed authority given. I have looked into some of the best constitutional works on that subject, and this is a question which has engaged the best constitutional writers on the other side of the line, because their powers are largely implied, though perhaps they may be said to some extent to be expressed, because it is provided that any power necessary and convenient for the exercise of the powers conferred is to be exercised, but all the authorities agree that that provision is unnecessary. It appears to me, though on this matter I suppose it is natural that the House should take the law from my hon. friend the Minister of Justice, that it will be found that the view put forward by the hon. member for Queen's (Hon. Mr. Davies) is the correct one. It is, of course, very extraordinary that the late Sir John Macdonald, who was present at the London Conference, and other gentlemen on he floor of parlialiament, failed to take note of this, in 1872, and that it was never suggested by the fathers of confederation and other able and distinguished men in the House, that this was the true reading. Nevertheless we cannot by taking power to ourselves in 1872 or 1882, enlarge our jurisdiction. Is it to be found in this Act ? We have no inherent authority. We are a statutory parliament with defined powers, and within the four corners of our charter we must look for authority to legislate as we propose.

That is the opinion of a celebrated legal mind on this very point.

Hon. Mr. FERGUSON—When was that speech made ?

Hon. Mr. MACDONALD (P.E.I.)—1892. Now, that question has been submitted to the Supreme Court of the Dominion, and they have given a decision on the point. That decision has not been accepted by the people of Prince Edward Island or by the government. The government of that province has taken steps to appeal the case to the Privy Council in order to have the point decided by the highest authority in the realm. Thus I hold that it was scarcely fair for the federal government to reduce the representation below what it was before this Bill was introduced, while that question was still under consideration and undecided by the highest authorities to which the case can be referred. There are a great many other points in connection with this subject which would occupy too much time altogether to go into to-night ; but these are succinctly the main points in connection with it. There are very many other points that were brought forward by the gentleman who presented our case before the Supreme Court of Canada, and besides the points that were brought forward there were a good many others that were not thought of at that time. The more the British North America Act is considered in connection with this question of representation the clearer it will be found are the claims which our province has to re-

tain the original number of representatives as accorded to it by the terms of confederation made in 1871.

Hon. Mr. SCOTT—Why was it that in 1892 the island did not protest against it ? If my recollection is not at fault I heard no protest then when the reduction took place, representation was reduced from six to five, and it was acquiesced in.

Hon. Mr. MACDONALD (P.E.I.)—It is quite true there was no protest made in the House at that time, but if we had had at that time the legal opinions and legal authority which has since been brought to bear on the British North America Act, there is not the least doubt that we would have retained at that time the six members who were originally allowed to the province. The province being represented, in the Senate at any rate, by gentlemen who are not versed in legal questions it would be rather presumptuous on our part perhaps to put forward, at that time, our own views on the subject, when we were not fortified by the opinions that we have since had from legal minds on this important question. The opinion was entertained, even at that time, that we were entitled to six members, and that there should be no decrease, no diminution in our representation. There is no such word as diminution mentioned in the British North America Act or in the terms upon which our province entered confederation, and I hold we are, as we claim, still entitled to our six representatives, and we will not give up our claim until that case is finally decided in the highest tribunal in the empire.

Hon. Mr. DANDURAND—I wonder why the hon. gentleman from Prince Edward Island will not accept the principle of representation by population. Each man is worth as much in the west as in the east, in the north as in the south. Of course this is independent of the legal aspect of the case which has been passed upon by the Supreme Court. I do not rise to make any long speech on this question except to congratulate the hon. leader of the opposition upon the courage he displayed in standing up before his colleagues in this House and defending the work for which he is responsible —the gerrymanders of 1882 and 1892. The hon. gentleman has dilated upon the fact that if the counties are brought back to their lines as provided for in the present Bill the vote will be such and such in a certain number of counties, and he has compared it with the returns of the last election and the election of 1882. This is to my mind beside the question. The Liberal party has not undertaken to harm the Conservative party in this country. The Liberal party did not set out to frame and carve out for itself a majority throughout the Dominion from the Atlantic to the Pacific. The Liberal party declared before 1896,-from the moment that this gerrymander of 1882 was imposed upon the country, that it would struggle to restore county boundary lines. The Liberal party has never budged from this affirmation of principle. This is the principe which the Liberal party attempted to carry out three years ago, and which is embodied in the present Bill. In 1896 the people who were more especially appealed to on this score sanctioned the principle. In the last election the Liberal party again complained of the redistribution in 1882 and 1892, but this Chamber composed of supposed independent-minded gentlemen thought three years ago that as the dice had been loaded in 1882 and 1892 it would be good enough for use in the election of 1900. It has continued its work in favour of the Conservative party. The hon. gentleman may explain as he pleases about the results of 1882, but we all know what took place behind the screen. The hon. gentleman's friends decided to disregard county boundaries and they spread the map before them on the table and decided to play with the municipalities according to their own free tyrannical will, and to arrange the constituencies in Ontario so as to 'hive the Grits' in certain places and distribute the number of the Conservatives in such a way as to secure as large a representation in the House of Commons as they could. I quite understand the result of 1882 was not exactly up to the expectations of the hon. gentleman, yet it did an injury to the Liberal party in that year, and did a still greater injury in the elections of 1887. I know by simply looking at the map of Ontario what was attempted. The Conservative party made no attempt at hiding the fact ; they simply looked at the majorities given by each municipality, and arranged the constituencies so as to elect as large a Conserva-

tive representation in the House of Commons as they possibly could by gerrymandering the municipalities.

Hon. Mr. FERGUSON—May I ask my hon. friend if he could ascertain all that from looking at the map ?

Hon. Mr. DANDURAND—The hon. gentleman is my senior, and was a politician in 1882. I was in politics that year, and no man, even outside of Ontario, could help looking at the work which was being done by the Conservative party and which was carried out by the Conservative party, in spite of the protests of the opposition, without seeing why it was done. It was glaring. Another gerrymander quite as bad was attempted upon the province of Quebec in 1892, but there was another Conservative leader in the House of Commons who could not exactly accommodate his conscience to that kind of medicine that was served to the Liberal party of Ontario, and who abandoned that attempted gerrymander on a large scale which was being practised on the province of Quebec. Yet a few changes were made in the province of Quebec. A municipality was taken from the county of Bagot, a municipality giving 200 of a majority to the Liberal party, and was thrust into the neighbouring county of Rouville, not to bring about an equilibrium between the respective populations, but to secure the county of Bagot for the Conservative party from whose fingers it was slipping. The same thing was done in Missisquoi. The Liberal parish of Notre Dame was thrown into the Liberal county of Iberville and St. Johns, from which the Conservative municipality of Lacolle was taken and thrown into Missisquoi in order to make this county sure for the Tories. It did not work, and instead of giving a majority to the Conservatives Lacolle gave a majority of 117 for the Liberals, as a protest against this kind of work. We of the Liberal party could have knifed the Conservative party in the back in this redistribution, but we did not do it. We restored the county boundaries in Ontario, and we offered three years ago to the Conservative party of the Dominion in dividing the large counties that had to be divided into two or three constituencies, to allow it to be done by a commission of judges. The Tory majority of this Chamber refused the offer made by the Liberal party and consequently we decided to divide those counties ourselves. It was done by a committee of the House where the Conservative party had a minority representation, and where they could be heard, and I have yet to hear either in this Chamber or in the other what real grievance the Conservative party have against this Bill. We only wish that the Conservative party had dealt the same measure of justice to the Liberal party of Canada in 1882 and 1892. Of course they thought they were the supreme governors of this country by divine right, and they wanted to protect themselves per fas aut nefas against a change of public opinion. To-day we are bringing in a redistribution Bill, and we can look our opponents straight in the eyes and tell them as honest men we have not done badly by them, and we can go before the people at the elections with no regret for anything we have done. We have done justice to the Conservative party, although they refused to give us justice in 1882 and 1892. If the Liberal party had so wished it could have wiped out nearly every Conservative majority in the province of Quebec. It would have been, for instance, child's play to swamp Mr. Monk in Jacques Cartier. Jacques Cartier is a small county ; it adjoins the county of Hochelaga and county of Maisonneuve, and it goes around the city of Montreal. We had only to throw St. Louis into Maisonneuve to the north or throw in St. Henry to the west, and Mr. Monk would have been swamped by 400 Liberal votes. We did not do so. I think we might by just touching a few lines of the province of Quebec have wiped out the whole of the Conservatives elected at the last election. We did not do it, and never thought of doing it. The only thing the hon. gentleman from Belleville should have said to-day is 'We have sinned, we ask your forgiveness, and we thank you for the measure of justice given us.'

Hon. Mr. FERGUSON moved the adjournment of the debate.

The motion was agreed to.

JUDGES OF PROVINCIAL COURTS ACT FURTHER AMEDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (255) An Act further to amend the

Act respecting the judges of provincial courts.

He said: The only change in this Bill is the addition of one judge who is to be located in the county of Pontiac. The authority was obtained from the province of Quebec for this many years ago, I think over ten years ago.

Hon. Mr. FERGUSON—With regard to that Bill I may say that I wish to place some of the views I entertain before the House with regard to the position of the judiciary. But there will be an opportunity of doing it upon the Bill that stands next upon the order, and as my hon. friend wishes to advance this Bill a stage to-night, I could reserve the remarks that I intend to make for the other order, providing it is understood that it is not gone into to-night. If it is, I may just as well go into it now.

Hon. Mr. SCOTT—We had better go on with this, we shall have other Bills coming up from the House of Commons.

Hon. Mr. FERGUSON—I think it is very unreasonable.

Hon. Mr. SCOTT—My hon. friend can make his remarks at the next stage of the Bill.

Hon. Mr. FERGUSON—No, the second reading is the stage where these observations should be made, and furthermore, my hon friend declined to put anything on the Order paper for yesterday, and the result was that a large number of the members were here all yesterday while the House stood adjourned.

Hon. Mr. SCOTT—My hon. friend cannot with propriety make a statement of that kind. I did not decline to put anything on the Order paper. After the orders were all fixed for Tuesday and Wednesday, I was asked to put some of those back on the orders for Monday. Some hon. gentlemen said a number of members had gone away under the impression that there were no orders for Monday, and we could not put the orders back again.

Hon. Mr. FERGUSON—I am not complaining of the hon. gentleman not putting them back, but he had certainly the opportunity of placing business on the paper both for Friday and yesterday. He knew the session has been a very long one, and that there was a great deal of business yet to be put through this House, and that being the case I think it was most extraordinary that my hon. friend having these Bills in hand did not put one of them down for Monday in the first instance. It certainly was too late to do that after the members had gone away; but he deliberately took the course of leaving Monday open; although he had such important government business on his hands he deliberately put that business down later, and the consequence was that we had to adjourn over yesterday. We have to discuss his Bill now, and at 11 o'clock at night he wishes us to go on.

Hon. Mr. SCOTT—We will go on and finish the Order paper.

Hon. Mr. FERGUSON—Then I may reserve what I have to say for the next order.

Hon. Sir MACKENZIE BOWELL—This Bill contains a great deal more than was intimated by the hon. gentlemen opposite.

Hon. Mr. SCOTT—No, we repeated it in the Ontario Act.

Hon. Sir MACKENZIE BOWELL—Why is this repeated?

Hon. Mr. SCOTT—It is done by the Department of Justice. I thought it was very absurd and very misleading and I asked the very same question; but it was done with reference to Ontario. I put the question to the Minister of Justice why it was necessary and he said it had been the practice of the office to put in one Bill.

Hon. Sir MACKENZIE BOWELL—I am very glad to hear the hon. Secretary of State denounce the action of his colleagues.

Hon. Mr. DANDURAND—The hon. gentleman spoke of the department.

Hon. Sir MACKENZIE BOWELL—What is the department? There is about the same distinction between tweedledum and tweedle de. The department, when it speaks, speaks through the head of the department, and the head of the department is the Minister of Justice, and I am inclined to think when my hon. friend (Hon. Mr. Dandurand) becomes Minister of Justice, when a vacancy—he may shake his head, perhaps he may not get the opportunity——

Hon. Mr. DANDURAND—I hope so.

Hon. Sir MACKENZIE BOWELL—But I think the hon. gentleman would accept it if it were offered to him—when he becomes Minister of Justice and an opinion is given from his department, he will come to the conclusion that no one in that department except the head of the department should assume the responsibility. I congratulate my hon. friend on the opinion he has of his colleagues. It is an opinion which I entertain myself, and it is an opinion I have expressed very often of the manner in which this country is governed. It is governed by departments individually instead of collectively as provided by the constitution for the government of this country, and in the constitution which governs England. It is not the first time that I have heard the leader of this House, previous to the occupation of that honourable position by the hon. Secretary of State, give expression to precisely the same opinions. Unless this Bill covers something more than is indicated on its face there can be no necessity for re-enacting the salaries of the different judges. I find the first clause refers to an amendment. Before we are enabled to discuss this question intelligently, the hon. Secretary of State should inform the House how far these amendments interfere with and change the law as it stands. The first section says :

Section 4 of the Act respecting the Judges of Provincial Courts, chapter 138 of the Revised Statutes, as enacted by section 2 of chapter 52 of the Statutes of 1898, and amended by section one, chapter 39 of the Statutes of 1901, is repealed, and the following is substituted therefor.

Then it goes on to state the salaries of the judges. Does this Bill in any way affect the law as it stands upon the statute-book in reference to the salaries of the judges referred to in this Bill, beyond a provision for the payment, as I understand it, of one additional judge, and has this judge been asked for in Quebec ? I presume he has. It was stated when we were discussing the question before, by some of the legal luminaries of the House, that it was the duty of the Dominion government to appoint these judges, and to provide their salaries, providing the local legislature had passed an Act declaring that the judges were required. Looking back at the history of this country, hon. gentlemen will find that both parties have refused in the past to appoint judges under those circumstances. They did not take the same view of the law that some hon. gentlemen have announced here. The Mackenzie government refused to appoint judges that were asked for in Nova Scotia, if my recollection serves me aright. The Conservative government refused to appoint judges under a law passed by the province of British Columbia until certain things were done. We have precedents for that. We have precedents for the position taken by myself and one or two others on this side of the House and we thought at least that when we were speaking, we understood what we were talking about : but we were informed that we did not know anything about it. I have looked up the question since that time to see if we were as ignorant as we were represented to be, and I find that both parties in the past have taken the same view of the circumstances of this country as was taken by one or two members on this side of the House when this question was under discussion before. I think in justice to the House, the hon. Secretary of State should give us some information about this. He has told us he thinks it is an absurdity to re-enact things, but why is it done ? There should be some reason for it. The hon. gentleman should have been furnished with a precis of the reasons for re-enacting this law. I want this information before we go on with it, and I want further information as to the necessity for appointing another judge in the province of Quebec, whether it be in the district or county of Pontiac or other county, and whether there is not a spare judge somewhere else, that might be sent there. I am speaking as a layman. I am speaking from the information given by the premier of this Dominion, by the late Attorney General and others who have discussed this question of the judiciary of the province of Quebec in the House some time ago, and if I am in error, I take it for granted that hon. gentlemen from Quebec will attribute it to a desire at least for information from the parties who have become responsible for this legislation. Not only in Quebec, but in other provinces we should know exactly the necessity for increasing the expenditure in connection with the judiciary of this country before we enact laws to increase the number

of judges. There may be reasons for it, and if there are the hon. Secretary of State, as representing the Department of Justice in this House ought to be able to give it to us, and that would prevent in all probability a good deal of discussion, and, what might be considered by those who do not desire opposition to it, a waste of time.

Hon. Mr. SCOTT—I thought I had given very full information on this Bill when it was up before. I will repeat it. The province of Quebec many years ago, I think back in 1880, certainly more than eight years ago, passed a Bill organizing the county of Pontiac as a judicial district. However, it was not acceded to, and has not been acceded to the present year. It has been found, however, in the last two or three years, that it is absolutely impossible for the judge in the county of Ottawa to hold court in the extreme ends of the county. He had to travel a couple of hundred miles or more. Pontiac is the last county in western Quebec. It extends from Argenteuil in the east up to the north-west boundary of the province of Quebec probably 200 miles and therefore it was absolutely impossible for the judge of the county of Ottawa to make those trips, and at the same time attend to his own court. That is the opinion formed both by the provincial government and the government at Ottawa. I find in the Consolidated Statutes a provision in reference to the salaries of the judges of the Supreme Court of Judicature of Ontario and it repeats the salaries. The next change that took place in the law, was in 1898 and it reads in the same way. It is repeated as follows :

Section 4 of the said Act is amended by chapter 15 of the Stautes of 1887, by section 1 of chapter 59, &c.

Then it gives the salaries of the judges of the Court of Queen's Bench, the Superior Court, etc., and then the same thing is repeated in 1901. There was a change made in 1901, just in the same way. So that after comparing this Bill with the existing law I can discover no difference except that the fourteen judges are made fifteen judges in line 20 as I have already explained.

Hon. Mr. BAKER—I had not the pleasure of being present when the second reading of this Bill was introduced. I came in as the somewhat laboured explanation given by the Secretary of State was being made to the House. The Bill is a very simple one. It simply makes provision for an additional salary for a judge of the Superior Court for the province of Quebec, which is already labouring under a plethora of judges. The trouble is, that the judicial force of the province is not judiciously applied. There are judicial districts in the province of Quebec where the time of a judge is not taken up for one-tenth part of the year, and the burden of the work is put upon the judges in the city of Montreal. If the government, instead of providing additional salaries, would supplement the existing salaries, they would be doing a good work for the administration of justice in the province of Quebec ; and the remark I make will apply equally well to all the other provinces. It is known that not only the present government, but governments which preceded them were committed in the most formal way to giving additional salaries to the judges of the higher courts, and when the present Chief Justice of the King's Bench division, Sir Alex. Lacoste, was appointed, he accepted the appointment under the solemn promise from the government of the day that the salaries of the judges should be revised, and that an adequate salary should be provided not only for him as the Chief Justice, but for the other judges of that court and for the Superior Court of the province of Quebec. I know it. I was in a position to know it at the time. He hesitated very much about accepting the position, because he said frankly : 'My family is large. My income from my practice is far above the salary of a judge, and I cannot afford to accept it.' I know that Sir Alex. Lacoste stated that in the most express terms to Sir John Abbott, who was then the premier of the Dominion, and there was what was in effect a solemn promise given to him that the salaries should be enlarged in the near future. Every government that has suceeded, has admitted the necessity for doing it, and yet this government as well as those that preceded it, has not the moral courage, in the face of the caucus of the party, to do what they admit, ought to be done as a simple act of justice to the judges. I had made a few notes which unfortunately I have not at the moment under my hand.

showing the distribution of work as the courts are now constituted which shows that the judicial power is frittered away in the country districts, while additional work is put upon those who live at the business and commercial centre of the province of Quebec; and the position of the judges is not what it ought to be owing to the inadequacy of their salaries. I am not going into a discussion at this hour of the night, except to say that this government, while it is no more blamable than the preceding government was in that respect, has failed to do its duty, because they fear the electors in the rural parts. That is the English of it.

Hon. Mr. DANDURAND—Hear, hear.

Hon. Mr. BAKER—The electors say that $4.000 is a large sum of money for a man to be paid for a year's salary, and they do not see any reason why the salaries should be enlarged, and for fear of the vote in the country parts, the government has been deterred from doing its plain duty in the past and for the same reason it is being deterred at the present time. The Bill itself is so simple that I did not think it worth while, and it did not occur to me that it was necessary, to offer any explanations in regard to it. The salaries are provided en bloc. They are so provided by the Revised Statutes and its amendments. As the judges have been increased from time to time, the statute has been amended so as to include a greater number of salaries but always on the form of the present Bill; it is a form that has been consecrated by past usage.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. BAKER—And the Bill is perfectly correct in its present form, and the object of it will be accomplished if it passes, as it will no doubt pass the Senate and receive the sanction of His Excellency the Governor General, and it will provide another inadequate salary for an additional judge in the province of Quebec.

Hon. Mr. BEIQUE—The hon. gentleman has stated what I was about to remark that the form which is adopted in drafting the Bill is beyond reproach. It is much more convenient to add a new clause than to merely amend an old one, and especially in matters of this kind. It would not read properly if any other form had been adopted. I desire to add another word in this direction: we very often hear complaints of the number of judges and Superior Court judges that are appointed for the province of Quebec, but it must be borne in mind that in the province of Quebec we have no county judges, and if we refer to the amount of salaries that are paid to judges, comprising both High Court and County Court judges in the province of Ontario, to the amount of salary paid to the judges in the province of Quebec, you will find that it is much larger in Ontario than it is in Quebec. Now, as far as this additional judge is concerned, the province of Quebec has the determining of the composition of the courts. A great many years ago it was decided that the courts should be decentralized and judges were appointed for each district in the province. It is very difficult to change an established condition of things, and we are labouring under that trouble. The rural districts who have had judges living among themselves, are jealous of parting with them, and they object to forego the right of having a resident judge in their district. That has been the difficulty in the province of Quebec in getting back to the centralization, which was abandoned a great many years ago, and with the system as it is, the objection which the hon. gentleman from Bedford (Hon. Mr. Baker) has alluded to, that the work is not properly divided, is a necessary consequence; but on the whole I do not think there are too many judges for the province of Quebec.

Hon. Mr. BAKER—The decentralization the hon. gentleman speaks of was a necessity at the time it was introduced. These districts were remote from the centres of commerce and the judicial centres as they had existed for many years. They were difficult of access, and decentralization was necessary, but everything has been changed. At the present day railways have been built into every section of the country, and the districts have been brought within easy access of the cities of Montreal and Quebec, and they could be served more conveniently from the cities, than they can be from some of the judges' residences in the country parts. That system although necessary at the time, is entirely un-

necessary now, and the consequence is that the country has been saddled with an expense which is not too great if the cost at the present time was concentrated upon the judges in the cities, and they were relieved from the necessity of looking to other occupations to supplement their salaries, in order to maintain the proper dignity of their position amongst their fellow men. The work would be done, the judges could be relieved from the embarrassment of the financial position in which they are placed by the meagreness of their salaries, the judicial work would be more effectively done, with greater satisfaction to every one concerned, notwithstanding the complaints, that I have no doubt would be made in some of the rural districts, if the judicial work were centralized. Everybody who has thought on the question sees the difficulty. The voter always stands in the path. No matter whether it is considered in the Quebec legislature, where a system that is no longer necessary, which has outlived its usefulness, is being discussed, the bugbear of the voter behind the members has prevented the adoption of measures which would bring greater efficiency for the service, and greater satisfaction, I believe, to the bench and to the bar, and in time, to the suitors themselves. For they would be better served if a judge came from a city to administer justice, than they are served by the judge who lives among them, whom they see every day, who, if he mingles with them at all, is more or less mixed up with their objects in life. I believe that better satisfaction would accrue to everybody if the system was revised and the country districts were served from the judicial centre of the cities. That may be a very strange doctrine for one to preach who lives in the country and who practises in the country, but after giving it a great deal of thought—and perhaps from the fact that I am relieved from the necessity of consulting the voters upon such an important question as that, perhaps my views have been in some degree modified. But speaking from a purely professional point of view, I believe that it would be better for all parties concerned if the salaries of the judges were raised, and that a fewer number centralized would be able to render more effective service. I have a letter on the subject at my hotel, which was written to me many years ago by the present Lieutenant Governor of the province of Quebec when he occupied a position on the bench. I looked that letter up the other day, and it contained so many points of interest in connection with the present discussion that I am sorry the question came up unexpectedly, because I would have been glad to have read that letter to the Senate and had it printed in 'Hansard.' He was quite aware of all the difficulties of this question, and he discussed it with the clearness and force that characterizes all his utterances, and I am sorry that the Senate has not the benefit of hearing what he said about it.

Hon. Mr. FERGUSON—We have had three Bills within a very short time dealing with the judiciary, and I am sorry to say that the government is dealing with them in a very inadequate manner. The points that have been taken by my hon. friend who has just spoken have been put before this House and before parliament very frequently, and they should have received more weight than they appear to have from the government of the day. I cannot see anything very beneficial in any of the three measures that we have before us, while I think I can discover some things that are absolutely pernicious in some of them. A few days ago we put through a Bill creating three new judges for the province of Ontario and creating a new provincial court, an exchequer court, with a chief justice attached to it, and two other judges, and now we are adding a judge in the province of Quebec. I remember, only three years ago, a Bill was submitted to parliament by this government adding three judges to the province of Quebec. At that time a very long discussion took place upon it, and what I would regard as almost unanswerable evidence was put before the House against the expediency or the necessity of adding three judges to the staff of the already large number of judges in the province of Quebec. Reasons were given, coming from the bar of that province, which were largely on the line which has been presented to the House by the hon. gentleman behind me (Hon. Mr. Baker), and they showed that while there was a congestion of work in Montreal, and in some parts of the province of Quebec, many judges in the outlying parts of the province were absolutely without anything or scarcely anything to do.

The reasons that were submitted to this House were so strong on that occasion that we declined to pass the Bill, in the hope that the proper remedy would be found of distributing the work equally among the judges already, instead of making three further appointments. The Bill was rejected by this House for that reason, but the next year the government adhered to the position which they had previously taken and found it an easier way, I have no doubt, of dealing with the judiciary by providing three additional salaries out of the public chest instead of equalizing the work amongst the judges, which could have been done and the efficiency of the bench still maintained. That, I think, was proved without any doubt whatever. It was only some two years ago that we added these three judges and now we have a measure before us in response to a provincial demand to give Quebec another additional judge, with the information submitted to this House, which I think is uncontrovertible, by the hon. gentleman who has just spoken, with regard to the state of the judiciary in the province of Quebec at the present time. Now, with regard to the judges that have been added in the province of Ontario, I have received a letter from a gentleman—I am not at liberty to mention his name, but if I were to mention his name it would be admitted at once that he is one of the great leaders of the Ontario bar—after the Bill adding three judges to the province of Ontario was before the House, and had passed through the different stages in the House, and I therefore could not refer to it at that time. The language used is that it is a scandal to have created that new court in the province of Ontario, and that if the judges attend to their judicial work instead of being employed on commissions and jobs—going to the Yukon and things of that sort—that if the judges already appointed attended to the work they were appointed to do, there was ample judicial power already provided to attend to the work of the courts. This gentleman says that if these judges attended to their work they would be absolutely tumbling over one another in the performance of the work of the judiciary. In view of this evidence—and I think it is very strong evidence—with regard to this subject, is it not apparent that the government is not taking the right method of dealing with the judiciary at the present moment? Undoubtedly the right thing to do would be to pay the judges that are already appointed a living wage. That would be the right course to pursue, and I would add an additional remedy which is called for, is to put a stop to their employment in all extra judicial work, or, as is described more accurately, sending them off on jobs. If these two things were done, and that is what is called for with regard to the judiciary of all the provinces at the present time, pay them proper salaries for their services and raise the position of the judiciary by preventing them from being appointed to do work such as we have been describing, it would not be necessary to appoint additional judges. I have in my hands a very important document with regard to this subject, which I wish to place before the House. I am now referring to the matter of the judges being appointed to do extra judicial work or as it is described of performing jobs for governments or any other people. In view of the strong reasons that have been presented to the people of Canada with regard to this subject, in view of the strong public opinion that is known at this moment to exist with regard to this question, I am sorry that the government is neglecting to perform that obvious duty of increasing the salary of the judges who are at present appointed, that the government has not performed another obvious duty and that is to introduce a Bill to prevent the employment of judges on extra judicial work. The document I have in my hand is a paper written by Mr. J. S. Ewart, of Manitoba, the senior member of the bar of that province, and without question one of the leaders of the bar there, a gentleman whose political sympathies are not, as far as I know, with the present opposition, but with the government of to-day. He says:

> A little analysis and explanation seem to be very necessary. The employment of the judges may for present purposes be divided into three classes:—
>
> (1) Adjudications respecting property and rights.
>
> (2) Collateral functions: such as declarations of opinion as to interpretation of statutes, or legislative powers, revision of voters' lists, and so on.
>
> These jurisdictions are sometimes granted to a court and sometimes to any judge of a court

as persona designata: sometimes there is a special remuneration attached to the work, and sometimes there is none, and the feature which sharply distinguishes this second class of cases from that which is to follow is the fact that the statute prescribing the work ascertains also the person to do it and fixes the remuneration.

(3) Jobs—as I choose to call them. Governments in this class of cases are authorized by statute to issue commissions in respect of a variety of subjects; to give the work to any judge they choose; and to pay him what they please.

This analysis affords a very complete answer to those who urge that in order to be consistent in my objection, to job to judges I must be opposed to the trial by the courts of election petition. If we class election petitions, as we should, with all other appeals to the courts for adjudication respecting rights, we see at a glance the essential distinction between trying a right to a parliamentary seat and accepting a job. If a dispute arises as to who is mayor or alderman for ward 2, the courts settle it. If I am unlawfully deprived of my seat in my church I go to the courts for relief, and when the under dogs in the parliamentary committee fights got enough of that sort of justice and became the majority, the courts were authorized to adjudicate as to house seats also. A right to a place in parliament is a legal right, and the courts now ascertain and declare such rights precisely as in all other cases—that is in litigation instituted for the purpose. Clearly this has nothing to do with my objection to jobs.

This analysis will enable me also to answer those who think that judges ought not to mix themselves up in politics, but that they might properly accept jobs of the quieter sort. I see no reason why judges in the discharge of their duty to administer justice, should not mix themselves up in politics or church quarrels or angry controversies of any kind so far as may be necessary for the settlement of disputed rights. No, it is not what sort of cases ought to come before the judges that we are interested in here; but the very different question: how ought the cases to get there?

Take the Gamey-Stratton inquiry. Precisely the same investigation might have taken place had Mr. Gamey's charges been made upon the platform, and if Mr. Stratton sued for libel; and the same judges one way or other might have heard the case; and there would have been no objection and no outcry and no abuse, and the result would have been impressive. But when a government attacked, itself appoints the judges and arranges their remuneration—well, we have experienced the natural result.

With regard to this matter I say now, as I said before, that we have been going from bad to worse. This habit of referring extra judicial matters to judges was practised under the former administration as well as under the present one, but it was not practised under the Liberal government in the province of Ontario. It was only in the Gamey-Stratton case, and for the first time, as far as I have been able to learn under British constitutional government anywhere, where judges were appointed by the party who were accused and paid by them, as instructed to render a verdict between them and their opponents. Up to that stage the worst that ever was done was to appoint judges to take evidence and report the result to parliament. But in this case a new departure was made by the party who was attacked and who was one of the parties to the suit, appointing the judges, paying their remuneration and instructing them to act as commissioners and to find a verdict between the parties to the suit.

The character of the controversy of investigation then is wholly immaterial provided always that the case comes before the judges in the ordinary course of the administration of justice; and this brings us sharply to the question, why if it be admitted that all sorts of questions may properly be examined by judges, make such a fuss about the mere manner in which they may get to their lordships.

There are two sorts of jobs—one of them is bad and the other worse; one relates to non-contentious and the other to contentious matters.

The periodical revision of the statutes is of the first class, and I am asked what is more in accordance with the fitness of things than that a judge should undertake the work? But if I assent to the fitness (a) I hasten to add, 'make the revision of the statutes part of the regular work of the judges,' and I am satisfied. But leave it among the jobs and I object. I object upon the ground that the judges ought to be free from governmental or other influences. Is it not the fact that the political parties nowadays are more interested in litigation than any other organization? Is it not therefore now more than ever necesssary that the independence of the judiciary should be rigidly maintained?

I gather that public opinion is unanimously with me in objecting to the reception of railway passes by the judges. But why, if not upon the principle of the independence of the judges? Is the distinction between a government job and a railway pass that one is earned and the other a gift? Very well. Now, suppose that the Canadian Pacific Railway employed a judge to audit its accounts, and paid him a reasonable salary for the work, is the objection to such employment removed by the fact that the money is earned? Not in the very slightest; the railway has a judge in its employment—that is the point and the objection; and Judge Cooley, eminent as he was, lost his re-election to the Michigan bench after twenty-eight years of excellent service there, because the voters saw impropriety in that very situation.

When a judge takes a government job, he may nominally be in the employment of the King, but in reality he receives his instructions from the politicians who have plenty of litigation before him and who regulate his pay. If judges can maintain untarnished their reputation for integrity, although they take favours from governments and at the same time sit in cases in which these same governments are deeeply interested, what objection is there to a judge employing his leisure time

which is said to be his own, in auditing the Canadian Pacific Railway Company's books ?

This idea of the essential necessity of maintaining the independence of the danger is in danger of being frittered quite away. The good old maxim, 'Once a Puisne always a Puisne,' represented the intensity of the conviction that judges may not always be single minded if left open to temptation ; and now that the maxim has been abandoned, what a flutter do we not see among the Puisnes upon every vacancy of a chief seat ? And what mental casting up of accounts with Ottawa there must be ? For fear that ageing judges, in dread of enforced retirement, might cringe a little, they were made irremovable except upon an address of the two Houses ; and Canada has almost always had senility upon the bench, because independence of the men there was thought to be more important than their mental fitness.

That certainly is a most important statement, coming from a leader of the bar that the independence of the judiciary is more important than their mental fitness, and I believe there is a great deal of force in it.

Curiously enough we maintained this irremovability long after the introduction of the prize packet system gave governments a power to purchase good-will with hard cash. It is yet in substantial operation.

Hon. Mr. DANDURAND—If the hon. gentleman would allow me, if he is going to read the whole article perhaps he would hand it to the shorthand writer.

Hon. Mr. SCOTT—We have it in the public press and all of us had the opportunity of reading it. The hon. gentleman is inflicting it upon us.

Hon. Mr. FERGUSON—I will be through in a moment. It is pertinent to the legislation before us, and I am exercising my right in reading it and I intend to read it to the end.

Hon. Mr. SCOTT—It is not making any impression upon the audience.

Hon. Mr. FERGUSON—It does not make any impression upon my hon. friend.

Hon. Mr. SCOTT—Not under the circumstances.

Hon. Mr. FERGUSON—I despair, in most instances, of making any impression upon my hon. friend. He has got his lesson put before him by his colleagues in another part of this building, and he comes here before us and gets it off sometimes well and sometimes badly, and sometimes we find by reading 'Hansard' he had not the slightest conception of what was going on or the points made by members in this House, and when my hon. friend tells me this matter, which is a very important matter, emanating from a gentleman whose mind is at least equal to that of my hon. friend, is not making any impression on him I am not surprised, but every one is not so callous to good and substantial logic as my hon. friend is, and I am addressing others beside my hon. friend, and I am confident these excellent opinions are appreciated by them. The article continues :

The jobs then of the first sort, although of non-contentious character, are obnoxious because of the fundamental necessity for judicial independence. Jobs of the other class (contentious matter) are objectionable not only for this reason, but also upon the ground that they involve the injustice of the choice of judge by one only of the parties to the controversy. The attempted answer is that the judges—all the judges—are perfectly impartial, and that it is consequently immaterial who makes the selection. To which the sufficient reply is that judges are not all out of the same mould ; that any barrister will tell you which of the judges would be the best for your particular sort of case : and that if he could always fill the bench as he wished he would much more rapidly fill his own pockets by winning more of his cases.

Very much more harm is done by this second class of job than by the first, for (1) they attract very much greater notice, (2) they are sometimes met with fierce opposition, and (3) the element of injustice in them affords an not unreasonable objection to them and to submission to their findings. But after all they are the natural outcome of the job habit in its more insidious, if less publicly obnoxious, form. They are, all of them, a dangerous encroachment upon the independence of the bench.

Hon. Mr. ROBERTSON—They are only the opinions of a single individual. They are of no consequence whatever.

Hon. Mr. FERGUSON—The hon. gentleman says they are the opinions of a single individual. It is true he may not be so great a man as the hon. gentleman.

Hon. Mr. ROBERTSON—Perhaps not so great a man as the hon. gentleman thinks himself.

Hon. Mr. FERGUSON—When I am through with my observations——

Hon. Mr. ROBERTSON—All nonsense.

Hon. Mr. FERGUSON—When I am through with my observations, I have no doubt my hon. friend will entertain the House with a long and eloquent speech.

Hon. Mr. ROBERTSON—No. I will not be wearying the House with nonsense when I speak.

Hon. Mr. FERGUSON—When my hon. friend refers disdainfully to the opinions of Mr. J. E. Ewart, the leader of the Manitoba bar, the inference is that he will put views before us of very much more importance than any member of the Canadian bar could express. The article continues :

> I take my stand upon this : I ask any practitioner of twenty-five, twenty, or even ten years' standing, does the Canadian judiciary occupy the same position in public estimation to-day as within your recollection ? Now, do not answer 'yes, in the minds of all reasonable people.' For a great many people, as you think, are very far from being reasonable, and yet it is important that they too should have a good opinion of the judges. Admittedly, then, there has been a serious change for the worse in this respect, and the question we have to consider and get a reply to at our peril is, 'What is the cause of the change ?' My answer is, 'Jobs.' If there be any better, let us have it. That these jobs have not heretofore evoked much comment or condemnation must be attributed to the great respect which the Canadian bar has always entertained for the bench, and because of a very natural indisposition to critise those whom, upon the whole, you admire, and whose mental attitude towards yourself is of some consideration to you. Let us be glad, then, of the Gamey and Treadgold cases, if they have at length forced us to consider our position, to investigate and ascertain the true foundation of the evil which is upon us, frankly to state it and absolutely put an end to it.

I think the view of this eminent man, which I have submitted to the House, ought to convince us ; but my hon. friend, the Secretary of State, gives us to understand that he is callous to all such reasons as these, that they are making no impression upon him, but they ought to.

Hon. Mr. SCOTT—I had the opportunity of reading it much more deliberately than my hon. friend.

Hon. Mr. FERGUSON—I wanted to stir up his pure mind by way of rememberance, and he is none the worse for hearing it again. I am glad he is apparently receding from the position he took a few minutes ago, for then he said that these views were not making any impression on the House. Now he admits they were worthy of his perusal, and he puts it, not so much on the ground that they were not worthy of consideration, but upon the ground of having read them before, and the inference was that it was quite unnecessary for any hon. gentleman in this House to read them or consider them as he had already read them. The government is signally failing in its duty to the people of this country, and to the judiciary in the course it is pursuing. What is that course ? When we take the views that have been expressed by the hon. gentleman behind me, and which are not contradicted, that there is ample judicial power in the province of Quebec at the present time, and was before the last three judges were appointed ; when we have been told by one of the great leaders of the bar of Ontario, within two or three weeks, that we have added three judges to the bench of Ontario, for whom there is not the slightest necessity—that judges will be tumbling over each other in the performance of work, instead of being required for the work in Ontario—when we find that is the case, and there is such a strong public opinion as is voiced by that able, that conclusive article, which I have read to hon. gentlemen, amongst the bar of the province, amongst the leaders of the bar, amongst the judges themselves regarding the position of our judges, the question demands consideration. Let me say further, that I have a letter in my possession received from a judge, and a judge that was appointed by the present government, strongly in the line of the argument used by Mr. Ewart in the pamphlet I have before me.

Hon. Mr. KERR (Toronto)—Will the hon. gentleman give us the name ?

Hon. Mr. FERGUSON—I will not give the name.

Hon. Mr. KERR (Toronto)—Surely it should be given.

Hon. Mr. FERGUSON—I have no authority to give the name, and I do not think the hon. gentleman is really serious when he asks for it. We should not bandy judges' names.

Hon. Mr. KERR (Toronto)—It is exceedingly inconvenient to speak of a letter from a judge on a subject of this kind unless there is authority to make use of it here.

Hon. Mr. FERGUSON—I am not using this gentleman's name. I say the letter is from a judge appointed by the present government, and I shall be very happy privately

to show the letter to my hon. friend the member for Toronto. I know he will not make any improper use of it, and he will have means of knowing whether the statement I have made to this House is accurate or otherwise. Really, I think my hon. friend the Secretary of State should pause before he proceeds any further with these Bills relating to the judiciary. He should take time to consider, and ask the Minister of Justice to consider the whole question of the judiciary at the present moment. It certainly is not a new question. I would be very loath to insinuate anything of that kind in regard to such very high-minded gentlemen as compose the present administration, but it looks, really, as if they are not very much averse to widening their patronage, while they are not willing to do the right thing for the judiciary of Canada by legislating on the subject on these jobs, and on the employment of judges for the extra work, and unwilling apparently, to deal with the question of giving them proper remuneration. I am sorry that I have been forced to discuss this question at this hour of the evening. I do not think there is anything in the congestion of work that has been before this House to call for forcing these matters upon us at this hour, after we have had so long a day, and I do not think anything is gained by it.

Hon. Mr. SCOTT—I offered the hon. gentleman to carry on the discussion at the next stage of the Bill. All I asked was to advance the Bill a stage. I put it off before at the suggestion of my hon friend.

Hon. Mr. FERGUSON—No. I did not ask him to do that. I told my hon. friend that I had some observations to make on the position of the judiciary, and I asked him not to force it on at half past ten at night.

Hon. Mr. SCOTT—My hon. friend could have made his remarks at any time.

Hon. Mr. FERGUSON—The hon. Secretary of State told me I could go on with my observations, as he intended to go through the order paper. He was not disposed to show that courtesy which I think he should have shown. I appeal to hon. gentlemen in this House if, on all occasions during this long session, we have not shown every courtesy and every consideration, and whether up to this time we have unfairly pressed the government or carried discussion beyond reasonable length.

Hon. Mr. DANDURAND—It is most refreshing to hear the hon. gentleman closing a three-quarter hour speech on two questions which have been disposed of absolutely by this House, by saying that it is very regrettable that we did not extend the courtesy to him of allowing him to make his speech at another time. He has discussed what during this three-quarters of an hour ? He has discussed the impropriety of appointing judges to the Ontario bench, and yet he prefaced his remarks upon this question, by declaring that the Ontario Bill had passed the three readings of this House. Consequently he has made a speech on a question which has been absolutely disposed of by both Houses. The Bill only requires the sanction of the Governor General to warrant the appointment of these judges. The other part of his speech has been upon the impropriety of employing judges upon outside commissions—extra judicial commissions. The hon. gentleman has been given as much latitude as he pleased to convince us—and he did his work thoroughly, I do him that justice—once before. He has had an opportunity to discuss that question to his heart's content. This House has also disposed of this question, and yet he complains at twelve o'clock that he was not given a chance of taking a whole day to re-hash what has already been said on these subjects in this chamber. The real question is as to the appointment of a judge for the province of Quebec judiciary ; the hon. gentleman has not added one single argument to what fell from the gentleman from Bedford (Hon. Mr. Baker), and what is the use of repeating and discussing the same arguments ? There is hardly an expression of opinion from the hon. gentleman from Bedford that I do not concur in, yet there is something stronger than this chamber, and stronger than the Canadian parliament. It is public opinion, and the hon. gentleman declares that public opinion in the province of Quebec, in the rural parts, which are three parts of Quebec, is against a change of the present system. So that we are face to face with an absolute refusal on the part of the rural population of the province of Quebec to do what the

British will not do. They have a motto which we have seen everywhere, 'What we have we hold.' The British will not drop their system after they have tried it. I hope, with the help of the hon. gentleman from Bedford that we will succeed in enlightening them, but so long as three-fourths of the population of Quebec refuse to change, we must accept the situation as it is, and as the hon. gentleman from de Salaberry has said, we have a bench that does not cost per capita more than the bench of Ontario.

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

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

THE SENATE.

Ottawa, Wednesday, October 7th, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MUTUAL RESERVE FUND LIFE ASSOCIATION.

MOTION.

Hon. Mr. DOMVILLE moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate the returns to the Finance Department for the years 1896 and 1897 of the Mutual Reserve Fund Life Association.

The motion was agreed to.

PENSIONS TO JUDGES BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on (Bill 243) An Act to amend the Supreme and Exchequer Courts Act, the Exchequer Court Act, and the Act respecting the Judges of Provincial Courts.

(In the Committee.)

On clause 1,

Hon. Mr. POWER—I am not going to move an amendment; but I wish to direct attention to what I consider rather a blemish in the latter part of this clause. It seems to me that the clause would be unobjectionable if it stopped at the word 'upwards' on line 15. The effect of that would be that when a judge of a Superior Court had attained the age of seventy-five years, although he could not be compelled to resign, still, naturally, he would resign because the government would be empowered and it would be their duty to pay him his full salary for the remainder of his life on his resignation. But when you go further than that and say that when a judge attains the age of seventy years the government may retire him you begin, it strikes me, to interefere somewhat with the independence of the bench. When a judge has attained the age of seventy-five years he ought to be relieved, but a judge at seventy may be quite capable of discharging his duties, and I doubt the wisdom of giving the government the power of offering that judge a retirement on full salary. It is all very well while the present government is in power, but there have been and may be in the future governments to which we would not care to entrust the same powers. Then the last paragraph (c) says, 'continued in office as judge of one or more of the said courts for thirty years or upwards.' Of course the judge would not be a young man after serving thirty years, but, hon. gentlemen will notice that the term can be computed not only for the time spent as judge, but as a stipendiary magistrate of the North-west Territories ; and a judge might be only sixty-five years of age. I do not see why he should be retired at that age on full pay. It seems to me, as I stated at the beginning, that the clause would be unobjectionable if it ended with the word 'upwards' on the 15th line.

Hon. Mr. SCOTT—I could not accept the suggestion of my hon. friend. A judge who has served thirty-five years ought certainly to be able to retire. It is a pretty long service for a judge, and I do not know that in any other country they are expected to serve any longer than that.

The clause was adopted.

Hon. Mr. SCOTT—I move that clause 2 be struck out of the Bill.

Sir MACKENZIE BOWELL—The motion of the hon. Secretary of State is to amend

this Bill by striking out the second clause. I am under the impression, if he will carry his memory back two or three years, he may remember that when a Bill was introduced here not of this character, but involving the same principle, being a money Bill, there were one or two clauses in the Bill as presented from the Commons, providing for the appointment of two or three judges in the province of Quebec. There were other clauses also affecting the judiciary in the province of Quebec. I suggested at that time the dropping of the clause which provided for the appointment of the judges, leaving the other clauses. intact. Objection was taken by the then Minister of Justice, the late Mr. Mills, that it being a money Bill we had no power in this House to amend it. Now, in looking at the authorities you will find that the late Speaker of the House of Commons in England, Mr. Brand, decided that any Bill that was based upon a resolution sent down with a recommendation from the Crown, and passed in the House of Commons was a money Bill, and if a money Bill, could not be changed, altered or amended by the House of Lords. This Bill is precisely of that character, and if we are to continue the practice as it has prevailed in the past, this amendment cannot be made.

I think Bourinot lays down that principle pretty clearly, and so did the late Speaker of the Senate. After raising this point of order I would suggest, with all due defference to the hon. gentleman who is to decide the point of order himself, who now occupies the Chair, unless he thinks proper, he could leave the Chair and call the Speaker and ask for his ruling. A very short time ago in the House of Commons—I have not been able to find a rule of that kind here—a question of order was raised as to whether it was not a violation of the rules of the House to proceed with a debate at that time in the absence of the 'Hansard' reporters, the reporters having been appointed by order of the House. The reporters had been up all night and someone—I think one of the ministers—took the responsibility of telling them that they need not remain any longer. I am not finding fault with that, because when we consider the hard work which the reporters had to perform through the night, they could scarcely have been expected to continue their work any longer. The Deputy Speaker there, who is supposed to have the full authority, and has while in the Chair of the Speaker, rose, reported to the Speaker the point under discussion and the Speaker was asked to rule and did rule. I throw out that suggestion to the hon. gentleman, unless he thinks proper to decide the question himself. Now this Bill which we are considering provides for the expenditure of money and for the retirement of judges upon certain terms and conditions, and therefore to all intents and purposes is a money Bill. I am not discussing the merits of the Bill at all; I am merely pointing out that to all intents and purposes it is, under the rules of parliament, and decisions given in the past, a money Bill. Bourinot says at page 468 of the second edition of his work:

> In 1841 an Act providing for the payment of salaries——

Now mark you, this is a Bill providing for the payment of pensions, and consequently is of precisely the same character and in the same category as the Bill to which I am now referring:

> In 1841, an Act providing for the payment of salaries of officers of the legislature, and for the indemnification of members, was amended by the legislative council by sriking out the clause paying the members out of the general revenue. The action of the council in amending a money Bill was resented by the assembly. The amended document——

I do not know whether they will carry out this principle or not:

> The amended document was seized by a member and kicked out of the House. The same Bill, with a change of title, was then sent back to the council, who receded from their former position and agreed to the measure.

You will find that decision in the legislative assembly journals of 1841, of the parliamentary records, and also in the Montreal 'Gazette' of September 21st. I do not know that it is necessary that I should allude to other cases. In the session of 1851 the Supply Bill contained the following conditions attached to the grant for defraying the expenses of the Clerk of the Legislative Council:

> Provided that no additional income shall be paid to the said clerk in the form of fees, perquisites or contingencies. The Committee of the Whole in the legislative council made a special report on the subject, and the council

thereupon instructed them to agree to the condition, inasmuch as very great inconvenience would result from the stoppage of supplies. At the same time a declaration was entered on the Journals of the council.

That is, a declaration that the legislative council, which is analogous to the Senate, ought to be consulted before a measure of that kind was presented for their approval. Turning back to the first provision you will see, Mr. Chairman, that the Act provided for the payment of officers of the legislature. This provides for the payment of a pension to judges on their retirement. It provided also for the indemnification of members; that was a payment in prospective, not any sum particularly, but that they should be paid, and that also was considered a money Bill, and the legislative council was refused the right to amend it, and one member of the legislature, as I have already indicated, kicking it out of the House. Now, this Bill is in precisely the same position. The following decision of Rand was given in this case: that a Bill to provide pay and pensions (similar exactly to this Bill) is a money Bill.

The case referred to provides for the pensioning of the constabulary of the police in Ireland. That decision will be found on page 277 and 259 of the proceedings of May 11, 1883. I raise the point that the hon. Secretary of State in his amendment is asking the Senate to do that which they have no power to do. There are only three courses to pursue in reference to this Bill. The first is to pass it as it is presented to us by the House of Commons without amendment; secondly, to defeat it, or thirdly, to withdraw it. That rests with the hon. Secretary of State, being the leader of the government in this House, and as this is a government Bill and being a money Bill, it is for the hon. gentleman to say what course he proposes to take. But I do not think there can be any question about it.

Hon. Mr. MILLER—Was the Bill based on a resolution introduced in the Commons?

Sir MACKENZIE BOWELL—So I am told. I asked that question, if it was based on a resolution and I was informed it was, and constitutionally my hon. friend the Secretary of State knows, and no one knows as well as the hon. gentleman who has spoken, that all money appropriations must be introduced by resolution. It will be within the recollection of those who are listening to me that the Grand Trunk Pacific Bill was introduced in the ordinary way, and they had to withdraw it, an objection being taken by the hon. gentleman from Grey, Mr. Sproule, and the result was that the government had to recede from their first position, and introduce resolutions on a recommendation from the Crown and then proceed with the Bill. If my hon. friend the chairman, thinks proper to rule, I am not now going to appeal to the Chair. It is for him to decide.

Hon. Mr. SCOTT—My hon. friend is right in the principle he lays down, that the Senate cannot interfere with a Bill imposing any tax on the people, but this particular clause to which reference has been made is simply permissive. It permits the Governor General, under certain conditions and circumstances, to pay a superannuation allowance. I doubt very much whether the point is well taken. At all events in all those cases, really if it is an infraction on the rights of the House of Commons it is for the House of Commons to reject our amendment. That is what has been done in a variety of cases. In some cases they have accepted our amendments and in some cases they have rejected them. In Erskine's 'Parliamentary Practice' sixth edition, page 539, we find the following:—

All Bills of this class must originate in the Commons, as that House will not agree to any provision which imposes any charge.

This clause is not imposing a charge. It is relieving the government from the possibility of a charge. Erskine proceeds:—

But will order the Bills containing them to be laid aside, nor will it permit the Lords to insert any provision of that nature in Bils sent up from the Commons. 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.

The Prisoners' Removal Bill, 1849, was another case in which an amendment was made in the House of Lords but the Commons agreed to the amendment.

There are two cases quite parallel to this. Practically it is an Act of less importance than either of these which I have quoted.

In this case we relieve the government of a possibility of a charge upon the people. It is not in the direction of imposing a further charge ; it is just the reverse, and there are a variety of cases in which amendments of that kind have gone down to the Commons, and have been acquiesced in. I therefore submit that the proper course, in this instance, would be to let the amendment go to the Commons, and if the Commons feel that we have intruded upon their jurisdiction they will decline to accept the amendment.

Hon. Mr. MILLER—I am very much astonished at the argument of the hon. gentleman. He is a very old parliamentarian, and I certainly think does know better than one would think from the remarks which he has just now made. This is a money Bill ; no doubt about it. It has been introduced upon resolutions in the House of Commons, and all Bills, introduced in that House upon resolution, are money Bills, and there is no principle of parliamentary practice more clearly settled than that it is beyond the competence of this House to amend, alter or add to a money Bill in any respect whatever. Now I quote from May, page 542. I do not think it would be necessary to argue what it means, it was so clearly understood, and I cannot understand what can be at the bottom of the present movement of the Secretary of State to amend a money Bill, a government Bill, sent up here at the last moment, as he proposes to do. This Bill has been introduced, I am correctly informed, on resolution in the House of Commons. At page 542 May says very positively :—

> By the practice and usage based upon that resolution the Lords are excluded not only from the power of initiating or amending Bills dealing with public expenditure——

This deals with public expenditure or revenues.

> —but also from initiating public Bills which would create a charge upon the people by the imposition of local and other rates, or which deal with the administration or employment of those charges. Bills which thus infringe the privileges of the Commons, when received from the Lords, are either laid aside or postponed for six months.

In the same way as the Lords have no power to initiate a Bill of this kind, so they have no power to amend it. It cannot be contended for a moment that this House has power to initiate a Bill of this kind, and a Bill that we cannot initiate, we cannot amend or alter. The principle applies all round. May further says :

> It follows accordingly that the Lords may not amend the provisions in Bills which they received from the Commons dealing with the above-mentioned subjects, so as to alter, whether by increase or reduction, the amount of a rate or charge—its duration, mode of assessment, levy, collection, appropriation, or management ; or the persons who pay, receive, or control it ; or the limits within which its leviable. Other forms of amendment by the Lords have also been held to infringe on the privileges of the Commons, such as the addition of a clause providing that payments into and out of he Consolidated Fund should be made under the same regulations as were applicable by law to similar payments ; of provisions for the payment of salaries to officers of the Court of Chancery out of the Suitors' Fund ; and alterations in a clause prescribing the order in which charges on the revenues of a colony should be paid.

Hon. Mr. SCOTT—My hon. friend has quoted cases where it was absolutely clear that the action of the Lords was adding to the taxing of the people.

Hon. Mr. MILLER—No clearer than the clause which my hon. friend wants to amend now. Will my hon. friend say this is simply permissive ? If it passes, it is mandatory upon the government, and the government must impose a tax on the people as the clause provides. What does the clause say :

> 2. If any judge of the Supreme Court of Canada, or of the Exchequer Court of Canada, or of a superior court of any of the provinces of Canada resigns or has heretofore resigned his office as such judge to accept the office of lieutenant-governor of a province, and if he serves or has served as such lieutenant-governor, and is not otherwise eligible for any retiring annuity as such judge, His Majesty may, at any time after the expiration of the term of service of such judge as lieutenant-governor, grant to such judge an annuity equal to two-thirds of the salary annexed to the judicial office which he held at the time of his resignation.

Is that permissible ? Is not that mandatory ? Is not the government obliged under the terms of that clause, just as much as if they were commanded, to give to the judge who comes under its provisions an annuity of two-thirds his salary ? Is not that a tax upon the people ? Is not that a dealing with the appropriations of the revenue of the country ? Nothing could be clearer. I cannot understand what is

at the bottom of the move to strike out this clause. I certainly agree with all that has fallen from the leader of the opposition on this point, and it seems to me there should be no doubt in the mind of an experienced parliamentarian like my hon. friend the Secretary of State, and I think that the Speaker should take the Chair and decide the point of order.

The CHAIRMAN—My mind is made up upon this point, but as it is an important question, I would prefer that it should go to the Speaker. I would call attention to Bourinot, page 483, on the matter of procedure :

2. If it be found expedient in either House to refer a point of order to the Speaker, a member will move that the chairman report progress and ask leave to sit again that day. When the Speaker has resumed, the chairman will report that the committee wishes to be instructed as to the point in question. The House will then proceed to take the matter into consideration, and the Speaker having been requested to give his opinion will decide the matter in dispute.

I would prefer, for my own part, that the Speaker should take the Chair and decide the point in dispute.

Hon. Mr. LANDRY—Then I move that the chairman leave the Chair, and report progress, and ask leave to sit again to-day, reporting to the Speaker the point of order which has been raised in the committee.

Hon. Mr. POWER—If the committee would allow, I think it should be distinctly understood that the discussion on a question of order can go on after the Speaker resumes the Chair, or that it shall be completed in committee, either one course or the other. I know there are hon. gentlemen who are anxious to speak on the question.

Hon. Mr. LANDRY—They could speak before the Chair.

Hon. Mr. DANDURAND—Do we understand the discussion to continue before the Speaker ?

Hon. Mr. LANDRY—Yes. 'Bourinot' says it can be so continued.

Hon. Sir MACKENZIE BOWELL—The only difficulty would be this : That with the Speaker in the Chair, we shall be confined to one speech. I think we might just as well go on and discuss it now without the chairman rising, and when we get through the Speaker can resume the Chair.

Hon. Mr. DANDURAND—I beg to differ from the hon. gentleman from Richmond, who claims that this is a money Bill. I shall read from 'Todd,' volume 1, page 815 :

We will now proceed to consider the subject of money Bills which are of three kinds, namely tax Bills, Bills of supply, and Bills of appropriation. All these Bills have a peculiar form of preamble which intimates that the revenue or grant of money is the peculiar gift of the House of Commons, and such Bills are invariably presented for the royal assent by the Speaker of the House of Commons.

These are the three Bills which have a special preamble and are invariably presented for the royal assent by the Speaker of the House of Commons. We have as an instance of what is a money Bill, in the statute of 1899, chapter 1. This is an appropriation Bill, and it begins with an address, Most Gracious Sovereign :

Whereas it appears by Messages from His Excellency the Right Honourable Sir Gilbert John Elliott Murray-Kynnynmond, Earl of Minto, &c. May it therefore please Your Majesty that it may be enacted, by and with the advice and consent of the Senate and House of Commons of Canada.

This is the form of the money Bill as laid down by 'Todd.' Then take chapter 7, of this very same statute. This is not a money Bill, it is an Act to authorize the granting of subsidies :

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows.

This is not a money Bill which falls under the three classifications mentioned by 'Todd.' We undoubtedly cannot initiate any Bill voting sums of money, nor can we by amendment increase a vote of money by adding to the amount involved in a money Bill presented to us from the Commons, but there is no question, that we can amend the Bill by reducing the sum which it appropriates if it does not fall within the three classifications I have mentioned, or amend a Bill which incidentally contains a provision for a sum of money. We may reduce the sum ; we cannot increase it. And this is the view which was taken by the Conservative majority in this House in 1898 when a Bill of precisely the same character as this

was before the Senate. I refer to Bill (150) 'An Act further to amend the Act respecting judges of Provincial Courts.' It provides as follows :

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Subsection 1 of section 2 of the Act respecting the Judges of Provincial Courts, chapter 138 of the Revised Statutes, is hereby repealed and the following substituted therefor :—

2. Every judge of a county court in any of the provinces of Canada shall, subject to the provisions of this Act, hold office during good behaviour and his residence in the county or union of counties for which the court is established ; providing no person shall hold or retain office as such judge after he has completed the 75th year of his age.

Then, subsection 2, which was struck out and another subsection substituted for it, was as follows :

2. The subsection so substituted shall apply as well to judges now holding offices as to judges to be hereafter appointed ; providing any judge now holding office who is by reason of his having completed the 75th year of his age disqualified to hold or retain his office shall be entitled to a pension under section 15 of the said Act, although he has not continued in office for the number of years mentioned in that section.

The hon. Judge Gowan moved to strike out this clause, and although the Minister of Justice at the time sitting here resisted the demand, it was carried by the Conservative majority of this chamber. The Bill was amended, in three or four places.

Hon. Mr. FERGUSON—I suppose my hon. friend will lay down the doctrine that it must have been right if it was done by the Conservative majority ?

Hon. Mr. DANDURAND—I should say that what the Conservative majority was disposed to think was within the scope and jurisdiction of this Chamber in 1898 we on this side should accept as good law. We certainly are not disposed to accept a contrary dictum at the whim of a Conservative minority to-day. In the discussion on this same Bill in 1898, the hon. gentleman from Richmond took part, and was not scandalized to see the hon. gentleman from Barrie move an amendment. On the contrary he supported it, because it suited the opposition, at the time, to make the laws for the government and declare what was proper or improper in a Bill relating to the judges. It does not suit the opposition to-day that the government should have its way in presenting this Bill, but fortunately the opposition stands to-day in the minority in this Chamber, and what they laid down as being within the rights of the Senate in 1898, will be accepted to-day as being still within the rights of this Chamber. As the leader of the House has said : it is not for the Senate to limit its own jurisdiction. Even if there were a doubt we will go the full length of what we think is our right, and await the action of the House of Commons to see if they will try to limit our jurisdiction.

Hon. Mr. LANDRY—The only point raised by the hon. member from de Lorimier, is that this Bill is not a money Bill. If we show that it is a money Bill, then it follows that we cannot amend it. Bourinot, on page 585, second edition, says :

As a general rule public Bills may originate in either House, but whenever they grant supplies of any kind or any form directly or indirectly levying or appropriation of any tax upon the people, they must be initiated in the popular branch in accordance with law, and English constitutional practice. Section 53 of the British North America Act expressly provides that Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Commons and a standing order of the House of Commons declares explicitly all aids and supplies granted to Her Majesty by the parliament of Canada are the sole gift of the House of Commons, and all Bills for granting such aids and supplies ought to begin with the House, as it is the undoubted right of the House to direct, limit, and appoint in all such Bills the ends, purposes, considerations, conditions, limitations and qualifications of such grants, which are not alterable by the Senate.

Which are not alterable by the Senate. What ? 'the conditions, the ends, the purposes, the considerations, the limitations and the qualifications of such grants, which are not alterable by the Senate.' I call the attention of the hon. chairman to these words :

Every Bill that appropriates a part of the revenue must be initiated in the House of Commons.

With this every one agrees. More than that, the Commons, who initiate that Bill, has the right to point out the ends, purposes, considerations, conditions, limitations and the qualifications of such grants, which are not alterable by the Senate. Well, a Bill granting a pension is a money Bill, appropriating a part of the public revenue. It

is equally an aid granted to His Majesty by parliament, and as such it cannot be amended by the Senate. 'May,' who has been quoted from, is very explicit on this point: In the quotation which my hon. friend from Richmond has read, he says that the Lords are excluded, not only from the power of initiating or amending Bills dealing with public expenditure, but also from initiating public Bills which would create a charge upon the people by the imposition of local or other rates, or which deal with the administration of those charges. 'May' goes on to say:

> It follows accordingly that the Lords may not amend the provisions in Bills which they receive from the Commons, dealing with the above mentioned subject, so as to alter——

And I call the attention of the hon. Secretary of State to the following. He continues:

> —so as to alter, whether by increase or reduction, the amount of a rate or charge.

The hon. Secretary of State says that because his amendment tends to reduce the charge imposed upon the people that the Senate has a right to accept it, but 'May' says in very clear words that it follows that the Senate may not amend the provisions in Bills which they receive from the Commons, so as to alter, whether by increase or reduction, the amount of a rate or charge. What would be the effect of the amendment proposed by the hon. Secretary of State? It would be, as he says, to reduce the charge upon the people. It would be, according to 'May,' to alter the charge imposed upon the people by reduction. 'May' says the House of Lords has not that right, and if the House of Lords has not the right to alter a Bill, even in reducing the charges which would fall upon the people, I contend that this Senate has no more right to do so than the House of Lords. Further than that, the discussion of a definition of a money Bill has been raised in other parliaments. We find that in a dispute that arose between the legislative council of South Australia and the House of Assembly of that country, on August 25, 1857, a resolution was agreed to. The legislative council in that part of Her Majesty's domain was an elective legislative council, and being an elected body, the legislative council of that country claimed the right to interfere in the legislation on money Bills, and had a right to lessen or to increase the charges upon the people. A controversy took place between the two Houses, and a resolution was agreed upon by both Houses, and that resolution agreed to on August 25, 1857, by the legislative council of South Australia in its famous quarrel with the House of Assembly on the subject of money Bills, and embodied in what is called the compact of 1857 between the two legislative bodies, reads as follows:

> Thirdly, that this council further declares its opinion, that all Bills, the object of which shall be to raise money, whether by way of loan or otherwise, or to warrant the expenditure of any portion of the same, shall be held to be money Bills.

Hon. gentlemen will find that in Edwin Gordon Blackmore's 'Procedure of the Legislative Council of South Australia,' pages 173 and 182. In England there is a rule, which is called the half-past twelve o'clock rule, and this is what constitutes that half-past twelve o'clock rule. A standing order of February 18, 1879, provides as follows:

> Except for a money Bill no order of the day or notice of motion be taken after half-past twelve o'clock at night, with respect to which order or notice of motion, a notice of opposition or amendment shall have been printed on the notice paper, or if such notice of motion shall only have been given the next previous day of sitting, an objection shall be taken when such notice is called.

In other words, every opposed measure coming after half-past twelve o'clock at night must be laid aside, unless it is a money Bill. The Bombay Civil Fund Bill was introduced in July, 1882. It was a money Bill. The resolution, which was reported July 4th, read as follows:

> That it is expedient to authorize the making provision for the transfer of the assets and liabilities of the resident branch of the Bombay Civil Fund, or other fund to the Secretary of State for India in Council, and of charging the revenues of India with the liabilities of the said funds and the payments of annuities and pensions.

Objection was taken to the Bill by the opposition that the Bill was taken up after half-past twelve and should not be dealt with then. What did the Speaker say? He said:

> A Bill introduced by a resolution of the House on the report of the Committee of the House, is a money Bill and as such does not come within the half-past twelve o'clock rule.

Here is a decision which defines what is a money Bill, and the Speaker of the House decided that that Bill did not come under the half-past twelve o'clock rule. Further on he decided that a Bill which provided pay and pension was a money Bill, and does not come within the opration of the half-past twelve o'clock rule. I think I have proved, by these quotations, that the Bill before us is a money Bill. It is a Bill based upon resolutions brought before the House of Commons, and those resolutions were submitted to the Governor General in Council, and I am amazed to-day to hear one of the ministers of the Crown asking this House to reject—what? To reject a resolution which has been initiated and sanctioned by the Governor General himself, sustained by the action of the House of Commons when the resolutions were brought forward by the ministry themselves. I say this House has no right to amend that Bill, and to strike out a clause which is essentially a money clause, a clause which forms part of the resolutions brought down to the House of Commons and sanctioned by the Governor General himself.

Hon. Mr. SCOTT—I would like to observe, in answer to my hon. friend, that if we pass the Bill in the shape it now is, the government could not grant a salary to any one referred to in clause 2.

Hon. Mr. LANDRY—That is not the question at all.

Hon. Mr. SCOTT—The money would have to be voted. We passed a Bill the other day authorizing the appointment of a judge in the county of Pontiac. The passage of that Bill would not authorize the payment of the money to him.

Hon. Mr. LANDRY—Why were the resolutions brought down?

Hon. Mr. SCOTT—Provision was made for the appointment of several parties, amongst others that particular judge, to provide the salary for a judge of the Superior Court of Quebec, in the district of Pontiac. We authorized the government to make such an appointment, but did not provide any salary. I should like to call the attention of my hon. friend from Richmond for a moment to one matter. About 1876 I had charge of a similar Bill in relation to the appointment of a judge in Nova Scotia, and my hon. friend will possibly recollect that he opposed the Bill and succeeded in defeating it.

Hon. Mr. MILLER—I moved the six months' hoist.

Hon. Mr. SCOTT—It was a government measure.

Hon. Mr. MILLER—Yes; providing for county court judges in Nova Scotia. I moved that amendment and carried it.

Hon. Mr. SCOTT—That is the same thing.

Hon. Mr. LANDRY—No; we have a right to reject a Bill.

The CHAIRMAN—The hon. Secretary of State has the floor, unless he wishes to yield.

Hon. Mr. SCOTT—I am done.

Hon. Sir MACKENZIE BOWELL—I want to call attention to two or three points raised by hon. gentlemen who have addressed the House. The hon. Secretary of State stated, in reference to the Bill, that in it we provide for the appointment of and the salary for an extra judge. That is what the Bill provides. When the estimates come down we shall find there will be a lump sum in the estimates, because the salaries are provided by statute and there is no necessity for itemizing it; but my hon. friend begged the question, if he will permit me to say so. Though we passed that Bill, no objection was taken to it and no amendment proposed. The hon. gentleman from de Lorimier, when he called attention to the fact that a Bill was passed on a certain occasion, and amendments were made to it by this House, failed to establish the essential point, that objection was taken to the amendments which were proposed. I am sure no one knows it better than the Speaker, because he told us so the other day. We are constantly, perhaps unintentionally, violating the rules of the House.

Hon. Mr. DANDURAND—When the hon. gentleman says there was no exception taken——

Hon. Sir MACKENZIE BOWELL—I did not say that no exception was taken; I said

the hon. gentleman did not establish the fact.

Hon. Mr. DANDURAND—The House of Commons did not question the authority of the Senate.

Hon. Sir MACKENZIE BOWELL—That does not affect the point at issue. The point at issue between us is whether this House has the power to amend this Bill. We are not dealing with what others have done in the past. As the hon. gentleman has failed to establish that fact, the point that he attempted to make does not amount to anything. Let me refer to the passage which my hon. friend the Secretary of State read from 'May' at page 538 of the sixth edition. 'May' says :

In Bills not confined to matters of aid or taxation, but in which pecuniary burdens——

And this is peculiarly one imposing a pecuniary burden on the revenues of the country :

—are imposed on the people, the Lords may make an amendment, provided they do not alter the intention of the Commons.

Now, I should like to ask the hon. gentleman in all sincerity, whether the striking out of this clause of the Bill is not an amendment which would interfere with and alter the intention of the House of Commons ? What does the House of Commons provide for in this Bill ? For the retirement of a gentleman who has been a judge and subsequently appointed a governor, upon the pension which he would be entitled to receive at the time he was appointed to the governorship, adding the five years he has served. The Bill says : 'His Excellency may'—and you will bear in mind my hon. friend said it was not obligatory on the government because the word 'may' was used. I may be excused as a layman for asking him if it is possible that he does not know that the word 'may' is always used when the language applies to the Sovereign ? It would be considered in our parliamentary practice an act of discourtesy to say to the Crown : 'You shall do so and so,' and the word 'may' usually appears in all statutes. No one knows better than my hon. friend from de Lorimier (Hon. Mr. Dandurand) that the word 'may' is considered mandatory when used in a statute of this character. It says :

His Majesty may, at any time after the expiration of the term of service of such judge as lieutenant-governor, grant to such judge an annuity equal to two-thirds of the salary annexed to the judicial office which he held at the time of his resignation.

Hon. Mr. DANDURAND—Provided the money is voted.

Hon. Sir MACKENZIE BOWELL—It continues :

To commence immediately upon the issue of such letters patent, and to continue thenceforth during his natural life.

Whether the money is voted or not, this clause would compel them to pay all annuities or pensions from the time the letters patent were issued, and consequently, with that law on the statutes, it would be the imperative duty of the government to place that sum in the estimates. I do not think there can be a possible question on this point. And I must again express my surprise that my hon. friend the Secretary of State did not, in reading this page in 'May,' try to explain away the words : 'may amend it provided they do not alter the intention of the Commons.' What was the intention of the Commons in this instance ? The intention was to retire a governor under certain circumstances, and if we strike this out we change and amend the deliberate intention of the House of Commons crystallized into an Act of parliament, to spend a certain sum of money. The question, to my mind, is so clear that I cannot understand why an opposite view is taken.

Hon. Mr. BEIQUE—I propose to show that from the very authority cited by the other side the point is not properly raised. The confusion arises from taking this Bill as if it were voting a sum of money—making an appropriation.

Hon. Sir MACKENZIE BOWELL—So it is.

Hon. Mr. BEIQUE—It is merely the expression of an opinion. The hon. gentleman from Belleville said that if this clause were passed by the Senate it would become imperative on the part of the government to pay the amount of the pension. It might become imperative as far as the moral duty is concerned, but the hon. gentleman will admit that it would be left to the House of Commons to vote or refuse to vote the appropriation when it is placed before the

House. If it is refused, then the pension cannot be paid, and all that would have taken place would be, so to speak, an expression of opinion on the part of the House that a person under the circumstances mentioned in clause 2 of the Bill should be pensioned. The other error on which the point of order is based is this; that it is a clause perfectly independent of the Bill. The main object of the clause is not the appropriation, but it is as to whether such persons should occupy the position mentioned, should be put on the pension list. To elucidate this point before referring to authorities which bear on those distinctions, I would ask the hon. gentleman to suppose that he would be dealing in one clause of the Bill providing for the appointment of an additional Superior Court judge, and in another clause providing for the appointment of an additional County Court judge. Would it be seriously contended that we could not pass the one clause and drop the other, that it would not be open to this honourable House to say that it is advisable that there should be an additional judge on the Superior Court bench, but we are not of opinion that no more county court judges are required ?

Hon. Sir MACKENZIE BOWELL—That same point, so clearly and lucidly put by my hon. friend, was decided against his contention by the late Speaker when it was raised on an amendment suggested by myself, that one clause of this Bill should be dropped.

Hon. Mr. DANDURAND—That is not an argument.

Hon. Sir MACKENZIE BOWELL—The ruling may be right or it may be wrong, but that was the ruling.

Hon. Mr. BEIQUE—I cannot express any doubt of the statement made by the hon. gentleman——

Hon. Sir MACKENZIE BOWELL—The Speaker is here and can say whether my memory is correct or not.

Hon. Mr. BEIQUE—All I can do is to express an opinion, which, of course, cannot go a long way, because I cannot claim a large parliamentary experience. But I base my opinion upon common sense, and I think that when a Bill contains clauses which are intimately connected with one another, that a Bill of that kind is taken as a whole, and this doctrine is supported by Bourinot, but when a Bill deals with different subjects in separate clauses, and one clause relates entirely to one of the subjects dealt with, it would not be common sense to maintain that it would not be open to this House or any other House to deal with each clause on its merits. Let us refer to 'Bourinot' : The hon. member from Stadacona has referred to Bourinot, pages 585 and 586. I refer to the same pages, and I find there the very doctrine I am contending for. I shall not read what he has read, but I shall read the last paragraph :

> It is quite regular to agree to amendments which 'affect charges upon the people, incidentally only and have not been made with that object.'

What is the main object of this Bill ? Is it an appropriation Bill ? If the question before this House was a question of the amount necessary to pay the charge, then it would be ; but the object is a matter of principle as to whether it is advisable that the persons who would come under the conditions set out in clause 2 of this Bill should be pensioned, and I say that this question is the property of this House, and this House can deal freely with it. If we refer to, May, I find this contention perfectly borne out on pages 551 and 552 of the tenth edition, under the title : 'Rejection by the Lords of Provisions Creating a Charge.'

> The right of the Lords to reject a money Bill has been held to include a right to omit provisions creating charges upon the people, when such provisions form a separate subject in the Bill which the Lords are otherwise entitled to amend.

That is the very case.

> The claim of privilege cannot, therefore, be raised by the Commons regarding amendments to such Bill, whereby a whole clause or series of clauses has been omitted by the Lords, which though relating to a charge, and not admitting of amendment, yet concerned a subject separable from the general objects of the Bill.
>
> On the 30th July, 1867, it was very clearly put by Earl Grey and Viscount Eversley, that the right of the Lords to omit a clause which they were unable to amend, relating to a separate subject was equivalent to their right to reject a Bill which they could not amend without an infraction of the privileges of the Commons.

I claim that this supports entirely the doctrine that I have tried to enunciate, that when we deal with a separate clause, we

are not obliged to reject the whole Bill, but we may reject the clause. In other words, when the Bill covers matters which could be dealt with by separate Bills, that we are not compelled to reject the whole Bill, but we may deal with the clauses separately and adopt one clause and reject another; and the further contention that in this Bill the money question is a mere incidental matter, the question is not the money itself, but a matter of policy as to whether persons coming under the conditions mentioned in this clause, should be pensioned. We are not dealing with the vote of the money, the money would have to be voted upon a later occasion, and it could be refused or granted as the House desired.

Hon. Mr. BERNIER—The hon. gentleman who has just taken his seat has appealed to our common sense. So shall I, and in doing so I shall with all deference to the hon. gentleman say that to my mind he is entirely mistaken. He has said this Bill is only a matter of policy or an expression of an opinion. I submit it is not so; it is a law imposing a duty upon parliament, and that duty is appropriating public money for the payment of the pensions which are to be paid to the judges here. Hence if this Bill passes parliament, it will be the duty of parliament to vote yearly the sum necessary to pay those pensions. The word 'may' used here, when it is applicable to His Majesty, is equivalent to saying he shall. We do not use the word 'shall' to His Majesty, and the word 'may' is used in that sense. It will be the duty of parliament, after this Bill has passed, to vote the money. This Bill will create a charge in favour of the judges upon the public treasury. In my opinion a money Bill is a Bill which creates a charge upon the public treasury. Surely the Bill is nothing if it is not that. The hon. Secretary of State says we might alter this Bill because the amendment he proposes is for a reduction of the charges. Well, that very contention is an evidence that this Bill is a money Bill, that is, it creates charges, because the amendment could not be a reduction if there were no charges at all. Then, if there are charges upon the public treasury created by this Bill, it is a money Bill, and to judge of that also, we are not to take into consideration the character of the amendment of the hon. gentleman but the character of the Bill itself. If we examine the Bill itself we see that it creates charges which parliament will be unable to divest itself of in future. It seems to me that, under the circumstances if the principle that the Senate cannot alter a money Bill is correct, then the amendment should be rejected.

Hon. Mr. LANDRY—I would point out to the hon. gentleman this fact: if we read the Bill itself, we find its title is:

An Act to amend the Supreme and Exchequer Courts Act, the Exchequer Court Act and the Act respecting the Judges of Provincial Courts.

I will ask the hon. gentleman, who says that this is not a money Bill? It is unnecessary that the money wanted to pay the pensions enacted by the Bill should be mentioned in the Supply Bill, just as it is unnecessary that the Supply Bill should provide for the payment of the salaries of the Supreme Court judges. Does the Supply Bill provide for the salaries of the provincial courts?

Hon. Mr. SCOTT—It does when they are named.

Hon. Mr. BEIQUE—Of course it does.

Hon. Mr. LANDRY—Not at all. All those judges are paid out of the consolidated fund.

Hon. Mr. SCOTT—I produced the statute of this year, in which we are providing for the payment of the judge of the county of Pontiac. Unless we voted a sum of money to pay him, the salary could not be paid.

Hon. Mr. LANDRY—The hon. gentleman shows me a Bill in which he says the salaries are provided for. This Bill provides for the salaries; and inasmuch as it provides for the salaries, they will not appear in the Supply Bill. Am I right or wrong?

Hon. Mr. SCOTT—When the statute names the particular officers. But in this particular case, where there is a new appointment, then the salary has to be voted in the statute.

Hon. Mr. LANDRY—No, I dissent completely. This Bill provides that any person who falls under the scope of the Bill shall receive two-thirds of his pension. No necessity for naming the persons. The provision is made, the money required for the

payment of those officers is provided for by the Bill itself, and no item whatsoever connected with it will appear in the Supply Bill; the money will be taken out of the consolidated fund in virtue of this Bill when it becomes law, or of any Bill of the kind which passes in this parliament. What does Todd say on this point?

We will now proceed to consider the subject of money Bills, which are of three kinds, tax Bills, Bills of Supply, and Bills of Appropriation.

He makes a division. He shows what is the difference between a tax Bill, a Bill of Supply and a Bill of Appropriation. He says then:

The public revenues of the country are now chiefly obtained from taxes and other imposts which are levied under the authority of Acts of parliament. The whole revenue, from whatever source derived, is now paid into the Bank of England or Ireland to the account of Her Majesty's Exchequer.

The revenues which are thus paid into the Bank of England, to the account of the Exchequer, comprise all the principal revenues of the kingdom, including the customs and inland revenue and the receipts from the post office.

Formerly the proceeds of parliamentary taxes constituted separate and distinct funds, but by the Act of 27 George III., chapter 13, section 47, it was directed that the various duties and taxes should be carried to and constitute a fund to be called 'the Consolidated Fund.'

Besides the cost of its collection the revenue was formerly chargeable with certain judicial and other salaries, pensions and other pensions. By Mr. Gladstone's Act (in 1854) these charges were transferred either to the Consolidated Fund or to the annual supplies to be voted by parliament.

Under the authority of this Act, moreover, a very large number of charges previously paid out of the Consolidated Fund were placed thenceforth in the annual estimates; and by the Act 19 and 20 Victoria, chapter 59, certain superannuations and other charges which still remained payable out of the gross revenues were directed to be removed from the same and placed upon the Consolidated Fund.

Hon. Mr. SCOTT—This has not been placed against the Consolidated Fund.

Hon. Mr. LANDRY—Is this an Act to amend the Supreme Court Act, the Exchequer Court Act and the Act respecting the judges of provincial courts? If so, money wanted to accomplish the purpose of this legislation will be taken precisely from the same fund which furnishes the salaries and the pensions already established, by the original Acts which this Bill amends. Is that money obliged to be votetd every year by the Supply Bill? No, it is taken out of the Consolidated Fund of the Dominion.

Hon. Mr. SCOTT—Will the hon. gentleman allow me to explain for a moment: I have sent for the Supreme Court Act. The Supreme Court Act provides that the court shall be composed of a chief justice and five puisne judges.

There shall be paid and payable out of the Consolidated Revenue Fund of Canada, the yearly sums following, as and for the salaries of the said judges, as judges of both courts, that is to say, to the chief justice . . . and to each of the puisne judges. . . .

If we now name a judge for that court, he does not at once become entitled to a salary. Parliament has to vote it the first year. That is the invariable practice. Just as pointed out when we had a Bill before us the other day for appointing a judge for the county of Pontiac, if my hon. friend's opinion was correct, it was not necessary to provide for his salary in the estimates; yet the supplementary estimates laid before the House of Commons a day or two ago, provided for $3,500 for the judge of the county of Pontiac. That is for the first year. Until that has been voted by parliament and is made a charge on the Consolidated Revenue Fund, there is no liability. If this Bill passes and the appropriation is not made by parliament, no salary can be paid.

Hon. Mr. LANDRY—Not for this year, but it will be paid next year.

Hon. Mr. SCOTT—Until the Supply Bill comes, and we approve of it here as well as in the House of Commons.

Hon. Mr. LANDRY—I wish to point out to the hon. gentleman this distinction.

Hon. Mr. SCOTT—I have read the law for the hon. gentleman.

Hon. Mr. LANDRY—The hon. Secretary of State must credit us with understanding a little, and this is what I understand: When a position is created, like the one suggested by my hon. friend, the salary cannot come under the scope of the Consolidated Revenue Fund for this year, because provisions are made by the Audit Office for the payment of all the salaries, and for all the disbursments any kind which take place in the course of one year; so it is necessary to have a special vote of parliament for the time being, but that vote of parliament for the salary for one year, does

not create an obligation upon the country to pay it yearly afterwards. It is the law that creates that, and the law that we are passing to-day creates a charge upon the Consolidated Fund, because that law is an amendment to an Act which by the authority of parliament takes out of the Consolidated Fund the money necessary to pay the salary of the judges. I come now to the point raised by my hon. friend from de Lorimier. He pointed out that right of the House of Lords to omit a clause which they were unable to amend relating to a separate subject was equivalent to the right to reject a Bill which they could not amend from the Commons. But this applies only to those money Bills which the lords could otherwise amend, a class in which the present Bill cannot find its place. And further more it is stated :

The claim of privilege cannot therefore be raised by the Commons regarding the amendments to such Bills, whereby a whole clause or series of clauses, has been omitted by the Lords, which, though relating to a charge and not admitting of amendment, yet concerned a subject separable from the general objects of the Bill.

Is the subject which is asked to be eliminated by the amendment separable from the general object of the Bill ? It is one of the objects of the Bill itself. It is not a penalty imposed or something else that would be separable from the general object of the Bill; it is quite the object of the Bill, and so much the object of the Bill that it was introduced in the Commons by a resolution carrying with it the sanction of the Governor General. What is the object of the Bill ? The object of the Bill is to grant pensions, and the hon. gentleman cites as an example the fact that in one case the House of Lords omitted a clause which was separable from the object of the Bill, and which was not in accordance with the object of the Bill. That is the precedent he wants to impress upon this House. The reading of the remarks made by May on the question shows that in this case the precedent cited cannot apply. The hon. gentleman must not forget that this is a money clause, that this is one of the clauses introduced in the House of Commons upon a resolution, and that resolution makes it a money clause, and we have a standing order in the House of Commons which says that the Senate cannot alter the conditions of this kind of grant.

Hon. Mr. LANDRY.

Hon. Sir MACKENZIE BOWELL—Speaking of the Bill which we passed a short time ago for the appointment of some 15 judges, are we to draw the conclusion from the hon. gentleman's remarks that the Senate has power to strike out the word 'fifteen' and insert the word fourteen' ?

Hon. Mr. SCOTT—I think so.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—That is consistent with the position the hon. gentleman has taken. I omitted to call attention to one matter when I spoke. The hon. gentleman opposite says we have the power to reduce, but not to increase. That power exists in the Commons, but not in the Senate. The Senate has no right to increase or reduce; if we had we could take the Supply Bill and chop it to pieces.

Hon. Mr. DANDURAND—That is a money Bill, but this is not.

Hon. Sir MACKENZIE BOWELL—The authorities say that this is a money Bill.

Hon. Mr. DANDURAND—I beg the hon. gentleman's pardon.

Hon Sir MACKENZIE BOWELL—I beg pardon. If the authority the hon. gentleman has quoted on this question is reliable, the hon. gentleman is wrong. If he refers to Blackmore's 'Speakers' Decisions,' he will find that Mr. Denison as well as Mr. Rand, decided that a Bill providing pay and pension—and these are pensions—for the Irish constabulary and police was a money Bill. I leave it at that. We accept these decisions as authority. I want to emphasize what my hon. friend said in reference to that portion of May's decision which was referred to by the hon. gentleman from de Salaberry. I confess when I heard him I was somewhat staggered, not being able to hear very clearly, but upon reading the whole clause, I think it clearly bears out the contention of the hon. gentleman from Stadacona. It says :

The claim of privilege cannot therefore be raised by the Commons regarding amendments to such Bills whereby a whole clause or series of clauses has been omitted by the Lords which, though relating to a charge, and not admitting of amendment, yet concern a subject separable from the general object of the Bill

Is the clause which we are now considering separable from the intention or pro-

visions of the Bill? The Bill deals exclusively with the pensioning of judges, and the Lieutenant Governor of Quebec has been a judge, and it provides that the Lieutenant Governor, upon his retirement, having been a judge, is entitled to a pension just the same as if he had never vacated the bench, and it is clear that this clause, in the opinion of May, as read by the hon. gentleman from de Salaberry, comes within the purview and within the meaning of a money Bill. Of course, we shall leave that question with the Speaker to decide, and then we shall know what position we are in. I merely want to repeat what I said to my hon. friends a few moments ago. I took precisely the same position the hon. gentleman did upon a question which was before the House two or three years ago.

Hon. Mr. BEIQUE—The hon. gentleman should have maintained that position.

Hon. Sir MACKENZIE BOWELL—It was ruled against me and we are now taking the grounds based upon the ruling of that time.

Hon. Mr. BEIQUE—I desire to say a few words in reply to the question which was directed to me at the beginning of the second speech of the hon. gentleman from Stadacona. I shall answer it by putting another question. I have here the estimates which provide for the salaries of the judges of the province of Ontario, and it is the same thing for each province, salaries of the chief justices and four other justices, and so on, and I would ask, if this Bill were passed without amendment, if any money could be paid by the government before the estimates are placed before the House and revoted next year by the House of Commons, which would provide the money required to pay the salaries mentioned?

Hon. Mr. LANDRY—Does the hon. gentleman want an answer?

Hon. Mr. BEIQUE—I say that it cannot be. The money which would be paid would have to appear and it would be optional with the House of Commons to refuse to pay.

Hon. Mr. LANDRY—I will draw the hon. gentleman's attention to this fact: in the estimates to which he has been just referred there are two parts. There is a part to be voted by the House and a part that is already provided by law. As this matter today is not provided for by law, and as it is not voted by the House, it would be necessary for this year, if you want to pay the sum, to have it voted by the House.

Hon. Mr. BEIQUE—That is all I want.

Hon. Mr. LANDRY—But it is voted by the House because it is not yet the law. When it becomes the law it will be put with the pensions in the proper place.

Hon. Mr. BEIQUE—Then I wish to draw attention to the wording of the rule of the House of Commons, No. 89, which reads as follows:—

> All aids and supplies granted to Her Majesty by the parliament of Canada are the sole gift of the House of Commons and all Bills for granting such aids and supplies ought to begin with the House, as it is the undoubted right of the House to direct, limit and appoint in all such Bills the ends, purposes, considerations, conditions, limitations and qualifications of such grants which are not alterable by the Senate.

Hon. Mr. LANDRY—Hear, hear. Not alterable by the Senate.

Hon. Mr. BEIQUE—But does this Bill fall under those words 'all aids and supplies granted to Her Majesty by the parliament of Canada.'

Hon. Mr. LANDRY—Is it appropriating money?

Hon. Mr. SCOTT—No.

Hon. Mr. BEIQUE—This Bill is not for an appropriation of money. There is no money. The money will not be paid out of the Consolidated Fund. The whole argument of the hon. gentleman is based on the fact that it is a Bill to amend the Exchequer Court Act. That is a mere title, but has it any connection at all with the Exchequer Court?

Hon. Mr. SCOTT—No.

Hon. Mr. BEIQUE—No connection whatever. It is merely a matter of convenience. Properly speaking it should have been made the subject of an independent Bill.

Hon. Mr. LANDRY—Can the hon. gentleman tell me whether a resolution was passed.

Hon. Mr. BEIQUE—The hon. gentleman has had the floor. He will find the answer to his question by referring to clause 54 of

the British North America Act, which provides :—

It shall not be lawful for the House of Commons to adopt or pass any vote, resolution, address, or Bill for the appropriation of any part of the public revenue or of any tax or impost, to any purpose that has any tax or first recommended to that House by message of the Governor General in the session in which such vote, resolution, address, or Bill is proposed.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. BEIQUE—Any Bill that may entail an expenditure is founded on a resolution approved by a message from the Governor General, but that does not make them all money Bills.

Hon. Mr. LANDRY—It does.

Hon. Mr. BEIQUE—Anyway, I think the arguments which I have presented to this honourable House, that it is a matter perfectly independent of all the other matters mentioned in the Bill, should be conclusive, as giving the right to this House to deal with it.

Hon. Mr. SCOTT—I should like to point out where we would be landed if the contention of my hon. friends opposite were to prevail. We have before us here an important Bill called the National Transportation Bill in which there are a number of money clauses. Is the Senate at liberty to make changes in those clauses ?

Hon. Mr. LANDRY—No.

Sir MACKENZIE BOWELL—I do not believe the Senate can.

Hon. Mr. SCOTT—I am very happy to hear it, because I find that in appropriating money in this railway Bill, it is not that the Governor in Council ' may ' do such things, but that the government ' shall ' pay interest upon the amount of bonds equal to the principal of the bonds guaranteed by the government on account of the construction of the mountain section, &c.

There are several money clauses.

Hon. Mr. FORGET—That is a contract.

Hon. Mr. SCOTT—I know, but the contract is part of the Bill.

Hon. Mr. FORGET—It is a contract, not with the government, but with His Majesty.

Hon. Mr. SCOTT—I was interrupted a few minutes ago when I had in my hands an authority I should have liked to submit to the House, particularly for the consideration of those gentlemen who were taking as the standard whether the proposition should be submitted by a resolution to the House of Commons. I find it laid down in Denison's and Brand's decisions of the House of Commons that where it is intended to purchase property, for instance, or make a certain expenditure, in cases of that kind it is not absolutely necessary, because the money has to be voted afterwards, and therefore in those cases the resolution is unnecessary. It has been pointed out over and over again that until parliament votes the money there is no authority to pay it. Even if we pass the Bill in its present shape we could not pay the pensions until the Supply Bill containing the necessary appropriation is passed. I refer to page 25 of this book :—

A Bill to enable the government to take ground for public purposes but not providing funds.

Now, that is a parallel case. This is authorizing the government to spend the money, but not appropriating the funds.

Need not originate in Committee of the Whole House.

Hon. Mr. LANDRY—Certainly.

Hon. Mr. SCOTT—That is exactly the point.

Mr. Cowper moved for leave to bring in the Bill.

Motion made and question proposed,—That leave be given to bring in a Bill to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire additional lands for improving the site of the new government offices in Downing Street and the approaches thereto.

This Bill is to give authority to the Governor in Council to pay superannuation money. That superannuation money is not provided for in this Bill, it has to be provided for later on by parliament. The same point comes up in another case mentioned on the following page of the same book.

Hon. Mr. McMILLAN—We could not change the Supply Bill.

Hon. Mr. SCOTT—No, but it has to be passed on. We can pass it or reject it as a whole.

Hon. Mr. McMILLAN—We could not amend the Supply Bill by taking out this particular item ?

Hon. Mr. SCOTT—The mere passing of this Bill does not impose a charge on the revenues of the country. Until the money has been voted in the Supply Bill that pension cannot be paid.

Hon. Sir MACKENZIE BOWELL—But you would not vote it until you had the authority to pay it.

Hon. Mr. SCOTT—The same way with the National Transportation Bill. Although provision is made in the Bill for the payment of certain money, that money will have to be voted in the Supply Bill. The other case to which I was about to refer is as follows :

> If a Bill does not impose a charge upon the public, although it is intimated that at a future day another Bill will be proposed to replenish and increase an existing fund out of which the works under the Bill under consideration would be defrayed, it is not necessary to go into committee as a preliminary.

What I maintain is, that these two cases are parallel to the one under consideration. It makes provision for an expenditure but does not authorize the expenditure. The expenditure has been authorized by the Supply Bill or by statute.

The CHAIRMAN—Is it your pleasure that I rise ?

Hon. Mr. LANDRY—No. The hon. gentleman (Mr. Scott) is confusing the two Bills. A Bill purporting to give the government power to acquire certain lands, but not fixing the price to be paid, is quite different from a Bill which enacts that two-thirds of a certain sum shall be paid to certain persons if they come under the scope of that Act. This Bill provides for the payment ; we do not need any Supply Bill to provide the money. If you want the money this year, very well, put it in the Supply Bill ; but if you do not want the money this year, next year the provision for it will appear in makng up the estimates.

Hon. Mr. SCOTT—No, the Auditor General would not pay it.

Hon. Mr. LANDRY—Yes, because he would have the authority of the law.

Hon. Mr. SCOTT—No, because no money is voted.

Hon. Mr. LANDRY—He would not want it voted ; he would take it out of the Consolidated Revenue Fund. We do not vote every year the money required for the payment of pensions to judges. It is paid under Act of Parliament.

Hon. Mr. SCOTT—The statute limits the number.

Hon. Mr. LANDRY—If an Act of parliament says it shall be paid to such a class of persons, it must be paid to such a class of persons. I call attention to an admission made a few minutes ago by the hon. Secretary of State. He says that we are allowed to make amendment to the National Transportation Bill because it is not a money Bill. I do not know ; we must study that a little. I always thought it was a money Bill, and that we had no right to amend it. Not long ago, just last week, we were in committee here on a Bill to provide two additional judges for the province of Ontario. When it was in committee the Speaker of this House said : 'You cannot amend this Bill because it is a money Bill.' The remark can be found in the debates. That Bill was of the same character as this Bill.

Hon. Mr. ELLIS, from the committee, reported that they had made some progress with the Bill, but, a point of order having been raised in committee the decision of the Speaker was requested.

The SPEAKER—I feel in a somewhat awkward position. The question on which my opinion is asked is an exceedingly important one, and had I known that it was coming up to-day, I should have taken care to fortify myself by reference to the authorities. I do not seek now to excuse myself for not having done so ; I simply state the fact. The reason why I did not study the question was, that when this Bill was before the House at a former stage the Secretary of State intimated that he would move to omit this second clause when the House went into committee on the Bill, and the hon. leader of the opposition, who, I suppose, spoke for those opposed to the Bill, intimated that there was no objection to that—at least I gathered from the way the hon. gentleman spoke that no question was to be raised. I am not finding fault with any one ; I am simply trying to

explain my own negligence in not having studied the question as I should.

If this were the first time a question of this kind had come before the Senate, I should be disposed to hold, as the hon. Secretary of State intimated he thought the House should hold, that it was my duty as Speaker of the Senate, to extend or amplify the jurisdiction of this House as far as I could reasonably do so. In that case I should have been disposed to say that it was for the House of Commons and not for the Senate to question the right of this House to amend the Bill. But, hon. gentlemen, this is not the first time this question has come before the House; and while previous decisions are not perhaps absolutely binding on the Senate or on the Speaker, I should be very sorry to decide the question adversely to decisions given by previous Speakers. I have not, unfortunately, looked up the various cases in which decisions have been given, but I remember one case in which I happened to be concerned myself. It was, I think, in the session of 1885. There was a Bill before the Senate providing for the construction of a railway from Montreal to Salisbury, in the province of New Brunswick. The hon. gentleman from Richmond (Hon. Mr. Miller) was at that time in the Chair of the House. I moved an amendment, not dealing directly with the money involved, but making some provision with respect to the way in which the work was to be done, and the Speaker of that day ruled against me. Subsequently another amendment was moved to the effect that the work should be begun simultaneously at the two ends of the line. That did not seem to be a resolution which very materially affected the money portion of the Bill, but it was ruled that that was out of order also. Then in the session of 1886 there was a somewhat similar case. Reference has been made to the case under my immediate predecessor. On the other hand there is the fact that in the session of 1898 a Bill, which was for all practical purposes on all fours with this, was amended in this House. The case was a little stronger then than it has been put by the hon. gentleman from de Lorimier, who was under the impression that the Senate had simply stricken out the clause of the Bill. That clause was as follows:

1. Subsection 1 of section 2 of the Act respecting the judges of the provincial courts, chapter 138 of the Revised Statutes, is repealed and the following substituted therefor:—

'2. Every judge of a county court in any of the provinces of Canada shall, subject to the provisions of this Act, hold office during good behaviour and his residence within the county or union of counties for which the court is established: Provided that no person should hold or retain office as such judge after he has completed the seventy-fifth of his age.'

2. The subsection so substituted shall apply as well to judges now holding office as to judges to be hereafter appointed; provided that any judge now holding office who is, by reason only of his having completed the seventy-fifth year of his age, disqualified to hold or retain his office, shall be entitled to a pension under section 15 of the said Act, all mentioned in that section.

The House did not strike out the clause but amended it. The amendment that was made here struck out the second subclause and substituted for it the following:

The subsection so substituted shall apply only to judges to be hereafter appointed.

It strikes me if that there had been no previous decisions I should look upon that as indicating that the feeling and practice of the House. But it happens that in that case the question of order was not raised. Hon. gentlemen know that we are continually doing things which are not in order, just because the question of order is not raised, and I am afraid we should not regard the fact that we did nothing in a case as involving a very strong argument.

We have to consider now whether this is a money Bill or not. I think it is a money Bill. It has been stated, and not denied, that it was introduced by resolution in the House of Commons. No hon. gentleman, I suppose, would deny that the Bill put through committee yesterday with respect to the salaries of judges of the courts of the province of Ontario was a money Bill. That Bill dealt with the salaries of the judges who are sitting on the bench. This Bill amends substantially the same Acts which that Bill proposed to amend; it deals exclusively with retiring allowances to the same and other judges. The object of the Bill is to enable the government to pay retiring allowances under certain circumstances; and, taking that fact in to consideration, I cannot honestly come to any other conclusion than that this Bill is a money Bill. The fact that the money has to appear in the estimates does not make

any material difference; because as the hon. gentleman from Stadacona (Hon. Mr. Landry) has pointed out the estimates are divided into two classes. There are sums which have to be voted by the House of Commons, because there is no statutory provision for them, and there are sums put in merely for the purpose of book-keeping, for which provision is made by statutes and if this Bill passes, these retiring allowances would appear in next year's Supply Bill under the head of those which are provided for by statute.

I cannot therefore concur in the views of hon. gentlemen who think that this Bill is not a money Bill. Some hon. gentlemen took the ground that this Bill is not imperative, but no money Bill is imperative. If the government do not choose to expend the money which they are authorized to expend they are not obliged to do so; and, while I have the greatest deference for the hon. gentleman who used that argument, I do not think there is much weight in it. A point which I think of some importance is that one brought up by the hon. gentleman from de Salaberry. He quoted from Bourinot, page 587:

It is quite regular, however, to agree to amendments which 'affect charges upon the people incidentally only, and have not been made with that object.'

I thought at first that there was a good deal of force in that argument; but, after all, the object of this Bill is to provide these retiring allowances and the Bill does not deal with the charges on the revenue incidentally only. I do not think the citation from Bourinot is conclusive. Then the hon. gentleman from de Salaberry took this ground, and, it is the one point upon which at the present moment I entertain any doubt—that this was an independent clause—a clause which might be a Bill itself, and if we struck it out we were doing the same thing as if we rejected an independent money Bill, and that undoubtedly the Senate had the right to reject a money Bill. On this point I cannot say that I feel very clear or strong. I wish to refer now to the cases cited from 'Blackmore' by the hon. Secretary of State:

A Bill to enable the government to take ground for public purposes but not providing the funds, need not originate in Committee of the Whole House.

In that case, Speaker Denison said that the Bill did not give property. The funds for that purpose should be voted afterwards, in Committee of the Whole House.

But in this case the money need not be voted afterwards, once this Bill becomes law. Then I turn again to the argument of the hon. gentleman from de Salaberry (Hon. Mr. Béique), which, as I have stated, is one as to which I have not any very strong opinion. I shall read to the House the passage from May referred to by the hon. gentleman. At page 551:

The right of the Lords to reject a money Bill has been held to include a right to omit provisions creating charges upon the people when such provisions form a separate subject in a Bill which the Lords are otherwise entitled to amend.

Now, the question is whether this is a Bill which we would be otherwise entitled to amend. This Bill deals with only one subject, the payment of retiring allowances to judges:

The claim of privilege cannot therefore be raised by the Commons regarding amendments to such Bills, whereby a whole clause, or series of clauses has been omitted by the Lords, which, though relating to a charge and not admitting of amendment, yet concern a subject separable from the general objects of the Bill.

Now, is this a subject separable from the general object of the Bill? I do not feel clear on that.

On the 30th July, 1867, it was very clearly put by Earl Grey and Viscount Eversley, that the right of the Lords to omit a clause which they were unable to amend relating to a separate subject, was equivalent to their right to reject a Bill which they could not amend without an infraction of the privileges of the Commons.

Now, if this Bill dealt with other subjects besides these retiring allowances to judges; if it dealt even with other questions with respect to the judiciary, I should be disposed to hold that a portion of the citation from 'May,' read by the hon. gentleman from de Salaberry would apply. As it is, I do not feel clear that it does. I really think it is a question which the House ought to decide for itself; but if I am asked to decide now, I think I shall have to decide as a matter of order that it is not in the power of this House to strike out the second clause of this Bill.

Hon. Mr. DANDURAND—In view of the hesitancy of the Speaker in rendering his

decision and of his declaration that the House should perhaps decide the question for itself, I move, seconded by Mr. Young: 'That the decision of the Speaker on this point be not concurred in by the House.'

Hon. Mr. LANDRY—Have we a right to speak on that motion ?

Hon. Mr. YOUNG—It is for the Speaker to say.

Hon. Mr. LANDRY—This rule of May——

Hon. Mr. DANDURAND—I rise to a point of order: I want to know if the hon. gentleman can speak on that appeal from the Speaker's decision ?

Hon. Mr. LANDRY—Every member has a right to speak on a motion; I do not want to discuss the Bill at all.

Hon. Mr. DANDURAND—I should like to have the ruling of the Speaker.

Hon. Mr. FERGUSON—Is there a motion before the House ?

Hon. Mr. DANDURAND—Yes, an appeal from the decision of the Speaker.

Hon. Mr. FERGUSON—Is there any authority for shutting off discussion on a motion ? If the hon. gentleman takes a point of order he should state it.

Hon. Mr. DANDURAND—I consider that there is no discussion upon a motion to appeal from the decision of the Speaker.

Hon. Mr. LANDRY—I am not discussing the appeal from the decision of the Speaker. I have no right to discuss it. I do not want to discuss it, but as the decision of the Speaker is submitted to the whole House, I want to point out that the only question which the hon. gentleman does not find very clear applies to a Bill which the Lords had the right to amend.

Some hon. MEMBERS—Order, order.

The SPEAKER—My impression is that there cannot be any discussion on the appeal, but to tell the honest truth, I cannot lay my hands on the authority for that opinion.

Hon. Mr. LOUGHEED—Surely my hon. friend from de Lorimier and the Speaker do not intend to choke free discussion in this House, unless they can point to some authority, no matter how vague it may be, to support the contention of the Speaker. I do not think the House will submit to any such decision as that. If there is to be a decision along those lines, the House should know it.

Hon. Sir MACKENZIE BOWELL—Rule 28 reads as follows:

> The Speaker stands uncovered when speaking to the Senate, and if called upon to explain a point of order or practice, he is to state the rule applicable to the case, and also to decide the question when required, subject to an appeal to the Senate.

He has given his ruling, and the hon. gentleman from Stadacona rose to make some remarks, and he is called to order by an hon. gentleman. Of course, the Chair must decide whether he has a right to speak or not.

Hon. Mr. LANDRY—I would ask the hon. gentleman if he can cite the rule. May reads as follows:

> The right of the Lords to reject a money Bill has been held to include——

Some hon. MEMBERS—Order, order.

Hon. Mr. CLORAN—The Chair has decided there shall be no discussion on this matter.

Hon. Mr. LANDRY—The Speaker did not decide anything of the kind.

Hon. Mr. CLORAN—I heard him make the decision.

Hon. Mr. LANDRY—The hon. gentleman did not hear well.

Hon. Mr. YOUNG—The Speaker is looking up the point of order as to whether the hon. gentleman has a right to speak.

Hon. Mr. LANDRY—I have no objection to wait, but I do not want to be governed by the hon. gentleman behind me.

Hon. Mr. CLORAN—I told the hon. gentleman last week that I would get back at him.

Hon. Mr. LANDRY—If the hon. gentleman will take back what he did not hear, it is all right. I will call the hon. Speaker's attention to rule 20, which reads:—

> A senator may speak to any question before the Senate.

These are our rules; I could discuss the point of order.

The SPEAKER—I wish some hon. gentleman would cite me the authority for the doctrine, that there is no discussion on an appeal from the decision of the Speaker.

It being six o'clock, the Speaker left the Chair.

After Recess.

The SPEAKER—Hon. gentlemen, from the best information that I can get, I think there is no debate allowed on an appeal from the Speaker's decision.

Hon. MEMBERS—Hear, hear.

The SPEAKER—So that the question will now be on the resolution moved by the Hon. Mr. Dandurand, seconded by Hon. Mr. Young, that this House does not concur in the ruling of his Honour the Speaker on the point of order raised on the second clause of Bill No. (243) An Act to amend the Supreme and Exchequer Courts Act, the Exchequer Court Act and the Act respecting the judges of provincial courts.

The House divided on the motion which was carried on the following division.

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Forget,	

Hon. Mr. LANDRY—Read the names.

The names having been read,

Hon. Sir MACKENZIE BOWELL—I call attention to the fact that the hon. Mr. Ferguson has not voted.

Hon. Mr. FERGUSON—I am paired with the Hon. Mr. Watson, who is absent attending the funeral of the late Senator Landerkin.

Hon. Mr. LANDRY—I call attention to the fact that the hon. gentleman from DeLorimier did not vote.

Hon. Mr. DANDURAND—I am paired with the Hon. Mr. Owens. If I had voted, naturally I would have voted for my motion.

Hon. Mr. LANDRY—Naturally ?

Hon. Mr. DANDURAND—Yes.

Hon. Mr. LANDRY—I call attention to the fact that the hon. gentleman from Charlottetown (Hon. Mr. McDonald) did not vote.

Hon. Mr. MACDONALD (P.E.I)—I am paired with the hon. senator from Vancouver.

Hon. Mr. LANDRY—I call attention to the fact that the Hon. Speaker did not vote.

An hon. MEMBER—He is interested.

Hon. Mr. LANDRY—Not pecuniarily.

Hon. Sir ALPHONSE PELLETIER—I think that I am pointed to in that matter as one of the predecessors. I have before me a decision which I rendered when I was Speaker, and I am quite able to defend the position I took, which is not at all analogous to this one.

Hon. Mr. PELLETIER—I think that I am pointed to in that matter as one of the predecessors. I have before me a decision which I rendered when I was Speaker, and I am quite able to defend the position I took, which is not at all analogous to this one.

Hon. Mr. LANDRY—We shall see that just now.

Hon. Mr. LOUGHEED—I would desire to point out to the House that His Honour the Speaker has given a decision upon a point of order regarding which no authority can be found either in May or Todd or

Bourinot, so far as research can ascertain whether there is any authority upon the subject, and as doubtless this will be regarded as a precedent in the future, and as for years there has not been an appeal from the Speaker's decision, I think it would be desirable that the Speaker should elaborate to some extent the reasons which led to the decision that there could be no debate upon a motion of appeal from his decision. I am not criticising the finding in any sense, but as the point is a novel one, and as there is no authority upon the subject, and as it may possibly again arise, I think it would be desirable in the interests of our practice in this House that there should be some elaboration of the point.

Hon. Sir MACKENZIE BOWELL—I would go a little further and suggest that the objection taken to the motion for the striking out of that clause upon the point of order, and the decision of the Speaker should be elaborated and entered upon the Minutes, otherwise the vote which stands there disagreeing will be meaningless; no one will know what we are voting for or against, and I trust the Speaker will commit to writing the reasons which he gave for the decision which he rendered, and then it will be a precedent in the future to refer to. If that be not done, we shall have the bare vote of condemnation of the Speaker's decision without knowing why the House so voted. I think the Speaker will recognize the force of that suggestion, and I think the House will approve of it.

Hon. Mr. YOUNG—I do not think the proposition of the leader of the opposition can be very well carried out, because the Speaker might, having taken a longer time to look up the authorities and prepare his decision, possibly it might have influenced his judgment before he gave his decision.

Hon. Mr. LOUGHEED—Or he might have died before giving it.

Hon. Mr. YOUNG—Yes. He might also, we think, very reasonably have come to a different conclusion had he taken that course.

Hon. Mr. LANDRY—The hon. member is discussing the decision of the Speaker, and he has no right to do that.

Hon. Mr. YOUNG—No, I had no intention of discussing the decision of the Speaker.

Hon. Mr. LANDRY—If the hon. gentleman was not doing it with or without intention, he was doing it at all events.

Hon. Mr. YOUNG—I was pointing out an inconvenience which might arise from following the suggestion of the leader of the opposition.

Hon. Sir MACKENZIE BOWELL—That is no excuse. I quite approve of the suggestion he makes had the Speaker taken that course, but he did not; and I find on page 298 of the Journals of this House that while Hon. Sir Charles Alphonse Pelletier was Speaker that he gave a decision upon a case somewhat similar to this, and the reasons are given there. All I ask is that the reasons for the decision just given by the Speaker be entered upon the Journals, and then the vote which we have given will be intelligible to those who read it in the future. There was no appeal against the decision of the Speaker in the case to which I allude—it is not necessary for me to go into the merits of it; but if I did, I think I could controvert the position taken by the hon. gentlemen opposite. I am not going to do that; but in the interest of the rules of the House I think the Speaker will accept my suggestion and the House will justify it; otherwise, it will appear that hon. gentlemen have voted and do not want the reasons to be put upon record, so that people will know hereafter what they did vote for or against.

Hon. Mr. YOUNG—The record will be in 'Hansard.'

Hon. Sir MACKENZIE BOWELL—That is not the place to look for it.

Hon. Mr. LANDRY—There is more than that, there was a motion made in committee asking the chairman of the committee to report progress, to bring before the Speaker the question of order and to ask the decision of the Speaker. All that should come as res gestae in the Orders of the House.

Hon. Mr. YOUNG—It will be in 'Hansard.'

Hon. Mr. SCOTT—I have no doubt the Speaker, in his judgment, will exercise the

discretion the House has requested him to use in connection with this matter, and as is has been pretty well discussed I would move that the Speaker do now leave the Chair, and that we resume discussion of the Bill in Committee of the Whole.

Hon. Sir MACKENZIE BOWELL—I don't think the Speaker ought to use his discretion in this matter; it is his duty, as every member of this House should know the causes which led to his vote and the reasons why he voted. There can be no objection to that.

The House resumed, in Committee of the Whole, consideration of Bill (243) an Act to amend the Supreme and Exchequer Courts Act, the Exchequer Court Act and the Act respecting the Judges of Provincial Courts.

Hon. Mr. SCOTT—The motion I made was to strike out subsection 2.

Hon. Mr. LANDRY—I would ask the hon. gentleman to state the reasons why he wants to omit this clause, which comes from the House of Commons on resolutions brought down with the recommendation of the Governor General.

Hon. Mr. SCOTT—Every gentleman here is a free agent and entitled to the exercise of his own judgment. This clause introduces a new principle into our system. There is no precedent for it. It is a very dangerous principle, and, as has been pointed out by the hon. leader of the opposition, would enable the government to give any man a pension for life by simply having him on the bench for a few months and lieutenant governor for a few months. The principle is a vicious one.

Hon. Mr. LANDRY—Was that principle adopted by the Governor in Council?

Hon. Mr. SCOTT—The first I saw of it was in the Bill before the House.

Hon. Mr. LANDRY—Then the hon. gentleman was not in council when it was passed? The hon. gentleman says the first time he saw it was when it was in the form of a Bill before this House. If we must take his word, he was not in council when it was prepared or he did not see it then. I should like to have the reasons why this clause is to be struck out.

Hon. Mr. SCOTT—The hon. gentleman is not entitled to any more than I have given. I have given good and substantial reasons why the clause should not be in our legislation.

Hon. Mr. FERGUSON—My hon. friend is a member of the government which recommended this Bill by message. Is it therefore possible that my hon. friend should not know everything about the genesis of this Bill? It cannot be possible that this clause was not inserted in this Bill to meet some case in the public affairs of the country, and my hon. friend is surely able to tell the House what particular case or cases this is intended to meet. I think it is due to the Senate that we should know why this provision was inserted in the Bill. There must be the case of some judge who retired to accept a lieutenant governorship and my hon. friend must certainly know who that judge was, and what governorship he accepted for whom the provision was intended to be made. It is due to the committee that we should get this information.

Hon. Mr. BAKER—And if I were allowed to suggest, I think, it is due to the Senate that the hon. Secretary of State should give us some explanation for his sudden change of base. He announced from his place in the Senate the other day that it was a part of the policy of the present government to govern by department and that he was shocked at any suggestion being made that any proposition made by one of the members of the government should be criticised. I should like to hear what the hon. Secretary of State has to say upon that point in connection with this case. This measure comes down based upon a resolution after being authorized for submission to parliament by His Excellency the Governor General. It is submitted as a government measure by the Department of Justice. The Minister of Justice himself was responsible for the measure, and we find now that his colleague, the hon. Secretary of State, after announcing that it was the policy and the intention of the government to stand by the heads of the departments, has turned tail upon his colleagues and seeks to strangle a Bill that was introduced in due form with the undivided authority of the government of which he is a member. I should like to hear his explanation.

Hon. Mr. SCOTT—I have no explanation to offer other than this; it is perfectly free for a government to withdraw its measures or any part of them at any time. If I could charge my memory, I dare say I could find a great many cases where measures or parts of measures have been withdrawn. Public opinion declares against a measure and parliament wishes to consult public opinion and drops that measure. It is a common thing in England and the United States. Under popular form of government when the press and the people speak out, the government should re-echo the sentiments of the people and express in parliament public opinion.

Hon. Sir MACKENZIE BOWELL—I may say I am fully in accord with the last remarks made by the hon. gentleman. That has often occurred, but I question whether in the history of England or of any country in which a constitutional form of government exists, the hon. gentleman ever found one minister leading a House as the hon. Secretary of State is to-day, introducing a Bill and affirming what the principles of that Bill are, declaring that it was the policy of the government, and when one of the members of the opposition pointed out a defect in the wording of it, he comes down and asks to have the clause struck out of the Bill with the declaration that the principle involved in the Bill was 'vicious.' This is a Bill that was solemnly prepared in the office of the Minister of Justice, involving a new principle and a new policy and it would be supposed under responsible government that every member of the government knew what was being done, and if he did not know, it was his duty to find out, and under the circumstances he was equally responsible with his colleagues; yet we find one minister of the Crown coming before a deliberative body, in order to justify the position he has taken, declaring that the principle involved in a Bill prepared by and carried through the Commons by his colleague the Minister of Justice as 'vicious.'

Hon. Mr. LANDRY—Hear, hear.

Sir MACKENZIE BOWELL—If any one who has read anything of constitutional history, I care not how little his knowledge may be or how restricted his reading may be, can point out a precedent for an exhibition of that kind, I shall be very glad to see it or to hear it. I can only say that under constitutional government in this country, I hope that such an exhibition will never be repeated. We are supposed to govern the country under rules and procedure similar to those which govern the mother country and to hear one minister denouncing the action of his colleagues, while sitting at the same council board, while consulting with him on all questions that come before the public, telling the House that he moves to strike out a clause in their own Bill because the principle therein is vicious, is not an exhibition of the unanimity, and the brotherly love that should exist between members of a government. It is only another evidence, if the hon. gentleman's statement is correct, and I am not prepared to deny it, that he knew nothing whatever of this Bill until it was presented in this House. That is his own declaration. It only proves what I have repeatedly pointed out, the unconstitutional manner in which the cabinet are carrying on the government of the country. I shall not comment upon the vote that has been taken on the ruling of the Speaker, because that would perhaps be improper and indelicate; but I do protest against a violation of what we understand as responsible government in the hon. minister declaring on the floor of the House to be published to the world that the very principle of the Bill which was prepared by his colleague the Minister of Justice, and carried through the House of Commons on the recommendation and support of the Minister of Justice on resolutions introduced, with a message from the government as it involved an expenditure of money carried through that House, sent to this chamber, moved by the Hon. Secretary of State, and then we are told by him that the principle involved therein is vicious. Well, God protect us from any such government as that, or rather protect the country against any such mode of governing in the future. Perhaps I am speaking strongly, but the circumstances only suggest strong language. I might go further than that. It shows there is no unanimity in the cabinet that is governing the country, and there being no unanimity one minister never knows what

his colleague is producing and in order to get rid of what he calls a vicious clause of a Bill he has to vote in condemnation of his own Speaker. I compliment the hon. gentleman on the position which he occupies.

Hon. Mr. KERR (Toronto)—I take the opportunity of saying a word or two on this matter. It appears to me the position is a little misunderstood by the hon. gentleman who has just resumed his seat.

Sir MACKENZIE BOWELL—The hon. gentleman is very much mistaken. I understand it exactly.

Hon. Mr. KERR—Forgive me if I say that I think the hon. gentleman misunderstands the matter for two reasons.

Hon. Mr. LANDRY—The hon. gentleman himself might be in error.

Hon. Mr. KERR—First, because a portion of his remarks indicated that he did not understand it, and secondly, those remarks were inconsistent with what the hon. gentleman said a few days ago in this House. I venture to point out that the resolution which passed by resolution to the House on which this Bill is introduced is one with reference to an Act to amend the Supreme and Exchequer Court Acts and it deals with a subject which is dealt with in the Supreme and Exchequer Court Acts where hon. gentlemen will find provision made that under certain circumstances a retiring allowance shall be given to judges who have served a certain term. The circumstances are very express in the Act as it stood and it provides for, in cases where judges have served a period in office or suffer from a permanent infirmity. The general provisions of this Bill, without the clause in question, deal with that proposition, and the Bill in that form with that section embodied would be perfectly proper, reasonable and within the lines of a proper and reasonable amendment. The clause in question is one which is not germane to any principles that exist or to be found in the Act respecting the Supreme and Exchequer Court, of which this is an amendment. The principle in the one case is the service of the judge and infirmity. In this Bill the condition is service of a judge and attaining a certain number of years, which are supposed to carry with them a species of infirmity, or, at all events, it may be inferred that the service of the country would be better promoted as a whole by the retirement of such judge.

The proposal in the second clause of the Bill, the one which it is proposed to strike out, is not germane to the rest of the Bill. That proposal is to provide, not for a judge who resigns and takes his retirement allowance, but that a judge who has resigned his office for another, and has occupied that other position—in other words provides that a retiring lieutenant governor is to be dealt with and treated as though he were a judge, an entirely different proposition and quite foreign to the provisions of the Act, not on the same lines, and, therefore, one which was not at all necessarily covered by any such proposition as the one in this Bill. So I think I am justified in what I said in reference to the opposition expressed just now by the hon. senator from Hastings. My second proposition is borne out by the recollection of all the hon. gentlemen present who heard him the other day express the view, which will not be disputed —that he had intended, if the hon. leader of the Senate had not done so, to strike out this clause. Under those circumstances, I think the position I have taken is sustained, and for both reasons there is an inconsistency. Just let me say further now, and as the hon. senator has come in, the attitude which he has taken here shows that not only may there be the differences that he has tried to point out between the members of a legislative body, but there will be occasions when an hon. senator will differ from himself, as for instance when the hon. gentleman to-day declined to allow this clause to be struck out he is differing from himself a few days ago when he intimated his intention to strike out or oppose the clause.

Hon. Mr. LANDRY—Could the hon. gentleman prove what he says ?

Hon. Mr. KERR (Toronto)—I am stating a thing which occurred in the House. If the hon. gentleman wants more proof of it, I leave myself in the hands of the House.

Hon. Sir MACKENZIE BOWELL—I made no such declaration. What I stated was

this : In pointing out the peculiar wording of the proposed clause that it would have a certain effect if it became law, I thought of suggesting an amendment in order to avoid that difficulty. I did not intimate that I would move to strike it out or that I would vote against it. I remember distinctly what I said, and I am in the hands of the House as to the statement I made. I know my remark has been perverted to that extent. An hon. gentleman afterwards said to me you proposed to do so and so. I said : 'You are mistaken, there is a defect in the Bill and I pointed out what I thought the defect was.' The defect in the Bill as it is worded is in providing that if a judge was appointed to a governorship and occupied the position but a very short time, he could retire upon two-thirds the salary he had been receiving as judge at the expiration of the term of the governorship. I thought then, and I repeat now, that that portion ought to be amended.

Hon. Mr. LOUGHEED—As the occasion seems to be one for the expression of frankness, particularly on the part of the government, I wonder that my hon. friend the Secretary of State has not been even more frank than he has been. In case hon. gentlemen on the opposite side of the House should think the quality of our simplicity is as beautiful as it seems to be, I might say that it is a well known fact, not only in this House but throughout the country, why the government on the present occasion is seeking to omit clause two of this Bill, and there is no reason why hon. gentlemen in this House should disguise the fact. It is well known that this clause was inserted in the Bill for the purpose of giving an advantage to a political friend of the government who, on one occasion, was a judge and afterwards became a lieutenant governor, but having introduced the clause and passed it through the House of Commons they then ascertained that a political opponent would enjoy an equal advantage, and rather than permit a political opponent to stand on the same equality as a political friend they at once came to the conclusion that the clause must be omitted. My hon. friend may shake his head.

Hon. Mr. SCOTT—Yes, the hon. gentleman is wrong.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. LOUGHEED—I repeat with emphasis the fact which is well known not only in the province of Quebec but elsewhere. It is well known that the late lieutenant governor of Quebec, Mr. Angers, could take advantage of this particular clause, having been once a judge and afterwards a lieutenant governor, and would also profit by the passage of this legislation. It is a well known fact also that the strongest political influence was brought to bear on the government from the province of Quebec for the omission of this clause. My hon. friend the Secretary of State a few moments ago expressed himself as having been shocked, perfectly shocked, when this Bill came into the House, and he observed that clause two was introducing what he termed a vicious principle, and while acknowledging that it was solemnly passed by the government of which he was a member and solemnly passed by the House of Commons, yet it now dawns upon him as a revelation, and the viciousness of the principle embodied in the clause so really shocked his virtue, that he felt impelled, notwithstanding the government responsibility attached to its introduction and passage through the House of Commons, to assume the responsibility of asking this House to strike it out. On being confronted with the fact that he was a member of the government and must necessarily have been a party to the passage of the clause in council, and have been familiar with the fact that it passed through the House of Commons through the medium of the government, he was then impelled to say that the government on reconsideration really discovered that they were human beings, that they were fallible, that there was a possibility of their erring, that they had erred when they introduced into this Bill a vicious policy, and in a moment of contrition they had asked my hon. friend the Secretary of State to have it struck out in the Senate. So far so good. There is a candour about that statement which is really virtuous, particularly for my hon. friend to admit at any rate, and I am sure we are all plesed to know that the present government is not infallible, that there is a possibility of their sometimes doing wrong ; but they might have been equally frank in saying that they had ascertained that this clause would have

given an advantage to a political opponent, and, for that reason rather than on the high ground they hve put it on, they have asked this House to strike it out.

Hon. Mr. BEIQUE—I fail to see the reason for the criticism which has been offered on this occasion. The hon. member for Belleville occupied the high position of Prime Minister for this country, and I suppose he would be disposed to admit that neither he nor his government claimed to be infallible. I am sure he would admit that on many occasions on reconsidering a question, they came to the conclusi n that Bills which they had presented to the House should be withdrawn or modified because on the first consideration they had not properly or fully considered the question. Therefore, it is no new doctrine on the part of the government and no new departure to withdraw of their own motion a clause of a Bill or to assent to an amendment which has the effect of striking out a clause or amending a government Bill. We have had a number of Bills of the government before this House—though I cannot speak personally, as I have not long had the honour of sitting in this House, but I am sure, and as a matter of fact I know, Bills of the government, under previous governments as well as under this one, have been amended by the Senate with the assent of the government. When the government assented or themselves suggested that their own Bills should be amended, they were acting exactly in the line that the hon. Secretary of State is acting to-day. Now, I take this very Bill. I myself on the occasion of its second reading, announced that I would move an amendment to clause 3 of the Bill, that I did not consider that the principle embodied in the third clause was the principle which should be adopted by this House. The hon. Secretary of State, and he should be commended for having done so, said he acquiesced in the suggestion. Is this amendment open to any criticism? If it is not open to any criticism, where is the reason of the criticism which is made on the occasion of withdrawing clause 2 of the Bill? What is the effect of this clause 2? The effect was to permit the government—irrespective of whether a judge has sat for six months or 25 years—on the occasion of appointing him a Lieutenant Governor, to pay a pension equal to two-thirds of his salary. When the attention of the government was called to the fact that this was a measure which should not receive the assent of this hon. House, or which the government should persist in, I think it is honourable on the part of the Secretary of State, it is honourable on the part of the government, on being shown the reason why, if this lies open to criticism, it should be withdrawn, to assent to the clause being withdrawn and for themselves for moving in that direction.

Hon. Mr. FERGUSON—My hon. friend who has just addressed the House, always presents a very good argument, even when he has not a very good case, and I do not know that it was very bad policy on the part of my hon. friend the Secretary of State to remain silent in his seat after the observation of my hon. friend from Calgary, and allow the hon. gentleman from de Salaberry to present a plausible statement to the House on the subject. However, I think it is due to this House that my hon. friend the Secretary of State should make an explanation, particularly after the statement that has been made by my hon. friend from Calgary. I do not think that is a statement which any government having respect for itself should allow to pass without either a contradiction or an explanation or a justification of their own conduct. It has been stated by my hon. friend that the history of this Bill and this particular clause in the Bill is this, that the government having a great political friend who had been a judge and accepted a lieutenant-governorship, they put this provision in the Bill in the interest of this great political friend. My hon. friend went further and stated that it was subsequently ascertained by the government that the effect of this clause would be also to reach the case of another gentleman who was not a political friend of this government, but who had also been a judge and who had resigned a judgeship in order to take a lieutenant-governorship, and having made this discovery, and their friends having found out what an awfully vicious thing it would be if this opponent of theirs should receive the advantage of this clause, they came to the conclusion that they must expunge the clause entirely from the Bill in order that this vicious thing should not happen, that the same treatment should be

meted out to a political opponent of theirs who had been a judge and a lieutenant governor, as would be meted out to their political friend who had been a judge and a lieutenant governor. I think the charge that is now levelled against the government in this matter is that while they thought this provision was to redound to the advantage and satisfaction of a strong political friend of their own, they were carrying it through parliament with all the strength they possessed in both Houses, but as soon as they discovered that under that clause another gentleman, not a friend of theirs, would reap a similar advantage to their friend they found that it was a vicious Bill and resolved to expunge it. I think we have a right to an explanation whether this statement is correct or not. If I have got the correct information, and I have heard a great deal from both sides of politics with regard to it, I think my hon. friend from Calgary made a correct statement, and my hon. friend the Secretary of State will scarcely care to get up in the House and contradict it. But there is another point in connection with it upon which I think we have also a right to get some information, for this is a very interesting subject. Having determined that their political friend in whose interest they inserted this clause in the Bill in the first instance, was not to get that provision made for him, it will be interesting to the House to know whether the government have resolved on making some other provision for him which will carry him safe and sound after they have determined to drop out this very vicious principle of making a provision which would meet the case also of one of their political opponents. I think it is due to this House, I think it is more than due to this House, it is due to the government, that they should make a full explanation of this, and why it was that at this particular moment the discovery was made that this provision was a vicious one, and should be dropped from this government Bill.

Hon. Mr. SCOTT—Who is the great political friend the government had in view ?

Hon. Mr. FERGUSON—My hon. friend has been so extremely candid in answering our inquiries, that we should be ready to be turned right out for his particular benefit at this moment. I think it is due from my hon. friend as the representative of the government in this House, that he should give information upon the point to which we have referred, and to say if it is not correct that this is a true history of the dropping of this clause. Surely my hon. friend will not undertake to contradict the statement and say there is no truth in it.

Hon. Mr. SCOTT—I presume it is Lieutenant Governor Jetté hon. gentlemen are referring to ; I do not know of any other judge. Is it Judge Jetté the hon. gentleman had reference to ?

Hon. Mr. LOUGHEED—Might I ask my hon. friend, as the leader of the government in this House, when the government discussed this particular clause in council and afterwards passed it in the House of Commons, what particular ex-judge who had afterwards assumed the position of lieutenant governor it was intended to apply to ? My hon. friend surely can answer the question.

Hon. Mr. DANDURAND—The hon. gentleman has made a plain statement.

Hon. Mr. LOUGHEED—Will my hon. friend answer on behalf of the government ?

Hon. Mr. DANDURAND—My hon. friend has made a plain statement that this second clause in the Bill was drafted to come to the help or rescue of a judge, a friend of the government, who had been appointed lieutenant governor. Would he kindly give the name of that gentleman ?

Hon. Mr. LOUGHEED—I am not in the confidence of the government, but they must have had some particular individuals in view when they introduced this legislation. I am sorry I am not in the confidence of the government, like my hon. friend, and I cannot answer the question off-hand that way. We are here on this side of the House to seek for information, and I ask my hon. friend the Secretary of State what particular individuals had the government in view when they passed this particular clause ?

Hon. Mr. SCOTT—The hon. gentleman from Calgary and the hon. member from Marshfield, both stated the object of this clause was to give a friend of the govern-

ment a superannuation allowanace, who otherwise would not be entitled to it. They pointed particularly—I think one of them mentioned Lieutenant Governor Jetté.

Hon. Mr. LANDRY—No one mentioned it.

Hon. Mr. SCOTT—I thought I heard some one mention him.

Hon. Sir MACKENZIE BOWELL—Probably the hon. gentleman behind you.

Hon. Mr. DANDURAND—The hon. gentleman from Windsor mentioned the name of Hon. Mr. Jetté.

Hon. Mr. SCOTT—It was not true. Lieutenant Governor Jetté was entitled to a superannuation allowance. He had served 20 years when he became Lieutenant Governor of Quebec, and a minute of council was passed at that time which made it certain that when he left the gubernatorial chair he was entitled to superannuation. Hon. gentlemen assume that every Bill that comes here has been considered in the Privy Council. I do not think hon. gentlemen are quite correct in that; a great many Bills coming here are drafted in the department. I know the hon leader of the opposition often states that we govern by departments. We do not govern by departments where there are great principles involved; in that case they must be settled by the Council. We are supposed to follow the British constitution, but if my hon. friends will look up the history of carrying on the British government, they will see it is governed by departments there. It is not so in this country, and never has been.

Hon. Sir MACKENZIE BOWELL—Until now.

Hon. Mr. SCOTT—It is not worth repeating; all I can say, once and for all, is that my hon. friend is entirely wrong. Great questions of public principles have to be discussed. This did not happen to be one of great public principle, and I have no recollection of hearing of it in council. Hon. gentlemen will remember when this Bill came down I put it off from time to time, until interjections were thrown across the Chamber as to whether I intended to go on with it; I neither said yes or no. It has been before this House for nearly two years. Hon. gentlemen scarcely expected it to pass, because I was chaffed a good deal about it, and they said, 'Oh, strike it off the Order Paper,' and when I got up to make an explanation of the Bill, I frankly told the House the second clause was to be struck out; there was no hesitation. And I understood it met with the approval of some hon. gentlemen. I have given all the information I propose to give on the subject, and all I think the House is fairly entitled to ask. I like to give the House all the information they ask for.

Hon. Sir MACKENZIE BOWELL—I wish to pay a few moments of respect to the hon. gentleman from De Salaberry. If he had listened to what I said when I rose to address the House in reply to the statements made by the hon. Secretary of State that the principle in the Bill was 'vicious' he might have saved half his speech. I admitted frankly the position taken by the hon. Secretary of State, that upon many occasions all governments change their Bills, and sometimes drop them. I acknowledged that fact. I know that to be a fact because I have experienced it very often. What I called attention to was that one colleague should come to a deliberative body like this and declare that the principle involved in a government Bill introduced by resolution in the House of Commons was 'vicious' in character and that he knew nothing about it before it was laid before the Senate. If the statement of the hon. Secretary of State is correct—and we are bound according to parliament usage and practice to accept his statement that it was not intended to effect the present governor to whom he referred, then they must have had somebody in their minds whom it was intended to effect or the suggestion of such a Bill would not have arisen.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Surely a principle of that kind involved as it was in that Bill must have been suggested by somebody and for some reason, and if it were not Governor Jetté, then it must have been somebody else, and as I understand it—I do not know how true it is, I do not give it on my own authority—it was stated in the lobbies of this House and of the other House that it was intended to meet the case of Governor Jetté.

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—But afterwards it was found out that it was not required in his case, because he had served the requisite term necessary to draw his pension of two-thirds of his salary, and therefore it was not necessary as I repeat, in his case. Then it must have been intended for somebody else. Who is that other person? That is what the hon. gentleman has asked, and why cannot that information be given? And then the reason why the clause is withdrawn. The hon. gentleman very blandly, in his usual mild and shall I say sophistic manner, told us he had postponed the Bill repeatedly. We all know that, and upon one occasion, when he moved its adjournment, I asked him if peace had been declared or whether the rebellion still raged in his own ranks against the second clause of this Bill. He smiled, as he usually does, and that was the answer he gave me. We all know who was the generalissimo who was conducting this opposition and this war, just as well as he knows himself. My hon. friend who sits immediately opposite me and immediately in front of my hon. friend from Smith's Falls, can tell us all about it. I am quite satisfied he can. Let him be candid in this matter. Let him tell the House that as this was to meet the case of a political opponent in whom he has no confidence and whom he holds in utter contempt, politically, of course—I would not accuse him of doing anything else because I do not think he is capable of holding spite against any individual other than politically. He can tell us all about it. We know he led the rebellion and stirred up the opposition in this matter and we know he brought the government to their marrow bones and they dared not move in opposition to his demands. We all know that. Will the hon. gentleman tell us all about it and give us the reasons? The hon. Secretary of State will not. We know that in watching the events on this side of the House, the hon. gentleman is in the confidence of the government, and I am quite sure the hon. Secretary of State receives a great deal of information and advice from him, for whenever any little difficulty arises in the Houses he occupies his time, whether it is for the purpose of giving advice, friendly, politically or otherwise, or whether it is to distract his attention from that which is being said by the hon. gentlemen on this side, I do not know. I scarcely think he would be discourteous enough to pursue that course, but seeing the Secretary of State getting into somewhat of a dilemma, and fearful he would not be able to get out of his difficulty in the manner in which he would like to see him slip through the toils of the opposition, he generally comes down and gives that fatherly advice which would come from one of so vast an experience as the hon. gentleman. I am sure the hon. Secretary of State, who is very youthful, having seen very little of political life and knowing very little of the ways and habits of legislative bodies, always accepts that advice in the same manner as youngsters accept advice from their parents. I commend him for that. It is a commendable position to occupy, but with my pugnacious temperament I think if I were interfered with as much as he is by an hon. gentleman I would be apt to say something he would not say. The difference is that he is Irish and he has a little more perhaps of that French character of politeness and delicacy that does not characterize an Englishman like myself. We are too much of the John Bull and blurt out what we have to say. Now I appeal in all sincerity and I am honest in the appeal. I should like the hon. gentleman from de Lorimier to give us the inside history of this. We know that he is the man who has dictated—I won't say advised—the course that the government has taken in this matter.

Hon. Mr. CLORAN—Can the hon. gentleman prove that?

Hon. Sir MACKENZIE BOWELL—That is my opinion, and I have good reasons for saying so.

Hon. Mr. CLORAN—I want the proof of it.

Hon. Sir MACKENZIE BOWELL—When the hon. gentleman gets in the witness box and the question comes between the judge and myself to give the evidence, then I shall tell him all about what I think and what evidence I have to sustain the position. If the hon. gentleman is willing to give the information that I have asked for I think my

hon. friend from Prescott might be satisfied. However, I like the interruption of my hon. friend. He is not like the hon. Secretary of State; he has had very little experience and consequently requires advice. But my hon. friend the Secretary of State is an old stager. He has been in political life a great many years, being in parliament the last forty or fifty years and consequently knows all about the rules which should govern us, and he can dictate and advise, and I shall accept all the advice and admonition that he can give me as humbly as a child who has committed an error and been chastised by his grandmother. Having said that much, let me ask the hon. Secretary of State again will he tell us who the party is that was intended to be benefited by this Bill and why the government have changed their mind, for I can scarcely believe he has done it without the approval of his colleagues, and if the hon. Secretary of State will not give that information to the House will my hon. friend from de Lorimier do so? I think he can do it. I would be very cautious about making positive statements knowing that the critic behind me would demand positive evidence. Let me ask again, can I appeal with greater force than I have done to the hon. gentleman for the information ? Now, don't be reticent. The hon. gentleman should not sit there dumb as an oyster without moving, or opening his mouth or giving the information that we are entitled to upon this Bill before we have to vote on the motion of the hon. Secretary of State to strike out this clause. It is a very serious question and I am sure the hon. gentleman appreciates it. Now, will the hon. gentleman open his conscience and let us know like a good boy, and we will be satisfied ?

Hon. Mr. LANDRY—I suppose the hon minister will give us an answer. We cannot adopt that clause without the information.

Hon. Mr. SCOTT—I have given the fullest answer I propose to give to the House. If it is necessary for me to go further—I am not sure if I made the statement before. —the proposal to strike out clause 2 was with the approval of my colleagues.

Hon. Mr. LANDRY—That is the first time we have heard it.

Hon. Mr. SCOTT—As representing the government it is to be assumed that I act for them and not in opposition to them.

Hon. Mr. LANDRY—I suppose we could add to our journal what was recorded in the House of Commons, when the Hon. Mr. Fitzpatrick moved that the House go into Committee of the Whole on Thursday next, to consider the following proposed resolution : and he proposed his resolution including clause 2. The journal reads as follows :

> Whereupon Mr. Fitzpatrick informed the House that His Excellency the Governor General having been informed of the subject-matter of the said proposed resolution recommends it to the House.

I move now that in Committee of the Whole we should add to the journal that the hon. Secretary of State moved that clause 2 be struck out, whereupon the hon. Mr. Scott informs the House that his colleagues, having been informed of the subject of his motion, recommended it to this House. That will be the way to get out of it. Will the hon. Secretary of State answer the question proposed by the hon. leader of the opposition, who was the person in view ?

Hon. Mr. SCOTT—I shall answer no more questions.

Hon. Mr. LANDRY—Who was the person in view, if it was not Governor Jetté, that was to benefit by this clause.

Hon. Mr. SCOTT—I deny the right of hon. gentlemen to catechize me in this chamber. I have said all that I thought was proper, judicious and right, and I do not think the House should force me any further, because I do not propose to give any further answer.

Hon. Sir MACKENZIE BOWELL—We can note in the journals of the House that the clause was withdrawn by the hon. Secretary of State, but that will not give the information that it was withdrawn upon the ground that it contained a vicious principle.

Hon. Mr. SCOTT—I am quite prepared to approve of that. What we say in this

chamber goes into the 'Debates,' and is a published record there.

Hon. Sir MACKENZIE BOWELL—No, the hon. gentleman is in error; it is only additional evidence of what I said, that he has very little experience of public affairs. What takes place in committee does not go in the journals; the record gives what takes place when the Speaker is in the Chair. A motion should be put on record stating the facts and the reasons for the Secretary of State withdrawing this clause of the Bill. I should state it this way: notwithstanding the fact that the Governor in Council had recommended the introduction of a Bill providing a pension for judges who had accepted the position of lieutenant governor although they may have served in both positions for a very short time, that they should be permitted to retire on two-thirds of the salary they had received as judges; that after the Bill had been introduced by a resolution in the House of Commons and passed through that chamber for good and proper reasons, when it arrived in this House the Secretary of State, a member of the same cabinet as the Minister of Justice who had introduced the Bill, and who is supposed to know what is being done by his colleagues, declared the principle involved in the Bill to be 'vicious' and therefore asked leave of the House to have it struck out. To make it a little plainer so that it may be understood by a common intellect like mine it might be well to say that the Minister of Justice had no knowledge of what constituted correct and proper principles, that his moral status was of such a character that he actually inserted in the Bill and carried through the House of Commons a policy which is denounced by his colleague in this House to be vicious in principle. If we can get that on the journals or something similar to that it would be information for future senators. Many of us, like the hon. Secretary of State and myself, are pretty well up in years and may very soon be passing away. Younger men who will follow us might like to look back at the proceedings of the House and learn what had been done and what principles had guided our legislation under different governments in the past, and therefore it is well that we should have this record put on the journals of the House. That is why I suggested to the Speaker that he should prepare a paper giving his reasons for the decision he rendered, and that the paper should be entered upon the journals. That recorded with the names of the hon. gentlemen who voted against the decision of the Speaker will enable politicians in the future, when they read the names and study the character of those who voted for and against this question, to understand the facts. They will learn that the government which rules at present, unfortunately, the destines of this country, actually with all their followers voted in condemnation of the decision of the Speaker, an appointee of the Governor in Council and it will be an interesting fact to know that the opposition, these horrid Tories supported the Speaker and came to his rescue, believing him to be right. That is a happy position for the Speaker and the government who appointed him to be in. It will be information for future generations and for that reason I should like to see it on the records of parliament. Let me appeal again to the hon. gentleman from de Lorimier to tell us how he drummed up—I withdraw that—how it is he exercises such a powerful influence not only amongst his fellow members but upon the government? I can understand that a gentleman of such persuasive and genial manners might easily influence those who surround him, but how did he work so effectively upon the government as to make them change their policy and declare that the principle embodied in their Bill is vicious? I know he can tell us that if he likes, but it seems he will not. I repeat—he has not denied it—the government was in danger of being defeated. I would not consider that a misfortune if they were. He has attained the object he had in view and having done that he is quite satisfied. He rests in peace, and is as happy as if he was slumbering, but he has determined not to give us any reasons for the action he has taken. However, the reasons are as plain as the nose on his face and those reasons were given by the hon. gentleman from Calgary. The Bill as it passed the other House was going to assist a gentleman who had been a judge and subsequently a lieutenant governor whom he does not like.

Hon. Mr. DANDURAND—What is his name ?

Hon. Sir MACKENZIE BOWELL—Is it possible the hon. gentleman's intellect is so dull. He knows there is but one lieutenant governor who had been a judge in that position.

Hon. Mr. SCOTT—It had no application to that judge.

Hon. Sir MACKENZIE BOWELL—If it had no application to that judge, the only one it could possibly affect, why was the clause put in the Bill at all ? Why did it pass the House of Commons and receive the sanction and support of the Premier, the Minister of Justice, and every member of the cabinet except himself, and himself also, until he received it here in this chamber, and was told it could not pass, that if it did dire consequences would follow. My hon. friend knows that better than I do, but he will not say it. I could occupy the time of the House till midnight, but I have consideration for my hon. friend the Secretary of State, and I am willing to let the House adjourn to enable the hon. gentleman to fight the battle of the National Transcontinental Bill to-morrow. He will need all his strength to advocate such a measure. Will not my hon. friend give me that information so that we may adjourn ?

Hon. Mr. DANDURAND—My first duty is to refuse to accept the responsibility that the hon. leader of the opposition casts upon me of having slighted in the least the hon. Speaker of this House. We listened with very great interest to the dissertation of the Speaker on the point of order. He closed his remarks by expressing a certain hesitancy in coming to a conclusion, and asked himself if he should not have left the decision for the Chamber to pass upon. In view of this state of mind of the Speaker, I thought that we could test, on this important point, the sentiment of this Chamber. Now, the hon. gentleman from Calgary has made a statement, a positive statement, that this Bill had been framed to help a friend of the government, but that the government had found out that it would benefit one of their opponents, and had therefore decided to withdraw that clause of the Bill. What we want to know on this side of the House is, who was that friend of the government, in whose interest the clause had been framed ? The hon. gentleman did not deem it proper to state any name, nor did any name come from the other side of the House. It was a supporter of the hon. gentleman on this side of the House, the hon. gentleman from Windsor (Hon. Mr. Casgrain), who suggested the name of Lieutenant Governor Jetté.

Hon. Sir MACKENZIE BOWELL—Do not insult him by claiming him as a supporter.

Hon. Mr. DANDURAND—I said a supporter of the hon. gentleman on this side of the House. It pleases the hon. gentleman to support the opposition. I do not respect him the less for that, but the hon. gentleman from Windsor said that Lieutenant Governor Jetté was the close personal friend of the government who was being provided for in this clause. The Secretary of State denied the statement. We have yet to hear from the hon. gentleman from Calgary a substantiation of his assertion that this clause was for the purpose of helping a special friend of the government. If the hon. gentleman has any other name to give than that of Lieutenant Governor Jetté, who was the party intended to be benefited by this Bill, I still invite him to mention that name. He does not do so. I take it for granted, therefore, that there is no such personal friend of the government who was to be benefited by the second clause of this Bill. Now, the hon. gentleman from Belleville has stated that I knew very well that that there was only one party in Canada who could fall within the scope of this second clause. Mention has been made of a party who could benefit by this clause, having been a judge and afterwards a lieutenant governor, and who is a friend of the opposition in this Chamber. Now, I would ask, because I suppose we are discussing this clause for the purpose of reaching an effective decision, if any of the hon. gentlemen opposite will rise and ask the government, knowing full well that there is one party in their minds who would be covered by this clause, to let the clause remain in the Bill in order to benefit that friend, of whom mention has been made ? When such a demand comes from the other side

of the Chamber, I shall continue my remarks.

Hon. Mr. FERGUSON—I take it that we have arrived at about this point, that there are only two persons in Canada who could be affected by this clause had it become law. One of them has been named, and I see no objection whatever to mentioning the name of the other. The name that come from the other side of the House was that of Governor Jetté, who is at present engaged on the Alaska boundary inquiry, and the other gentleman to whom this clause might apply is Lieutenant Governor Angers, formerly a judge in the province of Quebec, and subsequently Lieutenant Governor and a member of the Dominion cabinet. Now my hon. friend the Secretary of State has told us solemnly across the floor of this House that it was not intended this clause should apply to the case of Governor Jetté or for his benefit; therefore we are bound to take his statement and arrive at the conclusion that Lieutenant Governor Jetté was never thought of in the framing of this clause. Then we come to the case of the other gentleman I have named, and we must surely arrive at the conclusion that it was never intended in the first instance that the gentlemen comprising this government should have gone to so much trouble and got themselves into the difficulty they are in to-night for the purpose of serving ex-Governor Angers. It is scarcely conceivable that that was the object. They have not explicitly stated that it was not their object, but the inference is very plain that it could not have been. When we look around we cannot find any other judge in any province in Canada to whom this clause could apply and therefore we are at sea to find out what was intended when the clause appeared in the Bill. I have a solution of my own for this difficulty, and when I have named it I am sure i shall remove all the difficulty the Secretary of State has felt over this Bill to-day, and his friends will move a vote of thanks to me for offering a solution so creditable to them and which I am sure will be satisfactory to this House and to the whole country. And, in connection with that matter, I feel that I have a right to take a good deal of credit to myself. I have been doing a little missionary work this session with regard to the judiciary. I have pointed out the evil influences that have pervaded the country in connection with the giving of jobs to the judiciary. The solution of this difficulty which I think I have discovered is this, that the government put this clause in the Bill for the purpose of holding out a temptation to the judiciary of Canada generally and I suppose that explains the remark of the Secretary of State, that the principle of the clause is vicious. They had put that clause in the Bill with a view to influencing the judiciary of Canada, in order that they might benefit by having friends in court on all occasions. My hon. friend's explanation that they found out that the clause was a vicious one is thoroughly in accord with this explanation, but here is where my particular mission came in. The cause that I have been advocating with the assistance of very able advocates in this House and out of it in pointing out that it is wrong to throw temptations before the judiciary, has had its effect, and we have converted the government to our view. And my hon. friend the Secretary of State by the admission that he has made to-night, that he found this to be a vicious provision, has adopted our view and he wants to drop the clause because it would be a moral wrong to leave such a provision in the law as a temptation to the judiciary. It is gratifying to find that the members of the government have come to this high resolution, finding the course they had been pursuing was vicious and that they have turned their faces resolutely in the path of virtue. It is further satisfactory to find that when the members of the government took that course their supporters in this House followed them so loyally. They turned their backs on those vicious principles all at once, and were prepared to follow their leader, the Secretary of State, in the path of virtue with a resolution and celerity that is certainly highly commendable. The only thing I see regrettable in it is that in their pell-mell march in the path of virtue they have trampled on the Speaker and almost destroyed his power and influence in the House by the course they have pursued. It is very regrettable that they have in this commendable resolution appeared to have

formed to start in the paths of virtue and denounce and renounce their former vicious principles, have been so hard on my hon. friend the Speaker of the House, and that they have not been able to convince him to turn in the path of virtue just at the particular moment that they saw the error of their own ways and resolved to be virtuous people for the rest of their political lives. I take a great deal of credit to myself for having made this conversion and the good work I have been doing in this House and outside of it. I am glad to see it is beginning to bear fruit, and if the government will accept this explanation as their's, there will be no difficulty in our going forward with the work of the House and accepting the Bill as they now propose to make it.

Hon. Sir MACKENZIE BOWELL—I want to make a proposition to my hon. friend. He has asked for certain information from me. The proposition I make is this: I will tell him who I meant and why I think he gives his opposition provided always there is a little reciprocity in this matter, that he will inform the House how it was that he used such extraordinary influence on the government to withdraw it, and the reasons which he gave to the government that led them to take that course. I think that is fair. You must not expect to get what information I have unless upon reciprocal terms.

Hon. Mr. DANDURAND—It is not the only question I put to the hon. leader of the opposition. I thought we were not here playing around the bush and discussing academic questions; that we were discussing the value of clause 2 of this Bill, and I said that if the hon. leader of the opposition, representing the great Coiservative party of Canada in this Chamber, rose from his seat and asked the Liberal government of to-day that this clause be retained in order to benefit a gentleman whose name he offers to give, then I shall have further remarks to make and will satisfy fully his curiosity.

Hon. Mr. LANDRY—Before this motion is carried, I want to read to this Chamber what was published in the organ of the Liberal party in Quebec upon this question. This is an extract from a journal called 'Le Soleil.' In an article published on the 13th of August, this year, we read as follows—I am going to translate it, and I hope members will comprehend my defective translation:

One of our English confreres published last evening a despatch which has caused a certain feeling in the political circles of this city. It is said in this despatch that some one had mysteriously caused to be adopted the day before a law, one of the clauses of which had the effect of creating a pension in favour of ex-Lieutenant-Governor Angers. The despatch adds that the Liberal deputies of the province of Quebec are very dissatisfied with this legislation. Certainly our friends would have ample reason if the Liberal government had really adopted special legislation so as to create rents to the persecutor of the regretted Mr. Mercier.

Hon. Mr. CASGRAIN (Windsor)—Who is the persecutor?

Hon. Mr. LANDRY—Mr. Angers, as the paper says.

It would not be the vulgar sentiment of vengeance that would inspire these protestations, but the most elementary sentiment of dignity. We believe, however, that without being particularly informed about the question, that there is a misunderstanding. When a few months ago the term of office of His Honour Lieutenant-Governor Jetté expired, we stated the injustice of the law. The judges have a right when they retire to a pension representing two-thirds of their salary. Sir Louis (that is the present Lieutenant-Governor) has been a judge during twenty-five years. Because he has accepted the Lieutenant-Governorship he found himself, at the expiration of his term of office deprived of his pension as judge. It is, everybody will admit, an abnormal position. Hence the idea of legislation enacting that a judge who accepts to be lieutenant-governor shall not for that reason lose the pension to which he is entitled.

That is what the Liberal organ said.

The Hon. Mr. Angers finds himself, it is said, in the same position as Sir Louis will be when he gives up his position of lieutenant-governor. It will be very unfortunate, however humiliating for the victims, to give any appearance of a kind of reward to the atrocious persecutions which they have suffered, but could that be avoided; would it be convenient enacting a general law to insert a clause of exception for Mr. Angers. As regards to us we prefer seeing Mr. Angers living on what the Liberals would give him than to see our own friends inserting in a public legislation a clause of exception, which would eternally demand explanation.

That was the sentiment professed by the Liberal organ in the province of Quebec. Who was it brought forward the name of Lieutenant Governor Jetté? It was the Liberal organ, and it was the first time—that was in the month of August—that we

saw that name published in the papers of the province of Quebec. Well, we are told to-day that Governor Jetté was not the person aimed at when the resolutions were passed——

Hon. Mr. DANDURAND—The hon. gentleman must have the letter before him of Lieutenant-Governor Jetté denying that he was concerned in that legislation.

Hon. Mr. DANDURAND—Will he read it?

Hon. Mr. LANDRY—Yes. That proves the hon. gentleman knew very well that the name of Lieutenant-Governor Jetté was before the public, and he need not say the member from Windsor was the first who mentioned that name in public.

Hon. Mr. DANDURAND—In this Chamber.

Hon. Mr. LANDRY—In the Chamber and in public—what is the difference, for the cause we are advocating now? No difference at all.

Hon. Mr. LANDRY—Yes.

Hon. Mr. DANDURAND—I am not advocating any cause.

Hon. Mr. LANDRY—When Lieutenant Governor Jetté saw that publication he gave the following letter. I do not know whether the letter was written by Governor Jetté or by anybody in Montreal, or by one who is called, and very well known in Quebec, as the son-in-law of the province of Quebec.

Here is what he said at all events:

'The Editor of 'Le Soleil,'

'The trip to Montreal has prevented me reading before this moring the article that you published on Thursday, the 13th inst., entitled an incident on the subject of ex-lieutenant Governor Angers, in which I was much surprised to find what follows: When a few months ago the term of office of his Honour Lieutenant-Governor Jetté expired we stated the injustice of the law. The judges have a right when they retire to a pension representing two-thirds of their salary. Sir Louis has been a judge for 25 years. Because he has accepted the lieutenant governorship he finds himself at the expiration of his term of office deprived of his pension as judge. It was, everybody will admit it, an anomalous position; hence probably the idea of legislation enacting that a judge who accepts a lieutenant-governorship shall not, because of doing so, lose the pension to which he is entitled. The Hon. Mr. Angers finds himself, it is said, in the same position as Sir Louis will be when he gives up his position of lieutenant-governor.'

That is what the journal had said. Now read the direct answer given by the Lieutenant-Governor of the province of Quebec. It is as follows:

'As my personal affairs do not interest the public I shall give no explanation, but I think it is my duty to say that all that concerns me in the article that I have just quoted in its greater part is entirely untrue.

Yours truly,

L. A. JETTE.

That is the answer given by the Lieutenat-Governor to the article that I have just read that was published in the organ of the Liberal party in the city and district of Quebec. The article is there. It is Mr. Pacaud's journal that first brought out the name of Sir Louis before the public, and it is that journal which asserted that the law was enacted in aid of Sir Louis Jetté himself; but we were told, when the hon. member for de Lorimier interrupted me, by the Secretary of State, that Justice Jetté had nothing to do with the case; that his case was settled long before by an Order in Council. Is that sure? The hon. gentleman knows so little what takes place in the council chamber. At all events if it is not Sir Louis Jetté it must be another party. When the council assemble and adopt resolutions which are brought down to the House of Commons and to which the assent of the Governor-General is attached, one might suppose that the Secretary of State, as a member of the government, should have a little cognizance of what has taken place, and that he would not come here to the amusement of all the members of this House and state that it is the first time he saw that vicious clause in the Bill that he himself presented to the House, which he carried through the second reading, thereby sanctioning that vicious principle.

Hon. Mr. DANDURAND—No.

Hon. Mr. LANDRY—Does not the second reading of a Bill affirm the principle of it?

Hon. Mr. SCOTT—I announced publicly that I was going to drop that clause.

Hon. Mr. LANDRY—It is a public Bill, and the second reading of the Bill affirms the principle of it. The hon. Secretary of State introduced the Bill in this House, had it read the second time and thereby this

House was made to accept the principle of the Bill. After all that was done the hon. gentleman rose one day in his place an announced to the House that a most vicious principle had cropped up in the measure. That vicious principle he, as a member of the cabinet, had endorsed ; that vicious principle he had asked His Excellency to put his name to because it was in the resolutions that were brought before the House of Commons. The Governor General was asked to sanction by his assent that vicious principle. That vicious principle was submitted to the House of Commons, embodied in the resolutions, those resolutions passed in committee, and then that vicious principle was embodied in this Bill. The Bill received its first reading, then the second reading sanctioning that vicious principle once more, then the third reading adopting it, and it was brought and given to the solicitous care of the hon. Secretary of State. The hon. Secretary of State had the baby for a number of days.

Hon. Mr. McKAY (Truro)—Then he strangled it ?

Hon. Mr. LANDRY—And then he strangled it. It does not surprise me that he did so, but what surprises me is the reason he gives for the strangulation, because it is so vicious—so young and yet so vicious—and that is the intent of the government of the day. That is a Bill of the government, a Bill introduced here at the instance of the government, a money Bill, and now it is asked to be amended by the government. The hon. Secretary of State must know that in honour he his bound to accept this Bill as it passed the House of Commons, without any opposition whatsoever. What will the House of Commons say when it goes back to them in the amended form ? The hon. gentleman from de Lorimier thought I was going to say something else. I see it by his face. I see by his smile.

Hon. Mr. DANDURAND—I do not understand the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—Say it in French.

Hon. Mr. LANDRY—I see the hon. gentleman did not catch all that he thought I was going to say. He laughed too soon but he is trying to catch what I did not say. What will the Commons say when this Bill goes down to them, mutilated by one of the members of the cabinet ?

Hon. Mr. DANDURAND—Does the hon. gentleman remember that we amended the Railway Act which was presented by a member of the government in the other Chamber, and that we amended it here in about 100 instances.

Hon. Mr. LANDRY—I think the Railway Act was not presented in this House by the government.

Hon. Mr. DANDURAND—Oh, yes.

Hon. Mr. LANDRY—It was presented by the hon. gentleman from de Salaberry who took the Bill under his paternal care.

Hon. Mr. DANDURAND—No, the hon. Secretary of State.

Hon. Mr. LANDRY—What was the Bill that was brought here in the name of the government and given to his tender care.

Hon. Mr. BEIQUE—It was about the Railway debt.

Hon. Mr. LANDRY—That was more of a money Bill than the one cited by the hon. gentleman. The Railway Act is not a money Bill.

Hon. Mr. DANDURAND—No, but it is a government Bill.

Hon. Mr. LANDRY—We know that. We are entitled here to amend any government Bill except a money Bill, but what will the Commons say when they see that little child of theirs brought back, a mutilated government measure and money Bill ?

Hon. Mr. FERGUSON—Will my hon. friend permit me to correct him in one word? Up till to-day we were not permitted to amend a money Bill ; now we are permitted.

Hon. Mr. DANDURAND—But this is not a money Bill.

Hon. Sir MACKENZIE BOWELL—It is a money Bill.

Hon. Mr. FERGUSON—Yes.

Hon. Mr. LANDRY—It is a money Bill. The hon. gentleman who presides over this House had made a special study of the question and has decided it was a money Bill. The Speaker of the House of Commons in Eng-

land has decided that every Bill which embodies a resolution presented in the House of Commons is a money Bill. The assembly of South Australia and the legislative council of South Australia have decided in a compact that they signed in 1857 that all Bills appropriating any money, making any expenditure of the public funds either of the consolidated funds or by way of supply are money Bills, and the hon. gentleman from Grandville decided in former days what was a money Bill, in the discussion of a Bill that was less a money Bill than the one presented to-day because if we read what took place on that occasion we find that it was an Act respecting the transport contract between Her Majesty and the Winnipeg and Great Northern Railway Company and that——

Hon. Mr. BEIQUE—I rise to a point of order. The hon. gentleman is altogether out of order. He is not discussing the question at all. He is discussing a matter which has already been settled by this honourable House, on the point of order as to whether this is a money Bill or not, and that is not now the question before the committee.

Hon. Mr. LANDRY—I think the hon. gentleman did not seize exactly what I want to prove. I was discussing this point that if you want clause 2 amended you must give a good reason for it. The reason given is that it is not a money Bill. The hon. gentleman says it is not a money Bill.

Hon. Mr. BEIQUE—No such reason was assigned.

Hon. Mr. LANDRY—I am very glad the hon. gentleman does not accept the reason given by the hon. gentleman from de Lorimiere.

Hon. Mr. DANDURAND—I did not give that reason at all.

Hon. Mr. LANDRY—There is no reason at all to be given. I was going to read a decision which is quite opposite to the contention of the hon. gentleman who said that this was not a money Bill.

Hon. Mr. DANDURAND—The hon. gentleman stated in his dissertation that this was a money Bill. I said no. but I agree with the hon. gentleman from de Salaberry that the hon. gentleman is quite out of order. This is not the question which is before the Chair now.

Hon. Mr. LANDRY—But as the hon. gentleman is not the chairman or the speaker, I am not inclined to take his opinion as settling the question.

Hon. Mr. DANDURAND—But the point of order has been taken and we are asking a decision.

Hon. Mr. LANDRY—I am discussing the point of order and I claim to have a right to discuss that point of order. Can the Chair inform the committee what is the question of order ?

The CHAIRMAN—I understand the point of order raised is, that the hon. gentleman is not speaking to the qeustion before the House. The question is whether the motion to strike out clause 2 shall carry. Under the practise in committee a pretty wide latitude is allowed in such discussions, and while I think the hon. gentleman is drifting away somewhat from the Bill I would not like to shut him off, because he must frame his own argument provided he keeps within reasonable bounds.

Hon. Mr. LANDRY—I shall keep within bounds. I am discussing the monetary character of the Bill. The hon. gentleman may argue that it is not a money clause, but he can not deny that it is of a monetary character. I was quoting a decision given by this Chamber and it was just to the point. It was on a Bill that was presented in 1898, entitled 'An Act respecting the Transport Contract between Her Majesty and the Winnipeg and Great Northern Railway Company,' and hon. gentlemen will see when we come to the question what points have been settled during the discussion of that Bill. I quote from the Journal : The title of the Bill was read and postponed. Then the preamble was read and postponed. The first and only clause of the Bill being read it was moved in amendment that the question of order being raised that the words 'And the companies land subsidies shall apply to the line hereby authorized' at the end of said clause be struck out. The question of order being raised that the amendment proposed to alter the dispositions made by the Bill of certain public lands

and so to change the subsidy which the House of Commons had decided to offer for the construction of the line of railway mentioned in the Bill, and that the Senate had no power to make any such change. The chairman of the committee came to the conclusion in that case that he should report the point of order to the hon. Speaker for his ruling. That is just what the chairman has done in this case. Perhaps without knowing what had been done in the past, but having the proper intuition as to what should be done, you did exactly Mr. Chairman what was proper and reported to the Speaker. Then the House was resumed and the Hon. Mr. Clemow (in the case I am citing) from the committee reported the point of order raised, and the hon. Speaker gave his ruling thereon. Though I am citing this as an argument to sustain my contention that the clause we are now discussing is a monetary clause, it will at the same time serve as a precedent for future rulings. The Speaker's ruling was as follows :—

'It has been maintained during the discussion of the point of order that the Senate had no right to interfere with bills which increased the expenditure of money but would have the right to amend such bills in order to decrease or prevent the expenditure of money.'

That was just the argument that was put forth by my hon. friend the Secretary of State this afternoon. Then the Speaker of those days of 1898 proceeded :

'I admit that at first sight I was not of that opinion, but the authority of May cited by the hon. Secretary of State states——

Not this Secretary of State, another Secretary of State—the one that existed in 1898. We must not make any confusion. We must not mistake the Secretary of State of 1898 for the Secretary of State of the present day. Perhaps he was the same gentleman. though I may doubt it if one takes into consideration the differences of opinion expressed in 1898 and 1903. He does not protest. Then he must be the same. We shall see what the hon. Secretary of State of that day thought. The ruling proceeds : but the authority. cited by the Honourable Secretary of State, at page 542, just the same page as the one cited this afternoon by my hon. friend from Richmond, the same authority, the same page, the same Secretary of State——

Hon. Sir MACKENZIE BOWELL—No that is his ghost.

Hon. Mr. LANDRY—I proceed with my quotation : "But the authority of May cited by the Secretary of State at page 542, after saying that the House of Lords is excluded not only from the power of initiating or amending Bills dealing with public expenditure or revenue, but also from initiating public Bills which would create a charge upon the people or which would deal with administration or employment of those charges, adds :

It follows accordingly that the Lords may not amend the provisions in Bills which they receive from the Commons dealing with the above mentioned subjects, so as to alter, whether by increase or reduction the amount of a rate or charge, its duration, mode of assessment, levy, collection, appropriation or management, or the persons who pay, receive, manage or control it, &c.

Now the Speaker goes on to say :

'To this the hon. leader of the Opposition said that there is in that amendment neither a question of increasing or reducing the expenditure of money, but of transferring the grant of land from one line to another.'

What does the Speaker decide ? He says :

'But in reading the amendment as it is, I cannot come to any other conclusion than this amendment would really interfere in the disposition of public money, and the very words of the amendment were : 'And the company's land subsidy shall apply to the line hereby authorized.' By this the amendment goes to say that the disposition of the land grant will be changed, and, as the hon. gentleman from Montarville pointed out, if this amendment is carried, then the land already granted will be removed from its destination or appropriation, that is from one line to apply it to another, and then there will be no grant of land for one line which had it before, and as I am of opinion that public land ought to be considered as public money'——

If public lands are here considered public money I suppose pensions should be considered in the same light. He proceeds :

'I cannot come to any other conclusion than that the point of order is well taken, and that the amendment is not in order.'

That was the decision given by the hon. Speaker in 1898. I do not know how the hon. gentleman from Grandville voted this year but I know how he spoke in that year. I think I have convinced this House with this authority that this is a money Bill, that the clause which the hon. Secretary of State has proposed to withdraw is a money clause and that he has no right to ask that it be

withdrawn. He might say 'Well that question has been decidel. We appealed to the Chair.' Then what was the motion? The motion was to call on the Chair to have the opinion of the Speaker. We had the opinion of the Speaker and the Speaker decided that it was a money clause and that we had no power to amend the Bill. That was the decision we were asking for. We got it, but the hon. Secretary of State and my hon friend from de Lorimier were not satisfied with the decision of the Speaker. They were very willing to get it but when they got it they did not feel satisfied. As no decision of that kind could content them they appealed from the decision of the Speaker to the opinion of their followers, and they had the opinion of gentlemen who had given on that point in the past, decisions that ought to bind them to-day, but the claims of party were there; the cry of the party was there and the motion of the hon. gentleman from de Lorimier was carried. We on this side of the House never asked for an appeal to the partisans of the government; we asked for the decision of the Chair, and we got it, and now the question arises should we take that decision, or the opinions of partisans of the government on that question? I think it is safer to take the decision of the man who is in the position of Speaker, who knows the duties of his position, and who realizing the responsibility of the position he occupies, gives a fair an enlightened decision.

Hon. Mr. KERR (Toronto)—I rise to a point of order; is it proper to use such an expression here with reference to the action of hon. gentlemen in this House?

The CHAIRMAN—The hon. gentleman raises the question that the term 'partisan' was not proper and I agree with him.

Hon. Mr. LANDRY—I never said offensive partisans. The expression I used was not given in an offensive sense; it was partisanship used in a very mild way, but if I said offensive partisan, I withdraw the expression. I should not like the expression to be used in this House. There are no offensive partisans here, but I think there are possibly a few mild partisans. I would not assert that the hon. member from Toronto is an offensive partisan; he never did anything to make me believe he was. Well, we asked the opinion of the Chair, and we got it, but notwithstanding we have the opinion of a man who is supposed to give his time and study to the difficult questions of order arising in this House, his decision has been put aside, and by whom? By the hon. leader of the government, in this House, the gentleman who chose the man whose judgment he had most confidence in to decide these questions, and to preside over the House with all the dignity the Speaker brings to the Chair, and with weight of the knowledge he brings to his decisions. He is the choice of the hon. Secretary of State, and that choice having been made, a question of order was deferred to the Speaker who gave his decision with an apparent hesitancy though he was sure of what he was saying. But he knew an appeal was coming, he knew that if he gave the opinion it woud be against his friends, and that an appeal would be taken; so to smooth things, to offer to his hon. friend a milder way to appeal from his decision, seeing what was coming he made a few steps in the direction where the appeal was coming—as I am not master of the English tongue, I will be pardoned if I do not always make use of the proper expression, but he courted the appeal, if my expression is correct, and the hon. gentleman from de Lorimier got up and made a motion. He did not say 'Mr. Speaker,' I appeal from your decision,' but he made a motion and I got up on that motion, but I was deprived of the right to speak because it was a motion of appeal, though article 20 of our rules says that a senator has a right to speak on every motion.

The CHAIRMAN—Will the hon. gentleman allow me. He understands the rules of the House as well as I do, if not better, because he has been here longer, and he is a man of common sense; he is impugning the judgment of the hon. gentleman when he was in the Chair, and I would suggest to him that he keep along the line of argument and leave that part of it alone.

Hon. Mr. LANDRY—I am not going to leave that part alone. But, Mr. Chairman, to go back to the monetary aspect of that clause, do you really believe though you have voted upon it, and that so far you might be prejudiced, do you really believe

it was not a monetary clause? If it is a monetary clause, I do not think, after the decision given by the Speaker, you have the right to put your initials to the Bill and write against the clause the words 'struck out.' You ought to put your initials, Mr. Chairman, to the Bill as accepted, and not otherwise. If the hon. Secretary of State will tell us why the clause is to be struck out, we are reasonable men, who can accept an argument for what it is worth, and accept the conclusions, that the hon. leader of this House could impose upon us by his arguments. But when he stands mute, when de declines to tell us why he wants to strike out that clause, I think it is not fair, Mr. Chairman, to strike it out arbitrarily. We should have a reason for it. He says it does not refer to Justice Jetté. If it does not refer to Justice Jetté to whom does it refer? If it refers to nobody, why did he accept it while he was in the council? Why did he pass that resolution which was sent to the Governor General embodying that clause? Will the hon. gentleman say that he did not know what he was doing? He will not say that. That would not be true. The hon. gentleman pretends to know what he does. I am not imputing motives there, I hope, in saying that in his estimation he always knows what he does. While he was in the cabinet chamber, while he was at that meeting of the council, the resolution was brought in; it must have been brought in on a report of the Minister of Justice. I was never a member of the cabinet, and I don't think I will ever be one, but I am informed that generally a resolution from council is brought up under the report of the head of the department—I am addressing myself to people who have been in the Cabinet, and are there yet—and this resolution of the Minister of Justice must have been brought up in council. I see an hon. gentleman who has been a member of the Cabinet in the province of Quebec, and I know he will not dispute what I state, that a resolution of the Cabinet is brought in by a report of the head of a department.

The Minister of Justice must have brought in that report. It must have been discussed by the cabinet. Was the hon. Secretary of State there? He was or he was not. If he was he should not tell us that the first time he knew of that vicious clause was when he saw the Bill here. If he was present at the meeting of the cabinet when his clause was under discussion, how can he come here and make the extravagant statement that a clause for which he is just as responsible as any of his colleagues is vicious, and that he never heard of it until he saw it in the Bill? Even though he would not be present at the council meeting, he is responsible for every resolution adopted by the cabinet and sent to the Governor General to be signed so that it may be introduced in the House of Commons. Does he disclaim that responsibility? He cannot. He knows that he is responsible, and yet he comes here to-day to strangle his own child, to repudiate a Bill for which he is responsible to this House, and the principle of which he got this House to sanction by the second reading of the measure. He brought it before the committee for the purpose of strangling it. I see here an hon. gentleman who was at one time Speaker of the House of Assembly of the province of Quebec. I am sure of one thing—if he, as Speaker, had rendered a decision he would stick to it, but all people have not the same virtues and qualities. What one might do, another, perhaps, fails to do. We all have the weaknesses of human nature, and no doubt a good deal will be forgiven to those who do not know better. Let me suggest to the chairman of this committee the propriety of dropping this motion. I hope the hon. Secretary of State will not press it, that he will feel it is an injustice to the House of Commons, to the members of the cabinet and to the Governor General. If the government asked the Governor General to sign that resolution, why should the hon. gentleman come here to-day, in the face of that decision taken by the cabinet, and by the Governor General, and ask the committee to strike out that clause? Though he asked the Governor General to sign it, he comes here to-day and says it is a vicious clause. He got the Governor General to sign a vicious clause—to put his name at the bottom of a resolution which to-day he has declared to be vicious. Is that fair? If I were the Governor General, I would turn out the government immediately. I am not the Governor General and do not expect to be, but I know what my duty would be if I

were. If a man brought me a resolution, and asked me to put my name to it, and immediately afterwards would go to parliament, and say 'This is a very vicious resolution to which I got this signature,' would it not be my duty, if governor, to withdraw immediately my confidence in him ?

Hon. Mr. DANDURAND—And we would pension you for it.

Hon. Mr. LANDRY—Who would pension me ?

Hon. Mr. DANDURAND—The government.

Hon. Mr. LANDRY—The hon. gentleman is not very clear. In the interests of the government, if he wants to remain in power for the rest of the session, and in order to remove friction between the ministers and the Governor General, the hon. Secretary of State should withdraw his motion. I feel that motion tires him, but there is a remedy—let him withdraw it. I want the hon. gentleman from de Lorimier (Hon. Mr. Dandurand) to give us reasons why this clause should be struck out. He will not give it. He does not want to tell all he knows. He did not say that Sir Louis Jetté had answered a letter that was published in the Soleil. It came out at last because I brought it out. When I read the article in the Soleil, the hon. gentleman from de Lorimier said, 'There is a reply to that,' showing that he knew all about it. He could tell us a little more—why not tell us ? Why not tell us what occurs every year in Montreal on the first of November, when a great pilgrimage takes place to the cemetery of Montreal.

Hon. Mr. CLORAN—The second of November is All Souls' Day.

Hon. Mr. LANDRY—My spiritual adviser tells that the second of November is All Souls' Day. Well, on the second of November every year or on the eve of it a pilgrimage is made to the tomb of the regretted Mercier. I think I have said enough—does the hon. gentleman understand ?

Hon. Mr. CLORAN—Give us the rest.

Hon. Mr. LANDRY—Does the hon. gentleman really want the rest ?

Hon. Mr. CLORAN—Yes.

Hon. Mr. LANDRY.

Hon. Mr. LANDRY—You will not complain ?

Hon. Mr. CLORAN—If it is no worse than what we have heard, let us have it.

Hon. Mr. LANDRY—I am addressing myself to the hon. gentleman from de Lorimier. I ask him if he knows, from what I have said, that I understand what took place and all about the efforts that were made to influence Sir Wilfrid Laurier, that I know who the people were that wrote him, who the people were that came here and did what was necessary to be done to have him withdraw that clause. If I am correctly informed the Hon. Premier of Canada said that he was in honour bound to retain that vicious clause in the Bill. But I suppose the state of the hon. gentleman's health is not strong enough to resist the pressure that was brought upon him—the efforts made by my hon. friend (Hon. Mr. Dandurand)—and those that he interested in his opposition to this clause. Does the hon. member understand ? He should. He was a party to many of those doings ? Does he want me to say a little more ? I am ready to proceed, but surely he can tell me if he understands or not. Why does he want this clause to be struck out, because he is the party who is asking to have it omitted. It is not the ministry, it is not the Secretary of State, it is not the Premier of this Dominion who want it ; they all agreed to put it in the Bill. They had a meeting of the cabinet ; the report of the Minister of Justice was brought before them ; they adopted the report and prepared a resolution which they asked the Governor General to sign. Who is carrying on the war ? The hon. member for de Lorimier. The hon. gentleman from Mille Isles (Hon. Mr. David) should have supported the decision of the Speaker, and I could name others who ought to have voted to sustain the Speaker. I thought the hon. gentleman from de Lanaudière (Hon. Mr. Casgrain) would have done so.

Hon. Mr. THIBAUDEAU (Rigaud)—The hon. gentleman should tell us what he does not think.

Hon. Mr. LANDRY—I never thought to depend on a promise which some hon. gentleman might make. I thought the hon.

gentleman would have voted to sustain the Speaker's decision, but as I have said, I was mistaken. I thought that a decision rendered in years gone by would have influenced him, but it has not done so. Another opinion influenced him. Mr. Chairman, would you use your influence to bring the government to a better state of mind, and get them to withdraw this motion? It will be a stain on our records to say that the government brought in a measure and that the first one to oppose it was the leader of the government in this House himself. It is a stain which we should not allow any one to put on our records, and if you are of my opinion, you will write at the end of that clause 'unanimously carried.' If the minister will withdraw his motion, he will prevent the friction which is sure to come between himself and colleagues and the Governor General.

The motion was agreed to on a division.

On the 3rd clause,

Hon. Mr. BEIQUE moved:

That section 3 be struck out, and the following substituted:—

'3. Every county court judge who has attained the age of eighty years shall be compulsorily retired; and to any judge who is so retired, or who, having attained the age of seventy-five years, resigns his office, and in the latter case has continued in office for a period of twenty-five years or upwards, His Majesty may grant an annuity equal to the salary of the office held by him at the time of his retirement, or resignation; or if he has continued in office as such judge for a less period than twenty-five years and become afflicted with some permanent infirmity, disabling him from the due execution of his office, an annuity equal to two-thirds of such salary; the annuity in either of the above cases to commence immediately after his retirement or resignation, and to continue thenceforth during his natural life.'

Hon. Mr. LANDRY—I rise to a point of order——

Hon. Mr. POWER—I should like to have a little information about this clause. I should like to know why the government propose to give to a county court judge who has attained the age of eighty years and who is compulsorily retired—I presume because he is deemed no longer qualified to discharge his duties—and also to a judge who has attained the age of seventy-five years and has continued in office twenty-five years, a retiring allowance equal to his full pay. I cannot myself see why the country should pay the man who has been retired because he is no longer fit to do the work, the same salary that is paid to a judge who is doing the work. An ordinary member of the civil service can be compulsorily retired at sixty-five and cannot get more than two-thirds pay; I have not heard any reason given why the practice which has prevailed in the past of giving the county judges not more than two-thirds retiring allowance should be departed from. In 1898 the government undertook to deal with this very matter of the county judges, and this was the provision which was submitted to this House and which in my humble judgment is one that ought to commend itself more to the judgment of hon. members than that which is before it now.

Hon. Mr. SCOTT—Is that the provision this House rejected.

Hon. Mr. POWER—Yes.

Hon. Mr. SCOTT—That is a very good reason for the government adopting the views of this Chamber.

Hon. Mr. POWER—The membership of this House has altered considerably since then. At that time the hon. gentleman had not a majority behind him; and it was the Conservative majority which threw out this measure, so that I do not think there is very much in that observation.

Hon. Mr. LANDRY—There is nothing at all.

Hon. Mr. POWER—I simply put this matter to the good sense of the House. The provision which was proposed to be inserted then would read as follows:

'Every judge of a county court in any of the provinces of Canada, shall, subject to the provisions of this Act, hold office during good behaviour, and his residence within the county or union of counties for which the court is established: Provided, that no person shall hold or retain office as such judge after he has completed the seventy-fifth year of his age.

2. The subsection so submitted shall apply as well to judges now holding office as to judges to be hereafter appointed: provided, that any judge now holding office who is, by reason only of his having completed the seventy-fifth year of his age, disqualified to hold or retain his office, shall be entitled to a pension under section fifteen of the said Act, although he has not continued in office for the number of years mentioned in that section.

3. This section shall come into force on the first day of January, one thousand nine hundred and four.'

That is a simple section which provides that when a county court judge attains the age of seventy-five years without any action of the government, or the judge himself, he simply becomes incapable of remaining in office any longer and he retires on a two-thirds allowance. I think that is a much more satisfactory and business like proposition than the rather complicated one which is embodied in the third clause of the Bill.

Hon. Sir MACKENZIE BOWELL—The reason the Conservative majority threw out the Bill was that they were opposed to the principle of interfering with what they considered the independence of the bench.

Hon. Mr. POWER—That was not the reason given by the hon. gentleman at the time.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman will consult the Debates he will see that that was one of the reasons given by the members who took that position. The principal reason was that the compulsory retirement, under that clause, of the judges would act as an interference with the independence of the bench, and that it was retiring men in many cases who were quite capable of performing their duty. I know a county court judge now in Ontario who is eighty-four years of age, who is performing the duties of his office over a very large section of the country. He attends also to the duties of the Surrogate Court and performs all that is necessary for a judge to do. Those were the reasons given at the time. It was urged that they should not interfere with the bench in any way. I do not propose at the present moment to discuss the question involved, or the charges involved in the amendment made by the hon. gentleman from de Salaberry. I am convinced in my own mind that that is just as much out of order as the motion which was made and upon which we had an appeal this evening, if not more so. I should be very much surprised if this Bill goes back to the Commons in its amended state. I do not know whether the Secretary of State on behalf of the government is prepared to accept this amendment.

Hon. Mr. POWER.

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—Then I should be very much surprised if the Commons do not refuse to accept the Bill as it goes back to them unless the government are sustained by the majority at their back. I should be more inclined to think that they would act upon the principle which has guided the House of Commons in the past on questions of this kind, and allow the Bill to drop or abandon it altogether and introduce another Bill amended probably as this is, and send it to this House for ratification. That has been done. Bourinot quotes a case where it is clearly laid down that the legislative council amended a Bill which was refused by the Lower House and, to use the language of Bourinot himself, the Bill was kicked out of the House by one of the members. The then government introduced a Bill, omitting that part to which the legislative council objected, so that it was virtually a new Bill, but a Bill similar to the one that was amended. It was then sent back to the legislative council and was accepted by that Chamber. It would be useless, after the action of the Senate on the ruling of the Speaker to raise another objection or put the Speaker to the trouble of giving another ruling should he maintain the position he took on the other point of order and consider this Bill of a similar character and then have the House reject his ruling again. I think the better way is to allow the Bill to go in as deformed a state as possible so that the question may arise and we shall know hereafter what powers we have. I say in all sincerity that I think we are setting a precedent that my hon. friend opposite will find it difficult to reconcile in the future when other Bills come up affecting the appropriation of money in the same manner that it is appropriated here; that is providing for the payment of money upon certain things being done. This Bill provides for the superannuation of certain people. The hon. Secretary of State says that the pensions are not payable until voted by parliament. Other Bills come here which might fairly be called money Bills, but the money could not be paid until it is earned. If the decision of the House to-night is to be taken as a precedent for the future I do not see any

reason why we cannot move to strike out any clause in a money Bill. I might as well point this out, because difficulties may arise in the future and may give the ministry representing the government in this House no little trouble to reconcile the position he will have to take then with the position he has taken to-night. I suggest to my hon. friend on my left not to push this matter further than to protest against it, believing it to be out of order as the other was and if the government accept it let them take the responsibility.

Hon. Mr. SCOTT—The hon. gentleman will see the necessity for the amendment which is inconsistent and evidently was an error of the draughtsman. Under that clause a man two or three years in office would be entitled to retire on full allowance, and that is evidently an error.

Hon. Sir MACKENZIE BOWELL—That may be; still it lays down a principle.

Hon. Mr. DANDURAND—My hon. friend was not so scandalized in 1898 when he amended the very same Bill.

Hon. Sir MACKENZIE BOWELL—This tu quoque argument is of no affect. It may please my hon. friend, but I desire to point out that this Bill came to us in the shape in which it is. This Bill came to us for the retirement of judges under certain conditions. Some of those conditions may be inconsistent with the others as the hon. Secretary of State says they are, but we are changing the effect of the Bill materially on that point.

Hon. Mr. DANDURAND—As in 1898.

Hon. Sir MACKENZIE BOWELL—What has that to do with it? We are not dealing with 1898 at all. There was no objection taken in 1898, unless the hon. gentleman refers to the Bill rejected by the Senate, but that has nothing to do with the Bill we are now discussing. You might go back five hundred years and they might be all wrong.

Hon. Mr. DANDURAND—1898 is not far back.

Hon. Sir MACKENZIE BOWELL—I am considering the Bill before us.

Hon. Mr. DANDURAND—The hon. gentleman admits he was wrong in 1898.

Hon. Sir MACKENZIE BOWELL—Supposing it was so, would that make this right?

Hon. Mr. DANDURAND—I am glad the hon. gentleman admits a contradiction.

Hon. Sir MACKENZIE BOWELL—I do not admit anything of the kind. I take the hon. gentleman's statement and I say, supposing his statement is correct, does that make this right.

Hon. Mr. DANDURAND—According to the precedent of 1898, certainly.

Hon. Mr. LOUGHEED—For the information of the House I might say the Bill of 1898 did not provide for a retiring allowance to the full extent of the salary. In fact it made no provision for it.

Hon. Mr. DANDURAND—It was on the same lines as this Bill.

Hon. Sir MACKENZIE BOWELL—The Bills were totally dissimilar. Here is a Bill to provide for the superannuation of a judge under certain circumstances. The hon. gentleman says if a judge had served a few years he would be entitled to retire. That is the provision of the Bill. That is the clause which gives the retiring allowance to the judge. We are asked to amend that. I am sustaining as far as I can the position taken upon the other clause. This is clearly an intereference with the principle of the Bill. It may be absurd, for ought I know, and it may be vicious and that is why I suggested to my hon. friend to let it go in as mutilated a state as the House likes to put it, particularly if the government take the responsibility. I do not see why we should take any more trouble with it.

The motion was agreed to.

The CHAIRMAN—There is an amendment proposed in line 7 of section 4 to leave out the word 'retirement' and insert 'resignation.'

Hon. Mr. LANDRY—Does the government accept that?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I want to call the attention of the hon. gentleman who moved the amendment to a point on which I desire some explanation. I think it is a matter

of some importance. This amendment, as it has been submitted by my hon. friend from de Salaberry provides that judges shall be retired in case of infirmity. It does not point out how this infirmity is to be ascertained. There is a provision in the revised statutes providing that any county court judge being inflicted with an infirmity the Governor in Council may issue a commission to a Superior Court judge to inquire into it, and he can be removed in that way. By this amendment would the removal come under the operation of chapter 138 of the revised statutes, or is it supposed to give power arbitrarily to the Governor in Council to retire a judge, when it is found that there is an infirmity ?

Hon. Mr. SCOTT—You have to trust the Governor in Council for taking some method to be correctly informed.

Hon. Mr. FERGUSON—We have a carefully worked out law in the statute book to provide how judges afflicted in this way shall be removed. If the hon. gentleman will turn up the revised statutes, chapter 138, he will find it there also. A case arose, at the time Sir John Thompson was Minister of Justice, of a judge who was afflicted with softening of the brain, and it was found he could not be removed without some process of inquiry and the facts having been ascertained properly and legally, and this amendment was made to the law and afterwards incorporated in the Act relating to provincial courts. There is complete machinery provided there that the Governor in Council can issue a commission to a judge of the Superior Court to make an inquiry, and upon the report so obtained they can remove the judge if they find he is afflicted so as to be unable to perform his duty. If we adopt the amendment of the hon. gentleman from de Salaberry we are giving power to the Governor in Council to remove judges without taking proper means of ascertaining whether they are able to perform their duties or not. It would be a most dangerous thing that the Governor in Council should have the power to proceed without due enquiry to remove a judge on the alleged ground that he was mentally unfit to perform his duty. I think it would be a dangerous thing affecting the independence of the bench. Possibly I am wrong about this. Possibly this part of the revised statutes that I refer to, chapter 138, section 2 will apply, and that this amendment of my hon. friend's will be worked out under that section.

Hon. Mr. SCOTT—I think my hon. friend might rely upon it that no government would think of disturbing a judge under the conditions laid down in the statutes without issuing a commission and taking precaution that due care was observed in making the inquiry. Governments have to be trusted with a good deal more than that.

Hon. Mr. BEIQUE—The Act to which the hon. gentleman refers, chapter 138 of the revised statutes, was passed for another purpose. It was passed because under the British North America Act the judge of the Superior Court cannot be removed except on a joint address of parliament, and there was no machinery at all to remove judges for bad behaviour. They did not fall under the provisions of the British North America Act, and so the statute was passed to meet cases of that kind. The section reads as follows :

'The Governor General in Council may, for the purpose of making inquiry into the circumstances respecting the misbehaviour, inability or incapacity of such judge, issue a commission to one or more judges.'

But the law affecting the judges of the Superior Court provides for their being pensioned if they are sick or if they are permanently incapacitated and rendered unable to discharge their duty, and then it rests with the government by order in council, after having obtained as much information as may warrant them to act, to accept the resignations and grant the pensions.

Hon. Mr. FERGUSON—My hon. friend is speaking of the Superior Court.

Hon. Mr. BEIQUE—Yes, and there was no provision of that kind, as far as the county court judges were concerned, and one of the objects of the Bill and the object of the amendment which was adopted at my suggestion, is to assimilate the proceedings in relation to county court judges and Superior Court judges and permit their resignation being accepted and the two-third pension being granted to them if they are permanently incapacitated and are unable to fulfil their

duties. I take it for granted that it will operate in the case of Superior Court judges and that it would not be necessary to have recourse to the commission which is mentioned in chapter 138 of the statutes. I speak guardedly because I have not considered the point at all.

Hon. Mr. FERGUSON—Will my hon. friend point out where that law is that relates to the Superior Court judges and provides for the Governor in Council removing them.

Hon. Mr. CASGRAIN (de Lanaudière)—The British North America Act.

Hon. Mr. SCOTT—There is no law in that respect applying to Superior Court judges.

Hon. Mr. FERGUSON—The hon. gentleman from de Salaberry says there is.

Hon. Mr. SCOTT—They can only be removed by an address from parliament.

Hon. Mr. FERGUSON—That has no bearing upon it. This is for removal by address, but this clause provides for their removal in some other way, does it not ?

Hon. Mr. BEIQUE—The hon. gentleman places in my mouth words which I did not use. I did not speak of their removal. It is accepting their resignation and granting the pension if they become permanently incapacitated.

Hon. Mr. FERGUSON—I do not think the word retired, or resignation, is stated in the clause.

Hon. Mr. BEIQUE—I am able now to refer the hon. gentleman to that decision which he asked for. It is to be found in the revised statutes, chapter 138, section 14, which reads as follows :

'If any judge of a Superior Court, or of a court of Vice-Admiralty, in any of the provinces, who has continued in the office of judge of any one or more of the superior courts, or of the Court of Vice-Admiralty, in any one of the said provinces, for fifteen years or upwards, or, in the North-west Territories, in the office of judge of the Supreme Court of the North-west Territories, or in such office and the office of a judge of any superior court in Canada, or of a stipendiary magistrate of the Territories, for fifteen years, or upwards, or who becomes afflicted with some permanent infirmity, disabling him from due exercise of his office, resigns his office, His Majesty may, by letters patent, under the Great Seal of Canada, reciting such period of office or permanent infirmity, grant unto such judge an annuity equal to two-thirds of the salary annexed to the office he held at the time of his resignation, to commence immediately, after his resignation, and to continue thenceforth during his natural life.'

The hon. gentleman will see that it is exactly the same thing as the third section which was adopted a moment ago.

Hon. Mr. FERGUSON—I am thankful to my hon. friend for turning up that reference. I had not observed it, and I find the object of his amendment is to make the law with regard to county court judges correspond with the law respecting Superior Court judges. But is it not possible that the law with respect to Superior Court judges is as good as that respecting county court judges ? Suppose a case of a judge afflicted with a malady such as would entitle him to resign arose, and suppose he would not resign, there is no provision in this section by which he could be compelled to resign whereas in section 2 of the same Act there is a provision that notwithstanding he would not be reasonably or mentally capable of dealing with the government, and of resigning, that his resignation could be brought about. I suppose that the matter is safe anyway, but I really think it would be safer in the public interests to have the county court judge dealt with under section 2 of that Act, which was provided especially for county court judges. Subsection 2 reads as follows :

' A judge of a county court may be removed from office by the Governor General in Council for misbehaviour, or for incapacity or inability to perform his duties properly on account of old age, ill health, or any other cause.'

I think the better way would be to leave it to a commission.

Hon. Mr. SCOTT—That clause provides for superannuation and the clause my hon. friend has read provides for absolute removal without any superannuation.

Hon. Mr. FERGUSON—I shall not press the matter, but my suggestion would be that after the word ' office ' in the tenth line of my hon. friend's amendment, we insert, ' to be determined under section 2 of chapter 138 of the revised statutes, and the mode of his retirement would be settled in that way.

Hon. Mr. POWER—The hon. gentleman has not carefully read section 15 of chapter 138 of the revised statutes, and that I think

is the section which this clause of the Bill to a certain extent intended to replace. The section to which the hon. gentleman has referred, section 2, deals with certain cases where the judge either will not resign or cannot resign. Section 15 deals with the case where he does resign and reads as follows :

' If any judge of a county court, after having continued in office as such judge for a period of at least ten years, becomes afflicted with some permanent infirmity, disabling him from the due execution of his office, and resigns his office, or if a judge of a county court, after having continued in office as such judge for a period of at least twenty-five years, resigns his office, His Majesty may, by letters patent, under the Great Seal of Canada, grant to him a pension equal to two-thirds of the annual salary of which he was in receipt at the time of his resignation, to continue thenceforth during his natural life.'

Now, the principal change which I see is that under the clause of the Bill he is to get a pension equal to his whole salary. Under section 15. of chapter 138 of the revised statutes, he receives only two-thirds. I do not think that is a step in the right direction, but I suppose if you are going to give the other retiring judges full pay there is no reason why you should not give it to them all.

Hon. Mr. BEIQUE—The hon. member for Marshfield will bear in mind that the Revised Statutes, chapter 138, remains in force, and it would receive its application in the case which he has mentioned. If a judge became so incapacitated that he could not resign then he would fall under the provision of section 2 of chapter 138, and such cases of that kind are already provided for.

Hon. Mr. FERGUSON—I am satisfied from what I have read and what the hon. gentleman has said, that any extreme case, such as I have referred to, where a judge might be mentally unfit, and the government would have to get his resignation before they can act, that they can under this provision fall back on the machinery that I have referred to.

The motion agreed to and the clause as amended was adopted.

The chairman from the committee reported the Bill with amendments.

Hon. Mr. SCOTT—I move that the amendments be now concurred in.

The motion was declared carried.

Hon. Mr. LANDRY—I object.

Hon. Sir MACKENZIE BOWELL—Can that report be carried if an objection is taken to it

Hon. Mr. SCOTT—Concurrence is not a stage.

The SPEAKER—There is no rule which forbids concurrence. I declare the motion to concur in the amendments carried on division.

OCEAN STEAMSHIP SUBSIDIES BILL.

THIRD READING.

The Order of the Day being called for the third reading of Bill (252) An Act relating to Ocean Steamship Subsidies.

Hon. Mr. SCOTT—The next item is a very short one. I notice by the cable communications that a company has been formed in Bordeaux to establish a line of steamers between France and Canada, and it is quite important to give them an assurance that the Bill is to become law.

Hon. Mr. LANDRY—I would ask the hon. gentleman to postpone that Bill until to morrow.

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—Then it will not go through this evening.

Hon. Mr. SCOTT—I am willing to give all the information possible ; it is only a Bill of one clause.

Hon. Mr. LANDRY—I ask that it be not brought up to-night.

Hon. Mr. SCOTT—The companies wanted a cable sent——

Hon. Mr. LANDRY—But I want to speak on that question.

Hon. Mr. DANDURAND—Let the hon. gentleman speak. Let him deliver his speech.

Hon. Mr. LANDRY—I shall deliver it.

Hon. Mr. DANDURAND—We will go to sleep.

Hon. Mr. LANDRY—I do not care.

Hon. Sir MACKENZIE BOWELL—What does the Bill propose ?

Hon. Mr. SCOTT—The Bill provides a subsidy to a line of stemers to run between France and Canada. A cable was receivel wanting to know whether the Bill had actually passed, as a company was being formed in Bordeaux, and they were waiting before giving orders for the building of ships, to know whether the Bill would be passed, and I was asked yesterday to get it through in order that a cable might be sent.

Hon. Mr. LANDRY—The ships are built. I have a document which states four ships are already built.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman can move it. I know the hon. gentleman from Stadacona (Hon. Mr. Landry) told me he was going to speak in opposition to the Bill. I don't know what his reasons are, but he has some objections to it, and I would suggest that the hon. Secretary of State move the House into committee and let the hon. gentleman speak.

The CHAIRMAN—Pursuant to the order of the House I leave the Chair.

Hon. Mr. LANDRY—Before this motion is carried I want to call attention to an irregularity which has just taken place. The hon. Secretary of State has just jumped over one of the Orders of the Day.

Hon. Mr. SCOTT—The hon. gentleman is too late now. We are now in committee by Order of the House.

(In the Committee.)

Hon. Mr. SCOTT moved the adoption of the first clause.

Hon. Mr. LANDRY—Before this is carried I want to say a few words on the question brought before us. We are asked to pass this Bill which contains only one clause. In discussing it, I shall at the outset, call the attention of the House to an article which has been published in the Yukon Weekly 'Sun.' It is a special despatch from Ottawa to the 'Sun.'

A discussion took place on the subsidy for the establishment of a line between Canada and France. Columbier Bros., of Bordeaux, have the contract. This firm was brought out here by C. E. Carbonneau, well-known in Yukon.

The first question that arrests our attention in this official 'Gazette' of the Yukon is that the contract passed between the government and Messrs. Colombier, of Bordeaux, has been bought out by a man called E. Carbonneau, well known in the Yukon.

Hon. Mr. SCOTT—It is not bought out by him; the government declined to have any man intervene.

Hon. Mr. LANDRY—Has the government declined that on the occasion upon which the Hon. Premier of the Dominion invited Mr. Carbonneau to his table?

Hon. Mr. CLORAN—Order, order.

Hon. Mr. LANDRY—I want the hon. gentleman if he calls me to order to state the rule I am transgressing, so that we shall know what he wants.

Hon. Mr. CLORAN—I shall state my point of order: Bringing in private matters and table matters in connection with this Bill is totally out of order.

Hon. Mr. LANDRY—What is the rule?

Hon. Mr. CLORAN—Common sense is the rule.

Hon. Mr. LANDRY—That is only the hon. gentleman's opinion.

Hon. Mr. CLORAN—Yes, and I ask the chairman's ruling on it.

Hon. Mr. LANDRY—This is a question of public interest. I am told by the hon. minister that the government has declined to have anything to do with Mr. Carbonneau, and I am asking when he declined that contract, if he declined it on a certain occasion, and I am perfectly right in asking that.

Hon. Mr. SCOTT—It is perfectly within the hon. gentleman's right, but until the Bill is passed the contract cannot be executed. The proposition was made to the government to allow the contract to be assigned, and we declined to do it, not knowing the person to whom it would be assigned. What I mean is, the desire of the government was that the contract should not be traded. If they bring in with them any persons of means, there can be no objection to it, but at any rate nothing has been done in that direction. I can assure my hon. friend the persons whom he mentioned have not been made sharers in the contract in any way, and are not proposed to be.

Hon. Mr. LANDRY—If I understand the hon. gentleman correctly the contract is not signed yet?

Hon. Mr. SCOTT—No. It cannot be until the Bill passes.

Hon. Mr. LANDRY—I am very glad to hear it, because I am going to give the government some information which may perhaps help them.

Hon. Mr. SCOTT—Some foundation was laid for the statement, because it was rumoured that Carbonneau had sought to intervene, but that has not been allowed, and nothing of that kind will be allowed, and no contract could be made binding until authority is granted.

Hon. Mr. LANDRY—I have here a paper published in France, called 'Le Canada,' a paper published, I believe, by Mr. Obalski. The date is September 20, 1903, and it contains the following: I give a translation:—

The good news I promised you last week is the creation of an Oceanic line between France and Canada; it is the signature of the contract between the government of the Dominion and a group of French capitalists; it is the establishment of direct communication between these two countries, without which there can be no trade. We must hope that the French politicians and industrials will congratulate themselves on this occasion. The Canadian press, English as well as French, shows itself very favourable to the new enterprise. Here are the terms on which this event is announced by dispatch in the journals of the capital:

Ottawa, August 29.—The government has signed to-day a contract for the establishment of a line of steamers for the transportation of freight and passengers between France and Canada, with the Franco-Canadian Trans-Atlantic Company. By the conditions of the contract the firm of Columbier Bros., of Bordeaux, France, consent to establish a line of a minimum of eighteen trips per annum. The summer ports will be Montreal and Quebec, the winter ports Halifax and St. John. If it is necessary, twenty-four trips going and returning will be made every year. The annual subvention will be 500,000 francs for the minimum, and 650,000 francs for the maximum. The contract is for fifteen years, and will begin on the first of April next. The company has already four steel steamers, and proposes to start every ten days. There will be first, second and third class passengers. The principal object of this line is to increase the commercial relations between France and Canada by the sale of grain, wood, cattle, and to promote emigration. The steamers are provided with cold storage apparatus. Leaving for Canada the steamers are to call at European ports, but the final departure for the whole trip to Canada will be made from a French port. The speed of the ships will be thirteen knots, which will permit them to make the trip in nine days. Negotiations are commenced with the French government so that the French products which are destined for the St. Louis Exposition, will pass by that line. The company, or rather the new line of steamers that is just established, is in great part, the work of Mr. C. E. Carbonneau, a rich Canadian capitalist living now in Paris. Mr. Carbonneau is already engaged in a number of enterprises, especially in the mining districts of the Yukon, where he was one of the pioneers. He has placed in France the workings of a Klondike mining company, which has given magnificent results to the shareholders, and which promises a good deal more, and quite recently he has concentrated his efforts in establishing this new line of steamers in which he is deeply interested.

Mr. Carbonneau has very great confidence in the opportunity which presents itself to improve the relations between France and Canada, and he proves his great energy in bringing it to the attention of the French people through his journal——

This is the journal I am reading:

——which is published in Paris, the advantages that the Dominion of Canada offers.

Then the journal goes on to say:

This effort is the third or fourth towards tightening the relations between Canadian and the French interests. The first efforts were not fruitful, and why? The first company which thought of establishing a Franco-Canadian had the very strange idea of creating a service between Havre and Montreal via Rio de Janeiro. We are like dreamers when we speak of such a circuitous voyage, but it is none the less true that that line passed by Rio de Janeiro.

The second company—the Company Bossiere—were more serious. Its promoters were shipowners of Havre. They got an annual subvention of 250,000 francs from the government. This line worked for three years. In the first year they had little success, but in two others they had more success. The service of the Bossiere line was very irregular. Their ships were not water tight, and the freight was damaged by sea water. Notwithstanding that the company of Bossiere realized very high profits. If the Bossiere Company had concentrated their efforts on that line, if they had given a better service their interests to-day would be very large. Unfortunately, they tried to go out of their way to the West Indies, and the money they made here, they lost in the other excursions. The other efforts we need not mention. They failed very soon.

The fact I wanted to bring to the notice of the House is this, that the company we are now legislating for was specially promoted by a rich capitalist of Canada, now living in Paris, called Carbonneau, who is interested, as this French paper says, in this enterprise, which is one of his latest efforts, and one of his most gigantic efforts. Who is Mr. Carbonneau? We can find his history in a London paper. If we go back to the British Columbia 'Review,' which is published in London, we shall find this article in the number of October 11, 1902. The

British Columbia 'Review' is a weekly journal published in London in the interest of Canadian enterprises. Here is what is said on the 'Gold Run Klondike.' What 'the Gold Run Klondike' is will be explained in the article itself, and hon. gentlemen will see what it is, and how Mr. Carbonneau came to put that Gold Run Klondike on the French market.

THE SCHEMES OF AN UNSCRUPULOUS PROMOTER.

A Timely Warning to Investors in London and Paris.

For some time past we have been kept informed of an effort which was being made at Dawson to interest French capital in a large mining deal—large in this connection applies more to the purchase price of the property than to the intrinsic value of the claims. As the French engineer sent out to verify the vendor's statements was not impressed with the value of the property, and certain statements appeared in the Dawson papers accusing the promoter of attempting to 'salt' the claims he was endeavouring to sell, we presumed that another 'wild-cat' had been scotched in embryo. It was, therefore, with some little surprise that we learned a few days ago that the Gold Run Klondike Mining Company had been registered on October 1 at Somerset House, with a capital of £400,000 in 10s. shares.

The object of the company is to enter into an agreement with Charles Eugene Carbonneau, who figures in the triple capacity of vendor, signatory, and director of the company.

A visit to the registrar's files discloses the fact that the agreement is dated June 23, about ten days after the 'salting' affidavits had been sworn-out in Dawson. The vendor's price for the claim is £350,000, of which he requires £150,000 in cash. The intention, we understand, is to attempt to unload these shares in Paris, but a promoter of such unbridled assurance is not likely to make an attempt in London also. It is to be regretted that he has found some one so ill-informed and credulous as to incur the not inconsiderable expense involved in the registration of the company. We will give our readers a short sketch of this promoter's career in connection with the Klondike gold-diggings, and they will then be able to judge if our warning is necessary.

The advent of Charles Eugene Carbonneau in London, in the role of a Klondike mining agent, took place in the summer of 1898, when, by means of his plausible manner and specious representations, he sufficiently succeeded in interesting some city people to induce them to form a small syndicate for the purpose of sending him out again to Klondinke to secure certain properties.

Upon Carbonneau's return to London, in the autumn of 1898, with options over two claims, the syndicate who had despatched him to Klondike obtained independent information as to the value of the properties such as justified them in forming a small Klondike mining company, and the subsequent history of the claims showed that, under anything like decent management, they would have proved a good investment. Carbonneau was appointed manager, and returned to Klondike. The effect was disastrous and the result was ruin to the company. The narrative is too long to be fully set out here, but amongst other occurrences during Carbonneau's regime as manager may be mentioned the illegal and unauthorized granting of a mortgage over the company's mining property in favour of a certain Miss Belinda Mulroney, who was at that time a hotel-keeper, a mining speculator, and a well-known feature in Dawson life. It is of peculiar interest to know that Carbonneau's power of attorney specifically and absolutely prohibited him from granting such a mortgage or in any other way encumbering the company's title to the claims, and this would, to the ordinary individual, no doubt, have presented an insuperable difficulty to carrying through his scheme. Here accident, however, came to his aid, and his power of attorney was burned while in the custody of the bank, during the fire which occurred at Dawson in the spring of 1899. This cleared the way for Carbonneau, who thereupon proceeded upon his scheme by swearing an affidavit that his power of attorney gave him power to grant such a mortgage, which he thereupon granted. The eventful upshot of the whole matter was that these valuable claims eventually fell into the possession of Miss Mulroney, who by this time had become Mrs. Carbonneau. Comment, we think, is unnecessary, and the trouble which the enterprising couple had taken to secure the property of the English company was no doubt well rewarded by their subsequent working of the claims. These ill-gotten gains have apparently so stimulated his cupidity as to induce him to again make an appearance here, relying upon the forgetful nature of the British investor and the short memory of the press. We can assure Mr. Carbonneau, however, that all he is doing and attempting to do, is known and is being most carefully watched.

It is, by the way, interesting to learn that Carbonneau has, during part of his career, posed as a French 'Count,' and is known as 'Count' Carbonneau over the whole scene of his operations in Klondike. His right to such a title, however, is absolutely apocryphal, and was emphatically repudiated by the French Consul in the public press at Vancouver, in July, 1899, when 'Count' Carbonneau's name was figuring most prominently in connection with a most disreputable scandal.

Hon. Mr. DEVER—Would the hon. gentleman be kind enough to tell us what connection this has with the Bill ?

Hon. Mr. LANDRY—If the hon. gentleman cannot understand it is impossible for me to drive it into his head.

Hon. Mr. DEVER—Does the hon. gentleman himself understand it ?

Hon. Mr. LANDRY—If the hon. gentleman wants to make a speech he can have the floor.

Hon. Mr. DEVER—I am tired listening to the hon. gentleman's speech and so is everybody else.

Hon. Mr. SCOTT—Carboneau is not a party to this transaction at all. I assured my hon. friend of that in the first instance.

Hon. Mr. LANDRY—I take the hon. gentleman's word. He thinks Carbonneau is not a party to it, but I know he is a party. I tell the hon. minister he is a party and he is the whole brain of the enterprise, with one of the hon. ministers in the Cabinet.

Hon. Mr. SCOTT—Of course it rests with the Minister of Trade and Commerce and I heard him discussing the point whether Colombiers should be permitted to assign his contracts and it was decided he should not. We only knew Colombiers in the transaction. He brought letters from bankers in Bordeaux and Sir Wilfrid at once cabled to the British Consul at Bordeaux to verify the correctness of the credentials, and the report received from the British Consul was that although the firm was not a strong firm financially, yet they were a respectable house and no doubt he would be able to enlist any financial aid that might be necessary in the event of a contract being awarded. That is all we know about it. W declined to deal with any other parties in the meantime. Carboneau may be a silent partner. I could not tell, and nobody else could tell anything about that.

Hon. Mr. LANDRY—I think it is my duty to bring these matters to the attention of the government.

Hon. Mr. SCOTT—I shall be glad to send the hon. gentleman's remarks to the minister.

Hon. Mr. LANDRY—I am as anxious as any body else to see those relations with France renewed. But I think if those relations between France and this country are put into the hands of parties who have not the reputation they should have, that we are working against our own interests and we are compromising for ever the commercial relations we might have with the French people. If we want to succeed it must be carried out by men of means and of good reputation.

Hon. Mr. DEVER—That is right.

Hon. Mr. LANDRY—For that purpose I thought it my duty to put the ministry of the day in possession of some facts and when a paper published in France the 'Crédit Canadien' says publicly in France that this contract has been obtained by Mr. Carbonneau, that Carbonneau is the brain of the whole concern, I think I have a right to let the hon. minister know what kind of a character Carbonneau is and to call his attention to the danger of the transaction if that is the transaction. The article reads as follows:

> Carbonneau was in London again last winter for the purpose of foisting his proposition upon the British public. Happily, however, they found that London was not at all in the mood for business, and the scene of operations was thereupon shifted to Paris, where fewer sources of information regarding exist, and where there representations might possibly be more readily believed. There they sufficiently interested a certain French financial group to induce them to send out to Klondike, for the purpose of substantiating their statements as to the value of the claims, M. Bel, a French mining engineer. Upon his arrival at Dawson he was for some time most assiduously 'shepherded' by Carbonneau and his associates, in order that he might be prevented from seeing things otherwise than through their eyes, or from hearing stories of Carbonneau's character and career, which are, of course, common knowledge in Dawson. After some little time, however, M. Bel succeeded in evading the espionage of the would-be vendors, and, on being informed in reputable quarters regarding the true character of the business upon which he had to report and those associated with it, he became so convinced of the undesirability of his employers having anything further to do with it, that he at one returned to Paris, closely followed, however, by the indefatigable Carbonneau. What report M. Bel gave to his principals, and what has become of it, it would be interesting to learn. No prospectus has been filed, and it is extremely unlikely now that such a document will be added to the archives of Somerset House; but it is absolutely necessary, both in the interests of the public and for the reputations of the co-directors of Carbonneau, that M. Bel's report should be published before a single share is offered for sale, either here or in Paris.
>
> Considering the whole circumstances, it is our obvious duty to give full publicity to the foregoing information. We specially recommend it to the members and committee of the London Stock Exchange, as no doubt an effort will be made to have dealings carried through and secure a settlement in the shares here, if only to assist their schemes in Paris. Our French contemporaries will also do well to take note.

That was the article published in the British Columbia 'Review' as I said in the month of October, 1902. In the month of November a single paragraph from the same paper reads as follows:

> In regard to the Gold Run, Klondike, Company, we regret that we have not received a copy of the report of Mons. J. M. Bel, but we understand that the syndicate for whom he went to report has been dissolved, which explains the delay in obtaining the necessary

authorization. We notice in a recent copy of the 'Tabarin,' a small Paris weekly, that our remarks in connection with Carbonneau and his Klondike Company are reproduced, and our contemporary observes that the 'Cocarde,' a Parisian gutter journal, is puffiing the Credit Canadien, the stalking horse through which Carbonneau is endeavouring to foist his shares on the French pubilc. As our contemporary pertinently remarks, eulogy from such a quarter ought to be sufficient to put the public on its guard. Apparently, Carbonneau is still installed at the Elysee Palace Hotel, where, according to our contemporary, he lives in 'regal style,' so the pockets of some too confiding investors must be the lighter.

Hon. Mr. CLORAN—Has the hon. gentleman any more of that historical record to produce ?

Hon. Mr. LANDRY—A little more.

Hon. Mr. CLORAN—Then I rise to a point of order. The government has given its word that there is no dealing whatever in this Bill with a certain gentleman called Carbonneau. The hon. gentleman is reading from papers of which he knows nothing. The government has pledged its word that it has nothing to do with Carbonneau. Why bring him into this discussion on the strength of a newspaper report ? I contend that the hon. gentleman has no right to describe the character of a gentleman called Carbonneau who has nothing whatever to do with the question before the House. The question was put to the hon. Secretary of State, representing the government here, asking him what connection Carbonneau had with the contract, and the Secretary of State on behalf of the government, has stated that he had no connection whatever. If the Chair is going to allow a discussion like this to proceed, we shall be here all night, and I think the Chair should use his authority and declare such allusions to parties who have no interest in the Bill out of order, and I ask for a ruling in the matter.

Hon. Mr. LANDRY—I am going to speak on the point of order. Will the hon. gentleman have courtesy enough to allow me to speak on a point of order ?

Hn. Mr. CLORAN—Yes, but do not give us any more Carbonneau.

Hon. Mr. LANDRY—I am perfectly in order, I think. Here is a measure of public interest. A man called Colombiers is negotiating with the government for the signing of a contract. I want to prove, and I shall prove, that this man Carbonneau is closely connected with Colombiers ; that Colombiers is only a figure head, that the real man contracting is Carbonneau himself.

Hon. Mr. CLORAN—Will the hon. gentleman allow me to put this question ? Is he going to give us the record of all the men that are connected with Mr. Colombiers and do business with him ? If he is entitled to give us the record of one party who does business with Colombiers, he will be entitled to give us the record of every other man who does business with that house, and I think the chairman should exercise his authority.

Hon. Mr. LANDRY—I was speaking on the point of order, and I am pointing out that I was in my right because I was discussing a question of public interest, and I was showing in what way I was right, in what way the name of Mr. Carbonneau was brought before this House, and it is my duty as a public man to do so. The hon. gentleman may raise points of order as often as he likes ; he knows I am in order, and his attempt to choke off the discussion will not succeed. I want to show what Carbonneau is, and I want the government to know who he is, an I want to convince the government—as I shall if I am allowed to speak—that Mr. Carbonneau is really the factotum in that contract and that Mr. Colombiers is only a *prete nom.* That is what the English papers were saying. I think that is sufficient to bring in Mr. Carbonneau. If he has been slandered he should have vindicated his own reputation. But now comes another phase of the question. Mr. Carbonneau published in Paris a journal called 'La Canada.' The journal 'Le Canada' says in a despatch that Mr. Carbonneau states that he is the man who is conducting this negotiation for a contract and though Mr. Colombiers is the man who is working with the government, he is only the *prete nom.* That is, the man in contact with the government, but the real proprietor of the whole scheme is Mr. Carbonneau himself. I read in my opening remarks that a despatch from Ottawa stated that all the interest of Mr. Colombiers in this matter had been bought by Mr. Carbonneau. This gentleman went to Paris, as has been shown, and is now in Paris working this scheme but while he was

working this scheme he was working the Goll Run scheme also. The shares of the Gold Run scheme which are now being foisted on the French investing public by the means of the Credit Canadien which appears to be a mushroom bucket shop, have evidently not been received with favour and so the enterprising promoter——

Hon. Mr. CLORAN—Will the hon. gentleman tell us what he is reading from that characterizes the Credit Canadien as a mushroom bucket-shop.

Hon. Mr. LANDRY—I am reading from the British Columbia 'Review', an English paper published in London. I know what the hon. gentleman is coming at, but there is no danger, I will go on just the same. The article continues:

> The shares of this company, which are now being foisted on the French investing public by means of the 'Credit Canadien,' which appears to be a mushroom bucket-shop, have evidently not been received with favour and so the enterprising promoter of both concerns. Charles Eugene Carbonneau appears to have started or subsidized a paper called 'Le Canada,' the first number of which is dated the 14th instant, which devotes much space to puffing the advantages of the Gold Run Company and the 'Credit Canadien.' Its frontispiece contains large photographs of the Hon. Sir Wilfrid Laurier and the Hon. Raymond Préfontaine. It will be remembered that the name of the latter was given as one of the directors of the 'Credit Canadien.'

That name was given in this country. It was given in Paris. It was given throughout the world. In fact, M. Préfontaine is the well known companion of M. Carbonneau. The article continues:

> Mr. Préfontaine, who was at ont time mayor of Montreal, has now joined the Canadian Cabinet as Minister Marine and Fisheries, and the 'Credit Canadien' publishes an alleged letter from the Minister, which, if genuine, most seriously involves that gentleman's responsibility. It is hardly conceivable that a Minister of the Dominion Cabinet would recommend to French investors an undertaking of the kind.

The letter as published was written in French and the translation is as follows:

> The Department of Marine and Fisheries,
> Ottawa, Canada, Nov. 26, 1902.
>
> Gentlemen,—Since November 14 I am a member of the Canadian government as Minister of Marine and Fisheries. Under those circumstances it is impossible to act as one of the administrators of a company so important as the one you have founded. The enterprise in which this company is called to enter would conflict with the duties of my position. On the other hand it is a rule here in Canada that a member of the Crown should not be a party in any industrial or financial company.

That is the rule asserted by Mr. Préfontaine. It does not apply to senators.

Hon. Mr. CLORAN—Very fortunately for some.

Hon. Mr. LANDRY—Very fortunately for senators who may be involved in great enterprises. The letter continues:

> That does not mean to say that I have no confidence in your enterprise. On the contrary, especially if the 'Credit Canadien' occupies itself specially with mining affairs such as the Gold Run in the Yukon, and as the dredging of the gold of the river Saskatchewan.

Hon. gentlemen know that Mr. Drolet, well known in Montreal, has property on the river Saskatchewan, and the hon. Mr. Préfontaine, in giving his paternal advice to the journal, to the company, to Mr. Carbonneau and others did not forget his friend Mr. Drolet, and he says specially that the 'Credit Canadien' will be a success if the Credit Canadien limits itself to the mining interests of the Gold Run, and to the dredging of the gold in the river Saskatchewan, &c. The letter continues:

> I know, for having visited these two mining properties, they promise very exceptional advantages to the shareholders, and I have no doubt that these two enterprises, if they are well established on a solid financial basis, will yield a profit. Hoping that you will succeed, I must say, to my great regret, I am obliged to resign the presidency of your board in order to conserve my own independence, which I hope, with the reasons I give, will be judged sufficient.
>
> Believe me to be yours truly,
> R. PREFONTAINE,
> Minister of Marine and Fisheries.
>
> To the members of the board of administration of the 'Credit Canadien' of Paris.

Naturally the promoters of this bucket-shop make the most of this testimonial and while they regret that Mr. Préfontaine has found it necessary to retire from the board of the company if he ever was on it, they say:

> He nevertheless gave to the 'Credit Canadien' a testimony of sympathy and encouragement, especially precious, and in all sincerity the 'Credit Canadien' never hoped to be known in France under a better patronage.

Then the article continues:

> It would certainly appear that this unscrupulous scheme which is being puffed under such auspices constitutes a grave danger to a large class of French investors who, like many in

this country, are easily attracted by a prominent name.

It is satisfactory to note that the majority of the French financial papers of standing have warned their readers against the 'Credit Canadien' and the shares which it is offering, and many of them reproduce the exposure of Charles Carbonneau, which first appeared in these columns. The 'Paris Bourse' has dealt with this promoter at some length in its recent issues, and joins with us in asking that the report of M. Bel should be made public. In referring to the details which we published concerning the financial methods of Mr. Charles Carbonneau, the 'Financial News' this week, in referring to our statements, says :—'If the statements therein contained are true, the sooner this egregious gentleman finds another occupation the better it will be for all parties concerned. If they are not true, Mr. Carbonneau, in the interests of his own honour, should lose no time in seeking legal redress,' and our contemporary concludes by saying that 'if the Paris press takes the matter up, Mr. Carbonneau will probably see the French market as securely closed to him as the English one appears to be. In that event, he will probably find himself, finally, with the bulk of his shares left on his hands.'

A French paper took up the affair and we find in the 'Bulletin Mensuel,' published by the French Chamber of Commerce of Montreal, the following extracts, under the title of 'French Banks in Canada, and Canadian Banks in France':

The note published in the last number of the 'Bulletin' concerning certain persons who have come to Canada and are claming that they represent the Franco-Canadian Bank and the Banque Syndicate, had not yet arrived in France when a journal of Paris, 'Lan Concorde,' published against those same persons a very violent article, the violence of which is nevertheless justified if the facts mentioned are true. While we recommend to our readers in France to be careful, 'La Concorde' entitled its article 'Canadians take care of your pockets.'

Now we announce the creation in Paris of a Canadian bank under the name of the Credit Canadien with the object of furnishing capital to the mining interests of Canada. Very honourable names figure amongst the founders and directors of the Credit Canadien, amongst others the name of the Hon. Raymond Préfontaine, formerly mayor of Montreal, and lately Minister of Marine and Fisheries in the cabinet of Sir Wilfrid Laurier.

But we find also, the name of a person who is well known in Canada, where he left burning regrets amongst his dupes. The name of this personage would be sufficient to bring to its end any affair which may be put on the market, and we have not only been surprised, but amazed to see his name in company with the name of the Hon. Mr. Préfontaine. We endeavoured to express our surprise to the new minister who formerly declared to us that his name has been used by the directors of the Credit Canadien without his knowledge. He wrote first and then telegraphed to stop the unauthorized use of his name. It is probable that the other respectable names are there also without the knowledge of those who bear those names. We are, in consequence, perfectly at our ease when we tell French readers to keep at a distance from the Credit Canadien ; as to our Canadian readers, they know all about it.

That man Carbonneau was not always in France. He was in Montreal, and Quebec. He was in mostly every place. But what was he in Montreal ? I think the hon. minister should know that. It was in 1898 he was in the Klondike. If you look up the 'Hansard' of the House of Commons you will find that he got up to the Klondike in the party that was organized by Mr. Charleson, when they put up the telegraph posts along the route in the Klondike. He was in the party. I think he occupied a rather high position. He was cook of the party, but he succeeded in getting to the Klondike ; but before that, what was he ?

Hon. Mr. DANDURAND—Does the hon. gentleman make that affirmation upon certain date, as to going with Mr. Charleson ?

Hon. Mr. LANDRY—As cook ?

Hon. Mr. DANDURAND—Does the hon. gentleman make that affirmation on his own responsibility ?

Hon. Mr. LANDRY—No. I said if we looked in the 'Hansard' we will find that information. It was given to me, and I had no time to hunt up the 'Hansard,' but it was brought forth before parliament, I think by one of the members of the House in the last parliament. Here is information on which we can rely, because the facts came out in the courts. I read from the 'Star,' dated August 8, 1895 :

A MANAGER ARRESTED.

Charged with theft from the Canadian Trading and Shipping Company.

There is a sensation in the wine and liquor business, brought about by the arrest of Charles Eugene Carbonneau, lately manager of the Canadian Trading and Shipping Company, limited, for theft. The arrest was made last evening by a Detective Carpenter on a warrant issued by Mr. Ulric Lafontaine, on a charge of theft laid by Mr. Antoine Hurtboise, head bookkeeper of the firm. The complaint charges Carbonneau with having, on or about December 1st, 1894, stolen a basket of champagne of the value of $28, which was owned by the company. The news of Carbonneau's arrest caused a great deal of gossip in the wine business. Carbonneau, who hails from Quebec, has been well known here and in France for some years and stories of all kinds are being told on his account.

When the Canadian Trading and Shipping Company was formed in September, 1894, Carbonneau, who had the reputation of a live

business man, was engaged at a salary of $5,000 per annum, and allowed $75 a week expenses when travelling. He made two trips to France in the interests of the company, and returned the last time only a few days ago. Somehow or other he did not give satisfaction, and some three months ago he handed in his resignation, but consented to withhold it for three months.

Last Saturday, the three months being up, he was informed that he was no longer in the company's employ. It would appear that he made certain threats against the directors, and they decided to prosecute him. 'We have placed the matter in the hands of Messrs. Greenshields & Geoffrion,' said Mr. J. A. Bousquet, the president of the company, this morning, 'and they have instructions to push the matter to the end. This first charge we have made against Carbonneau is only the beginning. We have a number of others cases which we want him to answer for.'

Carbonneau says that this particular basket of wine which he is charged with stealing was sent as a complimentary gift.

Mr. A. G. Mallette, the manager of the company, denied that it was the custom of the company to send baskets of wine to the mayor and aldermen.

Dr. Beausoleil, a director of the company, denied Carbonneau's statement that the company did $1,500,000 business while he was manager. The company is prosperous, and has taken no stock whatever in Carbonneau's demand of assignment.

Carbonneau was to have sailed for Europe in a day or two for the purpose, it is said, of organizing a company in opposition to the present company.

Charles E. Carbonneau was arranged in the police court at eleven o'clock this morning before Mr. Lafontaine, the acting magistrate, on the charge of stealing a box of champagne from the Canada Shipping and Trading Company. After the charge had been read to him the accused was asked if he had anything to say and replied not guilty.

The name of the counsel who appeared for Carbonneau is obliterated.

Q.C., appeared on behalf of the prisoner, made application that the case be gone on with at once, as he had been led to believe that there were other charges to be made against the prisoner.

The court decided that the enquete would proceed on Monday.

The lawyer for the defence then made application for bail, but met with a refusal, as the magistrate wished to await the other complaints. On the prisoner's being taken back to the cells, Mr. Joseph Chaput swore out a complaint to the effect that Charles Eugene Carbonneau did unlawfully, on June 15th, steal from the Canada Shipping and Trading Company an express waggon, valued at $100, and further, that the said Charles E. Carbonneau did on March 13th, steal from the said company the sum of $20, and also that an investigation of the books of the company will show a large defalcation.

Up to 12.15 o'clock, the accused had not been able to secure bail, which was fixed by the magistrate at $800, in two securities of $400 on each charge. Judge Desnoyers consented to wait until one o'clock in order to allow the prisoner to secure bondsmen, if possible.

Hon. Mr. LANDRY.

Hon. Mr. SCOTT—I should like to appeal to my hon. friend if this historical indictment has not gone far enough. It seems very unfair.

Hon. Mr. LANDRY—I proposed an adjournment of the debate, which the hon. minister refused. So I was forced to proceed immediately.

Hon. Mr. SCOTT—I have given my hon. friend the assurance that I will draw the attention of the Minister of Trade and Commerce to the matter. If he added ten volumes to it he could not give it more weight. I think he is very unfair and very inconsiderate to the members present. In all my forty years of parliamentary experience, I never heard of an hon. gentleman so trespass on the good nature of the House, at one o'clock talking on a subject which has no earthly connection with the Bill before us, and traducing a gentleman who is absent, and has no one to speak for him, and libelling him in a way that he would not do outside this House.

Hon. Mr. LANDRY—That is the second time the hon. gentleman imputes to me motives, and he has no right to do so.

Hon. Mr. SCOTT—I have a perfect right. I am speaking on behalf of gentlemen who have tolerated this thing long enough, but the time has come to interfere, to protest against having our night's rest taken away with this rubbish.

Hon. Mr. LANDRY—Then, I will move the adjournment of the debate. I do not want to remain here.

Hon. Mr. DANDURAND—I object to the adjournment of the debate. I know what the hon. gentleman's purpose is. He is running a newspaper in Quebec, and he thinks it will earn a vote.

Hon. Mr. CLORAN—I would appeal to the leader of the opposition to ask his follower to keep within bounds.

Hon. Mr. LANDRY—I am not under the whip of the hon. leader of the opposition. The hon. gentleman may be under the whip of somebody, but I am not, and what I want to do I will do. I do not want to trespass on the patience of the House. I asked the hon. gentleman to postpone the question till to-morrow, but I wanted to bring out

these facts. If the hon. Secretary of State will not consent to an adjournment let us go on. I am not keeping hon. gentlemen here; it is the leader of the government in this House. If he does not want to keep the House here, let him consent to an adjournment of the debate, and the whole matter will be threshed out to-morrow.

Hon. Mr. SCOTT—I appeal to the Chairman whether the hon. gentleman is in order in discussing a matter that is not relevant to this Bill, nor in any way connected with it.

The CHAIRMAN—Hon. gentlemen I have no desire to restrict the discussion on this Bill, not the slightest, and I leave it to my hon. friend's own judgment, whether or not he could not bring his remarks more in touch with the Bill and more in harmony with the wishes of the House, but it is entirely within his judgment to do so.

Hon. Mr. LANDRY—I am very pleased with what the Chairman has just said, and I think if the hon. minister will be fair with me he will admit this is connected with the Bill.

Hon. Mr. SCOTT—No. The hon. gentleman has given us a hundred different facts. One would be quite sufficient to put a black mark against this gentleman. It is not necessary to go on with this long discussion. The hon. gentleman did not add to or strengthen the case by giving us all these incidents.

Hon. Mr. LANDRY—I do not want to trespass on the patience of the House, but I will just say in summarizing the whole thing, that this gentleman was arrested in 1895, in Montreal. He was arrested again in Montreal in 1897.

Hon. Mr. CLORAN—Was he convicted ?

Hon. Mr. LANDRY—No, but he paid up.

Hon. Mr. CLORAN—Lots of good people are arrested.

Hon. Mr. LANDRY—He was arrested in 1895 and was arrested again in 1897. He was capiased in 1897 on a judgment that came from France.

Hon. Mr. FROST—Is there any way in this body by which, a speaker can be shut off from talking irrelevant matter, if he is not speaking to the question ? I quite agree with the hon. Secretary of State in saying that this House is being imposed upon by the speech of the hon. gentleman ?

The CHAIRMAN—The hon. gentleman intimated to the House that he was merely summing up, to bring himself in order by speaking directly on the Bill.

Hon. Mr. LANDRY—I have plenty of things to say, but I will sum it up in two words. In 1897 Carbonneau was again arrested and capiased in Quebec while he was just enjoying two boxing matches that he had organized; he brought two boxers from Boston. He was arrested there in Quebec and brought to Montreal, and obliged to pay $900 to settle a judgment obtained in France against him, as is reported in the following extract of the 'Star" of the 28th October, 1897 :—

There is more trouble in store for Manager Carbonneau, of the Canadian Athletic Club, which seems still hopeful of pulling off the McCoy-Creedon fight in Quebec. The Court of Review has confirmed the judgment of the Superior Court in the case of Henri Duphot and Fernand Sardou, of Pons, near Cognac, France, against Charles Eugene Carbonneau and Charles Rousseau. The case is for some $1,200 and costs, and involves contrainte par corps, or, in other words, imprisonment until the amount is paid. In 1892 the plaintiffs caused the arrest of one. Louis Netter, doing business in this city under the name of Netter Freres, on a capias ad respondendum, for an alleged debt of $1,137. François Carbonneau, of Montmagny ; C. E. Carbonneau and Charles Rousseau went bail for the amount until the case was decided.

Before this was done Netter left the country. In April, 1893, Judge Taschereau confirmed the capias. Proceedings were then taken against C. E. Carbonneau and Chas. Rousseau. In the judgment of October, 1894, Judge Loranger states that both Carbonneau and Rousseau failed to appear, and the application for a rule nisi absolute against them was granted. Charbonneau subsequently carried the case to the Court of Review, and now that court has confirmed the judgment of the lower court against him and Rousseau.

It is stated that Carbonneau has made an offer to settle the case on a compromise of $900. In the meantime the rule nisi stands and may at any time be put into force against Carbonneau, who, is now said to have gone to New York in connection with the fight.

In regard to the fight, it may be stated that Major E. L. Bond, president of the Citizens' League, had a lengthy interview with the Hon. Mr. Marchand, and that the latter gentleman assured him that he, Mr. Marchand, would make it his business to see that the fight or anything resembling it would be prevented by the government.

I will now close my remarks in reading an article which appeared in the 'Citizen' of the 20th August last. It is as follows :—

FRANCE-CANADA TRADE.

The Possibilities of its Great Development.

The projector of mercantile and immigrant traffic of French Canadian capitalists now in the city—A talk with Mr. Eugène Carbonneau.

There appear to be great possibilities for the development of a vigorous commercial relationship between Canada and France when the project for the establishment of a fast line of freight and passenger steamers between Canada and French ports is carried into effect, as it seems to be the likelihood in the not far distant future. Attracted by the great resources of the country and the splendid opportunities for its commercial and industrial development, the eyes of French capitalists are looking this way as a profitable field for investment and one of the biggest projects is that of the Compagnie TransAtlantique France-Canada in the interests of which Mr. Eugene Carbonneau and Mr. Gustave Columbier, of Paris, are in the city. Mr. Carbonneau is a Canadian by birth, who has amassed a fortune in various speculations and has extensive interests both in France and Canada, and Mr. Columbier belongs to the wealthy firm of Columbier Fils, of Bordeaux, France, which operates lines of steamers to South Africa, South America and other ports. The company in which they are interested and which has contracted for several new steamers of the latest improved type, contemplates the establishment of a direct line between Canada and Bordeaux, France. Montreal and Quebec would be the summer termini, and Halifax or St. John the winter ports. The steamers would be fast freighters of a speed of 17 knots per hour, and the service would be weekly. It is proposed to have on each steamer complete cold storage apparatus for the handling of perishable products as well as room for all classes of freight and accommodation for fifteen hundred immigrants. There would be moreover accommodation for a limited number of saloon passengers. But the primary objects of the proposed line would be for freight and immigrant traffic, particularly, in the former line, lumber, grain and cattle. That would be the main cargo going over, returning the company would rely on its immigrant and general mercantile traffic.

To a 'Citizen' reporter last night Mr. Carbonneau, who is a guest at the Russell, talked of the great possibilities of development of trade as one who, having resided in both countries, is conversant with the prevailing conditions. He is strongly of the opinion that Canada and Canadian industries may open up a vigourous market for their products in the French republic. 'The blue books,' Mr. Carbonneau stated, 'show that annually France imports in cattle, grain and lumber alone, $213,000,000 worth. The share of this furnished by the Canadian people is trifling but if there were proper transportation facilities there is no country that could successfully compete with Canada. Norway supplies France with $60,000,000 worth of lumber and of but one variety. Canada's supply of that commodity to the French totalled but a few thousand dollars' worth last year. The grain exportation from this country to the republic was $370,000. The cattle trade was nil. We feel confident that the establishment of an up-to-date line of steamers with accommodation for all classes of freight will be the means of developing Canadian trade. What country is there that can surpass Canada as a source of supply for lumber, grain and cattle to say nothing of its cheese, butter, fruit and other products ? There is no reason why a great proportion of the French consumption of all these products, particularly the three first mentioned, should not go from Canada and bring money to Canadian pockets. Then there is great opportunity for the development of French immigration to this country. The French farmer is intelligent, well read, up-to-date, and would make a most desirable class of colonist for the newer and undeveloped portions of this growing country. We feel confident that our line of steamers when established will meet a long felt want and do much by means of a weekly service to foster and develop trade between the two countries now hampered alone for want of transportation facilities.'

Mr. Carbonneau would not talk of the proposition he and his associates have made to the government or as to the measures of assistance which is asked for. There is a strong feeling, however, that government aid of the proposed long wanted line would be productive of beneficent effects in the line indicated.

You have seen by this paper that Mr. Carbonneau was in Ottawa a few days ago, and in a conversation he had with a reporter of the 'Journal,' he referred to himself as one of the parties who are making arrangements with the government for that line, and for that reason I have always been in order, and I am still in order in pointing out to the hon. gentleman the record of Mr. Carbonneau. Mr. Carbonneau has so bad a record that in the public interests he should not be allowed in any way to mix up with this business, and he should not compromise our relations with the French people. If he identifies himself with it he will spoil the whole business, and we will lose what benefits we should derive from a good contract made with France in the interests of Canada.

The clause was adopted.

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

The Bill was then read the third time and passed.

The Senate adjourned until 3 p.m. to-day.

THE SENATE.

Ottawa, Thursday, October 8th, 1903.

The SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

MUTUAL RESERVE LIFE INSURANCE COMPANY.

INQUIRY.

Hon. Mr. DOMVILLE inquired:

1. Is the government aware that the Mutual Reserve Life Insurance Company was formerly called the Mutual Reserve Fund Life Association?

2. Did the Mutual Reserve Fund Life Association get incorporation in the United States of America to change its name to the Mutual Life Insurance Company?

3. Has the Mutual Reserve Life Incurance Company changed the plan of insurance of the Mutual Reserve Fund Life Association in doing business from assessment to straight life? It so, at what date?

4. If the plan of business was changed from assessment to straight life, what provision was made for those who were insured under the assessment plan?

5. Did the old policy-holders under the assessment plan come in under the straight life by surrender of their policies or otherwise?

6. How many policy-holders, in number and amount, came under the assessment plan at the time of the change of system?

7. Are the funds now held by the Finance Department for the security of policy-holders in Canada, for the benefit of both systems, or are they separated? What amount is held for the security of policy-holders under the assessment plan?

8. Has the government looked into the powers of the new company to see if they could compel policy-holders under the assessment system in the old company to accept the new or amended incorporation?

9. When such amendment was made to their charter or Act of incorporation, did it provide a fund to be established in Canada to protect Canadian policy-holders who were insured under the assessment plan? If so, at what date and how much?

10. Has the Finance Department received a copy of the new incorporation, known as the Mutual Reserve Life Insurance Company? And is it now in the possession of the Finance Department?

Hon. Mr. SCOTT—The answers given to me by the insurance branch of the Finance Department are as follows:

1. Yes. See 'Gazette' statement of licensed companies in which appears 'The Mutual Reserve Life Insurance Company' (formerly the Mutual Reserve Fund Life Association).

2. The Mutual Reserve Fund Life Association obtained reincorporation on the 17th April, 1902, under the Insurance law (chapter 690) of the State of New York, by which its name was changed to 'The Mutual Reserve Life Insurance Company' (not the Mutual Life Insurance Company, as in the question).

3. From the above-mentioned date (April 17, 1902) the business done by the company is as follows: Insurance upon the lives or the health of persons, and all and every insurance appertaining thereto, the making of endowments and the granting, purchasing and disposing of annuities, such kind of insurance being authorized under subdivision one of section 70 of 'The Insurance Laws.'

In Canada the company is authorized to carry on business 'on the the assessment plan as to business prior to 11th August, 1899,' but 'the notice prescribed by section 42a of 'the Insurance Act as amended having been filed in this office, the date named therein being August 11th, 1899, the insurance business carried on by the said company is subject to and regulated by the provisions of said section, provided the company shall not assure any annuity or endowment.'

4. The change of the system from assessment to reserve bearing, applies only to the new policies issued after the above-named date (August 11th, 1899).

The holders of the old assessment policies are subject to the provisions of their contracts.

5. We understand that an opportunity was (and is) given for a policy-holder under the assessment plan to surrender his policy and take out in lieu thereof a level premium, or reserve-bearing policy. A number of the assessment policy-holders have done this. In these cases the provisions applicable to policies issued since August 11th, 1899, apply.

6. Returns are made to the insurance department once a year on the 31st December.

On the 31st December, 1899, which is the date of the return nearest August 11th, 1899, there were in Canada 9,757 assessment policy-holders in good standing for an amount of $19,562,127.

7. The deposit with the Finance Department is separated. The amount applicable to the assessment policy-holders of date prior to August 11,1899, is $238,460 par value, the accepted value being $228,045.

8. The department has examined the charter of the new company and is not aware

that any powers that are illegal are contained in it in reference to the assessment policy-holders. This is, however, a question for the courts of law to determine.

9. No. The charter of the company makes no provision for any special funds to be established in any country or state.

10. Yes. A statement was also given me of the list of insurance companies licensed to do business in Canada. The Mutual Life Insurance Company, formerly the Mutual Reserve Life Association, appears on this list and certain details with reference to the company and its operations are given. I will hand this list to my hon. friend for his information.

Hon. Mr. DOMVILLE—I want to call attention to a matter which I think is a very important matter to those who have arrived at a certain age like myself and whose families may be left dependent upon insurance for their support. While I have got this report, and it is all right, it is not exactly what I wanted. I would like to call my hon. friend's attention to the report as to the assets of this company. I state their assets are not correct. I did not want to say so now for I propose by-and-by to bring up the whole business. Their assets in 1896 or 1897 were some four million dollars. I am merely speaking from memory—and I may not be exactly correct—and to-day they have only got four millions, with this proviso that they have asked their policy-hollers and men who have insured, to resume their policies that have lapsed. They have issued a circular to say 'if you will come in we will take you all in again and you give us your premium note, and we will charge that against your policy, and make it a mortgage or a lien on your policy,' and they have included that in their assets in their report to the department. Now, is that an asset to the policy-holders ? It is a delicate matter, but I have been asked to bring it up by a number of people who have got policies in the company, and they feel that the return made to parliament is not a correct statement. If a policy holder resumes a lapsed policy and gives his note for all the back premiums, it is made a lien on his policy, and that is put in the statement of the insurance company as an asset. I do not want to make a speech now, because I am not prepared to do so. Later on I am going to lay this whole subject before the House in the interest of the policy-holders, and I would call the attention of my hon. friend the leader of the government in this House, by another notice or two, and he can probably look into the matter, to whether a foreign company can come in and get the premiums of people in Canada without adequate security. An insurance agent comes along and gets a man to insure who believes the company is all right. Then he finds year by year that the rate is being put up on him, and when the returns made by the company to the government are looked at they are found to be simply falsified. There is no other word to use except that.

This is a question in which I feel very much interested. The company was working under the name of the Mutual Reserve Fund Life Association of New York. They changed their name now to the Mutual Reserve Life Association and compelled those who were insured with them under the assessment system, either to take a straight life policy, or submit to higher rates as years advance. If they took a straight life policy, they had to submit to a higher rate than that at which they were insured ; if they remained in the old position young lives would come in under the assessment system, they are hived down. Every man has to pay for his neighbour and finally the ninety-nine man has to pay for the hundredth. Some of my hon. friends who know the insurance business, can verify what I say. The ninety-ninth man having to pay for the hundredth, he is obliged to pay every year, as much for his policy as he will ever get out of it. I want the leader of the government in this House to look into the matter, and see that those who are insured, in this company and have been paying their money under certain representations are protected, if the company continues to do business in Canada. We have good companies in Canada—none better. I could point to hon. gentlemen here who are connected with some of them. This New York company having obtained a foothold in Canada were bound to protect those who insured with them under circumstances which do not exist to-day. The policy-holders never consented to the change of

name and conditions. They were told that, under the assessment system, by paying so much they would get back their money; to-day they are met with the fact that those who live long enough will not only get nothing, but will have to pay more than they would have received if they were to collect their policies. I do not propose to die in order to get the amount of my policy. I ask this House to legislate in such a manner that we shall have absolute protection for the money we have paid in. I am not speaking for myself now, I am speaking for many people in Canada. We have good Canadian companies which are doing straight honourable business, and I propose if this United States company is to continue doing business in Canada, to ask the government to compel them to protect their policy-holders, who are not protected to-day.

Hon. Mr. LANDRY—I would ask the hon. gentleman if that Mutual Reserve Life Insurance Company is the same company which has just been brought before the Privy Council in England?

Hon. Mr. DOMVILLE—I would not be at all surprised. I shall be prepared later on to give my hon. friend from Stadacona (Mr. Landry) more information. I shall be prepared to lay before this House some statistics that I think will astonish hon. gentlemen and stagger the government who are allowing them to do business here.

Hon. Mr. LANDRY—I asked the question to be sure. I heard that that company had just lost a very important suit before the Privy Council in England on the ground that they had increased their premiums to a very considerable extent, contrary to the conditions agreed upon between the policy holders and the company, establishing a maximum rate. They exceeded that maximum and lawsuits followed. One was tried here in Canada. In the Court of Appeals, judgment was given in favour of the company but the final decision on the case being appealed to England, is against the company. If that is the same company to which the hon. gentleman from St. John refers, the government should have its eyes opened, and should take steps to protect the interests of all parties concerned in Canada.

The motion was agreed to.

FIRE INSURANCE PREMIUMS PAID IN MONTREAL.

MOTION.

Hon. Mr. DAVID moved:

That a 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 statement showing the amount of premiums of insurance against fire which have been paid each year in the city of Montreal during the last ten years, up to the 1st of July last, and also showing the amounts paid each year at Montreal during the same period by insurance companies to holders of policies, and also the names of these companies.

Hon. Sir MACKENZIE BOWELL—I was about to rise to make some remarks on the motion which has just been carried, but I can do it as well on this motion. The hon. gentleman from St. John's (Hon. Mr. Domville) made a serious charge against a life insurance company, and no doubt the attention of the department will be called to the fact that the returns made by that company are said to be incorrect. It is a very serious charge to make against any company, and if this foreign company has been making false returns, the severest penalty should be imposed on them. The hon. gentleman might have stated at the same time that the securities which are deposited with the government are not taken at par.

Hon. Mr. SCOTT—I mentioned that. I mentioned the par value and the amount at which they were accepted. They were accepted at a lower figure than par.

Hon. Sir MACKENZIE BOWELL—The $265,000 securities deposited by the company were accepted by the department at $253,000. What I wanted to impress on the hon. gentleman was the charge made by the hon. gentleman from St. John that this company had made inaccurate returns. It appears from what has fallen from the hon. gentleman from Stadacona, and also from information I have received from another source, that there are one or two suits now before the courts arising out of the difficulties mentioned by the hon. gentleman, and I was under the impression that the suit that had been entered by the hon. Mr. Angers had been decided in his favour. I am not sure about that, or whether the case is now before the Supreme Court.

Hon. Mr. DANDURAND—He lost the appeal, and the case is now before the Supreme Court.

DELAYED RETURNS.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I should like to ask my hon. friend the leader of the House whether he is prepared to lay on the Table of the House the returns which I moved for at an early stage in the session, and also the returns which I moved for a week or two ago? Perhaps my hon. friend will remember that the motion made some time ago is one asking for all correspondence and contracts with regard to the equipment of steamers engaged in carrying perishable freight from Canada to the old country. That is one motion, and the other is for all the papers, petitions and Orders in Council passed on the commutation of the death sentence on Joseph Carver, of Prince Edward Island.

Hon. Mr. SCOTT—In reference to the first return, I shall make inquiry when it will be brought down. In calling for the papers to prepare the information asked for by the hon. gentleman in the other matter, I found that correspondence had already taken place with the Department of Justice on the subject. Mr. Bruce Stewart had written the Minister of Justice for the information my hon. friend asked for, and I shall read the answer which was given him (reads). I find also another letter, addressed to D. A. McKinnon, K.C.,M.P., dated 25th September, 1903 (reads). In view of those letters I felt myself precluded from bringing down the papers when the Department of Justice had objected.

Hon. Mr. LANDRY—Can that not be considered as a return?

Hon. Mr. SCOTT—No, it cannot.

Hon. Sir MACKENZIE BOWELL—The letters cannot be considered as a return, but there can be no objection to their going on record.

Hon. Mr. SCOTT—Yes, I should object to that; they were personal letters.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has made them public by reading them here.

Hon. Mr. SCOTT—I do not care about them being put in 'Hansard' without the authority of the Department of Justice. I got them particularly to show my hon. friend rather than read them in the Senate.

Hon. Sir MACKENZIE BOWELL—That is why I said I thought they became public property, the hon. gentleman having read them, as he did not preface his remarks by saying he did not wish them published in the reports. My impression is they ought at least to appear in the Debates. If the hon. gentleman requests that they shall not be put on record, I do not know that we should insist upon it.

Hon. Mr. FERGUSON—I think they should go on record. They are so thoroughly noncommital that they do not express anything at all further than that the minister came to the conclusion that the requirements of justice would be served, which we know is a very general statement.

Hon. Mr. SCOTT—I will think it over.

Hon. Mr. FERGUSON—I am not going to dispute the position taken by the Minister of Justice, but I am under the impression at all events, that the public have been made acquainted with the grounds on which sentences have been commuted; however, I am not positive about that.

Hon. Mr. SCOTT—I was under the impression that there ought to be no objection to the petition, but on inquiring at the department I was informed they always decline to give them out. If any one chooses to call there and see them, I daresay there is no objection. I have no objection to discuss it with my hon. friend privately.

Hon. Mr. FERGUSON—The point that was made by the brother of the murdered man is that he was informed—of course, he cannot be sure of that—that some of the names attached to this petition were not genuine. I suppose the hon. minister has no objection to myself or Mr. McKinnon, the member for the constituency, looking over the names, and possibly anything found flagrantly wrong in them would be ground upon which the government would be prepared to act.

Hon. Mr. SCOTT—I would be very glad if the hon. gentleman finds it convenient at

any time to call. I shall be very glad to get the file and let him see it.

Hon. Mr. FERGUSON—I know it will satisfy Mr. Stewart as well as many others.

A POINT OF ORDER.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to call attention to the report of the Minutes of Proceedings of the Senate to-day relating to what took place yesterday. On page 894 we find the following :

> The House, according to order, was adjourned during pleasure, and put into Committee of the Whole on the Bill (243) intituled : 'An Act to amend the Supreme and Exchequer Courts Act, the Exchequer Court Act, and the Act respecting the Judges of Provincial Courts.'
>
> In the Committee.
>
> The title read and postponed.
> The first section read and agreed to.
> Upon the second section being read,
> It was moved, that it be struck out of the Bill ;
> A question of order being raised that it is beyond the competency of the Senate to amend the said Bill, because it is a money Bill.
> The Chairman came to the conclusion that he should report the point of order to His Honour the Speaker for his ruling.
> After some time the House was resumed, and The Honourable Mr. Ellis, from the said committee, reported, that they had taken the said Bill into consideration, made some progress therein, and asked leave to sit again to-day.

I do not see in the report of yesterday's proceedings a motion that was made by me asking that the committee rise and report progress, and ask leave to sit again and report to the Speaker that a point of order had been raised stating what the point of order was, so as to have the decision of the Speaker. It says that Mr. Ellis from the committee reported that they had made some progress with the Bill and asked leave to sit again to-day. Then it is ordered that the said committee have leave to sit again to-day. When was that order given ?

Hon. Mr. SCOTT—Before six o'clock.

Hon. Mr. LANDRY—The order that the committee should have leave to sit again ?

Hon. Mr. BAKER—Yes, certainly.

Hon. Mr. LANDRY—Was it given before the Speaker ruled on the point of order afterwards ?

Hon. Mr. SCOTT—In order to give the Speaker time to consider, we called it six o'clock.

Hon. Mr. LANDRY—The hon. gentleman is confusing two decisions. He is confusing the decision of the Speaker given on the point of order raised in the committee, and the decision given by the hon. Speaker when I rose to speak on the motion appealing from his decision. Those are two different points of order altogether. I am speaking of the first point of order raised in committee, and reported by the chairman of the committee to the Speaker. The Speaker gave his decision. I am asking if the leave to go back into committee was given before the decision of the Speaker or afterwards ?

The SPEAKER—Before.

Hon. Mr. VIDAL—The records are all right.

Hon. Mr. LANDRY—But I do not find them complete. In the first place that motion in committee asking the committee to rise and report progress, and report to the Speaker, a point of order that was taken, does not appear. The second point is that the decision given by the Speaker should be entered in the minutes. I find that in 1878, page 298, the Speaker on a similar occasion gave his decision when hon. Mr. Clemow, from the said committee, reported the said point of order raised in the committee, and the hon. Speaker gave his ruling thereupon and the decision of the Speaker is given in the journals of the House at that time at length. Then when it was given, the House, according to order, was adjourned during pleasure and again put into Committee of the Whole. What I want to point out to this House, and what I ask, the House to do is this : that a motion made in committee to report a point of order to the Speaker should be mentioned in the journals and secondly the decision given by the Speaker should also be recorded.

Hon. Mr. VIDAL—Both these things are mentioned.

Hon. Mr. LANDRY—I do not say they are not. The point of order was raised by the leader of the opposition, and subsequently a motion was made in committee, that the committee rise and report progress and ask leave to sit again, and report to the Speaker the point of order that had been raised. That motion is not here.

Hon. Sir MACKENZIE BOWELL—That was after the point of order had been taken.

Hon. Mr. LANDRY—Yes ; that motion is not recited in the record.

The SPEAKER—That was a motion in committee, and it would not appear in the Journals of the House. It is not the practice to insert the proceedings in committee in the Journal.

Hon. Mr. LANDRY—I understood yesterday that the order was given. If the hon. Speaker rules that his decision should not be recorded, I have nothing more to say.

The SPEAKER—I was merely mentioning for the information of the hon. gentleman that it has not been the practice to record proceedings in committee.

Hon. Mr. LANDRY—I ask that the decision of the Speaker should form part of the minutes of proceedings.

Hon. Mr. YOUNG—The Speaker ruled that the point of order was well taken ; that is on record.

Hon. Mr. LANDRY—I call attention to what was done in the year 1898. It will be found at page 298 of the Senate Journals of that year. It is a precedent that I invoke. In the minutes of yesterday the entry is simply in these words : ' The hon. the Speaker ruled that the point of order was well taken.' In the other case the decision of the Speaker was printed in the Journals of the House, as given by the Speaker himself. It appears verbatim. So that we have in the Journals of the House, and fortunately had yesterday for reference, the exact wording of the Speaker's decision on that occasion. I ask that the decision of the Speaker yesterday be recorded in the same way that the decision of his predecessor was recorded in 1898 ; that is, in the exact words of the decision.

Hon. Mr. SCOTT—If the hon. gentleman is going to take up the whole afternoon with these technical proceedings, we shall have to sit this evening. It is absurd that the hon. gentleman should attempt to force his will against the will of the majority, which is to attend to the business on the Order paper.

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman has no right to threaten a member for the purpose of preventing him speaking.

Hon. Mr. MILLER—He ought to be ashamed.

Hon. Mr. LANDRY—Yes, he ought to be ashamed.

Hon. GENTLEMEN—Order, order.

Hon. Mr. LANDRY—If the hon. gentleman does not wish to be ashamed on his own account, I am willing to be ashamed for him. I will not submit to a threat like that which the hon. Secretary of State has uttered. If he wants to punish all the members of this House, let him do so.

Hon. Mr. SCOTT—The hon. gentleman is punishing the members just now by wasting time.

Hon. Mr. LANDRY—I am not punishing the members. I am calling attention to the fact that in 1898 the decision of the Speaker was given at length, and asking that the same course be followed now. I am asking with all deference that the Speaker's decision rendered yesterday be recorded in the Journals, and because I do so I am threatened by the Secretary of State that if I do not sit down he will force us to sit here to-night. Well, I am ready to sit here to-night. Others can go, if they please, to the banquet which is to take place this evening ; for my part I am ready to stay here alone.

Hon. Sir MACKENZIE BOWELL—I am sorry that this discussion has taken up so much time. I intended to call attention to the request I made last night, but not to argue it, as my hon. friend has done. I wish it understood that the hon. gentleman is acting on his own account, as he has a perfect right to do. If we study the history of parliamentary government since Magna Charta, we will hardly find a minister of the Crown threatening a member that if he does not do so and so, a certain course will be followed. I am sure the hon. gentleman, on reflection, would not undertake to carry out such a threat. It is quite unparliamentary. However, if the majority of the House wish to sit to-night they can have it to themselves, because most of us on this

side intend to do honour this evening to the leader of the opposition in the other House. What I should like to know is whether the Senate is of opinion when an important decision is given by the Speaker it should be entered in the Journals of the House in the same way that decisions of the late Speaker were recorded. My own view is that it should, but I do not intend to press the matter. I leave it to the consideration of the Speaker himself, and if in the future he decides that it is not proper to do so, then I shall feel justified in trying to have a rule laid down by parliament as to the disposal of decisions by the Speaker. My reason for that is this: When a decision is given on any point, more particularly a point affecting parliamentary procedure, we should know the reasons for the decision. I am perfectly in accord with the decision given by our Speaker last night, as my vote indicated, and I should like him to say, after reflection, whether he thinks it is his duty to put it on record, and then the House will be in a better position to judge whether it is advisable to take any further steps.

Hon. Mr. YOUNG—After due reflection, he might change his ruling.

Hon. Mr. LANDRY—Oh, oh.

Hon. Sir MACKENZIE BOWELL—I shall not discuss that implied reflection upon the Speaker. I leave that point to the hon. gentleman himself, who probably in the past may have been in the habit of changing his mind when he thought it expedient to do so.

Hon. Mr. YOUNG—A wise man sometimes changes his mind.

PENSIONS TO JUDGES BILL.

THIRD READING.

The Order of the Day being called:

Third Reading (Bill 243) An Act to amend the Supreme and Exchequer Courts Act, the Exchequer Court Act, and the Act respecting the Judges of Provincial Courts, as amended.

Hon. Mr. SCOTT—I had a slight amendment to propose to the Bill yesterday and in the confusion I forgot about it. As the law stands now in regard to this question of superannuation, the judges of the courts of vice-admiralty and the maritime courts of Ontario, shall be deemed to be superior court, local judges in admiralty, in the Exchequer Court to be judges of the superior court, and stipendiary magistrates in the North-west Territories, to have been judges of the superior court within the meaning of this section.

I omitted proposing this amendment until my attention was called to it. The amendment reads:

Subsection 2 of section 14 of chapter 138 of the Revised Statutes of Canada as amended by chapter 39 of 54 and 59 Victoria shall apply to the interpretation of this Act.

And that reads as follows:

Courts of vice-admiralty and the maritime courts of Ontario shall be deemed to be superior courts, local judges in admiralty in the Exchequer Court to be judges of the Superior Court, and stipendiary magistrates in the North-west Territories to have been judges of a Superior Court within the meaning of this section.

Hon. Mr. LOUGHEED—Do not the county court judges sit as judges in the vice-admiralty court?

Hon. Mr. SCOTT—No, Mr. Hodgins is the judge in admiralty at Toronto.

Hon. Mr. LOUGHEED—Is the intention of the amendment to place vice-admiralty judges in the same position as superior court judges?

Hon. Mr. SCOTT—They are now, under this statute which was passed in 1895 from which I am reading. I think there are only two maritime courts in Ontario. There is one in St. Catharines, and the county court judge there presides.

Hon. Mr. LOUGHEED—They are not presided over by Superior Court judges?

Hon. Mr. SCOTT—I think there are only two or three of them, one in Toronto, I think there is one in the west.

Hon. Mr. LOUGHEED—In the matter of superannuation it would place them upon the same status as Superior Court judges, although they may be only county court or local judges.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—In the event of their retiring would the allowance be two-thirds the salary of a Superior Court judge?

Hon. Mr. SCOTT—No, what they were enjoying. I will read the section again.

Courts of vice-admiralty and the maritime courts of Ontario shall be deemed to be superior courts, local judges in admiralty in the exchequer court to be judges in the Superior Court and stipendiary magistrates in the North-west Territories to have been judges of a Superior Court within the meaning of this section

They would get two-thirds of what their salary was at the time.

Hon. Mr. LOUGHEED—It would shorten the retiring period of a county court judge by ten years, simply by appointing him local judge of the vice-admiralty court. It seems to me if the government introduce an amendment of that character there may be a general demand on the part of the county court judges throughout the whole of Ontario to be appointel local judges of the vice-admiralty court.

Hon. Mr. SCOTT—They do not appoint them.

Hon. Mr. LOUGHEED—Still it is a very easy matter to introduce machinery by which they can be appointed, and it is a very easy matter in many cases to bring influences to bear upon the government to make the appointment. It seems to me there is just a possibility of injustice being done to many men by reason of a provision of that kind.

Hon. Sir MACKENZIE BOWELL—Has my hon. friend a motion ?

Hon. Mr. SCOTT—Yes. I move that Bill (No. 243) be not now read a third time, but that it be referred back to Committee of the Whole with instructions to amend the same by adding the following section :

Subsection 2 of section 14 chapter 138 of the Revised Statutes of Canda as amended by chapter 39 and 58 and 59 Victoria shall apply in the interpretation of this Act.

Hon. Sir MACKENZIE BOWELL—Before that motion is put I would like to ask the hon. Secretary of State if that is not adding an additional class of judges to the pension list. That would be the effect of it, would it not ?

Hon. Mr. SCOTT—I think so.

Hon. Sir MACKENZIE BOWELL—If that amendment be for the purpose of adding an additional class of judges to the pension list, then we are taking the responsibility of passing a clause which makes a direct charge upon the revenue, which is not covered by the Bill sent from the Commons; nor am I aware that it was contained in the message from the crown or in the resolutions that were passed in the House of Commons upon which this Bill was based. If that be the case it is a direct and positive charge upon the revenue, and if the point taken by myself yesterday was correct—and it was decided to be correct by the Speaker—this is a more flagrant case than the other.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—My hon. friend says no; we might just as well add a clause providing that the hon. gentleman sitting alongside of him shall, under certain conditions, have a pension at a certain time and after he had performed certain duties. The admission made by the hon. gentleman himself that he is adding another class of pensioners, and if he adds another class of pensioners he is adding another charge to the revenues, raises the question, have we the power to do that ? I intended to call attention to that point on the third reading of the Bill. This is going a good deal further than we went yesterday in amending the Bill.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—That is my view of it. The hon. gentleman may say no, but that is my conclusion. I wanted to put myself on record, that while I took the position I did yesterday and that I take to-day, it is not because I want to restrict the powers of the Senate. All I have to say is that I hope the Commons will accept the doctrine which the majority of the Senate has affirmed by our action of yesterday, intensified by our action of to-day. If the Commons accept this legislation we shall have a precedent in future for exercising further powers than we have claimed in the past, and when certain Bills come before us in a very short time, we can consider the propriety of striking out one of the resolutions. I repeat again that I hope the Commons will accept this legislation, thereby establishing a precedent to which we can refer in the future when questions arise as to the powers of the Senate. I wish distinctly to be under-

stood that in the action that I have taken it is not because I desire to restrict the powers of the Senate ; on the contrary, I would like to see us have more, and if the Commons accept it, so much the better for this body. I question very much whether it will be in the interests of the public to give to a body that is not directly responsible to the people the power to deal with the money raised by taxation. I am not going to raise a point of order to create discussion or to spend time just now, but I call attention to this important point, that we are by this amendment adding another class to the pension list, and are thereby imposing upon the revenue of the country a further tax that was not contemplated in the Bill as it came from the Commons.

Hon. Mr. SCOTT—I scarcely think my hon. friend is justified in coming to that conclusion. My answer perhaps ought to have been a qualified one. Chapter 138 of the Revised Statutes relates to judges of the provincial courts. It relates to the judges of the county court, and also to the judges of Superior Courts. It relates to the judiciary of Ontario, Nova Scotia, New Brunswick and British Columbia. It includes the county court judges. That is the original statute. It includes all the judges of the county courts, and therefore I am not adding in this particular amendment any particular class. That Act was amended by chapter 39, and in that way, among other things, it included the clause I read in relation to the judges of the Superior Courts, and it included also :

> Courts of vice-admiralty and the maritime courts of Ontario shall be deemed to be superior courts, local judges in admiralty in the Exchequer Court to be judges of the Superior Court and stipendiary magistrates in the North-west Territories to have been judges of a Superior Court within the meaning of this section

The Act, as it was prepared, did not, in the opinion of some eminent lawyers, include, as they thought it should have included subsection 21. It does not apply to any more county court judges than it would apply to now, because, as a rule, they are not judges in admiralty. I think there are only three in Ontario, not more than three at the outside. One is the master in chancery at Toronto, Mr. Hodgins, and I think there are two others, I would not be sure. And in the provinces they are already named the judges in admiralty. I do not know that they are judges of inferior courts. I think they are limited to judges of the Superior Courts, as my hon. friends in the maritime provinces know, and therefore it does not include that class, but it applies the law of 1895 to the present Bill in regard to subsection 21, in regard to the judges of vice-admiralty, which is very proper. They were under the law before, in regard to superannuation. It adds no more to them. They may be affected in this respect. We have in the Bill before us given the benefit of larger annuities under certain conditions, and so far as that would apply to them it would be probably a benefit, but no further than that. No other class comes in than those who are already in.

Hon Mr. LOUGHEED—I should like to ask for information, does it not make this difference : a judge in a Vice-Admiralty Court now may be a county court judge. Could he claim his retiring allowance, under the Act as it stands to-day, until he had served twenty-five years. You are now giving them the status of Superior Court judges. That is, shortening the length of service by ten years. so that it makes a very considerable difference. Instead of having to serve twenty-five years he would now have to serve only fifteen years, and then claim his retiring allowance.

Hon. Mr. SCOTT—If he was a judge of the county, would he not come in under clause three.

Hon. Mr. LOUGHEED—As I understand, the amendment proposes to place the judges of the Vice Admiralty Court in the same category as the judges of the Superior Court, and a judge of the Superior Court can claim the right to retire on the expiration of fifteen years service.

Hon. Mr. SCOTT—My hon. friend will recollect we have two clauses, especially applying to county court judges. They would still apply. It would not remove them to another class at all, and they would be governed by the term of service set forth in this Bill. The advantage I see which would follow would be some modification of the time, only so far as provided in sections 5 and 3 and 4, which apply to the county judge.

And clause 14 also applies to the county court. It would not give it to the county court judges who happen to be now judges in admiralty, if there are any. I am speaking from memory. I thought there were one or two. I may be mistaken. It is not an incident to the office. They have to be especially appointed. They are appointed to the office.

Hon. Mr. LOUGHEED—It seems clear to me that if by legislation you say that for the purpose of this Pension Act a judge in Admiralty becomes a Superior Court judge, then he manifestly can claim the right of retirement under clause 1 of the Bill upon the expiration of fifteen years, notwithstanding the fact that he is only a county court judge, because by legislation you are making him for the purposes of this Bill a Superior Court judge. That is not touching at all, the constitutional questions raised by my hon. friend as to the right of the Senate to amend a money Bill. Let us go into committee and we can see the effect. We are discussing an amendment without having it before us. That is one of the difficulties in amending a technical Bill which requires some close consideration.

Hon. Mr. LANDRY—I rise to a point of order, or I may say, two points of order. There are two considerations. I shall take one point and bring two good reasons in support of it. I ask that this motion be declared out of order, firstly because by this motion we are creating a new class of pensioners.

Hon. Mr. SCOTT—Oh, no, we are not.

Hon. Mr. LANDRY—I take what the hon. gentleman said in opening his remarks, that we were enlarging the number of people who should come under the scope of this Bill. We are creating a new class, and in doing so we are amending a Bill so as to increase the charges upon the revenue.

Hon. Mr. BAKER—Hear, hear.

Hon. Mr. LANDRY—This we have no right to do. It was contended yesterday by some hon. senators that we might have the power to lessen the burden, but here we are increasing the burden and for that reason this amendment should not pass. Certainly the amendment should not pass because you are asking to add to the Bill a very important clause, and the rule requires that when we add a clause to a Bill, and a very important one, we should have notice of it, and this is the second point or order I raise.

Hon. Mr. SCOTT—The change is not sufficiently important, to my mind, to lose the time now, and therefore, with the opposition shown to it, I shall withdraw my proposal and move the third reading of the Bill.

Hon. Mr. LANDRY—I must compliment the hon. minister on having acknowledged, by the fact that he withdraws his motion, that this is a money Bill.

Hon. Mr. SCOTT—No. but the clause is not sufficiently important to involve a debate on the subject.

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

READJUSTMENT OF REPRESENTATION BILL.

DEBATE CONTINUED.

The Order of the Day being called for :

Resuming the adjourned debate on the motion for second reading of Bill (66) 'An Act to readjust the Representation in the House of Commons.'

Hon. Mr. FERGUSON said : I have a good many notes before me, but I do not feel that it is necessary, or perhaps desirable at this late stage of the session that the discussion on this question should be unduly prolonged. Nevertheless, the measure is one of such very great importance, and it has engrossed the attention of the House of Commons so long, and taken up so much of the attention of the country, that it certainly calls for fair and reasonable consideration in this House. The different redistributions of the representation of the people in the House of Commons since confederation, have called for a good deal of discussion, and it is not improper to say that taking them all in all, a good deal of dissatisfaction has existed with regard to this subject ever since confederation. The redistribution which was made in 1872 did not appear to have been very well considered, and it does not appear from the discussions that took place on the redistribution in 1882, that

the public men of the country looked very deeply into the question, but in 1892 a discussion took place on the subject in the House of Commons which was very important and instructive. There was a friction of mind on the whole subject at that time and new views were enunciated, some of which have been accepted, and others have not been adopted, but which are entitled to a great deal of consideration and will no doubt receive it as the years go by and we have again and again to deal with this question after each decennial census. In 1892 some very able speeches were made on this question, and I think the most notable one was that of the late Minister of Justice, the Hon. David Mills. He took new ground. One of the points that he laid down in the discussion was that the parliament of Canada had not the right or power within itself to divide the constituencies, and to make this redistribution of seats within the different provinces. He held that the British North America Act, section 51, called for the appointment of an independent authority under which this redistribution should be carried out. If hon. gentlemen will turn to that section and read it carefully they will find that that view is entitled to a great deal of consideration. We first start with section 40, which provides :

Until the parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia, and New Brunswick shall, for the purposes of the selection of members to serve in the House of Commons, be divided into electoral districts as follows :

Then came section 51 :

On the completion of the census in the year one thousand eight hundred and seventy-one, and of each subsequent decennial census, the representation of the four provinces shall be readjusted by such authority in such manner and from such time, as the parliament of Canada from time to time provides, subject and according to the following rules.

Then we have a number of rules which were to govern the distribution to be carried out in this way. The more we look into these two clauses, the more convinced we shall be that they were worded deliberately for the purpose of causing an independent authority to be constituted for the purpose of making this redistribution. This was the opinion of Mr. Mills. I may say that that opinion was coincided in by a number of gentlemen who gave the subject a great deal of consideration on that occasion. The late Mr. Dalton McCarthy, who also delivered an exhaustive speech on the question, while not altogether falling into the same line as Mr. Mills did on this point, expressed another view, to which a great deal of importance is being atttached just now in connection with the case of Prince Edward Island. He laid down the view as read to the House by my hon. friend from Charlottetown (Hon. Mr. Macdonald) the other day, that it was not in the power of the parliament of Canada to decrease the number of representatives provided for at the time of confederation to any province. He bases that upon section 52 :

The number of the members of the House of Commons may be from time to time increased by the parliament of Canada, provided the proportionate representation of the provinces prescribed by this Act, is not thereby disturbed.

There is a very carefully prepared argument spread out in the 'Hansard' of 1892 by Mr. McCarthy, that that section prevented the parliament of Canada from decreasing the representation of any province, and that they could not decrease it because there was an express provision giving them power to increase, but no corresponding power to decrease the representation. It is not necessary to go into that point ; in fact, it would be futile to argue it now as the case is going to the Privy Council. But, coming from a man of Mr. McCarthy's eminence, the opinion is entitled to a great deal of respect. I understand, though I have not read the argument, that it forms the crucial point in the case of Prince Edward Island at the present time, and of course it will be settled before long by the Privy Council of England, and we will have an authoritative decision on that point. The Quebec resolution, as hon. gentlemen are aware, contemplated the distribution to be made, not by the parliament of Canada, but by the legislatures of the various provinces. The confederation debates indicate that very plainly. It arose out of the distrust on the part of the different provinces and their representatives who were trying to arrange the terms of confederation, as to what the parliament of Canada might some day do, with regard to provincial representation. There had been a long conflict mainly between Upper and Lower Canada with regard to the question of representa-

tion by population, and it is easily gathered from the confederation debates, that a fear was entertained by the people of Lower Canada, that there might be some restriction of their rightful powers and privileges by the parliament of Canada. The French population in Quebec might be so hived that the English speaking people might be given a larger representation than they were entitled to by their numbers. On the other hand fear was expressed in Upper Canada that some of the representatives of the lower provinces might unite with the majority in the province of Quebec and unduly affect the representation of Upper Canada. It is quite easy to gather from the confederation debates, that this feeling of distrust existed. Of that there is no doubt because in the Quebec resolutions it was provided that the redistribution of seats for the Federal House of Commons should be effected by the provincial legislatures. Mr. Clemens, an authority on the constitution of Canada, mentioned, on what he says was the authority of two of the fathers of confederation, that it was under consideration before the passing of the British North America Act to establish under that Act an independent authority for the purpose of carrying out this distribution. Mr. Joseph Pope in his confederation papers says that it was at one time intended to name a commission of a number of judges in the British North America Act under which the first redistribution should be made. However, that was not done, and it is ascertained—this is a matter of history which can be easily verified and I think to-day is an established fact—that when the London conference took place shortly before the passage of the British North America Act, the 51st section of that Act was then drafted and put in the law instead of the resolutions of the Quebec conference, which provided for the adjustment and settlement of this question, entirely by the provinces. Knowing that this was the case, it throws a great deal of light on this 51st section of the British North America Act, and settles, to my mind, at least, a point on which a good deal of discussion has taken place, that is, that the parliament of Canada has no power to make any redistribution except the one that is provided for in section 51, and which should be made only after each decennial census; and it would also appear to settle the other point, that this distribution should not be made by the parliament of Canada itself, but that an independent authority should be constituted that would make the distribution. With regard to that point, I may remark that in one of the two redistribution Bills that have been introduced by the present government, there was a provision for constituting such authority but these Bills were rejected by this House, on the ground set forth in a resolution moved by my hon. friend on my left (Hon. Sir Mackenzie Bowell). At that time the government of the day contemplated the handing over of the division of the counties, and cities, entirely to a commission of judges. It appeared to be carrying out the position taken by the Liberal leaders in 1892, when they complained, and complained very bitterly that the Conservative government did not take that course, when it was so ably pointed out by Mr. Mills and Sir Louis Davies and other hon. gentlemen that the British North America Act actually called for the appointment of a tribunal to be named by the parliament of Canada itself, but which should be an independent one, and should make this redistribution without being influenced by any party consideration. That proposition was in the Bill of 1899, but the Bill, as I have said, was not agreed to by this House, and when the Bill which has been introduced on the present occasion was submitted, it did not contain any provision similar to that contained in the Bill introduced in 1899 by this government. Before giving my views on the course that has been adopted by the present government in the framing and in the carrying out of this Bill, I may be permitted to say a word or two upon the English example which we have with regard to redistribution. We can point with the greatest degree of pride and confidence to the settlement of this question the last time it came before the people of Great Britain in 1884 and 1885. We know that there were very many struggles over this question of representation on previous occasions, but the rejection by the House of Lords of the Franchise Bill in 1884—possibly towards the end of 1883, but I think 1884 brought matters to a crisis.

At that time it was proposed to enfranchise about 2,000,000 of men in the British Isles, and the House of Lords took the ground that that enfranchisement of 2,000,000 people should go hand in hand with the general question of the redistribution of seats, and they were able to point out, with a great deal of reasonableness, that the measure would be almost futile without a redistribution. A great many anomalies in the representation had been allowed to remain after the passage of the Reform Act, and even after the passage of Disraeli's Act on that question in, I think, 1858, and other anomalies had grown in consequence of the increase of population or the changing of the centres of population all over the British Isles. After this Franchise Bill was defeated by the House of Lords, the leaders of the two parties got together upon this question. At that time Mr. Gladstone was leading the party and leading the government and Lord Salisbury and Sir Stafford Northcote were the most prominent men on the Conservative side. An approach was made between these distinguished men. There is no public record of how it began or how it proceeded, further than it is stated and stated as a matter of history, that Lord Salisbury and Sir Stafford Northcote actually attended the precincts of Cabinet Council meetings and there met Mr. Gladstone and the Earl of Kimberley, who were entrusted with the management of the business on the other side, and they there agreed upon a plan by which the whole business could be carried out. The result of their agreement was that on the first of December, 1884, Mr. Gladstone introduced a Bill for the redistribution of parliamentary seats in Great Britain, and he there made a statement that there was a reasonable assurance that the Franchise Act would be allowed to pass and would be proceeded with, with the sanction of both Houses and of both political parties, and that the Bill that he had introduced would also meet with the same sanction and the same cooperation. He outlined that this Bill was a skeleton one containing merely the elementary principles that were adopted, indicating the number of members that would be assigned to each borough and to each county, a point which it turned out, although he did not explicitly say so, had been settled between Lord Salisbury and himself. They had absolutely settled upon the number of members that would be assigned to each county and to every borough in Great Britain. He went further, and said that the boundaries of these counties and boroughs would be arranged by a commission, and he named to the House who the commissioners would be that would make this redistribution, and it is also a matter of history that these were names that were selected by the leaders of both parties, on which they were perfectly agreed, and he indicated further that the instructions were compared and would be issued to these commissioners outlining the lines upon which they would make the divisions. In the meantime, he intimated that the House, having agreed to the principle of the Bill and having advanced it some stages, that somewhat later the Bill would be hung up till this commission would sit and would make their report, and then, after the result had been submitted to parliament, the Bill would be recommitted, and the result of the report of the commissioners, if satisfactory, would be incorporated in the Bill, and would in this way be sanctioned ultimately by both the House of Commons and the House of Lords. As a result of this announcement, the commissioners were named; in fact they were at work at the very time. They reported a little later on that the work was greater than they could do personally and asked that assistant commissioners be furnished, and these commissioners were agreed upon and named, and as a consequence the work of dividing the counties and the boroughs went on. Meetings were held in all the counties and in all the boroughs. Public notices were given. All persons interested, representatives of the counties, public men and municipal bodies were invited to come before this commission and give their views. All kinds of information was sought for by the commissioners and, as a result a report was made which was accepted by the House of Commons, and the Bill reached the House of Lords on the 8th of June of the following year and the measure speedily became law. The result of that was that the Franchise Act was passed. The House of Lords withdrew their opposition to the Franchise Act. Two million

voters were enfranchised and a Redistribution Act was provided which, while it was not claimed for it that every anomaly in the representation was removed, still it was so well framed to meet the requirements of the day, and was formed on lines so fair and equitable, that there has not been any strong demand for a redistribution from that time up to the present moment. I noticed that in the introduction of this Bill by the hon. leader of the government in the other branch of parliament, he set up a claim that the British example was being followed. No greater absurdity could be stated by any gentleman than that. In no respect whatever has the British example been followed. There was no consultation between my hon. friend the leader of the opposition in the House of Commons and my hon. friend in this House with the hon. gentlemen holding equally responsible positions in the government; they were not invited to meet the government, and they did not meet. Something that they imagine approaches that, was done in the way of forming a parliamentary committee, in which care was taken that four of the government should should sit and only three of the opposition, but that was nothing approaching or corresponding in any shape or form to that agreement which was arrived at between the leaders of both parties in preparing the English Bill. In fact, the Bill was already submitted to form a committee, and the work the committee was to do. If there was any comparison at all, it was that the work to be done was similar to that which was done by the commission appointed in Great Britain in 1884 and 1885. The present Bill was introduced distinctly as a government measure, on which the leaders of the opposition were not consulted at all. I have said that a committee was appointed, and I may say further that the vast majority of the Liberal-Conservative party in Canada, did not look upon the proposition to appoint that committee with any degree of favour, and I believe the popular feeling was that their leaders should not have accepted the proposition, because they were prepared before hand for what happened. They were prepared to find that the committee, by a majority of one, would practically carry out their own plans and their own policy, and the minority would not get very much, if any of their own way. However, my hon. friend the leader of the opposition in the House of Commons, as I understand, somewhat contrary to the views of his own supporters, but with that reasonable feeling which he has shown on all occasions, said that there was in the proposition itself a semblance of fair-play and an approach to an amicable arrangement, and it was the duty of the opposition to meet them in that way and endeavour to see if anything could be done to bring about a result that would be more satisfactory than by the government proceeding in its own way to distribute the constituencies. I have followed the discussion in the other House and through the press, and I think the conclusion which the opposition, at all events, have arrived at the present moment is this, that while there has not been and is not a great deal of complaint in any of the provinces outside of Ontario against this or the other redistributions since confederation, yet the old complaint is as strong in Ontario to-day with regard to this measure almost as it ever was, and that the government has with a strong hand shaped the constituencies and allotted representation throughout the province of Ontario largely with a view to the political advantage they shall gain out of it, and they have done that in almost every case by the strength of their party majority in the committee and in the House of Commons. This redistribution, then, while as far as the province of Ontario is concerned, and to some slight extent out of it, is quite unsatisfactory, and in many respects very unfair, it is more to be condemned because such loud professions of fairness were made in connection with the introduction of it, and therefore the complaint is not only that the measure is unfair, but that there is the element of hypocrisy connected with it which makes that unfairness even more repulsive than it would be even if that profession of fairness has not been made. I have seen it stated there are 38 cases in the province of Ontario in which a division arose on that committee in which the four members representing the government carried their own way by a party division, and that there were only three or four cases in the whole province in which the minority were allowed

their own way. In one or two instances there were compromises made and the opposition accepted the best of two propositions, but that could scarcely be called a disposition to meet fairly and equally and to give and take. One of the principles on which the present government, when in opposition, claimed that the constituencies should be divided, in fact the main principle, was that county boundaries should be respected. With regard to that, I may say that as far as I have been able to go into it, there is probably a larger attention being paid to county boundaries in this redistribution than there was in former ones; at the same time, the principle of county boundaries has not been inviolately maintained. Take the province of Prince Edward Island; there they have adopted county boundaries, but if you take Cape Breton, they have abandoned the principle of county boundaries.

Hon. Mr. McGREGOR—Does the hon. gentleman know that the leader of the opposition, who is a member of that committee, was the first to make that proposal with regard to Cape Breton ?

Hon. Mr. FERGUSON—I am not aware of it.

Hon. Mr. McDONALD (C.B.)—I beg to tell my hon. friend from Pictou that the leader of the opposition gave notice of an amendment to the Bill as agreed upon by the committee of the House of Commons.

Hon. Mr. McGREGOR—I have it on the best information that the hon. member, who is the only member from Nova Scotia, made that first proposal to divide Cape Breton in that way. The hon. gentleman, speaking yesterday on the subject, complained that Cape Breton had lost a member, and I am informed on the very best authority that the leader of the opposition was the very first one to make that proposal.

Hon. Mr. FERGUSON—I am quite sure that my hon. friend is wrong in saying that the hon. leader of the opposition was the first one to make that proposition, and my hon. friend (Hon. Mr. McDonald) coming from that county tells us that he put a notice on the Order paper later for a different division, which would seem to contradict the statement of the hon. gentleman. But my hon. friend will observe the point I am making at this moment is not whether the division in the island of Cape Breton has been made with or against the views of the leader of the opposition, but I am pointing out it violates the principle of county boundaries which the leader of the government laid down in 1892, and in fact ever since as a correct principle. I have pointed out one instance to show that the government have not followed this principle of county boundaries even in the redistribution which has been made. If they were loyally attached to the principle of county boundaries we know that they would be sorry to dissent from it, even if the leader of the opposition had advocated it, which I think is not correct. There is another point that was put forward in 1892, and that was the principle that there should be no double constituencies. The late Minister of Justice, Mr. Mills, who discussed this question in 1892, as I have already remarked, with a very great deal of ability, presented an argument against double constituencies, an argument which I believe is unanswerable, and he laid down the view that if the Liberal party were to return to power and deal with this question that they would do away with double constituencies. He gave some reasons, any of which would be very good. One of them was that in the event of a member dying or a member accepting an office of emolument, that the whole county—take the city of Ottawa for instance, that the whole constituency of Ottawa which has two representatives would be put to the trouble of an election, whereas it was only necessary under a proper representation that only one part of it should be put to that trouble, and a candidate should be put to the trouble and expense of canvassing and conducting a campaign in a double constituency. He gave that as one reason. He gave another which was even much stronger, and that was that by single constituencies the minority had a better chance of getting representation. The strength was more likely to be divided between the parties, while in the double constituency two members might be returned for one side though if the constituency were equally and fairly divided there was a better chance that one of each party might be elect-

ed, in which case the minority would get a better representation. But what do we find? We find the government in this Bill creating a new double constituency in Prince Edward Island, and while they do away with the principle of a double constituency in Cape Breton, and while they do away with it, I think, in the city of Hamilton, and I think possibly in almost every other place where it exists except in Halifax and Ottawa.

Hon. Sir MACKENZIE BOWELL—Not in Hamilton.

Hon. Mr. FERGUSON—I was under the impression that they had in this Bill. However, the point remains that while professing, as many of the members of the government did when in opposition, that they were against double constituencies, they created a double constituency in Prince Edward, whereas since 1892 we have had the correct principle applied of single constituencies. A great deal of stress has been laid and a great deal of discussion has taken place with regard to the distribution of representation, as between the urban and the rural population, and I notice that in the House of Commons and in the press, that the supporters of the present government have claimed that in making a sharp distinction in favour of the rural constituencies, as against the cities, they are following the practice of Great Britain. With regard to that statement, I can furnish an undoubted authority on this subject, and that is the Earl of Kimberley, when he introduced the Redistribution Bill of 1885 in the House of Lords. This abuse of a better representation in the boroughs as against the country constituencies was one that this great Redistribution Act was particularly made to remedy.

I may mention under the present system in England that the proportion of seats is in counties one to 70,800, and in boroughs only to 41,-200. Under this Bill the proportion will be one to 52,800 in counties and one in 52,700 in boroughs.

It took 70,800 persons in the counties of England to entitle them to one representative in the House of Commons, while in the boroughs there was one to 41,200. That was the state of things that existed before the passage of the Representation Act of 1885. He says in this Bill the proportion will be one to 52,800 in the counties and one to 52,700 in boroughs—absolutely the same. They worked the matter out so accurately that on the whole general result in the counties, I think, 52,800 persons obtained representation, while in the boroughs, 52,700 received the same power and the same influence in the government of the country. That was what the great public men of England of both political parties worked to obtain, and that is what they did obtain by the Act of 1885. We find in Canada, at the present moment, that the government has asserted the principle and laid it down, but they have not followed it by any means, only where it suited them. They laid down the principle that rural constituencies were entitled to a larger representation than the urban centres, on the ground that the rural districts were more sparsely settled, and the territory was entitled to some consideration as well as the population. It could not be on account of the sparseness of the population, although that has been stated, that the country constituencies were more likely to increase than the cities, for we know that the trend of population is towards the cities in Canada, as it is in almost every civilized country, and that the city population is increasing faster than the country population. But while laying down that principle, which I am bound to say was in entire variance with the British principle, arrived at by the leaders of both political parties in 1885, let us see for a moment how it has been respected by the present government in the Bill which is now before us. I shall take two constituencies to make a comparison. I take North Victoria and Haliburton, a very sparsely settled country district, which has a population of 38,511, and it is given one member. The county of Brant contains one city and many important towns. Throughout its whole length it is practically an urban population. Brant contains a population of 38,-140, or nearly 400 less than North Victoria and Haliburton, and yet it is given two members, while the sparsely settled new country embraced in North Victoria and Haliburton is given only one. Many reasons might be assigned for this extraordinary discrepancy, but I think the true reason will be found in the fact that North Victoria and Haliburton is a decidedly Conservative constituency, while Brant is rather

the other way. There are many anomalies quite as important as those I have mentioned, but I refer to these for the purpose of impressing on the House the truth so far as the province of Ontario is concerned. I take the case of Toronto, as another illustration. According to the last census it contained 208,040, and this population is given five representatives, the unit of representation being 41,608. The county of Brant, which, as I have already remarked, contains a considerable urban population—not quite so strongly so as Toronto, but still something of that character—is given two members, so that 19,000 people in the county of Brant are given a representative, while it takes 41,608 of the people of Toronto to get a representative. Now, we take the city of Toronto as compared with the county of York, in which it is situated. York, with 64,000 of a population, is given three representatives, or one to every 21,000, while the city of Toronto is given only one to nearly 42,000. York cannot be classed among the sparsely settled counties. It is supplied with telephones and electric cars, and urban advantages and conditions prevail. However, this point will be conceded, that the county of York is not by any means in as bad a position as is North Victoria and Haliburton in being sparsely settled; yet 38,511 persons living in a sparsely settled district are given one representative while less than 22,000 in the county of York, outside of Toronto, are given a representative.

Hon. Mr. KERR (Toronto)—My hon. friend will perhaps call attention to the fact that the three members for York live in Toronto, so Toronto has the benefit of that extra representation.

Hon. Mr. FERGUSON—My hon. friend cannot make that statement for the future more than I can. He has no guarantee or assurance that any member for York will live in the city of Toronto. It is to be assumed that the people of those country constituencies will do what nearly all the country constituencies are doing, and that is tend more and more to resident representatives. They are almost certain to claim that residents shall be their candidates. However, even if that were not to happen, and two or three of those constituencies were to elect as representatives men living in the city of Toronto, it does not alter the argument to the slightest extent. My experience in public life is that any man with decent instincts, who becomes the representative of a constituency, will wrap himself up with that constituency and pay comparatively little attention to the place where he lives. I never attached much importance to the question of non-resident representation. I have been elected in that capacity myself, and I know I attached myself to my constituency, and no other constituency I felt had a claim on me compared with the one I represented. I am sure it is the same with most gentlemen who become representatives. Does it not seem to hon. gentlemen that a fairer method of proceeding with the city of Toronto would be, if it was determined that you could not get more than eight members for the county of York including the city of Toronto, without depriving some outside constituencies of representation which they had long enjoyed, and which they would not forfeit without certain friction, to divide the representation more fairly between the city and the county. I admit anomalies may arise from the fact that a continuity of representation in a constituency establishes a claim which should be respected within reasonable bounds, but would it not have been just and fair in dealing with the city of Toronto and the county of York to have given two members to the county outside of the city, and six members to the city? That would have worked out this way: the unit of representation for Toronto would be 34,673, and for the county of York, 32,000. I speak in the presence of gentlemen who live in Toronto and vicinity and know all about the conditions there, and I have no doubt when I appeal to them as to whether that would not be fair and right, they will, in their hearts, no matter what their attitude towards the Bill may be from other considerations, admit that the proposition is just and reasonable. It is unfortunate that this Bill should contain such a discrimination against the city of Toronto as is involved in the figures I have quoted. It is a city of great wealth and importance, whose people rank with any city in the world in intelligence. I have the greatest pride and admiration in the city of Toronto, and it is not fair or just that such a city should be discriminated against

as it is in the Bill before us. What makes the discrimination unfortunate is the well known fact that the electors of the county of York, outside Toronto, have for a long time—and possibly up to the present time, that is the expectation of the promoters of the Bill—had strong Liberal leanings, while the electors of the city of Toronto, in all its ridings, have been for a long time, and are still known to be, strongly Conservative. In view of that fact, I ask if the provision in this Bill which gives three representatives to 64,000 in the county of York outside of Toronto, is not practically depriving the Conservative party of one member to whom they are legally and honestly entitled and giving that seat to the Liberals, supposing the views of the people on political questions remain as they have been in the past. The cities of Canada have mainly shown a leaning towards the Conservatives in politics. Exceptions of course, have existed, and may be found to exist still, but taking the city of Toronto, I think that remark is correct. I find that the Liberals have been able to carry elections in some of the cities of the province of Ontario, outside of the city of Toronto. In Ottawa they are now represented by one, in London by one, in Brantford one, and in Kingston one. In fact, at the present moment four out of seven representatives of the seven cities are Liberals. As it is near six o'clock, I move the adjournment of the debate.

The motion was agreed to.

ADVANCES TO GOVERNMENT OF NORTH-WEST TERRITORIES BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (256) An Act to provide for advances to the government of the North-west Territories. He said: The proposal in this Bill is to authorize an advance of $250,000 to the North-west Territories debt account. Of course with the very large number of persons going into that country, the expenses of that government have been largely increased, and public opinion has been exercising a good deal of pressure to deal liberally with them, and this Bill authorizes an advance of $250,000, to be taken into consideration as a debt owing by the Territories to the Dominion of Canada in any financial arrangement that may be made in connection with the organization of a province or provinces.

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

HARBOUR OF NORTH SYDNEY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (262) 'An Act to amend the Act respecting the harbour of North Sydney in Nova Scotia.' He said: This Bill provides for striking out the word 'four' in the last line of the said section, and substituting therefor the word 'five.' It increases the salary of the harbour master from $400 to $500, and section 10 of the Act is amended by inserting the words 'after deducting five per cent for his remuneration.' That refers to the officer who collects the harbour dues, and this provides that he may retain five per cent before paying the dues to the commissioners.

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

DEPARTMENT OF RAILWAYS AND CANALS ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (258) 'An Act to amend the Act respecting the Department of Railways and Canals.' He said: The practice in regard to the advances made to the Intercolonial Railway to buy their steel rails, engines, ties and the various stores, has been that they have got the credit of a certain sum, upwards of a million or a million and a half, or two millions sometimes, and as the articles were taken out of the store and used in the railway, they were credited with them.

Hon. Mr. McSWEENEY—How much do they require?

Hon. Mr. SCOTT—I think the account averaged from a million and a half to two million, a running account. There is a large amount of stores kept on hand, to be used from time to time as the exigencies of the railway required. The authority ought to be given by statute, and it is for the purpose of meeting the objection of the Auditor General that this Bill is introduced. It

limits the amount of advances to the Intercolonial Railway at any one time to a million and a half, and to the Prince Edward Island Railway $100,000. When a credit is advanced a charge is made, and as the goods are taken out and placed on the railways, or used in any way, they are charged up. It is a matter of book-keeping.

Hon. Mr. FORGET—They cannot, at any one time, have more than a million and a half in stock.

Hon. Mr. SCOTT—No, and the Prince Edward Island Railway cannot have more than $100,000 in stock.

Hon. Sir MACKENZIE BOWELL—That will enable the department to reduce, apparently on the face of it, the expenses attending the railway during the year?

Hon. Mr. SCOTT—I think it has no bearing on that point. They have bought coal enough, for instance, for perhaps six months at a time.

Hon. Sir MACKENZIE BOWELL—That is always debited to the expenses of the railway.

Hon. Mr. FORGET—Only when it is used.

Hon. Mr. SCOTT—When it is used the credit is charged up against the railway.

The motion was agreed to, and the Bill was read the second and third times and passed, under a suspension of the rules.

The Senate adjourned till three o'clock to-morrow.

THE SENATE.

Ottawa, Friday, October 9th, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (AA) An Act for the relief of the Canadian Policy-holders in the Mutual Reserve Life Insurance Company.—(Hon. Mr. Domville.)

SATURDAY SITTINGS.

MOTION DROPPED.

The Order of the Day being called:

That when the Senate adjourns to-day, it stand adjourned until to-morrow, the 10th instant, at three o'clock in the afternoon.

Hon. Mr. SCOTT—From what I can learn in the House of Commons, I do not think there is any chance of the House proroguing next week. I see that they are still on the main estimates in that chamber, and, of course, there are the supplementary estimates and railway subsidies, and a number of Bills to be taken up, so that there will be no necessity of our meeting on Saturday, if we meet on Monday at three. I move that when the House adjourns to-day it stands adjourned until Monday at 3 p.m.

Hon. Sir MACKENZIE BOWELL—And if the hon. gentleman sees that there is any probability of completing the business during the coming week, we might meet a week from to-morrow. There would be no objection to that, unless some of our friends on the other side are desirous of remaining a few weeks longer. I think some of them have intimated that desire.

Hon. Mr. TEMPLEMAN—We are quite willing.

Hon. Mr. SCOTT—I do not think the business will suffer if we do not meet to-morrow.

The SPEAKER—The rule of the House is to meet on Monday at three, and the order which suspended that rule has already been rescinded.

The motion was dropped.

OTTAWA VALLEY RAILWAY COMPANY BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. DOMVILLE moved concurrence in the amendments made by the House of Commons to Bill (Z) An Act respecting the Ottawa Valley Railway Company. He said: The hon. gentleman from Mille Isles, I understand, has withdrawn his objection, and these amendments may be considered now, so that the gentleman interested in the enterprise may proceed to New York.

Hon. Mr. DAVID—In view of the remarks which have been made, and of the discussion which has taken place in Montreal with regard to this Bill, I think proper to say that I did not oppose it for several reasons, one of which is sufficient. As regards municipal rights, I do not think they are affected by the Bill. As regards provincial rights, it is perhaps different,

but the Bill is so similar to many other Bills which have been adopted by parliament this year, that I am too recent a member of this House, though not young, to assume the role of a very radical reformer and ask the Senate to depart from the custom which has prevailed for many years. Another reason is this: That though I am inclined to think that many Bills which have been adopted have somewhat infringed on provincial rights, I think if the committee which has been proposed by the hon. member from de Salaberry is appointed—as I am sure it will be—it will make rules which will establish a line of demarcation between what are to be considered the federal and the local powers. I beg to add, hon. gentlemen, in excuse for the position I have now taken and which I shall take in the future, that I will be very fair on that question, and that I shall be actuated and influenced by two principles, the first, that when the principal object of a Bill is provincial, I shall vote to refer the Bill to the proper provincial authorities; secondly, when a Bill is what might be termed a half-breed Bill—including federal and provincial powers—I shall try to induce my hon. colleagues to incorporate the clauses that are federal and to send back to the local legislatures the clauses that are provincial. I beg to say in taking this position I am not actuated by capricious or selfish motives, but by convictions of long standing, based upon the broad and patriotic principle of the autonomy of the provinces. To show that I am not actuated by recently acquired convictions, I may add, though I do not want to make a speech, that I was one of the young men in the province of Quebec who were opposed to confederation, and that one of the motives which then influenced us, was that the new constitution might be converted too easily into legislative union, and that there were certain clauses of the British North America Act which might be interpreted so as to deprive the provinces and municipalities of their local rights. Our fears have been justified, to a certain extent, by what has since happened, for nobody can deny that there have been numerous encroachments at different times upon the rights of the provinces and of the municipalities. I belong to the school of Sir Oliver Mowat. I think it is a good and patriotic school. His motives in defending the rights of the provinces were good and patriotic and in the interests of the proper working of the constitution. Although I am one of those who opposed confederation, following the example of a great many like Lafontaine, who opposed the union of the two provinces in 1840, and perhaps I might cite also Sir Wilfrid Laurier, who opposed confederation—I am of opinion that when a constitution is established, the best we can do is to take advantage of it and try to make it work in the interest of the country. A reaction was necessary; that reaction has taken place, and we have seen all the municipalities organizing themselves into a league to defend their rights before this parliament, during the last two or three sessions, and the provincial governments have felt obliged to do the same. I have just said that it was in the interests of the whole country and of the constitution to take such a position. We are all proud to feel there is a great future in store for our young country; that Canada possesses great elements of prosperity, progress and greatness. While I am of that opinion, I think those elements of progress, greatness and prosperity will be injured if we do not take great care to maintain peace and harmony between the different nationalities and sections of this country, avoiding the conflicts between the local and federal powers which have taken place in other countries, and which have brought about so many national disasters. We all know the fratricidal struggle which took place in the United States was the result of disputes between the federal and the local powers. We, as a young country, should profit by the experience of older nations. The amendments which have been proposed this year by the hon. gentleman from de Salaberry (Hon. Mr. Béique), and which have been adoptetd by the Senate, would have the effect of removing these causes of difficulty, and I hope the Senate will continue to show its wisdom and usefulness by upholding municipal and provincial rights, and by applying the old and patriotic principle of home rule in local affairs in the future.

The motion was agreed to.

JUDGES OF PROVINCIAL COURTS ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (255) An Act further to amend the Act respecting the judges of provincial courts.

(In the Committee.)

Hon. Mr. SCOTT—I explained to the House on a former occasion the necessity for appointing a judge for the county of Pontiac was the opening up of new districts on the north-east end of Lake Temiscamingue, which will probably make the united counties of Pontiac and Ottawa extend from point to point over two hundred miles, and it became inconvenient for the judge of the county of Ottawa to travel so far to attend to the duties of his position.

Hon. Sir MACKENZIE BOWELL—Where is the judge to reside ?

Hon. Mr. SCOTT—He resides at Hull now.

Hon. Sir MACKENZIE BOWELL—I understand the present judge resides at Hull. I want to know where the new judge is to reside, and what is the territory over which he is to administer the law ? Hon. gentlemen will remember that when that country was being opened, a few years ago, by the Canadian Pacific Railway, a new judge was appointed for the section of the country up around—was it Sudbury, or where was it ?

Hon. Mr. SCOTT—This is on the Quebec side. The judge will probably reside at Bryson or Portage du Fort. There are several villages up in that county.

The clause was adopted.

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

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

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

ADVANCES TO GOVERNMENT OF NORTH-WEST TERRITORIES BILL.

THIRD READING.

The Order of the Day being called :

Committee of the Whole House on (Bill 256) an Act to provide for Advances to the Government of the North-west Territories.

Hon. Mr. SCOTT—This is directly a money Bill. I do not know that we should go into committee on it, because it is a Bill granting some $250,000 to the North-west government.

Hon. Mr. LOUGHEED—I was not aware yesterday that my hon. friend was going to send it to committee, and as it was six o'clock when it came up for second reading, I refrained from speaking upon the Bill. Without now going into committee we might regard this stage as a proper occasion upon which to discuss the whole Bill. I direct the attention of the House to the fact that the proposal is to carry to the credit of the North-west Territories, $250,000 and to also make an advance of $250,000 on capital account. I might say the subject of the Bill has created considerable discussion between the two governments, for some time past. One feature to which I have alluded, namely the charge of $250,000 on capital account, is one that certainly has not been approved of by the territorial government or by public sentiment in the west. The government may possibly have regarded itself as giving this money in a liberal and generous spirit, but I would point out, as has been pointed out on former occasions, that the policy of this government towards the territorial government has been of a parsimonious character. Instead of a sufficient amount being carried to the credit of that government from year to year in the estimates, the proposed expenditure of the territorial government has been, I might say annually, cut down to such an extent as to preclude that government from meeting the absolutely necessary requirements of the public, largely if not altogether, created by the tide of immigration, which during the last two years has been. I am glad to say, flowing into that country. I think it was last year the territorial government outlined public improvements that were absolutely necessary, namely, public works, and education which would have involved an expenditure of a million dollars. The then Commissioner of Public Works, Mr. A. L. Sifton, now the Chief Justice of the ter-

ritories, took this matter up with the Dominion government and indicated at that time that at least $880,000 was absolutely necessary for the expenditure of 1903. In a sessional paper brought down in the House of Commons it will be seen that in a letter written to the Minister of Finance by Mr. Haultain, dated 20th April, 1903, this statement is made :

For instance, representations were made on December 17 and January 9 last by Mr. A. L. Sifton, the then territorial treasurer, that it was necessary that parliament should be asked to provide for the expenditure of the sum of $880,000 during the year 1903, upon the services devolving upon the government of the territories. On February 21, whilst in Ottawa and at the request of Sir Wilfrid Laurier, I submitted a carefully detailed statement of our affairs, showing the nature of the requirements of the country, and pointing out particularly that the public necessities were to a very large extent due to the rapid influx of population, a cause entirely beyond our control but which, to some extent, may be attributed to the Dominion government's efforts to direct immigration to the west. I also pointed out that between December and February conditions had so far changed that the amount asked for in December would be entirely insufficient to provide for necessary expenditures in new and unforeseen directions. In December, we asked that parliament should provide $880,000 for our use during 1903. As a reply to that request, the government proposes to vote $457,979. This is the amount as was voted last year and which fell short of the smallest possible expenditure we could make by $250,000. Climatic conditions created a general and urgent necessity for replacing a large number of bridges that had been carried away by floods, but that necessity only made it impossible for us to consider other public undertakings of comparatively less urgency, but which are all calling for attention this year. If we were $250,000 short last year, what we will be this year with increased demands and necessities in every direction, I can safely leave you to form your own estimate.

Without going over the ground again I would here simply say that if we have found the necessity for making capital expenditure out of an annual income a particularly onerous burden, the difficulties of our financial position will be rendered only the greater by the strong temptation to draw upon a capital account, should such an account be established, for expenditures that should, under every rule of legitimate finance, be provided for only out of annual income, but which condition of affairs would be forced upon us by the manner in which the Dominion government fulfils its self-imposed duty of providing for the peace, order and good government of these territories.

I trust that the further consideration of this whole subject, promised in your telegram of this date, will result in some more definite recognition of our necessities than has hitherto been evidenced. The one, and the best solution of all these difficulties has, on several occasions of late, been suggested to the Dominion government, and it seems to me that I might well close this communication by an expression of the opinion that just so long as the provincial status is withheld from the territories will it be necessary for the government of the territories to direct attention with increasing force and emphasis to the present unsatisfactory manner of making financial provision for the public requirements of the country.

Now, then, we find this condition of affairs. In a country which is being rapidly settled up, into which I suppose 100,000 settlers have gone during the present year, and which has increased its population so rapidly as to warrant the government in the present Redistribution Bill increasing the representation in the federal parliament from four members to ten, one can easily appreciate the futility of the government for one moment imagining that the grants which heretofore have been made, will continue to be adequate to the growing necessities of that vast country. Hon. gentlemen will simply have to consider for a moment how inadequate it will be if the present and future grants should be based upon the parsimonious policy which has hitherto been followed namely, paring the government down to the absolute necessities which arose from time to time at a period when the population of the territories was almost stagnant. I need not point out to my hon. friend that in the matter of education alone the sum of $250,000 has been voted. It is absolutely necessary that educational institutions should be established throughout the length and breadth of those territories which geographically are almost an empire in themselves, and it is in the public interest not in the interest alone of the territories, but the interest of the entire Dominion, that the growing population of that country should be well educated, that not only the higher educational advantages should be extended to the children of settlers, but that it should be regarded as indispensable that the elementary rudiments of an education should be furnished to the people in every settlement, particularly foreigners who are coming from all parts of Europe and who should have their children educated in the language in which we speak and made familiar with the institutions by which we are governed. Over a year ago, $250,000 was appropriated for educational purposes in the territories. As I have said, that has been found to be entirely inadequate, and the demands which are at present made upon the territorial government will probably in-

duce them to make estimates almost reaching $300,000, to meet simply the increased demands for elementary educational institutions in that vast country. Well, when this government votes only $457,000, out of which must be taken almost $300,000 in the first instance, for educational institutions, I need not further point out the inadequacy of such a vote. That is but a feature I pointed out, namely, educational institutions; then there are public works such as roads and bridges which are absolutely necessary. I need not point out that while there may be main lines of railways running throughout the territories, colonization highway roads must be opened up, streams must be bridged, and public works of that character involving very large expenditures, must positively be made, otherwise it will be impossible for the demands of the settlers to be acceded to by the territorial government. The question has resolved itself into this: if the Dominion government refuse to give a grant adequate to the necessities of the case, and refuse to give provincial automomy to the territories, whether the territorial government will not have to throw up their hands and refuse to administer the affairs of that country. So long as parliament has given governmental machinery to the territories, so long as there is vested in the hands of the territorial government the power to administer the affairs of the territories, to carry out public works and to establish educational institutions and to practically do the other work of a province, so long is this parliament in duty bound to furnish such funds as will be necessary to meet the public demands. This consideration must not also be overlooked, that while all the machinery of government obtains in the territories for the purpose which I have mentioned, yet the territorial government is helpless in the matter of obtaining funds if this parliament will not vote them.

The revenues to be derived from the territories by the sale of the lands, by the disposition of the mineral interests and otherwise are entirely vested in the federal government. We are in leading strings in that country yet, from a governmental standpoint, and while there has been a very emphatic demand on the federal government, not only by the public, but by the legislature, that provincial autonomy should be extended to that country, yet the government of the day has not seen fit to accede to that demand. So long as this situation continues, I cannot impress too strongly on the government, in the interests of the entire Dominion, that a change should be made, because if the absolute requirements of new settlement are not fully met, it will not only enure to the disadvantage of the territories, but must be equally and strongly felt throughout the Dominion at large. The interests of the territories are the interests of the entire Dominion, and I need not point out here that the growth of the North-west is really what gives vitality to a very great extent, if not to a greater extent, than any other quality, to the growth of the whole Dominion. It seems to me that that does not admit of any doubt. If you could by any possibility wipe out that western country, the vitality of the remaining parts of the Dominion would be extremely weak. Hence it is necessary that those from the eastern provinces, and the government of the country particularly, should regard the possibilities of this Dominion as being very largely, if not entirely, wrapped up in the development of those vast territories. So much for that feature. As I say, there are two items in the Bill, one of $250,000, intended to cover the deficit of last year, which will not cover the deficit entirely, but this government in its wisdom has seen fit to vote $250,000, to be applied in covering the expenses of the territorial government for last year. But a more objectionable feature is, in addition to this sum not being large enough to cover the deficit, this government proposes to charge the amount to capital account. By what process of reasoning this government, that holds in its hand the leading strings of the territorial government, should charge $250,000 to capital account, and make that chargeable with interest, it is difficult to understand. It is certainly a proposition that does not receive the approval of the territorial government or of public sentiment in the North-west Territories. That has been a very debatable question, and the territorial government, notwithstanding the declaration of this government that the intention was to make it chargeable to capital account, has refused to accept it upon that basis. In the correspondence which will be found on the same

page of the sessional papers to which I have already alluded, I might point out a letter which was written by the Premier of the territories to the Minister of Finance, and dated June 15th, 1903. Dealing with this phase of capital account, Mr. Haultain says, amongst other things :

> With regard to the question of an advance on capital account I can only refer to my letter of April 20, and the position therein taken up. An advance on capital account is nothing more or less than a loan upon which eventually we should have to pay 5 per cent per annum. We feel indisposed to consider an invitation to borrow money as a satisfactory settlement of our request for the necessary amounts to carry on the affairs of this country. At all events the proposition to give us an advance on capital account of $250,000, already debited with $84,000 for the bridges mentioned above, is one which we cannot entertain. We cannot reasonably object to the requirement of the consent of the Governor General in Council to any broad scheme of expenditure under this heading, but to be obliged to ask such consent to every detail would be as burdensome as it would be unnecessary.

Now, in that connection I may say there is to be debited against this $250,000 an item of $84,000 for the reconstruction of two bridges, one at Lethbridge and one at McLeod, which had been originally constructed by the Dominion government, which were regarded as of the Department of Public Works of Canada, and which by an Order in Council this government proposed to reconstruct; yet, after deliberately passing an Order in Council solemnly agreeing with the territories and if the territories would reconstruct those bridges, which had been washed out by the floods last year, the money would be reimbursed to the territorial government. Notwithstanding that arrangement, we have this audacious attempt to charge up the $84,000 against this vote of $250,000, to reimburse the federal government for replacing their own works at Lethbridge and McLeod. Arising out of that consideration, namely, that of building bridges, it does not require a very potent appeal to hon. gentlemen for them to at once appreciate the fact that if the Dominion government, through its various channels which are at work to-day, not only on this continent, but on the continent of Europe, will place from 100,000 to 200,000 immigrants on the broad prairies, they must necessarily do something for them in the way of building roads and bridges. It does not require any reasoning on my part to point out to hon. gentlemen not only the equity of such a proposition, but the absolute necessity that it should be done. I might point out that those territories are traversed in all directions by streams which in the spring time are in mountain flood, and except very expensive bridges are constructed, which would be entirely beyond the financial strength of the territorial government, it would be utterly impossible for the settlers in that vast country to reach their various markets. Hence the Dominion government for several years past have been constructing bridges over the main highways and over the unfordable stereams and I cannot point out too strongly the necessity of the government being impressed with the desirability of keeping pace with the growth of the country in the carrying out of necessary public works. Now why should the government haggle over a paltry sum of $250,000 or $500,000 in thus keeping pace with the rapid growth of that magnificent country. When we take into consideration the fact that parliament has voted practically $74,000,000 of estimates this year, also proposed railway subsidies of $13,000,000, also lead bounties, steel bounties and iron bounties which will probably approximate three or four millions, also in addition thereto practically $100,000,000 for a national transportation system—why, I ask should this government, or any other government haggle in this miserable two-penny shopkeeping way of carrying out adequate improvements in that vast country which I say gives the throb and vitality of energy to the entire business of this Dominion ? If hon. gentlemen will go through the estimates which have been voted, not only this year, but in former years, they will find that no estimates of any considerable extent have been voted in any year to public works in the territories. I say without fear of contradiction that there is no part of this Dominion in which less public money is being expended than in the North-west Territories. Owing to the rapid development of the territories the government as a matter of policy has not consilered it advisable nor desirable that large public works should be carried out in any particular locality. The consequence is that very small sums have been voted from time to time for temporary works,

and temporary buildings, since this government came into power. I cannot recall at the present moment any public building that has been erected in the whole of the North-west Territories under this government that would do justice to one of the small towns in the eastern provinces. I am not saying that that is inadvisable, because what might be a sufficient expenditure on a public building to-day might be entirely inadequate for the demands or requirements of ten years hence. But I say, in view of the fact that public money is not being expended in the territories, notwithstanding its very rapid development the government should certainly be generous and liberal to a fault in keeping pace with the rapidly developing settlement of those vast prairies. So much for that phase of the case. Might I point out to my hon. friend the Secretary of State that, from a political standpoint, if this government desires to remain in power it should certainly listen to its friends. Sometimes even public men do not succeed in making a deep impression on the government as to the necessities of wise public expenditure, but when the party men approach the government and point out that party advantages are to be gained by a liberal expenditure of money, the government invariably becomes responsive to that class of argument. In those sessional papers to which I refer, Mr. Bulyea, the territorial commissioner of public works, who is one of the high priests of Liberalism in the North-west Territories, makes sufficiently free to correspond with the Premier of the Dominion as to the effect upon his political party of the government's parsimony with reference to territorial expenditure, and by some means or other this letter, which possibly was not intended to see the light of day, but to be considered only by the faithful, became impressed upon the pages of our public records. He writes the Hon. Sir Wilfrid Laurier, G.C.MG., Premier of Canada, Ottawa, as follows :

> You will please excuse the liberty I take in addressing you, if it is a liberty to lay before you facts that I consider will be of material influence on the welfare of the Liberal party in the North-west Territories.
>
> You are, of course, cognizant of all the representations that the territorial government have made in reference to increase of the financial assistance that is voted to us from time to time, and the arguments that have been advanced why a material increase is absolutely necessary, if the alternative of provincial autonomy were not granted to us. I have had considerable correspondence with the federal members representing the territories, who were kind enough to apprize me of the general representations they had made to your government, and I advised them that I consider that if such were adopted it would reasonably satisfy the general public in the territories, and would put your candidates and your supporters——

Now will the government listen to this appeal, and if on no other ground, will they not do it on the grounds of political expediency ? The letter continues :

> And would put your candidates and supporters in the coming elections in a position with which they could fight with zeal, and I am pleased to say, with every prospect of success.

If I were unpatriotic I would ask the government to pursue the disastrous course which they have been pursuing with reference to the territories, but on grounds of patriotism I am willing entirely to forego the advantages that the Conservative party might secure in the territories if the government will only listen to Mr. Bulyea's appeal of expediency. The letter continues :

> The supplementary grant, and the addition to the main vote, while not as much as we asked for, will be of very material assistance to me in the work of my department as Commissioner of Public Works. The capital advance tendered is also needed for the construction of the large and permanent structures that must be completed to meet the requirements of the large influx of settlers into the country.
>
> I regret to say, however, that not only as a member of the territorial government, but as a citizen of the North-west Territories, I must dissent most strongly from the proposition to charge up against this vote the large expenditure of $84,000 which is purely and simply for the reconstruction of two federal public works, viz.:—the bridges over the Old Man's and Belly rivers, erected by the late Conservative government.
>
> During the floods of last year these two bridges were washed out, and your government, through its officers, agreed to have them replaced by permanent structures. Your officers in the territories reported on the necessity of such reconstruction, took charge of the old bridges, and sold the old material. Later, through the late Commissioner of Public Works, the Hon. A. L. Sifton, the matter was taken up with the federal Public Works Department, and as we have a fairly large staff of competent bridgemen, and have been very successful in the construction of bridges of a less size than these, it was arranged that the territorial government should proceed with the construction of the bridges, and that they would be recouped for such expenditure to the amount of $55,000 in the case of the bridge over the Belly river at Lethbridge, and $29,000 in the case of the bridge over the Old Man's river at Macleod.
>
> For your information I attach a copy of extract from the report of the Committee of the

Honourable the Privy Council, approved by His Excellency on February 6, 1903.

On the authority of this Order in Council my department proceeded with the work. Considerable preliminary work has already been done in making the necessary approaches to the bridges, tenders have been called both for the material and the concrete piers, and for the steel superstructure, and I maintain that the federal government cannot, in honour, recede from the position that they have taken as shown by this Order in Council, even if there were no political reasons——

Will my hon. friend mark that. The letter continues :

Even if there were no political reasons for carrying out their definite agreement in this matter.

Official correspondence from the government will no doubt be laid before you in due course, protesting against the suggested charges, and while the matter is, in a sense, 'sub judice,' we cannot of course proceed to use the suggested advance on our capital account.

A refusal to use this money on capital account. The letter proceeds :

I trust, therefore, that you will see the necessity of meeting the reasonable views not only of the North-west government but of your friends who are members of the territorial assembly, and who uphold unanimously our government in claiming that the territories are entitled to have these federal structures replaced at the general expense of the Dominion of Canada.

GEO. H. V. BULYEA.

And then so as to thoroughly impress upon the government the political or party expediency of this appeal, this novel endorsation is subjoined to the letter of Mr. Bulyea :

The undersigned members of the legislative assembly strongly approve of the tenor of the above letter :—

George W. Brown.	P. Talbot.
L. Geo. de Veter.	B. Prince.
J. W. Woolf.	R. A. Wallace.
W. J. Finley.	J. A. Simpson.
C. A. Fisher.	A. S. Rosenroll.
A. D. McIntyre.	Thos. Macnutt.
Charles Fisher.	Alex. C. Rutherford.
A. S. Smith.	

There are here, some fifteen names, all members of the Liberal party and members of the local legislature, so that Mr. Bulyea with the valiant backing of half the members of the legislature, all Liberals, has appealed to this government that upon grounds of expediency if not upon grounds of fair-play, more generous treatment should be accorded to the territorial government. Now as to the repudiation of liability for the $84,000.

Hon. Mr. SCOTT—The hon. gentleman need not go into that, the item is in the estimate—it is not charged against the government. I turned up the estimate while my hon. friend was speaking.

Hon. Mr. LOUGHEED—I find that they have already debited it.

Hon. Mr. SCOTT—The account must have been altered. Because I have looked up the estimate before parliament.

Hon. Sir MACKENZIE BOWELL—What item is that ? The item for the Old Man's bridge ?

Hon. Mr. SCOTT—Yes, the bridge at Lethbridge and the Old Man's bridge.

Hon. Mr. LOUGHEED—The Bill would not necessarily show that this $84,000 was debited against capital account ; that will be a matter of book-keeping and instead of paying over to the territorial government the $250,000, they will credit the territorial government with that debit of $84,000. With that presentation of the case I leave it with the government and would simply point out that it is high time that the present government should give greater consideration to the requirements of the territories than has been done heretofore, and, as I have said, if they will not regard the voice of public sentiment along those higher and more ethical lines I would appeal to the government on the ground advanced by Mr. Bulyea, namely on grounds of political expediency——

Hon. Mr. SCOTT—We could not accept that suggestion.

Hon. Sir MACKENZIE BOWELL—No, but the government would not act upon it.

Hon. Mr. SCOTT—The hon. gentleman must remember we have been increasing largely the contributions to the North-west Territories and more particularly during the last year. While the hon. gentleman was speaking, I was counting up the various sums and I find they will amount to about a million and a quarter. There is $450,000 debited in the yearly estimates, and there is $250,000, and at page 29 of the supplementary estimates there is the additional grant required for schools, clerical assistance and printing and so on, $250,000. Then I find the Public Works Department are authorized to go on and complete the Belly river bridge at Lethbridge and the Old Man's bridge, amounting altogether to $85,000, but in ad-

dition to that there are various other items which I turned up while my hon. friend was speaking. There are items for telegraph lines.

Hon. Mr. LOUGHEED—They are Dominion works.

Hon. Mr. SCOTT—They should not be considered, because there is some revenue supposed to be attached to them. Speaking of public buildings, I find there are $75,000 for buildings, the Edmonton jail, the Prince Albert court-house, and a number of other small items.

Hon. Mr. LOUGHEED—Some of those are re-votes. I think those were on the estimates for some years. In fact they were started at the last general election.

Hon. Sir MACKENZIE BOWELL—That $75,000 referred to is in the supplementary estimates just brought down.

Hon. Mr. SCOTT—Yes, the supplementary estimates now before parliament, but there were some other items. I was glancing at the figures and they amount to about $1,200,000. I fully appreciate the needs of the North-west, but it must be remembered that the government are expending a great deal of money in other ways. The emigrants that are going in are looked after by the Department of the Interior and the railway subsidies to which my hon. friend refers, a large portion of them, will be spent in the territories; in fact one of the reasons that induced the government to give this very liberal aid to the Mackenzie & Mann road, to lend them rather $13,000 per mile, was for the very purpose of having the money spent in the North-west Territories, so that the people going in there would have the opportunity of securing employment on the road, and then a proportion of the amount required for the building of the Trans-Canada Railroad will be spent through the territories, and they will get the benefit of it. We have spent very large sums of money for the benefit of the North-west, and I fully appreciate we will get value for it. I have the most abounding faith in that country and believe it will return to the older parts of Canada, all that the older parts of Canada have expended on it; but my hon. friend will appreciate that it is very difficult to keep pace with the growth of the North-west, because it has been somewhat phenomenal, in the last year particularly. No one ever dreamed that 100,000 people were going in there during the year 1903, and the reason that the Finance Minister thought it the wisest way to charge up $250,000, or such other moneys as may be wanted from time to time, is that it was a simpler way of making the advances. When the autonomy of the territories has become established, it will be time enough to discuss what the territories ought to be charged with, or whether they ought to be charged with anything. I am not foreshadowing what the financial agreement will be. They were asking for very large sums of money. They could not, of course, go into the details of what the money was required for; they needed it for present necessities, and if you gave them three or four or five millions, they could expend it probably, and probably to the advantage of the country, but it would not be a judicious thing to do, and more particularly in view of the reading of the letter of Mr. Bulyea, practically asking a bribe for the North-west. The Premier would be shocked about making any liberal advance. We might be charged with attempting to secure the vote of the North-west—we wish to be quite independent of any such consideration, and we have to be cautious. I think the amount this year is very nearly one and a quarter million dollars.

Hon. Mr. LOUGHEED—I might point out the grant which the hon. gentleman refers to for education and the grant for public works make up the $457,979.

Hon. Mr. SCOTT—But in the estimates there were $450,000.

Hon. Mr. LOUGHEED—I think not.

Hon. Mr. SCOTT—Oh, yes; this is wholly independent of the former advances. There was something in the first estimates. However, I can assure my hon. friend the government will take into consideration all the reasons he has urged why this liberal treatment should be extended to the North-west, but I think that he ought not to ignore the fact that the government are contributing in a great variety of ways through other channels than strictly through the territorial government in advancing the interests of that country and bringing in immigration, and in a variety of ways through the Department of the Interior. The sales realized

from land have scarcely more than paid the expenses. We are giving away our land in the North-west. The sales of land there have been by companies who acquired lands years before. I think my hon. friend will have nothing to complain of after this year.

Hon. Mr. PERLEY—I think my hon. friend has a great deal to complain of. I am quite in accord with the remarks made by my hon. friend from Calgary (Hon. Mr. Lougheed). The Secretary of State spoke about the immigration into that part of Canada being a benefit to the North-west Territories. So far as revenue is concerned, I say distinctly that the immigration is a detriment to the North-west Territories. Our lands in the North-west are controlled by the federal government. Until recently, I have been opposed to giving of provincial autonomy to the North-west Territories, because the necessities for the administration of the government have become so great in the last three or four years through the immigration brought in there by the federal government—we find no fault with that—that the territorial government has not sufficient funds to supply schools and build roads and bridges for the increasing population. The Premier of the North-west Territories, two or three years ago, stated in a speech made at Yorkton that one of two things must be done: Either the federal government must provide more funds for them, or they must resort to direct taxation to provide for the education of the people, and the construction of roads and bridges. The government of the North-west Territories does not get a farthing of revenue from anything taken into the country for the last three years or any other number of years. The only revenue they get from the population is derived from licenses. The revenue from the great immigration into that country flows into the federal treasury; the government of the North-west Territories does not get a cent. There is no part of the Dominion which contributes as much to the federal revenue, according to population, as the North-west Territories. We do not manufacture anything for ourselves in that country. We are the people who give a stimulus to the trade of Canada. If it had not been for the opening up of the North-west Territories, and the consumption in that part of Canada of manufactured goods, the older provinces would be in a less prosperous condition than they are to-day. The people of that country want roads and bridges and schools. To the credit of the people they have built excellent school-houses by direct taxation. They have provided the means out of their own pockets, and throughout Assiniboia, and as far west as Calgary you will find as good a class of schools as are to be seen anywhere.

Hon. Mr. SCOTT—Do they not get a portion of the school money?

Hon. Mr. PERLEY—No; I can speak for every town in Assiniboia, I know more of that part of the territories than further west. We built our schools with money raised on our own individual properties, not a dollar of it came from the funds of the North-west Territories, or the federal government. While the federal government derives all the benefit of the rapidly increasing population in the territories from the increased revenue derived from customs and excise duties, they supply the territorial government with a bare pittance. I claim that we have the best school system in the world, and our schools are brought within a reasonable reach of the settlers. No country that I know of can compare with the Canadian North-west Territories in the provision that has been made for roads and bridges and schools. The government at Ottawa ought to be able to give some portion of the revenue they derive from that section of the country towards education and public works. The federal government does not give one-tenth of the money derived from the settlers in the North-west to the territorial government. The construction of roads and bridges in that country is very expensive. It is not a wooded country, and what timber is found there is not suited for the construction of bridges. We have to import the wood we require for that purpose. There is a combine on the lumber supply in that country. I cannot buy a thousand feet of lumber from a manufacturer direct. Is it not outrageous in a civilized country which boasts of its freedom that a man cannot buy a carload of such a necessary article as lumber, because of a combine? That combine is fostered by the government, because they will take no steps to put an end to it. We have to build iron

bridges, and on the iron we import into the territories there is a heavy freight rate. The result is our bridges are very expensive. We have a great number of them to build. The rivers are numerous and difficult to bridge, not from the fact that they have water all the year round, but because they run in deep ravines, and it is expensive to build roadways down to the river, and up the banks again. Not only that, but labour is very dear, living is expensive, and the freight rates are high. Therefore we require more money than is required in sections of the country where these elements of cost do not exist. The burning cry in that part of the country is, we want provincial autonomy, in order that we may be able to tax ourselves to keep up our schools, and sustain the progress with which we have started. The Doukhobors, the Galicians, and others living to-day in Europe, will ten years hence get the benefit of our heavy expenditure of to-day. Settlement is scattered all over that country. That is an unfortunate thing. It was a great mistake, and one which I condemned at the time, when that country was opened up, that so many railway charters were granted. When I went to Winnipeg, in 1882, every man I met told me to go to some distant section of the country—to buy a cayuse and a buckboard and take a fortnight's supplies and go out and select land. I asked if I could not go by railway ; they said no, but there will be one soon. I said no, I will keep within sound of the steam whistle ; but others did not do as I did. I have known men to settle 100 to 150 miles from a railway, and the government of the North-west Territories has to build roads and bridges for them, and supply money to pay teachers. All over that country we have had to build a system of railways that would accommodate 5,000,000 of people, because the settlement is scattered everywhere. Every corner of that vast territory has a settler, and the territorial government must build a road for him. The same road would accommodate 500,000 settlers. The time has come when the government should be generous—not generous, but fair. We do not ask one-half, not even one-quarter of what we should get. If you figure up what we contribute to the revenue, we would be quite satisfied to get 25 per cent of it for the North-west Territories, and that would not be an unfair thing to do. At this stage of the growth and development of that country you could advance no argument to intending settlers so strong as to tell them that we have a splendid school system, and excellent roads and bridges. The territorial government deserves great praise for the school law and the school system in existence there. When I went to the North-west council in 1885, we gave a large grant towards supporting the schools, but we had plenty of money. The federal government at that time did not have to give us as much as they do now, but in proportion to our wants, they gave us large sums of money, so that we were able to support our schools in good shape. But that amount has dwindled down and the people have to support the schools by taxing themselves. Though we have a population of about 250,000 in that country you refuse us provincial autonomy ; you keep us as mere serfs. You say, take the pittance we give you, and we cannot help ourselves. Mention has been made of the building of the Transcontinental Railway and the Mackenzie and Mann railway. We gen no benefit from that ; on the contrary, it means a heavier expense for building roads and bridges. If a hundred thousand people were to come in for the Mackenzie and Mann road, it would not contribute one farthing to the exchequer of the North-west Territories, but it will be a benefit to the government here.

Hon. Mr. SCOTT—What I said was the expenditure of the money would help in the meantime.

Hon. Mr. PERLEY—The men that come to the North-west are not navvies. They go there to take possession of the soil and raise wheat. A suggestion was made some years ago that a railway should be built in patches so that men could get work, but our answer was that we were not navvies; we did not want to build railways, we wanted to till the soil. If the settlers work on the railway, what is the good of them coming in, and of what value will the railway be ? The people who settle here want to become citizens of the country, and in that particular the road is of no special good to them any further than it will open up land for new settlers ; but if these settlers do not

devote their time to cultivating the soil, of what use will it be to build the road ? I understand the policy of the government is to take the lands of the North-west Territories and hold them as security for the bonus they are giving to the road. Is not that the policy ?

Hon. Mr. SCOTT—I think not.

Hon. Mr. PERLEY—I saw it stated the other day that it was intended to hold the lands of the North-west Territories as security.

Hon. Mr. SCOTT—I do not think any such policy has been announced.

Hon. Mr. FERGUSON—It was indicated by the Minister of the Interior in another place.

Hon. Mr. PERLEY—If the lands are set aside for that purpose, what have we to fall back on ? We will be denied the privilege that every other province enjoys of having control of the public domain within its limits. We are to be serfs to the rest of Canada. I say that is wrong. The government should come down with a good liberal grant—not a liberal grant, but a fair grant. The people should be given enough money to carry on the government of the country. My hon. friend from Calgary spoke about the letter of Mr. Bulyea. He had exhausted every argument. Mr. Haultain had been writing to Mr. Sifton and Mr. Ross, two supporters of the government here, and using every argument possible to induce the government to give his government money, and when they found every reasonable argument unavailing, they say : 'Give it to us for party purposes.' The man was driven to it, and he used the strongest argument, and even the strongest argument has failed. The government should give us enough money to enable us to live on an equality with other people, to keep up good schools, roads and bridges, so that when immigrants come there, we can tell them : 'You are coming to the best country in the world ; you are coming to a land where the soil is fertile, where there are good roads and bridges, and where you will find the best school system in the world.' If the government will give us sufficient money to do that, they will have the strongest argument possible to attract immigration.

Hon. Mr. PERLEY.

Hon. Mr. SCOTT—Is the hon. gentleman aware of the fact that there is an item of $250,000 in the supplementary estimates for that purpose ?

Hon. Mr. PERLEY—Only $250,000 ! And you brag that you expect to have 250,000 settlers in that country in one year !

Hon. Mr. McMULLEN—I have listened to the discussions in the House of Commons and also to the debates here since it has been my privilege to be a member of the Senate, with regard to the expenditure of money in the North-west. Our friends in the North-west are perhaps a little too hard to please. An immense amount has been spent in the territories on public buildings. I remember adding up the amount spent in Regina alone, and it was no less than $350,000, for the construction of public buildings, including accommodation for the North-west Mounted Police and a residence for the Lieutenant Governor. Money has been poured out there in a more lavish way than in any other part of the country that I know of. My hon. friend speaks about building schools ; that they have to tax themselves for their schools. We have got to do the same in Ontario, and every other province. Why should my hon. friend complain that they have got to build their own schools. We have to do so here. There is no grant in Ontario for the building of schools. The school sections have got to erect their own schools and tax themselves for every dollar that goes into those buildings. Why does my hon. friend complain that they have got to do in the North-west what they are doing in other sections of this Dominion, and nothing more and nothing less. Now, with regard to improvements, I am quite willing to say that the government should carefully consider every demand that is made and that is reasonable and fair for a grant for general improvements, for the construction of bridges and so on for the North-west, but really, I am afraid that my hon. friends from the North-west Territories have been so accustomed to have their demands complied with that they have the idea that the treasury of this Dominion should be open to their call and they should get everything they ask for. That appears to be the feeling as far as I can gather. We are glad to know there is a large settlement going on in the North-west Territories. We are

proud to learn that it is filling up so rapidly, and we earnestly hope it will develop into the grand country my hon. friend speaks of. We shall all be proud of it. He says the immigrants going in there as navvies will be of no use to the country. I am sure they eat potatoes, they eat flour, they eat beef and use pork, and where do they get it? Do they bring it with them? Are these articles not grown in the North-west Territories? Do you not supply settlers with these goods, and do they not pay you money for them? Is not that an advantage? My hon. friend would lead us to suppose that they should get a bounty for every immigrant sent in, or that the government should pay so much a head for the privilege of sending immigrants there. I always understood that increased population to a country, even a new country, was an advantage, and it certainly is. These people will take up certain districts of land, a certain percentage of them will become settlers, and they will contribute in the way of taxation no doubt the same as others. I believe the North-west is receiving at the hands of the present government fair and reasonable consideration. I believe they were altogether overfed by the previous government, because the extravagance that characterized the expenditure there was something enormous. I quite admit that possibly there were conditions then that do not exist now. The accommodation in the way of railways was not as good as it is at the present moment, and there was more inconvenience and expense connected with the erection of public buildings, nevertheless there was a great deal of extravagance connected with the establishment of the public buildings and in connection with the North-west Mounted Police. We are glad that is drawing rapidly to an end, and we hope the North-west Territories will prosper, but they should be reasonable and not be unreasonably and everlastingly yelling out for further grants and demanding donations.

Hon. Mr. LOUGHEED—Would my hon. friend just consider this problem for a moment: it may be of advantage to us in the North-west Territories. Assuming we have to depend upon the federal government for the building of roads and bridges, that is to make appropriations for the building of roads and bridges, and the money is not voted, would my hon. friend regard it in the public interest that there should be a cessation of all public works?

Hon. Mr. McMULLEN—I think not. I have already stated, that I think the government should fairly consider all the demands made and where there is a necessity for the expenditure of money for roads and bridges I believe it should be made in a reasonable and proper way. I am quite satisfied of that, and I have no doubt the government are taking steps to find out what is absolutely necessary. I do not find fault with the people from the North-west making a demand for all they can get—I suppose they like to have plenty of public money to spend up there, and I daresay the North-west government are also anxious to get a large amount of money under their control; but while they are making those demands it is prudent, on behalf of the government, to investigate how far they would be justified—considering the demands and the necessities of other sections of the country—in making grants up to what the people in the North-west would demand. I have no doubt the government have fairly balanced the matter and come to the conclusion that the amounts they are now setting aside for necessary improvements will be, to a large extent, equal to the demands of the present moment.

Hon. Mr. WATSON—I would just like to say a few words in connection with this matter. A good deal of complaint has been made for a number of years about the Dominion government not granting autonomy to the North-west Territories. It is a question in the minds of a great many people in the territories as to whether it would be better to have autonomy granted them at the present, or whether it is better to continue under the present arrangement. There is no doubt in my mind that the Dominion government for the last few years has been treating the North-west Territories very liberally with regard to their finances. I have before me the estimates that have been made since 1892 by the North-west Territories government, setting forth the amount of money required to carry on the administration of affairs in the North-west Territories, and for a number of years their request fell considerably short of their necessities, but during the last few years, since immigration has gone in there very rapidly, the

Dominion government recognizing the fact that they have to assist in supplying funds to enable the territorial government to meet the responsibilities which they are called upon to assume, such as constructing roads, building bridges and maintaining of schools, have increased the grant estimated for 1903, which is $1,130,000.

Hon. Sir MACKENZIE BOWELL—What is that for ?

Hon. Mr. WATSON—That includes the total estimates asked for for public works, schools and everything else. That is the estimate they would require for the carrying on of the affairs of the North-west Territories.

Hon. Sir MACKENZIE BOWELL—I do not desire to interrupt my hon. friend, but was that given to the territorial government, or is it the total amount for public works which belonged to the Dominion as well ?

Hon. Mr. WATSON—No, the territorial government. This is the amount asked for this year. As a matter of fact, I have just got the figures from a gentleman who is more conversant with the matter than I am—they have received this year over $1,200,000; in other words they have received more money this year than they have asked for. The supplementaries actually provide for the territorial government more money for carrying on the affairs of the North-west than they have asked for in their own estimates. I would just like to call to the attention of my hon. friend from Calgary, and he knows probably more than I do about this matter, that a decision was given as to the taxation of the Canadian Pacific Railway lands and property in Manitoba, and according to that decision until the territory is formed into a province, the territorial government have the right to tax the Canadian Pacific Railway lands, roadbed and everything to raise a fund for school purposes. I may be mistaken, but at the present time the territorial government have the power to tax the Canadian Pacific Railway property for school purposes until the territories form themselves into a province. I would like to say, in reply to what the hon. gentleman from Wolseley (Hon. Mr. Perley) has said, that the people are building their own schools. The people throughout the provinces of the Dominion build their schools by direct taxation. There is no government aid given for building schools, but the people of the territories have the benefit of taxing the Canadian Pacific Railway lands for building schools. In the province of Manitoba they had to make demands on the federal government year after year in the early days, in fact they are doing it yet, and in that province the government has been compelled to give guarantees for the construction of railroads. In the last few years the province of Manitoba has undertaken to guarantee bonds to the extent of $20,000,000 for the building of railroads. The North-west Territories are getting those roads constructed at the expense of the Dominion government, and have not to pay a dollar. It seems to me if they can get railroads assisted by the federal government, and get provincial autonomy later on and start off clear of debt with railroads constructed, they are certainly in a much better position than any province in the Dominion of Canada. Now, I have a comparison here as to the amount per capita that is paid to the different provinces and the territories according to the last census. In Ontario the amount is 61⅓ cents; in Quebec, 66 cents; Nova Scotia, 94¼ cents; British Columbia, $1.72; Manitoba, $2.05½; North-west Territory, $4.47. They are doing fairly well. And when I have pointed out to the House that the territorial government this year are receiving more money from the federal government than their estimate was for 1903, it does not seem to me there is much room for complaint. Starting at 1892-93 they asked for that year $368,000 ; they got only $195,000, or 55 per cent of what their estimate was. If you estimate it on the percentages of what they asked for, for I do not suppose the territorial government asked for more than they required, in 1892 they got 53 per cent of what they asked for; 1893, 54 per cent; 1894, 55 per cent; 1895, 71 per cent—and that 71 per cent probably had a little to do along the line of Mr. Bulyea's letter, because that was just the year previous to the election of 1896—in 1896 they got 62 per cent of what they asked for.

Hon. Mr. LOUGHEED—Mr. Bulyea's letter was written this year.

Hon. Mr. WATSON—Yes, but probably there were letters of a similar character written in 1895. In 1897 they got 70 per cent; in 1898, 64 per cent; in 1899, 53 per cent. Then you will remember, in the last year, when they received only 53 per cent they were allowed to retain $163,000 collected on account of licenses in the Yukon Territory, which went certainly to make up a large amount of that deficit which they failed in getting from the federal government in 1899. Then in 1900 they asked for $600,000 and got $424,000, or 70 per cent; in 1901 they got 68 per cent; in 1902 they got 75 per cent; in 1903, 85 per cent of their original estimate, and, if you take the supplementary estimates now before the House they are actually getting more than they asked for the administration of affairs this year. No doubt the requirements of the government are growing on account of the vigorous emigration policy pursued by the present government in inducing people to settle in the North-west Territories. More territory has to be opened up and more improvements are required, and the federal government realizing the needs and requirements of the new territory are providing for it by giving the additional amount now before us? While there may be a difference of opinion as to whether the territories would be better under their own local government, and able to tax themselves, so long as the Dominion government continue to give the guarantees and cash aids for the construction of railways, the North-west Territories have very little ground of complaint, and they will be much better off in future years than if they were under their own self government and had railway contractors after them for guarantees. The Dominion government has given guarantees for the construction of railways. Take the Canadian Northern Railway, $900,000 is the amount guaranteed; the amount supposed to be required for the Grand Trunk Pacific, $120,000,000; and the large subsidy to the Crow's Nest Pass Railway, which benefits a portion of the North-west Territories—all these cash grants have been given and guaranteed since the North-west Territories have been asking for local autonomy.

It does appear to me that as long as the federal government continue to deal as liberally as they have done with the North-west Territories, where they are placing no debt on themselves for the construction of railways, that they are in a very enviable position as far as finances are concerned. There is no doubt at all that in the very near future they will have provincial autonomy. There is no doubt that in the very near future the Dominion government, in dealing with that matter, will be in a very much better position than they have been in past years, because it is new territory and part of it that was supposed to be worthless except for ranching purposes a few years ago, has now become good wheat land. It was suggested that the North-west Territories should be divided into two provinces; that a portion of the territory should be added to Manitoba, the balance between that and British Columbia forming another province. These things can all be more intelligently dealt with when the country is fairly well settled, as it is going to be in a very few years. Matters have to be adjusted afterwards. People feel that changes have to be made on account of the changed circumstances which will exist after the formation of a province in that portion of the Dominion of Canada. I do not wish to take up time on this matter now, but I just present these views to the House for what they are worth.

Hon. Mr. LOUGHEED—I am sure Mr. Belyea and his fifteen supporters in the legislature will feel deeply indebted to my hon. friend for pointing out the grievous mistake they made in regard to their advances.

Hon. Mr. WATSON—The estimate of Mr. Bulyea and his associates made in their demand on the treasury this year was $1,130,000, and they received a larger amount than they estimated they would require.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman to say that a similar letter to this one was written in 1895?

Hon. Mr. WATSON—I did not say that. I said there might have been.

Hon. Sir MACKENZIE BOWELL—I should hope not. I should hope there was no Conservative who would claim money upon the principles and for the reasons ad-

vanced by Mr. Bulyea, and I was somewhat surprised when I understood the hon. gentleman to say that a similar letter had been written in a previous year. Probably a great many things might have been done that we have never discovered, not only in 1895, but since then. This return seems to be incomplete. I do not know that that is a matter that we should call to the attention of parliament, but I should like to see Sir Wilfrid Laurier's answer to this letter, or the government's answer. That is omitted in this correspondence. It is highly interesting, I admit. The arguments advanced by the hon. gentleman from Marquette are not at all applicable to the particular case under consideration. They might do very well if they were applied to one of the older provinces, having provincial autonomy. But the territories are, to a certain extent, under the control and management of the Dominion government, and not in the same position as the provinces. It may be true that the North-west Territories have had in the past large grants of money, and in its earlier existence it was charged that the late government appropriated an unnecessary quantity of money for the development of that great country. I think that complaints were made at the time, and the statements made by the hon. gentleman from Wellington not quite correct. The grants were defended by the late government on the ground that the territorial government had no means at that time of raising money for either local or for school purposes until they had powers given to them under the Territorial Act, and for that reason larger amounts were granted to them than would have been under any other circumstances. I desire to point out that when Prince Edward Island and British Columbia were brought into confederation, the requirements of those two portions of the country, though they were numerically much smaller in population than other provinces within the Dominion, would not, if their population had been considered, have received the same considerations and grants that were given to them; and so it is in the North-west. Manitoba and the North-west Territories are growing much more rapidly, and hence the necessity for giving them more money. I am not going to argue with my hon. friend behind me as to the advantages and disadvantages to the local territorial government of sending in immigrants, but we must bear this in mind——

Hon. Mr. TEMPLEMAN—The hon. gentleman does not approve of the statement of his hon. friend that immigrants are no good to the country?

Hon. Sir MACKENZIE BOWELL—No, I do not.

Hon. Mr. PERLEY—I said no benefit to the revenue of the North-west Territories, and I challenge the hon. gentleman to contradict it.

Hon. Mr. TEMPLEMAN—It is quite easily contradicted.

Hon. Mr. PERLEY—I challenge the hon. gentleman to contradict it if he can.

Hon. Sir MACKENZIE BOWELL—There is a virtue that characterizes the present government and which characterized them also in the past, that whenever they make an interruption of the kind that has just been made, and they are asked for an explanation or to prove it, they are conveniently silent. Silence is golden, and it would place this House in a better position if they did not interrupt so much particularly when they are unwilling to give explanations. Those who live in the North-west know that no portion of the west was so clamorous for advances of money as the province of Manitoba. They were always complaining. We have heard little complaint from them lately, but formerly, when they required it more than they do now, when they were younger and had not so many people to tax under their autonomy to raise money, my hon. friend from Wellington was one of the most clamorous in opposition in opposing the grants. He was the Joe Hume of the Commons of Canada. I hope, in the future, when the estimates are considered and other appropriations are made, hon. gentlemen opposite will display the same economic spirit they have in the past. If they have sent 100,000 into the North-west Territories this year, and I hope they have, I should be delighted if it was 200,000, does not that establish this important fact that it is necessary to build more bridges, it is necessary to open more concession roads and main roads, and to give facilities to cross these great valleys and gullies,

to which my hon. friend refers. No one knows better the requirements of a new country like that, although it is supposed to be a flat, prairie country, than the two hon. gentlemen sitting opposite me. I have heard the hon. gentleman—not the one from Killarney, but the hon. gentleman from Marquette, burst forth in stentorian tones his demands for greater amounts than he is now advocating, when he was in the House of Commons. I do not blame him for that.

I know the more one studies this question the more he will be convinced of the absolute necessity of the Dominion being very liberal in their appropriations in assistance of that new country, until they get provincial autonomy. I believe the time has arrived when it would be much better to grant the North-west Territories provincial autonomy, and the power they require to tax the lands that are held by private individuals throughout the country. They do that now, but let them have the power to impose more taxes for other requirements. Let them erect the different portions of their province into municipalities such as we have in Ontario and other portions of the Dominion. Give the municipalities the power to raise the money and they will know better and be more careful how they expend it. I notice that the Premier said in answer to an interrogation in the House of Commons that the time had not yet arrived when they should give the territories provincial autonomy. If my hon. friend will take the trouble to read the declarations and statements made by certain ministers in the other House the lands were to be retained—this was in answer to a demand that lands should be put under the control of the territories and that the territories should be given the benefit of them—that the lands were to be retained to create a fund for the purpose of recouping the general revenue for the advances which might be made for the construction of the railway. That has been published in the newspapers. I think most people have seen it. Well, to charge the North-west Territories with the appropriations made for opening up and building railways through the country, I think is carrying the argument altogether too far. It is neither fair nor equitable towards the territories. The hon. Secretary of State said a few moments ago that there was a sum of $400,000 appropriated in the main estimates for the territories. I have looked through them and I find nothing of the kind.

Hon. Mr. SCOTT—I was under that impression.

Hon. Sir MACKENZIE BOWELL—I have the main estimates in my hand, and if the hon. gentleman turns to page 13 he will see that we are to vote the North-west Territories $7,000, but that is for the governor of the territories.

Hon. Mr. SCOTT—I have not a copy of the estimates. I was speaking from memory. I thought there surely must be something in the main estimates.

Hon. Sir MACKENZIE BOWELL—I find also that there is an appropriation of $5,000 for a chief justice. He will find that on page 29; he will also find that for the Prince Albert jail there is $7,500, but that is purely Dominion and not territorial expenditure. That consists of salaries, uniforms, maintenance of prisoners, discharge expenses, working expenses, industries, prisoners' equipment and miscellaneous. Then, on page 37, the hon. gentleman will find that there is an item, but that is for pensions, payable to the mounted police, $2,400. I may not have found them all, but here is an item for the North-west Territories on page 49, the court house and lock-up and police accommodation, Dominion public buildings, renewable improvements and repairs Macleod court house, Red Deer court house and the lock-up, and Yorkton court house and jail, amounting to $32,000. All that expenditure is in the interest of the maintenance of justice, and not a sum over which the territorial government would have any control.

Hon. Mr. WATSON—If the territories had provincial autonomy they would have to pay these expenses themselves.

Hon Sir MACKENZIE BOWELL—Possibly they would, and possibly not. They do not have to pay all those expenses for the administration of justice in the province of Ontario as between the municipality and the government.

Hon. Mr. McMULLEN—The court house and lock-up are contributed by the province.

Hon. Sir MACKENZIE BOWELL—I understand that. I am speaking of the administration of justice, and that is a portion

of it. I am pointing out that these are sums contained in the main estimates for Dominion purposes, the country being under control and government to that extent of the Dominion, and the territorial government is thereby relieved from taxation for that purpose.

Hon. Mr. SCOTT—Look at page 68 of the main estimates and you will find a total of $532,000.

Hon. Sir MACKENZIE BOWELL—That is quite right. I was coming to that.

Hon. Mr. SCOTT—That is more than I mentioned. I mentioned $450,000. I did not know it was so much as that.

Hon. Sir MACKENZIE BOWELL—It is less this year, though the country is growing rapidly, than it was last year. I do not know which sum my hon. friend read, but I find for 1902-3 the sum voted was $634,500, and for 1903-4 it is $405,000, nearly $230,000 less.

Hon. Mr. SCOTT—It is $550,000.

Hon. Sir MACKENZIE BOWELL—What is the hon. gentleman reading from ?

Hon. Mr. SCOTT—The estimates of the present year.

Hon. Sir MACKENZIE BOWELL—I am looking at the estimates of the present year and reading from the top of page 69.

Hon. Mr. SCOTT—It is to be found at the bottom of the page. That is only one vote, and we have had a number of estimates this year.

Hon. Sir MACKENZIE BOWELL—The estimates taken for 1902-3, by the figures—and he is reading precisely the same figures that I am—were $634,500 and for this year is $405,000, precisely what I said ; but the hon. gentleman will see, if he had allowed me to proceed without interruption, that the appropriation, in the words in italics, 'the appropriation not required for 1903 is $203,-000.' Now, if we go through the whole estimates, we will find no such sum as that mentioned. What I want to point out again is this : If you turn to these estimates which we have in our hands and the supplementaries to which my hon. friend referred, you will find that the appropriation for different purposes for Manitoba is $121,-000, but for the North-west Territories he called attention to the fact that it was $75,-000. That is quite correct, but what is it for ? It is for carrying on the business of the Dominion. It is not a sum that is appropriated for the purpose of the territorial government. It is for the Prince Albert land and registry office, a new vault in Regina and improvements to the post office. The item for the Regina immigration building is a revote, and the item for the Edmonton jail is another revote of $35,-000. Calgary was given two examining warehouses, Prince Albert a post office, Moosejaw public buildings, barracks for permanent corps of the Strathcona Horse. That is what the $75,000 is for. It is not at all placed in the hands of the territorial government. I am not going to discuss that question just now, but when the estimates come up I think they will be well worth considering and comparing with other votes. You will find if you take the province of Nova Scotia—and this indicates to me the probability of the approach of an election—in the main estimates there are no less than 51 items, running up to hundreds of thousands of dollars, and if you will turn to these supplementary estimates, to which my hon. friend has called attention, you will find there are no less than 130 items. I think they have picked out every ditch and cross road in the provinces in order to give them money. I do not suppose that my hon. friend from Cape Breton and others from Nova Scotia will find fault with that. There are about 170 items. Ontario is not quite so bad as that, but it approximates very nearly. If you can appropriate that much money—and it ran up to nearly six or seven hundred thousand dollars for Nova Scotia alone this year—if that is to be the standard of support of the government, they must be happy. If the old provinces are entitled to the amount of money indicated in these estimates to which I have called attention, surely the new, growing territories in the west, that are just budding, if I may use the expression, into manhood, should be most liberally dealt with.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—That is the point I wish to make by referring to

these other items. I think, upon reflection, the government will take that view of it. I am tolerably sure that those from the west will. The more one knows of the west and studies its requirements, the more convinced he will be of the necessity of not lavish, but liberal grants being made to the territorial government, in order that they may provide roads and bridges to enable the settlers to take their products to the markets. I do not know whether the hon. gentleman, in his reference to the moneys paid for school purposes, referred to the school lands. When Manitoba was created a province and the territories were organized, certain sections in the townships were set apart for school purposes and, as those lands were sold, the money was retained by the Dominion government and the interest thereon paid to the provincial and the territorial governments, and that has constituted a portion of the funds for educational purposes. Parliament committed a great wrong a year or two ago. I remember very well a Bill passing here without any objection from us, for the simple reason that we overlooked it. Thousands and hundreds of thousands of acres of land in Manitoba had been sold on credit, and the unpaid principal was drawing six per cent interest. A Bill was introduced and deliberately carried through parliament reducing the interest to five per cent, and that meant just so much taken from the school fund in the North-west, amounting to thousands and tens of thousands of dollars on the unpaid principal of the enormous area of school lands which have been sold. It was thought equitable at the time, for the reason that a law had been introduced reducing the legal rate of interest to five per cent, and that was made applicable to debts already existing, and included the unpaid price of the school lands. I suppose we are all responsible for the wrong we committed then, but many of these things are rushed through this House, as they are coming now. The most lavish expenditure is laid before us, and hundreds of millions, I might almost say, are being brought down at the very end of the session, when everybody is wearied and can scarcely give the time and attention necessary to properly consider matters of such importance. That is one reason why I say the present government, as well as the late government, have made a mistake; the whole system of governing the country on those questions has been wrong. I desire to put on record my own view, and I believe the view of the country, when they understand the question, that the federal government should be liberal with the North-west, and particularly so when they are sending hundreds of thousands of people into that country. It creates a necessity for more money on the part of the territorial government, which I am sure, after reflection, the government will accede to.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. ELLIS—The hon. gentleman in calling attention to the estimates for the present year as compared with the estimates for last year, no doubt makes a correct statement so far as it appears in the book, but he has had experience enough to know that the way the comparative statement is made up is this: All the estimates for last year, including the original and the supplementary estimates, are in one column, while in the second column, for this year we have only the original estimate for the present year, the supplementaries not appearing at all. I do not remember the hon. gentleman's figures, but he says the estimate for this year falls below the estimate for last year, inasmuch as the estimate for last year was about $600,000; but if my hon. friend will refer to the first estimate for last year, he will find it amounted to $425,359, and properly the comparison which the hon. gentleman makes should be made with that and not with the figures on the page he referred to.

Hon. Mr. LOUGHEED—I would refer the hon. gentleman to the actual estimate to which my remarks really applied, and the estimate for the territorial government. The House will remember I made the statement that the estimate for this year was the same as the estimate last year, and hon. gentlemen will see that the estimate is $457,979. Hon. gentlemen will also keep in view the fact that the hon. gentleman is dismissing the estimate chargeable to the territorial government account, as appears on page 68 of the main estimates. The other estimates are chargeable to both accounts.

Hon. Mr. ELLIS—I am referring entirely to the estimates brought down for the territorial government, in 1903—the 229th item 'government of the North-west Territories, amount to be voted, $425,359.' I am referring solely to the comparison which the hon. member from Hastings made. The hon. gentleman's contention is that we are not voting as much for the territories this year as we voted last year. We cannot tell how much we shall vote until all the estimates are before us.

Hon. Mr. LANDRY—Could we ascertain from the supplementary estimates that are brought in this year if there is an amount which would increase the one the hon. gentleman has given ?

Hon. Mr. ELLIS—Of course the hon. gentleman will understand that the blue-book for 1904 will contain the estimates for the year, and they compare with all the amounts granted in the previous year, but to get at the actual amount voted, you have to take in the supplementaries as well.

Hon. Mr. LANDRY—I understand that, but we have actually supplementary estimates to the amount of $10,500,000. In those figures can we find what would complete the appropriation for the North-west Territories ?

Hon. Mr. TEMPLEMAN—Would the hon. gentleman look at page 25 of the supplementary estimates for the current year ? He will find an amount there of $255,000.

Hon. Mr. ELLIS—I wish to call attention to the amount for education. I do not know how the money may be expended, but I find that last year, from the Auditor General's report, the amount actually paid over to the government of the North-west Territories for educational purposes, for clerical assistance and printing was $408,000, and in addition to that there was some $7,000 for school houses in unorganized districts. I presume it is in the hands of the territorial government to apportion that amount for education as best it may.

Hon. Mr. LOUGHEED—Not in the unorganized districts.

Hon. Mr. ELLIS—I am referring particularly to the large grant of $408,000, which, according to the Auditor General's report, was paid over last year. Under all the circumstances it would seem to me they cannot fairly charge the federal government with want of liberality in dealing with the schools, in view of the large amount voted.

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

HARBOUR OF NORTH SYDNEY ACT AMENDMENT BILL.

THIRD READING.

The Order of the Day being called :

Committee of the Whole House on Bill (262) An Act to amend the Act respecting the Harbour of North Sydney, in Nova Scotia.

Hon. Mr. SCOTT—I move that the Order of the Day be discharged. There is no necessity to go into Committee of the Whole on this Bill. In direct money Bills we never go into committee, because no change can be made in them.

Hon. Sir MACKENZIE BOWELL—We have gone into committee for the purpose of discussing the propriety of incurring a responsibility to pay money. I heard my hon. friend say once before that it was not necessary to go into committee on a money Bill, because we could not amend it.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—We could reject it. Is there a rule that permits the course which the hon. gentleman proposes to follow ? If so, I can understand the propriety of suspending the rule.

Hon. Mr. SCOTT—It has been the practice, when the Supply Bill come up here voting a number of items we never go into committee. This Bill is a direct authority to pay $100 more to the harbour master and 5 per cent commission to the other. It is a statutory allowance. However, if the House prefers to go into committee on this Bill, I have no objection.

Hon. Sir MACKENZIE BOWELL—What I want to know is whether there is a rule which gives us the power to read the Bill the third time without going into Committee of the Whole ?

Hon. Mr. SCOTT—I think not.

Hon. Mr. LANDRY—Does the general rule which requires us to refer every Bill to a

Committee of the Whole House after the second reading, refer to money Bills ?

Hon. Mr. SCOTT—I move that we go into committee on the order.

The motion was agreed to.

(In the Committee.)

Hon. Mr. SCOTT—Clause 1 alters 4 to 5. It says $500 is to be given to the man who collects money for the Harbour Commissioners. The change in the second clause is authorizing the collector of customs, before paying over the money to the Harbour Commissioners, to deduct 5 per cent.

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

The Bill was then read a third time and passed.

It being six o'clock, the Speaker left the Chair.

After Recess.

READJUSTMENT OF REPRESENTATION BILL.

Debate continued.

The Order of the Day being called :

Resuming the adjourned debate on the motion for second reading of Bill (66) An Act to readjust the representation in the House of Commons.

Hon. Mr. FERGUSON—When the House adjourned yesterday I was making comparative statements with regard to the dealings of the Bill in reference to the city of Toronto. Before resuming that point I wish to dispose of two or three incidental subjects that came up during the course of my remarks. I made an observation with regard to the division of the county of Cape Breton and the change in the representation of that county, when I was interrupted by my hon. friend from New Glasgow, who intimated to the House that the hon. leader of the opposition had been the first person to propose the division in that way. I was almost sure that my hon. friend was in error in regard to that particular. However, I did not make a very strong statement about it then, but to-day my hon. friend has informed me that he was in error, he was misinformed on the subject and he has very courteously informed me of that. I therefore refer to it in order that the hon. gentlemen may understand the matter correctly, as there is no difference of opinion between us as to how that change was brought about. The leader of the opposition informed me that so far was he from suggesting or approving of what has been done on the island of Cape Breton, he offered two amendments against the proposition in the House of Commons. I was referring to the city of Hamilton when my hon. friend by my side doubted the correctness of my statement that under the present Bill, Hamilton is divided into two constituencies. I have since referred to the Bill and I find that my statement was correct. Hamilton is so divided, and the position of the Bill with regard to double constituencies is simply this : strictly speaking, there are two double constituencies now left in the Dominion of Canada that formerly existed, the city of Halifax and the city of Ottawa. A new double constituency created—perhaps it is not altogether right to call it a new one—the restoration of an old double constituency abolished by the Act of 1892 appears in the Bill in regard to Queen's, Prince Edward Island, where the single riding principle has been adandoned and a return has been made to double constituencies. I regret very much that this has been done ; I think the principle is bad ; in fact I thought there was an almost perfect areement in Canada that double constituencies should, as far as possible, be abandoned. There may be some instances in the case of old constituencies where it would disturb existing arrangements of both political parties in the riding where it may not be desirable to abolish double constituencies, but I think it is a great pity indeed that in a place where the double constituencies have been abolished, and where satisfaction had arisen from their abolition, that influence should be brought to bear upon the government sufficiently strong to make them go back to what I believe is a bad principle.

I made an observation yesterday with regard to the Quebec resolutions and their bearing upon the 51st section of the British North America Act. I then stated that it was the purpose, so far as I could learn from the confederation debates, that the representation for the Dominion of Canada should be controlled by the provincial legislatures, and that was what was to be learned from the confederation debates. In making further investigation to-day I found

a speech made by Sir John Macdonald during the confederation debates which shows that, as far as he was concerned at all events, he did not contemplate the leaving of the settling of the constituencies for federal purposes to the provincial legislatures, and therefore I assume that these remarks which are found in Mr. Pope's confederation papers with respect to the naming of the judges in the original Bill must have had reference to the first distribution that was to be effected, the redistribution which was to stand at the beginning of confederation, and under which the first elections were to be held. I was remarking yesterday when the House adjourned, upon the different treatment accorded to the city of Toronto to that which was accorded to the other cities of Ontario in the matter of the arrangement of parliamentary seats. I pointed out to the House that the city of Toronto was only given a member for every 42,600 of the population, while with the other cities of Ontario, Kingston, Brantford, London, Hamilton and Ottawa the unit was 27,900. I am at a loss to ascertain on what principle such an extraordinary discrimination and discrepancy appears against the city of Toronto. I made my comments on this yesterday. It is not necessary to repeat them now, but I think a very great injustice has been done to the city of Toronto. It is not unfair to say that the government in the power of their majority in both Houses of parliament are taking simply one seat from the Conservative party which they have won in the past and would have every prospect of winning in the future, and handing it over to their opponents by giving three seats to that portion of the county of York outside of Toronto which has only 64,000 of a population, while they give only five representatives to the city of Toronto with a population of 208,000.

Hon. Mr. DANDURAND—That is a larger proportion than Montreal has.

Hon. Mr. FERGUSON—I am not dealing with Montreal. I am only pointing out this anomaly in the Bill. I dare say if I were to take up the case of Montreal it is possible that some discrepancy of the same character might be found, and I do not think my hon. friend will be able to show that the Bill is particularly meritorious simply because there may be other anomalies in it as great as the one to which I have been referring. I may also further remark that I object very strongly to the manner in which Prince Edward Island is dealt with. I do not refer now to the question of the number of representatives—I intend to deal with that further on—but with the distribution in the island. I think representation by population is the correct principle, and the same principle should have been applied there as has been applied in Cape Breton. I am not at all discussing the question as to whether the way of dealing with the two seats in Nova Scotia by adding the county of Victoria to the county of Cape Breton and dividing the united counties by two—I am not admitting that that was the correct way of dealing with the question in Nova Scotia, but having adopted that principle there I do say the government should have applied the same principle to Prince Edward Island where no such objections as applies to Cape Breton would apply at all. A very strong argument was made by my hon. friend from Glace Bay (Hon. Mr. McDonald) with regard to leaving Cape Breton Island with five members. The reason was very strong indeed—the population of Cape Breton is growing faster than the population of other portions of Nova Scotia, and although it is a little below the unit it is certain to exceed the unit before the end of ten years, and another mode of solving the question in Nova Scotia might have been found. It would have been a very easy matter to have divided Prince Edward according to population. One of the hon. members for Prince County in the House of Commons suggested an arrangement, although I was not consulted with regard to it, which would have meet the case very satisfactorily. All the townships in the island up to seventeen might have been made to form one constituency. A division might have been drawn between lots 32 and 33 which would divide the remaining part of the island, except the county of King's, about evenly in two, and give four ridings, King's remaining a distinct riding as it has about the right population to entitle it to a seat. That would have been a much better method than the method adopted under the Bill before us. The Conservative party, as far as I am able to learn from the expressions of their

representatives, though they know this measure is an unfair one and arranged to operate against them in the province of Ontario to a very considerable extent, are not in the slightest degree disheartened on that account. They feel that public opinion is with them to-day and growing strongly in their favour, and this new obstacle which the government is placing in their way, making the difficulties greater than before, is far from being insurmountable. In fact I think the experience of the past is that there is very little indeed to be gained by unfair redistribution.

Hon. Mr. DANDURAND—Hear, hear.

Hon. Mr. FERGUSON—Less to be gained to-day than perhaps at one time. The hon. member for Smith's Falls referred to the late Mr. Dalton McCarthy as having regretted that he had taken any part in the redistribution of 1892. To be strictly fair the statement of Mr. McCarthy spread over a page or two in 'Hansard' should be more fully stated. In that statement Mr. McCarthy said distinctly that the objection was one more of sentiment than otherwise, as he did not believe the Conservative party had gained anything by the Redistribution Act of 1892, notwithstanding the very strong statements we are accustomed to hear, and that was after Mr. McCarthy had, to a considerable extent, changed his attitude towards political parties in Canada. I am quite convinced that such will be the case in the present instance. My hon. friend the Secretary of State produced figures to the House, drawn largely from figures submitted in the House of Commons by Sir Richard Cartwright, to prove that one of the redistributions effected by the Conservative party in the province of Ontario had operated very disadvantageously to his party by dividing the entire vote given for each political party by the number of representatives elected, to show that a smaller number of Liberals had been elected under the Bill in proportion to the votes cast than Conservatives, and that this proved that the Redistribution Act was a very unfair one.

I then pointed out to my hon. friend that he might extend the same calculation to the province of Quebec at the present time, and then he might give the result to the House. The result in that case would be that, at the present time, every Conservative member sitting in the House of Commons for Quebec represents 15,000 or 16,000 electors, while the fifty-nine Liberal representatives from the province of Quebec represent something like 1,800 each. So that if the argument were good in the case of Ontario, as quoted by my hon. friend the Secretary of State, it would be quite apparent that some very bad work had been done in the province of Quebec in the matter of redistribution or something else. But the lesson to be drawn from the majorities in that way is not a correct one, but this point I think will be conceded by every person who has given this subject any consideration, that if you find by aggregating the votes given to both politicial parties that the party who has the minority of votes has the majority of representatives in the province it will clearly indicate that there is something wrong. That is the position of the Liberal government in the province of Ontario at the present moment. Although receiving 6,000 votes less at the polls than were given to the Conservative candidates in the province of Ontario at the last provincial election, they are nevertheless able to command a majority, by whatever means they do it, on the floor of the House and they are enabled to hold on to office notwithstanding the adverse vote of the electors. Now I wish to refer for one moment to a statement made by the hon. gentleman from de Lorimier. He appeared to claim credit to himself and his friends for having shown remarkable magnanimity for refraining from doing some terrible things that they might have done in the province of Quebec. He explained to the House that if they wanted to put the Conservative party in an almost hopeless condition in the province of Quebec, that they could have done it in the very simplest manner possible by interfering with the boundaries of the constituencies in that province. When my hon. friend was discussing that point, my reflection at first was that he was like Alexander the Great, weeping because he could find no more worlds to conquer, but I found that was not exactly his position. It was a little more like that of Warren Hastings in his famous impeachment, when he was accused of incapacity and maladministration in India to an enormous extent, he recounted his opportunities and pointed out that he had

paced up and down through vaults in the Indian cities where gold and silver coins were piled so high that they were almost even with his shoulders and he exclaimed 'My God, whenever I think of what opportunities I have had, I am amazed at my own moderation.' My hon. friend seems to look upon the question in that way, and looking over the map of Quebec, and considering what wonderful things he could have done in the way of destroying the Conservative party, he seems to be astonished at his own moderation in not having pursued that course. But some of us who have observed my hon. friend's course in this House within the last few days are not altogether indisposed to doubt his willingness to go to a very considerable length to gain a party advantage, notwithstanding the magnanimity which he assures us he pursued with regard to the redistribution of the province of Quebec.

Hon. Mr. LANDRY—We will erect a statue for the hon. gentleman.

Hon. Mr. FERGUSON—I now come to deal for a few moments with the claim of Prince Edward Island for increased representation, and I want to direct the attention of hon. gentlemen to the terms and conditions on which British Columbia and Prince Edward Island were admitted to the union. There was less than two years between the time when British Columbia entered the union and when Prince Edward Island came in. This is the clause of the law which refers to British Columbia :

> British Columbia shall be entitled to be represented in the Senate by three members and by six members in the House of Commons, the representation to be increased under the provisions of the British North America Act of 1867.

A little more than a year afterwards Prince Edward Island entered the union and terms were settled between the province of Prince Edward Island and the Dominion of Canada, and this was the provision which refers to the representation of Prince Edward Island :

> That the population of Prince Edward having been increased by 15,000 or upwards since the year 1861, the island shall be represented in the House of Commons of Canada by six members, the representation to be readjusted from time to time under the provisions of the British North America Act.

The whole question turns upon the substitution of the word 'readjusted' in the case of Prince Edward Island instead of 'increased' in the case of British Columbia. The whole question which is now in dispute between Prince Edward Island and the Dominion arose in consequence of this change of words. There is a legal battle going on just now over this question and therefore I am not going to discuss it here; it is being discussed elsewhere. I may say that after the census of 1891, when it was found that Prince Edward Island would lose one member it did not surprise anybody in the island that the computation would have that result, because a point was stretched at confederation to give the island six members though it was not strictly entitled to it according to the basis of representation settled for the other provinces, and the reason given was that Prince Edward Island had resisted entering the union for a long time after the other provinces had joined, and the question of representation was one of the points upon which the people of the island had made a determined stand. I may say further that when the terms of union were settled, two delegations at different times appeared here, one from each political party, a change of government having taken place in the meantime, and the people of the province were assured by the delegates of both political parties at that time, and the discussions of the day will show it, that the claim for six representatives was conceded to the province, and that was to be for all time. That was the understanding of the delegates. Hon. gentlemen may say that they were not as sharp as they ought to have been as to the difference of the phraseology in the terms of agreement as between the Dominion and British Columbia and Prince Edward Island. It certainly did escape their observation, that a different word was used. Whether the use of the word 'readjustment' will settle the question remains to be seen when the case is heard and decided finally before the Privy Council in England. The Supreme Court of Canada has decided against the contention of the province, but the government of the province is not satisfied with that decision. They have sought leave to appeal to the Privy Council, and I think there is every in-

dication that that leave will be granted, and the matter will be settled at as early a date as the Privy Council can hear the appeal. My hon. friend pointed to the fact that the province of Prince Edward Island did not make a stand upon this question in 1892. That is quite correct, for there was no positive stand taken with regard to this subject at that time. For my own part, I was not in public life then. I was taking a short rest, but I took sufficient interest in the subject to look it up and to consult some legal gentlemen in the province with regard to it, and we came to the conclusion that the terms of the law were against us, and there was very little use—I did not think at that time, upon such advice as I was able to get, there was any use in fighting the matter, as the terms of the law appeared to be against us. However, the result of the discussions that have taken place since this redistribution discussion came up, and the fact that the people of the province have become alarmed, and justly alarmed at the prospect of losing another representative, and can now see plainly with the growth of population in the west that the day will perhaps come, and at no very remote date, when it will become a question whether they will be able to hold even one representative in the House of Commons, and that being the case hon. gentlemen can very rightly understand that the people of Prince Edward Island are looking upon the matter from a very serious point of view. Therefore they are endeavouring to have it legally settled, and it is their intention, if it is not settled favourably to the province, to make a strong appeal to the Canadian parliament to have the matter dealt with by the British government in order that what certainly was the intention of the delegates from the island, and as far as we know and believe was the intention of the government of Canada at that time, that Prince Edward Island should continue to be represented by six members in the House of Commons shall be carried out. During a discussion which took place not very long ago elsewhere, this matter was discussed, and the Attorney-General of Prince Edward Island wrote a letter which appeared in the Daily 'Guardian' newspaper with regard to this subject, which I shall take the opportunity of reading some extracts from for the information of the House. It had been stated that the case before the court was heard in May, and that nothing having been heard of the matter from that time forward it was doubtful if the province intended to prosecute an appeal; at all events it had not been announced, and furthermore, some doubt was expressed both there and in this House as to whether the Privy Council would grant leave to appeal, for which we know application has to be made. The Attorney-General writes in this way:

> As it now stands an application for leave to appeal will be made ——

He had previously explained why that the case did not come before the Privy Council in May. He contradicts the statement of the Minister of Justice in that respect, and he states: that it was set down to be tried in May, but on his way to the capital he found that Mr. Justice Mills had died, and that the court was not complete; that it only consisted of four judges and he did not feel he would be justified in consenting to have the case tried by an incomplete bench—especially as one of the judges, Sir Louis Davies, had, he believed, formed a strong opinion against the contention of the province. He puts it in that way. He says:

> —As it now stands the application for leave to appeal will be made, all the papers being in, on the 1st day of November, and the case will be argued before the Privy Council by Mr. Aylesworth and myself or some other Counsel on behalf of this province in the February term of that court. As to leave being granted to appeal this case, the matter is a foregone conclusion. The Privy Council always, as I am informed by our solicitors in London, Messrs. Blake and Redden, grant leave to appeal where a constitutional case of this kind arises. I am also advised to the same effect by Mr. Aylesworth, that he has no doubt at all that the Privy Council will as a matter of course grant leave to appeal. To put the matter beyond a doubt, I received yesterday a letter from the Deputy Minister of Justice, Mr. Newcomb, asking me for certain reasons of his own and as a matter of convenience to himself, if I would not let the case stand over until next July, and stating that he could not actually consent to an appeal being granted by the Privy Council, and that he would not attend himself or oppose the application in London to appeal, but that counsel would attend on behalf of the government of Canada to formally oppose the application. But, he adds, 'while we would oppose this application, speaking without prejudice, I think it probable that as a constitutional matter involving the construction of the British North America Act, the committee of the Privy Council would

give you leave to appeal and, perhaps you would not see any necessity of sending counsel over to attend upon the application for leave.

The Deputy Minister of Justice regards it almost as certain that leave to appeal will be granted, so much so, that he suggested to the Attorney General of the province that it might not be necessary for him to send over counsel for the purpose of taking charge of that part of the case. The Attorney General goes on :

So, as the matter of leave to appeal being granted, that question, to my mind, is settled. The public therefore may rest perfectly assured that so far as getting the case before the Privy Council is concerned it is practically there now, and everything is in readiness for the argument, which will take place in February. I would have preferred that the argument might have taken place sooner, but as you will see from the facts stated by me in this letter, it was utterly impossible to have had the case in any quicker than it will be. I do not think it is necessary for me to take up any of the statements made by the different members at Ottawa upon the question, and referred to in your paper. One statement referred to by you is that of the Minister of Justice that no application for leave to appeal has yet been made. This to a certain extent is correct, but the Minister of Justice in making it must have known, as his deputy minister does know (and I presume he is supposed to know what his deputy knows) that the appeal was under way. Not only was it under way, but the deputy minister of Justice was asking me to postpone the time of hearing. The Attorney General, Mr. Fitzpatrick, is also quoted by the 'Examiner' as saying that this appeal was made to the Supreme Court in May last, and there was nothing to prevent Prince Edward Island from petitioning His Majesty at either the sittings of the Privy Council in June, July or August. If this is correctly quoted, the Minister of Justice is most grossly incorrect. The case was not heard in May, as the Minister of Justice ought to have known, as there was no quorum to hear it, and it was not heard until June, the following month ; and as shown by me by the facts above, it was impossible to have had it before the Privy Council in June. The Attorney General of Canada also ought to know, I should think, that there is such a thing as a long vacation in England, and as a matter of fact the Privy Council does not sit during the months of August, September and October.

However, to put the matter shortly and to allay any unrest there may be in the public mind as to whether the appeal is going on or not, all I have to say is that the appeal is being perfected, as fast as possible, and it will be heard, barring unseen events which might happen between that time and this, in the February term of the sitting of the Privy Council. I have gone into this matter fully, because it might be said if I simply contradicted the statements made in the different papers about this matter, that I was speaking about without any grounds for what I said. I have given the facts, and I think any one can see, if he takes the trouble to read them, that the case is being prosecuted as fast as it possibly can be, and that it will be heard before the Privy Council in February, when I trust a decision in favour of the province may be given.

When this subject was discussed elsewhere the difficulty was appreciated that if this appeal went forward and should such a thing happen as every hon. gentleman knows it is possible might happen—the result is, I believe, in the estimation of the best of lawyers always a matter of very grave doubt—that the contention of Prince Edward Island should be sustained, a very serious difficulty will arise ; indeed many difficulties are in sight should that happen. We are proceeding to enact a law of Canada which provides that Prince Edward Island should lose an additional member. Once that has become law an election might be brought on and the result would be that the province would only send four members to the House of Commons, and if following very shortly after that, or even before the election is brought on, the contention of Prince Edward Island should be sustained, the election would still have to go on and the island would be returning some two members less than it would be entitled to have representing it in the House of Commons. It is therefore very evident, assuming that it is possible the contention of Prince Edward Island may be sustained by the Privy Council, a very serious difficulty and a serious set of complications will arise in connection with it. One of these difficulties I may state to the House is that Sir Louis Davies when in the House of Commons discussed this question very fully—not the question as to whether Prince Edward Island should have four or six members, but the whole question of representation, and he laid down the law in this regard and he was sustained in that view by Mr. Mills, afterwards also a Justice of the Supreme Court, a former leader of this House. Both of those gentlemen took the view that once parliament dealt with the question or representation between the provinces after the completion of each decennial census, that settled it once and for all during the period. These were the words of Sir Louis Davis. Having dealt with it their action would be final and no other disposition or arrangement could be made until another decennial census was taken. It is

possible that that opinion might have been modified had this very particular case been before them. They were speaking without having any particular case in their minds but they certainly came to the conclusion that any redistribution or readjustment of the representation between the provinces made immediately after the decennial census, just as we are proceeding with this one, would be final for a period of ten years, as between the different provinces. Well, if there is anything at all in that contention it would possibly keep Prince Edward Island, notwithstanding a decision favourable to the island having been obtained from the Privy Council, out of its due representation for a period of ten years. At all events it would certainly deprive it of the voice it ought to have if a general election would be held in the meantime. For these reasons I think there is a very strong argument in favour of adding to this Bill a suspending clause that it be brought into effect only by proclamation of the Governor in Council, or what would be still better, that it should not go into effect until after a reasonable time is allowed until the result of this appeal is known. If that were done it might relieve parliament and the government from a very serious trouble and complication hereafter. For my part the general objection that I have stated to the Bill is that the government has not done what I believe they ought to have done, and that was to have referred the division of the constituencies to an independent tribunal. It was their own policy. It was the policy of the party now in power in 1892 to refer the question of dividing the constituencies to a commission of judges.

That question was brought up in the other branch of parliament by one of the members for Norfolk, who moved a resolution on the subject, the object being to test the government with regard to consistency in the fulfilment of their pledge. It was not pressed to a vote, because the Conservative party in the House of Commons believed that it would not be a good thing to appoint the judges to do any such work as that, therefore, for that reason, no vote was taken, but the principle of referring it to a commission as had been done in England in 1885, is the correct principle, and if that had been done in the present case there would have been more confidence in the result than there can be under existing circumstances. In the English case not one judge was appointed. There was a commission consisting of surveyors, members of the ordinance department, eminent lawyers, and others whose professions I do not remember, and that would have been the proper course to have pursued here. The meaning of the words, 'such authority' in the British North America Act was expounded by Mr. Mills, by Sir Louis Davies, and by Mr. Dalton McCarthy and other gentlemen in the House of Commons in 1892, and that policy was included in the Bill submitted by this government to parliament in the year 1889, that the division of the seats and counties should be done by an independent commission—not the matter of fixing how many this county and that county should have, but simply the matter of drawing the boundaries in order that the people might accept it as being done by a commission entirely independent of bias towards one party or the other. The proper course should have been to introduce a Bill and settle on the divisions as between the counties. The leaders of both parties could agree upon a Bill, and I am very sure I am not stating anything that will not be accepted as reasonable when I say that if such an approach had been made to the leaders of the opposition in both Houses they would have entered upon the question with a disposition to give and take and do what was right. Then after settling upon the constituencies, an independent commission should have been named of men to be found in various walks of life in Canada who would enter upon the matter in a judicial spirit and draw the lines and boundaries in such a way that no party advantage would accrue from the redistribution. If that course had been pursued and the Bill had been introduced and the commission appointed, and parliament prorogued after discharging their other work, they would meet again at a reasonable time when the report of the commission would be in, and these questions which had arisen in New Brunswick and Prince Edward Island had been settled, and would have been able to deal with it finally. They would have had the fullest information before them, and it would have been done to the satisfaction

of both political parties. These political complications would not be likely to arise in the case of Prince Edward Island, should a decision favourable to the province be arrived at by the Privy Council.

Hon. Mr. DANDURAND—But the suggestion of the hon. gentleman did not seem to appeal to the judgment of Sir John Macdonald—the suggestion to refer the delimitation of the counties to a commission.

Hon. Mr. FERGUSON—Sir John was not living in 1892. When that proposition was made the Bill had been introduced and the discussion was going on. It was made then for the first time. Certainly no suggestion of this kind appears in the reports of the Debates in 1882 and 1872. In fact there had been a very inadequate discussion in both those years in parliament. In 1892 it was more fully discussed, and the result was this construction of the 51st section of the British North America Act was advanced for the first time, and the suggestion was made at a stage of the Bill when, even if Sir John Macdonald was living had been disposed to entertain it, practically it was too late to do so, because it would have been necessary to undo all that had been done up to that time. What Sir John Macdonald would have done if he had been living and it had come up at an earlier stage in the progress of the Bill, we do not know, nor do we know what he would have done if he had lived to make another redistribution ; but from the whole course of his political life it is evident that he would have considered the suggestion. He rarely allowed a good suggestion to ultimately pass unheeded. It was found that he generally accepted in the end anything submitted by his opponents that was good. That was the case with regard to the submission of the educational questions to the Supreme Court. Mr. Blake brought up the matter before the government had been committed to a different course of action, and Sir John Macdonald received and acted upon the suggestion. We do not know what Sir John Macdonald would have done with the experience of 1892 before him if he had lived to deal with another redistribution. The inference is rather, from Sir John Macdonald's whole life, that he would have accepted that proposition as one that would quiet the public mind and lead to better results, and give more satisfaction than by dealing arbitrarily with this question and making any redistribution that the majority might think proper.

Hon. Mr. DANDURAND—I have no doubt he would have agreed to that proposition if he had been in opposition.

Hon. Mr. FERGUSON—I infer from that remark that the hon. gentleman very seriously doubts the sincerity of his own friends in 1892, because they were making this proposition only when they were in opposition, and I am to infer from his remark that he would judge them as he is judging the memory of Sir John Macdonald, and crediting them with acting an insincere part.

Hon. Mr. DANDURAND—The Liberal party offered it to the Conservative party four years ago.

Hon. Mr. FERGUSON—My hon. friend is quite correct in saying that this proposition was made four years ago. It was in the Bill when submitted, but the Bill was one against which there was a grave constitutional objection.

Hon. Mr. DANDURAND—A very grave explanation indeed.

Hon. Mr. FERGUSON—An objection so grave and important that no mere incident of that kind, which might be regarded as beneficial, would justify the opposition, having a majority in this House, in allowing the Bill to become law. The principle laid down by my hon. friend the leader of the opposition in this House was, that it was not expedient that redistributions of that kind should be made excepting after each decennial census. I took the ground on the strength of the opinion of such men as Mr. Mills and Mr. McCarthy—especially Mr. Mills—that it was not constitutionally in the power of this parliament to do it, but that was not the view taken by this House as a body. The view taken was that it was inexpedient from a constitutional point of view that this parliament should deal with a redistribution except after each decennial census.

Hon. Sir MACKENZIE BOWELL—That was the ground I took when I made the motion.

Hon. Mr. FERGUSON—My hon. friend from de Lorimier (Hon. Mr. Dandurand) thinks that he discovers a vulnerable point in the armour of the Conservative party because they did not spring up and hastily embrace some one beneficial point in that Bill and waive the broad important constitutional ground upon which the Bill was rejected.

I have notes before me particularly referring to anomalies on the face of the Bill. I want it to be distinctly understood that I do not take the unreasonable position that there should not be any anomaly. I question whether any redistribution Bill ever framed by the wisdom of man was free from some anomalies, but I have pointed out some in this Bill which cannot be accounted for in any other way than desire on the part of the government and their friends to obtain an advantage over their opponents. The case of the city of Toronto and the county of York is so plain and palpable that it deos not admit of any other view being taken. The treatment accorded to the sparsely-settled district of North Victoria and Haliburton is another instance. With 38,000 of a population that district is given only one member, while Brant with a smaller population and a very much larger urban population than Victoria and Haliburton is given two members. On the face of it, this indicates that the party responsible for such unequal treatment were aiming at gaining an advantage over their opponents. The policy adopted by the present government, of sending this matter to a committee of both parties in parliament, seems to have answered this purpose in their behalf; their friends all over the country are describing the wonderful degree of fairness with which they have dealt with this question. While the Conservative party came down by the very strength of their majority and shaped the constituencies according to their own sweet will. The present government referred the Bill to a committee consisting of both political parties.

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Mr. FERGUSON—To my mind it does not make a straw's difference whether the majority is in the committee or whether it is in the House. The majority was carefully preserved in the committee. By the strength of that majority the result which is before parliament was obtained with very slight exceptions indeed. And, therefore, while the government and their party—I know what has been done in my own province—are making statements about the wonderous fairness of the present administration in referring the redistribution to a committee of both parties, we who have followed the course of this Bill right through, know they have not acted in a spirit of fairness but have taken serious advantage in their own favour in the framing of this Bill.

Hon. Mr. McHUGH—I did not intend to take any part in the discussion of the Bill now before this House. I would have adhered to that decision were it not for the fact that the hon. leader of the opposition and the hon. gentleman who has resumed his seat directed their remarks so much to that particular district from which I came, namely, Victoria and Haliburton. I may say to hon. gentlemen that in so far as the redistribution of Victoria and Haliburton being somewhat of an unfair one, I agree with them in regard to the disposition of that county, but if they want this House or the country to think that that was being done to gain any political advantage, I must disagree with them in that particular. In the distribution, I know that when it was first laid out by the committee appointed in the House of Commons, Haliburton was to be placed in with the district of Muskoka. I know that the hon. gentleman in the other Chamber who represents that constituency, Colonel Hughes, went before the committee, and on his appeal Haliburton was taken from Muskoka and placed in Victoria county.

Hon. MEMBERS—Hear, hear.

Hon. Mr. McHUGH—It is one of those anomalies that, as the hon. gentleman who has just resumed his seat has said, you will meet with in any distribution that you undertake through a large district like the Dominion of Canada. Instead of fault-finding and criticising what the government has done in that connection, if the hon. leader of the opposition or the hon. gentleman who has just spoken and who finds such fault with the distribution now made of Victoria and Haliburton can suggest how they could make a better distribution

of it, I think it is quite within their province to move a resolution amending it, and if they do I am sure that this House will give it fair consideration and will assist them to make that better distribution, because I know it was not done to gain any political advantage for the Liberal party. I know that it was done on the suggestion and solicitation of Colonel Hughes, and I may say there was a good deal of force in the argument he used when he pointed out that Haliburton was connected with Victoria county judicially and commercially; that there were no railways running through the west into Muskoka and none running to the east into Peterboro. The railway runs north and south. I know there was a great deal of force in his argument along those lines and upon that argument he succeeded in having Haliburton placed in Victoria, which gives the Colonel and his political friends a party advantage there instead of the Liberals. As I said, if these hon. gentlemen, instead of condemning what the government has done in that connection will move a resolution, or point out where they can make a better distribution of this constituency, I am sure they will receive support from this side of the House.

Hon. Mr. McMULLEN—I do not intend to occupy the time of the House at this late hour at any very great length. In the House of Commons we had men who usually, when they rose, were looked upon as members that were put up to talk against time, and I must say that if I could not get through with the different points that my hon. friend has referred to in less time than he has occupied in discussing the matter—because he spoke something like two hours yesterday and an hour to-day—I would be open to the charge of talking against time. I think I ought to be able to deal with the subject in one-half the time he has taken on this very important question.

Hon. Mr. FERGUSON—The hon. gentleman must understand that everybody has not his power of condensation.

Hon. Mr. McMULLEN—If my hon. friend will kindly keep quiet while I have the floor we will get along faster. I hope he will have the courtesy to allow me to say what I wish without interruption. He said in the first place that outside of Ontario there was no complaint with the gerrymander of 1882. I do not know that there was a great deal of cause to complain outside of Ontario. That was the province that was gerrymandered in 1882. There was at that time introduced, forced through and placed on the statute-books of this country one of the most vicious Bills that ever blackened the pages of the legislation of any civilized country.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. McMULLEN—A more vicious and contemptible Bill introduced and carried through any House blessed with responsible government, has never been heard of than the Gerrymander Bill of 1882. My hon. friend, the leader of the opposition, was asked recently, I think in the House or outside, whether the Bill of 1882 was looked upon as a fair Bill, and he said yes, it was looked upon as a fair Bill.

Hon. Sir MACKENZIE BOWELL—No, that was not the question that was asked me. The hon. gentleman from de Salaberry asked me if I thought it was a fair Bill. It was not thought so outside.

Hon. Mr. McMULLEN—The hon. gentleman said yes, he thought it was.

Hon. Sir MACKENZIE BOWELL—I said I thought, speaking numerically, that it was.

Hon. Mr. McMULLEN—Then the Bill of 1882 was patched up and brought forth by a committee of the Conservative party which was appointed by the House; that committee sat from day to day with closed doors, secretly and they pitchforked municipalities from place to place backward and forward in order to hive the Reformers and to diffuse the Tories, so that their vote would tell in every case. My hon. friend the leader of the opposition was, I believe, chairman of that committee.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. McMULLEN—He did his work well. He sat with a grim countenance quietly enjoying the manner in which he was placing his opponents in a hole. He referred the other night in his speech to Sir Richard Cartwright. He said that Sir Richard had not been gerrymandered out of Huron; that John McMillan had got the nomination, and that he had to leave Huron

on that account. My hon. friend is not well posted on that point. After the Bill was introduced and before it got the second reading in that House, Sir Richard Cartwright was invited to Huron to a convention that was held, and it was there and then the people of Centre Huron tendered Sir Richard Cartwright the nomination for that constituency. After coming back, and after receiving that nomination, while the Bill was under consideration, the committee, of which my hon. friend was chief, and possibly the chairman, went to work and altered Huron by making east, west and south Huron in place of Huron north, west and south. The result was that they divided up Sir Richard Cartwright's constituency so that there was no Centre Huron, and that is the way they cut him out of his seat. My hon. friend knows that is true.

Hon. Sir MACKENZIE BOWELL—That is just exactly what I said in my speech.

Hon. Mr. McMULLEN—I must say I misread that portion ; it was not quoted in the 'Citizen,' and the official report was not available. They went to work and gerrymandered the two Hurons so that there would be a respectable Conservative majority in the east and the west divisions and they hived the Grits in the south where there was over 1,200 majority in one constituency, so that the other constituencies would give a certain majority to the Conservative party. That was not only the case with Huron ; it was the case with every county that could be touched in the whole province. They broke up county boundaries. My hon. friend referred to Mr. McCarthy. He said Mr. McCarthy did not condemn the Act of 1882. If he reads his speech in 1892 he will find that he did condemn it.

Hon. Sir MACKENZIE BOWELL—I made no such statement whatever. I was asked if Dalton McCarthy had taken a certain position, and I told the hon. gentleman from Smith's Falls (Hon. Mr. Frost) I was not aware of the position he took.

Hon. Mr. McMULLEN—The position Dalton McCarthy took in 1882 was this, that county boundaries should not have been broken up. He drew the attention of the House to the fact that members of a municipality were brought in contact with each other in judicial and municipal matters inside of certain boundaries, that is county boundaries, and it was not at all prudent to break up those boundaries in the making of constituencies, and that they should be preserved as far as possible. He went the length of admitting that after the gerrymander Act of 1882, if our party ever came in power they would be justified in gerrymandering. Here is what he said :

> But I agree in what the hon. member for Queen's said, that if they ever get the chance they will be perfectly justified in introducing such a gerrymander as will keep us out so far as they can from political life for 20 years. They will be perfectly justified in doing that. I mean to say, if we continue the system which exists, we cannot expect when the other side get annexation, as they may, that they will do otherwise. Surely it cannot be that we have the right to cut up constituencies in order to gain party advantages and howl at the other side when they get in for doing the same.

They admitted they had done it. They had not only done it in 1882 but they were then doing it by the Bill under the consideration of the House, and he condemned it in the plainest possible terms, declaring that the gerrymanders of 1882 and 1892 would justify the Reform party if they ever got into power in meting out to the hon. gentlemen opposite the dose they meted out to us in 1882. Now, with regard to the Bill that the government has passed in the other House and has now introduced here, the leader of the government proposed a committee. He asked that a certain number should be appointed from each side of the House. The government claimed a majority; they are in a majority in the House, and they certainly were entitled to a majority in the committee ; and after getting that committee they went to work and carved out the constituencies. In some cases suggestions that were made by the other side were accepted. My hon. friend will not deny it with regard to the constituency of Hastings. He knows perfectly well that the gentleman who now sits in the House made a very strong demand in regard to a certain division of Hastings and he got, under a compromise, the very division he asked. I ask my hon. friend, though his memory may not be good enough, if it is not good enough it is a good thing for him, just to cite a single instance in which a suggestion from the Reform side was ever accepted and carried out in the Bill they introduced in 1882 or in the one introduced in 1892 ? Not one.

Hon. David Mills was looked upon as an exceedingly able man, a man who was respected in the House of Commons by Sir John Macdonald and gentlemen on the Conservative side as well as those on the Reform side, and they deliberately went to work to gerrymander him out of his seat, and they accomplished it to a certain extent. For a time, by the action of the returning officer, he was kept out; but under a protest he managed to get his seat. But he was virtually gerrymandered out of his seat. What was my own case. In North Wellington, after I was nominated, in the first Bill that was sent out the division embraced the constituency as it was before. After my nomination, there was a report that the town of Shelbourne was going to be put into North Wellington, and the township of Maryboro put out. I went over to the town of Shelbourne to make some arrangement looking to an election, and when I got there I received a telegram to say that Shelbourne was not going to be put in, it was the township of Wallace, where all the Wallace lambs live, and they were going to be put into North Wellington. I made up my mind I would go home and enjoy the comforts of my own house until such times as they settled the whole question, because I had no sooner gone to one place to make an arrangement for the election and formed committees than I got word, that place was not going to be in North Wellington at all. The result was that they put in the township of Wallace. The township of Wallace is a very strong Orange township. The gentleman who sat for the county of Wellington before I did, Mr. Drew, had gerrymandered the riding in order, if possible, to beat me. He had the township of Maryboro which gave some 52 of a majority, put into Centre Wellington, and put the township of Wallace into North Wellington that belonged to the county of Perth, and which gave 198 Conservatives, in order to defeat me. I had the honour of representing three counties for 18 years. I represented the county of Dufferin because there was part of my riding in that county and I represented the north portion of the county of Wellington and aiso the north portion of the county of Perth. The fact of the matter is Sir John Thompson paid me a compliment one day referring to his visit to Western Ontario; he said it was a most singular incident in his experience while he was west, that wherever he spent his day or wherever he went to bed, in the morning when he woke up he was in North Wellington. Well, he might easily do that because it ran from 75 to 85 miles east and west and was about 15 miles wide. That was the shape of North Wellington. It was so arranged in order to defeat me. They did not accomplish it, and why did they not accomplish it ?

I will make a confession, why it is that I am here and why it was I was in the House of Commons. There is a very strong Catholic vote in North Wellington, some of them voted Conservative and some voted Reform. After I was nominated the township of Wallace, which was a strong Orange township, was put into North Wellington to beat me. When my Catholic friends realized what was done, and the purpose for which it was done, I got a united vote and I was elected. That was the reason why I carried that constituency and I have to say to their credit they always stood by me from that time to the time I was defeated by a majority of 31. But the constituency was badly gerrymandered. Then take South Grey that belonged to my dear friend who was a member of this House up to a few days ago. A gerrymander was made in South Grey clearly for the purpose of beating him. They took the township of Artemesia—I think it was out of Dr. Sproule's riding—and they put it into South Grey; after that Dr. Sproule did not live in his riding at all but lived in Dr. Landerkin's riding. But they did not succeed. The doctor was a very popular man and well liked and he managed to carry his riding just the same as I managed to carry mine. So you can go to the Bruces and the Hurons, every single county in western Ontario was gerrymandered in the most villainous shape in order to secure the return of the Constrvative party and to keep the Reform party out of power, and well my hon. friend that sits as leader of this opposition knows it. He enjoyed the hours he put in on that committee ; there never was a sweeter morsel passed under his tongue than when he sat from day to day gerrymandering these constituencies. Yes, you did, and you know you did it.

Hon. Mr. LANDRY—I rise to a point of order.

Hon. Mr. DANDURAND—The hon. gentleman should take his medicine like a man.

Hon. Mr. LANDRY—I rise to a point of order the hon. gentleman has no right to address another gentleman here personally.

Hon. Sir MACKENZIE BOWELL—I do not object; let him blow away.

Hon. Mr. McMULLEN—If I have transgressed any rule of this House I apologize. I am a little excited over this matter. I was under that gerrymander for eighteen years; I suffered the consequences of that villainous Act, and if I do at this moment feel a little irritated at the treatment that was meted out to us, it is not very much wonder. My hon. friend who spoke last said something with regard to double constituencies and he found fault that the government had not divided up all these double constituencies and made of them single constituencies. Well, my hon. friend's party in 1882 set us a very poor example in that regard. They did not reduce the number of double constituencies. The present government have reduced the number and the probabilities are if they do as well again in the next readjustment—and I have not the slightest doubt they will be there to do it—I think possibly they will be able to part with the last vestige of double constituencies. He also said something with regard to the discrepancy in representation as between urban constituencies, when compared with city constituencies, and he instanced the city of Toronto. My hon. friend ought to remember that in 1882 his party gave to West Toronto two members, and West Toronto had at that time 73,000. Why did not they give it more than two members if they were so anxious, when Toronto was a Conservative city and would return members to support the government? Why was it they only gave it two members in place of three, because it was entitled under the unit of representation to three members? The same may be said, I dare say, with regard to the city of Montreal. These two large cities supply quite a number of men that are elected for different rural constituencies, although they live in the city. Why did not our friends of the opposition give the cities full representation, while they gave in some cases over representation to rural districts? He has drawn attention to the counties of Brant and Victoria. He said Victoria had about the same number of population as the county of Brant and got only one member while Brant got two. Well, there must necessarily be some anomalies of that kind if you keep within county boundaries. Every county cannot have, proportionate to its population, the same representation. Possibly in the next readjustment the county of Victoria may be peopled to a greater extent than it is now. There are some counties which naturally have a little more population than others and I do not think there was any attempt whatever in the Bill before the House of doing any injustice to Victoria? The representative of that county in the other House advocated a change with regard to that county and the change he did advocate was made, so I think he has nothing to complain of. Then he talks of the county of Brant. The county of Brant has been gerrymandered. I am glad to say the county of Brant is going to be relieved from the conditions of things that has existed there.

My hon. friend the leader of the opposition will not deny that in his Bill of 1882, because I think I am quite right in calling it his Bill, he gerrymandered Hon. William Paterson so as to beat him if there was a possibility of doing so. They gerrymandered that riding to get if possible a Conservative elected in place of Mr. Paterson, but Mr. Paterson was so strong and popular that the people of Brant elected him and he sat up to 1896 for the county of Brant. My hon. friend drew the attention of the House to a statement made by Hon. Mr. Mills, with regard to what he thought would be a proper interpretation of the Confederation Act. He thought it was quite right, and would have been the proper way to redistribute, by leaving it to a committee of judges. He thought some authority constituted under the provisions of the Act for redistribution was the proper method by which redistribution should take place, I remember quite well that he made that argument. Dalton McCarthy who was there did not quite agree with him with regard to that. He thought the power was vested in parliament. Sir John Macdonald whom I am sure my hon. friend will admit was a very great constitutional lawyer, did not agree in 1882 with the

view held by Mr. Mills, nor did he agree in the year 1892 with the view held by Mr. Mills. The best evidence of that fact is that he sanctioned the introduction of the gerrymander Act of 1882 and sanctioned the introduction and passage of the Bill of 1892. Sir John Thompson had charge of the Bill in 1892. My hon. friend will admit that Sir John Thompson was recognized as an able constitutional lawyer, yet he sanctioned the passage of those Bills. In the face of all that my hon. friend is not paying any great compliment to the constitutional lawyers on his side of the House who differed from Mr. Mills. It suits him now to bring up the views of Mr. Mills and speak approvingly of appointing a committee of judges. I was rather amused at my hon. friend making that suggestion and taking that stand. It was only a few nights ago that I heard him making a very determined tirade against the Ontario government for having appointed a commission of two judges to investigate a political matter.

Hon. Mr. FERGUSON—My hon. friend is not stating my position right. I said distinctly that I was opposed to submitting it to a commission of judges. What I said was it should have been submitted to a commission.

Hon. Mr. McMULLEN—My hon. friend may possibly claim the gift of creeping out of a difficulty, but I clearly understood him to mean that he rather agreed with the view taken by Mr. Mills that it should be referred to a commission of judges.

Hon. Mr. FERGUSON—No.

Hon. Mr. McMULLEN—He read Mr. Mills' opinion and cited it in support of the principles that instead of the present government making the redistribution by the Bill before the House it should be made by a commission, and Mr. Mills said that it was to be a commissison of judges. My hon. friend found no fault with the commission that Mr. Mills proposed. He virtually acquiesced, and would be glad to accept a commission of judges.

Hon. Mr. FERGUSON—I am prepared to submit the proof that I did not say so.

Hon. Mr. McMULLEN—I will undertake to show why it would not be right, under present conditions, to refer it to a commission of judges.

Hon. Mr. FERGUSON—Surely my hon. friend will not insist on saying that I suggested it should be submitted to a commission of judges? I stake my reputation in this House that I made my position clear that I did not approve of a commission of judges, and the official report will show it.

Hon. Mr. McMULLEN—I accept the hon. gentleman's statement. Now the reason why it would not be fair or right to leave it to a commission of judges or any other commission is this: What would such a commission be called upon to do? They would be called upon to equalize the population of each of the ridings as nearly as possible. That would be the leading feature of their redistribution. I ask would it be fair in the gerrymandered condition of Ontario—gerrymandered under the Bill of 1882, gerrymandered under the Bill of 1892—to now ask a commission merely to readjust the number of population in each riding, leaving the gerrymandered ridings as they are? Would that be fair? No. The present government are justified in undoing that villainous Act first, and then afterwards, if our hon. friends choose to ask, that it be left to a commission of judges, or a commission of any other honourable men who will discharge their duties fairly and faithfully, I have not the slightest doubt but we would consent. It would be unfair, however, to consent to a commission now until we undo what was done, and put things back to where they were at first. That is the proper thing for the government to do, and that is what they are doing by this Bill. It is said that there is a gerrymander in this Bill. If there is, the slightest vestige of gerrymander in the Bill for the purpose of beating our opponents, I can only say the members appointed to frame the Bill are the poorest kind of men to make a gerrymander. They ought to have gone to my hon. friend the leader of the opposition and got a lesson, for they have made a very poor fist of it. To prove that the Act of 1892 was a gerrymander, I will read to the House an extract from the Toronto 'Telegram,' which is looked upon as a Conservative paper.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. McMULLEN—Here is what it said :

A twenty-one years' trial of the gerrymander of 1882 has given this journal no cause to regret its condemnation of that iniquity the time of its origin.

It says again :

The gerrymander of 1882 brutalized the politics of this country without at any time marking the difference between success and failure, and embittered the partisan differences of friends and fellow-countrymen with all the hatred of blood fueds.

Now, this quotation is from the Toronto 'Telegram.' There is another paper which my hon. friend the leader of the opposition likes to read, and that is the Toronto 'News.' An article in the Toronto 'News' reads as follows :—

The gerrymander of 1882 must take rank as one of the meanest episodes in Canadian political history. It is something of which every Canadian should be thoroughly ashamed. The worst thing about it was that the official heads of the Conservative party felt that they could afford to be open in breaking the rule of fair fighting and the principle of majority rule. The Conservative party supported them in their meanness. Sharp practice was openly made a party creed.

That is what the Toronto 'News' and the Toronto 'Telegram' say.

Hon. Mr. DANDURAND—A Tory paper.

Hon. Mr. McMULLEN—Yes, a Tory paper.

Hon. Mr. CLORAN—Is the hon. gentleman sure ?

Hon. Mr. McMULLEN—Yes. Here is what Mr. Bennett, M.P., for North Simcoe stated in 1892, when that measure was before the House of Commons. He moved that Simcoe be placed in its former position, and said :

This is a glaring instance of a wrong that should be rectified. Not only should the present standing of the riding be considered, but when a wrong has been done, it should be rectified ; and in this case there was a grevious wrong, so grevious that no one in this House rose to defend the measure when it was attacked in 1882.

That is what Mr. Bennett, of North Simcoe, said at page 4323 of 'Hansard.' In the face of these statements by Mr. Bennett, whom everybody knows is a consistent Conservative, in face of the statements made by Mr. McCarthy in 1892 in the discussion on the same Bill, a paragraph of which I have read to the House—and if I were to go on I could read other paragraphs—in the face of these statements and the statements of the 'News' of Toronto, which I know my hon. friend the leader of the opposition reads, if any person were to say the redistribution of 1882 was not a gerrymander, that it was a fairly decent Bill, he certainly should be ashamed of himself, because here are statements of men that were in the House, associated with the Conservative party at the time, who declared that the gerrymander of 1882 was a disgrace to the Conservative party, and that it should be undone and he was prepared to move that it should be rectified. Then again it was said by my hon. friend that Sir John Macdonald did commit himself absolutely to the principle of county boundaries. I have before me a lengthy extract of what Sir John Macdonald said in 1872 on the question of county boundaries, when it was proposed to readjust that year, and he adheres very strictly and very forcibly to county boundaries and gives very strong argument why county boundaries should be adhered to. He proceeds to state that men are first elected as municipal councillors, and after that as reeves and after that, if they are looked upon as men of good ability, they are made warden of the county. The people get to know them, are brought in contact with them through their municipal organizations and eventually they select them to be their representatives in the local house and House of Commons. He pointed out the advantages of the formation of county boundaries and the municipal organization with regard to the choice of members in that way, and he said under those conditions it was wrong to break up county boundaries. He adhered very strictly to county boundaries in 1872, but when it came to 1882, when party exigencies necessitated departing from county boundaries, there was no hesitation whatever from departing from that principle. There are some county boundaries in the province of Ontario that under the gerrymander Act had no representation at all : that is they were not recognized as counties. Take the county of Dufferin. That county was formed many years ago by an Act of the Ontario legislature and given a representative in the local house. It has never had a representative in parliament yet as a matter of fact. Part of it was left to Dr. Sproule

to give him a good majority. Two townships of it were left with me, and they always rolled up about 200 to 250 of a majority against me, and they were left there for that purpose. Another township was left with my esteemed friend from Centre Wellington, Mr. Semple, who had a seat in the House of Commons, the township of East Garafraxa, and another corporation, and they rolled up 460 of a majority against him last time he ran and succeeded in defeating him. They were left in that constituency for that purpose, and the reason why Dufferin got no representative is that it did yeoman service to the Conservative party, where it was placed, and was left there for that purpose. I could cite many instances as flagrant as that to show the result of the measure passed in 1882. I am glad that the province is getting rid of the effect of that gerrymander. I am glad to think that if there is any one thing that the Reform party deserves credit for more than another it is the undoing of that villainous Act that was passed for the purpose of choking, throttling and killing off the Reformers in Ontario and giving the representation as far as possible to the Conservative party. It contributed largely to keep them in power. When the late Hon. Thomas White, a very decent man, an able man, a credit to the Conservative party, could not get a seat in Hamilton he ran in Montreal and could not get a seat there. They brought him up to Cardwell, a constituency which was created for the purpose of providing a seat for John Hillyard Cameron. It elected Cameron first; then it elected White, when they could not find a seat elsewhere for him, and then it elected his son and now it is represented by another Conservative. That will be wiped out and it will be fused into the different counties to which it belongs. Part of it belongs to Peel and part of it to Simcoe and part to Grey and a portion to Wellington. These different sections will each get the portion that belongs to them, and we shall hear no more of the county of Cardwell which should never have had an existence. It was brought forth in sin and created in iniquity.

Some hon. MEMBERS—Hear, hear.

Hon. Mr. McMULLEN—At this late hour, I do not wish further to detain the House, but I could not sit quietly in my seat and permit my hon. friend to give us the lengthy speech which he did with regard to the peculiarities of that Act in trying to justify it. I am sorry I was not in my seat when the hon. leader of the opposition spoke. I should like to have heard his speech, because had I done so, the probabilities are that I might have been able to make a more extended reply. I respect the hon. gentleman personally. He is an old and venerable member of this House, but while personally he is everything that we could like and respect, as a politician he has always shown himself equal to anything that is necessary to keep the Tory party in power and when a gerrymander was wanted he was willing to dip far enough down in the gutter of political iniquity to keep them there. He was always willing to do that. In the face of the Bill before the House, which I earnestly hope will become law, we shall have no more gerrymander and I hope the pages of the statutes of this country will never again record a Bill drafted solely and simply for the purpose of beheading political opponents as the Bill of 1882 was and passed into law. It accomplished a great deal for the party, it kept them in power for years. They finally reached the end of their existence. I do not say they will never return to power, but I venture to say that if they did they would come back a great deal stronger if that gerrymander had not been removed. Take Mr. Sutherland, who represents one of the Oxfords. What was done in his case? He had fifteen hundred of a majority, but in order to change North Perth so that it would elect a Conservative, they took out the township of North East Hope that gave 300 of a majority Reform, and they put it into Mr. Sutherland's constituency to make his majority 2,000, and they took another township in the south that gave a substantial Conservative majority and put it in the north part in order to create a majority for the Conservative member. That was the way it was done all around to form constituencies that would elect supporters and to hive the Grits so that their votes would not tell. That was the object of the Bill and it pretty well carried out the object in view. I could call attention to many other ridings which were as badly gerrymandered. Take the county of Bruce, as

another case. My hon. friend knows that North Bruce elected a friend of his own, Mr. McNeil, but it got so tight for him that he was afraid of his election, and what did the government do ? They took the village of Port Elgin out of the township of Saugeen though is was about the middle of the township and while Saugeen was in West Bruce the village of Port Elgin was put into North Bruce though there was not an inch of the village of Port Elgin within three or four miles of North Bruce. But why was it taken off ? Because it gave 64 or 65 majority to the Conservatives, and they attached it to North Bruce to elect Mr. McNeil. There never was a more scandalous piece of political trickery practiced than putting the village of Port Elgin into North Bruce. Will my hon. friend deny that it is in the centre of Saugeen township ? Will he dare to say that it is connected with North Bruce at all ?

Hon. Sir MACKENZIE BOWELL—No, he will not.

Hon. Mr. McMULLEN—There is not an acre of it that touches North Bruce in any shape or form. It is away on the coast of Lake Huron and was taken out of the centre of the township of Saugeen and put in there to elect Mr. McNeil. Then in West Bruce they hived the Grits. They made a constituency there that gave 1,200 to 1,500 of a Reform majority, and in East Bruce and North Bruce they so diffused the Tories that there was a fair hope that they would carry both ridings. They did not carry them in the first place. Mr. Wells carried it after the gerrymander of 1882 by a small majority, and at the next election it was carried by our late lamented friend, Mr. Cargill, who was an exceedingly decent man. He carried it and held it up until his death.

Hon. Sir MACKENZIE BOWELL—He was beaten once.

Hon. Mr. McMULLEN—It was so fixed that it gave a small Conservative majority. I can say that I do not think there was a finer man in politics than Mr. Cargill, and if my hon. friends elect men of the same stamp as Mr. Cargill, they will be a credit to their party. He was an exceedingly fine character. There is no doubt that his popularity contributed to his election in that riding, but the riding was gerrymandered nevertheless, and there was a gerrymander in all these districts, north, south, east and west. It was gerrymandered all over, but now I am glad to think that we are going to get rid of it. I feel for the men who were under the heels of the gerrymander. I was in that position for eighteen years. Every time I was elected I had a protest to fight. I had a protest at the first election I contested, and the protest was carried to the Supreme Court of Canada in the hope that they would unseat me, and possibly get the riding. I also had a protest on the occasion of the second and third elections, and I got so accustomed to that sort of thing that I took them as a matter of course. I knew the dose I had to take. 'You have got the riding but you have got to fight it out in court.' Although I had so many protests and recounts, and I had them all the time, they never counted me out, nor did they legally put me out. I held the seat for eighteen years, although it was one of the worst gerrymandered ridings in Ontario, and I held it largely, I am frank enough to confess, by the unanimous support of my Catholic friends in the township of Wallace, owing to their being put into the riding. I suffered so much by the gerrymander of 1892 that I could not sit still in this debate without giving my experience.

Hon. Sir MACKENZIE BOWELL—I did not catch the figures that the hon. gentleman gave in reference to the redistribution of Huron.

Hon. Mr. McMULLEN—Huron formerly consisted of North, Centre and South Huron before 1882.

Hon. Sir MACKENZIE BOWELL—That is not what I asked.

Hon. Mr. McMULLEN—I have not got the population.

Hon. Sir MACKENZIE BOWELL—Then I misunderstood the hon. gentleman. I want to congratulate him on the temper he has displayed, because it is interesting and reminds me of old times. I am glad he has got rid of his bile ; he will sleep the better for it. I shall call his attention to the population of the Huron ridings. What I stated in answer to the hon. gentlemen from de Salaberry, when he asked the question as to the fairness of the redistribution in 1882, was that it was based upon population as

nearly as possible, irrespective of boundary lines. I remember the question was put to me with reference to the late Dalton McCarthy. The question was why did Mr. McCarthy make the statement he did in reference to it. My answer was that I did not know, that I regretted he was not here to answer for himself ; that I had no doubt he changed his mind on that as he did on the national policy, of which he had been one of its most prominent supporters. Now, in reference to that fearfully iniquitous act of placing the village of Elgin in one of the Bruces, the hon. gentleman is quite right ; we did place it there, but on whose motion ? On the motion of Hon. William Paterson, the present Minister of Customs, and when that question was before the House, Mr. Paterson moved that the village of Elgin be attached to the north riding, and Sir John Macdonald accepted the motion against my advice at the time. He said, as Mr. Paterson has proposed it, let him have it, and it was added. So that if there is any particular iniquity in it, the blame must rest with the party who made the motion and not so much with those who accepted it. I shall not go into the question of double constituencies. I did not deal with that in my speech. I pointed out, however, that the government have not adhered to the principle of county boundaries in all cases, and instanced Carleton and Russell. The population of the Hurons in the redistribution of 1882 was as follows : 21,512 ; 21,720 ; 21,191.

Now, that is the iniquitous redistribution. Of course the change of the names made no difference, so far as the county itself was concerned, and that was the only ground on which the hon. gentleman condemned it. If the hon. gentleman looks at the county of Wellington, he will find that nearly the same conditions exist. One riding is 26,024, another 26,814, and the other 25,400. There is the great iniquity so far as population is concerned, and population was the basis upon which that redistribution took place. The hon. gentleman has given me credit for more than I am entitled to. I was not chairman of any committee whatever in reference to the Redistribution Bill, nor did I draft it. I gave information when it was asked of me. If the hon. gentleman will look at the population of the riding he will find my statement is correct. He says, the division of Wellington was the greatest iniquity ever perpetrated in the civilized world ; the fact that one riding in Wellington returned the hon. gentleman for 18 years after this redistribution is the best possible evidence of its iniquitous character.

Hon. Mr. CLORAN—I rise to congratulate the hon. member from Wellington on the stand he has taken on this important measure. He has combatted the argument of the leader of the opposition in regard to the gerrymanders of 1882 and 1892. The hon. leader of the opposition did his best in the absence of the hon. gentleman from Wellington to induce the House to believe that there was nothing more fair in the history of Canada than the Redistribution Bill of 1882. I, as a young Canadian, and a young fighter on the political platform of this country, know that if there was one thing we had to denounce against the late government of this country it was that very Act which called for the condemnation of more than half the electorate in the illustrious convention of the Liberal party in 1893. It was the backbone of our fight against the Conservative party, and when I heard the leader of the opposition after 40 years experience in the government of this country, tell the House that the Act of 1882 was the fairest measure of redistribution that any government could frame, I asked myself what could he mean. Does the hon. gentleman ignore the fights we of the Liberal party have had to sustain for 20 years ? Does he ignore the injustice perpetrated through the administration of that Act when he stands here 20 years after that infamous Act was passed and tells this country that it was a fair Bill ? I congratulate the hon. member from Wellington on being in a position to contradict his statement and lay before the country the real skeleton of that measure, a skeleton that is a disgrace to the statute-book of Canada. The hon gentleman asked how is it this government under the Liberal flag has not had courage enough to do as its predecessors did ? We had not the courage but we have a better sense of justice than they had in days gone by and have given the Conservative party a fair opportunity to secure their share of representation in parliament—more than they are entitled to according to precedent. I congratulate the hon. gentleman from Wellington

on having given to this House and the country the facts that he has laid before us to-night. He could have gone further if he was acquainted with the gerrymander in Quebec where it wiped out two Liberals in Vercheres and Chambly and two Liberals in Laprairie and Iberville, and left two Conservatives in Soulanges and Vaudreuil with only 10,000 and 11,000 in either county. Why did not the hon. leader of the opposition refer to these facts ? This government is entitled to the gratitude of the country. It has given a Redistribution Bill which, as far as human skill can do it, does justice to all, and I have risen simply to congratulate the hon. member from Wellington on his remarks which I fully endorse. I hope they will tell on the public opinion of the country.

Hon. Mr. FERGUSON—I crave the indulgence of the House to put myself right with the hon. gentleman from Wellington.

Hon. Sir MACKENZIE BOWELL—To set him right.

Hon. Mr. FERGUSON—My hon. friend quoted me as having endorsed the expression by Mr. Mills in 1892 with regard to submitting this redistribution to a commission of judges. So far from endorsing that, I pointed out distinctly that in England no judges were put on the commission at all. I further stated the matter was brought up in the other House during the present session by the hon. gentleman from Norfolk (Mr. Tisdale), but not pressed to a vote, the object of bringing it up being to call the Liberal party back to their position in 1892. But it was not pressed to a vote, because the Liberal-Conservative party entirely disapproved of bringing judges into such matters. That was my own view and I believe it to be the view of a large majority of the people of this country. I can forgive my hon. friend for not hearing me distinctly, but I can scarcely excuse him for persisting in saying that I made the statement which he wrongly attributed to me for a very considerable time, and not only that but declining to allow me the privilege which we always accord to each other in making a correction at the time. I rose for that purpose and my hon. friend persisted in speaking. I thought he might have, and should have according to the usages of this House, allowed me to make the correction.

Hon. Mr. KERR (Cobourg)—I feel compelled to make a few observations on the subject now before the House, seeing the course that has been pursued by those who are opposed to the Bill. We are, under the British North America Act, section 51, called upon to perform a responsible constitutional duty. This parliament is called upon to pass a readjustment Bill. I have never yet had the honour of considering and discussing a readjustment Bill proper. I have had the honour of discussing what I call properly redistribution Bills, and I distinguish between a redistribution Bill in its technical sense, and a readjustment Bill. In His Excellency's speech, with which he opened the fourth session of the eighth parliament of the Dominion of Canada, we were promised a Redistribution Bill, and it was hinted at that time that it would be a gerrymander Bill. I took occasion at that time to say that I hoped it would be nothing of the kind, and I am very glad to find that the Bill now before us is not amenable to that charge. I took occasion in 1900 to say that the fair fame of Canada could not stand another gerrymander Bill, that we had had one in 1882, and had that supplemented by another in 1892 ; therefore I hoped that we should never again have to consider another gerrymander Bill. I do not call the Bill before the House a gerrymander Bill. I think it is a fair and reasonable Bill. I have not a great deal of fault to find with the leader of the opposition in his discussion of this question, for I think it was more moderate than his speeches in some former discussions ; at the same time the drift of his observations was in condemnation of the Bill. My hon. friend from Marshfield said he thought that in 1882 parliament had not gone very deeply into the question. My opinion is that they went very deeply into the question. They went so deeply that it left a stain on the fair fame of Canada from that time to the present, and I hope that after this Bill has been passed into law, much of the wrong that was then done, especially to the province of Ontario, will be rectified, and that hereafter no attempt will be made such as that which was perpetrated in 1882. My object in speaking just now is to let our friends and opponents from other provinces know somewhat of the terrible man-

ner in which Ontario was treated in 1882. You recollect that in the general election of 1878, owing to several circumstances, the hard times, and the promise of enrichment of every one by the national policy, the province of Ontario at that time, although largely Liberal returned only twenty-three Liberals out of eighty-eight members. I charge the Conservative party at that time, in 1882, when the time came to readjust the representation, with having taking advantage of the vote cast under that abnormal state of things in the province of Ontario, to make it a normal vote, and the way they did it was by the Act of 1882. That Act was to all intents and purposes, a gerrymander Act of the very worst character. The other provinces have never heard, as they have heard to-night from the hon. gentleman from Wellington, what a terrible iniquity was perpetrated on the province of Ontario at that time, and it is no use denying it, because it is a fact that the Liberal party in Ontario have from that hour to the present, been largely in political bondage. But I am very glad to see that the present Bill. if it has anything of a gerrymander about it, is un-gerrymandering the infamous gerrymander that was done by the Act of 1882 and supplemented by the Act of 1892. It will be to the Liberals of the province of Ontario a proclamation of emancipation from the political thraldom which that Act placed them under, and under which they have been at a disadvantage for the long period of twenty years. I rejoice to know that the hour of their deliverence has come.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. KERR (Cobourg)—Let us for a moment institute a comparison between the Bill of 1882, and the Bill that is now before us. This Bill was referred to a committee of members from both sides of the House, and considered day in and day out, week in and week out, in open session. Every member had the privilege of going there and stating his grievance and giving his advice. It was all open and above board, and the Bill was brought down to the House of Commons and thoroughly discussed there. I claim that this Bill, as compared with the Bill of 1882, is fairness itself. I think now, as I have always thought, that a readjustment Bill should be as fair to one party as to another, that each party should stand on an equal ground—a fair field and let the best man win. Now, how was the gerrymander of 1882, conceived and brought forth ? We have had the story told. I had the pleasant duty in 1900 of referring to it. Hon. gentlemen will not be surprised, and I do not think the expression too strong, to be told that it was conceived in political iniquity. I quote from a letter written by John Hague, a respectable citizen of Montreal, published in the Montreal 'Herald' of the 9th July, 1901, and reproduced in the 'Globe' of the 10th July of the same year. He has told the history of that gerrymander, and his statement has never yet been denied. I have waited since 1901 for some person on the Conservative side of the House to contradict the statements in that letter, and up to this hour this statement stands absolutely uncontradicted :

On September 15, 1881, I received a notice from a member of the Senate, who represented the government of Sir John Macdonald in Toronto, asking me to call upon him at a certain hour. I was informed that in compliance with the constitution the government proposed to rearrange the constituencies of Ontario. I was told that the work of preparing a chart showing the boundaries proposed to be established had been entrusted to the officers of the Department of the Interior, of which Sir John held the portfolio, but they had failed to draft a workable plan. I was asked if I would undertake to construct a chart according to the ideas and suggestions of the speaker. On hearing my assurance that I felt quite equal to such a task, the senator proceeded to say that he wished a chart made showing the existing boundaries of the electoral districts, the voting strength of each of them, and majority at the last election. He wished me to make this chart quite large and to exhibit the statistics desired on small tickets, which were to be pasted over each district, the one fixed on a place which returned a Liberal member, to be pink, and the one over a district which had chosen a Conservative, to be blue. These tickets were prepared by Williams, Sleith & McMillan, printers, Toronto. They were the same size as a street car ticket. I strongly oposed this plan, as likely to prove cumbrous and very difficult to operate from in altering the boundaries, but was induced to put the plan to the test.

The next question was where was the work to be done. It was represented as one demanding the greatest secrecy ; there must be no risk of the chart being seen by any outsider. After various suggestions had been made and suggested, I offered to do the work in my own house, where I would give up my study to the service of the government, and use the help of some members of my family in filling in the tickets and other mechanical work. This was agreed to. I secured an electoral map about 18 inches by 12, and raised

all the lines up, so as to be a reproduction on a large scale, the chart I made being five and a half feet by four feet. After most tedious work, extending over several weeks, for I only devoted my evenings to it, the chart with its mass of pink and blue tickets was finished, and a pretty foolish affair it was, as I had predicted. Ontario, so treated, looked like some fabulous animal, covered with loose scales, blue and pink, which fluttered like so many tiny wings. The thing was condemned, and the author of it was puzzled. He saw it was impossible to rearrange the electoral districts from such a chart, and invited me to advise as to the best way of proceeding.

Now, here is what the government desired:

I was informed that what the government wished to effect was a rearrangement of the electoral districts so far as possible, recognizing a common unit of representation. This, however, was to be made sufficiently elastic to allow the grouping of different sections of the district, so as to detach Conservative voters from places where they were in excess for the needs for a majority, and the attachment of such voters to districts where the new accession would turn the scale at an election in favour of a Conservative candidate, where a Liberal one had hitherto been returned. Electoral districts which were hopelessly Liberal, were, if possible, to be abolished——

I invite your attention to that clause, that where the constituency was hopelessly Liberal the object of the government was, he says, to abolish it. Can you imagine anything more iniquitous than that ?

—or the constituencies so arranged as to put the Liberal voters altogether in one district, especially where they could be drawn away from a district where they menaced the Conservative candidate. The process was afterwards called 'hiving,' which is quite appropriate, though while the work was being done for the Act of 1882 this word was never used. After making a colossal chart, I took each electoral district and its surroundings in hand, and wrote upon each the number polled for each party at the two previous elections, the total number of electors, with the majority in each case. I coloured each district to show at a glance its political complexion. I then made a thorough study of the official returns of the two last elections, and took out hundreds of statistics for comparison and readjustment. Some of the districts were most difficult to alter so as to secure the results desired. It was said the configuration of some of these represented nothing on earth, in the heavens or the waters under the heavens. Quite true ; they simply represented an effort to fix the boundaries of electoral districts according to two rules ; first, on the principle of equal representation to equal numbers of voters ; second, on the principle that electoral districts should be arranged to serve the interests of the party in power when they are rearranged. These rules do not work well together, hence the highly eccentric shapes of some of the districts on the chart I have constructed. When nearly complete it was taken down to Ottawa.

Done with Secrecy.

I was assigned a room close to that of the Minister of the Interior. Into that room I was instructed to prohibit the entrance of any one even a cabinet minister, unless brought in by the senator. I remember the petty rage of one minister to whom I refused admission. One day a senator, the Minister of Inland Revenue, came in and saw the chart, upon whic he made no comment. His silence elicted the remark: 'I am surprised at a straight laced fellow like you being in such company,' to which he gave his usual placid smile. One by one sevaral members were consulted as to the changes made in their districts. When the final touch was put to my chart, it was shown to Sir John Macdonald. After closely examining the work done on the boundaries, the statistics written on the face of the map, and the schedule I wrote on its side, showing the result of the changes, Sir John exclaimed 'that takes the load off my shoulders.' The Gerrymander Act, as it was called, was simply the chart I had constructed, expressed in legal language.

That is the way the Conservative party readjusted the representation at that time. How do hon. gentlemen like such a system of representation ? Do you think that was the way that a readjustment of the representation should be made ? Just imagine two or three of the public men of England sitting down in dark conclave and concocting a scheme to so readjust the political constituencies of the United Kingdom that they could defeat their opponents in the electoral battle. My view of that is, so long as that Bill is remembered so long will it be a blot on the Conservative name, and I am sorry, for I have great respect for the Conservative party, and I think they not only made a fatal mistake at that time but they committed a great political outrage. My friend from Marshfield may not have known about this. If he had I am sure that he would have taken good care not to have provoked this discussion to-night, and what surprised me more than all was that when this Bill was to be read a second time any remarks should be made upon it that would of necessity recall the Act of 1882 and the Act of 1892 in comparison with this Bill. I ask you hon. gentlemen what you think of that transaction? Do you call that a proper manner of readjusting the constituencies chiefly affecting the porvince of Ontario. I shall not detain the House by any further reference to the gerrymander, but the remarks of the hon. leader of the opposition compelled me to remind him of some of the incidents connected with the history of that notorious measure.

There was a Liberal member at that time for North Lanark ; an old time Liberal seat,

and so the township of Fitzroy and Torbolton were taken from Carleton and added to North Lanark ; but on investigation it was thought that that majority would not be sufficient to upset the Liberal majority in North Lanark so that the township of Torbolton was left in Carleton and the large township of Huntley was taken from Carleton and added to North Lanark. The result was that North Lanark from being an old Liberal seat was changed to a Conservative constituency, and has elected no Liberal candidate since 1882. There is a clear and positive case of the effect of the gerrymander. Now, I call the attention of this House to one or two more instances.

The member then and now for South Lanark was worried by the fact that Senator Frost was a strong and powerful man in the town of Smith's Falls, and a stumbling block in his road ; so the town of Smith's Falls was thrown into the riding of North Leeds and Grenville and out of the county of Lanark in order to relieve the member for South Lanark from Mr. Frost's opposition. The riding of North Leeds and Grenville into which Smith's Falls was thrown was overwhelmingly Conservative, but in the election of 1896, Mr. Frost succeeded in carrying it with the small majlority of 9. It has of course been Conservative in every other election and is now Conservative.

Then, there was the riding of Brockville which was a doubtful riding and instead of taking the townships of Yonge and Escott which lie side by side with the riding of Brockville, an Orange Tory township to the north called Kitley was annexed to the Brockville riding and made the riding overwhelmingly Conservative. As there were few seats in Eastern Ontario at that time which could be carried by the Liberals, these three pieces of gerrymandering extinguished their chances completely.

Next they took up the counties of York and Ontario. From South Ontario was taken the township of Pickering, from North Ontario the Reform township of Uxbridge and the town of Uxbridge ; from the riding of North York was taken the township of Whitchurch, a strong Reform township, and from the riding of East York was taken the the Reform town of Stouffville, and these were all put together in the riding called West Ontario with the avowed object of making a Liberal hive of West Ontario and making North and South Ontario, and North and East York Conservative. There was originally a Liberal majority in all four ridings. This gerrymander was intended to make four out of five Conservative, by a small majority, and to make one overwhelming Liberal riding. In addition to that Conservative townships were taken from Muskoka and added to the north riding of Ontario, until a riding was formed which resembled nothing in the heavens above the earth beneath or the waters under the earth. In fact, at that time I happened to be in the town of Whitby and the editor of a paper wanted to know what the Conservatives had done with North Ontario, and they said they thought Sir John had made a fishing pole of it to fish in the waters of the back lakes. It was a mathematical line, it had length without breadth or thickness. It remains that way to this day. I hope the effect of this Bill will undo some of the iniquity done to those places I have mentioned. It is one thing to gerrymander, and it is a wrong thing ; it is another and quite a different and proper thing to ungerrymander, and if this Bill fails to do that I think it will fall far short of what it should do. In the county of Grey, Dr. Landerkin's riding was gerrymandered by the township of Artemesia being taken out of the heart of East Grey and added to South Grey with the intention of making South Grey Conservative. The gerrymander failed of its effect until the election of 1900. Dr. Landerkin, with whom I had a life long acquaintance ever since he was at college, has gone to his rest, but I think I am not travelling beyond my privilege to say that he was in his riding as well as in the whole country, deservedly popular, and I do not think any other man in that county could in the face of that terrible gerrymander have carried that riding. Although it took eighteen or twenty years to get in its work, the gerrymander of Dr. Landerkin's riding did its work at last. We had the honour of his presence in this House as some proof of the gerrymander. Take the county of Bruce, which was a county with an immense Liberal majority ; the riding of West Bruce was formed with about 1,000 Liberal majority, leaving North Bruce and South Bruce with small Conservative majorities of

twenty-nine and seventy-five respectively; so that a county with a Reform majority of more than 800 elected two Conservatives to one Liberal. Then the county of Middlesex was added to by taking townships off other counties, and although in the county of Middlesex there was an immense Liberal majority, the county was so divided as to be thought to ensure three Conservative seats to one Liberal by throwing all the Liberal strength into a riding known as South Middlesex. From Mr. Mills' riding of Bothwell were taken the townships of Howard and Orford which were thrown into West Elgin, so that West Elgin which was already Liberal should become a Liberal hive, and Bothwell should become a Conservative constituency. Thanks to this gerrymander, Mr. Clancy, is now the member for Bothwell. Then, in the county of Oxford, an overwhelming Liberal county, the township of Dereham, the only Conservative township in Oxford, was added to Mr. John Charlton's riding. The town of Simcoe, a Conservative town, was taken off his riding, and put in South Norfolk, so as to ensure Col. Tisdale's election—torn away from their municipal boundaries and attached to other counties, torn from their roots and transplanted into foreign and uncongenial soil. Then, from the county of Perth were taken the Liberal townships of North Easthope and South Easthope, and these two townships lying beside the city of Stratford were thrown into the overwhelmingly Reform riding of North Oxford, and voted with Woodstock a town twenty miles away. The net result of the change of the Easthopes was to make both Perths Conservative, and North Oxford more overwhelmingly Liberal than before. Then in the county of Wellington, the ridings were so formed that although there was a clear Liberal majority in the county, two out of the three seats were thought to be sure for the Conservative party. The township of Walace, a Conservative township, being taken from North Perth and added to North Wellington, it was thought that with North Easthope off North Perth the Perths could well spare Wallace, and it would do more good in North Wellington. It did not succeed in defeating Mr. McMullen until the last election on account of his unusual strength and popularity in the riding. I am relating facts, and a sorry tale it is. I am relating facts which reflect discredit upon the authors of that Bill.

Then in the county of Brant, to defeat Hon. Wm. Paterson, the Reform townships of Burford and Oakland, were taken off South Brant and thrown into South Oxford to swell the overwhelming Liberal majority there, and the town of Paris, and the Conservative township of Onandaga were taken off North Brant and thrown into South Brant to further weaken Mr. Paterson. Of course, it did not get its work in as soon as it was expected, because Mr. Paterson as well as Mr. McMullen and some other gentlemen I have mentioned were exceptionally strong men, and they had the unqualified confidence of the electors of their respective ridings, and by tremendous work they were able to hold their ridings until their course was finally stopped by the effect of this gerrymander. Then another Reform hive was made out of North Brant. All the Reform parts of North Brant were left in this hive, and the township of Blenheim was taken from North Oxford, and the big Reform township of Ancaster was taken from South Wentworth and thrown into this hive with the result that South Wentworth became a Conservative seat, Mr. Joseph Rymal's old constituency where he was wont to boast that this veteran of twenty battles never knew defeat until the constituency was gerrymandered. In the redistribution of 1892 whenever it was thought the Grits had not been gerrymandered enough in 1882 some further fine work was done. The strong Reform township of Beverley was taken off North Wentworth and thrown into the Liberal hive, North Brant, and then the broken remnants of Wentworth were made one constituency, now held by a Conservative. No distribution of change can be made in Western Ontario in the present redistribution which will not injuriously affect the Conservative party, and so it ought to affect them in putting the constituencies back where they were and where they were considered fair and moderate and reasonable for both political parties. If the Conservative party is injured by placing these municipalities back in their original places so much the worse for the Conservative party, and the sooner every honest Conservative turns his back upon

the infamous gerrymander of 1882 and 1892, the better for his party. I am sorry to refer at length to this matter, but I am compelled to do it, though the duty is greatly ligthened by the strong, truthful and impressive unfolding of this story by the hon. member for Wellington. He has done this Senate and he has done this country a good service by calling the attention of the public to this matter.

Some hon. MEMBERS—Hear, hear.

Hon. Mr. KERR—It is all very well to say 'hear, hear.' That does not answer argument and facts. The facts are there, and the facts will be there as long as Canada has a political history, and in my view, although we thought the Conservatives were under a great cloud—and they were, owing to the Pacific scandal—in my view, nothing ever hurt that party in this country like the gerrymander Bills that were introduced for political ends. I hope it will be a lesson to them and to all, because I deprecate any gerrymander. I do not expect any from the Liberal government. If a Liberal government attempted anything of that kind, they should get their walking ticket very quickly. We must elevate our politics into a higher plane, and then we shall rise to the measure of responsibility of our duties, and not until then. In the redistribution of 1892, Haldimand was gerrymandered so as to make it sure for Dr. Montague, but Colonel Thompson's popularity broke the effect of that gerrymander, and in 1900 he drove Dr. Montague from his seat, notwithstanding the fact that it was badly gerrymandered. All honour to Colonel Thompson. It has been asserted again and again that the effect of the redistribution did not hurt the Liberals, because the total votes polled by the Liberals in 1882 and 1887 was smaller than the Conservatives. One reason for that is that in those times it was not thought necessary to poll the whole Liberal vote. The Liberals had not turned out because they did not consider it necessary. It would make very little difference whether the former majority was three or three hundred, but now woe to the Conservatives in these ridings which were gerrymandered, but which have been made right. It has been my pleasure to supplement, in a feeble way, what the hon. gentleman from Wellington has so forcibly stated to this House. My motto is 'Charity to all and malice to none,' and I am bound to add here and now that I have in this House as good friends among the Conservative party as I have on the other side, and we must all try to live in that spirit, but above everything in the future, let us one and all resolutely resolve to elevate our party politics—I do not mean the affairs of state, but our politics, above this kind of thing and give fair-play to each political party, and let the best men win in a fair fight. I believe the discussion tonight will not be in vain. I am sure it will not, if it enables us to see the enormity of the Acts of 1882 and 1892, and what has always surprised me is that men of the respectability of the Conservative party, whom I see around me, have justified it. I have had a very long acquaintance with the gallant knight from Belleville, and I would go a thousand miles to do him a good turn, but how he can justify or palliate this infamous gerrymander of 1882, and the further infamous gerrymander of 1892 is utterly——

Hon. Sir MACKENZIE BOWELL—Incomprehensible.

Hon. Mr. KERR—Utterly inexplicable, but I hope that while the lamp holds out to burn even the vilest political sinner may return.

Hon. Sir MACKENZIE BOWELL—Do not confine it to politicians.

Hon. Mr. KERR—I do not say it offensively because I do not wish to offend my hon. friend; but I think it is doing a good thing for the Liberal party and for the country by exposing this matter and remeding the evils that exist in Ontario. I know all the constituencies of Ontario. I do not profess to go into the matter so fully argued by the hon. gentleman from Prince Edward Island. I am just speaking of the province of Ontario upon which a dead-set was made in 1882, because it was felt at that time, and properly so, that if the Conservative party could weaken and dash to the ground the power of the Liberals in this province, their retention of power in the parliament of the Dominion would be easy, and by these two Bills they were able to hold political power in this country for nearly twenty years. Notwithstanding that, the Liberal party, true

to their faith and true to their principles, have fought the battle through good and evil report, and thanks to their efforts their polical banner is in the ascendency to-day. I hope it will retain its ascendency as long and no longer than it is kept above board and not trailed in the dust, because the moment we depart from what is right, I shall expect a process of disintegration and decay to set in in the ranks of the party; but let them do what they should do according to sound philosophy improved by the errors of others, shall I say, rather than find fault with them. But we must find fault with them. It would not be right not to find some fault. I hope this Bill will become law by the unanimous vote of this House, and I believe the Conservative party would do themselves honour by voting to a man in favour of the second reading of this Bill.

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

Hon. Mr. SCOTT moved that the House do now adjourn.

The SPEAKER—I was misinformed as to the action taken some time ago, but I think it was the unanimous feeling of the House that the adjournment should be till three o'clock on Monday.

Hon. Mr. LANDRY—There was no motion for that.

The SPEAKER. There was a general consent.

Hon. Mr. LANDRY—I object to that.

Hon. Sir MACKENZIE BOWELL—It was a general assent, under the impression that the former motion had been carried.

The SPEAKER—The hon. leader of the House was going to make the motion and I told him, having been so informed by one of the officers of the House, that the motion had been rescinded, because he had already acted on it, and I did not put the motion. I declare the Senate adjourned till three o'clock on Monday.

Hon. Mr. LANDRY—I object to that.

Hon. Sir MACKENZIE BOWELL—When we assented to that it was under the impression that the Speaker had himself declared that the motion which had been put upon the Order Paper by the Secretary of State had been carried. My recollection now, on looking up the matter, is that when the question was called, before the Orders of the Day, the Secretary of State informed us that there was no particular business to be done on Monday, and he did not think there was any necessity for making the motion, and it was dropped. That is how the matter stands now, and the motion put upon the paper for to-day was also dropped, so that really as the records now stand we are to meet on Monday at eight o'clock.

Hon. Mr. SCOTT—I said that if it was the feeling of the House we should not meet to-morrow I should be quite willing to adjourn till Monday, but it would be under an arrangement that we should meet at three o'clock on Monday, and the House concurred in that.

Hon. Mr. LANDRY—The motion of the hon. minister was not a motion to rescind the order.

Hon. Mr. SCOTT—The effect of the motion was to rescind the order. The House heard me distinctly, and every gentleman present acquiesced in it.

Hon. Mr. LANDRY—I do not acquiesce.

Hon. Mr. SCOTT—The hon. gentleman is bound by it.

Hon. Mr. LANDRY—No. I am not bound. There is no motion.

Hon. Mr. SCOTT—I was informed officially that that order calling the House together on Monday evening at eight o'clock had ceased to exist or was not in absolute order.

Hon. Mr. LANDRY—That is not my fault.

Hon. Mr. SCOTT—I said the understanding was that we need not meet to-morrow, but we would meet at three o'clock on Monday.

Hon. Sir MACKENZIE BOWELL—That is quite correct, but that was under the impression that the motion which the hon. gentleman had given notice of a week ago, had been passed. The Speaker stated the question rightly enough. The record is to-day that we meet on Monday at eight o'clock until otherwise ordered, and it has not been ordered, and when the hon. gentleman put the notice on the paper for a motion to

meet to-morrow, he thought it was not necessary as there was not business enough and he dropped that also. That is the record as it stands, and unless the former resolution be rescinded—and that cannot be done without the consent of the House—we are obliged to adjourn until Monday evening at eight o'clock.

Hon. Mr. MACDONALD (Cape Breton)—I hope the hon. gentleman from Stadacona will withdraw his objection.

Hon. Mr. LANDRY—No, I won't. I have taken that stand, and I shall stay there.

Hon. Mr. WATSON—I should like to ask the hon. gentleman what his object is? All the members who went away expect to meet here at three o'clock on Monday.

Hon. Mr. LANDRY—I have no object to explain. I have this right to exercise and I shall exercise it.

Hon. Mr. YOUNG—I understood when the hon. Secretary of State withdrew his motion for the sitting to-morrow, that a motion was substituted, practically by unanimous consent of the House, that we should meet again on Monday, at three o'clock.

Hon. Mr. LANDRY—There was no motion made. The Order stands that when the House adjourns on Friday it stands adjourned until Monday evening at 8 o'clock.

Hon. Mr. YOUNG—I think the House will bear me out in the statement that when that Order was made it was on the distinct understanding that the eight o'clock meeting would continue as long as the business permitted it, but just so soon as the business necessitated a change that Order would be changed, and the Secretary of State withdrew his notice to meet to-morrow at three o'clock, when he could have carried that motion and brought us back here to-morrow afternoon. He did this simply to accommodate hon. members and there was not one dissenting voice. I think it stands in this position, that the House had assented unanimously to what might be called a compromise arrangement to meet at three o'clock on Monday.

Hon. Mr. LANDRY—The hon. leader of the House gave notice of a motion to repeal the Order adjourning from Friday till Monday night, but he withdrew it and the Order stands to-day on the record and must govern the adjournment. There must be a motion to rescind, otherwise we cannot meet regularly at three o'clock.

Hon. Mr. SCOTT—I do not agree with the hon. gentleman at all. I had given regular notice of motion to meet at three o'clock to-morrow. When the Order was called, I spoke to hon. gentlemen around me and said that it would be a great convenience for many who desire to go to Montreal. I believed that there were no Bills coming up from the other House, and that prorogation was not in the near future, as I supposed it was a day or two ago, and that therefore instead of meeting to-morrow I said it would meet on Monday at three o'clock.

Hon. Mr. YOUNG—If the House had not acquiesced in the suggestion of the Secretary of State, then the motion to meet to-morrow would have been carried.

Hon. Sir MACKENZIE BOWELL—In order to meet on Monday at three it will be necessary to rescind the Order which was passed on the motion of the Hon. Secretary of State, made on the 12th of June, that when we adjourn on Friday we stand adjourned until Monday night at eight o'clock. That order has not yet been repealed.

Hon. Mr. McMULLEN—The hon. Secretary of State this afternoon rose to make the motion of which he gave notice, to meet to-morrow afternoon, but said that with the consent of the House he would waive the resolution to meet to-morrow if it was the unanimous wish of the House that we should meet on Monday at three. Not a single member rose to object, and the hon. gentleman was in his place. I think it is very discourteous for the hon. gentleman to take a technical objection now.

Hon. Mr. LANDRY—I make the objection, and I shall not change my mind.

Hon. Mr. WATSON—No doubt the hon. gentleman for Stadacona is perfectly in accord with the rules of the House. But, no doubt, the understanding when the Secretary of State withdrew his motion to meet to-morrow was that we should meet on Monday at three o'clock. The hon. gentleman was in the House. If he will not abandon his objection, that is obstruction. Every

other hon. gentleman in the House is prepared to meet at three on Monday and proceed with the business of the House, and the hon. gentleman has no reason to offer.

Hon. Mr. LANDRY—Well, he has no reason.

Hon. Sir MACKENZIE BOWELL—He may have just as good a reason as those gentlemen who went to Montreal to attend to their private business.

Hon. Mr. TEMPLEMAN—If the hon. gentlemen from Stadacona will not meet the views of the entire House, I am inclined to think he may have the law with him on this occasion ; but I would really appeal to him —I do not do it very often—to act fairly in this matter and meet the views of all the members of the House and permit the adjournment till three o'clock on Monday. Will the hon. gentleman concede that much?

Hon. Mr. LANDRY—There are many things we ask in tones such as the hon. gentleman uses now when we address ourselves to the other side of the House, and our request is never granted. I have entered my objection and I say I shall stand to it.

Hon. Mr. TEMPLEMAN—The motion is that the House adjourns till Monday evening at eight o'clock.

The motion was agreed to.

The Senate adjourned until Monday at eight o'clock.

THE SENATE.

Ottawa, Monday, October 12, 1903.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

MORNING SITTINGS.

MOTION.

Hon. Mr. SCOTT—I beg to give notice that I will move to-morrow that when the House adjourns we meet at 11 o'clock on Wednesday morning, the morning session to be a distinct sitting.

Hon. Mr. LANDRY—Can the hon. gentleman inform us if the House will sit on Thursday ?

Hon. Mr. SCOTT—I cannot really say just now. If there is important business on the paper I presume we shall. The notice is to meet at 11 o'clock on Wednesday, and each day thereafter at 11 o'clock until the close of the session.

Hon. Sir MACKENZIE BOWELL—Adjourn at 1 and meet again at 3 p.m. ?

Hon. Mr SCOTT—Yes, and every subsequent day during the session. I am not prepared to say what we will do on Thursday.

Hon. Sir MACKENZIE BOWELL—I am informed by the hon. member from Stadacona, that the House intends to adjourn on Thursday.

Hon. Mr. SCOTT—I will be able to say to-morrow.

NATIONAL TRANSCONTINENTAL RAILWAY BILL.

SECOND READING.

Hon. Mr. SCOTT, moved the second reading of Bill 235 'An Act respecting the construction of a Transcontinental Railway.' He said : The measure now submitted for the consideration of the Senate is probably the most important one that has been presented before parliament since 1881 when the Canadian Pacific Railway Company's Bill was passed, and I can therefore quite understand that many hon. gentlemen who have not given the matter much thought and attention may, not unnaturally, hesitate before acquiescing in so important a measure until they have fully considered it. The more one looks into it the more confident he becomes of the importance of this measure and the necessity at this time, which is most opportune, to commence the work. The idea of a transcontinental line through the interior of Canada is not a very new one. As far back as 1895 this parliament had before it a Bill to incorporate a company, having for its object the construction of a railway from Quebec to Fort Simpson. It was known as the Trans-Canada Railway Company. Two or three sessions after that a Bill was again before parliament asking for some amendments ; so that the idea is not entirely as new, as some hon. gentlemen seem to imagine. This Bill in my judgment, is the natural evolution of what has been going on in connection with the question of transportation for the past five or six years. Naturally, one would suppose that the company that had

first occupied the consideration of the public would have been the one that would have been taken. The Trans-Canada, although being composed of gentlemen of considerable importance, one or two English capitalists being members of the board, was not, however, as strong a company as would be considered essential to undertake a work of this magnitude. There was another competitor in the field, a company that for some years were looking forward to share in the developement of the North-west. Our earliest railway in this country was the Grand Trunk Railway Company. They had stretched out their main line from Chicago to Portland, and in a very short time that line, I understand, will be double tracked, in fact within a few months. It is now double tracked between Montreal and Toronto. It has also lately, I notice, been making arrangements with the Northern Pacific, the American road, to connect with the Orient, and perhaps placing a fleet of vessels on the Pacific between Seattle and China and Japan. It has, therefore, very large aspirations at the present time. It is, of course, a matter of immense value to a company like the Grand Trunk to be connected with the North-west. They are now connected with all the manufacturing centres of Ontario; they have their branches permeating that province in every direction. They have also branches connecting their main line with the various centres of population in the province of Quebec. It would, therefore, only seem reasonable and natural that a company having the standing of the Grand Trunk Railway Company should desire to be connected with the development now going on in the great North-west Territories. The Grand Trunk Company having made up its mind to enter the North-west, there were two avenues through which that could be accomplished, either through their main line by way of Chicago, or from some point in the older provinces of the Dominion. Had the line been constructed from Chicago and penetrated into Manitoba and the North-west from the United States, it necessarily would have had the effect of diverting a very large volume of trade from our western territories through the United States, to Portland and to other United States ports. It would have been a very serious blow to the commerce of Canada had a result of that kind been reached, and therefore the government, in looking forward to the construction of another national highway through the interior of the country, naturally sought negotiations with the Grand Trunk Railway Company. As hon. gentlemen are aware, during the present session that company had sought for a charter to build a road from North Bay to some point on the Pacific coast and no doubt public opinion would have supported the administration in subsidizing that railway from North Bay. It must be remembered, however, that east of North Bay the population of this Dominion is quite as large as that to the west, and it would be a serious detriment to an important section of Quebec and to the maritime provinces, had the new transcontinental line been diverted southward by connection with the Grand Trunk Railway to Ontario and southern points more particularly to Portland. It was therefore essential, in the interests of this country, that influences should be brought to bear on the Grand Trunk Railway to induce them to take up the larger scheme which was going, in my judgment, to benefit not alone the older provinces, Ontario and Quebec, but also the maritime provinces, and so the scheme naturally grew till the proposition was that the line should start at Moncton and be carried through the interior of the country to the prairie province; thence by a northern route to Edmonton or thereabouts on to the Pacific coast through the Pine river pass or the Skeena or whatever line might be available to Port Simpson. The reason for selecting Moncton as the starting point on the east is this: Moncton is in the centre, you may say, of the maritime provinces. It is within very easy access of Prince Edward Island—only a few miles from Point Duchene where the boat connects the mainland with the island. It is also equally distant from Halifax and St. John and different points in the maritime provinces, and therefore Moncton seemed to be the natural point of departure. It was only fair and right that in so large an enterprise as building the new national railway all parts of the Dominion should share in the necessary advantage that will attach to the construction of so important a highway. The Bill before the House authorizes the construction of a railway from Moncton,

via Quebec through the interior of the country to Manitoba, no doubt reaching Winnipeg either by the main line or by a branch, and thence by the northern route, the route which had been originally selected by the Mackenzie administration in 1874, through the Rocky mountains to the Pacific ocean. The line is divided into two sections, known as the eastern and the western. The eastern section is to be built by and owned by the government ; to be built by commissioners after, of course, exhaustive surveys have been made in order to select the best route that can be obtained. After being built it is to be leased to the Grand Trunk Pacific Railway Company, who are endorsed and guaranteed in a manner which, I think, sufficiently secures the connection of the larger company and which as I shall explain hereafter—will be leased to that company at a rate of three per cent annuity rental on the total charges incidental to the construction of the road. For the first seven years after the road is built they pay no rental. The country will pay the amount of the three per cent for the seven years. In the eighth, ninth and tenth years, if the earnings are not sufficient over and above the running expenses and of the incidents connected with the running of that railway to pay the three per cent, then only such amount as will be the margin over the actual cost of running will be paid to the government. The other will be a charge in the future. The western section is to be built by the company. The western section will be divided into two portions, one known as the prairie section and the other as the mountain section. On the prairie section the government will guarantee the principal and interest on the bonds up to 75 per cent of the cost of the road, the amount however not to be in excess of $13,000 per mile. The government do not undertake to pay the interest on any portion of that. The company assume the interest from the beginning, just as the Canadian Northern is now building its line—that is the Mackenzie & Mann road—under similar conditions, the government guaranteeing their bonds, but taking security that if the government are obliged at any time to pay either principal or interest that they have a lien on the road for the amount of the outlay.

Hon. Mr. LANDRY—What is the length of that prairie section ?

Hon. Mr. SCOTT—I think it is about 1,000 miles.

Hon. Mr. MILLER—More than a 1,000 miles.

Hon. Mr. THIBAUDEAU (Rigaud)—Oh, no.

Hon. Mr. MILLER—The western section, including the Rocky mountains section to the coast.

Hon. Mr. SCOTT—That will be 1,400 or 1,500 miles. My hon. friend asked for the prairie section and I was giving him the prairie section only. I may be a little over the mark.

Hon. Mr. CASGRAIN (de Lanaudière)—It is 1,000 miles on the map.

Hon. Mr. SCOTT—On the mountain section the government also guarantee 75 per cent of the cost up to $30,000 a mile. Anything in excess of that—of course there will no doubt be an excess in the construction of the mountain portion of the line—must be borne by the company guaranteed by the Grand Trunk Railway.

Hon. Sir MACKENZIE BOWELL—Is there any limit to the interest.

Hon. Mr. SCOTT—The government pay interest on that section for 7 years.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said the guarantee would not exceed $13.000 on the prairie section, and $30,000 on the mountain section—75 per cent of each—at what rate of interest ?

Hon. Mr. SCOTT—The bonds were to be 3 per cent. On the mountain section, however, the government were to pay the interest for 7 years. That will be a charge assumed by the country, the 7 years on the mountain section, and, as I explained just now, the first 7 years rental on the eastern section. Those will be the two substantive amounts that the government of Canada will assume. If, however, on the mountain section, after the seven years have expired, that portion of the road is not on a paying basis, then the government undertake that they may pay the interest for the first, second and third years, making it, however, a charge against the company to be paid in the manner set forth in the Bill, either by another mortgage, a forty

years extension or in such way as may be agreed upon. Now, I shall just run over what, in my judgment the cost will be. Of course it is rather presumptious for one to say what the cost of so stupendous an undertaking will be; still each one has his own idea on the subject. I have had some experience in regard to the cost of various railway enterprises in many parts of Canada, and, therefore, I submit with all humility my opinion for what it is worth. Hon. gentlemen have had the opportunity of hearing the views of other gentlemen, and they know just what value to attach to them. I think it is pretty fairly approximate, possibly the estimate may be on the outside. I am inclined to think it is on the outside. From Moncton to Quebec the distance would be 400 miles in round figures. It may be somewhat less than that, placed at $25,000 a mile the cost would be $10,000,000. From Quebec to Winnipeg, taking the different opinions and views and the different lines that are talked about, I estimate that as being 1,475 miles, at a cost of $28,000 a mile. I think that is an outside figure, from the information I have gained of the character of the country in the various reports I have, and the opinions I have been enabled to gather since the subject came before parliament. I think $28,000 a mile is an outside estimate—$25,000 would come nearer it. Hon. gentlemen will recollect it is not to include the rolling stock; it is the line, and there will be no right of way to purchase. There will be stations and sidings and the usual appurtenances of a railway, exclusive of rolling stock.

Hon. Mr. DeBOUCHERVILLE—I understand the minister to say there will be nothing to be paid for the right of way?

Hon. Mr. SCOTT—The right of way will belong to the provinces. It is not to be supposed they will charge for the construction of a railway through an uninhabited country for the right of way except where they approached cities or towns that were occupied; therefore I put it aside as an element of the cost. It is in the older parts of the provinces a very considerable element, but I think I am perfectly safe in saying that throughout that country from Quebec to the prairie section it is not an element of cost.

Hon. Mr. OWENS—How many bridges is the hon. gentleman figuring on in that stretch from Quebec?

Hon. Mr. SCOTT—I have not gone so closely into it as that. The bridges will not be so important. The bridges north of the height of land will be towards the sources of the rivers not toward their mouths, and therefore the bridges will be a comparatively small item. They cross a great many rivers but they cross them at points where their volume is not great.

Hon. Mr. BAKER—Near the North Pole.

Hon. Mr. SCOTT—No.

Hon. Mr. MILLER—Do you expect to pay anything for the right of way in New Brunswick?

Hon. Mr. SCOTT—Certainly, but not in Quebec or Ontario. I am now speaking of the section between Quebec and the prairie province.

Hon. Sir MACKENZIE BOWELL—Have any arrangements been made or negotiations entered into between the provinces of New Brunswick, Quebec and Ontario, as to the right of way through?

Hon. Mr. SCOTT—No, I think not.

Hon. Sir MACKENZIE BOWELL—Then it is a mere presumption they will not charge for it?

Hon. Mr. SCOTT—Yes, from past experience, and I have had a good deal of experience in this matter. The Crown will not be likely to charge. Their land will be largely increased in value. Already, I understand, there are companies largely composed, in some instances, of Americans taking up lands along what they suppose will be their route, more particularly those sections of it that pass through the spruce forests, because, no doubt, the moment this line has been constructed, the timber country in the vicinity will have a very largely increased value. It is not accessible to-day; it will be then in the market, and it will be in the vicinity of many rivers where there are water powers, and in that way large additional value will be given to the section of country which this road traverses. We have had experience with other railways that have run through sections of country that were comparatively uninhabited; we know

in a very few years the land on each side became immensely valuable, although, in the first instance, it was not considered as possessing any substantial financial worth. I gave the distance as 1,475 miles at $28,000 a mile, making a sum of $41,300,000. On the prairie section I do not add anything to the cost, because the government do not undertake from the beginning to pay any of the interest on the prairie section.

Hon. Sir MACKENZIE BOWELL—The government guarantee it.

Hon. Mr. SCOTT—We guarantee it. If we have to pay it we can take the railway and it will become our property. It will have at least 25 per cent added to its value, and will become an asset of considerable importance to this country and will be particularly gratifying to those who believe in government ownership. The mountain section I put down as 480 miles and that is at $30,000 a mile. Of course 480 miles is only an estimate, because it may have to run a devious course. It is impossible to get a straight line going through the Rocky mountains, although there is this to be remembered, that taking from the international boundary to the 49th parallel as you go north the width of the mountain range considerably diminishes. It is very much wider down at the 49th parallel than it is 300 miles further north, which would be about the distance from the boundary line that this railway will tap the Pacific ocean; and the altitude of the mountain range is much less between the prairie country and the coast, the higher you go up, which is a very important point in estimating the cost. But the government will have, at all events, for seven years to pay the interest on the $30,000, and I therefore put it in as the cost. The cost of 480 miles at $30,000 a mile would be $14,400,000. The $30,000 may not be reached ; that is to be the excess. As hon. gentlemen will remember, it will be 75 per cent on the cost, the company paying the other 25 per cent, but the liability of the country will be only up to $30,000 per mile. If the cost is larger than 25 per cent added to that, then the company must bear the loss. Now, those figures, the $10,000,000 for the eastern section, the line from Quebec to Winnipeg $41,000,000, and the mountain section $14,400,000, total up $65,700,000. That, however, is very considerably in excess of estimates that have been made by other gentlemen whose judgment may be superior to mine. I am taking what I think will be the outside figures that Canada will have to pay in considering the liability we are assuming. The mileage, the 400, the 1,475, the 1,000 for the prairie section and 480 for the mountain section, will total up 3,355 miles. I think those are all outside figures, but it is just as well to consider the extreme liability that this country will be assuming. The interest would be $1.971,000 a year, and for the ten years would be $19,710,000. Mr. Fielding's estimate, which he gave in the other House, was that when the road was completed the capital on which we would have to pay the interest would be $54,609,676. That is nearly $11,000,000 below my estimate. On that estimate the annual interest would be $1,638,290, or $16,382,900 for ten years.

Hon. Mr. LOUGHEED—Is that the interest on the eastern section as well as on the mountain section ?

Hon. Mr. SCOTT—On all. That is assuming that the road at the end of seven years would not be a paying road ; although on the mountain section it is not fair to charge up the interest that way inasmuch as Canada, if it pays the interest, has a lien on the road for the amount ? However, assuming we do pay it for the seven years, it would amount, as I have said, to nineteen million odd dollars. Say, we pay altogether on the outside—which would be really the very outside—twenty million in ten years in round figures, that would be two million dollars a year. It would not be a very heavy burden for this country to assume, considering the enormous development which would result from the construction of a line of that kind, the immense growth of population and the development of wealth that would ensue in the ten years before this line would be probably on a paying basis. I should like to draw attention to the character of that northern country. You must not suppose that nothing is known of that country. On the contrary, we know very much more of the country between Quebec and the prairie province than we did of any part of the transcontinental

line that was conceived in 1871 first by Sir John Macdonald who was at the head of the government when the Bill of 1872 was introduced. They knew far less about the country west of Lake Superior to the Pacific than we now know of the country lying to the north of us from Quebec to the prairie country. We find in the Bill introduced by the government of 1872, of which Sir John Macdonald was head, the line described simply as commencing at a point at or near Lake Nipissing, or to the south of it, and ending at the Pacific ocean. Now, that was the skeleton that was produced before parliament. The surveys had not been made at that time ; the country had not been explored ; very little investigation had been made over certain portions of it. Surveyors and explorers had been sent out a year or two before but practically nothing was known of it. The large expenditures for surveys were really made by the Mackenzie administration from 1874 to 1878. Therefore I say we know more of the interior of the country through which the government is asking the approval of parliament to build a road, than the government did in 1872 when they passed the Canadian Pacific Railway Bill, and which we all know came to an unfortunate end at that time. The Trans-Canada Railway, which was chartered in 1895, was designed to commence somewhere on the line between Quebec and Roberval. Many years ago a road was opened northward from Quebec 110 miles, running in a northwesterly direction towards Lake St. John. Before that road was opened, it was thought that it was an uninhabitable country. It was in one of the coldest sections of the province of Quebec, yet we find that the country in which the Lake St. John settlement lies has increased ten times more in population than any other place in the province outside of the suburbs of Quebec and Montreal in the last ten years. It has been found that the hardy cereals can be produced there. I cannot say what the population is, but I know in the decade between 1891 and 1901 the increase of population was over 10,000, made up largely of immigrants going into the Lake St. John district. The Trans-Canada road, which had its headquarters in Quebec, had managed to enlist some moneyed men of the province of Quebec and some from outside, and lines were run in a westerly direction. A plan has actually been filed of a road for some distance west of Roberval, where they found a country most attractive for settlement in that northern region, with easy grades and all facilities for constructing a railway. Under the engineering department of the Trans-Canada, surveys were made at different points from Norway House, at the northern end of Lake Winnipeg, to Roberval. In the report of the engineer who made the survey eastward from Norway House, he describes the first 100 miles as actually a tangent over a level country, quite as level as any of the prairie country. Now, that was a surprise to everybody, but there is the fact, if one can believe the reports of the surveyors. At various intermediate points similar reports are made. Hon. gentlemen will know that there has been a settlement for upwards of 100 miles north of this city, somewhere near the route where the proposed railway will intersect. The settlement is known as the Desert. The Canadian Pacific Railway is now building a line up in that direction. It is in operation for 60 or 70 miles, so that the interior of the country is not entirely a terra incognita.

Hon. Mr. OWEN—The height of land is about 100 miles north of the Desert.

Hon. Mr. SCOTT—The height of land varies very much indeed. If the hon. gentleman has examined it at all, he must know that it is an exceedingly irregular line, by no means running parallel with the great lakes and River St. Lawrence.

Hon. Mr. OWEN—Then our road will be serpentine ?

Hon. Mr. SCOTT—No, there are points where it will cross the height of land. At Lake Nipegon, which is only 40 miles north of the present line of the Canadian Pacific Railway, the height of land is only, I think, about ten miles north of the lake. The rivers north of Lake Nipegon run the other way towards the Hudson Bay. As you come further west from a straight line due north from here, you come to very large settlements on both sides of Lake Temiscamingue. Lake Temiscamingue is not very far from the height of land and there is settlement going on from the east side in

Quebec, and a very large settlement on the west side in the province of Ontario. Lake Temiscamingue forms the boundary between the provinces of Quebec and Ontario, and a line from the north end of that lake by the Quinze river runs due north to the new line, and there are settlements on both sides at the extreme northern end and probably north of Lake Temiscamingue. On the west side it is one of the very rapidly growing settlements made up of French Canadians who have come in from the United States and from other points. The west side of Lake Temiscamingue has for the last thirty years been known to be very rich land. It was known as such when I had the honour of being Commissioner of Crown Lands for Ontario, which is more than thirty years ago, because the report was made by one of my officers at that time on the clay belt lying to the west of Temiscamingue and extending for some considerable distance. It had not been explored, but it was known from the lake westward up towards the northern end of it as a particularly rich clay belt, with a fine growth of timber to be found at different points. In view of the value of this section of the country the province of Ontario is to-day building a road leading up somewhat west of Lake Temiscamingue, by a direct line. It is intended that that line will intersect the new national highway, so that hon. gentlemen will therefore know, when their attention is drawn to it, that that interior country is very much better known than at first blush one would suppose it to be.

Hon. Mr. FERGUSON—May I ask my hon. friend if it is expected that this line will pass through the country at the north end of Lake Temiscamingue? Will that be on the route of this road?

Hon. Mr. SCOTT—The new line will be north of that.

Hon. Mr. FERGUSON—How far?

Hon. Mr. SCOTT—It is very difficult to say. The Trans-Canada was to be north of Lake Abitibi, which lies still further north than the north end of Lake Temiscamingue. I understand the country is being examined on the north side of Lake Abitibi. It is impossible to locate the railway in that country until complete surveys have been made. There is no intention of rushing into this enterprise, as some hon. gentlemen seem to think, immediately the charter is obtained. The most exhaustive exploration will be made and a thorough survey carried out, in order to obtain the very best possible line. It is intended to be a national highway that will carry the grain from the North-west at all seasons of the year over such easy grades that it can compete with navigation; and, in view of the fact, as some one has remarked, we should proceed slowly, festina lente. Let us hasten, but hasten slowly, so that the very best line can be obtained. In asking this authority from parliament, we are able to lay before hon. gentlemen much fuller information than was placed before the country when the Canadian Pacific Railway was built, and certainly very much more information than was before the government of Canada in 1872, when the parliament of Canada authorized the government of that day to build a transcontinental railway from a point at or near Lake Nipissing to a point on the Pacific, giving them a full range of hundreds of miles north and south. There was no location whatever. It was not defined. In confirmation of what I have been saying I shall refer briefly to some statements that will sustain the facts that I have been briefly laying before the Senate. I hold in my hand here—I daresay hon. gentlemen have had similar volumes placed in their hands—the report of a survey of part of the Trans-Canada Railway. This, I think, will be considerably north, at points at all events, of the proposed national road.

Hon. Mr. MILLER—That is north of Lake Winnipeg—the Trans-Canada road?

Hon. Mr. SCOTT—Yes, the objective point was Norway House, just north of Lake Winnipeg, being the shortest line. Whether this line will extend as far north as that, with a branch to Winnipeg, I am unable to say. It is possible the railway may be located north of Lake Manitoba, as was intended under the Bill of 1874, the scheme of the Mackenzie administration. They proposed a northern line from Lake Manitoba, going via Battleford to Edmonton.

Hon. Sir MACKENZIE BOWELL—Via Selkirk and North Manitoba and Winnipegosis.

Hon. Mr. SCOTT—It eventually strikes Selkirk with a line to the south. This is only useful as showing that in this northern part of Canada we have a heritage that is really worth something, that it is not altogether a country that ought to be condemned, and I do think there ought to be a degree of pride and ambition, when Canada is prospering to-day that we should appreciate the value of that country, which, if it can be opened up, will give breadth and importance to the Dominion. No one can deny that—that if it is at all possible to open up that extended country it is our duty to do it, and there never was a more opportune time than the present, when the revenue is expanding and when public attention from the outside is being directed to Canada and settlers are pouring in at a rate that we never before dreamt of. Therefore, it is of the first importance that we should no longer neglect that section of the country. We have finished our canals, we have completed the larger public works of this country, which were formerly a drain on our treasury, and to-day we stand free to expend a reasonable amount in the opening up of our country through the interior, giving it breadth instead of a mere frontage. The charge against Canada in the past has been that settlers were confined to the front. Up to a very recent date it was a fact that the settlers were confined to the lands along the St. Lawrence, in the province of Quebec, and along Lake Ontario and the great lakes, in the other provinces. Gradually we are moving northward, and we are finding we are not disappointed, that our country is worth developing, even in the northern section :

From Roberval to the western limit of the province of Quebec, a distance of some 375 miles, the line runs through a good farming country, the soil being chiefly clay. The first 30 miles are already settled. At 130 miles the summit of 1,200 feet between Roberval and James bay is wheat, and from actual surveys taken the maximum west gradient of one per cent can easily be had. From the summit of Lake Chogibiche the country is a gentle rolling plain in the direction of James bay, so much so that in places there is not a difference of 100 feet in a distance of 100 miles. The height of land between the St. Lawrence and James bay waters is scarcely perceptible. The waters interlock and some of the lakes discharge both ways during spring freshets. On the lower part of the Chamouchouan river the country has been overrun by fire and is now covered with second growth timber, but on the other part of the forest the primitive forest still remains, the timber being chiefly spruce.

Hon. Mr. WOOD—What is the hon. gentleman reading from ?

Hon. Mr. SCOTT—From the surveys made for the Trans-Canada.

Hon. Mr. CLORAN—A very good survey.

Hon. Mr. OWENS—That line is very much farther north than the line you are proposing to build now.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—How much ?

Hon. Mr. SCOTT—It is quite impossible to tell. The object of the new road will be to select the best line with the easiest gradients. To be of value it must be of easy grade if it is going to carry the grain. Here is another :

From mile 375 to mile 447, or from the western boundary of the province of Quebec to 72 miles westward.

A large portion of this gradient is of the same general character and equally well suited for agricultural settlement as the townships around the head of Lake Temiscamingue. The land is clay and clay loam.

The evidence all through is that the land lying north of the height of land is of that character, that it is very flat there. The rivers have their sources a very considerable distance up from Hudson's bay and where the new road will intersect the rivers will be near the sources and the bridging to which the hon. gentleman referred will not be so serious a matter. I shall now read from a compilation that was prepared at the instance of some of the members of the other House, giving the extracts from various reports that from time to time had been made. I am quoting now from 'The resources of the country between Quebec and Winnipeg,' through which the new line is projected.

Hon. Mr. LANDRY—That is the report brought down by the government ?

Hon. Mr. SCOTT—Yes, here is an extract from a geological survey made as far back as 1870-71 ; it is speaking of the Gatineau country, and reads as follows :

The estimated height above sea level of the Gatineau at the River Desert, about one hundred miles due north from Ottawa city, is 369 feet. At this point and for six miles further up the Gatineau, the soil is sandy loam, the general level of the country being from twelve

to thirty feet above the river, although rocky hills of a hundred feet are seen occasionally.

Then on page 13 :

Along this distance a considerable quantity of land was under cultivation with oats, barley, pease and spring and fall wheat——

It has been known for a great many years along the sources of the Gatineau, particularly in the Desert district, that there were fairly good farms, first commenced by lumbermen in order to supply their shanties with oats and hay.

Several fields of the last looked healthy and covered the ground well on the 26th of September. I was informed that the yield is from 25 to 30 bushels to the acre. Potatoes appear to yield well and were found to be of excellent quality.

Hon. Mr. FERGUSON—Where is that point ?

Hon. Mr. SCOTT—North of the Desert.

Hon. Mr. OWENS—That same farm, I think, to-day belongs to the Edwards Lumber Company. I think if you will ask Senator Edwards on the subject he will tell you the farm is not productive ; it will not produce anything.

Hon. Mr. CLORAN—He has not got to carry oats up there ?

Hon. Mr. SCOTT—We need not discuss that. That is a side issue.

Hon. Mr. MILLER—This century is yet young, but it will be very old before we require that land, with what we have already undeveloped.

Hon. Mr. SCOTT—It is not the land so much ; it is the connection between the east and west that we are looking to. You all know very well that the present highway between the west and the east will not carry the grain. The Canadian Pacific Railway in any one year carries only three or four millions of bushels. I do not think in any year it has carried over four million bushels. It does not pay, because the grades are too heavy. The road, as hon. gentlemen know who have traversed it, up to Winnipeg at all events, passes through a very rough country, where the grades are pretty steep ; not only heavy grades, but sharp curves, and if we can find a line—of course if we cannot find a line with the conditions I have stated, the road would not be built—the evidence is clear that there is an area to be served by just such a line, and the belief is that it can profitably carry the grain from the west to the east. Take the present year. I think only about two million bushels have come out from Manitoba and the North-west up to the present time. The crop was late. Supposing this winter sets in early, as it is likely to do if the cold weather they are having around us is any indication, there will be an enormous quantity of grain left in that country, and you must recollect that while the grain crop this year is about one hundred million bushels, what will it be in ten years ? What will it be by the time this road is completed ? Will any one contend that I am too enthusiastic in saying that it will be two or three hundred million ? I think not. Under the conditions that now exist, with the knowledge we have. Then there is this important element. In my judgment the United States will take the ten cents a bushel duty off wheat long before the ten years are up. The United States want that wheat. We know very well that last year one of the largest mills in Minneapolis placed themselves under bond to the government that they would grind no wheat but Canadian wheat, which should be exported in bond ; and for that year they ground nothing but Canadian wheat. They know the value of Canadian wheat. We know the bakers in Glasgow want Manitoba No. 1 hard, because they know a barrel of it will make a certain number of loaves—

Hon. Mr. CLORAN—Forty-six to forty-eight.

Hon. Mr. SCOTT—There is a profit in using it ; it is worth more than the ordinary wheat. The American miller knows that very well, and he mixes it with his soft wheat ; and before ten years are over, hon. gentlemen will mark my words, the ten cents a bushel duty will be taken off by the United States. Therefore, it is to our interest if we are going to develop our maritime ports, if we are going to have that grain go east through Halifax and ports along the St. Lawrence, to do something in order to induce it to go there. The water communication will not take it all. Supposing to-day there were 300,000,000 bushels of grain to be carried via Port Arthur or Fort William, does any one suppose we could get

a fleet of vessels to carry it? We could not do it. To-day, what do we see? In consequence of the shutting down to a considerable extent of the United States steel works, the demand for ore has diminished, and the great fleet of vessels that were engaged in the ore trade are now being put on the northern route from Port Arthur and Fort William to carry the grain down the lakes. Where will they carry it? Not to Canadian ports, but to Buffalo, because they carry it at such a low figure from Lake Superior ports to New York that Canada will be cut out. If we are going to sit idly by and see that most important trade, a trade for which we have been straining the financial energies of this country for so many years, go from us simply because we are timid about opening up this new country, then we shall have ourselves to blame for it. No one who takes a survey of the situation can come to any other conclusion. There is the fact to-day that over 100 vessels hitherto engaged in freighting ore are now about going into the carrying of the grain from Lake Superior ports. I was going on to describe the different parts of that northern land, showing it is not the inhospitable country that some have said. At page 43, of the same blue-book, Mr. O'Sullivan, who was an engineer and surveyor employed by the Crown Lands Department of the province of Quebec, reports in reference to the north of Temiscamingue, the section of country in which I stated considerable settlement was going in both east and west of Temiscamingue:

> The climate at the head of Lake Temiscamingue is not much different from what it is at Quebec. The season may possibly be a few days shorter but the snowfall is not so great. It is hard to judge by last spring as it was a wet late spring all through the province. I saw very fine wheat growing last summer along the Quinze river——

The Quinze river enters into Lake Temiscamingue at the extreme northern part.

> —and Mr. Taggart has a farm he commenced sowing last year on the west shore of the Quinze river and I never saw finer potatoes or oats than he grew.

Hon. Mr. DEVER—Can the hon. gentleman tell us what time Mr. Taggart started to sow that wheat, so that we can compare it with our own country?

Hon. Mr. SCOTT—He does not say; he simply says he saw fine wheat growing there. At the session before last of the Ontario legislature, so impressed was that body with the value of the northern country that they made an appropriation of $40,000 for an exploration. Ten surveying parties were organized and sent out to explore the country from the North-west side of Lake Temiscamingue through to the boundary of the province of Manitoba. Their mission was to exhaustively examine the character of the country, its suitability for settlement, the kind of timber produced, the quality of the land, whether it was capable of growing cereals or roots, and generally to give the fullest information. I will quote from some of those reports. It is not necessary to go through a great deal of it, because it is all of the same general character. On page 108 of the blue-book, I find the following:

> Early in the summer ten exploration parties were organized and sent out by the department, each being assigned a different and distinct section, and while it was not anticipated or hoped that they would succeed in penetrating every corner of so extensive a region, yet it was expected that enough would be learned to show that in the region north of the height of land, dividing the James bay from the St. Lawrence river waters, there are great areas of fertile country and immense forests of spruce and pulp-woods.
>
> Arable land.
>
> The result of the exploration is that a tract of arable land has been found north of the height of land, stretching from Quebec boundary west across the districts of Nipissing, Algoma and Thunder bay, comprising an area of about 24,500 square miles, or 15,680,000 acres. The soil is a clay or clay loam, nearly all suitable for farming purposes, and the region is watered by the Moose and its tributaries, the Abitibi, Mattagami and Missinaibie, and the Albany and its tributaries, the Kenogami and Ogoké. Along this latter stream alone, about which nothing was known, a tract of good land was found extending on both sides of the river for a distance of over forty miles, and in the district of Rainy river, between the surveyed townships around Dryden and Lac Seul, another extensive area of good land was found, about 600 square miles, or 384,000 acres in extent.
>
> Climate.
>
> The climate of this region is reported to have no features which would prevent the ripening of grain or the growing of root crops. It lies for the most part south of the 50th parallel of latitude, which crosses the province of Manitoba near Winnipeg, and its climate will not differ much from that of the latter province. Crops of grain, potatoes and other vegetables, and even small fruits were found growing as far north as James bay.

Now, this report was not made in any way in contemplation of the building of the national highway. It had no connection

with the proposal now before the House, so it is entirely independent testimony, obtained at the instance of the province of Ontario, and for which they expended a very considerable sum of money. I presume hon. gentlemen will not question the value of the territory once Manitoba is reached, particularly on the line that is intended to be followed by the new national highway—that is the northern line taking in the country above Battleford and Edmonton and the Peace river countries. It may be interesting to know that we had some enthusiasts in this Chamber some fifteen years ago, who took a good deal of interest in that section of the country, and a committee was formed in 1888 to inquire into the resources and character of that northern country. Their attention was more particularly directed to that portion of it lying to the west of the province of Manitoba. I will read the names of the members :

Almon, Bolduc, Botsford, Carvell, Chaffers, Ferrier, Dickie, Girard, Gowan, Howlan, Hardisty, Kaulbach, Leonard, McCallum, McClelan, McInnes (B.C.) Macdonald (B.C.), Macdonald (Midland). Macpherson (Sir D. L.), Merner, Miller. O'Donohoe. Ogilvie, Pelletier, Power, Reesor, Robitaille, Sanford, Schultz, Sutherland, Thibaudeau, Turner.

Thirty-two in all. They spent a great deal of time in taking evidence before the committee, and I will just give you a few of their conclusions. The report will be found in Appendix No. I of the Senate 'Journals' for the year 1888 :

Arable and pastoral lands.

That within the scope of the committee's inquiry there is a possible area of 656,000 square miles fitted for the growth of potatoes, 407,000 square miles suitable for barley, and 316,000 square miles suitable for wheat.

That there is a pastoral area of 860,000 square miles, 26,000 miles of which is open prairie with occasional groves, the remainder being more or less wooded ; 274,000 square miles, including the prairie. may be considered as arable land.

I may say the scope of the committee was as follows :

The select committee of the Senate appointed to inquire into the resources of that part of the Dominion lying north of the Saskatchewan watershed. east of the Rocky mountains and west of Hudson's bay, and comprising the great Mackenzie basin—its extent of navigable rivers. lakes and sea-coasts, of arable and pastoral land, its fisheries, forests and mines, and to report upon its possible commercial value.

So they took in a very large area.

Hon. Mr. FERGUSON—That would include the Athabasca, Peace river and largely the Saskatchewan country.

Hon. Mr. SCOTT—Yes, from the Hudson bay westward.

Hon. Sir MACKENZIE BOWELL—Is that the report of the committee based on the request made by the late Dr. Schultz, when he asked for a committee to inquire into the capabilities and fertility of the soil of the Mackenzie basin ?

Hon. Mr. SCOTT—It took in the Hudson bay.

Hon. Sir MACKENZIE BOWELL—Yes, I understand now. I thought probably, when the hon. gentleman commenced reading, it was another report.

Hon. Mr. SCOTT—No, I said, from the Hudson bay westward to the Mackenzie river. I referred to the Mackenzie basin.

Hon. Sir MACKENZIE BOWELL—I did not hear that.

Hon. Mr. SCOTT—This report continues :

Throughout this arable and pastoral area, latitude bears no direct relation to summer isotherms.

I move that the debate be adjourned.

The motion was agreed to.

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

THE SENATE.

Ottawa, Tuesday, October 13, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MUTUAL RESERVE LIFE INSURANCE COMPANY.

MOTION WITHDRAWN.

The Order of the Day being called that Hon. Mr. Domville will move :

A resolution calling the attention of the government to the alleged inadequacy of the deposit money with the Receiver General of Canada for the protection of the policy-holders in Canada of the Mutual Reserve Life Insurance Company of New York.

Hon. Mr. DOMVILLE said : It is very late in the session, but I propose to proceed

in this matter later on ; therefore, I should like to bring it to the attention of the government now. The papers and the correspondence placed in my hands are of such a serious nature, that really I feel that I ought to thoroughly consider the subject myself before bringing it up in parliament and asking for relief for the sufferers in Canada through this company. I would hesitate so late in the session to bring in a Bill, because I feel that it should be prepared with the greatest care. We shall require to have the best legal talent to place our case in a shape that the policy-holders of the Mutual Reserve Life Association can fairly ask parliament to do something for their relief, not moving in a haphazard way, but being able to present such a case to parliament as will enable them, when a Bill is submitted to the House, to rouse the sympathy of the Senate and of the House of Commons for the widows and orphans and other unfortunates who have put their money into this company. I am somewhat surprised that the information which is in my possession has not reached the insurance department here, or that they have not seen eye to eye with those that are insured and who claim to be suffering. There are gentlemen perhaps in this House who will know that what I am saying is not said from any malicious feeling against the company ; it is not from any desire to injure the company, but rather a desire to place its policy holders in this country, with the assistance of the hon. gentlemen in this House and the members of the other House, in a position that when death occurs their families will have the sympathy of these two Houses to enable them to be placed on a proper footing. I speak feelingly myself, as I am a large policy-holder in the company, and I see nothing ahead but to abandon the money I have paid and let it be a loss to my family. I do not bring this up from any personal reason, but I bring it up in the interests of Canada. We have testimony of the policy-holders all over the country. Every mail is bringing me letters from them, and their statements are appalling. Therefore, hon. gentlemen, with your permission, I ask leave to withdraw the motion. I had proposed to make now, and at the next meeting of parliament I shall have such facts to lay before the House as will, I hope, induce parliament to accept such a Bill as I propose to introduce for the relief of the Canadian policy-holders in the Mutual Reserve Fund Life Association.

The motion was withdrawn.

MORNING SITTINGS.

MOTION.

Hon. Mr. SCOTT moved :

That when the Senate adjourns to-day, it do stand adjourned until the next day at eleven o'clock in the morning, such sitting to be a distinct sitting.

He said : The House will not meet on Thanksgiving Day. The House of Commons is not to meet and we will follow the good example set by them.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman mean to sit on Saturday ?

Hon. Mr. SCOTT—I have not included that in this motion. I shall add it now.

Hon. Sir MACKENZIE BOWELL—That the Senate sit on Friday and Saturday and that there will be the ordinary meeting of the Senate at three o'clock on Saturday, in addition to the eleven o'clock sitting.

The SPEAKER—The motion as amended reads as follows :

Moved by Honourable Mr. Scott, seconded by Honourable Mr. Templeman, that when the Senate adjourns to-day it do stand adjourned until eleven o'clock to-morrow morning, such sitting to be continued, and to be a distinct sitting, and that a morning session be held on Friday from eleven to one, and each succeeding day of the session, including Saturday, and also that there be a three o'clock sitting on Saturday.

The motion was agreed to.

A QUESTION OF PRIVILEGE.

Hon. Mr. DANDURAND—Before the Orders of the Day are called, I should like to call the attention of the Chamber, and of the hon. Secretary of State to an article that appeared in the Montreal 'Star' of last evening. Everybody knows, I suppose, that there was a big Conservative rally in the town of Farnham on Saturday, to which one of the Conservative leaders, the Hon. Mr. Monk, member for Jacques Cartier, was invited. There was a feeling in Montreal that perhaps it was a question if he would attend that meeting on Saturday evening. I was told by a gentleman in touch

with the Conservative party, while I was in Toronto Saturday, that if Mr. Monk did not attend the meeting and go to Farnham he would be purely and simply beheaded or executed politically.

Hon. Mr. LANDRY—That is if he went.

Hon. Mr. DANDURAND—If he did not go; if he persisted in refusing to go, I shall read this article in the 'Star.' It is as follows:

POLITICAL RUMOURS.

Strange Gossip from Ottawa.

Rumours that would seem strange to the uninitiated came from Ottawa this morning. It seems the Liberals have become somewhat disturbed at the apparent re-action in public sentiment. It is said on authority that seldom errs in statement of fact that the Liberals have offered through Mr. Dansereau, a judgeship to a somewhat prominent Conservative politician in the province of Quebec, if he will carry out a programme arranged by Mr. Dansereau to create and perpetuate a split in the Conservative ranks.

The threat that I heard in Toronto last Saturday evening, I thought, was materializing the columns of this paper, which is owned by Mr. Hugh Graham, who is the occult leader of the Conservative party in the province of Quebec. I should like to know if the government is a party to any tampering with a Conservative leader and if a judgeship has really been offered to Mr. Monk or any other Conservative member from the province of Quebec.

Hon. Mr. SCOTT—I think I am safe in saying that there is no truth whatever in the statement. I never heard it even alluded to. Certainly it was not brought up in council, and I have reason to believe there is no truth whatever in the statement.

Hon. Mr. DANDURAND—The government has been libelled, as well as the Conservative leader, Mr. Monk, by the Montreal 'Star.'

THE ALASKAN BOUNDARY COMMISSION.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State no doubt has seen the rumours which have appeared in the papers of late in reference to the utterance of one of the Canadian representatives on the Alaskan Boundary Commission, and also the reported utterances of Chief Justice Alverstone. I was very glad to see that Lord Alverstone had cabled to the Premier, denying positively the truth of what had been set in circulation as to certain utterances attributed to him. Every Canadian who knows anything of the English judiciary could have come to but one conclusion, that no judge, more particularly an eminent man like the chairman of that commission, would ever have given expression to such sentiments. I intended to have asked the question yesterday.

I notice also that in answer to the leader of the opposition as to whether Mr. Aylesworth had denied the truth of the rumour as to what he had said, the Premier replied: 'No.' I should like to know if the government has asked Mr. Aylesworth by cable whether he gave utterance to what has been attributed to him. Knowing Mr. Aylesworth as I do, and the prominent position he holds at the bar of Ontario, I could not believe for a moment, that he has given utterance to any expression of the kind, whatever he might think. He is altogether too eminent a jurist, and a man occupying the position which he does certainly could not possibly be guilty of any such indiscretion. I should like to know whether the government has asked him whether he has committed himself, as stated in the report, in order that we may know that a gentleman held in such estimation at the bar and individually as he is, may be relieved of the charges which have been made against him. My own impression is that these are stories concocted by some United States reporters, for sensational purposes, in order to influence, if possible, public opinion in this country.

Hon. Mr. SCOTT—The members of the government of course saw these reports in the papers, but they certainly would not pay Mr. Aylesworth so poor a compliment as to ask him whether he had given expression to the utterances that have been published in reference to the Alaskan boundary judgment. As my hon. friend has said, I have known Mr. Aylesworth for many years. He is an exceedingly discreet and prudent gentleman and recognizes the delicacy of the position he holds and I am quite sure there is not a particle of truth in the cablegrams sent across the Atlantic attributing to him the statements that have been published from time to time in reference to the award.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman think his friend

behind him, the member for de Lorimier is paying a great compliment also to the government in asking him if there is any truth in the rumours which he has just read in the 'Star'?

Hon. Mr. SCOTT—I never heard it before.

Hon. Sir MACKENZIE BOWELL—I accept the statement of the hon. gentleman; all I have to say is that Lord Alverstone does not appear to have thought it was beneath his dignity, in the high position that he holds, to give a flat contradiction to the statement, and if I supposed it would be a reflection upon Mr. Aylesworth, I should be very sorry to have the government ask him any such questions. We cannot hide this fact from ourselves, that rumours of that kind had better be contradicted if they are untrue.

Hon. Mr. SCOTT—I think my hon. friend will recognize the fact that the government did not ask Lord Alverstone for any rebuttal of the statement attributed to him. It was voluntary. Mr. Aylesworth may not have had his attention called to this statement that appeared in the Canadian papers: if his attention was called to it, he would likely repudiate it also.

NATIONAL TRANSCONTINENTAL RAILWAY BILL.

DEBATE RESUMED.

The Order of the Day being called:

Resuming the adjourned debate on the motion for second reading (Bill 235) an Act respecting the construction of a National Transcontinental Railway.

Hon. Mr. SCOTT—Hon. gentlemen, when through the courtesy of my colleagues I was permitted to adjourn the debate last evening, I was calling attention to the reports on the country, as we have them from time to time, and the last one quoted was the report made by the Senate about the year 1888 on the district between Thunder bay and the great Mackenzie river basin. I do not propose to go further into that feature of it at the present moment, as other hon. gentlemen will, no doubt, quote it. There is a description of the Peace river country, pointing out its enormous value, not alone as suitable for the growth of cereals, but also as containing enormous areas of coal oil. I have only occasionally since heard of this coal oil; it has never been utilized, and no borings have taken place that I know of. I have before me also a number of reports from individuals, but I would rather hand them to some hon. gentleman to make such use of them as he pleases during the debate than take up the time of the House in reading them now. They are simply the evidence of individuals, one of whom was the Crown lands agent at Hull, who has been through a good deal of the country to the north of Temiscamingue and north of the Gatineau, and he describes it very much in the same terms as the official reports that I read to the House yesterday; so that I will leave to other gentlemen the reading of those descriptions of the country as it so pleases them.

I will now draw attention to the security the government have taken for the protection of the public. We do not propose to give a subsidy either in land or money, and in that particular this proposal to aid in the construction of a transcontinental road differs entirely from the previous proposals that have been submitted and received the approval of parliament, beyond the guarantee of the interest for the seven years, as I fully explained yesterday. The security to be taken is a deposit of $5,000,000 within 30 days after the Bill receives the royal assent. That is to be either in cash or its equivalent, bonds or stocks of a kind having a par value of $5,000,000, to the satisfaction of the Minister of Finance. The Grand Trunk Railway Company of Canada is brought in to endorse it in two ways: first the Grand Trunk Railway of Canada must undertake with the government of Canada to guarantee the second mortgage bonds on the western division, that is, on the prairie section, and on the mountain section; the second mortgage will be outside or beyond the government lien, which is a first lien, and I may here say if default were made in that at any time, the road, under the conditions of the mortgage, would fall into the hands of the government and become government property. No such possibility, I think, is likely to arise, because the property will then have acquired a value beyond even the amount it will cost. Then, in addition to that, the Grand Trunk Railway Company are to acquire $24,900,000 of

the stock of the company. The stock of the company is limited to $45,000,000, part preference and part common stock, and the Grand Trunk Railway Company are to acquire $24,900,000 of that stock and to hold that stock for the full term of 50 years.

Hon. Mr. MILLER—What are they to pay for it ?

Hon. Mr. SCOTT—That is a matter that is not set forth in the Bill. Outside of that we have sufficient security from the Grand Trunk Railway Company that they will have to advance a very considerable amount of money in aid of the Grand Trunk Pacific; therefore it does not become a matter of so much consequence what they pay for the stock ; they are to take the stock, and they cannot put it on the market ; they must hold it for 50 years. That is the agreement with the Grand Trunk. Then the Grand Trunk Pacific undertake to supply rolling stock on the whole line to the value of $20,000,000, and $5,000,000 worth of that rolling stock is to be marked special for the eastern division, so that at all times there will be stock to the value of $5,000,000 on the eastern division, which, as my hon. friends know, is the government road, and in case of any default happening either in payment of the interest or departure from any of the conditions of the contract the government can, of course, assume the road. This undertaking also differs materially from the former proposals in this, that the government owning the eastern division they rent it to the Grand Trunk Railway Company for 3 per cent on the actual cost. The whole sum, incidentals and all, is to be made up and the company are to pay 3 per cent rental on that amount after the first 7 or 10 years. In addition to that, the Intercolonial Railway, and also any other railway that makes application, will have the right to run their trains over this government road, paying only its wheelage proportion in the same ratio of the rental paid by the branches of the Grand Trunk Railway : that will also be extended to the Grand Trunk Pacific, that is for the prairie section and the mountain section. In that way we consider that a very valuable addition has been made to the agreement, that other railways will have the right to run over this trunk line, because no doubt in the future other railways will be built in the province of Manitoba and in the North-west, comparatively short lines, knowing that they would have the right to run over this trunk line from the prairie section to the seaports in the maritime provinces, and to points in Ontario and Quebec. It will be an inducement, as the North-west Territories fill up, for private companies to build such branch lines with a view of getting access over the trunk line to the ports on the Atlantic, and in that way it is thought this proposal is different, and very much more in favour of the people of Canada over and above any that has on former occasions been submitted to parliament. I shall briefly refer to the terms which have been submitted on former occasions. In 1871, resolutions were brought down in the House of Commons offering thirty millions of dollars in cash and fifty million acres of land for the building of a railway from the province of Ontario through British Columbia to the Pacific coast. Nothing came of that. In 1872 resolutions were placed before parliament, but, as my hon. friends know, the proposition came to grief. Nothing resulted. In 1874 after the change of government, the Mackenzie administration also undertook to build the road, and they offered terms perhaps not quite as attractive as those of their predecessors. It was ten millions of dollars in cash, twenty million acres of land, and the interest on a sum to be fixed by the party tendering on which interest was to be paid at 4 per cent on a given sum up to twenty-five years. The conditions were not sufficiently attractive to capitalists and there were no bids made on the offer of the Mackenzie administration to the public. The consequence was, feeling that the contract with British Columbia had to be carried out, the government undertook to build the railway as a government work. That was the only alternative. Surveys were made, I think some three millions dollars were spent by the Mackenzie administration in making surveys. Contracts were given out on portions of the sections that had been surveyed, and the contracts given out were between the North-west end of Lake Superior, Fort William and the Red river. Partial contracts were also made, as hon. gentlemen know, for the delivery of steel rails in British Columbia. A contract was also made for the

Georgian bay branch and for the line from Winnipeg to the United States boundary, at Pembina. The only two that progressed to any considerable extent were the Pembina branch and the line between the Red river and Thunder bay. The policy of making the connections both at Georgian bay and at Lake Superior were very much criticised by hon. gentlemen who differed from that government. They denounced it as a very foolish proposal, arguing that the original intention was to have an all-rail line, wholly irrespective of any water communication. Time has brought about an extraordinary change, when we find that the leader of the opposition in the other House, in submitting an alternative scheme, actually adopted the project of a branch to Georgian bay. He proposed to purchase the Parry Sound Railway, which taps the waters of Georgian bay and also to acquire the line between Thunder bay and Red river. In the light of experience since the Canadian Pacific Railway was finally built, we will all admit that no more prudent or judicious plan could have been adopted than building the first line between Thunder bay and Red river, because it enabled us to hasten the construction of the work in the interior towards the North-west Territories and British Columbia. I should like just to point out the views that were expressed by the leaders of the Conservative party at that time on the folly of building the line between Lake Superior and Red river, and also the folly of building the line along the North Saskatchewan, the section of country that is considered now so attractive, the line that is followed by the railway of Mackenzie & Mann. I may say that contracts were also given out on that section, but they were abandoned on the change of government, as an alteration of the route took place. In reference to the line between Lake Superior and Red river, I shall read from the Senate Debates, in 1878, the views expressed by the late Sir David Macpherson. He said :

I consider the all-rail line from Lake Superior, in the present circumstances of the country, as an exceedingly unwise and unfortunate undertaking. I look upon it as a very grave blunder, a blunder that has committed the country to an expenditure that cannot be estimated, in connection with the Pacific Railway. There is this great difference between the policy of the late government and the policy of the present government in respect to the construction of the Pacific Railway : the policy of the late administration only committed the country to a limited and defined extent.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. MACPHERSON—The subsidies of money and land were limited and defined, and the policy was to make the lands available for the construction of the railway. By the system of the present government the building of an all-rail line from Lake Superior with the public funds, is imposing an enormous burden upon the people which the other system would have avoided.

He also criticises the proposal to construct the line on the northern route, as it is called, that is the bending north from Selkirk and going in the direction of Battleford and Edmonton :

Hon. Mr. MACPHERSON—If the object had been to locate that railway where it could not be of any use to the people, a better location could not have been selected.

Hon. Mr. AIKENS—A country without settlers.

Hon. Mr. MACPHERSON—Without settlers and without the probability of settlement between Lake Superior and the Red river, and west of Red river on the located line for one hundred and fifty to two hundred miles, thus running six hundred miles or more through a country unfit for settlement. The country south of Lake Manitoba is altogether different : there the soil is productive and rich, the country is attractive, and is being rapidly populated ; but north of Lake Manitoba there is not, nor can there be anything of the kind, and it is through that swampy and barren region it is proposed to build the Canadian Pacific Railway.

That was the opinion of Sir David Macpherson. I may say, however, that the work between Lake Superior and Red river was pushed forward with all the force and energy it could be, and at the time of the change of government, in 1878, the successors of the Mackenzie administration found very considerable advantage was likely to flow from that route, and they pushed the work to completion. I should here advert to an opinion expressed by a gentleman for whom my hon. friend and all of us have the highest respect, in speaking of the undertaking of the Mackenzie administration. When Sir Charles Tupper submitted his railway proposal to the House of Commons in 1879, the session after the change of government, he did not detract, as some hon. gentlemen in this Chamber do occasionally, from the merit due to the late Alexander Mackenzie for the earnestness and energy with which he had pushed forward the work, and the wise discretion he had shown in the location of the lines as built. Speaking about the difficulties of the work, he says :

The government——

That is the government of Sir John A. Macdonald——

The government addressed themselves to the duty of devising measures by which that might be accomplished ; but when they pledged themselves in good faith to British Columbia to promote the construction of that line of interoceanic railway, they were under the impression that the question was much easier of solution than it has since proved to be.

Then he goes on to speak of the offers they had made and the failures of the public to take them up. In reference to the work of the preceding administration, he says :

I am free to confess, when the administration of my right hon. friend (Sir John Macdonald) first inaugurated this policy and committed the country to the construction of the Canadian Pacific Railway, it was apparently much easier of accomplishment than it has since proved to be. I am also free to confess that when the late government (the government of Mr. Mackenzie) were charged with the responsibility of dealing with the question, having found the country already committed to the construction of the work, and feeling compelled to carry it out by any means which might be found feasible, they directed their efforts with a sincere and anxious desire, as far as the position of the country admitted, to carry out the obligations undertaken.

He says further on :

Now, I may say here, as I have said before, that it is not my intention to call in question the efforts that have been made by my predecessors in relation to this work. I recognize, to the fullest extent, the serious responsibilities thrown upon them when they came into power, and I am prepared to recognize the efforts they made to carry this work forward.

He further says :

I have no hesitation in saying that the work I have referred to (that is the efforts of the Mackenzie administration) as involving an expenditure of over $28,000,000 of public money, has largely contributed to remove the difficulties and promote the progress of the entire undertaking. I believe, that as we originally looked to the development of the great North-west as the only basis upon which any government or company could undertake the construction of the Canadian Pacific Railway, so we cannot but regard the expenditure of $18,000,000 of public money in permeating that difficult, almost inaccessible, district of country between Lake Superior and the Red river, as money expended in a way that is most likely to so develop, so improve, and so people the great fertile country of the North-west as to give us a substantial basis upon which we may hope to succeed in permeating the still more difficult and extensive region from the Rocky mountains to the shores of the Pacific.

Then, in reference to the section that was under contract from Selkirk, taking the northern route, he says :

I do not now intend to criticise at any length the course taken by the late government (the Mackenzie administration) but I may say that these resolutions propose a divergence in one particular from the policy of our predecessors, and that is, that while carrying out their policy so far as the line from Lake Superior to the Red river goes I propose a slight deviation, going west from Red river, from that which was originally intended. I am not prepared to say that the engineers were not perfectly right in the line they located. I am not prepared to say that the original intention of locating the line by way of the Narrows of Lake Manitoba was not right and proper provided we were in a position to carry out, as we hoped we would, the rapid construction, by means of a company of this Inter-Oceanic Railway, from end to end. But we find ourselves brought face to face with the fact that a change has come over the spirit of the world in reference to railway enterprise on this continent, and that whereas it was comparatively easy five or six years ago to draw capital into this country for railway purposes it is now almost impossible to do so.

So that it will be seen here, in the session following the defeat of the Mackenzie administration, they paid a tribute of approval to the plan adopted by the government, and it is apparent from the experience of the past few years that no better line could have been laid out from the beginning than the one adopted from the Red river to Lake Superior. I suppose four-fifths of the traffic, since the Canadian Pacific Railway has opened, must have come by that route. Some considerable portion of it comes by the Canada Atlantic via Georgian bay over the route through which a branch of the Pacific road was to have been constructed by the Mackenzie administration. They did, in fact, give out the contracts but they were cancelled after the change of government, and I think it is rather a compliment to the views of the Mackenzie administration that they met the approval, at all events to that extent, of the leader of the opposition in submitting his alternative plan. Now, hon. gentlemen, I think no more favourable time for entering upon this project could arise than the present. Canada is to-day occupying a very important position in the eye of the world. In the last twelve months great advances have been made in the financial position of Canada. Her trade has been enormously increased, and the attention of outside countries has been directed to it. Mr. Chamberlain, in the announcement of his new policy, declared that his intention was, if he could carry out his views, to offer a preference to the colonies equal to 4S cents a quarter on wheat. That is a preference equivalent to six cents a bushel. Now, I ask hon. gentlemen to con-

sider the advantage this country will derive if that policy were carried out—and it is one of the probabilities, perhaps not now, but in the near future. The empire is sure to be consolidated whether it is done now or in later years, and Canada will have a preference in British markets, particularly when Britain feels that the Dominion can be called properly the granary of the empire. If Canadian grain is to receive a preference of six cents a bushel over foreign grain on the quantity consumed in the United Kingdom, between 200,000,000 to 300,000,000 bushels, what a population would at once spring up in the North-west! You would have the United States farmers from all the adjoining states crossing the line and taking up farms on the Canadian side with a view of securing this enormous advantage.

Hon. Mr. MILLER—Does the hon. gentleman favour Mr. Chamberlain's policy?

Hon. Mr. SCOTT—I am not prepared to say at present what is the best policy, but it is a policy that I think we ought not to cast aside.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. SCOTT—We should give it consideration.

Hon. Sir MACKENZIE BOWELL—These are our sentiments.

Hon. Mr. SCOTT—If it can be carried out at all it must manifestly be to our advantage, no doubt about it. If we were to get six cents preference on every bushel of wheat grown in Canada and shipped to the United Kingdom, what an enormous advantage it would be to the farmers of the North-west and Manitoba. Ontario and other parts of Canada, and how rapidly it would populate our North-west. I say that that very fact, and the fact that we had recently a body of the leading minds of the United Kingdom, the heads of the boards of trade and the heads of the largest trading and manufacturing establishments in the United Kingdom, meeting in Montreal, 150 of them, taking a trip across Canada and returning filled with the belief that it was no empty boast that Canada one day would be able to feed the United Kingdom; that as far as meat and wheat were concerned the quantity Canada was able to produce was ample; that they went home satisfied, and are distributing that knowledge throughout the mother country, is evidence that now is a peculiarly favourable time to put this project upon the market. We must all admit that Canada occupies a larger place in the world's eye at the present moment than at any period in its former history, and if we doubted that, public opinion expressed in all directions amply justifies the statement. I have here the July report of the Department of Trade and Commerce, and also a table showing our assets practically between 1871 and the present year, showing what enormous strides Canada has made in wealth. My object in calling attention to this fact is to remove the impression that we are in any way adding seriously to the liability of this country by embarking in this scheme. The people would not be aware that they are carrying such a liability. The increased revenue that will grow out of the construction of the road will be more than equivalent to the interest we would be called upon to pay. But, under any conditions, do hon. gentlemen for one moment doubt that if we can obtain a transcontinental road with all the advantages that I have pointed out for the payment of $2,000,000 a year for ten years, that we ought to hesitate about embarking in it? Supposing the country to the north of us was not worth anything, if it was simply nothing but an avenue from the west to the east it would certainly be worth assuming the cost of this undertaking. I quote here, evidences showing the substantial growth we have had since the time the first railway was projected across the Dominion. I take the deposits in the chartered banks. In the Post Office Department the government have a special savings branch. In 1871 the amount of deposits in this branch was $68,000,000, at the present time it is $460,000,000, or $40,000,000 in excess of the savings of the people at that time. Then take the assets of the loan companies. In 1871 they amounted to $8,000,000, and now the amount is $162,000,000. Take the mineral production, in 1871 it was $6,000,000. It is now $64,000,000. Take the railways:

at that time we had only 2,471 miles in operation. Now we have over 19,000 miles in operation. The duties collected in 1871 were $11,000,000, and the last year they were $37,000,000; the excise yielded a revenue in 1871 of $4,000,000; last year it was $12,000,000. Our exports in 1871, from mines, fisheries, forests, animal produce, agricultural products, manufactures and miscellaneous, were $55,000,000, and last year, $214,000,000. Our total trade in 1871 was $167,000,000; last year it was $467,000,000. No country has ever gone forward with such gigantic strides as Canada in the last thirty years. There is the evidence of it. There are facts that cannot in any way be questioned. Under these circumstances I think that hon. gentlemen can scarcely raise the plea that the prosecution of this enterprise is going to bear heavily on the ratepayers of Canada. They will not be aware of it. Times will be better. There will be more money in circulation and the importations will be larger and the revenue will increase in far greater ratio than the $2,000,000 liability we will be called upon to pay annually owing to the construction of this work. Now, in reference to the value of the road. I have here a report which has just come out. It gives the views of Sir Sandford Fleming, on October 5, 1903. I think there is no more competent witness than Sir Sandford Fleming. He was the engineer of the Intercolonial Railway, and was in charge of the first transcontinental railway surveys that were made. He was the engineer in charge under the government of Sir John Macdonald and continued in charge under the Mackenzie administration. He is certainly familiar with the country to the west of Lake Winnipeg and has a general knowledge of the whole of Canada. He is a director of the Canadian Pacific Railway. Therefore he ought to be a pretty disinterested witness to be called, in asking for an opinion as to the wisdom of Canada embarking in this project. No better, I think, could be selected. He recognizes that it does not conflict with the Canadian Pacific Railway interests. On the contrary, they would be benefited because the whole country would be so largely benefited. There would be no withdrawal of trade from the west, because long before the ten years had gone over there would be probably more trade for an additional railway. He is asked his opinion by the Quebec Board of Trade and gives it as follows:

I have faith in an all-rail means (that is the new transcontinental) of conveying the products of the farm to the seaboard. This policy is the true and only satisfactory solution of the great problem of transportation in the more northern latitudes of Canada. If asked what course should be followed I would answer, make haste, but make haste slowly and wisely. Do not lose a day in proceeding with the location of such a railway as that specified by Mr. Charlton in his speech on the subject, on the 12th of August last, a railway that would carry grain from the distant prairie fields to Quebec cheaper than by any other route whatever. Having secured such a location, and not till then, employ every man, bend every back, strain every nerve to complete the middle section of the line. This done, and not till then, proceed as it may seem best to complete from sea to sea the national Grand Trunk Transcontinental Railway.

Hon. Mr. MILLER—Does he approve of duplicating the Intercolonial Railway in New Brunswick?

Hon. Mr. SCOTT—He does not speak of that. He says the first thing to be done would be to build the road between Quebec and the prairie country, and no time should be lost in doing that. He says the other portions, in his judgment, could stand. That is his view. He proceeds as follows:

It will further be recognized to be of overwhelming consequence that the national railway be established so as to bring the illimitable grain fields of the interior of the Dominion nearer the British market then by any other route, and so that the cost of transportation be reduced to a minimum. It was once accepted as a proof that transportation is cheaper by water than by rail. This axiomatic and generally accepted statement requires qualification under certain circumstances nowadays. Within the last quarter of a century transportation has been completely revolutionized by the extraordinary development of the railway system. Such benefactors of the human race as Bessemer, Siemens and others have wonderfully changed the conditions and steel railways have become an important factor in cheap transportation.

Take for example the Erie canal; the transportation of grain by that route reachel its maximum in 1880. For twenty years it decreased until 1900, when the amount carried was only one-fifth what it was in 1880. During the same period the New York Central and Erie Railways increased their tonnage in this class of freight no less than six times.

This result, indicating a remarkable change, is given on no less an authority than the president of the American Society of Civil Engineers who made it public in his annual address delivered on June 9 of the present year. It certainly gives strength to the opinion, which I share, that there is a possibility of establishing a modern high class railway drect from the wheat fields of the great North-west to Cana-

dian tide-water, which will all year round outstrip any other means of communication.

With these facts before them, together with the reasons elsewhere expressed, it seems to me that the public and their representatives will have no difficulty in reaching the conclusion that the section extending from Quebec to the Saskatchewan, is by far the most important portion of the projected transcontinental railway, that it should be the first undertaken and as speedily as possible constructed.

That is important testimony from a gentleman of very wide experience who has had to do with the building of more railways that any one in Canada, who was first, I think, the engineer in chief of the railway built from Toronto north, who was the engineer of a number of other railways ; he is a gentleman who has taken a very great interest in the development of Canada, who has had a very wide experience in the survey of the North-west, and who knows the trade and traffic of Canada quite as well, if not better than most men. I think I am quite safe, therefore, in quoting his opinion to sustain the arguments I have made use of, that now is the time for Canada to embark on this important work. With these observations, and thanking the House for the kind attention they have given me, I move the second reading of the Transcontinental Railway Bill.

Hon. Sir MACKENZIE BOWELL—I am sure I express the opinion of every hon. member in the House when I state my gratification at the fact that the hon. gentleman has sufficiently recovered from the attack he suffered from last evening, to finish his speech on the introduction of this very important Bill, not however with the vigour with which he usually conducts business in this House. That is to be deeply regretted. I may add that so far as the speech itself is concerned, the advocacy of the measure by the hon. Secretary of State has been of an altogether different character from that which characterized the speech by the leader of the government in the House of Commons. He laid down certain principles in very eloquent language as to the benefits which were to accrue to this country from the construction of a railway on the proposed northern route. He also pointed out two or three very important reasons why he thought the proposed trancontinental road should be built. These reasons, the hon. gentleman in his speech just concluded has failed to a certain extent to reiterate. The principal reasons given by the Premier in the other House for the adoption of his present policy were three. The growth of the North-west was one of the points upon which he laid great stress and to which he devoted a great deal of time. The next reason for the construction of this road, was a fear that the people of the United States would abrogate the bonding system which exists at present, and which he deemed absolutely necessary in the interest of this country should be continued. He pointed out in very pointed language what he considered would be the misfortunes which would accrue to Canada and to Canadian trade if that system was abrogated by our neighours. He next referred to certain military reasons why the road should be constructed, and these reasons were duplicated, if I may use that expression, in this House, by the hon. senator from Wellington (Hon. Mr. McMullen), in justification of the vote which he proposes to give upon this Bill. I shall endeavour, in what I have to say, to deal principally with these general questions and leave the details and minutiæ of the measure and the resolutions and the agreement, to others who may follow me. The Secretary of State has laid down as a principal reason among others, why this road should be built, the necessity for greater facilities for the bringing out of the grain from the North-west, a point that would require some little time to consider from what might be termed the transportation view of it. That I do not propose at the present moment to deal with. I shall first, however, try to deal with the general principle, the necessity for the road, and then I shall turn my attention particularly to the points to which I have called the attention of the Senate as being the reasons given by the Premier for the introduction of the Bill, and in doing so I shall endeavour to be as brief as the subject will permit, and to confine myself as closely to the question at issue as it is possible to do under the circumstances. without referring particularly to the arguments and statements advanced by the hon. gentleman who has just spoken.

From the standpoint of the public the first question to ask in connection with the Grand Trunk Pacific scheme is as to the

necessity, at this time, for incurring such enormous financial responsibility, that may prove a great burden to the people of the country in after years, for providing this great stretch of railway between Moncton and the Pacific coast. During the past two years it is true north-western Canada has developed with great rapidity, resulting from increased immigration and the cropping of additional land, but, after all, this is only the result of twelve or fourteen years of very hard immigration work and of the construction of a good many miles of railway, at very great cost, on which the investors are now only commencing to get a return.

The fact that the change came so suddenly as to make it impossible for the railway companies to provide, without some delay, adequate facilities for handling the greater volume of business furnished the foundation for an outcry on the part of people who had their own ends to serve, that additional railway lines should be built at once and that the government should give the requisite assistance to secure them. As a result, during the present session of parliament an Act was passed guaranteeing the principal and interest of the bonds of the Canadian Northern Railway, to the amount of 13,000 per mile, for the extension of its lines from Grandview to Edmonton and from the end of their Erwood line to Prince Albert. These lines, it is understood, are to be completed within the next two years, and if we take into account an area of land thirty miles on either side of the railway we find that nearly 25,000,000 acres are made available for settlement without subjecting the farmers to an impossible haul by wagon. Besides these lines, there are already nearly 3,000 miles of constructed railway in Manitoba and the North-west Territories and 50,000,000 to 60,000,000 acres is a moderate estimate of the area that they make available for agricultural purposes. When we realize that less than 10 per cent of the lands that have already been opened up are now under cultivation, are we not justified in feeling that we have looked far enough to the future when, by aiding the Canadian Northern, we have added to the area available for agriculture about 25,000,000 acres more ?

The North-west is, beyond doubt, an all-important factor in the future of Canada and its development should not be retarded in the slightest degree. On the contrary, it is wise and prudent to keep somewhat ahead of present requirements in pushing development, but are we wise or prudent in rushing measures through parliament under the influence of a temporary boom without giving them any of the serious study or consideration that their importance would naturally demand ?

Surely it would have been time enough to have launched this new scheme after the Canadian Northern line has been completed to Edmonton, if it should then be found that the outlook for immigration is sufficient to warrant the government in assuming any obligations in connection with the undertaking This would give opportunity to examine the territory between Winnipeg and Quebec, and to make the requisite surveys and location, without which it is impossible for any man, however expert he may be in railway construction, to form even an approximate estimate of the cost of building the line.

If the hon. Secretary of State had read a little further in the document from which he quoted so extensively the opinion of Sir Sandford Fleming, he would have found that he lays down the principle positively and distinctly, that not a single step should be taken in the attempt to construct that road between Moncton and Quebec and Quebec and Winnipeg, until the most thorough and exhaustive surveys had been made, and the government had learned not only that they could build the road through that country without enormous expenditure, but that the territory through which the line is to pass is fit for settlement, or could be utilized for some purpose. That principle is laid down in the very document from which the hon. gentleman quoted.

As to the comparative merits of the all-rail haul and the lake and water haul of grain and other natural products from north-western Canada to the sea-board, it is, unnecessary to add anything to what has been said by several of the speakers in the House of Commons. Any competent business man familiar with the subject of transportation would express a decided conviction that this long rail haul to the sea-board is quite impracticable considering the char-

acter of the commodities to be moved over it, and the rates at which they must be carried, in order to reach the market. It was inconceivable that the Grand Trunk people should enter into such an agreement unless they saw an opportunity to get government aid for their porposed lines through the fertile belt, and ultimately leave the government portion of the line on the hands of the government to lie idle or to be operated at enormous loss for a good many years. By building about sixty miles of railway from Winnipeg to the international boundary, the Grand Trunk Pacific people can secure connections to Duluth for their summer shipments, and Chicago for all-rail shipments during the winter. From Chicago to Portland they have their own railway on which the fixed charges would not be increased one dollar by reason of any additional traffic coming to the line from north-western Canada, and the cost of handling the additional traffic will be infinitesimal as compared with the expense of moving it from Winnipeg via Quebec and Moncton to St. John or Halifax. The distance from Winnipeg to Portland, via Chicago, is only a few miles greater than the distance from Winnipeg to St. John. In the very nature of things, the Chicago route will be infinitely the best. Beyond a weak and insufficient clause relating to the routing of unconsigned traffic, there is not a word in the agreement that will prevent the Grand Trunk from adopting the very course I have outlined, and the agreement is so framed as to furnish warrant for the belief that the Grand Trunk people contemplate just such a policy.

It will be observed that the railway from Winnipeg west is to be completed in five years, but there is no limitation of time as to the railway from Winnipeg to Moncton. The agreement provides that, before work is commenced on this section, the route shall be surveyed and located. This having been done, and the specifications according to which the line is to be built must be submitted to the Grand Trunk Pacific Company for its approval. Every man at all acquainted with railway building, and every railway man knows that this may and will be an avenue to endless delay. The location is an essential feature of the specifications. Even if the line could be surveyed and located in two years the Grand Trunk Pacific Company would, under the contract, be in a position to say at the end of that time, that the specifications (including the location) did not suit them, and it would be a simple matter, under these circumstances, to postpone the construction of the line for a good many years. I do not know but it would be a good thing for the country if this were done, but, in the meantime, the government would be in the position of having aided the construction of lines through the Canadian North-west with, it is feared, the ultimate result that most, if not all, of the traffic originating on these lines would go to build up and increase the importance of foreign ports. If circumstances made it necessary that the railway system of North-western Canada should be extended immediately, or if it were not a foregone conclusion that within five years, if the country continues to progress, all the railways required in the North-west will be built without one single penny of government aid, there might be some justification for the legislation, whatever the route by which the traffic would be moved after it reached Winnipeg.

But no such necessity exists. The measure was conceived and brought to its present stage for the advantage of individuals and an individual corporation. To mollify the tax-payers and voters of eastern Canada it was launched as a transcontinental project for the building up of Canadian ports. It will do nothing of the kind. Intentionally or unintentionally, the agreement bears the ear-marks of deceit.

Having given that general view of what may be considered the effect that this Bill will have upon the people and the trade of the country generally, I shall now refer to some of the reasons given by the leader of the government for the policy which has been adopted, which I suppose may be fairly considered in dealing with this question. First, the bonding system. One can scarcely conceive that any one who knows anything of the trade of this Dominion, and of the continent, would ever advance an argument of that kind in favour of the construction of the trancontinental railway. When the Premier, upon a former occasion, declared that he knew very little of business, I think no one who has read his speech upon this question, will dispute that

point with him. He said in this connection :

What is our position to-day ? From the early days of railway development of this country, we have been dependent on American good-will for the transportation of our goods across American territory. From the early days of Canadian railway development we have been forced to make use of American territory and harbours. The American government granted us the bonding privilege. They granted us the privilege of using their harbours for our imports and exports without paying them tolls and customs dues. But my hon. friends opposite are aware that this privilege has always been held over our heads by the American authorities as a sword of Damocles.

Then the hon. gentleman quotes from a letter written by Mr. Carnegie, and he adds afterwards : 'Why are we subject to such a policy.' Then he says : 'It is simply we have no railway to reach them.' That is, to reach the inland parts of the country without the consent of the Americans to pass through their territory. Let me ask the question—it is a very simple one—how is the construction of this transcontinental railway, starting at Moncton, to aid Canada in relieving herself from that bondage, that the Premier tells us we are now labouring under ? Goods coming from any portion of the world by the eastern seaboard have to go to Moncton before they would reach the interior of Canada, and having reached Moncton, they can reach the province of Quebec, the province of Ontario, the great North-west and as far as British Columbia by the aid of the Intercolonial Railway and the other railways that are built from ocean to ocean. The only advantage this proposition can possibly have would be to give a double route, and that would be via the northern route from Quebec instead of further south by existing routes. But that would not give us one single privilege that we do not have at the present moment. Is there any probability at all of the abrogation of the bonding privilege ? Why, if you turn to Sir Wilfrid Laurier's speech, you will find on 'Hansard,' page 7936, a quotation from a message delivered by Mr. Cleveland, when President of the United States. Mr. Cleveland says :

During the last six years the imports and exports of British-Canadian provinces carried across our territory under the privilege granted by our laws amounted in value to about $275,000,000, nearly all of which were goods dutiable under our tariff laws, by far the larger part of this traffic consisting of exchange of goods between Great Britain and her American provinces brought to and carried from our ports in their own vessels.

Who that knows anything of the character of the people of the United States would suppose for a moment that they would abrogate a treaty, for such it is, between the two countries by which they would deprive themselves of the carrying freight during six years of no less a sum than two hundred and seventy million dollars, or an average of about forty-five million dollars in the carrying trade per annum. Will any one tell us that brother Jonathan is so stupid and so blind to his own advantages and to his own pecuniary interests that he would destroy the trade that he now enjoys, to the extent of forty-five million dollars per annum, during six years, simply for the purpose of injuring Canada, when they know that foreign goods could be brought into this country via the Canadian Pacific Railway from the Pacific and by the Intercolonial Railway from the Atlantic ports ?

The supposition to my mind, is so ridiculous that one can scarcely conceive it possible that a man, knowing anything of the trade of this country and the pecuniary advantages which our neighbours derive from the bonding privilege, and which I admit we derive also, but which we could do without, if driven to the necessity, could make such a statement. The same arguments were used twenty or thirty years ago, when the Reciprocity Treaty was abrogated. What were we told by the pessimists of that day ? We were told that unless the reciprocity treaty was continued there would be no market for our agricultural products, that we would be beggared from a commercial standpoint. What has been the result ? This country displayed the same spirit which has always characterized the Anglo-Saxon race. The treaty was abrogated ; the markets of the United States were closed to our agricultural products. Like a boy leaving his home, we were thrown on our own resources, and look at the result. I hesitate not to say, that the prosperity and the independence of our neighbours that we possess to-day, are the result, to a great extent of their attempt to furce us into their union. All races which enjoy he privileges of free government, will resent any attempt at coercion.

A free people can never be crushed. As an illustration of the spirit of the English people, I may refer to what occurred the other day when Mr. Ritchie, the ex-Chancellor of the Exchequer, in an address at a meeting of electors, in England, told them that if they adopted the Chamberlain policy and gave a preference to Canada they would offend our friends across the border. The whole meeting expressed their indignation at any threat of the kind —the very utterance of such a threat by a man who had occupied such a high position caused the people at once to sing 'Rule Britannia' and 'Britons never shall be Slaves.' That is the spirit that characterizes all free people who enjoy free institutions. Yet, the Premier of this country filled two or three columns of the report of his speech, depicting the miserable position in which we would be placed if we dared to do anything that would offend our neighbours, unless we built another railway, forsooth, to accomplish that which we have the means of accomplishing already. Now, what is this bonding privilege? If the hon. gentleman will consult the provisions of the Washington treaty, he will find that in articles 26, 27, 28 and 29, this bonding privilege is guaranteed. It is not necessary that I should read all these clauses. They provide for free navigation and consequently free transportation of goods in the St. Lawrence, the Yukon, the Porcupine, the Stikine, the St. Clair Flats and Lake Michigan. Free navigation is guaranteed to both countries under these terms :

> Under such rules and regulations and conditions for the protection of the revenue as the governments of the said possessions may from time to time prescribe, and under like rules, regulations and conditions goods, wares or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

If an attempt were made to abrogate the bonding system, it would necessitate the repeal of the clauses of the Washington treaty, and if that were done, the people of the United States would be deprived of certain privileges, of navigating the St. Lawrence and other Canadian waters, while we would be deprived of the right of navigating waters in the United States. It may be said that the abrogation of the Washington treaty does not affect the bonding privileges in any way. If hon. gentlemen will look at a decision given by Mr. Joseph McKenna, on pages 596, 602 and 606 of the official opinions of the Attorneys General, &c., in the United States, they will find that a question arose as to the dutiable character of certain goods imported from Japan to the United States through Canada, and an appeal was made to the authorities in Washington as to the true construction not only of the tariff but of the effect that the provisions of the Washington treaty would have upon goods carried through this country in bond. Mr. McKenna, says :

> These goods arrived in Chicago in cars sealed at Vancouver, British Columbia, by the United States consular officer under regulations of the department which are based upon the Treaty of Washington and upon section 3102 of the revised statutes.

Showing clearly that the Washington treaty does control, to a certain extent, the bonding system. Now, I have an extract here from the New York 'Post' commenting upon that decision. It is dated September 26, 1897, the time the decision was rendered. After reviewing the whole decision, the 'Post' says :

> Very few senators could be expected to carry in their minds our navigation treaties with foreign countries, or to remember the various acts of Congress supplementary thereto, or to recall the history of our navigation laws.
>
> The truth was that as long ago as 1828 we had adopted the policy of admitting goods in the ships of foreign countries at the same rate of duty as those in American ships, provided those countries observed the same rule toward us. In other words, we had adopted the principle of reciprocity in the carrying trade.

In discussing this question, the New York 'Sun,' which, as we all know, is not very favourable to Canadian or British institutions—on the contrary, it may be considered anti-British—in commenting on the debates which had taken place upon the subject of the bonding system, in our parliament, says :

> Mr. Borden replied on behalf of his party, and it is quite evident that Mr. Borden had not a little the best of the argument. A point of most importance and of immediate interest to the American people appears in the speeches in the references to the bonding privileges extended to Canadian goods in transit through the United States. Upon that question Mr. Borden had much the best of the discussion, both in point of fact and of patriotism.

Then it says he was talking to the gallery when he spoke of the loyalty of the

Canadian people; but it winds up in this way:

> The free trade passage of Canadian wheat and cheese across the border would not reduce the prices one penny to our own producers. If the free passage of Canadian cattle reduced the prices charged by the beef trust, or if the free passage of Canadian chickens gave us a few more wings and drumsticks, so much the better for us as well as for Canada. Whatever Canada ships through the United States is of just so much advantage to the United States.

That is a point that I desire more particularly to emphasize and I have taken this much trouble to show, if I may use the term without being offensive, the absurdity of using the bonding privileges as an argument for the necessity of building this transcontinental road, which is to cost this country from $100,000,000 to $130,000,000, and it is for the people who are listening to me, or those who will take the trouble to read my remarks, to come to a conclusion themselves as to any disadvantage which would accrue to Canada by the abrogation of that treaty. I might mention in connection with this a little circumstance which occurred when Mr. Foster and myself were in Washington discussing the trade relations with Mr. Blaine. Mr. Blaine put certain questions to me in reference to the construction of the Sault Ste. Marie canal, and wanted to know why we wanted that canal, their canal being sufficient to accommodate the whole trade of the great North-west and of the north-western states. My answer to him was this: Your president threatened non-intercourse after the Senate of the United States declined to ratify the treaty which was entered into by Sir Charles Tupper and others, and though we are a country of about 5,000,000 and you a country of about 65,000,000 people, we desire to place ourselves in such a position as not to be under any obligation to you, when we want to reach our own North-west. That was the answer I made to the Secretary of State of the United States. His answer to that was, 'Why, that is nonsense, we would never think of adopting a policy of non-intercourse, which would be going still further than the repeal of the bonding system.' Now, the opinion is absurd that threats are going to affect the bonding privilege, though they were made by President Cleveland, and followed up incessantly and continuously by Mr. Carnegie. The people of England as well as the people of Canada look upon his utterance that if we dare to adopt a preferential trade policy the United States is going to resent it by declaring non-intercourse or the repeal of the bonding system, from which they derive such immense pecuniary benefit, as being absurd and stupid. The next point made by the hon. gentleman was the military advantage of the road, and I must confess that when I listened to the hon. gentleman from Wellington, I was rather surprised to hear from his lips such a jingo speech. It was bubbling over with a loyalty that they used to accuse us of boasting about. When I say 'us,' I mean the Conservative party. It was said that we used to boast of being loyal 'par excellence,' and that they were not quite as loyal. But we now learn that they are a good deal more loyal, if I am to take the hon. gentleman's utterances. What is our position from a military standpoint? How is the construction of the transcontinental from crossing our borders? One would think from such utterances that there was only one way to get into the country, namely, by this transcontinental railway, it is argued that we could send troops to the great North-west and to Manitoba and British Columbia without fear of having the line of communication destroyed. Has he forgotten that the proposed railway runs near the boundary of the state of Maine in the eastern section, and how long would it take the enemy to cross the border and cut the railway there just as easily as they could cut the Canadian Pacific Railway on the Lake Superior section, to which attention was called. All they would have to do would be to send their ships across, cut the line on the north shore of Lake Superior on the Canadian Pacific Railway, and all they would have to do would be to cross from Maine and cut the line in New Brunswick and prevent English troops from coming up—that is, if cutting a railway would prevent them. I do not say it would; but I say the building of a transcontinental road does not aid in any way in the protection of the country so far as those points are concerned, and if it be necessary to get into the North-west Territories and Manitoba, all that our neighbours would have to do would be to transport troops by the rail-

ways through Minnesota and Dakota and march them across the border. There is an imaginary line there, just as there is between the state of Maine and the eastern townships, and while I do not desire to be understood as fearing in the least degree any invasion from the United States——

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir. MACKENZIE BOWELL—Either at one point or another, to say that the building of the transcontinental railway would prevent it, is giving utterance to sentiments which I scarcely think the people of this country would entertain for one single moment. However, I leave that with the hon. gentlemen for their own consideration. What necessity was there, so far as the Grand Trunk Railway is concerned, for the construction of this road? We have the authority of ministerial organs—the Montreal 'Herald' is one—for the statement that the Grand Trunk Railway never wanted to enter into any agreement of this kind with the government of Canada; that the Grand Trunk, and they are to be commended for it, desired to get into the North-west in order to reap a harvest from the freight carrying of produce of that country is beyond a doubt. But how did they propose to do it? They proposed to build their road from North Bay northward to the North-west, and their proposition was at first, if I understand it correctly—and I think I am correct in taking the northern route to which the hon. Secretary of State referred in the quotations which he made from the debates which took place in parliament a number of years ago. If the Grand Trunk Railway scheme had been adopted—and no man knows the advantage that would accrue to that great enterprise better than the present manager, Mr. Hays—they would have built a road which would have been bona fide in the interest of Canada and of the carrying trade of this country. The road would have been from North Bay westward, north of Lake Winnipeg and north of the Saskatchewan river to Edmonton. By that route they would open a new country that is fit for settlement, a country that has been considered in the past—at least so I have the authority of Mr. Fleming, from whom my hon. friend quoted a few minutes ago, that that portion of the country was considered a very fertile portion of the North-west territory. They would have then opened out the whole of the north Saskatchewan district. They would have opened out for settlement an area of country as large and as fit for cultivation as that to the south of it. Then they could have gone on if they pleased to Fort Simpson or to Bute Inlet, or could reach the Pacific coast by any other line that they thought proper. One reason why as a member of this House I gave my aid in passing the Grand Trunk Railway Company's Bill was because it gives them power to build a road from North Bay connecting with what may be considered the transcontinental road to the north of it, thence westward, and they will, I have no doubt, build it because I think Mr. Hays has as much capacity, and is not only as prominent but as great a railway man, if I may use that expression, as Sir Thomas Shaughnessy or any of those connected with the Pacific Railway. If hon. gentlemen will look at the whole of the Canadian Pacific Railway scheme, all their extensions, I care not where they are, converge to one end, that is to bring traffic to the main line. I have had no conversation with Mr. Hays, or any of the Grand Trunk people upon this subject, but looking upon the proposition as it was put before the government in the first place they desired to have a road running from North Bay connecting with the great producing portions of the North-west. They would then bring the traffic—and I believe they will now if the road is built—they would bring their freight over that line to North Bay; thence by their own line either to Toronto or by way of the Midland Railway, which would be much shorter through Belleville, towards an ocean port. When they reach Winnipeg they could make their connections with the Northern Pacific and take their grain down to the sea-board by that route in the winter or to Duluth in the summer.

Hon. Mr. DEVER—What sea-board?

Hon. Sir MACKENZIE BOWELL—New York, or to Baltimore, or to any of these seaports.

Hon. Mr. DEVER—Are we to get nothing out of it for Canada?

Hon. Sir MACKENZIE BOWELL—I hope we will. I hope you will, but I doubt it. I am pointing out what may be the result, and I am pointing out what they can do.

Hon. Mr. DEVER—We want to stop them.

Hon. Sir MACKENZIE BOWELL—That is what I say, and if hon. gentlemen will look at the map and examine their whole railway system, they will find that that is a fact. They can take the freight to Winnipeg, make their connections with the Northern, and they can take it southward to the sea-board through Chicago as I have indicated. Statistics show the route the grain is taking even now through New Orleans down to the ocean from the great west, and figures also show that the trade is drifting in that way on account of the cheapness of the water routes. Then, I say, if they can send it by the route I have indicated, by the Grand Trunk Railway and so on down to Montreal, they can from there send it on by the Intercolonial Railway to St. John or Halifax if they please, or they can send it to Portland, unless otherwise consigned by the shippers. There is no doubt about these facts, if hon. gentlemen will look at the map. There is also another mode of sending freight from the west. They can bring it to Quebec even by the Transcontinental Railway, and then they are not obliged to send it further by that line unless it is so consigned by the shippers, and it is as easy to send it to Portland from Quebec as it is to Moncton, so the bonding of the trade over the Grand Trunk Railway in so far as the Intercolonial Railway is concerned, was a magnificent conception. I give Mr. Hays great credit for the manner in which he manipulated that contract. Any one who reads that contract must come to the conclusion that it was manipulated by an expert who thoroughly understood his business, and who was dealing with comparative novices in transactions of that kind. Those facts I say are incontrovertible. I want to say a word in reference to the eastern section. What object should this government or any other government have in carrying the trade from the west, except it be to find a seaport in Canada instead of having to go through the United States when navigation closes ? It is said Moncton is the centre of the maritime provinces, and when they get to Moncton, how much nearer are they to the sea-board for shipping the surplus grain of the west than they would be if the Moncton and Quebec section was not built ? The moment they reach Quebec they could take the Intercolonial Railway and reach Moncton just as well as they could over the proposed route ; the difference would be perhaps from fifty to seventy miles. Let me ask will the extraordinary expenditure that will be necessary to construct the line from Quebec to Moncton compensate for the saving of sixty miles of road by the Intercolonial, and if it goes by that road it must of necessity, as Mr. Blair points out, deprive the Intercolonial of that carrying trade to which it is justly entitled ; in other words, we are cutting off from and depriving the Intercolonial Railway of a traffic that legitimately belongs to it and are spending some $10,000,000 for the purpose of diverting trade from that line, although since this government has been in power we have spent immense sums amounting, in addition to what has already been spent, to some $70,000,000 to-day to make that government road a paying enterprise instead of being the incubus upon the revenues of this country, that it has been since it has been built. If it were necessary to save these 60 miles, why not spend a couple of million dollars and build from Rivière du Loup over the Metapedia and make that connection. That can be done by building 60 or 70 miles of road, and still protect the vast amount that has been spent in the construction of the Intercolonial Railway. I may differ from some of my friends upon this question of a transcontinental road. Had the scheme been for the purpose of building a road from Quebec to the west and utilizing the intercolonial by shortening it, though I do not think it is necessary at the present time, it would not be so objectionable a proposition as that which is before us. But there was a little relief to the minds of those who have some doubts as to the propriety of spending this money, after the speech made by the hon. Secretary of State yesterday. Perhaps I misunderstood him, but this I know he did say, that nothing would be done towards the construction of any portion of the road either from Moncton to Quebec or from Quebec to the North-west until thorough and

exhaustive surveys and investigations had been made.

Hon. Mr. DEVER—That is right.

Hon. Sir MACKENZIE BOWELL—Was I correct in the impression left upon my mind, that he also said if it was found to be too expensive or to a certain extent impracticable, or that the lands through which this new road was to run were not fit for settlement the work would not be proceeded with ?

Hon. Mr. SCOTT—No, I did not go quite so far as that. I said if we found it was impracticable; but exhaustive surveys must be made first.

Hon. Sir MACKENZIE BOWELL—Then I am correct to that extent, that if the line is found to be impracticable it is not to be built. Who is to decide that question ? I heard it argued when the Canadian Pacific Railway was under discussion in the House of Commons that the route down to the head of Bute Inlet and across Seymour Narrows to Vancouver island, and thence down to Nanaimo and Victoria was impracticable ; and I remember the late Amor de Cosmos swinging his hands in a very dramatic style, and declaring that nothing was impracticable, that all you wanted was time and money. Now, I take it for granted, that time and money would make any route practicable, and if this road is to run down the banks of Bute Inlet, there will not be much of it built, if the expenditure is confined to thirty-five thousand dollars a mile. The whole route from the head of that inlet down to St. George's channel is of the same character as the route of the Canadian Pacific Railway down the Fraser river, and that road cost between sixty and seventy thousand a mile. I am not speaking from hearsay or from what I have read. I have been to the head of that inlet and paid particular attention to the character of the shore, if such you may call it, because it is almost precipitous mountains from one end of it to the other, and the cost of constructing a road along the shore of that inlet would be enormous. All those inlets are of the same character. What the route is through the pass to reach Port Simpson I do not know. I have been at Port Simpson, and know that it is not of the character that has been depicted by many of those who have spoken in glowing terms of that section of the country. However, I am not urging that as an objection to the construction of the road ; all I am pointing out is the absurdity of saying that the road can be built for anything like the amount that has been indicated—twenty eight or thirty thousand dollars a mile. Why, it transpired the other day in a debate in the House of Commons that a road they are building in Prince Edward Island through a comparatively level country, from Charlottetown to Murray Harbour, is costing over twenty-eight thousand dollars a mile.

Hon. Mr. FERGUSON—And it is a narrow gauge road at that.

Hon. Mr. McGREGOR—That is including the cost of the bridge.

Hon. Sir MACKENZIE BOWELL—No, the bridge is a totally different thing. The road, as my hon. friend to my right (Hon. Mr. Ferguson) says, is a narrow gauge road, and of a low standard at that—something of the same character as the line which was to have been built from the Stikine to Teslin Lake, which would have deprived this country of the immense golden territory in the Yukon, and would have been of no possible use afterwards, because it would never have been used.

I have run over as rapidly as I could the different points to which the Premier alluded in his opening speech. There are many other points that deserve consideration, and will be treated, I have no doubt, by those who are to follow me. There are freight rates, the carrying trade and various other points, more particularly the charges which would necessarily have to be made for carrying freight from the great west to the sea-board. It really is enough to make one smile when he reads the speeches which have been made by some hon. gentlemen in another place. One railway expert told us that with a proper grade the wheat of the North-west can be carried to Quebec for 4 cents a bushel. From what point in the west it is to be carried I do not know, but that is the rate at which it is to be delivered at Quebec. That is drawing on the imagination very largely. According to that gentleman's theory you are going to bring grain from Winnipeg to Quebec, a distance of some

1,500 miles, for less money than it costs now to carry it from Winnipeg to Port Arthur. I am speaking now of the speech of Mr. Charlton. He guarded himself with this safe proviso—if the grades be of the character which would enable a locomotive to draw a train of fifty or sixty cars. But even supposing they had such favourable grades, they never could carry wheat for the price mentioned. I might quote the assertion of a man who is supposed to know what can be done, Sir Wm. Van Horne, who has declared publicly that no grain will ever be brought over that line, for the simple reason it would cost too much, and if the railway brought it below a certain sum, they would lose money. There can be no doubt of that, if we are to take the experience of the past as a guide for the future. If you are to have a road such as that indicated by Mr. Charlton, by which he is to carry wheat as cheaply as he states, it must be almost a level road from Winnipeg to Quebec, and does any one suppose for a moment, that even if you go to the north of the height of land, you can get a road of that character? Time and money will enable you to build a sufficiently level road for all of that purpose, if you do you may count upon paying fifty, sixty or seventy thousand dollars per mile, instead of the estimated cost of twenty-eight thousand dollars a mile. Hon. gentlemen may remember that when the proposition was made to guarantee interest upon $13,000 per mile for the Canadian Northern, I from what I have seen of that section of the country and the trade which has been developed in that part of the world, thought and still think that the government will not incur very great responsibility in the guaranteeing of that amount. Now we are asked to guarantee for this project a similar amount, for building a road through precisely the same country. It is true, it is stated, that where practicable it is to be built at least thirty miles distant from the Canadian Northern, but we know in many cases, they must come in closer proximity than that. They are passing through that fertile country lying west of the North Saskatchewan and are not going where I think they ought to go, and where we could afford to subsidize largely a road, north of the Saskatchewan. That would be opening up a country that as yet has not facilities to attract settlers. Hon. gentlemen from Manitoba know very well that settlement follows the construction of railways, and while it is argued, that we should not build those railways in advance of settlement, I think that that is a great mistake. The United States have developed their great west by the construction of railways. We have done precisely the same thing by subsidizing the building of over 3,000 miles of road in Manitoba and the North-west Territories, south of the Saskatchewan. If this road ran north of the Saskatchewan we should then be opening up another fertile belt, and there would be some excuse for the construction of the road, but to build it through a portion of the country that is now very well supplied with railways is, to my mind, an unjustifiable expenditure. The Canadian Pacific Railway Company are branching out, and the Canadian Northern are getting possession of branch lines running into the settlements and also into lands that will be taken up by settlers, and consequently that portion of the south Saskatchewan will be supplied. I find no fault with the Grand Trunk Pacific Company for insisting on that line. They are doing what any business man, having the interests of his company in view, would do if asked to enter into an enterprise of this kind. I hope we may be mistaken, but I have a thorough conviction that this expensive transcontinental line will not be as profitable to this country as the government anticipates. I am not dealing with the terms of the contract at the present moment. Others will deal with that part of the question and in committee we can discuss the details better than at this stage of the Bill.

I have made these general observations that, to my mind, have a bearing upon the whole enterprise, without entering minutely into the details or provisions of the contract. I think they are susceptible of a good deal of amendment if the Senate could amend them. I will not say they have not the power to do so, because this is not a money Bill, and if the vote which was taken the other evening is to guide us in the future, we have the power to amend. However, I shall not discuss that point in anticipation of the action of the House of

Commons. A good deal might be said in reference to the comparison made by my hon. friend opposite between the terms offered by the late Mackenzie government and the terms offered by the Conservative government, under which the Canadian Pacific Railway was constructed. I do not know that that is pertinent to this question. My hon. friend referred to the proposition made by the leader of the opposition in the House of Commons. I do not propose to discuss that either. That is not the point we have to deal with now. When that question comes before parliament, of extending the Intercolonial Railway westward and utilizing it for the carrying of the trade of the west, we will discuss it upon its merits; but I have heard hon. gentlemen here who were violently opposed to this whole scheme say: 'Oh, I like this scheme better than that proposed by the leader of the opposition, and therefore, bad as this is, I shall vote for it rather than for the other.' It is quite time enough to discuss the merits of the other proposition when it comes before parliament. I do not propose to compare it with this scheme or discuss it in any way; but this I will say, speaking for myself, I am opposed to governments running railways, and if we are to take the Intercolonial Railway as a sample to guide us in the future, all I have to say is, God protect us from the financial results that must follow if the government are to own and run many other roads in the future. I have already told the House that I am giving my own independent views upon that question. I shall not discuss it further. I watched the operations of the railways in Australia when I was there. They are government railways. They produced no argument to my mind that governments can own and operate railways as well as it can be done by individuals. I believe to-day that if the Grand Trunk Railway Company, or the Canadian Pacific Railway Company had possession of the Intercolonial Railway they would run it with as much advantage, if not more advantage, to the people living in the maritime provinces and at less expense than it is run to-day, and they would run it without losing any money. That may be a heterodox view to some of my friends from the maritime provinces, but I have come to that conclusion from having watched the management and the operations of that road under both governments, and having watched the operation of government-owned roads in the Australian colonies. I know that there is an objection to handing it over to any private corporation for fear that it would result to the disadvantage of the people living in the maritime provinces. I do not believe that it would, and personally I should like to see the Grand Trunk Railway or the Canadian Pacific Railway take possession of that road, even if only for a few years, to test the truth of the statement that I have made, and if it was found a work to the disadvantage of the provinces they could easily terminate the contract and take it back into their own possession. So many suggestions occur to one's mind in discussing a question of this character that one scarcely knows when to stop. Now, I intend to leave the details of the contract to those who follow me, and the defence to those who may take views opposed to mine. When we go into committee probably I may have a word or two to say upon the details.

Hon. Mr. CASGRAIN (de Lanaudière)—I humbly confess that I rise with considerable diffidence to reply to the arguments of the hon. leader of the opposition. Nevertheless it will be noticed that he has left a great number of the most important features of this very important measure to those who are to follow him. He has dealt at considerable length on the bonding privilege and he has apparently given great care and thought to the preparation of that part of his speech, and he has done something which is very unusual for the hon. gentleman who, as we know, is so ready of speech—he has taken the trouble on this important occasion to read the first part of his speech. As to the bonding privilege which he has alluded to at such great length, I understand other hon. gentlemen on this side of the House hold different views to him on that question. Let me draw the attention of the Senate to one fact, that when the hon. gentleman himself was in conference with the Hon. J. D. Blaine, the latter told him that the United States government never thought of doing a thing as stopping the bonding privilege and that there was positively no use in build-

ing another Sault Ste. Marie canal; nevertheless the hon. gentleman had no faith in such promises and the government built the canal notwithstanding. As to the speech of the Hon. Sir Wilfrid Laurier, which has been alluded to, concerning the bonding privilege, when Sir Wilfrid Laurier made his speech in the House of Commons and gave the reasons why if we wished to live in peace and harmony with our neighbours to the south the best thing to do was to have as little as possible to do with them. He quoted letters from Mr. Carnegie, showing how and when this bonding privilege may be stopped at any moment. He also quoted a message from Mr. Cleveland and at every turn and corner in the policy advocated by Canada this threat was held, like the sword of Damocles, over the Canadian parliament and people, and the House of Commons cheered him to the echo when he announced that the intention of this measure was to build on Canadian territory, on British soil, one grand transcontinental line from ocean to ocean. It will be remembered that when the Canadian Pacific Railway was projected it was not intended to build it from ocean to ocean. It was to start from Ontario and give us connection with British Columbia, because that was one of the terms of union. There was no intention at the time of taking the Canadian Pacific Railway as far as the Atlantic ocean. In fact a point in Ontario was selected at some distance west of the city of Ottawa for the eastern terminus of the Canadian Pacific Railway, and we all remember, especially does the hon. leader of the opposition know and remember, the huge fight that was made against the government of which he was a member at the time to endeavour to have the eastern terminus of the Canadian Pacific Railway as far east as the city of Quebec and compel them to buy the North Shore Railway. This may be ancient history, but it bears on the point that this is the first instance in which a great transcontinental line is established from ocean to ocean by one single measure. When I say from ocean to ocean, we know how short the distance is from Moncton to the sea-shore. My hon. friend made light of the military advantages of this line. Well, the military advantages of this line are considerable, and I may say that one of the strongest arguments in favour of the Trans-Canada line from Roberval and north of Lake Winnipeg, and so on to the same objective point, Fort Simpson, one of the strongest arguments in England was the recommendation of the War Office and the military authorities, which recommendation urged the building of the line at a good distance from the boundary of the United States. The mere fact that between Moncton and Lévis for a short distance there is a chance of the line being cut because we pass near the borders of the United States is not worth considering for no one would think of marching an army through the wilderness of Maine away up north and intersecting the line at that point. It will be noticed that at the northern part of Maine there are no facilities for transport. On the other hand, an hon. gentleman, when speaking on the first reading of the Grand Trunk Pacific Incorporation Bill alluded to the fact that the Canadian Pacific Railway might be cut by an enemy on the north shore of Lake Superior, and this is quite right. It would be quite easy for them to cut the Canadian Pacific Railway at any point from Lake Superior. My hon. friend has not proved, to my satisfaction at any rate, that the construction of this line is inopportune, premature and not necessary, and I believe that his views on that question, if those are his views, are not the views of the majority of the representatives of the people in the other Chamber, nor of the majority of the members of this House. I believe, on the contrary, that if there ever was a time, as the hon. Secretary of State has said, when such a road should be built it is at this present moment, as I will proceed in a few moments to prove. The rapid settlement of the country will so stimulate trade that the interest that the government will be called upon to assume can easily be met by the addition to the revenue from this year's settlers. The criticism on the location of the line is certainly the burden of nearly all the speeches made in the other House, and probably the same criticism will be made in this House. Starting at the initial point of the road, Moncton, we all remember the long debate that took place as to the advisability of starting at Moncton. It was finally decided that Moncton being situated in the heart of the mari-

time provinces, that was the place from which it should start. The Intercolonial Railway deviating so far to the north, not furnishing a direct route to the west, had to be abandoned and the line running directly from Moncton to Edmundston was adopted. This is no new proposition. As far back as fifteen or eighteen years ago—and the hon. senators from New Brunswick will bear me out in this—the line was actually surveyed through that part of the country, and very easy grades were obtained. It has always been a mystery to me, in looking over the map of New Brunswick, to see that immense territory over which the proposed line of this national transcontinental line is to pass at a distance of 100 miles south of the Intercolonial Railway at the longest offset point, almost untouched by the hands of man. There is on that territory excellent timber, good facilities to get it out and facilities to carry on lumbering operations with the greatest of ease.

According to the speeches made by representatives from that province, and according to official reports the greater part of the soil of that district is fit for cultivation. The opening of a line from Moncton to Edmundston will fill a long-felt want, and will shorten the distance from Moncton to Quebec some 75 or 80 or perhaps 90 miles, according to the amount which the experts now wish to allow for the necessary curvature. From Edmundston, skirting around the northern boundary of Maine, which unfortunately projects so far into the Dominion of Canada, we arrive in the county of Temiscouata, and in that county the road will pass through a settlement which is now rapidly increasing and demanding railway facilities. From Temiscouata we pass to the rear of Kamouraska and from Kamouraska we pass to L'Islet, Montmagny, Bellechasse and Lévis. The idea of building a railway line at the rear of these counties is not a new proposition. This parliament has granted charters to the Quebec and New Brunswick Railway. Another charter was being asked this year, I believe, in the interests of Mackenzie and Mann to build a railroad over the same line. I see the hon. gentleman for Stadacona (Hon. Mr. Landry) smiling; he knows perfectly well that there is a large quantity of very good land at the rear of the county which he had the honour of representing in the other House, good, fertile land, some 25 or 30 miles back from the shore of the St. Lawrence, in the county of Montmagny, and all along there are parishes in the county of L'Islet which my father represented in the Commons for nineteen consecutive years, parishes of importance, settled parishes, namely Ste. Perpétue and St. Pamphile, which are 30 or 40 miles from the nearest railway. If these people had had advocates in this House as energetic as some of the people who represent the North-west they would have clamoured long ago for a railway to connect with Lévis, where the transcontinental railway crosses over the Quebec bridge, which will certainly be built in time to receive this road. From Quebec to the St. Maurice river is perhaps the most difficult part of the country for 90 or 95 miles, perhaps 100 miles, that this transcontinental railway will have traversed, a very rough and difficult country, but not an impossible country. There are already two railways built in that same country. We have the Quebec and Lake St. John Railway and we have the Great Northern Railway, starting from Rivière à Pierre and proceeding westward. Considerable money may have to be spent to obtain the very easy grades required for this road, but once we have passed the St. Maurice river we arrive at the magnificent plateau which extends north and south for over 100 miles and that extends east and west for over 900 miles, according to the reports of the Geological Department. When the hon. leader of the opposition said we had not sufficient information on the subject, I would ask if any gentleman having read the blue-book that is before us, the numerous official reports, the special and distinct information on the twelve sections of this line between Quebec and Winnipeg—which has been prepared with such care—and deny that mountains of information are available on this subject? From section 1 to section 12, over every mile of the road, the most distinct and positive information is given. I doubt very much if any one in this Senate could, after reading this book, say there was no information about that line. This table land is reported as being perfectly level, according to the reports of the geological bureau, from

the St. Maurice river, which is about 100 miles west of the city of Quebec, at an elevation of 800 feet. Over this clay belt, according to the geological bureau, in the next 600 or 700 miles there is not a difference in level of 200 feet.

Hon. Mr. FERGUSON—Where does the hon. gentleman get that from ?

Hon. Mr. CASGRAIN (de Lanaudière)—In this book.

Hon. Mr. FERGUSON—That is the Trans-Canada road that the hon. gentleman is talking about.

Hon. Mr. CASGRAIN (de Lanaudière)—I beg the hon. gentleman's pardon. This is the blue-book entitled 'National Transcontinental Railway; Resources of the country between Winnipeg and Quebec along the line of the Grand Trunk Pacific,' with map attached, and the map is divided into twelve sections.

Hon. Mr. LANDRY—Does the map show the location of the road ?

Hon. Mr. CASGRAIN (de Lanaudière)—Precisely.

Hon. Mr. LANDRY—Is that the true location ?

Hon. Mr. CASGRAIN (de Lanaudière)—Hon. gentlemen who are accustomed to take part in the Railway Committee have the plans of proposed location furnished, and I understand this plan here shows the route which is the most feasible route; the elevations are marked on it and there are no impossibilities that I can see to this road being within reasonable distance of the points marked on this map.

Hon. Mr. LANDRY—Will the hon. gentleman answer the question I put him just now ?

Hon. Mr. CASGRAIN (de Lanaudière)—I would be obliged if the hon. gentleman would kindly allow me to proceed. The hon. gentleman is in the habit of making remarks in order to interrupt those who are speaking. I would like the hon. gentleman to be a little bit serious, for I suppose this is a serious discussion. He ought to know ; he is the only member of this House who persistently interrupts hon. gentlemen while speaking.

Hon. Mr. SCOTT—It is about six o'clock, and we might rise now, but before the Speaker leaves the Chair, I would like to give notice that when the House rises to-morrow it do stand adjourned till Friday morning at 11 o'clock. We will not sit on Thursday, Thanksgiving Day.

After Recess.

Hon. Mr. CASGRAIN—At six o'clock when the Speaker left the Chair, we had just started together on our western journey. We had left the ancient capital of Quebec and we had crosses the St. Maurice river and had just entered on that magnificent table land, which, as I said, extends about 900 miles east and west containing an area of some 50,000,000 acres of land, or enough to make some 250 townships. The hon. leader of the opposition stated this afternoon that in his opinion no necessity exists for the building of this road at present, and I may say that his opinion as to the necessity of building this line is shared by some members in the other House. For instance the ex-Minister of Railways, the Hon. A. G. Blair, also thought there was no immediate necessity to proceed with the enterprise. I am surprised that during the long protracted debate which took place in the House of Commons no one recalled an incident which is very well known in the city of Montreal when a great banquet was given to Mr. Charles M. Hays on the occasion of his departure from the city of Montreal to take the control of a large railway line in California, I believe. At that banquet the hon. gentleman from de Lorimier was asked to speak on behalf of the Senate at the last moment. He was not able to be present and asked me to represent this Chamber on that occasion. The Hon. Mr. Blair was there representing the government, and also the House of Commons. On that occasion it was my privilege to speak of the high estimation which I felt for Mr. Hays, and I am glad to see that the hon. leader of the opposition has done the same thing this afternoon. The hon. gentleman said that Mr. Hays was one of the best railway men, probably second to none in Canada to-day, and perhaps had few peers in the United States. Mr. Blair at that time had had a little friction with the Canadian Pacific Railway. It

was the first time he had an opportunity of speaking in the city of Montreal after this friction, and he thought he would let the Canadian Pacific Railway know a piece of his mind. Speaking on behalf of the House of Commons, in reply to the toast, he said in the presence of some 200 of the most prominent business men of the city of Montreal who were attending Mr. Hays' banquet on the occasion of his departure—that no one could think for one moment that those immense territories in the North-west could long be dependent upon one single line of railway. Before we would be much older, not only two lines of railway, but he thought as many as ten lines of railway would find access to and get enough business out of those territories to pay handsome returns to their shareholders. That was the opinion of a gentleman whom the opposition in another place have taken great satisfaction in saying was not in favour at the present moment of the construction of this road.

Hon. Mr. FERGUSON—Is the hon. gentleman referring to the report of that speech or is he speaking from memory?

Hon. Mr. CASGRAIN—I am speaking from memory, I was present myself and had spoken immediately before the hon. gentleman, and it struck me as there were many representatives of the Canadian Pacific Railway present at that banquet, he was rather using forcible language—perhaps going a little bit out of his way to annoy the Canadian Pacific Railway president; and I am surprised that during this long debate which has occupied days and weeks in another place no one ever referred to that statement made publicly in the largest city of this country, that not only would three or four lines be necessary in Manitoba and the North-west Territories but even ten lines would not be too many before we were very much older to carry on the business of that country.

Hon. Mr. FERGUSON—About what time of the night was that speech made?

Hon. Mr. CASGRAIN—I suppose it must have been about half-past ten, or, to be like the Scotchman, it might have been a quarter to eleven. The Canadian Pacific Railway out of a population of half a million people in the North-west last year has had the enormous receipts, according to their last report, of some $44,000,000, equal to $5,000 for every mile of road under their control and in operation. The hon. member for Calgary said in this House the other day that the influx of population into the North-west this present year would be almost 100,000 people. At that ratio of increase we would have in the North-west before the completion of this railway another half a million people, or a million people altogether. The other 500,000 people if they furnished the same amount of business as these who are already there—and we have no reason to believe they will be inferior to them, will create a trade or a business of an equal amount, $44,000,000 or $5,000 for every mile of road under control of the Grand Trunk Pacific Railway. We know the mileage of the Canadian Pacific Railway and we know the mileage of this proposed transcontinental line, and we are at a loss to see why some time ago even, advantage had not been taken to build another transcontinental line on the old route selected some twenty-five years before under the government of Hon. Alexander Mackenzie. During the last year in the North-west, some 30,000 homesteads have been taken, which means 30,000 farms. Now, if there has been congestion of traffic and the Canadian Pacific Railway has been unable to transport all the grain to market in sufficient time under present conditions, what will it be next year when they will have those 30,000 additional farms, furnishing freight for the railways to carry to the east? Supposing for one moment that a number of ourselves would form a syndicate and were given that immense territory running from the St. Maurice river to within a few miles of the city of Winnipeg, and extending north almost to James bay, taking it at the modest estimate of 100 miles wide, would it be long before such a syndicate would arrange, even if they had to give a great part of the territory for it, to have a railroad into that country? Why, taking the business men in this Chamber, if they were associated together they would not rest for one moment before they would make arrangement with some corporation or company to build a railroad through it in order to give value to that land. That rail-

way concerns chiefly the provinces of Quebec and Ontario. In the province of Quebec there is at the outside, I suppose, some 280 miles of road to be built, that is from the point in Temiscouata to Moncton. The balance, some 600 miles is all within the province of Quebec, and some 700 miles in the province of Ontario, leaving a distance of some hundred and fifty or perhaps only 135 miles within the province of Manitoba. In the province of Quebec the country is particularly well known. It is well wooded, nearly all is good arable land, well timbered. There is a large amount of pulp-wood and the development of the pulp-wood industry in Quebec is immense. I have only to instance the Laurentide Pulp Company at Grand'Mère, an institution where two and a half million dollars have been spent and one additional million this year where they are making profit enough to pay handsome dividends of eight per cent even on the common stock. I may say that the land from which the pulp-wood comes to Grand'Mère, from the sources of the St. Maurice and Mattawin rivers, is located exactly where this line is to pass. At the very source where this timber is cut there are to-day immense wheat fields and splendid meadows from which the shanties that are producing this lumber are supplied. Just when the Trans-Canada was agitating the public mind in Quebec——

Hon. Mr. PERLEY—Have they any flour mills up there ?

Hon. Mr. CASGRAIN—We will have some shortly. When the Trans-Canada was agitating the public mind we all remember very well the astounding declaration which was made by the Prime Minister on the floor of the legislature in Quebec that he had an offer made to him provided a railway was put into that country, of $1.50 per acre for five million acres of land.

Hon. Mr. LANDRY—Where is Roberts ?

Hon. Mr. CASGRAIN—25,000,000 acres of land for which the Prime Minister of the province of Quebec had received an offer of $1.50 per acre, sufficient to pay the whole debt of the province of Quebec. If that was a useless wilderness, or the unproductive land that some one would represent it to be, is it likely that these capitalists would have offered—and this statement wah made by the Prime Minister of Quebec, in the local legislature under his authority as Prime Minister—would have offered any such sum? Now, the geopraphy of the valley of the St. Lawrence is well known : Leaving Montreal and going eastward we have on the north shore of the river a narrow strip of land fit for cultivation some 30 miles in width, and this strip is getting narrower and narrower as we approach the city of Quebec where the mountains range actually forms part of the city. The colonization of that part of the country has been impeded for years and years owing to the fact that our colonization companies have endeavoured to settle the Laurentian range, which is 30 miles in width. That is to say, we have from the River St. Lawrence, thirty miles back, a belt of good land fit for cultivation. Then we have thirty miles to cross the Laurentian range, making a distance at right angles north from the St. Lawrence river of 60 or 70 miles, when you enter into this rich clay belt. The colonization of the northern slope of the Laurentian range has been successfully carried on. It is no new proposition. As far back as thirty years ago, for instance, the parish of St. Zenon, in the county of Berthier, was established. One enterprising parish priest, seeing, under the old conservative regime, the people leaving the country and going to the States to work in factories and so on, and finding it impossible to colonize and establish good farms in the Laurentian hills, was enterprising enough to cross the range some thirty miles and establish on the northern slope of the hills the parish of St. Zenon, which I visited last year, and which is prosperous at the present time. Another priest took his flock some twenty miles further north of this parish, and there established another parish, St. Michel des Saints, which I also visited last year. It is on the Mattawin river. I regret alluding to personal experience or giving my personal knowledge, but the hon. leader of the opposition stated that he had seen Bute Inlet and other places on the Pacific coast, and I would ask the House to allow me to state what I have seen. The parish of St. Michel des Saints is seventy miles north of the St. Lawrence. I see one member of this House who represented the very county in which St. Michel des

Saints is situated, and I am sure he will bear me out when I say that it is seventy miles from the nearest railway, and it is at the same time a prosperous parish, and the fertility of the soil is so good that these people living seventy miles from a railway can live comfortably, manufacturing cheese and butter, and haul their produce to St. Felix de Valois, which is the nearest station. Everything they have to use, agricultural implements, &c., have to be teamed from St. Felix de Valois to St. Michel des Saints over a wagon road. These colonies will be within some thirty miles of the line this road will take, but the indications are that the line will pass much closer to that place. The information that I obtained when I was there would leave one to believe that you could go 100 miles north from that parish without ascending a single hill. The mail-carrier for the Hudson Bay post on the northern side of this belt, who travelled that route over and over again, stated that in all that long journey to the north he did not ascend a single hill or meet one break in the road. These facts are corroborated by the Geological Department. This is nothing which is absolutely new. Still I have heard the ex-Minister of Railways in the Conservative government, the Hon. Mr. J. G. Haggart, saying that this was a land of granite ridges and of muskegs unfathomable. I wish most publicly, and with the certainty of one who has seen for himself, to give a most explicit denial of that statement—and I know that every word an hon. member utters in this Chamber under the responsibility of the position that we occupy should be most carefully considered by us—so as to dispel any idea that exists that the line along this route is not of the very best, and that the crops that are raised there are not equal to those of any other district. And why should it not be so ? No one will deny the fertility of the farms at Lake St. John, and there is no point on this line as far north as Lake St. John. The line of the transcontinental railway follows the 48th parallel. It is the same parallel as the Baie des Chaleurs. This 48th parallel is recognized to be about on the same isothermal lines, and we know that in going west the isothermal line inclines northward, so that the climate in that district would be about equal to the climate of Winnipeg and the quantity of snow about the same. This 48th parallel runs at a distance south of Winnipeg, and we know that in Winnipeg and Manitoba you can grow wheat and every other vegetable. The 48th parallel would be 140 miles south of Winnipeg. In Ontario the average line of the railway would be in the 50th degree of latitude, exactly the same as Winnipeg, and the same remarks apply along that line. I shall refer very briefly to the contract. I think it is the best arrangement any government has ever made, and my only surprise is that the Grand Trunk Railway was so anxious to enter into such an agreement. As far as west of Winnipeg is concerned, there is no comparison at all between what the government is at present doing and giving to the Grand Trunk Pacific Company and what the former government gave to the Canadian Pacific Railway. We all know that the Canadian Pacific Railway received some 25,000,000 acres of land. There is not a single acre of land given in this contract, except the land necessary for the right of way. They gave also $25,000,000 in cash to the Canadian Pacific Railway ; not a single dollar in cash is being given to this project. West of Winnipeg, as far as the prairie section is concerned, the railway does not cost this country one cent. There is no use discussing the feasibility of the line through the North-west, the country being level prairie. Any one driving through that section can see that the construction of the road is most feasible. When we talk of this line going to Saskatoon, Battleford, Edmonton and so on, these places are almost as well known as Halifax, St. John and Toronto.

Hon. Sir MACKENZIE BOWELL—Surely the line does not go to Saskatoon ?

Hon. Mr. CASGRAIN—According to the map it does, and I do not see why this map showing the location, which is prepared and submitted by the government under their responsibility, to the hon. members on both Houses should not be right. The total guarantee amounts to 75 per cent or three-quarters of the bonds, and the Grand Trunk Pacific Company have to supply the additional 25 per cent. That is to say, if the road costs say $16,000 per mile, the government guarantee will only be on the bonds

to the extent of $12,000. The remaining $4,000 will stand as a second mortgage on the road. But it has been said that the Grand Trunk Pacific will never pay the interest on their bonds. The government has a guarantee of the $150,000,000 of the assets of the old Grand Trunk Railway Company of Canada, besides having as security the road itself, the guarantee being only three-quarters of the value of the road. The total cost in cash to this country has been fully demonstrated by the Minister of Finance of the country, Mr. Fielding, when he said that the cost in cash would not exceed $14,000,000. The hon. Secretary of State in this House has made it over that. He has put it at between $19,000,000 and $20,000,000 for the period of ten years, making the burden on the people of this country some two millions a year for ten years. At $14,000,000 it would simply mean the surplus of this one year, and if we take the extreme figures furnished by the hon. Secretary of State, it would take the surplus a year and a half to pay the whole amount. On the prairie section we know the government guarantee amounts to $13,000 a mile and on the mountain section is $30,000 a mile. It would naturally be to the interest of the Grand Trunk Pacific Company to have more miles of mountain section and less miles of prairie section, but the contract provides that there shall be an arbitration to determine where the prairie section ends and where the mountain section begins, and that is, perhaps, the reason why the hon. Secretary of State was not exactly certain of the absolute mileage of the prairie section, because the point where the mountain section begins, is not easily defined. The Grand Trunk Pacific Company might be inclined to put it as far east as possible, while it would be the duty of the government to put it as far west as possible, and in case of a failure to agree it is provided in the contract that a commission of experts, or arbitrators shall be appointed, who will define exactly how many miles there shall be at $13,000 a mile and how many miles at $30,000 a mile. The part west of Winnipeg concerns us very little. The Grand Trunk Pacific Company are building and paying for it themselves; the part which concerns us most is the section in the provinces of Quebec and Ontario, the portion of the line which is to be a national highway, and one which all the railways will have equal right of way.

Hon. Mr. LANDRY—Before we leave the western section will the hon. gentleman be kind enough to tell us the length of the western section, prairie and mountain, from Winnipeg to Port Simpson?

Hon. Mr. CASGRAIN—I have the map before me, and in a few minutes could scale it, but without doing so, I may state I think it will be between fifteen and sixteen hundred miles. When it was first mooted that the railway from Winnipeg to Quebec would be a national highway, having had a little experience in railway management, I must say I was astounded. I did not think at the moment it would be possible for a railway to be operated on those lines.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. CASGRAIN—I heard the ex-Minister of Railways, Mr. Blair, a man for whom I have great respect, and who has proved himself a very able railway manager, notwithstanding the opinion entertained by some hon. gentlemen opposite, make light of this joint operation of the railway, and instanced a train leaving Halifax or St. John and entering on this national highway and coming to the end of a section of say 120 or 140 miles, and requiring to have their engines stalled there in advance, or take time to rest and clean the engine and grates and so on before proceeding on their journey, and when the evening would come, or at the utmost twenty-four hours had elapsed, then the whole train would have to come to a standstill, because the train hands and every one connected with it would not be equal to the task of continuing without sleep. This was the speech of Mr. Blair, and it created some mirth in the House of Commons and gave great comfort to the opposition. I must say there are some railway experts in this country who are not friendly to the project who say it will be impossible to run a line under such circumstances. But it has been demonstrated satisfactorily that this will not be a matter of much difficulty. A commission will be appointed, as soon as the traffic will warrant it, and the government having absolute control over the line from Winnipeg to Quebec will be in a position to dictate the terms upon which every train shall be operated. It is not ab-

solutely necessary to go into details, because we all know at present the Railway Committee of the Privy Council and after this session the board of which we have heard so much in this House while passing the new Railway Act, a Consolidation Bill, can grant to any railway running powers over another company's road, making them pay a certain amount which the board in the future and which the Railway Committee of the Privy Council now determine. So here is one of the great arguments against the national highway, and one I must say that some prominent railway men considered a strong one at first, which is proved to be unfounded? In the United States many roads are operated on the same principle. Now, there is another question, the question of grade. The hon. leader of the opposition this afternoon appeared to doubt very much if such grades as Mr. Charlton mentioned in the other House could be obtained. I have just demonstrated, and if I have done so at some length it is because I wanted to make the House sure about it, that on the table-land where this line is to be located there is practically no difference of level. I said this afternoon that according to the Geological Survey reports in 500 or 600 miles the difference in level is not more than a couple of hundred feet. Admitting that it is double that, say 400 feet in that distance it would be equal to about one foot per mile, which in railroading is practically level. It is very simple to understand; we are not running over any summit on this road, but running parallel with a range of mountains, keeping near the height of land where the water flows both ways. It is a country which offers the greatest facilities for railway construction but where you are running parallel to the mountains you can get on a certain altitude and remain at that level. Every engineer knows that that is perfectly feasible. If we can locate a road through that table-land with a very easy grade, it may be possible to carry grain very cheaply. Within the last twenty or twenty-five years the advance which has been made in railway transportation is enormous. Some twenty years ago a train carrying 600 or 700 tons was supposed to be a big train. To-day, on the Canadian Pacific Railway, a train carries up to 1,500 or 1,700 tons. Look at what the United States Steel Corporation is doing, in carrying ore from Lake Erie to Pittsburg. This corporation purchased an almost adandoned road, straightened it out, strengthened the bridges, eased off the curves, put down 100 pound rails and used tremendous engines. I saw the other day that they used engines of 200 tons. I doubt it very much, but they are certainly using engines of 120 tons, hauling to Pittsburg on a down grade 2,600 tons of ore with each train load. If our railway is built in the same way, there is no reason why grain could not be hauled from the west, delivered in the city of Quebec at rates to compete with other routes. I have given this subject mature consideration. I have talked a great deal about this with many grain men in the city of Montreal and I really believe that when this road is in operation—and as I said before six o'clock the only part of the line that presents any difficulty is from St. Maurice to Quebec and that is down grade—there will be no difficulty in carrying grain to Quebec at a rate of something better than twelve and fourteen cents a bushel.

Hon. Sir MACKENZIE BOWELL—From where?

Hon. Mr. CASGRAIN—From Winnipeg, provided we have a railway the same as the one used by the United States Steel Corporation, and admitting that the reports furnished us by the Geological Department and by the officials of the Ontario and Quebec governments give the correct altitude, there is no reason to doubt that grain can be carried from Winnipeg to Quebec at the rate I have mentioned. I may say that estimate is above that which was given in the House of Commons by some members. I regret to give personal knowledge, but I have been connected with this proposed line so long that I think I have something worth mentioning about it. In 1874 I was on the survey of the Canadian Pacific Railway from Lake Shebandowan towards the height of land, about 100 miles south of where this railway will pass. It has always been a surprise to me that the Canadian Pacific Railway should have been located where it is. If a difficult route had been looked for I do not know where they could have found one more difficult or traversing more of the poorest country in Canada than the one

selected. We know that from North Bay and Sudbury all the way up to Port Arthur the local traffic is next to nothing. The cost of building that road was enormous. The Hon. Mr. Haggart stated in the House of Commons that it must have cost something like $60,000 a mile. I have no reason to doubt it. There is no country on either side, no local traffic from Thunder Bay westward up the Kaministiquia river to Lake of the Woods. Until you strike the north-west angle the country is almost unfit for settlement. Now, if that railway had been built where this line is intended to be located, it would have cost about half as much and the grades would have been easier. Next session perhaps we will have before us the profile of the present Canadian Pacific Railway and in comparison with it the profile of the Grand Trunk Railway, and hon. gentlemen will be able to see for themselves the immense difference between them and the reason why, though it may not pay the Canadian Pacific Railway to haul grain over their high grades and sharp curves it will be easy to haul grain over the more modern route which will run through an almost level country. I was employed in the construction of the Canadian Pacific Railway and it was rock cut after rock cut, steep grades, sharp curves and so on. As to the part in the prairie section north of Long Lake, in 1883 I spent the whole summer just about the place where this road will pass, and from there to the elbow of the Saskatchewan, some seventy miles south of where this line is to pass—I went through all that country and I know that it is very easy to build a railway there. I may say it was somewhere near there the old Mackenzie route was projected, and where you have prairie with islands of wood all the way, it is an excellent country for settlement.

It is really surprising that the Canadian Pacific Railway should have been located where it was. There may have been good reasons for it; one of them being the difficulty of getting supplies into that country at that time, and it was necessary to be near navigation, near Nipegon bay and Thunder bay, in order that supplies could be taken in to the people who were going to build the railway, and also for the surveyors and engineers who were going to locate the line. As to the cost of transportation of wheat, I have stated just now the price at which I thought it could be done for. I may say there is not very much difference between the price I have named and the price actually charged by water. We know now that wheat can be carried from Winnipeg to Port Arthur for some six cents a bushel, over Lake Superior and through Georgian bay as far as Depot Harbour for some two cents a bushel, making eight cents, and we know that Mr. Booth has carried grain on his railway all the way from four and a half cents down to two and a half cents, from Depot Harbour to Montreal and in taking it to Montreal he had to tranship it at Coteau and carry it some 42 miles by water; notwithstanding that the cost was two and a quarter cents a bushel in some instances, and in other instances it was as high as four and a half cents, making a total maximum cost of ten cents by the rail and water route. I do not wish myself to be understood that we can carry wheat as cheaply by rail as by water. If you have a long stretch of water the freight should be about one-sixth of the freight by rail, that is if you are going on the high seas or on a long navigable reach where there would be no transhipment. But there are other things to be taken into consideration; there is the maritime insurance, which is very high; and then you must remember you are working only for seven months of the year, and any grain that is left after the close of navigation must carry five months of interest, making it therefore more and more expensive to house and keep this grain until the next spring, whilst the railway will carry it at a little higher cost than water and you can freight all the year round by rail. It has been suggested that instead of building this Trans-continental line, it would be better to extend colonization roads from the existing railway at distances of 100 miles and extending 100 or 150 miles north. This has been suggested to the House, and probably will be in this House. Why after you have built these branches for 100 or 150 miles you will have just as much length of railway built as you have now and have no transcontinental road at all. It is self-evident that these branch roads, running north like blind alleys can never do the business

that one grand transcontinental road can do, having an outlet at both ends. I do not see that there is any force in that argument. There will be necessarily at some distances, say 400 miles apart, some lines connecting from the south; for instance, the line that is now being built by the Ontario government. That line was supposed to be built up north to a distance of 130 miles, and by adding 30 miles more it will strike south of Lake Abitibi at the very point where this railway will pass, and therefore there will be connection by the railway being constructed by the Ontario government to North Bay, and from North Bay over the Grand Trunk Railway to Toronto. Speaking of Lake Abitibi, and that country, I wish to say that in 1888, I was sent out by the Ontario government to lay out the township of Evanturel on the Blanche river. There you are 30 miles south of where this road is supposed to pass, and every one seeing the state of agriculture on Lake Timiskaming in the townships of Guigues, Duhamel, &c., knows there is not in the province of Quebec any place where you can get better hay, better wheat, better oats, or better grain of any kind than right at the north end of Lake Timiskaming. That might be said of the two provinces, because Lake Abitibi is partly in the province of Quebec and partly in the province of Ontario; so what applies in this respect to one province applies to both.

In conclusion permit me to add that if we could remove the veil of the future and see what will be the condition of this new kingdom twenty years hence or fifty years hence when this lease will expire; if we could see the towns and villages that will be settled along the line of this grand national transcontinental line, if we could see the enormous industries that will have sprung up throughout the districts through which the road will pass, we would think this administration had performed a service indeed for this country, and when the history of this administration is written, and when the life of the distinguished statesman who now rules the destinies of Canada is ended, and he has disappeared from the turmoil of politics, then indeed the brightest page in all his history will be the one where he first united the hearts of the people of his country and the next one will be when he joined the provinces of this Dominion by this long-solid continuous link of steel, the National Transcontinental Railway.

Hon. Mr. BOLDUC—I have listened very attentively to the eloquent speeches made this afternoon on the question now submitted for our consideration, and, I may say, perhaps more carefully to those made by the hon. Secretary of State and the hon. gentleman from de Lanaudière, expecting to hear from these two hon. gentlemen the reasons which have induced the government of this country to change their policy on the transportation question. On the day of the opening of the present session, in the speech from the throne read by His Excellency, the policy of the government on the transportation question was enunciated. It was said that the policy of the government was to study carefully the question of transportation, that for that purpose a commission would be appointed, leading to the inference that nothing of importance in the way of a railway policy would be undertaken by the administration before such commission was appointed, and sufficient and ample time was given to that commission to study the question carefully and to make a report to the administration. I must say, hon. gentlemen, that this idea was well received by the people of this country. Everybody agreed that the policy enunciated by the administration was a wise policy; that before entering into a transportation scheme of importance it was wise to appoint a commission of men, having the widest experience in the transportation question, to give that commission all the necessary time to study that great question and not to act before that commission had reported. The press of the country agreed that it was a very wise policy, and when names like that of Sir Wm. Van Horne were mentioned as probable commissioners it was stated that most probably Sir William would be the chairman of that commission. It was acknowledged that if we could secure the services of men of such high standing and experience as Sir Wm. Van Horne, who is surrounded by a staff of the most experienced officials, not only in Canada but I might say in America, that a report signed by men of that experience would surely be accepted without any hesitation and the

country would be safe in accepting the recommendations made by such a commission. But was that commission formed? Had we a report of that celebrated commission before the country was asked to undertake the expenditure of hundreds of millions of dollars for a scheme on which there is no reliable information, the cost of which nobody can venture to approximate with any degree of accuracy? It is true that a commission was appointed but when? After the right hon. Premier of this Dominion had presented to the other House the important measure now before us. What were the reasons, I ask, which induced the government to change their policy, instead of giving sufficient time to that experienced commission to study the whole question and make a report? I must admit that I have failed to find any good reasons for such a change of policy in the speeches which have been made in this House this afternoon. Are we to believe that what has been stated elsewhere was a good reason for the government so suddenly changing its mind? Are we to believe that there was one gentleman who could not wait?

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. BOLDUC—And who forced the government by the influence he brought to bear on the cabinet ministers, to plunge the country into such a scheme without having more definite information about it? Or are we to believe that the right hon. Premier of this Dominion, on the eve of retiring from politics, desires to perpetuate his name in connection with this grand scheme that is called the National Transcontinental Railway, but which to my mind might be more properly called the Grand Sentimental Railway of Canada?

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. BOLDUC—However, whatever may be the cause of the sudden change in the views of the government, all that I have heard in this House and in the other Chamber has not satisfied me that the building of such a railway is necessary or advisable at the present moment, and the best evidence to my mind that such a scheme is not needed, is that in the other House, instead of discussing this question upon business principles, instead of advancing arguments in favour of the business-like character of this scheme, the Prime Minister tried to impress the House with the fear that if we had not this big railway constructed we might have the bonding privilege abolished on the other side of the line. I will not dwell on that question, because the hon. leader of the opposition has done justice to it. He has shown the fallacy of such an argument. He has established beyond any doubt that the United States people are not fools enough to cut their own throats in order to slightly affect the Canadian people. When they did try to crush Canada, what was the result? I consider that when they abolished the Reciprocity Treaty it was a blessing in disguise to Canada, because it has forced us to find other markets, and since the abrogation of the Reciprocity Treaty we have been able to do a much larger trade abroad than we did formerly with the United States. We have been able to establish several manufactures, and the result is that we are much better off to-day, after the abrogation of that treaty, than we were before, and I sincerely believe that if the bonding privilege were abolished we might suffer for a few months, or perhaps a few years, but Canada would soon find outlets through which her products could be shipped to Europe without any shipping through United States ports.

Hon. Mr. MILLER—Hear, hear.

Hon. Mr. BOLDUC—It has been stated in the corridors of this House that there was a very strong disapproval of that scheme amongst several important senators. It was even stated that very important senators had decided to oppose the measure and vote against it.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. BOLDUC—And that some of them had written very strong letters to the Premier in opposition to the scheme.

Hon. Mr. LANDRY—Hear, hear

Hon. Mr. BOLDUC—I need not say that my esteemed friend and neighbour, the hon. member for Wellington, cannot be accused of having entertained the remotest idea of opposing that scheme or of writing such letters, because before this measure was intro-

duced here, at the time it was presented in the other House, the hon. gentleman could not wait any longer.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. BOLDUC—He seized the first opportunity which was presented to him in this House, when the Bill for the incorporation of the Grand Trunk Pacific Railway Company was presented, to express his views, and to assure the government that if there were Liberal senators brave enough to oppose the wishes of the administration, that he was not to be found amongst them. And what did he do? Did he try to support the scheme on business principles? No, but he tried to frighten the senators by a war scare. He drew the worst picture he could imagine of the great calamities which would befall Canada if there was a war between Britain and the United States, and pictured numerous war-ships plying on the great lakes and pointing their guns at our great national highway, the Canadian Pacific Railway. Destruction was the result, of course, and we were to be cut off and separated from the great west, and the probable result—although he did not add that—would be that the west would be annexed to the United States. However, I hope that this war scare has not frightened hon. senators enough to make every hon. gentleman in this Chamber give his vote in support of this scheme. Now, hon. gentlemen, this question of transportation has agitated public opinion for the last few years. We know very well that the great North-west is being populated very rapidly, that emigration is flowing in there in increasing numbers every year. Last year I believe about one hundred thousand immigrants took farms and homesteads in the North-west, and I sincerely hope that next year the number will be largely increased, and that before long they will number a quarter of a million each year, and perhaps half a million. But the question now is not to have more railways built in the fertile belt of the North-west, for it is conceded that with the railways already in operation, and the railways now under construction, a population of five million people more can be well served, and supposing that we should have an immigration of a quarter of a million every year, it would take twenty years before the existing railways and those which are now in course of construction would be found to be insufficient. So that the great question now is not to have all the railways built in the fertile belt of the North-west, but to ascertain and devise the best means to export the grain which is produced in such large quantities. It is true that during the last year it has been difficult to ship all our grain promptly, but was it because we had not sufficient railways? No. We already have the Canadian Pacific Railway and the Canadian Northern Railway in that country. We can ship three or four times the quantity of wheat that is raised to-day, not by doubling their lines, but by simply having sufficient equipment to be able to provide cars in sufficient numbers—to export all the grain.

We have the experience of the United States people who are amongst our most progressive settlers and are sure to find the best means to have their grain transported promptly and at the least possible cost, and what do we find? For some years the railway corporations of the United States have believed it is possible to compete for the transportation of grain against water routes. It was publicly stated that in a few years the vessels plying on the great lakes and on the canals would have disappeared and that the railways would transport all the grain from the shipping points to New York or the other ports of the Atlantic. And as evidence of the progress that has been made by the United States in that respect, I may tell you that in 1868 the cost of transporting a bushel of wheat from Chicago to New York was twenty-five cents by lake and canal, twenty-nine cents by lake and rail, and forty-two cents by all rail. In 1885, the rate was reduced to five cents by lake and canal, nine cents a bushel by lake and rail and fourteen cents by all rail; and now what do we see? A bushel of wheat can now be transported from Chicago to New York for three cents by lake and canal, four and a half cents by lake and rail and nine cents by all rail, so that we see to-day though the railways of the United States have been so improved that they are considered to be the best in the world, it costs nine cents a bushel to carry wheat from Chicago to New York, while the same wheat can be carried from Chicago to New York by lake and canal for three cents. It is conceded now that the idea

of carrying wheat by all-rail has been completely abandoned and it is a fact that no quantity of wheat is now carried by rail to New York. We must not lose sight of the fact that the American railways are in a much better position than any of our railways will occupy on this side of the boundary for some years to come. The railways of the United States are built from Chicago down to New York over a level prairie having almost no gradients to mention, and no curvature. On the New York Central, they have a four track road, they have the best equipment and besides the through traffic they have an immense local traffic. They pass through a thickly settled country and the idea of trying to compete against American railways by building one railway from Winnipeg down to Quebec is, to my mind, preposterous. Is it possible to compete with them for the carrying of freight? I do not mean only the grain traffic from Winnipeg down to the sea by rail to Montreal or Quebec. I mean the traffic by rail in general, a thing which has been abandoned, which has been considered completely impossible on the other side of the line, as I said a little while ago, by the American railways that are so well placed with better grades and curvatures and with the immense local traffic which they have at their disposal. I say, hon. gentlemen, that cheap transportation is certainly necessary, that now is the time to study the question carefully and that before spending one solitary dollar on a scheme it ought to be studied and carefully estimated whether it is feasible or not. To my mind to-day the wisest policy to be followed, would be to vote a certain sum of money for important and very careful explorations, and then, when accurate surveys have been made by competent men, decide which is the best route and what the cost of it will be. If we can have a railway from Winnipeg down to Quebec with sufficiently good gradients and curvatures that it will be possible to carry grain on such a line, well and good—but before we ascertain that, I do not believe it will be wise to proceed with this scheme. We have the example before us of what has been done on the other side of the line, and we should profit by their experience. What is the policy of the Americans at the present moment? It is to carry all the grain they can while navigation is open and then carry the balance by rail in winter? It may be that in some cases, railways will carry some grain from Chicago to New York or from Duluth to New York, but it is done very seldom. The greater part of the grain carried by rail during the winter season is to supply the local grist mills, for converting that wheat into flour. They have numerous elevators. During the summer months when the lakes are open, when navigation is easy, the wheat is brought down to these elevators and is re-shipped as long as it is possible to ship it by water. Take St. Paul and Minneapolis for example. To give you an idea of what they are doing there I see that forty-two elevators have been built with a capacity of thirty-four and a half million bushels.

At Chicago there are a number of steel elevators with a capacity in all of 30,000,000 bushels. In Buffalo, twenty-eight elevators, with a capacity of twenty-one and one-third millions; Duluth and West Superior, twenty-two elevators, with a capacity of 34,000,000; and now, gentlemen, when we see practical men like the Americans having adopted that policy, having found that that system is the only one which can be made profitable, why should we squander our money in a scheme we know nothing of, and spend hundreds of millions of dollars in a railway which will pass for the greater part through a country we know nothing about, a place which is practically known only to birds and wild beasts. Why squander our money in such an extravagant way when we could help private corporations to build up our seaports, our lake ports, our St. Lawrence ports, at Montreal, Three Rivers, Quebec and Lévis; why not adopt the same system that has been adopted by the Americans to store their grain, when navigation is closed, in large elevators? Part of that grain so stored might be used in winter to supply local grist mills, and the other portion could be shipped at very low figures the spring following. I say, hon. gentlemen, that the idea of trying to compete with the United States in building a railway to ship the grain of our great North-west is a fallacy, is a scheme that cannot be realized and that no business man will support. I challenge anybody to find a business man who will invest $100 in such a scheme, and more than that, I do not believe it is possi-

ble to find a man who will invest one solitary dollar in such a scheme not knowing more than we know about that project. The only wise policy not only for the eastern provinces but for the west,—for I do not see that any antagonism should exist between the west and the east—to be adopted to favour the exportation of grain from the west which would be equally profitable to the eastern provinces, is in building elevators on Lake Superior, at Montreal, Three Rivers and Lévis, in which you could store the quantity of grain that it would be impossible to ship during navigation, and that in the winter when large quantities of wheat have been so stored in those elevators, to adopt the same course that is followed in the United States. That railway which would have to run its trains to Halifax or St. John to obtain freight for the west, instead of hauling empty cars could load with grain and carry it at fair figures, but to expect to carry grain from the west by all-rail is absurd. It would be ruinous to the farmers of the North-west, and after an experience of shipping a few million bushels that way the railway company would be sure to abandon it. I have said the rate from Chicago to New York was nine cents per bushel, but this rate is only in force during the period of navigation. After the close of navigation it is generally raised to 14 cents a bushel. I was astounded when I heard the hon. gentleman from de Lanaudière (Hon. Mr. Casgrain) assert that the National Transcontinental Railway will carry wheat from Winnipeg to Quebec for 14 cents, when United States railways cannot carry grain from the west to New York at that rate. When they charge 14 cents in winter for hauling grain 900 miles, can we believe for a moment that a railway built across the mountains with high grades and sharp curves will be able to carry grain over 15 hundred miles for 14 cents a bushel ? To my mind it is absurd to even dream it. The question that should be considered now by the administration in connection with this scheme is to have parliament vote a sufficient sum to enable us to make a careful exploration before we decide to build this railway, at the same time encouraging the construction of numerous elevators at the places I have already mentioned.

Hon. Mr. BOLDUC.

Hon. Mr. DEVER—How would the hon. gentleman get the grain to the elevators ? He said that by water was the preferable way to get it to the seaport, but how would he get it to the lake ports ?

Hon. Mr. BOLDUC—The grain must be carried to Fort William by rail and thence by water to Montreal or Quebec. I may tell the hon. gentleman for his edification, if he does not know it, that at the present time wheat is carried from Duluth to Quebec for two and a half cents a bushel. Will my hon. friend contend that it will be possible to accomplish such a feat by the great National Transcontinental Railway?

Hon. Mr. DEVER—What has that to do with Quebec, Halifax or St. John ? These are shipping ports and we want to ship out our western products through our own ports and not from the United States ports.

Hon. Mr. BOLDUC—To my mind the ideal way to ship our grain would be by what we generally call the Georgian Bay canal. I do not say that the government ought to undertake the construction of that canal at the present time, but I say careful surveys of the route ought to be made. At present, though we have not half the facilities which the Georgian Bay canal would give us, the St. Lawrence route is considered so far in advance of all other ways of shipping grain from the west, that immense quantities are carried from Duluth to Quebec by the St. Lawrence at two and a half cents a bushel. As I have said, it costs about three cents a bushel to carry grain from Chicago to New York by lake and canal, but if we could have the Georgian Bay canal, by far the shortest and most direct route, wheat could be carried from Chicago and Fort William to Quebec for one and a half cents per bushel. We know that the St. Lawrence river, if well lighted and equipped can defy competition. From the important ports on the great lakes to tidal water on the St. Lawrence we find the following distances :

	Miles.
Chicago to Depot Harbour	579
Depot Harbor to Montreal by rail	379
Total	958
Chicago to Buffalo by lake	889
Buffalo to New York via N. Y. C.	440
Total	1,329

Making a difference in favour of the St. Lawrence route and the port of Montreal of 371 miles.

	Miles.
Duluth to Depot Harbor via lake..	644
Depot Harbour to Montreal by rail.....	379
Total....	1,023
Duluth to Buffalo via lake....	997
Buffalo to New York via N.Y.C...	440
Total....	1,437

Making a difference in favour of Montreal of 414 miles.

	Miles.
New York to Liverpool....	3,105
Montreal to Liverpool....	2,778
Difference in favour of Montreal to Liverpool.....	332

After examining those figures, it is evident that if we took the proper steps, not only the Canadian grain but all the freight from the great west would be transported through Canadian channels and at the same time we would carry the greater part of the grain of the United States west. The St. Lawrence route is so advantageous that if the channel was improved and well lighted it will be impossible to compete with it. It will take some money to make these improvements, but when we see the government so ready to lavishly spend some hundreds of millions of dollars on a scheme which is wholly unknown, I do not see why they should not use some of those millions to improve the St. Lawrence route and encourage corporations to build large elevators and thus ensure to Canada the transportation of the products of the great North-west. There is no need of the new railway, for this transcontinental railway at present. If there was any necessity for it, instead of subsidizing this company to build a road to compete with lines which are already in existence, why not force the roads already in existence to extend further north ? When we examine the map and the line traced by the government it is easy to discover that this new Grand Trunk Pacific, instead of opening up a new country in the west will only compete with the Canadian Northern and the Canadian Pacific Railway. It will serve exactly the same territory through which these two national railways run. They may properly be called national because they furnish facilities to the farmers of that section. The public have not asked for the building of this railway. In fact, with the railways already in existence the farmers of the west are better supplied with facilities for transporting their produce than are the farmers of the older provinces.

Hon. Mr. MILLER—Hear, hear.

Hon. Mr. BOLDUC—Was it not necessary to put a clause in the Bill to prevent the Grand Trunk Pacific from building within thirty miles of existing railways ? It was only after a hard fight in the other House that the Grand Trunk Pacific consented to the amendment. I ask you, hon. gentlemen, where in the older provinces will you find a locality where farmers have only a fifteen miles haul to the nearest railway ? In many sections it is not a fifteen miles but twenty, thirty and even a fifty miles haul to the nearest station. With all these facts before us we are still told that if we do not rush into the building of this great sentimental railway, ruin will fall upon us, that all the freight of the North-west will be diverted to the south of the boundary. I have great confidence in the gentlemen who direct the affairs of the Grand Trunk Pacific, which is practically one with the Grand Trunk Railway. If there are dividends to be divided amongst the two companies, the Grand Trunk Railway is certain to have a share in them, but where is the clause which binds the Grand Trunk Railway Company to help the new company. It is all very well to say that the Grand Trunk Railway Company is a very powerful corporation. It is a company in which we no doubt have the highest confidence, but where do we find in the Bill before us anything binding the Grand Trunk Railway Company to supply to the Grand Trunk Pacific the money necessary for the building of their line ? I have not been able to find such a clause. It has been publicly stated in London, at the last meeting of the shareholders of the Grand Trunk Railway Company, that the company was assuming no responsibility for this new project ; that they were only giving their friendship and advice, and the only clause in this Bill which is binding on the Grand Trunk Railway Company is the one which provides that the Grand Trunk Railway shall receive $25,000,000 stock. For what

consideration are they to receive this amount of stock from the Grand Trunk Pacific Company ? The Bill is silent on that question. An amendment was moved in the other House to compel the Grand Trunk Railway Company to pay par for the stock, but as a matter of course the amendment was rejected by the friends of the administration and the Grand Trunk Railway Company may secure the stock for a mere song. I believe I have established that the only policy which would be profitable to the Dominion would be the improvement of our waterways, and the exploration of the French river and Ottawa river which have already been surveyed several times, and if the government is not willing to undertake the construction of the Georgian Bay canal, if the scheme is found to be feasible, let them subsidize a chartered company to build that waterway, that will ensure to Canada the whole traffic of our Northwest, and a large share of the traffic of the western states.

Everybody agrees that the Grand Trunk Railway Company has done much to develop the resources of this country, but we must remember that the interests of that company are as favourable to the United States as they are to Canada. The Grand Trunk Railway Company have spent more money on the other side of the line than they have spent in Canada. I admit that the construction of the Grand Trunk Railway and its numerous branches in Canada has been of great benefit to this country. At the same time the gentlemen at the head of the administration of the Grand Trunk Railway are very able and experienced men who administer the affairs of the company to the best advantage of the shareholders without giving any consideration to the question as to whether they are serving United States or Canadian interests. In giving that company a railway which will be about 3,000 miles in length and which will cost some hundreds of millions of dollars, we will be as generous to the company now as we have always been in the past.

Many years ago we loaned to the Grand Trunk Railway Company some $15,000,000. Have we even seen a cent of the interest which has accrued on this $15,000,000 ? No. And why have we loaned the Grand Trunk Railway Company such a large amount ? It was to help them to open up the country, but it has also given them the advantage of spending their cash on the other side of the line, whish they have not failed to do. I do not find any fault with the Grand Trunk Railway Company and what they are doing, they are acting as business men, they are trying to make as much money as they can for themselves and their shareholders. I cannot find any fault against them, but we Canadians, when we are going to make another valuable present to the Grand Trunk Railway Company, have we not a right to ask ourselves what they will do after they have been subsidized to build about 1,600 miles of railway for which the Canadian people will be responsible. What will be the result of that policy ? Can we believe for one instant that the Grand Trunk Railway Company will ship their grain or other traffic through Canadian ports if it is not to their advantage to do so ? Can we imagine that that company will ever, for the sake of encouraging Canadian trade ship their grain and other traffic through Canadian ports when it will be more expensive to them, by having to haul that traffic a much longer distance ? For my part, hon. gentlemen, I cannot conceive that the Grand Trunk Railway will do anything of the kind. What is the distance from Winnipeg to Fort William? Four hundred and twenty-six miles. What is the distance from Winnipeg to Duluth ? The distance is only three hundred and sixty miles. Can we believe for one moment that the Grand Trunk Railway Company, who have already, I am told, traffic arrangements with the Great Northern Railway of America, for the handling of its traffic on Canadian lines, will haul that traffic sixty-six miles further for the same price ? No. They are too practical for that. The Grand Trunk Railway has already extended its road as far as St. Paul, and though there is some grain to be carried by rail even if our great national transcontinental railway was bulit, is it possible to believe for one moment that the Grand Trunk Railway would draw that traffic on Canadian soil when the distance from Winnipeg to Quebec by the Canadian Pacific Railway is 1,596 miles, and the distance from Winnipeg to New York is only 1,720 miles—and mark you, we know very well that it will never be possible to build a railway through

a mountainous country with the same gradients, the same curvature, as they have been able to secure on the prairies between Chicago and New York. It would not be even dreamed of by a man who is engaged in business and who has had the slightest experience in railway matters.

It has been stated in this House, and also in the House of Commons, that even if this scheme should not prove to be a success as a commercial railway that it would be very important to open that portion of the country on the northern side of the provinces of Ontario and Quebec. It has been stated that there are large areas of good farming land in this northern country. The government has distributed a blue-book containing, they assert, all the necessary information about that country. It was stated that in that blue-book we can find 'mountains of information.' I have glanced over that great mountain of information. I must say at once that I hope what I have read in that book is not always correct, because according to this information carefully prepared by one of the employees of the government, who must have selected the best extracts from the reports that were before the government, it would be enough to discourage every Canadian as to the value of that part of our Dominion. At page 6 hon. gentlemen will find a report on the St. Maurice river district, from which I propose to read an extract. It is as follows :

> The essential feature of the land is its unfitness for cultivation, being composed for the most part of light sandy soil, or partaking of a rocky nature. It is frequently broken by chains of hills, but of no continuity. The cliffs which in many cases discover their barren nature are principally composed of granite of irregular stratification. The hills disappear at the height of land between the different waters, where the common feature is an extensive spruce or tamarack swamp, frequently rocky or of a shaking boggy nature.

Hon. Mr. LANDRY—That is one of the 'mountains of information.'

Hon. Mr. FERGUSON—What part of the country is that ?

Hon. Mr. BOLDUC—North of Three Rivers. Further on, on page 8 we find an extract from a report by Mr. O'Sullivan as follows :

> The country around here is low and swampy and generally covered with black spruce and tamarack. There are no stones and the water is so muddy that even the fish can harly see through it.

I wonder if they are trying to reach the celebrated place for sportsmen who are not very skilled in the art of catching fish. It seems that they are willing to fish in very troubled waters.

Hon. Mr. McSWEENEY—Do the fish bite?

Hon. Mr. BOLDUC—If we read a little further from that 'mountain of information' we find an extract from a report of Mr. Symmes speaking of the Upper Ottawa, at page 34 of the book, which reads as follows:

> The report of Mr. H. C. Symmes and the report of Mr. Lindsay Russell embracing the survey of the principal northerly streams flowing into Lake des Quinze, to their sources at the height of land or water-shed of the sources of the Abitibi river flowing northerly into the lake of that name, in the territory of the Honourable Hudson's Bay Company, both more or less agree, apart from any distinctive features that attach to the sections thus explored, in the description they give to the general character and aspect of the country they observed in their respective traverses of the rivers and lakes assigned to them, representing it as a whole to be a rocky, barren country, unfit for agricultural purposes, and as chiefly timbered with a stunted growth of spruce, tamarack, white birch and balsam.

The hon. gentleman from de Lanaudière has stated in his brilliant speech that a great inducement for the building of that railway was that we could find in those sections of the country millions of acres of land covered with pulp-wood. Hon. gentlemen can judge by this paragraph——

Hon. Mr. CASGRAIN (de Lanaudière)—Read the next paragraph.

Hon. Mr. BOLDUC—Hon. gentlemen can judge what kind of pulp-wood we would find in these places. It is admitted by all who had experience in the timber trade that on the height of land we can never find good timber, and the idea that any business can be with scrubby timber, such as is mentioned in this blue-book is, to my mind, ridiculous, because any man having the slighest experience in the pulp-wood trade knows very well that those small black spruce are of no use to the manufacturer. The cost of piling, cutting and handling those small trees will be more than their value. This is the experience of all gentlemen who have had anything to do with pulp wood.' Proceeding further I will now read that following paragraph my hon. friend has asked for :

The general surface, as far as can observed, is generally low and level for miles back from the rivers and lakes with, however, occasional exceptions in the western section, where some hills are noted above the uniform level of the surrounding country. The soil in general and with few exceptions, is sandy and rocky. The same characteristic features of country appear to extend northerly along the Lonely river, which empties into Lake des Quinze, and beyond the watershed of the sources of the Abitibi, and around Lake Abitibi, as far as the eye can see, over the general horizontal level of this section of the Hudson's Bay territory.

I could quote several more extracts from the reports that have been made by gentlemen who have explored that section of the country, but I should not like to bore the House, and I believe that I have quoted sufficiently to prove that while there may be occasional patches of good land along this route the vast proportion of that country is not fit for cultivation. If the idea should prevail that this road would be built for colonization purposes, why not extend north the railways already in existence and direct to places where the land is fit for cultivation, because if you want to have a transcontinental railway you must build it as straight as possible in view of the places you have to cross, and if you build a road for colonization purposes merely, then you are at liberty to select the most advantageous places to locate the road. The hon. Secretary of State last night said that one of the places advantageous for colonization purposes was around Lake Temiscamingue, but he forgot to tell us that the transcontinental railway will pass 100 miles north of that place, and that the Temiscamingue district is already served by an important branch of the Canadian Pacific Railway who would be very glad to extend that branch provided some assistance is granted by the government.

Hon. Sir MACKENZIE BOWELL—And the Ontario government is building a road there.

Hon. Mr. BOLDUC—As remarked by the hon. leader of the opposition, the Ontario government is building a road into the very same place. What will be the cost of the transcontinental railway? I must admit that it is pretty hard to calculate the possible cost of a railway of that magnitude and importance, without having more information before us than we have at the present moment. It has been estimated at from $80,000,000 to $170,000,000 by different experts, and I suppose everybody who has made any calculation about it must have done so in good faith, that all the parties who have estimated the cost at from eighty or one hundred or one hundred and twenty-five, or one hundred and fifty, or one hundred and sixty millions of dollars, were acting in perfect good faith, but it is impossible to determine the cost of that railway without knowing the location on which it will pass, without knowing how many mountains it will have to cross, how many rivers will have to be bridged, and how many gullies there will be to fill, and if even it will be possible at all to build a railway in that portion of the country. The hon. Secretary of State, last night, estimated the cost of the railway at about $85,000,000, but he forgot to add to the cost of that construction the government guarantee of $13,000,000 on the prairie section. It may be that we shall never have to pay it, at the same time the government gives a guarantee that the interest and capital of those $13,000,000 will be paid. He calculated that the mountain section would be 480 miles, but it was admitted in the other House that the mountain section would be fully 600 miles; so that a difference in the character of one hundred and twenty miles of the road at $30,000 a mile would add another $3,600,000 to the capital expenditure. He calculated that the distance between Winnipeg and Quebec would be 1,475 miles, and from Quebec to Moncton 400 miles, but when it is considered by experienced men that it will be fully 150 miles longer than that total, from Moncton to Winnipeg, it brings the capital expenditure up to $106,800,000. Hon. gentlemen very well know that the road cannot be built from Quebec down to Moncton for $25,000 a mile; and that a road of that kind cannot be built from Quebec to Winnipeg for $28,000 per mile. All men who have had any experience in railway construction will agree that at those figures it will be impossible to find a railway contractor of standing who would accept such a contract. However, I am taking the figures given by the hon. Secretary of State, and with those figures, though we know very well that work of this kind done by the government will surely cost 35 per cent more than if it

was bulit by a private company, it will give us figures of about $148,000,000. Placing the figure at the lowest possible amount, I calculate the cost of the scheme will amount to at least $125,000,000. Now, gentlemen, I have established the fact that the country which is to be traversed by the railway from Quebec to Winnipeg is not the country described by the friends of the administration as being considered one of the best in the whole Dominion. Coming down to the part of the road which is to be built from Quebec to Moncton, is it possible that a government owning a railway like the Intercolonial Railway, a road which has cost this country over $70,000,000, a railway which is not at the present moment able to pay its expenses, a railway which has shown a deficit every year from the year it was put into operation, is not satisfied with carrying such a burden, that they are willing to duplicate that burden, and for what object? Is it necessary? Is it asked for by anybody in that part of the province of Quebec? Nobody has ever dreamed of duplicating the Intercolonial Railway from Lévis down to Moncton, for we know very well from those who have visited that part of the country, that it is impossible to build a railway in a fairly straight line, without passing within five to ten miles of the Intercolonial Railway from Lévis down to Kamouraska. We know very well that the boundary of the state of Maine at the county of Kamouraska is only 28 miles from the St. Lawrence. I have measured that distance on an official map of the province of Quebec, and we know also at that point there is a Lake Pohenégamouck, about five miles in length, which, according to the information I have from parties who know it, will be impossible to pass with a railway without entering the state of Maine; it will be practically impossible to pass the south end of that Pohenégamouck on our own territory, and you will have to deviate five miles more on the north side, so that in the county of Kamouraska there will only be 23 miles between the furthest place where the road can be located and the St. Lawrence. Now, everybody knows very well that the Intercolonial Railway has two lines of railroad from Lévis down to St. Charles; one, the St. Charles branch, on the shore of the St. Lawrence, and the other from the Chaudière river to St. Charles. Can you imagine for a moment that the government will undertake the construction of another railway there when they have already two railways in existence from Lévis down to St. Charles?

Hon. Mr. FERGUSON—What distance is that?

Hon. Mr. BOLDUC—About fifteen miles long and six miles apart at the widest end of the angle. The St. Charles branch has been built at a very large cost. It cost millions, I might say, for the expropriation of the land and the building of that branch of railway on the shore of the St. Lawrence. Is it possible to believe that the government will now sacrifice that important railway for the sake of building what they call a great national transcontinental railway? I do not believe that the Senate by their votes will sanction such a measure. If the idea of the government was to build a colonization railway, one which could be sustained by facts, I would agree to it. Behind the counties in the southern part of Dorchester, Montmagny, Bellechasse, L'Islet and Kamouraska, there are good lands, in fact the finest lands which can be found in the province of Quebec, to be opened up to colonization; but if you build a railway for through transportation purposes it is impossible to reach those portions of the country I have named without building a railway which will be practically paralleling the Intercolonial Railway. Now, hon. gentlemen, if the government is sincere in their desire to encourage colonization, why not let the Intercolonial Railway do the traffic as it is to-day. It is admitted by all the railway officials of the Intercolonial Railway that the road can carry four times the tonnage which it is carrying at present. It has been stated in the other House, without contradiction, that the Intercolonial Railway, by its easy gradients and slight curvature, is able to haul double the number of cars, and in a shorter time from Montreal to Halifax than the Canadian Pacific Railway can do, although the haul is about 300 miles shorter by the Canadian Pacific Railway. Under these circumstances is it a wise policy to ruin a road which has cost so many millions of dollars for no good purpose whatever, by duplicating the Intercolonial by a railway that will be only

a nuisance to the farmers who will have their farms crossed by two railways when there is not the slightest need of it. What will be the result to some of the now prosperous places such as Fraserville and Rimouski? These places have been built along the line of the Intercolonial Railway. The parties who invested there, did so under the belief that no duplication of that railway would be built to divert the trade from that part of the country, and they were sure to continue to prosper. If this road is built in competition with the Intercolonial what will be the future of those progressive places? If it is possible to find a good route for this new scheme instead of having eight or ten trains a day, Rimouski and Fraserville would have only one train a day and perhaps no express train. If the government is willing to encourage colonization, they easily can do so in that part of the country. We already have in operation the Quebec Central Railway, which is built from Levis to Sherbrooke, and a branch of that same railway is built from St. Joseph to St. Francis.

I see that during the present session a subsidy of $3,200 per mile has been granted to the Quebec Central Railway to extend their road to St. George, a distance of nine miles, and for a further extension from Scott Junction down to the bridge. The Quebec Central is a road that has done more for the development of that part of the province of Quebec than any other railway. It is managed by a very able man, supported by men who would compare favourably with any railway administrators in this Dominion. I know also that the Quebec Central Railway Company is practically the owner of the Temiscouata Railway which extends from Rivière du Loup to Moncton, and has a branch from Edmundston to Connors. If the government, instead of giving assistance towards the construction of railways in parts of the country which are already settled, where the land is unquestionably good—if instead of giving the paltry assistance of $3,200 a mile they would substantially aid those companies, the Quebec Central Railway Company would undertake at once to build an extension from St. Joseph up to St. George, and then from St. George, passing in the rear of the counties of Dorchester, Montmagny, Bellechasse, L'Islet, Kamouraska and Temiscouata, would connect with the Temiscouata Railway. Then we would have one of the best colonization roads that could be constructed. We would have a road opening up a country suitable for settlement, a country which has been explored many times. I have the testimony of Mr. J. B. Morin, member for Dorchester, one of the keenest observers and one of the most practical business men we have in that part of the country, as to the character of the land and extent of the settlements there. He has been through the portions of the country I have just mentioned, and he says it will never be possible to build a straight line from Lévis to Moncton, if you follow the valley of the St. Lawrence, and do not cross the mountains. I say it would be better, if we are going to spend several millions of dollars, to open up a country fit for settlement, and which is already partially settled—to assist these local railways rather than to squander money lavishly on places unfit for settlement, and where railways will be of no advantage. As evidence of the quality of the soil, I may say that from the county of Beauce, which would be partly traversed by that colonization railway, we exported last year 2,000,000 pounds of maple sugar, 8,500 tons of pulpwood, and 8,000,000 pounds of cheese, which amount will be exceeded this year. This will give you some idea of the quality of the soil, and when we are pitying the farmers of the North-west because they have to haul their products ten or fifteen miles to a railway station, I may tell you that in the county of Beauce, which is producing so largely, many of the farmers have to travel from twenty-five to forty miles to reach the nearest railway station. Would it not be better to encourage those farmers by supplying them with railways, than to build railways where they are not needed? Would it not be better to give substantial encouragement to farmers who have already contributed largely towards the construction of railways in other parts of the Dominion and who are to-day contributing largely to what we are voting this session, than to squander our money elsewhere? Where will we be led by the extravagance that the government has shown for the last couple of years, and more particularly during the present session? What are we voting this year in

hard money in securities for railway companies? We find that we have granted

Supplementary estimates .. ..$	300,000
	5,090,000
Ordinary estimates....	57,109,974
	10,590,863
Railway subsidies....	13,027,000
Iron bounties....	1,148,000
Lead bounties....	300,000
Canadian Northern....	9,000,000
Transcontinental....	125,000,000
Total	221,565,837

Hon. GENTLEMEN—Hear! hear!

Hon. Mr. BOLDUC—Now what is the population of Canada to-day? I have placed the population at 5,600,000, which is the highest estimate that can be made. At the rate we are going, we have incurred this year an indebtedness for the ratepayers of the country of nearly $48 per head for men, women and children, and for what purpose? To build railways through territory where there is not a soul yet living. The hon. Secretary of State has said that in the Lake St. John district we have good farming lands, and settlement is advancing rapidly, but how long has it taken to bring about that prosperity? It took about thirty years before the land was cleared sufficiently to prevent the frost from destroying the crops, and if it takes as long as that to open up the few places that have been mentioned by the hon. gentleman from de Lanaudière, I am afraid we shall be very old before we can see any good results from the grand policy that has been submitted to us. The hon. gentleman has also stated that the premier of Quebec, Mr. Simeon Napoleon Parent, has publicly stated in the local legislature, that he was offered a dollar and a half per acre for millions of acres of land in northern Quebec.

Hon. Mr. FERGUSON—He said twenty-five million acres.

Hon. Mr. BOLDUC—In fact it was sufficient to pay off the debt of the province. He forgot to mention that the premier of Quebec would not, on the first occasion, mention the name of the party who had made that offer. The next time, on being pressed very closely, he said the name of the man was Roberts, but later on, no amount of pressure could induce the premier to say where Mr. Roberts lives, what his occupation is, or even if such a man ever existed. With men like that making such offers, I am afraid that it will be a long time before the province of Quebec will be able to clear off its indebtedness. The population of the county of Beauce is 45,000. Now, what proportion of the expenditure incurred this year will that county have to bear? I find that they will be charged with $1,782,000 as their share of the amounts voted during the present session, and I am not sure that we have seen the end of the expenditure yet. We may have further railway subsidies. We will surely have an appropriation of five or six million dollars for the Quebec bridge which has been constructed by a private company, and the shareholders of that corporation, who have not spent a cent of their own money in the construction of that bridge, will be enabled to make a large amount of money without having incurred any expense. Now, what amounts are to be spent in Beauce county to offset the liability I have mentioned? There are nine miles of railway, from St. Francis to St. George, subsidized this year; about two and a half miles from Scott Junction, out of the twenty-two miles from that point to the railway bridge, making twelve miles in all at $3,200 a mile, total, $38,400. Our proportion of the railway mail service, the highest amount that I can make it, is $4,000. Mail service by vehicle, $3,475. Our proportion in the administration of justice is $1,250. The amount voted for the repairing of the wharf at Lake Megantic is $850. These amounts added together make a total of $47,975 which the county of Beauce will receive this year for the obligation imposed on them of $1,782,000. I would have nothing to say if the numerous millions that have been voted this year were to be properly applied, but I say that one-half of those millions will be lavishly spent and without any hope of return. I say that it is unjust that parts of the provinces which have no share in the spending of the money should be forced to contribute to an expenditure that will be of no benefit to the Dominion. However, it is the will of the government and the majority of their supporters. I said at the opening of my remarks that the policy announced by the government in the speech from the throne was so wise that it commanded the

approval of the great majority of the people of this country. The hon. gentleman from Smith's Falls, in moving the address, used very strong words in approval of that policy. He said :

I am very glad to see that the government are disposed to appoint a commission who will go into this whole matter most thoroughly, a commission of experienced men who will report upon this great subject, and with a report of that kind before us, I am satisfied that parliament will be able to carry out such a policy as will promote in every way the best interests of the country.

The hon. gentleman from Repentigny who seconded the answer to the speech from the throne used some strong expressions in eulogizing the government on their wisdom in adopting such a wise policy. Speaking in French, he said :

La Prudence engage donc les ministres à prendre des précautions extraordinaires lorsque nous sommes en face d'une dépense de plusieurs millions de dollars pour ouvrir les voies de communication nécessaires au transport de nos produits. Or, la création d'une commission d'enquête sur cette question n'est rien autre chose qu'une décision absolument sage, qui mérite l'approbation du pays. Lorsque les études nécessaires auront été faites, il est à présumer que les Chambres n'hésiteront pas à voter le montant requis pour ouvrir les voies de communication dont nous avons tant besoin, si nous voulons garder ce qui nous appartient; si nous voulons ne pas laisser nos puissants voisins s'emparer de notre immense commerce de l'Ouest.

After the change of policy of the administration on that question, I am very anxious to see how the two hon. gentlemen, the one who moved the address and the one who seconded it, will vote, and if they are willing to change their minds, after having so explicitly declared that the policy of the government was the only one which could be wisely adopted. Now that this railway scheme has been prepared by the government, signed, sealed and delivered, and their followers have been commanded to support it, I wonder if those who have expressed such strong views at the opening of parliament will change their minds, and will quietly swallow such a scheme. I stated during the early part of my remarks that the Grand Trunk Railway Company had been well treated by the Canadian people, that we had loaned them fifty million dollars which had placed them in a position to spend more on the other side of the line. How are we treated by that powerful company today ? Are we on the same footing as our friends on the other side of the line ? No. If I happen to live close to the line and wish to take a trip to Portland, or any other place in the United States, I have to pay three cents a mile. My neighbour who is residing at a few yards from my place, but who happens to be on the other side of the line, will pay two cents a mile, and will ride in the same car with me. Why should that be ? Am I to be fined because my people have subscribed largely to assist the building of that road ? Remember I do not find fault with the Grand Trunk Railway, but I say that when we have had such an experience, we should be careful before voting so many millions to the Grand Trunk Railway to see if we could not give it to a company that has no interest in the United States. We would then be sure that that company would have had no interest in trying to divert our trade to the other side of the line. Hon. gentlemen tell us that it was necessary to have very strong men, influential men, wealthy men to undertake the construction of this railway, but when we see that the country is guaranteeing almost the whole amount necessary for the construction of that line, I say that it was not necessary to go very far to find men able and willing to undertake such a scheme. I hope that before giving a vote in favour of such a scheme, the hon. members of this House will seriously study the question, and I hope they will come to the conclusion that it will be an advantageous thing to postpone this measure until next year, for I sincerely believe that if the scheme is passed in this House, one of the darkest days that Canada has ever seen, will be the day when this Bill is assented to by His Excellency the Governor General.

Hon. Mr. COX—Hon. gentlemen——

Hon. Mr. LANDRY—Oh, the hon. gentleman can't wait.

Hon. Mr. COX—I hope I may be permitted to answer the question that was propounded by the hon. gentleman opposite, having, I presume, reference to myself. He has given the keynote by saying that 'one gentleman canont wait.'

Hon. Mr. BOLDUC—How does the hon. gentleman know that he is the party referred to ?

Hon. Mr. COX—If I am mistaken I shall be very glad indeed. The hon. gentleman said: Are we to believe that one gentleman could not wait? And with the newspaper criticisms that have been appearing for weeks and months, I must presume it was myself he had reference to.

Under the circumstances to which I intend to refer later on I do not propose to say much in support of the Bill now before the House, nor do I think it is necessary that I should do so. I do think, however, that I owe it to this honourable House and to myself, to make some reference to the manner in which my name has been used in a certain section of the press and in the debates that have taken place in the House of Commons in connection with the Grand Trunk Pacific Railway. I desire to explain that the project was well under way when Mr. Chas. M. Hays, the vice-president and general manager of the Grand Trunk Railway, did me the honour of asking me to be one of the provisional directors of the Grand Trunk Pacific. I regarded it then, and I so regard it now, as a very great honour to be associated with one of the most, if not the most, important undertaking that has ever been entered upon in Canada. I do not place it second in importance to even the Canadian Pacific Railway. My compliance with the request of the Grand Trunk authorities to act as one of the directors of the company is the sum total of my offence, if such it may be called, that has brought down upon me the most unfair and untruthful criticism, both in and out of parliament.

The hon. ex-Minister of Railways, speaking from his place in the House of Commons, made the following statement:

> What does the Right Honourable the First Minister mean by saying 'time cannot wait?' It would probably have been more correct, if not so poetic, if he had said 'Senator Cox cannot wait.'

This statement may be taken in itself to mean anything or nothing. I have not the slightest conception of what impression the hon. ex-minister intended to convey to the public by making use of such a statement. Whatever his intention was it certainly has been used by other members of the House of Commons and by a section of the press as a justification for making the most untruthful and dishonourable attacks upon the government and upon myself. Notwithstanding the statement that 'Cox cannot wait' I have been patiently waiting for the simple justice that one gentleman has a right to expect from another. I have been waiting for the ex-minister either to apologize and remove the false impression that his words have conveyed to the public, or else to do me the justice to explain to the country and to myself what he meant by using my name in the way he did. In the meantime, in the absence of such apology or explanation, I desire to say to this honourable House that the implied charge of improper conduct upon my part, or of any undue influence or any attempt at undue influence with the government or with any member of it, is absolutely and entirely false: there is no foundation whatever, in fact, for such a slanderous statement.

The futile attempts that have been made in certain directions to use the remarks of the hon. ex-minister for the purpose of injuring my financial standing are as amusing as they are absurd and as harmless as they are untruthful.

The hon. gentleman who has just taken his seat estimates the present population of Canada at 5,600,000. If I should ask the hon. leader of the opposition in this House why it is not by this time over 12,000,000 after the bold, able and progressive legislation of the government led by his late honoured chieftain and of which he was himself a distinguished member, and which gave to this country the Canadian Pacific Railway, his answer would no doubt be, because the Liberal organs and Liberal statesmen of this country spent at least ten years during the conception, the construction and the earlier unprofitable years of operation of that great national enterprise, in doing all they could to defeat the government, to embarrass the company and discredit the country.

Hon. Sir MACKENZIE BOWELL—And if he did he would state the truth.

Hon. Mr. COX—I knew the hon. gentleman would say that. In their efforts to discredit the country they succeeded all too well, and greatly retarded its progress. The lamentable mistake made by some of the Liberal party of that day is being re-enacted by the Conservative party to-day. It will keep them, as it kept the Liberals, eighteen years longer

in the cold shades of opposition. The petitions now being presented in opposition to this important measure remind one of the petitions that were presented and the indignation meetings that were held in opposition to the Canadian Pacific Railway. This country wants and will have the second great transcontinental highway with its terminals at Port Simpson, Quebec, St. John and Halifax, with its steamship fleet on both the Atlantic and Pacific oceans. It wants the Grand Trunk Railway, the pioneer company of Canada, to extend its magnificent system of over 4,000 miles that is now giving such splendid service to eastern Canada, to the teeming wheat fields, to the as yet uncultivated millions of acres of fertile lands, and to the undeveloped resources of northern and western Canada. It will mean a very large increase to the wealth, to the population and to the prosperity of this country; it will mean an opportunity for our banking, insurance and financial institutions, our farmers, labourers, manufacturers, merchants and artisans to participate in the great prosperity that this will bring to the country. No government would be justified in delaying prompt action. No opposition will be justified in obstructing this, the most important onward movement in the history of our country. One of the most pronounced and most influential Conservatives in the city of Toronto said to me when this project first came under his notice, 'You will never see an enterprise of this magnitude and of this importance carried out until the Conservative party return to power.' He added, 'We want the second great transcontinental railway, but we will have to wait until we have another Right Hon. Sir John A. Macdonald.' I replied that we had in the right honourable leader of the government a gentleman equally able to carry through this most important project.

Hon. Mr. LOUGHEED—I must congratulate my hon. friend from Toronto upon the very optimistic view he takes of the enterprise now under consideration. When one considers that it is calculated to produce the very beneficent results which he has outlined, ushering in our national millenium, if I may so term it, he can very well appreciate what has become so strongly impressed on the public mind, that my hon. friend is somewhat impatient to have so magnificent a scheme carried out. In view of that optimism, it cannot be said that it is a reflection on my hon. friend if the public say that he 'cannot wait.' If any public man becomes imbued with very laudable and commendable ideas as to the possibilities which await the carrying out of so great an enterprise, he is quite justified in urging the greatest possible speed in prosecuting that undertaking, and my hon. friend should not be so susceptible to the criticism which has been indulged in as to the impatience he has manifested to have this great enterprise rushed to completion.

I quite appreciate the serious position, in a sense, which a western member assumes in entering upon an adverse criticism of the enterprise which is now under consideration. I am free to confess that there is a large section of the public, not only in the Northwest, but throughout the whole Dominion of Canada, that hails with satisfaction the expenditure of money upon public works. It is entirely immaterial, in their consideration, whether that expenditure be wisely made, or whether the public receive value for the amount expended. This government has certainly discovered the weak spot in the electorate of the Dominion, a spot of which their Liberal predecessors of the Mackenzie administration did not learn, namely that the public hail with satisfaction all public expenditures. Having ascertained that fact, the present administration has certainly not been slow to take advantage of it, and spend everything which comes into the exchequer, and hypothecate the future of the country. It seems to me it is the duty, not only of this Chamber, but of the public at large, to criticise an important measure of this character. As my hon. friend from Toronto has very justly observed, it is probably the largest undertaking upon which any government of Canada has heretofore entered, and it certainly will be larger than any future government, for some years to come, will be called upon to deal with. It, therefore, behooves, not only every member of parliament, but every thinking man, to consider the merits or demerits of the scheme, and to be prepared to give expression to the faith within him on the subject. It does not at all follow, as my hon. friend from Toronto has asserted, because there may be ad-

verse criticism of this scheme, that it therefore indicates a pessimistic mind, or any want of faith in the future of Canada. I take no second place to my hon. friend in regarding the possibilities of the country to which we all belong as being quite as great as those which he has outlined; but I have no hesitation in saying that if there be a reckless expenditure of the public funds, such an expenditure is calculated to debar Canada from making that progress which she otherwise would. There is probably no part of the Dominion so deeply concerned in carrying out a scheme of this nature as the Canadian North-west. There is really more wrapped up in a scheme of this character for that part of the Dominion than for any other part. Let a mistake in judgment be made with reference to so immense a scheme as this, and it certainly will retard the progress of that country for years to come, and divert the funds of this Dominion required to be conserved for years to come to meet the obligations incident to the scheme, from being profitably expended in needed public improvements. If this administration makes a mistake in endeavouring thus to solve the great transportation problems which we have before us, it will be not only a most unfortunate thing for Canada at the present time, but will certainly leave its deep impress of disaster upon it for many years to come. In the speech from the throne we find this justification made by the government for the introduction of this scheme :

> The great influx of population in our North-western territories and the very large additional areas of fertile land which are being brought under cultivation, combine to further press upon us the need for increased transportation facilities for the forwarding of our grain and other products to the markets of the world, through Canadian channels. The whole question of transportation and terminal facilities continues to occupy much attention, and my government will immediately appoint a commission of experienced men to report on the subject.

This leads one to ask what was the genesis of this scheme. The public scarcely need to be told, this House scarcely needs to be told—it was a matter of public notoriety—that for some couple of seasons there was a very heavy congestion of freight throughout the Canadian West, and owing to the absence of equipment on the railways in operation there, the settlers experienced very great loss and inconvenience. Following upon that well known fact, we find this announcement made by the government in His Excellency's speech at the opening of the present session. We were therefore led to conceive, from the announcement, that the intention of the government was to relieve the congestion which, during the last couple of seasons, had obtained in the North-west, but upon the introduction of the scheme, although under the guise of relieving that congestion and of meeting the public requirements along that channel, as I have already said, we ascertained that the scheme was entirely foreign to the object in view, and to the impression which had been created by the paragraph which I have read in the speech from the throne. We find submitted to parliament, a scheme which in no sense can be of any present advantage, or of any advantage in the near future, to the present settlement in the Canadian west, a scheme which purports to open up an entirely new territory along and through which there may be said to be absolutely no settlement. This consideration opens up the question—what was the intention of the government in the introduction of that scheme ? Was it to meet the public demand for increased transportation facilities, or to open up a new domain into which settlement could go, notwithstanding the millions of arable acres which are still unsettled in the North-west ? I preface the few observations I desire to make along this line with this fact that there are already 200,000,000 acres of land in the three territories, namely Saskatchewan, Assiniboia and Alberta. It is estimated that of those 200,000,000 of acres 100,000,000 is arable land, and it is further estimated that at least 1,000,000 acres of that immense tract of land is under cultivation, only one per cent of the arable land to be found within the territories which I have indicated, and which are all traversed more or less by transportation systems which are certainly adequate not only to the present requirements of the country if properly equipped, but equal for many years to come to the settlement and cultivation of those vast areas. Therefore does this view in any way indicate want of confidence in the future of the country, or does it leave one open to the charge of pessimism ? From these facts which I say cannot be disputed,

there is no demand for the building of a transcontinental system outside the present belt of settlement? It certainly has been a question which I have tried hard to solve, what was the origin of the proposed scheme. I could very well have conceived of the introduction of a scheme calculated to assist the present rapid settlement, say that immense tract of settlement which lies to the south of the Saskatchewan river, and over which, as I have stated, there are about 1,000,000 acres of arable land under settlement, but when the government propose to expend nearly 100 millions of money in a new and unsettled territory from Quebec to Port Simpson on the Pacific coast, I say most unquestionably that no scheme has ever been proposed in the history of this Dominion that demands clearer elucidation at the hands of the government, how and why this system originated and what the object of it is. Certainly there was no demand on the part of the Canadian west for the building of a new transcontinental system; there certainly was no demand made in Eastern Canada upon the government for the building of this transcontinental system. The public mind was prepared to conceive of the present administration assisting the Canadian Northern system to become eventually a transcontinental system, and I say that the facts justify the conclusion that since the accession of this government to power that seems to have been the transportation policy of the government with reference to opening up new belts of settlement and a new transportation system in the North-west Territories and Manitoba, namely that the Canadian Northern should eventually become a transcontinental system. We find this government assisting to the extent of $13,000 a mile the building of that road from the western boundary of Manitoba through to Edmonton, a distance of six or seven hundred miles, and granting to it the same guarantee which it proposes to give to the Grand Trunk Pacific.

It is a well known fact that during the last session of parliament the promoters of the Canadian Northern were in Ottawa during the whole session. We know very well the expectation of the public, and the expectation of the company was that before the prorogation of the last session of parliament a subsidy would have been introduced for the purpose of assisting that road to carry out the section of its transcontinental system which was then under discussion, and I might say that, creditable as that road had been through the Dominion of Canada in its various ramifications, my hon. friend from Toronto is probably entitled to as much credit as any other man in Canada, as much credit as the more direct promoters of that road, for the assistance which it has received from time to time, not only in public favour but at the hands of the government. My hon. friend was indirectly connected from a financial standpoint, I assume, with assisting that road. I do not say he was a member of the company but we know the name of my hon. friend from Toronto was always associated with that road and the financial prestige which it received from year to year was largely due to the association of his name with that enterprise.

Hon. Mr. COX—If the hon. gentleman will permit me to say, I am not interested in the road to the extent of one dollar yet.

Hon. Mr. LOUGHEED—I am not referring to the National Transcontinental road, I am referring to the Canadian Northern Railway.

Hon. Mr. COX—I am not interested in the Canadian Northern Railway and have never been, not to the extent of a dollar directly or indirectly further than the interest that any patriotic Canadian must have in an enterprise calculated to do so much for the development and the improvement of the country. It has my best wishes for its success. I believe it will be an important enterprise. That is my only interest in it.

Hon. Mr. LOUGHEED—That is precisely the position I took with regard to the association of my hon. friend in that scheme. We know it had his moral support and it was a well known fact in financial circles that the success up to the present time of that scheme was very largely due to the moral support given by my hon. friend with regard to it. The question arises with regard to the negotiations which took place between the government and the Canadian Northern Railway as to perfecting that system as a transcontinental system, what intervened to change the manifest policy of the government with regard to that system. I ask hon. gentlemen for one moment to con-

sider this; would this government have granted to the Canadian Northern a guarantee over the whole prairie section running practically parallel with the prairie section of the Grand Trunk Pacific; would it have granted to the Canadian Northern Railway a guarantee for the same amount if there had not been something behind the negotiations which took place, and which apparently failed with reference to this matter. Why, if it was intended to practically parallel that system, did the government continue to deal with that system until the present session, by granting it a guarantee to the same extent as it proposes to give to the Grand Trunk Pacific? Let me further point out to hon. gentlemen that while the Canadian Pacific Railway Company made an application to parliament for a road from the western boundary of Manitoba or thereabouts practically to Edmonton, the government of the day, through their supporters, opposed that charter as strongly as they could, because, to some extent it would parallel the Canadian Northern Railway system, yet we find the manifest opposition of the Liberal party being given to that charter which was calculated to open up the same belt of country, and we find the government of to-day giving a guarantee not only to the Grand Trunk Pacific of $13,000 a mile and to the Canadian Northern Railway system of the same amount per mile, but not a dollar to the Canadian Pacific Railway that practically has traversed the same belt of country. These things are difficult to understand. This, I say, is a reversal of the government scheme of a year ago, and the question arises, what is the origin of the present scheme? Permit me also to make this observation in that connection, that the government of the day must have been fully aware of the fact that the Canadian Northern Railway had practically perfected arrangements with the British Columbia government for assistance for the mountain section of that system, and in fact so far had these negotiations progressed that, I understand, an order in council was passed by the provincial government of British Columbia proposing to give a bonus of $5,000 a mile over the mountain section and 20,000 acres of land, and in anticipation of the Dominion government supplementing that by an additional grant. The Canadian Northern Railway apparently has not been able to proceed with the mountain section. This practically with the extension of the guarantee of $13,000 a mile, one dollar of which the Dominion government would not have to be called upon to pay, would have enabled the Canadian Northern Railway Company to construct their line through to the coast, to Port Simpson.

Hon. Mr. TEMPLEMAN—My hon. friend does not say the British Columbia legislature voted any subsidy?

Hon. Mr. LOUGHEED—No, not the legislature but the government of the day passed an order in council proposing this should be done. Of course it would require the sanction of the legislature the same as parliament is giving sanction to the agreement entered into by the Grand Trunk Pacific by this government.

Hon. Mr. TEMPLEMAN—It was not brought before the legislature.

Hon. Mr. LOUGHEED—I did not say it was, but rather because of a political convulsion which occurred there, it was prevented from being done; but, doubtless, it would not have been done except supplemental aid had been obtained from this government. I point out this fact, however, that had this administration entered into an agreement with the Canadian Northern Railway, it would have been possible to have secured to the Dominion of Canada a second transcontinental system from the Pacific ocean to the railway systems of eastern Canada without practically costing the country a dollar. It only permitted of two gaps being provided for, and the western gap, or the mountain section, was practically provided for in the way I have indicated, namely, the British Columbia government was prepared to give very substantial assistance, and a small supplemental guarantee by the Dominion government would have assisted that company in constructing and completing this mountain section. I feel safe in saying that the eastern section from Port Arthur to Scotia Junction could likewise have been built, if a guarantee had been given by the Dominion government, which guarantee would doubtless have been supplemented by the Ontario government. We know that public

opinion has been ripe in Ontario for some time past to secure a railway of that character, and I understand negotiations had been under way with the Ontario government with reference to this subject, and there can be no question in the mind of any hon. gentleman present that if the Dominion government had said to the Canadian Northern Railway Company 'We are prepared to guarantee your bonds from Port Arthur to Scotia Junction,' it would have been built and, as hon. gentlemen know, would have placed the Canadian Northern Railway Company in touch with the Canadian Pacific Railway, with the Grand Trunk Railway system and with the Canada Atlantic Railway system, thereby giving a complete connection from the Pacific ocean with all the railway systems of the Dominion of Canada. I repeat again that could have been done without the expenditure of a dollar, and every object which is to be gained by this Bill would certainly have been gained in that way. This leads me to this question: why did not the government negotiate with other railways companies, with capitalists and with others capable of carrying out this scheme? What did the government of the day do when they propose to build the Canadian Pacific Railway? What did the Mackenzie government do? What did the government of Sir John Macdonald do? Did they enter into a secret arrangement with the Canadian Pacific Railway for the building of that road. No. Both governments advertised to the world that they were prepared to receive tenders for building a transcontinental railway, and the consequence was, the public, not only on this continent but in Europe, were fully apprised of the fact that the Canadian government desired to receive tenders for the building of that immense system. True, at that time Canada was in its infancy, and the building of a transcontinental system was looked upon as largely a chimera.

There was very little public confidence in the carrying out of such an immense undertaking, but it exhibited not only to the public in Canada but elsewhere, that the government was prepared to take the country into its confidence in the carrying out of a great project of that kind. Has there been anything of that kind in this undertaking? If the government of Canada had advertised throughout America and throughout Europe that they were prepared to receive applications for the building of a transcontinental system, that they were prepared to give substantial aid, that they had a territory possessing all the possibilities which my hon. friend from Toronto has just pointed out, that a railway could be built such as my hon. friend from de Lanaudière has described, a railway that will transcend in all its superior qualities the best railways of the United States, that they had a large territory providentially created for the building of a low gradient road without curvatures——

Hon. Mr. FERGUSON—A billiard table.

Hon. Mr. LOUGHEED—If the government of Canada had announced to both continents that they were prepared to receive applications for the building of such a road, do hon. gentlemen hesitate to believe that the capitalists from two continents would have been almost falling over each other in their endeavour to secure the carrying out of this undertaking. In all seriousness, would not the government of Canada have received proposals from the other railway companies of this Dominion? Certainly the Grand Trunk Railway Company is almost without a peer in its operations. It is the pioneer railway company of Canada. Probably the sympathy of the public is with the Grand Trunk Railway to an extent not surpassed by any other railway company, but did that in any way excuse the government from entering into a secret agreement of the character which I have mentioned, not knowing the favourable terms which might have been received from other capitalists who would have been prepared to embark on such an enterprise?

Hon. Mr. COX—The government determined to build the road themselves, and did not want any one else to do it.

Hon. Mr. LOUGHEED—Why did they not do it?

Hon. Mr. COX—They are doing it.

Hon. Mr. LOUGHEED—My hon. friend says they are anxious to build the road themselves.

Hon. Mr. COX—That is the Bill before the House.

Hon. Mr. LOUGHEED—If the English language could possibly contradict the position taken by my hon. friend from Toronto, the language of that Bill contradicts it. If there is any road which will not be a government road, it is the road under consideration. If there is any road which will be a private road it is the road with which we are now dealing. If there is any road with which a railway company has to do, and the government has not to do, it is the road with which we are now dealing, and it is the road upon which they intend to expend one hundred million dollars. Take the proposition advanced by my hon. friend: if that were the proposition, I think it would receive the united support of the people of Canada. If it were a government road, it must be operated and controlled by the government, must be run and operated for the entire benefit and advantage of the people of Canada. But what was the genesis of this road? Do hon. gentlemen think that the government of to-day had anything to do with the genesis of this road? I say no. It was the Grand Trunk Railway, not the government of Canada. What are the facts? My hon. friend opposite spoke of Mr. Hays as being transcendent in genius as a railway manager, and the manipulation by Mr. Hays of this Bill, placing a system of this kind in possession of the Grand Trunk Railway, corroborates fully the conclusion which my hon. friend has arrived at in pronouncing him to be a prince among railway men. What are the facts? Mr. Hays is appointed manager of the Grand Trunk Railway system. Mr. Hays is naturally an ambitious man. Mr. Hays finds his system brought into rivalry with the Canadian Pacific Railway, and what does he do? Mr. Hays has scarcely warmed the seat of the new position to which he was appointed, when he began to consider how he could best outrival the Canadian Pacific Railway. We find Mr. Hays—and there is no question about it—entering into negotiation with the Canadian Northern with the object of making that practically part of the Grand Trunk Railway system. It is a well known fact that, for many months previous to these negotiations which we are now considering, negotiations had been on foot between the Grand Trunk Railway people and the Canadian Northern people for the purpose of practically fusing those two systems, and the one interchanging traffic with the other. Thus doing the carrying trade of the other. That is not a secret. That is a well known fact. The idea of Mr. Hays was that he must have a western outlet, that the Grand Trunk Railway must get to the prairies and through to the Pacific coast and be a rival of the Canadian Pacific Railway. Suddenly these negotiations are dropped, and we find Mr. Hays carrying his scheme to the Prime Minister of this country, and we find the Prime Minister of this country, without saying a word to his government—because we have it upon the word of the ex-Minister of Railways that the government was not considered in this matter—negotiating with the Grand Trunk Railway. We find the Prime Minister. I say, discussing these negotiations, and he and Mr. Hays arriving at a conclusion as to the Grand Trunk Pacific. True, it was known as the Grand Trunk Pacific, but it was not the scheme now before us. We find the scheme was to have been the projection of the Grand Trunk Railway from North Bay or Gravenhurst through to Port Simpson, and those of us who live in the North-west know that nearly a year ago the advance agents, I might say, of the Grand Trunk Railway, Mr. Wainwright and Mr. Morse, the third vice-president, came through the west, were received most heartily by the Boards of Trade, and public institutions of the west. They announced their scheme. They made no concealment of it. The scheme was that the new company should use the rails of the Grand Trunk Railway from Gravenhurst or North Bay throughout all parts of its system, and that the Grand Trunk Pacific should build from North Bay or Gravenhurst through to Port Simpson. Will hon. gentlemen, under those circumstances, say that this scheme originated with the government, and that it is a government scheme. Why hon. gentlemen it would be idle for us to spend the time in saying that this was a government scheme, or that it had is genesis in the mind of the government. I say the facts will warrant our conclusion that the scheme was pre-eminently a Grand Trunk Railway scheme, and to-day it is a Grand Trunk scheme, and for next fifty years or a century, as the case may be, as provided

in the Bill, it will be a Grand Trunk Railway scheme, and nothing more nor less.

Hon. Mr. CLORAN—Well, what about it if it is ?

Hon. Mr. LOUGHEED—And if it will be a Grand Trunk Railway scheme I say hon. gentlemen it will be a more convenient thing for the Dominion than if it bt a Grand Trunk Pacific scheme. If the Grand Trunk Railway, in the first instance, had come to this government, had gone to the people of Canada and have said 'We are prepared to extend our system into the west to cover that immense territory and to do the work which we should have entered upon a generation ago, it would have been hailed with the greatest of pleasure by the people not only of the North-west but of the Dominion of Canada. The ability of the Grand Trunk Railway to carry out its obligations so far as the operation of a first-class railway was concerned would have been the best guarantee the people of Canada would have had of its permanency and efficiency for the next half a century as provided in the Bill. I was referring a few moments ago to what was alleged to be the primary object of this road, namely, that as indicated in the address from the Throne. Can this representation be in any sense carried out by the government ? Will the people of the North-west be warranted in any degree in relying upon those representations ? Would my hon. friend from Toronto be warranted in entering upon any great obligation throughout what to-day is known as the settled portions of Manitoba and the North-west, relying upon this system carrying out the representations which were made by the government in the speech of His Excellency from the Throne ? I say mos decidedly not. The railways of the west have received considerable condemnation and have been denounced from different quarters on account of not having had the adequate facilities for meeting the very large demand which suddenly arose during a few prosperous seasons in carrying out our grain products, and in meeting other public requirements. I suppose in the experience of every hon. gentleman here who is a business man very much the same condition of facts arise in his own business. I suppose there is scarcely a condition in life in which that inflated and abnormal condition of affairs did not arise during the last four or five prosperous years which we have been enjoying in Canada. So far as the railway facilities are concerned, so far, I mean to say as trackage is concerned, the present railway facilities in the North-west—that is the Canadian Pacific Railway and the Canadian Northern Railway—are equal to the task of carrying out all the grain which possibly can be raised in the North-west for the next decade. I say that without any fear of contradiction.

Hon. Mr. McGREGOR—For how long a time ?

Hon. Mr. LOUGHEED—For the next decade. It is a well known fact, and it is stated on good railway authority, that one single track possessed of the necessary equipment—I do not say to hon. gentlemen that they have the full equipment or half the full equipment to-day, but one single railway track with proper equipment would at least haul 200,000,000 bushels of grain to the head of Lake Superior. But we have two systems. The Canadian Pacific Railway is now practically doubling its track from Winnipeg to Fort William, or will have it double-tracked within a very short time, so that we would have what would be practically equal to three systems, carrying to the head of Lake Superior the grain which is grown in that vast western country. Surely hon. gentlemen we can divest ourselves, sufficiently of any party feeling which we may have on that subject for the purpose of analysing what this road is going to do to meet the present requirements of the North-west. In the first place, as I have pointed out, it is calculated to go into a district of country now entirely distant from the present belt of settlement, and a belt of country which necessarily will not be settled for many years to come. You cannot conceive of settlers going into a district of country where there is no railway communication. They naturally will settle in a belt of country tributary to railways, but if, as the hon. gentleman said last night, this road is calculated to go north of Lake Winnipeg, or north of the city of Winnipeg at least one hundred miles, you are opening up a belt of country into which settlement will not go until the completion of that road. Now it would be idle to say, that that road can

in any way carry out grain for the next five years to come. Therefore it cannot possibly be of any advantage to the present belt of settlement, and as I demonstrated the present facilities are of such a character, if proper equipment be provided, as to meet all the requirements of the case. Now, have hon. gentlemen considered for a moment the possibilities of this road being a commercial road, so far as the carrying of grain in concerned ? I need not point out what has long been conceded, that an all-rail route cannot advantageously carry grain to the sea-board. That has been demonstrated over and over again. We first of all start out with the presumption with reference to this road, that it is to be a line with low gradients. I understand that four-tenths of one per cent is to be the mixiumum grade. Curvatures are not to be taken into consideration. If a road of that kind can be secured it will be equal in its standard to the roads between Chicago and New York, and between Buffalo and New York, between Winnipeg and St. Paul, and between St. Paul and Chicago. But I would point out to hon. gentlemen that none of those roads practically carry grain.

If a road of the best standard could carry grain as cheaply as it has been alleged it could be carried, if such a road could compete successfully with water carriage or with combined rail and water carriage, we would have the Great Northern road out of Winnipeg, and the Northern Pacific carrying a large part of the crop of the North-west ; but we do not find those roads carrying grain. We do not find the Canadian Pacific Railway carrying grain to Montreal. The Canadian Pacific Railway scarcely carries a carload of grain east of Port Arthur, and to those who have given consideration to this part of the scheme, not theoretically but from its practical workings, they cannot for a moment come to the conclusion that a road even of the high standard which the Transcontinental Railway is calculated to be could possibly carry grain from the prairies of the west to the seaboard at Quebec or elsewhere to tidewater. Now, may I take the liberty of reading to the House the opinion of Sir William Van Horne on this subject, remembering that Sir Sandford Fleming, whose advice apparently has been sought by the government, has expressed himself opposed to the proposition that a high standard railway cannot compete in carriage of grain with water communication or with rail and lake communication. Sir William Van Horne says :

> The Canadian Pacific Railway, the Grand Trunk Pacific Railway, or any other all-Canadian route, will never voluntarily carry a carload of wheat by the all-railway route around the Great Lakes to an eastern Canadian port for shipment abroad, for the simple reason that it will never pay any road to do so. Nor will the transportation problems in the West ever be solved by the construction of an all-Canadian route from coast to coast.
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> The foregoing statement was made by Sir William Van Horne, chairman of the Board of Directors of the Canadian Pacific Railway, during the course of an interview with the 'News ' yesterday afternoon. Continuing, Sir William Van Horne stated that the Canadian Pacific Railway shipped every carload of wheat that it was possible to ship by their steamship line on the Great Lakes from Fort William to Owen Sound, and thence east by rail or else by way of Buffalo and the Erie Canal. The long haul around the Great Lakes was dreaded, because it was unprofitable, and the bulk of the grain brought by that route was carried during the winter months, and used by the millers of Ontario to keep their mills in operation during the cold season. There was altogether too much talk of an all-Canadian route by the people who were entirely ignorant of the situation.
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> He considered that in discussing the all-Canadian route, a great mass of the people seemed to forget what it cost to construct a road through such a country as that around Lakes Huron and Superior.

It was said a few moments ago notwithstanding the opinion expressed by Sir Sandford Fleming, and my hon. friend from de Lanaudière said so, that the Lake Superior section was possessed of such heavy gradients and such sharp curvatures that it could not possibly be compared with the road which it is proposed to build correspondingly north of the one now under consideration. I would point out to hon. gentlemen that there is no probability, from the very closest examination which you may make of those northern sections, of getting a better route than that by Winnipeg to Lake Superior. The government of the day, when the route was located, and when it was started by the Mackenzie government, spent some years in endeavouring to locate that route, and finally Sir Sandford Fleming, in the report which he then prepared said :

> An extremely favourable line has been established from Selkirk, on the Red river, in a course as nearly direct as possible, to the nearest navigable waters of Lake Superior at Fort William.

It will be seen at pages 103 to 106b of the

blue book to which we have made reference that the route, after very close examination, was considered to be the best route that could possibly be selected for the building of that road, and, under those circumstances, how can the government for one moment say it is possible to select a better route, correspondingly north of that, that can carry grain advantageously where grain could not be advantageously carried over the Canadian Pacific route. I might refer gentlemen to a very important letter which was read in the other House, written by Mr. Robert Meagher, who, I fancy, would be regarded by all hon. gentlemen here as one of the best authorities on this subject, not only from a practical standpoint, but from the very large interests which he has in that western country, and at the risk of wearing the House but for the purpose of elucidating this point, I hope hon. gentlemen will bear with me while I read this letter. He says :

I have put my views on record in the public press nine years ago that but a small portion of the products of Manitoba or the North-west Territories will ever be brought round the north of Lake Superior by an all-rail route to tide water. My opinion has not changed—you will never bring but a small portion of the products of our prairies by either the Grand Trunk Pacific or the Canadian Pacific by an all-rail route, and only a small portion can ever be brought to tide water by our Canadian canals.

The farmer begins to dispose of his yearly crop of wheat from about the first to the tenth of September, and by the close of navigation if the transportation facilities in the interior to Fort William are adequate, two-thirds of the crop will have gone forward to the lake front by close of navigation, say December 12.

You can operate vessels from Fort William across the lake to Georgion bay ports up to December 12. What we require is elevating facilities east of the lakes the same as they have at Buffalo. We require low grade double track railways from Montreal to the said Georgian bay ports ; when that is accomplished you will freight the wheat across the lakes from Fort William east to the elevators at from three-quarters to one cent per bushel. The railways will carry the wheat from Georgian bay ports to Montreal for 3½ cents per bushel or less, winter and summer ; you will have our lake elevators acting as large reservoirs for holding the immense body of grain that will be shipped across the lakes before navigation closes, which will act as freight for our railways during the winter months to Halifax and St. John, our winter ports.

The balance of the Manitoba crop, or the Territories, will be held either in the farmers' hands, or in the interior elevators, or at Fort William until navigation opens on the first of May.

From the foregoing you will observe that a railway round the north of Lake Superior as far as being a factor in diverting the products of our North-west through an all-Canadian channel, in my opinion will be a failure.

The fact of the matter is, we are a great many years behind the times ; we should have had elevator facilities at Georgian bay ports ; we should have had a fleet of vessels on the lakes to carry the grain from Fort William to Georgian bay ports ; we should have been far as being a factor in diverting the products of our North-west years ago ; what is the position to day ?

Mark my words, a considerable portion of our North-west grain in the near future will be diverted to the south to be shipped from Duluth to Buffalo, and from there by American railways to tide water. By the policy we have adopted, and what we have neglected to adopt, we are furnishing transportation for our American railways ; we are placing our western people in touch with the American middleman ; we are doing our business by the back door.

Let me point out this fact to hon. gentlemen, that the government, in the way I have indicated, might easily have solved a question which to the western men who have to do business in shipping grain east was quite manifest ; they could have had a system, as I have pointed out, from Port Simpson to Port Arthur by making provision for a supplemental grant to the Canadian Northern Railway for the mountain section. Through the combined aid of this government and the Ontario government—and why should the Ontario government not have been called upon to assist in an enterprise of that character—the eastern section from Port Arthur to Scotia Junction could likewise have been built. You then could have extended the Intercolonial from its present terminus to meet it either by building a road or by the purchase of the Canada Atlantic Railway. Now, consider for a moment if this government had secured the Canada Atlantic Railway, and had arranged with the Grand Trunk Railway for running powers from the terminus of the Intercolonial Railway to Coteau, we would have had a complete system, including the Intercolonial Railway to Depot Harbour where grain could have been stored and carried from the whole winter long to the seaboard. That would have given us three systems of railway from the eastern shores of the lakes to the seaboard, and will hon. gentlemen say that three magnificent systems such as these are, namely the Grand Trunk Railway, the Canada Atlantic Railway and the Intercolonial Railway system, as you might choose to call it, and the Canadian Pacific Railway, could not carry the grain from the eastern shore of the Great Lakes to the seaboard with the greatest facility ?

We would have had two systems of railway running from the prairies to the head of Lake Superior, practically having three tracks, and when hon. gentlemen say that on such terms as those you could not carry to the head of Lake Superior the output of that country, immense as it will be, for the next decade they are showing a lamentable lack of knowledge of railway operations. But have the government taken into consideration this important fact—in what way will this road be of service in connection with our internal waterways? We find this new system of railway is to be located 150 miles north of Lake Superior; we find it does not touch in any way the eastern shores of the great lakes, in no way has it a port in connection with the great waterways of this Dominion except on the Atlantic and the Pacific. It is proposed to build a branch to Lake Superior, but that is to be done by the company itself; the government does not propose to do it. Then, I ask how is it possible for that road to make use of the magnificent water system which we have, and which I might say is practically unrivalled in the world? Speaking of the St. Lawrence waterways I would refer to the report of the committee on Canals of New York State, in which they pay a very high compliment to the possibilities of our Canadian waterways if our government will only appreciate their value. I might say that committee was composed of the best experts to be found in the United States and when they pronounce a judgment or an opinion upon such a subject as that that they were called upon to deal with it is certainly one which can be relied upon. They say:

> New York has certain topogrophical advantages which it would be folly not to utilize. Through the valleys of the Hudson and Mohawk, and the comparatively low and level lands west of Oneida lake, it is possible to construct a water route connecting the Great Lakes and the Atlantic Coast, and no such water route can be constructed through any other state. It has no rival, except in the St. Lawrence route.

Then again:

> The State of New York must be prepared to face from this time on a serious competition in the export trade over the St. Lawrence route.
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> The distance from Lake Erie to Liverpool by the St. Lawrence route is about 450 miles shorter than by any route across the State of New York. It is certain that the Canadian government will de everything in its power to realize every possible advantage from this enormous expenditure.

Let me point out the opinion of that commission as to the value of the canals, and in this connection I may refer to an adverse opinion which has been expressed by Sir Sandford Fleming which has been distributed, and which was referred to by the hon. Secretary of State to-day. The commission in speaking of the Erie canal says:

> The inestimable benefits which have been derived from the other cause is due the phenomenal growth and commercial supremacy of the city and state of New York. It opened up the great west to settlement, and in turn attracted the products of the west to the low grade line through the Appalachian chain, which exists only in the state of New York, the tolls on this waterway have more than repaid the cost of construction, maintenance and operation; in addition it has paid over $260,000,000 of freight money within the limits of the state, and the disbursement of this money along the line of the canal has built up the great interior cities from Buffalo to Albany, forming a continuous line of commercial centres, which has no other counterpart in any other state.

I make reference to that because Sir Sandford Fleming in his pamphlet has expressed himself adversely with reference to the Erie canal, and has said that for some time past it has been a failure; that the volume of business had fallen off, and that the business of the railways has increased to the detriment of the canal. The difficulty has been entirely that they have been relying for years upon obsolete methods in the operation of that canal, and it has not been of sufficient depth for the class of freighters at the present time employed in carrying grain, but, notwithstanding the obsolete methods, and obsolete character of the canal, what higher tribute can be paid to the advantages of a combined rail and water system, than saying that it has paid over three hundred and sixty millions of freight money within the limits of the state. Now, in this connection, I would ask hon. gentlemen to consider for a moment, in what way is there any assurance that the Grand Trunk Pacific Railway will be used for the carrying of our grain beyond Winnipeg or beyond Lake Superior? Let us assume for the moment, that a branch line is built, as it is proposed to build it from the government line, if you choose to call it a government line, although it will be held practically for the next century by the

Grand Trunk Pacific, but if a line is built by the Grand Trunk Pacific, to the shores of Lake Superior, and opposite Port Arthur or Fort William, for the purpose of taking advantage of the water facilities there that road-bed would be owned, I will undertake to say, by the Grand Trunk Railway, or it will be owend by the Grand Trunk Pacific. The road-bed will certainly not be owned by the government. It will be under a different ownership. Let us assume for a moment that the grain from those immense prairies, will be carried via the Grand Trunk Pacific to the head of Lake Superior, by this branch line, and they construct elevator and terminal facilities there, as they must in the natural course of events have, otherwise it will be impossible to do business; in what way will the Grand Trunk Pacific retain control of that grain, if they have not a port on the eastern shores of the great lakes?

Hon. Mr. COX—Will the hon. gentleman allow me to answer that? The Grand Trunk Railway has five terminals east of the great lakes, at Midland, Collingwood, Meaford, Goderich and Sarnia.

Hon. Mr. LOUGHEED—That is precisely what I was coming to. My hon. friend has put it in very much better shape than I could. The Grand Trunk, not the Grand Trunk Pacific, will take that grain from the head of Lake Superior to its terminals on the eastern shores of the great lakes, and it will go by the Grand Trunk Railway system, either to Portland or along the St. Lawrence route.

Hon. Mr. MILLER—Hear, hear.

Hon. Mr. COX—Why is there any more harm in that than for the Canadian Northern and Canadian Pacific Railway to take it by water?

Hon. Mr. LOUGHEED—Only this, that we are building a road for the purpose of carrying this grain from the prairies through Canadian territory to the sea. My hon. friend from de Lanaudière, based his whole argument upon the fact that we are building a high grade road by which grain can be taken from the prairies without transhipment and without a water route, all the way to a Canadian sea port.

Hon. Mr. COX—So it can.

Hon. Mr. LOUGHEED—I will undertake to say no man knows better than my hon. friend from present information no railway can be built in that western country that will carry grain east of the Great Lakes.

Hon. Mr. PERLEY—That is right.

Hon. Mr. LOUGHEED—The grain must be elevated there, and it will be taken by boat in the summer to the eastern shores of Georgian bay or the other parts on the eastern shores of the lakes, and the grain that will be handled by the Grand Trunk Railway will there be taken by the Grand Trunk Railway systems and carried to its destination. That demonstrates beyond all question, the unwisdom, the impolicy, the recklessness of constructing a road east of the shores of the great lakes, for the purpose of doing the grain trade of that western country.

Hon. Mr. KERR (Toronto)—What would the hon. gentleman propose to do?

Hon. Mr. LOUGHEED—I would propose to do that which I indicated a few moments ago. I would have completed the systems which are already there. There is a complete system in the Canadian Pacific Railway. There is practically a complete system to-day in the Canadian Northern. Surely those two roads can carry to the shore of Lake Superior all the grain that is raised for the next decade of years, west of Red river.

Hon. Mr. KERR (Toronto)—Why do they not carry it now instead of keeping it for years?

Hon. Mr. LOUGHEED—In answer to my hon. friend I may say that in conversation with Mr. Hanna, practically the general manager of the Canadian Northern Railway, he informed me that there would not be a bushel of grain when the snow flies this coming winter in the elevators of Port Arthur or Fort William, that their facilities and the equipment of both railways had been improved to such an extent, that they now had more equipment than would be necessary for carrying out the entire product of grain.

Hon. Mr. WATSON—He said that last year.

Hon. Mr. LOUGHEED—My hon. friend knows they are not now in the same position as they were last year.

Hon. Mr. WATSON—The Canadian Pacific Railway made a statement last year, and so did the Canadian Northern, that they were able to handle the whole of the crop of last year, and they took about one-third of it.

Hon. Mr. LOUGHEED—The Canadian Pacific Railway alone has put on over a hundred additional locomotives. It is all a question of equipment. I might have said a good deal more upon the question of combined lake and water route, but allow me to say that the figures demonstrate that grain can be carried for from one-third to one-half of the cost by lake and rail, as compared with rail carriage. Upon that point let me cite a statement made by the New York Canal Commissioners. They report as follows :—

> In our judgment, water transportation is inherently cheaper than railway transportation. It varies slightly with the size of the vessel, and the restriction of the water-way. On the ocean, where the water-way is entirely unrestricted, and the size of the vessel is the maximum, it averages about half a mill per ton mile ; on the lakes, where the vessels are not so large, and occasional restrictions are encountered on the water-way, it is about six tenths of a mill per ton mile ; on the canals of New York, where the boats are very small, the water-way is greatly restricted, and obsolete methods are employed for handling the business ; it is about two mills per ton mile. By the enlargement of the canal, which we recommend, and the introduction of improved methods of management, we believe that the canal rate can be reduced two-thirds of one mill per ton mile, or very nearly as low as the lake rates. All of these rates have varied in the past, and will vary in the future to correspond with prosperity or depression in general business. But there is every reason to believe that they will maintain a corresponding ration, the ocean, lake and canal rates being from one-third to one-fourth of those by rail.

All the figures quoted by the hon. gentleman from de Lanaudière establish the fact that the combined lake and rail route will carry low class of freight for about one-half of what all rail routes will charge, and a comparison of rates, say from Duluth to Chicago or Duluth to Buffalo or to Montreal, will demonstrate the fact beyond all question that the rates by lake and rail are about one-half of what the all-rail route is. In this connection I might say that this was peculiarly an undertaking which would have warranted the government in giving the closest consideration to solving the problem of transportation. We in the west in recent years thought that this government was about to do this ; that they would secure experts to look into this question and to deal with this problem. I might say there is no problem in which the development of the North-west is so wrapped up, as the question of transportation. Take, for instance, my hon. friend who preceded me. He referred to the Montreal, Ottawa and Georgian bay ship canal. There is a great project which certainly is worthy of the attention of the government before entering on this undertaking. I will undertake to say that if that project had been inquired into, it certainly would have presented a channel for the transportation of the products of the west, which would have more than repaid the cost and building of which would certainly have proved of immense advantage to the Dominion of Canada. The people of the Ottawa valley and the people of the west, and in fact the people of the United States tributary to it, for many years have been looking to the solution of the transportation question via the Georgian bay, and to-day I may say in the United States it is regarded as the most important undeveloped waterway on this continent. I might refer hon. gentlemen to an article which appeared a short time ago in the 'Engineering News,' which is regarded as one of the best authorities in the United States upon such a question, and in which they say that in fact there is just the possibility of the whole traffic of New York State being impaired should the Ottawa and Georgian bay canal scheme be carried out. The article in question reads as follows :

> We presented last week a comparison of the New York barge canal and the Federal Deep Waterway as economic transportation routes to the seaboard ; and showed, we believe, the great superiority of the larger project. We now have to suggest to the legislators of New York and to the New York commercial organizations which are pushing the barge canal scheme that they inform themselves as to the waterway which Canada has on foot.
>
> We do not refer now to the 14-ft. navigation via the Welland canal and the St. Lawrence, although that is by no means to be ignored. What we desire to point out is that if New York should decide to spend $80,000,000 on a barge canal, it might be rendered obsolete long before its completion by the construction of a Canadian deep waterway to the sea big enough for any of the vessels now navigating the lakes.

We have before us a pamphlet of the Montreal, Ottawa and Georgian Bay Canal Co. of Ottawa, which proposes to construct a 22-ft. deep waterway from Georgian bay through the French river and Lake Nipissing to the Ottawa river, and down that stream to tidewater at Montreal. By this waterway the distance from Chicago or Duluth to Montreal will be no greater than the sailing distance through the lakes from the same ports to Buffalo, about 900 miles. Moreover, the route is not a canal. There are only short stretches of excavated channel (amounting to 32 miles in all), and the rest is open lake and river navigation. Except for the time required to pass through the locks, a vessel could make nearly as good time on this route from Chicago to Montreal as from Chicago to Buffalo. Making allowance for delays at locks, it is found that a vessel will take only about 14 hours more for the voyage to Montreal than for the voyage to Buffalo. Thus, if grain is shipped from Chicago or Duluth to Buffalo at 1¼ cents per bushel, it is evident that it can be taken to Montreal through this waterway for not more than 1½ cents.

We respectfully submit to the New York barge canal promoters the question how their barge canal could hope to compete with such a route. Indeed, we may make the question a broader one and ask how any route to the seaboard, which requires transhipment, could possibly compete with a route which takes freight on board a lake steamer at upper lake ports, and delivers it at tidewater without breaking bulk.

It may be said that this scheme has been before the public for many years, and nothing has come of it. The same thing might be said of many great enterprises which have finally, after years of agitation, been taken up and carried to completion. At the present time, from such information as reaches us, it is at least certain that the project cannot safely be ignored. Considerable work has been done on surveys, and estimates have been made which show a cost of construction for the entire work of only $68,000,000. English capitalists are said to stand ready to finance the enterprise whenever the Dominion government will agree to guarantee the company's bonds. That such a guarantee will be given at the next session of the Dominion parliament, is said to be quite probable. Conservative estimates of the traffic which such a route could command show that it should earn sufficient from tolls to pay the interest on its cost from the start, with enormous possibilities of increased traffic in the future, in view of the coming development of the great Canadian North-west.

From an engineering point of view, disregarding for the moment political boundaries, there can be no doubt that the Ottawa route is by far the best for a deep waterway from the upper lakes to the sea. So far as export traffic from the North-west to Europe is concerned, it offers by far the shortest possible route, and practically its only drawback is the dangers of navigation of the St. Lawrence Gulf.

This is one of the many questions which might have received attention at the hands of the government. I am not prepared to say that the scheme is a practical one. I do not undertake any such responsibility, but I say that there are many questions of this character, which demanded the attention of the government, which the public demanded should receive that attention, and which certainly, if solved, would have been of immense advantage to the North-west. There is one question that I should like to refer to before resuming my seat, and that is the question of rates. It has been a matter demanding considerable thought in the minds of those who have given consideration to it, how this road, handicapped as it will be by a heavy capitalization and otherwise, will be able to make those concessions to the people of the North-west on the question of rates, which have been so long a vital question in that portion of the Dominion. We find the prairie section practically carrying the liability of the entire system. It must be conceded that for many years to come, there cannot be any local traffic upon either end of the system. From Quebec until you reach the prairies, and from the mountains to Port Simpson, the negotiations between the company and the government demonstrate beyond all question that the value to be attached to the system is the prairie section. This is the only section that is not costing the people of Canada anything beyond the guarantee. About a thousand miles will be carrying upon its back almost two thousand miles of road weighed down by heavy obligations. The government can see at once that the mountain section by their paying the interest, practically for ten years, cannot possibly be made a paying concern. They admit at once that the eastern section from Winnipeg to Moncton, cannot possibly be made a paying investment, on account of their paying the interest for ten years, but with the prairie section it is entirely different. They are not called upon to pay anything there. Now, it is manifest that the prairie section will be relied upon to pay the liabilities of the road.

Hon. Mr. ELLIS—The whole country bears it.

Hon. Mr. LOUGHEED—What I am coming to is this: what bearing has that upon the question of rates? Admittedly you have only the intervening section, namely, the prairie section, which will be a profitable undertaking. The section between

Winnipeg and the cost will be burdened by a capitalization of $56,666 per mile and by the time all obligations are met and by the time the road is operated through a vast district of unsettled country, I need not point out to hon. gentlemen the difficulty of anticipating anything like reasonable rates, I need not say anything as to the cost of the road that has been so fully dealt with by other speakers, and particularly in the House of Commons that I think the people of Canada are pretty well impressed with the fact at a minimum it certainly will cost the Dominion one hundred millions. I regret that, under the circumstances, the government has assumed apparently that no other scheme could be investigated than this particular scheme, that they are carrying out a scheme which will be of no immediate benefit to the people and will not be for many years to come. I regret the government has not seen fit to give that consideration to the carrying out of the scheme which a previous government did to the transcontinental system which we have and which is now so decidedly a success. It is a matter for the future to decide whether the government will be warranted in entering upon this immense scheme as at present outlined. In my judgment it is not.

Hon. Mr. FROST moved the adjournment of the debate.

The motion was agreed to.

BILL INTRODUCED.

No. (263) 'An Act to amend the Shipping Casualties Act, 1901.'—(Hon. Mr. Templeman.)

The Senate adjourned until eleven o'clock Wednesday.

THE SENATE.

Ottawa, Wednesday, October 14, 1903.

The Speaker took the Chair at Eleven o'clock a.m.

Prayers and routine proceedings.

NATIONAL TRANSCONTINENTAL RAILWAY BILL.

DEBATE CONTINUED.

The Order of the Day being called :

Resuming the further adjourned Debate on the motion for Second Readin· (Bill 235) An Act respecting the construction of a National Transcontinental Railway.

Hon. Mr. FROST—Hon. gentlemen, in glancing over the present condition and position of Canada, one cannot help feeling a strong, pardonable pride at our present outlook and the position Canada is occupying in the eyes of the world. It is not so very long ago when Canada did not occupy the position she does to-day, when her name was not as well known, when the term 'American' was appropriated by the people to the south of us, almost in its entire fulness, ignoring the fact that we occupy and control one-half of the North American continent. During the past few years, however, a change has been brought about by various causes, among which I may mention the presence and speeches of the present Premier of Canada, at the Queen's Jubilee, in 1897, the determination on the part of the present government to maintain the rights of Canada in the Colonial Conference, in the International Commission, on the Alaskan boundary question, and other important matters, showing that there is a spirit in this country which will compel recognition of our rights. But looking internally we must also have a feeling of pride—it must come to every patriotic citizen—when we reflect upon the abounding prosperity which has now come to our country. It is no temporary boom, as I heard one speaker say a short time ago, but a permanent prosperity, begotten of true conditions, and of a proper appreciation of what the government ought to do on behalf of the citizens over which that government is ruling. What are the conditions of the farmers today in comparison with what they were ten years ago ? Not long ago we found the farmers of this country almost in rebellion, establishing their Patrons of Industries lodges everywhere throughout the land, determined to come to these halls of parliament to legislate on their own behalf. To-day all that is changed. Now we find them prosperous and contented. We find them laying up money in the banks, and instead of being borrowers, they are to-day depositors. Speak to any farmer anywhere throughout this broad land, and you will find that he is perfectly satisfied with present conditions. Of our manufacturing industries, I can speak from personal experience, and am

prepared to say that at no time in the history of Canada were the manufacturers in better shape.

Some hon. GENTLEMEN—Hear, hear.

Hon. Mr. FROST—At no time in the history of this country were they doing more business and I might go further and say that the trade in our manufactures is increasing so rapidly that it is almost impossible to meet the demands that are made upon them.

Some hon. GENTLEMEN—Hear, hear.

Hon. Mr. LANDRY—Is that the case in wool ?

Hon. Mr. FROST—Now, this is a position to be envied by any nation on the face of the earth, and therefore I feel that we can to-day congratulate ourselves upon the legislation which has brought around so desirable and so pleasant a result. Then, look at our banks: were they ever more prosperous ? The Hon. Secretary of State made a quotation yesterday, which I find to be absolutely correct, that the deposits in the chartered banks to-day amount to $440,000,000. Now, add to that the deposits with the loan companies, and the insurance companies, and you have the magnificent total of over $500,000,000 of the savings of the people of Canada that are at present deposited in these various institutions. That is a record that we have a right to be proud of. Then look at all our other industries. Take the mining industry. It is only within the past seven or eight years that the mining industry has amounted to anything in Canada. What is it to-day ? Pushing ahead by leaps and bounds, showing that we have a wonderful mineral area, capable of development, and of supplying all our own needs, and to further supply the needs of others. So that, in various ways, we can point to the prosperity of this country, as something that we, at any rate, on this side of the House regard as evidence that the government has done something for the country. We feel that we are able to point to these things as evidence of good government in the country.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. FROST—Another evidence of prosperity is the very rapid increase of immigration. For the first nine months of this year it has reached the figure of 108,000 as against 68,000 in the same period of last year. We have been told during the progress of this debate, by one hon. speaker, that over 30,000 farms were taken up in the Northwest during the past year. If we continue to increase and multiply, what will they be in the course of five or ten years from now ? We can all see the advantage of the immigration policy of the government. For the past three months, I find that something like 27,000 immigrants have come in, being a still further increase of something like 3,000 immigrants over the corresponding period of last year ; so that in all departments we find progress and growth. Prosperity comes from the increase of population. That is where the United States got their prosperity, as I will show later on. That is where we must look, if we are to be a great country. We must make an effort to open up the waste places of this northern half of the continent over which at present we are called to rule.

Hon. Mr. BERNIER—And for ever.

Hon. Mr. FROST—Now, as I say, this country at the present time inspires hopefulness in us, and leads us, to engage in larger operations. When a man is depressed, when business is not good, he certainly does not feel like undertaking great enterprises. We feel like undertaking great enterprises now. We have come to a point where we can take hold of a great enterprise and carry it through to a successful conclusion. The government cannot postpone this scheme much longer. In fact, it ought not to postpone any action. Now in regard to this transcontinental railway, my hon. friend from Lauzon (Hon. Mr. Bolduc), yesterday felt that the government had not quite kept their promise to appoint a commission to investigate before going on with it.

Hon. Mr. LANDRY—No, not quite.

Hon. Mr. FROST—And he referred to a remark that I made when replying to the speech from the Throne. We have been moving so rapidly during the last six months, that, like many a man in business, you find your plans and

your ideas changed; you find yourself carried along by the current and must go with it, and as our Premier said in his speech, it might be criminal, it might be fatal to postpone action, because there is a tide, that you must take at the flow, or lose your opportunity. We do not wish to lose the opportunity which has now come to us, and therefore, with the information that we have, with what we know of the great country to the north of us, with the responsibilities attached to us as a parliament of Canada, with such immense territory under our control, it is our duty to seize this opportunity and not let it slip through our hands. We have had one transcontinental railway in operation during the past twenty years. That railway, for a large portion of the distance, nearly a thousand miles, runs through a territory that cannot be built up. We all understand that. We all know that the east and the west of this country are practically as far apart as they were twenty-two years ago before that railway was built. We know that that railway cannot bring the two ends of this country together. We are not able to produce the solidarity that we so much desire in this country, unless we can have breadth of country as well as length. Now, if we are to have breadth we must take the additional responsibility upon our shoulders to exploit the country that we know lies to the north of us, and if we have a reasonable hope that that country is of a sufficiently good character to justify the exploitation, then we have no right to say we must wait till further surveys are made, or until we know what every foot of ground is like, where every river is, where every muskeg lies, or anything else. In the early days, seventy-five and eighty years ago, when our forefathers came into this country, what did they find? Did they not find muskeg and rock, and river and forest, and swamp?

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Mr. FROST—Were they not courageous enough to take hold of the territory as it then was, and make it blossom, as it is now blossoming, like the rose, and yet how much territory after all is there reduced to a state of cultivation? What would be the percentage of the land, say in the province of Ontario—not forty per cent. I venture to say that in my own county of Lanark there is not 40 per cent of land cultivated out of the total area of the county. The balance is rocks, swamp and water, and still we have a large population. We have seventy or eighty thousand people in that county. If you take the northern country and can find 40 per cent of it that is absolutely good and fit for cultivation, and you put in a population there in proportion to the population that we have in the province of Onrio, just imagine the difference that it is going to make in this country. You will double the size of the Dominion inside of ten years. We are, therefore, not at all discouraged, even though we have not had all those elaborate surveys that hon. gentlemen opposite have said the government should have, but we are prepared to go on with what we have got, knowing that we have a country there which will fully meet all our expectations. We have abundant information after all. We have had pages and pages of information respecting this northern country. For the last 100 years the province of Quebec have known what they had in the hinterland of their country. My hon. friend from de Lanaudière (Hon. Mr. Casgrain) told us what a plateau there is north of the Laurentian range of mountains, but people will not do as our forefathers did in the early days. They will not go into these regions unless means of communication are provided. We have a country to the south of us which is attractive and the easier method which mostly every one takes is to go south, rather than north and endure the hardships, unless we are prepared to overcome these hardships by making it just as easy for them to go north as it is to go south. Now it is too late in the day for people to say that this country is not suitable for development. I believe we have been placed in this country for the very purpose that we are now endeavouring to accomplish, and unless we can live up to that responsibility, I believe it will be taken away from us and others will be put in our places. We must live up to our privileges or go down. All the reports confirm the belief that we have there a magnificent country. Canada has shown enterprise in the past. I am not prepared to belittle the

enterprise which our predecessors have shown in the development of the country. Progressiveness has come, but it has come slowly. Some people think that our debt perhaps is large enough, but we know that our debt was contracted to create our great canal and railway systems, and if we are enjoying to-day any blessing, it is largely from the expenditure of that money.

Now in regard to the necessity for the line, it is hardly necessary for me to say very much. On that subject I think we are all pretty much at one. The leader of the opposition in the House of Commons has propounded a policy showing the necessity for another line. The Hon. Mr. Blair has been quoted, Lord Strathcona has been quoted, but apart from all these opinions we know, and the country knows, and no one will deny that there has been an enormous congestion of traffic in the North-west even with the population that they have there now, and with the 30 or 40 millions of bushels of grain that they have been able to produce during the past year or two. Now you add to that tenfold. I may be optimistic, perhaps I am, but I believe that the time is coming in the North-west Territories—and perhaps by the time that this road is completed—when there will be anywhere from 150 to 200 millions of grain to come out. Now how are you going to handle that, unless you have the means of transportation. The means must be provided, and there is no other way for that to come except from this parliament and this country. There are no other resources open and if we are to develop that country then we must provide means of transportation. We know that the North-west is increasing very rapidly, we have heard about the number of immigrants—I have given the figures from the blue-books—that are pouring into that country. We have heard of the number of farms that are being taken up and put under cultivation from one year to another. This is bound to continue. The current is setting this way and you cannot stop it. It must go on.

Hon. Mr. YOUNG—You do not want to stop it.

Hon. Mr. FROST—In this great country there is room for all and we welcome all, and require all the railways that can be built. It is rather deplorable to find some of our hon. friends opposing this railway. Even on patriotic grounds it should be supported. It ought to receive the united support of this whole country. But there is another and most cogent reason why this road should be built. Canada has been represented as a ribbon extending along the St. Lawrence and the great lakes with two ends that flare out of it. We do not always want to remain a ribbon. We want some breadth as well as length, and how are we to get it? We know that there is a country extending four or five hundred miles to the north of us and we believe that it is sufficiently good to justify the government in putting a railway through it, believing that that part of Canada will build up and become a prosperous portion of the Dominion of Canada in time. The government are only doing what would be expected of a progressive and a liberal government. In New Brunswick there is a large tract of country to be opened up, and while we are expending such large sums in the North-west Territories why should we not make an effort to develop the older sections of our own country? Ontario needs development. The Ontario government have been doing something in that direction. They have already built a line north from North Bay, and if any hon. gentleman here who has not travelled through that section of the country that a few years ago was looked upon as a lumber country, were to visit it now they would be surprised to find the farms which are there and the people who are going in. What is the cause of a village like New Liskeard, with 1,500 people, being built up right at the head of Lake Temiscamingue, with all the evidences of civilization, churches and schools and a nice farming country, all hewn out of the forest in the past few years. That simply goes to show what can be done with a large measure of development throughout the country. In Quebec for many years the people have settled along the banks of the St. Lawrence. When a farm could not be cut up there any longer for the last son that was born, he had to go away to the United States. He never went north because he could not do so; but they ran a colonization line up to Lake St. John within the last few

years and around by Chicoutimi, and there you see a thriving settlement of people that otherwise would have been in the United States. That shows on a small scale what can be done, and what the possibilities of the country are. We therefore look upon these as surface indications of what can be accomplished with a transcontinental line running from one end of the country to the other, and then there will be all these other tributary lines running north to connect with this transcontinental line, and in time we will have a country that we can be proud of. As a young country, we have a right to look about and learn from the history of older countries. One hundred years ago this year, in 1803, Thomas Jefferson was president of the United States. He had an ambassador in France by the name of Robert Livingston. At that time the whole of the United States consisted of the thirteen colonies. It had grown from two and a half millions at the close of the revolution, until in 1803 it had a population of five and a half millions, about what we had when our last census was taken. The country west of the Mississippi was unknown. The French had a small settlement at New Orleans, but there never had been any exploration of that country. It was then being roamed over by the Indians, and by a few trappers and hunters. Spain owned the peninsula now known as Florida, and also territory on the Pacific coast, but the United States government knew from geography that there was a country to the west of the thirteen colonies, as we know that there is a country between here and the Hudson bay. Thomas Jefferson, through his ambassador, without even consulting Congress, purchased the whole tract of country known as Louisiana for $15,000,000. He bought it from Napoléon Bonaparte, through his ambassador. When he presented that claim to Congress, what did Congress say? There were some forty members in the Senate at that time. They said: 'We have not enough information about this country. Let us wait and have it explored. Let us send out exploring parties and see whether there is some country there or not.' The opposition in the Uuited States Congress set up, at that time, precisely the same plea that is being set up to-day by the opposition in this parliament.

Some hon. GENTLEMEN—Hear, hear.

Hon. Mr. FROST—The result, however, was that the Congress of the United States by a small majority in both houses, ratified the purchase of Louisiana. Then exploring parties were sent out, headed by a man named Clarke. They were gone two years, and when they returned, their report was so good that Congress rewarded them by certain subsidies and lands. What I want to draw your attention to is this: that the purchase of Louisiana by the president of the United States was the turning point in the history of that country. They were statesmen enough to see the opportunity, and the president and his cabinet seized it, and there were enough broad minded men in their Congress to ratify it. What was the result? At that time they had about the same number of people that Canada has to-day. From that moment population began to come in. It started an immigration which has continued up to the present time, and now they have west of the Mississippi forty millions of people, in that country which some members of the United States Senate said they had better wait before purchasing. There are forty millions of people in that western country, and in the older parts of the eastern states they have thirty millions more of people. You cannot fill up our northern and western territory without increasing the population of the older provinces in the east. Fill up those territories and you will have factories established, and an increased population in all the cities and towns of older Canada. What would Montreal be to-day if it had a million and a half people? What would Toronto be to-day if it had a million people? What would St. John be if it had three hundred thousand people, as it will have if you build this line? You cannot put a million people into Ontario and a million people into Quebec and build up this country between here and Hudson bay without increasing the population of every city, town and village in this Dominion, and without increasing the farming industry to such an extent that our farmers will be the most prosperous farmers on the face of the earth. What would the United States have been had they neglected that opportunity to increase their territory? Spain had a claim on that territory. France only held it by a secret treaty from Spain. She held

Florida and other parts that now belong to the United States on the south and west. If Congress had not ratified that purchase, there would have been a war. Spain and France might have got a grip on that country that could not have been easily shaken off at that time. The opportunity came to the United States as it has now come to us if we are great enough and have courage enough to take advantage of it. It has come to us now, and it depends altogether on this Senate whether this country is to go forward in its imperial progress, or go back, or remain as it is. The pathway lies directly in front of us, and we can only go straight ahead.

Hon. Mr. LANDRY—I should like to ask a question: does the hon. gentleman contend that Louisiana was bought from Spain?

Hon. Mr. FROST—It was bought from France, from Napoleon Bonaparte, but he only held it by a secret treaty with Spain which had never been acknowledged. It was a private arrangement and it would have led to war. History will tell you that.

I want to say a few words in regard to this Bill itself. We have heard a great deal about the cost of the road. We have had a variety of estimates. I have seen some figures quoted by one hon. gentleman in the House of Commons from Toronto, putting the cost of constructing the railway at $560,000,000.

Some hon. GENTLEMEN—Hear, hear.

Hon. Mr. FROST—I heard the same hon. gentleman two or three years ago make the remark that he could borrow forty millions of dollars upon the territory that was given away with the Yukon railway, so that I was not at all surprised at his estimate of the cost of building this national railway. I think we can indulge in a little more temperate language in regard to the cost of this railway. It is a very simple matter if you will just read the contract carefully, as I hope every one in this Chamber has. The terms appeal to a business man, as they appeal to me as a business man. Now, there are two sections of this road: the western section, to be built by the Grand Trunk Pacific Company and for which their bonds are guaranteed. I do not think we need waste any time upon that. We know the Canadian Pacific Railway are paying 5 per cent upon their capital, and we know that the western country is growing so rapidly that any road that is put through there is bound to pay, so that we need not feel we will ever be called upon to pay the bonds we are guaranteeing for the construction of that part of the line. Then we will take the line from Moncton to Winnipeg, 1,825 miles. Put it if you like on a basis of $30,000 a mile, and that brings you up somewhere in the neighbourhood of $55,000,000. There is no necessity of quibbling at a million or two million dollars in the construction of a great transcontinental railway. That road will cost, probably, not more than $30,000 a mile all told. Well, that will be added to the debt of the county, but we have a company that is competent, able and experienced to take the running of the road off the government's hands and carry it on year after year. Then why, if we are able as a country to expend fifty-five or sixty million dollars on a railway, should we quibble over it if we get such men as those who comprise the Grand Trunk Pacific Railway Company to take hold of it at their own risk, as we know they are doing? They have confidence in the country. Although these men may not be in parliament, they are statesmen, men of transcendent ability and able to carry on tremendous enterprises, and they are willing to take hold of a project like this, and carry it through to success. Therefore, we need not feel in any way troubled so far as the money is concerned. Here is where the value of the contract comes in. While it will cost fifty-five or sixty millions of dollars to construct this eastern section, the government have made a contract by which the company pay three per cent upon the total cost of the investment, as rental, with the exception of the first seven years; therefore, the first seven years we practically give away the interest on the cost of construction. How much does that amount to? The Finance Minister has been quoted on one or two occasions here since this discussion began. I will again quote him by saying that he estimates it at $8,800,000 odd, and then with some other items of interest on the guarantee of the bonds and some other things he brings it up to some 13 or 14 millions, which will practically be the outlay for the present and probably the total cost, so far as a

charge upon the treasury is concerned, of the whole of the transcontinental line, and for that we get nearly 4,000 miles of railway. We have it under the control of one of the best companies, a company that we know has been successful, and the earliest company in our country ; we know that in addition to that there will be running powers for other railroads. It is to be a great highway. We know that the government will hold a mortgage for all the guarantee they are giving, included in which is over twenty million dollars of equipment. Any one who has read over the contract must see the business points ; it fairly bristles with the most excellent business propositions that it is possible to put into a contract. Every corner of it, so far as the people of this country are concerned, is guaranteed and safeguarded, so that there can be nothing by which there can be any slip as far as my poor judgment goes, and, therefore, we can safely affirm that if this road goes through, we have a property the value of which at the present moment we can scarcely compute. We have a country through which that road goes of many millions of acres. If you put one dollar an acre upon the land that is arable what will you have ? Why, you will have somewhere in the neighbourhood of three or four hundred millions of dollars. You will immediately create a value there which is almost beyond computation, so that every mile of railway that traverses that country enriches this Dominion by just so much, and when you get population there you still increase its value. All these provisions are admirable. It is said that other railway companies cannot very well have running rights over this road. Well, we know the Wabash road has running rights over the Grand Trunk system from Windsor to Niagara Falls ; we know that the Intercolonial have running rights into Montreal, running rights over the Grand Trunk Railway bridge, rights at their terminals in the heart of the city, and that the Canada Atlantic Railway have rights over the Grand Trunk to Coteau. We know we gave by a Bill in the House of Commons some years ago rights to four roads over the Toronto, Hamilton and Buffalo. We know it is a common thing to give running rights. The Canadian Pacific Railway have running rights over the Wabash from Windsor to Chicago ; many roads in the west have running rights over other lines, so that this is not an impossible thing, and I do not think it need disturb us. I find that in the proposition of the leader of the opposition he provides for running rights over various roads between the east and the west. The contract seems to me so reasonable and such a businesslike proposition that I do not see how it can be combatted ; it is a business proposition from start to finish, and therefore it is something we do not often find in a governmental contract. We know that the Canadian Pacific Railway contract was made in a manner that has been shown to be loose, and many little points had to be provided for afterwards. To permit roads to run parallel to the Canadian Pacific Railway in Manitoba cost the country $15,000,000, after the contract was made, and various other things have come up in the North-west increasing the cost to the country ; but here is a road extending from the east to the west without a subsidy, without one acre of land given, without a single subvention of any kind, and yet the incomprehensibility of it all is that we find some willing to oppose it. However, I was very glad yesterday to find my hon. friend, the leader of the opposition, speaking very confidently about the road. He did not give it very serious opposition. I am under the impression that my hon. friend has too good a record, and is too good a statesman, to come out flat-footed against this contract. My hon. friend, in his speech, like a certain king once who sat on a throne 'was almost persuaded' to become a supporter of the Grand Trunk Pacific contract. I do not want to say anything against the proposition of my learned friend the leader of the opposition in the other House. Of course if this is to cost a little money I am very sure that his proposition will cost a good deal more. If the Intercolonial Railway is to be extended to Winnipeg, if all the intervening lines of road are to be purchased, and a link put in from Scotia Junction to Sudbury, and the Canadian Pacific Railway to be purchased around Lake Superior, and then either the Canadian Northern or the Canadian Pacific Railway purchased, or running

rights or additional expenses incurred in connection with them, and then a government road built after, if the others did not do it, and a road through the mountains when the time came, and then a colonization road to be built afterwards over the track of the Grand Trunk Pacific that we are now undertaking to build. I think all that would cost a great deal of money; but I was very pleased to find the leader of the opposition in this House in complete concord with myself in regard to government ownership.

He was opposed tooth and nail to any government ownership. We have had enough of it in the case of the Intercolonial Railway. I think as he does, although my friend who sits beside him, the hon. gentleman from Calgary, last night was in direct opposition to his leader. He was favourable to government ownership all the way through and therefore I think as long as we agree, and have decided upon a reasonable policy such as we have in this Bill we had better stand by the government until these gentlemen get their differences settled as to what they would do were they called upon to give us a transcontinental railway from the east to the west.

I want to take a comprehensive view of the whole scheme. With security for every guarantee of a bond in the building of the western section, with a rental equivalent to 3 per cent of the cost over the eastern section, with running rights over all these roads for other companies, with the road to be built to the satisfaction of a government engineer, with a standard equal to the Grand Trunk Railway between Montreal and Toronto—that is the best standard—with government control of rates of freight from one end to the other, and guarantee to the shippers and farmers and business men of the country, without one foot of land or one dollar of cash subsidy, there has never been such a bargain made by this government or any other government in any other country in the world. Then in connection with it there can be no possibility of any scheming or any building up in its construction of great wealth to any class of men, because the rental must be paid upon the cost and there is an incentive to the company to keep the cost down. There can be no opportunity for stock jobbery or corruption or crookedness as far as I can see in this contract. It is one of the straightest bargains I believe I have ever seen.

In regard to the waterways, some fear has been expressed in regard to them. Hon. gentlemen, I have no fear on that point. What has built up the United States? In 1803 they had five and a half millions of people, in 1810, seven years later, they had seven millions of people—I think we will have more seven years from now than that, I think we will make more rapid progress —in 1830 they had twelve millions people. In 1840 they had seventeen millions. You see the progress up to 1840 was slow, but in 1840 they built their first railroad, and now they have multiplied their population nearly five times in the remaining time. They have to-day two hundred thousand miles of railways in that country, and yet they have one of the finest systems of waterways to be found in any country. Go up to Detroit, or Sault Ste. Marie, and you will see a fleet of steamers greater than at Liverpool or London. All over the great lakes, down the Mississippi, down the Missouri, all along their coast line you will see the greatest fleets of inward vessels of any country, and yet they have two hundred thousand miles of railway. Their railways have built up their country, and the building of their country has built their waterways and made them more powerful and more useful than they ever were before. They have greater steamers; more improved steamers are being built and placed upon the lakes, and their carrying trade today is greater than it ever was at any other period in the history of the United States. Why is it necessary for any man to say this railway is going to destroy our water-ways? Let us build up Midland and Penetanguishene, Owen Sound and Collingwood; we are all in favour of that, we need every one of them. We will need Fort William, we will need every port on Lake Superior, Lake Huron and Lake Erie, and our St. Lawrence canals will be greater than ever. Our port of Montreal will be bigger than ever; our ports in the maritime provinces, St. John and Halifax, will be greater than ever, because you cannot put down railways in this country without increasing and developing it to an extent that we can hardly conceive of at the present time. We can only

take the United States as a pattern and a guide. I was looking at the United States census report of 1840 the other day, and that report said that 'it showed the wonderful progress of the United States.' This was the report when they had only seventeen millions of people. They considered that a wonderful growth, and so it was, because up to that time they had no railways. They say 'this wonderful growth of the United States was in extent and area and spread of civilization rather than in increase of population, for since 1830 the average population of the country had not increased as much as one person to the square mile.' Up to that time they had been adding to their territory, as we desire to add to our territory here, so that although they had the increased population, it had not added more than one person to the square mile during all that period up to 1840. Their first railway Bill was in 1839. So that you can see that that country developed just as we expect to develop ours. We have a country here capable of maintaining a population of one hundred millions. That may be considered a big figure. I believe the North-west will maintain fifty millions, and we ought to put one hundred millions of people in this country. One hundred years is not considered to be a very great length of time these days. Why we have one hon. member, a senator that sits near me in this House, who for the last 85 years has seen the development of this great country to the south. If you would go to him to-day as he sits in the retirement of his home, you would find that he feels now the opportunity, and if he could only live another fifty years—which I hope he will—he will see as great progress in this country as has been made in the great country to the south of us. To-day we are better known everywhere. This country is beginning to rise. We must live up to our opportunities, and therefore I hope that this Senate will ratify this admirable agreement and make this country what I believe it ought to be.

Before I conclude I may say that the same argument which I have applied to the water-ways applies to the Intercolonial Railway. We need the Intercolonial Railway. We know the Intercolonial Railway has a contract with the Grand Trunk Railway for ninety-nine years under the Drummond County Railway scheme, so that they have to get all the freight not otherwise routed for ninety-nine years from the older portions of Ontario and elsewhere. I do not think the people of the maritime provinces need have the slightest fear in regard to the future of the Intercolonial Railway. We need every road in this country.

There is just one thing more to which I wish to refer before I conclude, and that is the fact that so many petitions against this railway are being presented in parliament. A little reflection on the part of any one who is able to reflect at all, will convince him that these petitions have only one object in view, and that object is to create an impression that there is opposition in the country to the building of this road. I venture to say that upon any subject whatever I can hire a man at a dollar per hundred names to go into the country and he can flood this parliament with petitions against any question, and make from five to ten dollars a day in doing it too. Assuming, however, that every signature to these petitions is genuine—and we do not admit that, because we know in the other House they have found some forged, and on some fifty or sixty names written in the one handwriting, showing that they have been signed in a careless, flippant way, without thought or consideration. I suppose that the number of signatures attached to these petitions would not be more than five or six per cent of the total vote, not counting the total population, of this whole Dominion.

Hon. Mr. CASGRAIN (de Lanaudière)—Not two per cent.

Hon. Mr. FROST—My hon. friend says not two per cent. I am willing to stand corrected. I was willing to give the petitioners the benefit of the doubt, and to concede that there might be five per cent. They are only having their labour for their pains, because they cannot create any impression on parliament by presenting petitions signed in the manner in which these petitions have been signed. They will have no effect whatever in the country because they are signed by people who are opposed to the road, and perhaps, by the supporters of some of the opponents of the road in parliament. Then, again, it will look to any reasonable person as if it were

the last desperate attempt to block, if possible, this great transcontinental railway. Opposition outside cannot be manufactured in any way like that. Hon. gentlemen have seen sometimes in the spring of the year a fall of snow three or four weeks after the winter snow has gone. The ground is bare ; we have packed away our sleighs for the summer, and got our wagons and carriages out for use. A fall of snow comes and covers the ground over for a foot in depth. Does any one think of getting back his sleighs imagining that winter has come again ? No, we keep on with our wagons. The snow lasts a day and disappears. Just so with the impression created by these petitions—it is ephemeral in its character. It simply lasts for a day. The petitions are thrown into the waste paper basket and disappear, and that is the end of them. I am astonished that some of my hon. friends have been led into a scheme or subterfuge of that kind for the purpose of attempting to block a well-considered project such as this, which is intended for the development of this country.

I trust the few remarks I have made have not wearied the House and that, at any rate, I have made my position plain. As a business man, speaking from a practical business standpoint, I want to see this road go on. I believe it will give a great impetus to all our business. Every manufacturer and business man throughout the country, every man on sea or on land, will be benefited by its construction. I believe it is going to be one of the greatest enterprises ever entered upon in Canada. I believe it is the turning point with us, as the purchase of Louisiana by the United States was the turning point with the republic a hundred years ago. Our time has now come ; I believe this is our century, as last century was the century of the other part of the continent. The republic was filled up through the enterprise and ability of their statesmen in the nineteenth century. I believe in this twentieth century, whoever lives to see the completion of it, and earlier than was the case in the United States, there will be just as great a development in Canada, for we have just as great a country, and just as much reason to feel proud and gratified at the work we are doing now, if we ratify this contract for the construction of the transcontinental railway.

Hon. Mr. FROST.

Hon. Mr. WOOD—We have all listened with very great pleasure to the admirable speech which has been delivered by my hon. friend from Smith's Falls, and I desire to say that I agree with very many of the remarks which fell from his lips, although I confess that I feel at a loss to understand how, professing to be a business man, such as we all know him to be, he could have arrived at the conclusions at which he did arrive with regard to this great transcontinental railway. The hon. gentleman's speech was, to my mind, a little marred by the observations he made at the close with regard to the petitions which were being presented to parliament. I am free to admit that it is very often an easy matter to obtain a large number of signatures to petitions, and that these signatures are in many cases attached, in what he said was a very careless and flippant manner. I am quite free to admit that that very often happens. But so far as the petitions which have been presented to parliament, on this subject are concerned, I have no knowledge of how they originated, who originated the movement, or what suggested to the minds of the petitioners that they should address parliament in this way. I have had the honour of presenting some petitions myself, and I must say that on looking at the names which appeared on those petitions, they were subscribed by men of high standing, by thoughtful men, by men who are not in the habit of attaching their names carelessly or in a flippant manner to documents of that nature. I should like to call the attention of this House to the fact that this undertaking of national importance, an undertaking which involves so large an expenditure of money, has been brought before parliament, and presented to the country within a few weeks, or a few monthe after the commencement of this session, and that the mass of people throughout the country have no other way of expressing their opinions with regard to this great project. If it had been brought in as I believe a project of this great magnitude should be brought before parliament, if it has been discussed and the people of the country had an opportunity of expressing their views at the polls, there would have been no necessity for these petitions, and under the circumstances, the petitions which have been presented were justified, and the

action of those who presented them, does not deserve the criticisms which my hon. friend saw fit to make with regard to them. Now, the hon. gentleman made a good deal of reference to the growth, progress and prosperity of the United States, and referred to the history of that country, and spoke with pride and satisfaction—a pride and satisfaction which I am glad to say we all share, I believe, on both sides of the House—of the growth and prosperity of that country. I think too, and I believe he agrees with me in this—and I hope every member of the House agrees with me—that we can point with equal pride to the history of our own country, to the growth and prosperity which has attended our Dominion during the last quarter of a century. The hon. gentleman spoke of the manner in which the States of the union had been united, and how they had acquired additional territory and consolidated in it one great republic, the southern half of this continent, and he very properly attached great credit to the wise statesmanship which brought about that result. If we look at the history of our own country, we find that it is very similar to that of the United States in this respect, that our scattered provinces have been united into one confederation ; that we have acquired from the Hudson bay territory that vast indefinite country, which to-day has proved so valuable, that we have built across this continent a great railway from ocean to ocean, binding all the different provinces of this great Dominion together, and that to the ability and wise statesmanship of the great man who controlled the political affairs of this government, in the early history of confederation, is due these grand results. The hon. gentleman referred to the prosperity of the farmers of the country. We all rejoice in that prosperity. He referred to the rapidly increased settlement. We all rejoice in that, but we know it is largely due to the wise statemanship of this great man who, as I have said, consolidated this country into one Dominion, and built this great transcontinental railway, the Canadian Pacific Railway which binds the country together from one ocean to the other. The hon. gentleman referred to the growth and progress of our manufactures. We all rejoice to know that his words are correct, that the manufactures of this country have prospered in the past, and I am glad to learn from a man of business experience, that they are prospering to-day. We, on this side of the House, at all events, point with a great deal of pride to the fact that these manufacturing industries exist, and the fact that they have obtained their present strength and prosperity is due to the national policy which was introduced by the late government. The hon. gentleman claimed that the present prosperity might be due, in a large measure, to the government of the present day. I do not wish to detract from the government of the present day any credit in this regard, which properly belongs to them, and from my point of view, I am free to admit, that the present prosperity is largely due to the fact that the government of the present day repudiated the principles which they advocated while in opposition.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. WOOD—And largely maintained the policy of their predecessors. The hon. gentleman with whose remarks I substantially agree in many respects, proceeded to discuss the merits of the Bill which is now before the House. I shall consider some of the points which he referred to in his address, in the course of my remarks, but first I desire to make some general remarks with regard to the nature of the Bill which is now before the House, or the contract which this Bill is intended to ratify. The general features of this contract have already been pointed out, and I do not intend to spend time in any general remarks of that nature. This great transcontinental railway, which the Bill provides for, is divided into two sections, the western and the eastern section. With regard to the western section, I will first offer a few observations, treating these two sections separately. I do not take exception—and I do not think any hon. gentleman in this House could take exception—to permitting the Grand Trunk Railway to extend its magnificent railway system into the North-west. It is a surprise to me, and I think it is unfortunate for the country that this great corporation did not take action in this direction long years ago. I believe if they had

properly appreciated the wealth and resources of the country, the rapid growth which we should have there, the increase of population, and the increase of traffic which must necessarily result, that they would not have waited till the present day to have taken action to extend their railway system into that country, and to have obtained a share of that growing traffic. It is unfortunate, in my opinion, that two important companies such as the Grand Trunk Railway and the Canadian Northern should both be entering upon a large work of railway construction in the North-west at the same time. It would have been better if the Grand Trunk Railway had preceded its rival in this respect. It is as I say, regrettable that the Grand Trunk Railway have waited so long, and allowed the ground to be occupied before them. The effect of the construction of these two great railways at the same time, will, in my opinion, be to some extent at all events, prejudicial to the interests of the country, to the interests of the settlers and to the interests of the railways themselves. Sir Sandford Fleming, in the admirable letter, or report that was placed before us yesterday, refers to the difficulties that will arise in carrying on so many and so large and important works, in procuring labour, and points out the advisability of proceeding more slowly with great works of this character, in order not to create disturbance in the labour market, and also to create disturbances which are equally injurious in their effects when the demand for labour ceases on the completion of the works. Besides this, the effect of constructing two large trunk lines of railway in the country at the same time, will be to scatter the population of the country over a wider area. The people will live more apart from each other. They will have less social enjoyment. They will have less of the advantages of municipal organization. The traffic of the country will have to bear the expense of these two lines of railway. So far as the railways are concerned, their profits will be diminished. One line of railway, it must be admitted, would be sufficient for many years to carry eastward to Winnipeg all the traffic that may be offered in that section of country for some years to come. That traffic will have to be divided between two railways, and the profits of each will, in consequence, be diminished. I say, therefore, that I think it is regrettable that this should have occurred. At the same time, I am free to admit that considering the position of the Grand Trunk Railway in the eastern provinces, and the magnificent system it has established throughout Ontario and Quebec, I am not prepared to say that we could refuse it admission into the North-west, or refuse it a share in that great and growing traffic which is found there now, and which will be found there in a greater degree in the future. There is another feature of this contract so far as the western section is concerned, which I consider highly objectionable, and which has been referred to by all the other speakers on this side of the House who have spoken upon this subject. I think it is unfortunate that the division line between the eastern and western sections of this transcontinental railway should be placed at Winnipeg. It will take some years—I believe it is generally conceded that ten years is a moderate estimate—to complete the eastern section, and have it ready to hand over to the Grand Trunk Pacific Company. The contract for the western section obliges the company to commence the construction at once, and have it completed in five years, and we may fairly assume that within one or two years at most, that railway will be carrying freight from the prairie country east to Winnipeg. That freight cannot stop there. It must have an outlet. There is no provision for any connection with Lake Superior, so that the railway company can send its freight eastward by the rail and water route, or connect with the Grand Trunk Railway at Midland or Sarnia, and as has been pointed out by the other speakers, there appears to be no alternative. It appears to be the easy and natural course, for the business which this railway will do for some ten years to come at all events, that it should connect through the United States lines with the Grand Trunk Railway system at Chicago, which would carry the freight over the United States lines, and via Buffalo to United States shipping ports. This I consider a very objectionable feature of this contract, and instead of accomplishing the end which the supporters of this

scheme have in view, the establishment of a transcontinental railway which will bring traffic to Canadian shipping ports, the result must be for the next ten years at least, that the traffic originating along this railway will find its outlet over United States lines to United States seaports.

Hon. Mr. COX—Why not by the lakes ?

Hon. Mr. WOOD—It has no connection with the lakes.

Hon. Mr. COX—It will have within the next five years.

Hon. Mr. WOOD—It is not provided in the contract.

Hon. Mr. COX—It is provided in the Grand Trunk Pacific Bill. The Grand Trunk Pacific has authority to build that branch.

Hon. Mr. FERGUSON—Not in the agreement.

Hon. Mr. COX—No, but it is in the incorporation Bill.

Hon. Mr. FERGUSON—They have power to build to the Yukon.

Hon. Mr. COX—They will build that portion from Winnipeg to the lakes.

Hon. Mr. WOOD—There is no provision made for it. The Grand Trunk Pacific may build a line from Winnipeg to Lake Superior, but what I do say is, that having a line already from Chicago to Buffalo and from Chicago to Montreal, two lines, I think, the most natural and easy and most probable course for that company to take, would be to send its freight over United States lines, and make connection with its own line at Chicago, in which case the freight would find its outlet through United States seaports. Besides this, I should like to call my hon. friend's attention to the fact that if I read the contract aright, the Grand Trunk Pacific Company has no rights over the eastern section until the whole section is completed from Winnipeg to Moncton, and until a lease is drawn and signed by both parties, requiring them to operate the road for a term of fifty years. During the period of construction, which I say may be moderately placed at ten years, the Grand Trunk Pacific Railway will have no right to use any portion of this road east of Winnipeg.

Hon. Mr. TEMPLEMAN—They have all the rights given them by the government.

Hon. Mr. WOOD—So much with regard to the western section. The eastern section is, of course, the one to which the attention of parliament has been chiefly directed, and the one with regard to which there is the greatest divergence of opinion. The most serious objection to the contract, so far as the eastern section is concerned, is that we are entering into this enterprise without any proper information.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. WOOD—The information which has been supplied to parliament has largely been reports of missionaries, hunters and exploring parties, who have gone through that country in different sections and at different times and with different objects in view. These reports have been collected, and a summary of them has been published in the blue-book which we have before us, by Dr. Ami, through the direction of the government. This information largely relates to the character of the country; that is, to its agricultural resources, to its mineral resources, to the water-powers and the amount of timber which may be obtained there. It affords, so far as I can see, very little information regarding the adaptability of the country for the construction of the great transcontinental railway. Some reference has been made to the fact that the government of Sir John Macdonald entered upon the scheme for the construction of the Canadian Pacific Railway with less information regarding the western part of the country than we have regarding the northern country now, but I should like to say to the House in answer to that argument, that the cases are not analogous at all. It was one of the terms upon which the province of British Columbia was brought into the union, and whatever the engineering difficulties might be, the best route possible had to be selected and the railway had to be built, and that within ten years. The government was committed to the scheme, and there was no need of elaborate surveys to have the exact location of the road or its cost fixed before committing this country to that enterprise. It is entirely different with the present scheme. It is a scheme of an entirely different character. If it is

to be of any value at all, it must be a road capable of competing with the existing routes for the transportation of traffic between the east and west. The vital part of this whole scheme, upon which its whole success rests, is the condition that this road when built will be able successfully to compete with all other routes for the transportation of passengers and freight between the east and the west. It is, therefore, of the utmost importance that before we enter into a scheme of this kind and commit ourselves irrevocably to the construction of this work, we should ascertain whether these conditions exist or not. Now, I have looked through the blue-book which has been laid upon the Table, and I confess that I cannot find sufficient information in that book to justify me in coming to the conclusion that a road such as is designed to be built, can be built at any cost through that country. It will be remembered, and it must be borne in mind in discussing this question, that every person who has addressed the House, both in the House of Commons and this chamber, from the government side, has assumed that this is to be a road up to the highest modern standard, that it is to be a road with the least possible curvature, with very low grades, a road that will be adapted in every respect for the most economical transportation of heavy traffic. Mr. Charlton, whose speech has been referred to in the course of this debate, emphasized particularly this point. I clipped from his speech what he said on this question, and it is so appropriate that I trust the House will pardon me if I read. It is as follows :

> This road from Winnipeg to Quebec, if it is to serve the purpose which it is intended to serve, must be a first-class road. It must have not more than half per cent grades. and should have four-tenths per cent grades coming east, or twenty-one feet to the mile. It should be laid with 90-pound rails, should have bridges that would carry the heaviest rolling stock in use, with a margin to allow for an increase in the weight of rolling stock ; it should have engines of 100 tons weight without the tender and cars of 50 tons capacity of cargo. The road must be built with bridges capable of sustaining the weight of cars with a carrying capacity 50 per cent greater than is now required and with corresponding increase in weight of engines.
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> With the kind of road I am talking about, it is my opinion we can carry grain from Winnipeg to Quebec in competition with the partly water and the partly rail routes that pass to the south. And at this point I wish to impress upon the government the absolute necessity of securing the construction of a road of this kind. If because of difficulties of engineering. if because of enhanced cost of the road, we permit ourselves to construct a road with grades of 50 or 60 feet to the mile, we shall defeat our own purpose : we cannot do what we desire that this road should do—that is, compete with the other routes.

These words were very appropriate and they were strongly emphasized and endorsed by the hon. Secretary of State in moving the second reading of this Bill. He spoke of the necessity of having a road of the highest modern standard. He told us that before the work of construction was commenced, the most exhaustive surveys would be made, and he went so far as to say that if after the surveys were made, a railroad of this kind was found impossible, the scheme would have to be abandoned. I should have quoted from another authority, Sir Sandford Fleming, who endorses the same view. I entirely agree with this view, that if a railroad is to be built which is to serve the purposes which the government have in view in the construction of this railroad, it should be a railroad with the shortest possible distance, with the least possible curvature, with the lowest possible grades, a railroad that would carry heavy freight at the least possible cost, a road indeed that would prove not merely in name but in fact a national transcontinental highway, between ocean and ocean. Now, I have alluded to the report which has been presented by Dr. Ami. From the examination which I have given this report, I find very little definite information to guide us in coming to a decision as to the practicability of constructing a railway such as I have described, through the northern part of Quebec and Ontario. I find some facts which point in the other direction. On pages two and three of the report where he refers to the line as it leaves Quebec to the westward he describes it as follows :

> The Lake St. John Railway runs in that direction quite a distance, and from the point near Rivière à Pierre a northwesterly direction towards La Tuque and Iroquois Chute. Thence to the height of land there are no obstacles of any account.

I wish to refer particularly to the portion of the road which follows the line of the Lake St. John Railway from Quebec to the Rivière à Pierre to which he refers in this part of his report. That is really the only portion of the road in regard to which we have positive and direct information. An examination of the profile of this road shows that between Quebec and Lorette a distance

of eight miles westward from Quebec, there is a difference of altitude of 451 feet. This would require, in order to overcome it a continuous up grade for eight miles, of upwards of 56 feet to the mile; I am not prepared to say what the steepest grade on that portion of the road is, but there is one thing certain, that it cannot be less than 56 feet to the mile. Between Lorette and Pierre river, I find four stretches in which distance from two to three hundred miles, there is a difference in altitude of more than 70 feet per mile. Two of these grades of 70 feet to the mile for the distance of something between two and three miles are going eastward, and two of them are going westward. The hon. gentleman from de Lanaudière yesterday referred to this portion of the road as presenting some difficulties. He said that the steep grades were going west, that is going eastward you would have a down grade which would be the direction, in his opinion, of the heavy traffic. I wish to call his attention to the fact that two of these grades are met with in one direction and two in the other. An examination of the report of the Minister of Railways and Canals gives the steepest grades on this line of railway of 105 feet to the mile. I am not prepared to say whether that comes in between Quebec and Lorette, but this is a remarkably steep grade and more than five miles below the standard required for our transcontinental railway.

Hon. Mr. FERGUSON—On what part of the line is that grade you are speaking of ?

Hon. Mr. WOOD—I cannot say ; the report gives that as the steepest grade on the line.

Hon. Mr. FERGUSON—Is it the westerly or the easterly division ?

Hon. Mr. WOOD—The eastern division. What I am speaking of is the Lake St. John Railway, between Quebec and Rivière à Pierre, a distance of fifty-nine miles westward from the city of Quebec, and the report which we have in our hands of Dr. Ami, and the map which accompanies it, shows that the proposed transcontinental line adopts the route of the Lake St. John line over this distance, and I presume they are wise in doing so, for I am informed that when that road was constructed they selected the very best available route. Beyond Rivière à Pierre we have no information of this accurate and definite character, but I find on pages 164 and 165, of the report that the transcontinental railway must cross the height of land nine times between Quebec and Winnipeg. As far as I can make out from the map which accompanies the report, the height of land varies from 1,300 to 1,400, and 1,000 to 1,200 feet above the sea level. I find also that it does not, as I understood my hon. friend, yesterday, to say, follow very closely the height of land. In some places it is from one to two and three hundred miles northward of the height of land.

Hon. Mr. CASGRAIN (de Lanaudière)—Not more than one hundred miles.

Hon. Mr. WOOD—I think it is more than that. In the province of Ontario, according to the map, there are a number of rivers to be crossed and apparently some of them are of considerable size. As I make out, there are from twelve to fifteen rivers of very considerable size to be directly crossed in the course of this railway. Whether it is possible or not to construct a railway of the high standard which has been described by hon. gentlemen opposite and which has been considered necessary if this transcontinental line is to be a success, crossing that number of rivers, and crossing the height of land nine times, still preserving grades, which shall not exceed fourtenths of one per cent to the mile, I am not prepared to say, but I must say that I should require very much more definite information than we have now before us to justify me in supposing that it is possible to accomplish a feat of that kind.

Hon. Mr. WOOD moved the adjournment of the debate.

The Senate adjourned until three o'clock this afternoon.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Hon. Mr. WOOD resumed the debate. He said :

When the House rose at one o'clock I was making reference to the engineering difficulties that might be met with in the construction of the line from Quebec west-

ward to Winnipeg. I referred particularly to the definite information we have with regard to the first portion of the line from Quebec to Rivière a Pierre, a distance of about 59 miles, where, according to the report and the map which accompanies it, it follows the line of the Lake St. John Railway. I understand that some hon. gentlemen present misunderstood me and thought that the differences of elevation and the very steep grades to which I referred applied to some of the country to the westward of these points. If such an impression exists I wish to correct it. As I said, the only definite and accurate information we have applies to the points between Quebec and Rivière a Pierre, and it was between those points that, according to the profile of the Lake St. John Railway, these very steep grades occurred. I made some reference to the country westward, but the statements were not of a definite and accurate character that we could make regarding this portion of the line. Before I leave this part of the subject, I should like very briefly to refer to the portion of the line from Quebec to Moncton. There is more definite information with regard to this portion of the line; a survey, I understand, has been made under the authority of the government, for I found in the Railway Committee Room of the House of Commons a profile covering a certain portion of this road. The profile appeared to have been the result of a survey from the highest summit down towards the St. John river. There is another river comes in there. I cannot think of the name of it. The altitude of the summit crossed, according to that profile, was 1,450 feet above sea level, and the profile showed that the route in many places was very circuitous and had very sharp curves. Between the 39th and 49th mile there was a difference in altitude of 764 feet. This involved a continuous grade of 71·28 feet per mile for nearly 11 miles. I believe the best location for a railway crossing the height of land between the St. Lawrence and the St. John valley is generally admitted to be that selected by the Temiscouata Railway Company.

I understand that this is the same route, or practically the same route, that was referred to by Sir Sandford Fleming in his report with regard to the different routes that might be chosen for the Intercolonial Railway. I find by examining the profile of the Temiscouata road that the highest altitude crossed is 1,324 feet, a difference of ninety feet below that of the route outlined by hon. gentlemen who are supporting this Bill. A further examination of that line shows that in order to overcome this altitude it is necessary in one stretch of nearly seven miles to overcome a raise of 416 feet. This involves a continuous grade of 61 feet per mile. In another section there is a rise of 124 feet in two miles, involving a two-mile grade of 62 feet per mile. In another section there is a difference in altitude of 211 feet in three miles, involving a continuous three mile grade of 70 feet to the mile. I find by examining the profile of the Intercolonial Railway that the highest altitude crossed between Lévis and Moncton is 771 feet above the sea. The difference between this and the highest altitude crossed by the Temiscouata road is 553 feet, and between the altitude of the Quebec and Moncton section, according to the profile exhibited in the Railway Committee room, a difference of 643 feet. It requires, in order to overcome the altitude which the Intercolonial Railway crosses, grades in different places of one per cent of 52·80 to the mile. It is scarcely conceivable that we can build a road crossing so much higher altitudes and get better grades. The evidence before us would seem to lead to the conclusion that if we adopt this other route, although we may perhaps shorten the distance a few miles, it will be an unimportant factor, so far as the cheapness of transportation is concerned, if we have to adopt so much heavier grades.

Having said this much with regard to the physical features of the country, I will pass on to another question which I consider of great importance. As I remarked before, if we are to have a transcontinental railway which is to meet the expectations of those who are advocating the scheme now before us, one point of vital importance, absolutely essential to its success, is that it shall be up to the highest modern standard, have very little curvature, and have grades not exceeding four-tenths of one per cent per mile.

Another point for consideration which, to my mind, is equally important, and which

is equally vital to the success of this scheme is that the road when built even if it can be built up to the standard which I have just referred to, will be able to carry heavy traffic in competition with other routes. This phase of the question was dealt with so fully and so exhaustively by my hon. friend the member for Lauzon (Hon. Mr. Bolduc) yesterday that I shall not refer to it at the same length I otherwise would. The arguments adduced from the practice and experience of the different transportation routes and the different transportation companies between Chicago and New York, I think, are the strongest that have been presented to the House, and to my mind are absolutely conclusive upon this phase of the question. As we all know, there are several rail lines of communication between Chicago and New York, I think there are six altogether, three of which are close competitors for heavy traffic. There are the rival routes via the great lakes to Buffalo and then via the Erie canal, and the Erie and New York Central railways. These different routes have been competing for the traffic of the west for several years. Every effort has been made by all the transportation companies, to reduce the cost of transportation to a minimum. Millions of money, as my hon. friend pointed out, have been spent in straightening the curves and reducing the grades in bringing the permanent way to as near perfection as possible, and in supplying the latest and most improved equipment for the hauling of their trains. The result has been that the cost of transportation between these points has been very materially reduced. The statistics show, as my hon. friend pointed out at considerable length, that by the all-rail lines the rate on wheat has been reduced from an average of 14 cents in 1881 to 9·88 in 1901. The improvements in the navigation of lakes and in the class of vessels employed have affected a corresponding reduction in the rates for water transport. I find that the average rate between Chicago and Buffalo in 1881 was 3·2; in 1891 2·5; and 1901 1·6; and I understand that at times by these routes grain has been carried at as low a rate as 1¼ or 1½ cents a bushel. Indeed I believe in some cases one cent a bushel has been accepted. If we take the average for 20 years the rates by all rail have been just about double the rates by the lake and canal or lake and rail route to New York via Buffalo. What has been the result of this competition? These statistics show that during all the time the great bulk of the traffic has gone by the lake and canal or lake and railway routes. In 1902, 75 per cent of the grain which arrived at New York came by the water routes, and I find in the Toronto 'News' an extract from an article in the Wall Street 'Journal', which reads as follows:

> To-day, however, if the Wall Street 'Journal' is correctly informed, the American trunk lines are not anxious to carry grain. That commodity, it says, 'is a very small proportion of their tonnage into New York and other Atlantic ports. No trunk line has grain tonnage over 11 per cent of its total freight, and only two lines have a grain tonnage over 5 per cent of the total. They say, also, that rather than reduce their rates they would much prefer to advance them, and that the Interstate Commerce Commission is about the one thing that prevents such advance.' The local demand, it seems, is constant, no matter what the charges. New York horses must have oats, whether the rate be 2 cents or 4 cents. For export grain these railways care little.

That is, the railways refuse this traffic, and they refuse it because it does not pay. The experience of these different lines of transportation leads us evidently to the conclusion that the great bulk of grain and heavy traffic between Chicago and New York is carried by the lake-and-rail route via Buffalo; that the railways carry what is needed for home consumption, the larger proportion of which comes from points in the interior, as short hauls that pay higher rates, but they are practically out of the competition for the through export business. If we take the course of traffic on our own lines of communication we will find that the same business principles govern here, and the same results follow. As was pointed out by my hon. friend yesterday, of the forty million bushels of grain handled last year by the Canadian Pacific Railway, 5,697,000 bushels were shipped all-rail north of Lake Superior, but of this two and a half million bushels were for flour mills, and consumption at points along the line. Only three million bushels were carried for export, and I believe that was taken through during the winter season under a contract to furnish cargo for steamers loading at St. John. But another and more striking illustration of this principle to which I have re-

ferred is found, in the traffic returns of the Grand Trunk Railway for last year. The railway carried from Chicago to Montreal nearly nine million bushels of grain. We know that the Grand Trunk Railway has a line of its own running direct from Chicago to Montreal. We were told by Mr. Charlton—and I believe it is entirely correct—that this was one of the best lines of railway on the American continent; that the permanent way is brought up to the highest standard, that the rolling stock is of the most approved kind; that there is over a large portion of the way, at least going eastward, no grade exceeding nineteen feet to the mile. This is even less than the standard of railway exports for economic transportation, four-tenths of one per cent per mile, but notwithstanding the fact that the Grand Trunk Railway has this magnificent line of railway so thoroughly equipped with the best class of rolling stock, nine million bushels of wheat instead of being carried by rail was carried by water to Midland and Sarnia and Collingwood, and thence by rail to Montreal.

With these facts before us, we are inevitably driven to the conclusion that the experience of our railways and water transportation companies in the past goes to show that the all-rail route for heavy traffic cannot compete with the improved water routes. And in considering a scheme of this magnitude, where an essential feature of its success lies in its ability to compete successfully for this class of traffic, and to become an important factor in the transportation questions in this Dominion in the future, this House must consider it wise to pause before ratifying a contract which binds the government to this large expenditure for the construction of a railway the success of which is very problematical, and the results of which may prove disastrous. There is another point in connection with this subject. It is not, to my mind, a matter of urgency. This eastern part of the road cannot, under any circumstances, be completed and ready for operation within ten years. It cannot, therefore, during that time, have any effect in solving the transportation problems which now present themselves for our consideration. It cannot during that time give any relief to the settlers in the Northwest. It cannot afford them any cheaper or better means of sending their products to the sea-board than they have at present. I fear that in the consideration of this subject we are inclined a little too much to be governed by our feelings. We are perhaps inclined to be led away by eloquence, such as my hon. friend from Smith's Falls (Hon. Mr. Frost) indulged in this morning. It appeals to our national pride and our national vanity; and, I admit, looking at this proposition from that standpoint, it has many attractive features; but I feel that while I would not have us lose sight of that side of the question, we should not regard it from an entirely sentimental standpoint. We must also look at it from a business standpoint, and before we give our sanction to the investment of public money in this enterprise, we must settle beyond doubt for ourselves the question: Is this railroad necessary? What will it cost? Will it pay? Is it possible after the railroad is constructed that it will become an important factor in the transportation questions with which we have to deal in the future?

I should like also to allude to the other transportation routes upon which we have been relying, and upon which, to a large extent in the future, we must rely for carrying the traffic between the west and the east. I am afraid we do not appreciate the value and importance and capabilities of these routes. To this subject I will make but a brief reference, for the reason that my hon. friend from Lauzon (Hon. Mr. Bolduc), in the admirable speech he delivered yesterday, dealt with this at considerable length. I have, however, referred to the very cheap rates at which grain is carried from Fort William and Duluth and Chicago, to Buffalo and Montreal. The rates, as my hon. friend pointed out yesterday, at which it is being carried this season to Depot Harbour and thence to Montreal by the Canada Atlantic Railway is three and three-quarter cents. A contract has also been let during the present season and grain is being transported from Duluth to Quebec at three cents per bushel. My hon. friend said that some has been carried as low as two and a-half cents. The lowest rate that I have heard quoted was three cents per bushel. Now, if these rates can be maintained—and I can see no reason why we should doubt that they can

be maintained—there is certainly no all-rail route that can compete with it.

I go further, and say that I do not believe there is any existing route at the present day that can carry grain profitably at these rates. But low as these rates are, they are capable of being still further reduced. The hon. gentleman from Lauzon referred to the recommendation of the Minister of Public Works a couple of years ago to have such improvements made in the French river as would admit the modern class of steamships to go as far as Lake Nipissing and discharge their cargoes at North Bay. It would enable the Canadian Pacific Railway to deliver freight from Fort William via North Bay as cheaply as it is now delivered by any of the other routes, and this would give an additional cheap outlet for the western products. I entirely agree too with what that hon. gentleman said with regard to the consideration which the Georgian Bay canal should receive. I believe that before any large expenditure is made in making provision for better transportation, that important scheme should receive consideration. I believe that the day will come—it may be sooner or later—but I believe the day must come when that work will have to be undertaken and carried through by the Dominion government, and I believe further, that until that route is opened the transportation problem in this country will not be finally or satisfactorily settled. It was claimed by the promoters of this scheme, two years ago, that with this route opened grain could be carried by the present class of steamships that ply upon the lakes from the Lake Superior ports to Montreal at a cost of 1½ cents a bushel. This statement was made on the authority of engineers of high standing whose opinions we have no reason to discredit. This opinion was confirmed by the extract read yesterday by my hon. friend from Calgary, from the report of the commission appointed to investigate the transportation question by the state of New York, and if these statements are correct, there is no route existing to-day, there is no rail route that has been proposed, no rail route can be proposed by which the products of the west can be carried to the seaboard as cheaply as they can by the lakes and by the St. Lawrence route. The hon. Secretary of State and the hon. member from Smith's Falls both referred to the growth of the shipments of grain from the Canadian North-west, and they asked what would happen when the fifty or sixty million bushels that are now being sent out of that country were increased to one hundred million or one hundred and fifty or two hundred million bushels. My reply is that all we need at the present time is to improve our facilities along the lines of communication which I have indicated. At Buffalo for the last twenty years or more from one hundred and fifty to two hundred million bushels of grain have been handled annually. I do not see, with proper elevator accommodation, why the same quantity could not be handled with equal ease at Depot Harbour or at Midland or at North Bay, or at other ports on Lake Huron or the Georgina bay. There is required, in addition to this, the improvement of the navigation of the St. Lawrence, as my hon. friend pointed out. I shall not refer to that further than to say that it should be lighted and safeguarded, that the entrance by that route to Quebec and Montreal would be as safe as the entrance to New York harbour. We must be in a position that shippers can quote as low freight rates and as low rates of insurance from Montreal and Quebec as they are from the shipping ports on the Atlantic coast of the United States. Otherwise our shipping trade will always be handicapped. With these improvements and additional elevator accommodation at Georgian bay ports and additional elevator accommodation at Montreal and Quebec and at other ports along the St. Lawrence, I believe the St. Lawrence route is destined to become a great outlet for the products of our Northwest. I believe its capacities are sufficient to accommodate that traffic, no matter how large it may become. I believe that the advantages of this route are such that it can afford cheaper transportation than any other route. There is a sound business principle underlying this scheme. It must succeed if it can give cheaper rates for transportation than any rival, and my own belief is that the time will come when facilities along this route have been properly increased to accommodate the traffic, that the St. Lawrence route will not only be able to handle all the traffic which may offer in

our own North-west for all future time, but it will also be able to attract a very large portion of the products of the north-western states to our Canadian ports. Having said this much, with regard to the transportation problem of the west, and so far east as the harbours of Montreal and Quebec, I wish, before resuming my seat, to say a word with regard to the transportation problem as it presents itself in the interests of the maritime provinces.

I have not heretofore referred to this phase of the subject. I may say here that on more than one occasion in this House I have expressed my views as to the policy which should be adopted in the management of the Intercolonial Railway so far as export business is concerned. I oppose the principle that the Intercolonial Railway should enter into competition with the other great railway systems of the Dominion for the export trade. I opposed the extension of the Intercolonial Railway to Montreal on the ground that I believed it would add largely to the debt of our Dominion, that it would increase the capital cost of the road itself as well as add unduly to the working expenses; that there would be no corresponding enhanced value of the railway as an asset of the country, nor any addition to its usefulness as a means of transportation. The Intercolonial Railway has now at Montreal, and when the Quebec bridge is completed it will have at Lévis, connection with the Canadian Pacific Railway, with the Grand Trunk Railway, with the Canada Northern and the Canada Atlantic Railway, and the Quebec Central. The first three are the three great lines which carry the products of the west to the seaboard. I believe they connect with the Intercolonial Railway, the Intercolonial Railway being a government road owned and operated by the government, that these railways should each and all have running rights over the Intercolonial Railway to maritime province seaports, or what is, perhaps, a more practicable and feasible proposition, that they should have their freight carried from Montreal and Quebec to the maritime province seaports, at exceedingly reasonable rates. I maintain that there is no way in which the traffic of the west can be so cheaply carried to the maritime province seaports. Suppose this new line of railway is constructed as is proposed in the Bill before us. The Grand Trunk Railway contracts to operate that line; it will have to pay the actual cost of hauling its trains over the line, it will have to pay the whole cost of the maintenance of the line, and after seven or ten years, as the case may be, it will have to pay three per cent on the cost of construction. If the other policy were adopted to which I have referred, the freight which the Grand Trunk Pacific or any other railway brings to Montreal or Quebec, would be carried to the maritime province seaports over the Intercolonial Railway, paying only the cost of hauling the trains, a small proportion of the cost of maintenance which would be an insignificant matter, and it woull have no interest whatever to pay on the capital invested for the construction of the road.

I cannot conceive of any policy which can be adopted under which freight could be carried more cheaply. No railway company can afford to carry freight at less than the actual cost of hauling it, and if the freight handled by these great railway systems cannot be carried to maritime province seaports for shipment on these terms, in my opinion it cannot be carried at all. There is another condition, however, which requires to be met, in order that the business of shipping produce from the maritime province seaports in the winter time may be made successful, and that is that the companies which undertake this business should be required to provide in the maritime province seaports their own terminal facilities. They should be required to provide their wharfs, their elevators and their storehouses; and be in a position to receive and deliver and store and handle promptly large quantities of freight. They should be in a position to make contracts with steamship companies and to carry them out. They require these facilities at Portland, at Montreal and at other places where they do business, and in my opinion they are absolutely necessary if they intend to do any large or successful business in the maritime provinces. No shipper of produce will send his freight to Halifax, St. John or other ports in the maritime provinces, and take his chances when it gets there, of obtaining tonnage to send it to its destination. They might do this in certain cases at a port like New York, or at some other port where

tonnage is plentiful, and where steamers are constantly seeking cargoes ; but steamers do not call at the seaports of the maritime provinces seeking cargoes, or they very rarely do so. They require to be chartered; they require to know when they get there that cargo will be supplied. The average shipper, indeed the majority of shippers, require a fixed rate and a through bill of lading from the point of shipment to the place of destination, and to meet these conditions the railway companies and the steamship companies must be in a position to make arrangements for through traffic. They must be able to make time contracts, the one supplying tonnage, agreeing to give periodical sailings, and the other contracting to furnish the freight and guarantee its prompt delivery at the point of shipment. This policy is, in my opinion, the best that can be adopted, and under it we might acnieve greater success than we have done in the past in taking the winter traffic of this Dominion for shipment to our maritime province seaports, and, as my hon. friend pointed out yesterday, if the traffic of the west, which experience shows is largely carried during the season of navigation and held in large elevators at convenient points for shipment, were brought down and held in elevators at Montreal and Quebec and other points on the St. Lawrence, it would be in a position where, under the conditions I have referred to and where great railway corporations had control of it and received it at the point of shipment and were under contract to deliver it at its destination, it could conveniently and cheaply be sent by the Intercolonial Railway to the seaports of the maritime provinces, and thence to its destination in foreign countries.

Hon. Mr. ELLIS—I should really like to know how the hon. gentleman would make the railways do that ? It is a practical question where I live.

Hon. Mr. WOOD—In the contract now before the House we have inserted provisions requiring the Grand Trunk Pacific to use every effort in its power to direct its traffic to Canadian seaports, to the seaports on the St. Lawrence in the summer and to the seaports of the maritime provinces in the winter. We are placing them under obligation to operate a line from Quebec to Moncton, and they will of necessity have to adopt the very policy to which I have referred over the line from Moncton to St. John, or from Moncton to Halifax. The government, in dealing with the railways might impose the condition that they should provide certain terminal facilities at seaports in the maritime provinces. My policy would be to say to each of these railways : 'Select any port or ports in the maritime provinces that you prefer; make your own terminal facilities, build your elevators and wharfs, and be in a position to do your business; deliver your cars to the Intercolonial Railway at Montreal or Quebec, and they will be carried at cost of haulage and delivered at their destination at the point of shipment.' This, of course, is a matter of negotiation, but if we can, in granting these concessions to railway companies, place them under obligations such as are imposed on the Grand Trunk Pacific in the present contract, I see no reason why we should not be in a position to impose the much lighter conditions on other railways, conditions much easier of fulfilment, to which I have referred. I cannot conceive how the conditions which are imposed on the Grand Trunk Pacific Railway in this contract can be fulfilled. I cannot conceive how the Grand Trunk Pacific Railway is going to carry out what it undertakes to do, to carry quantities of Canadian or other products to our maritime province seaports for shipment, unless they provide themselves with the terminal facilities I have tried to point out. To make that business successful the conditions to which I have referred are essential and vital.

I merely wish to say, in conclusion, that in view of the difficulties which seem to surround this undertaking; in view of the cost which it involves, and in view of the doubts which exist as to its commercial value and utility to the country and its success as a great national transcontinental railway, this House should hesitate to give its sanction to an Act ratifying the contract and committing the country to the absolute construction of this work.

Hon. Mr. KING—I have had the pleasure on more than one occasion of replying to the hon. member from Westmoreland, N.B.

on subjects similar to the one we are discussing to-day. I have always been willing to admit, and I am free to confess to-day, that in that hon. gentleman we have the exponent of Conservative opinion in the province which he represents. I go further and say I am doubtful whether there is any gentleman belonging to the Conservative party in New Brunswick whose opinion is of more value than the opinion of the hon. gentleman from Westmoreland, N.B. I may say, however, that I do not think on the present occasion that gentleman has felt as free to express his opinions in this House as he has been on former occasions when it has been my privilege to reply to him. On the national policy the hon. gentleman is perfectly at home ; he could not make a speech to-day on the transcontinental railway without dragging in the national policy. I think I might be safe in saying that the project which we are now considering in this Senate of Canada is one which is well thought of in the county from which the hon. gentleman comes, and one on which the people of that county, I daresay, in the near future, I know not when, will be called upon to pass judgment, as is their right. I do not purpose, hon. gentlemen, to take up the statements or the arguments advanced by the hon. gentleman from Westmoreland in the order in which he gave them. I purpose to deal with this question from my own standpoint. I do not intend this afternoon to ask this honourable House to allow me sufficient time to make the explanations which every hon. gentleman in this House feels himself called upon to make in dealing with this question. I have faith in the government which has conducted the affairs of this country for the past seven years; I do not believe, gentlemen, that that government is going to commit political suicide by attempting something which it does not understand, something which it cannot carry through. The people of this country will have an opportunity sooner or later to pronounce judgment upon the conduct of the government of Canada. So far as the location of this road west of Quebec in to Winnipeg is concerned, I shall not waste the time of this House in dealing with this matter. But, gentlemen, I will try as best I can, I will not say to explain the question before this House, because I do not think there is a gentleman within the sound of my voice who does not understand this question quite as well as I do, but coming from a province in the east which is quite as deeply interested in this question as any other province in Canada, I may be allowed to say something with regard to the interests of that province as they are affected by this Bill. It will not be necessary for me to weary this House by giving the history of the Intercolonial Railway from its inception down to the present time, and yet I do feel that I would be doing an injustice to myself, and an injustice to the province which I represent, if I were to fail to discharge my duty by referring briefly to that question. I have lived in the province of New Brunswick during the whole of my life ; I expect, whether I shall live long or not, to spend my days in that province, and if there is one question in which the people of that province have for the last thirty years felt a deeper interest than any other it was the manner in which the Conservative party of Canada dealt with that province in the location of the Intercolonial Railway. I have never yet stood upon a platform in that province since I have had the honour of occupying a seat in the other Chamber or in this House, that I have not made the location of that railway one of the principal grounds of attack upon the party to which I was opposed politically. I do not think that I ever yet found a Conservative in my county or elsewhere that was prepared to stand up and defend the location of that road on grounds other than the grounds which have been stated here frequently, that it was located there for military purposes. That is true. Reference is often made to the report of Sir Sandford Fleming. I do not know that there is a more competent engineer to-day within the bounds of the Dominion, a man whose word ought to be more readily accepted than Sir Sandford Fleming's, but I do say that the surveying for the Intercolonial Railway through the province of New Brunswick, was not made in the interests of the province of New Brunswick, but was made under the control and under the direction of the old province of Canada, and I know moreover that the instructions given to Sir Sandford Fleming at that time were not to secure a commercial line through the pro-

vince of New Brunswick, but just the opposite, a purely military line.

In carrying out that survey what was done ? Hon. gentlemen will pardon me, because I have not the report before me to quote from, but I have read it carefully. When that survey was made I was living in New Brunswick, where I am living to-day. I know where the lines terminated and where they started, and I should like to ask hon. gentlemen whether to-day, understanding things as now we do, it is worth while to plead in this House as an argument against the transcontinental line through New Brunswick, a report of a survey made through the central section of that province, which started, not at Quebec, not at Rivière du Loup, but with a view to keep thirty miles away from the north-east corner of Maine. They started from a point 150 miles below the city of Quebec on the St. Lawrence river before they turned south to go through New Brunswick. As everybody knows, in running a line in New Brunswick you would expect when you cross the province at right angles that you would meet difficulties. In surveying that line he did more than that. I am not blaming him. He was acting under instructions, received from the government who employed him. Everybody knows who looks at the map of Canada, that the St. Lawrence river from Montreal to Quebec, runs in a north-easterly direction, and if that is so, will anybody contradict me when I say that in going 120 miles down the St. Lawrence to Quebec and following a north-east course you are lengthening the distance, and you are shortening it when you go south. I have looked at it carefully and I think I am correct in that statement. I believe, living as I do in the centre of the province of New Brunswick, that it will not be at all difficult to secure a line equal in point of grades and curves to the Intercolonial Railway from Quebec to Moncton. I do not see that this government ought to consent for one moment to a line through New Brunswick which would have no value as a commercial line. I recognized the fact that when the Intercolonial Railway was built the people of Ontario, which was the only part of Canada that could raise a bushel of wheat, were years in that prosperous province when they could not raise wheat themselves, but with us it was not a question as to how cheap a bushel of wheat could be transported to a harbour on the Atlantic for export. It was, how cheap can we get a barrel of flour from old Canada for our own domestic use. Things have changed since that time. To-day we have the production of wheat perhaps not very much increased in Ontario, but away west of Ontario and west of the great lakes we have a country of which we are proud to boast ; in fact we are proud to say that time is not far distant when over and above all the wheat required for domestic use in Canada we willl be able to make good any shortage in Great Britain, provided they give us a preference in wheat in their market. Coming back to the Intercolonial, with regard to its location, I suppose the rules of this House would prevent me reading an extract from a debate in the House of Commons. If such is the case I have no desire to transgress the rules of this House, but if I am permitted I would like to read extracts from the speeches of two members of the House of Commons, not delivered during this debate but during a debate quite as pertinent to the matter under discussion as though the words were spoken during this debate.

Some hon. MEMBERS—Read, read.

Hon. Mr. KING—What I propose to call your attention to, is the opinion of the ex-Minister of Railways with regard to the location of the Intercolonial Railway. I will read first the statement of the Hon. A. G. Blair, and then the statement of the Hon. J. C. Haggart, and then I might ask the hon. leader of the opposition, also an ex-Minister of Railways, to substantiate the statements of Mr. Blair and Mr. Haggart. In the House of Commons during this session, on the 28th of May last, Mr. Blair, when defending his management of the Intercolonial Railway spoke as follows :

> Well, I am going to come down to the kernel of this matter, and I am going to show you why we do not earn that much. I am going to show you that the fault does not lie in the management of the road, nor in fact that it is owned by the government. The fact is not due to any wastefulness, extravagance or wrong-doing of any kind, nor to any causes that are not incidental to other railways as well as government railways. There are two causes. One is a greater cause than the other. I will refer to the minor cause first, though it is not very much inferior to the other. The minor cause is the location of the railway. There is no question

that the Intercolonial was not located with reference to business or commercial considerations. I have remarked before, and I remark now, that there was one particular in which political considerations did fatally injure the Intercolonial Railway. That injury was done, not merely once, but for the entire life of the railway. The location of the Intercolonial was most unhappy from the point of view of achieving financial results, and was due entirely to those considerations of state—imperial, if you will—war considerations, large and potent considerations, which were thought to overbalance altogether business considerations. As everybody knows, the location is very unfavourable, not only because of the enormous distances between important points and between the termini of the railway, but because of the inferior character, from a productive business point of view, of a large portion of the country which it traverses. A large portion of the railway does not yield returns at all commensurate with the cost of its operation. That important portion between St. John and Halifax is, I think, paying quite a handsome return over its cost and the expenses of operation ; but the rest of the railway is not, and that is due to the enormous distances over which the traffic has to be hauled, to the small amount of local traffic which comes to the road, and to another consideration of a very potent character, which is, that at almost every important point on the road, at all events——

He is referring to the fact that the water communication interferes with it on the north shore. I shall read to the House another quotation from an ex-minister, not on the side of politics to which I belong, but an authority which I am sure will satisfy my hon. friend the leader of the opposition. I refer to a speech made by Mr. Haggart.

Hon. Mr. TEMPLEMAN—It will not satisfy the hon. leader of the opposition.

Hon. Mr. KING—The Hon. Mr. Haggart spoke as follows :

I venture to repeat what I have already said, that by no legislation, by no government road, can you divert traffic from that point where it will secure the cheapest means of transport to the place of consumption. No matter what rolling stock you may purchase or what improvements you may make, you will never divert the traffic of the North-west and Manitoba over the Intercolonial Railway to Halifax and St. John. By no legislation or railway construction can you make traffic go by a route to the seaboard, which is more expensive than another route, and the people of this country will not be content to run a railway year after year that shows heavy deficits in order to obtain a result which is not economically correct.

I think I could afford to rest my argument just there. I do not know what better authority either side of the House want than the quotations which I have read ; but I go further, if you want proof of the uselessness of that road for the purposes of grain exports. You have only to go down to Halifax and look there at the empty grain elevators, and you have to go to St. John, New Brunswick, and look at one equally empty there.

Hon. Mr. PERLEY—Hear, hear. I have always told you that.

Hon. Mr. KING—Yes ; hear, hear.

Hon. Mr. PERLEY—What was it built for ?

Hon. Mr. KING—I will tell the hon. gentleman before I get through. I am somewhat surprised, in the face of what I have said with regard to the Intercolonial Railway, that the opposition to this scheme is largely based on the opposition to that section of the railway which passes through the province from which I come. Let me say, hon. gentlemen, that while I am prepared to give some credit to the Conservative party for what they did in the interest of St. John when they assisted in building a short line of railway across Maine, I was as strongly opposed to the Conservative party then as I am now and, for aught I know, stronger ; but when I saw a government doing what I believed to be in the interest of my province and in the interest of St. John, I supported them on that measure. Something has been said that in the matter of the location of this line in the province of New Brunswick, the claims of the city of St. John are being wholly ignored. I honestly say here now, while standing in the Senate Chamber, that I much prefer—and I go further, and say I think it would be better in the interest of the Dominion if St. John had been selected as the winter port of Canada, being the nearest port having terminal facilities in the maritime provinces to the city of Quebec, but the government in their wisdom, I suppose, thought otherwise. I do not believe that it was their intention to ignore St. John, and I go further and say that it does not rest with hon. gentlemen opposite to taunt me, as a supporter of the government, or the government of which I am a supporter, by making any such assertion, when I can point to the fact that in the location of the Canadian Pacific Railway entering that province, the contract was let in identically the same way from Montreal ; and it does not say to Moncton, but my hon. friend opposite knows what Salisbury means. It is as near Moncton as this road is intended to tap the Inter-

colonial Railway, so, to all intents and purposes, the two contracts are identical. But I will say further that St. John's claims have not been ignored, and St. John did not suffer at that time by that location, because the common sense of the people who are managing the Canadian Pacific Railway taught them at once that if they were to profit by the facilities which the people of St. John were ready to provide for them there, they could not afford to go across the country to Moncton and on to Halifax, and notwithstanding St. John was not recognized by the Conservative party at that time in the contract, it is a fact that St. John up to the present time has been largely benefited by the building of that road. I would not refer at greater length to that line across the state of Maine, but I will go as far as to say that it has done an immense amount of benefit to the city of St. John. I might say further, in reply to the hon. gentleman from Westmoreland (Hon. Mr. Wood), that if I remember correctly, there were no stipulations as to the route, and I think when that contract was let the government of Canada knew very much less about that portion which crossed the wilds of the state of Maine than is known now of the portion of country through which it is likely to pass in the province of New Brunswick, and even of the country to the north of us here in Ontario and Quebec. But it so happened at that time, it was not 'Cox could not wait,' but it was somebody else could not wait. The Canadian Pacific Railway Company were in difficulties; they wanted to borrow thirty millions of dollars, and they got it on condition that they should build that road from Montreal to Salisbury on the Intercolonial Railway, and in the arrangement, which was concluded afterwards, the Canadian Pacific Railway Company were compelled to take over a piece of road which had been constructed as far as the boundary of Maine through the province of Quebec, and did not build one mile of road into St. John, but secured by lease a road leading to that city, and supplied the link between the borders of Maine and Mattawamkeag, in the state of Maine.

Now, one word with reference to the route across New Brunswick; I have no doubt that I shall be charged with having some personal interest in a road going across that section of country. It is not my fault that I have lived for forty or fifty years at a point which may possibly be covered by the survey through that province. I am not making that a stipulation. I was not the first, but one of the last to name that point upon the line of railway, but, in no way will it be possible to run a line from Moncton to the town of Edmundston on the St. John river, without traversing seven counties of New Brunswick. We have heard much about the clay belt of northern Ontario, and the good lands of Quebec, but I want to tell hon. gentlemen that in four counties of New Brunswick, York, Carleton, Victoria and Madawaska, there is as good land (I mean rolling land, not prairie) as can be found in the Dominion of Canada, with this further advantage that it is two degrees further south than the lands in Ontario and Quebec, and the further advantage that that land is within two or three hours of open seaports the year round in the maritime provinces. I do not say that that land will be settled at once if the road goes through there, but I do say, and I will be borne out in that statement by gentlemen from New Brunswick who know the facts, that while there has not been an increase of population in New Brunswick as a whole, while there has not been an increase of population on the line of the Intercolonial Railway between St. John and Halifax, yet there has been in the counties of Restigouche and Madawaska, and to a certain extent in Victoria, since they have been opened up by railways, a large addition to the population, and I have not a shadow of a doubt, that if a line is run diagonally across New Brunswick it will be worth a great deal, independent of its uses to the whole Dominion of Canada, as a colonization road. I have not yet alluded to the section of country where I live myself. I admit the land is poorer there, because it is in the coal measures, but I have no hesitation in saying that on that line a quantity of coal well adapted for railway purposes can be secured that will save that road a haul of 150 to 200 miles.

I was surprised last evening when the hon. leader of the opposition was speaking on this question, to find him endorsing the first application of the Grand Trunk Pacific

Railway when it was said these gentlemen came to the government and wanted a charter from North Bay, Ontario, to the prairie country, and across the prairie country to the Pacific ocean.

If the hon. gentleman's endorsement of that measure meant anything it meant that the hon. gentleman was perfectly satisfied to have every bushel of wheat and every ton of freight which comes out of that great western country brought to North Bay, transported by the Grand Trunk down to Toronto, from Toronto, by their double tracked railway to Montreal, and from there to these twenty million dollar terminals at Portland. I should like to ask now, while on that question, who in Canada is responsible for the Grand Trunk Railway having twenty million dollars invested in terminals at Portland? I say it in the presence of the oldest and most respected member of the Conservative party, that if the Conservative party had done their duty by the maritime provinces when the Intercolonial Railway was built, the Grand Trunk Railway would not now have twenty million dollars invested in terminals at Portland. The terminals would have been at Halifax or St. John. Complaint has been made by my hon. friend from Westmoreland county (Hon. Mr. Wood) or rather he has tried to raise a suspicion that unless this company is bound in some way to provide terminals at Halifax and St. John they would not operate that road. If it is the fact that the Grand Trunk Company, relying upon the business of Toronto, Chicago and the western states, have expended twenty million dollars of their own capital in furnishing terminals at Portland, I would like to ask hon. gentlemen if that is not a sufficient guarantee that when Mr. Hays, who I was glad to hear the hon. leader of the opposition last night say was a thorough railway man, signs a lease to operate this railway on condition that he must pay a rental of three per cent per annum of the cost, having to equip the road with rolling stock, to put twenty million dollars worth of equipment on the whole line, five millions on the eastern section, that he is going to shunt the freight to Portland and allow the Quebec and Moncton road to remain idle? I know enough about the Grand Trunk Railway to say that it has been the policy of that railway since it first started into Canada, to furnish feeders for their line. I believe I would be safe in saying that if the extent of the main line is 2,000 miles, the extent of the branches operated under that system must be 4,000 miles. This is merely a guess, I do not give the figures as being accurate to a mile or 100 miles, but if that has been done who paid for it? The Grand Trunk Railway. If Mr. Hays the great railway man—he has been spoken of as the equal of Sir Thomas Shaughnessy—takes over from the government of Canada 1,875 miles of completed road and agrees to pay on that line one and one-half or two million dollars a year rental, I would like to ask if it would not require some forethought on the part of Mr. Hays, and to-day he is planning for feeders for that road? Does anybody suppose when the road is finished, when the line of steel is laid from Moncton to Winnipeg, that Mr. Hays will not then and there have made provisions for branches to furnish traffic to that road? Why, it would not be worth taking over unless he does. We know Mr. Hays must get to St. John as the Canadian Pacific Railway was obliged to go to St. John. We know Mr. Hays must get to Montreal as every railroad in Canada is desirous of getting to the commercial headquarters of this Dominion; we know that Mr. Hays will immediately extend his line from North Bay till it taps this transcontinental railway; we know that somewhere on Lake Superior there must be another large investment in a branch leading down to the navigation of that lake. I go further, and say that Mr. Hays is not the railway man he is represented to be if he has not, long before this road is completed, planned to open up the clay belt to the north of this road, and if he does not do it before, he must do it soon after. What follows, in addition to the twenty-five million dollars of rolling stock; in addition to the five millions of cash to be put up as security for the carrying out of his contract on that portion of the line, the Grand Trunk Pacific will probably have invested twenty-five million dollars in branch lines which will afford feeders for the main line. Is not that a sufficient security for Canada? I feel it is much safer for Canada to have the contract in that way than if the government of Canada had assumed the

whole undertaking and were to put rolling stock upon that line and hand it over with its equipment to Mr. Hays. He might run it for a few years and he might throw it back with the branches and the rolling stock on the hands of the government of Canada. But if Mr. Hays is a capable railway man and knows his business, and I think he does, and he has to deal with men like my hon. friend here, Senator Cox, and others who are leading capitalists of this Dominion, and he has to go farther in order to finance the Grand Trunk Railway and the Grand Trunk Pacific scheme, he will be just as careful as any other railway man that the interests of the Grand Trunk Pacific and the Grand Trunk Railway are not allowed to deteriorate as they would be if he were foolish enough to take over a line of railway 1,875 miles long from Moncton to Winnipeg without having provided a single feeder to that line. I should like to know where the Grand Trunk Railway, of which we are so proud, and where the Grand Trunk Pacific Company and Mr. Hays would be long before the ten years had expired, if a provision of that kind was not made. I now desire to say a word in reference more particularly to St. John, N.B. and the maritime provinces as a whole. While our friends of the Conservative party did perhaps do the best thing that could be done under the circumstances in providing a short line to St. John, still, after that line was completed, notwithstanding St. John had to a certain extent furnished terminals free of charge, five years were allowed to go by, and the Conservative party in Canada was all this time giving subsidies to the Allan Line of steamers, connected as they were with this dreadful Grand Trunk Railway, not only for the purpose of carrying freight, but carrying mails destined for Europe from points in eastern Canada to the city of Portland, in Maine. It was not until a change of government that condition of things was altered, but I do remember the fact that one year before the Conservative government went out of power there was a line of winter port steamers to ply between St. John and the mother country. How did that come about? Every one knows now it was under pressure from Mr. Hazen and Mr. Chesley from St. John, when they put—I was going to say—a pistol to the ear of the Minister of Finance of that day, but when they placed in his hands their resignation, and the government were obliged to succumb and make St. John a winter port.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is all in error; the whole negotiations were transacted through me, not through the Finance Minister at all.

Hon. Mr. KING—Perhaps it might have been through the hon. gentleman, but I do know this——

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman will ask Mr. Hazen and Mr. Robertson, who was then, I think, Mayor, and one other who is now a very active member of his own party, I think they will tell him who transacted that road business.

Hon. Mr. KING—I know this much, that the statement was made in St. John during the last election.

Hon. Sir MACKENZIE BOWELL—By whom?

Mr. KING—By Mr. John Chesley, a former supporter of the hon. gentleman's government, at a public meeting in St. John, and to this day I have never heard it contradicted.

Hon. Sir MACKENZIE BOWELL—I may say this in justice to the hon. gentleman, I have no knowledge of any negotiations that took place between the gentlemen he has mentioned and Mr. Foster; what I am speaking of is the recommendation to council, which was made by myself after the interview——

Hon. Mr. KING—I will do the hon. gentleman the credit of saying that he was the only member of that cabinet who was disposed to deal fairly with the city of St. John.

Hon. Mr. DEVER—He (Hon. Sir Mackenzie Bowell) was the best man in the Conservative government.

Hon. Sir MACKENZIE BOWELL—Perhaps before the debate is through I may tell the hon. gentleman how it was all done.

Hon. Mr. KING—I do not wish to cast reflection on the hon. leader of the opposition. I think he was then going, and always

has gone, as far as his party would allow him in dealing with the city of St. John. I think for one year the Beaver Line of steamers plied between St. John and the mother country. The next year brought about a change of government. Sir Wilfrid Laurier, the leader of the Liberal party, and of the government of Canada to-day, happened to be in St. John on invitation from the St. John reception committee, and the hon. gentleman on that occasion made a speech in the presence of the most thoroughly representative gathering that it was possible to assemble on an occasion of that kind, and while he spoke at considerable length I am sure I am safe in saying the words which will be always remembered of that eloquent speech will be :

> It will be the aim of my government to see to it that every pound of freight which originates in Canada west shall find an outlet at Canada ports, and I go further, we will endeavour to capture as much of the trade of the north-western states as we possibly can.

I maintain here to-day in the presence of gentlemen from my own province who know whether I am telling the truth or not, that from that day forth the policy of the government of Canada was entirely changed. Where we had the Beaver Line for one year, for which a small subsidy was given by the government of Canada, we have to-day I will not say how many lines—I think six lines—plying to the city of St. John. This year, I am safe in saying, there are two additional lines provided for. We will have eight. Last year there were 99 steamers loaded at St. John. It was not always thus, and does it lie in the mouth of any member from the province of New Brunswick to say that the government which has filled the requirements of the port of St. John to this extent, by subsidizing lines of steamers and taking away from Portland 100 cargoes in one winter, is not a government that can be relied upon to deal fairly with the city of St. John in carrying out this Grand Trunk Pacific scheme. I am not going to talk about the muskeg, the small timber and the poor land and the good land along the route of the Grand Trunk Pacific, but I am going to say that I am thoroughly convinced that the line which is projected from Quebec to the city of Winnipeg will be the only line which can ever benefit the winter ports of the maritime provinces. I go further and say that the building of a line across New Brunswick can effect a saving in distance to St. John of 150 miles. I do not say you can find everywhere a good line, but I have the authority of the ex-Minister of Railways himself for the statement I have made that a short line can be located from Quebec to St. John. I am now referring to the statement which he made in that celebrated speech of his when he returned from the cabinet—that a line not more than 428 miles can be got from St. John to Quebec. I admit if that line were selected it would not be dealing fairly with the sister province of Nova Scotia, and I must say that I would support a line which would do equal justice to the two provinces ; and I must say as a member of this Senate, representing the interests of that province, that the city of St. John will never be satisfied until that line comes right down the St. John river valley to St. John, on the line proposed by Mr. Blair, though I would not suggest it now. Why ? Because right through that very same country we have now a line every inch of the way up the valley of the St. John, though not the kind of line which would be required for transcontinental purposes, I admit. I will tell the House how we got that road, to show the feeling in New Brunswick thirty years ago when we were cheated out of our rights. The government of New Brunswick charterel a company composed of several prominent gentlemen, and what did they do ? They voted away 1,600,000 acres of the most valuable timber land in that country in order to secure redress for the wrongs which the Conservative party had done them, and they gave away those lands which if they were owned to-day by the government of New Brunswick would be worth $10,000,000 and would pay off every debt of the province and leave enough in the treasury to build our share of this line from Quebec to Moncton. It is said that it is not right for the government to duplicate or parallel or interfere in any way with the Intercolonial Railway. Well, that depends upon circumstances. If the quotations which I have read from speeches of men on both sides who are better qualified to speak than I am on this subject, and as well qualified to speak as any one in this House on the subject, are true, and if it is a fact that in the last thirty years, Canada

has been mulcted for deficits on the Intercolonial Railway to the amount of five or six million dollars, I appeal to the good judgment of the Senate if it is not time that a halt was called, and if we are ever to get a good commercial line, has not that time arrived? I believe it has, and I have faith in the government who are behind this proposition, to believe that they have the interests of the maritime provinces at heart and so far as lies in their power they will give to the maritime provinces what they have felt all along, they were entitled to. If they fail, it will not be the fault of the government. It is true, unfortunately for our province, that by a fatal blunder on the part of those entrusted with the affairs of that province in settling the boundary dispute between us and the United States, we lost a portion of our province, which would have given us a short line across what is now a portion of the state of Maine. I do not think anybody should hold the government of this country responsible for what took place at that time. I do not ask, and I do not think Canada can ask to have that boundary changed. We find it difficult enough to hold our own against the United States now. In consequence of that blunder in settling the boundary of the province, the line is lengthened somewhat, but I am satisfied that a government, determined as this government is, to do justice to the maritime provinces will find the best line, and having done that they will have done all that any government can be expected to do. I may be addressing some hon. gentlemen in this Senate who do not understand what is meant by the Intercolonial Railway, quite as well as the ex-Minister of Railways and Canals or I do. I know the habit which prevails in parliament in discussing this question, is to condemn the whole of the Intercolonial Railway system. Mr. Blair has made a statement on the subject, but he has not gone as far as I go. Perhaps he is better qualified to judge than I am, but I am going to make a statement: The Intercolonial Railway is divided into two sections. One was largely built by the provinces of Nova Scotia and New Brunswick. If it were possible to analyse the accounts and separate the working expenses and receipts on that section of road from St. John to Halifax and from Truro to Sydney in the province of Nova Scotia, and to place alongside of it the receipts and expenses on the section of the road from Moncton to Montreal, it would be found that instead of the Intercolonial Railway showing a surplus on the whole line last year of $125,000, according to the report of the hon. Minister of Railways, that the portion of the system from St. John to Halifax, which has not an equal from a paying point of view, in any section of Canada, it would be shown that instead of that being a loss to this country it would return to the provinces of New Brunswick and Nova Scotia under economical management, a sum equal to eighty cents per head, an amount equal to the bounty which the provinces draw from the Dominion treasury.

Now, with regard to the military aspect of this question, I want to point out to my western friends—and I care not to what party they belong—that all along they have been making a mistake in discussing the Intercolonial Railway and I think when I get through they will agree with me. We know very well that the Imperial government insisted upon that road being built as a military road. It was not built as a protection to the maritime provinces. Was that put there to protect the gateway of this western country so as to permit you to get in and out, when the Yankees refused to allow you to go the other way? When we went into confederation it was understood that old Canada had made very large expenditures on canals, and that we had expended some money on railways, and a certain amount was charged against us as our share of that debt, and a certain amount was charged to us since. What has happened? I do not complain of it, and I would have upheld it just as much if the other party had done it, and now the canals are made free, Canada is being helped and the west is being helped, and Montreal is being helped, and, I suppose, Quebec. When you help the west and Montreal and Quebec, you do not hurt New Brunswick and Nova Scotia.

Hon. Mr. DEVER—You don't give them any trade.

Hon. Mr. KING—That is true. With regard to the building of the Canadian Pacific

Railway to St. John I do not hesitate to make the statement that notwithstanding it was a competing line, I do not think it has influenced the receipts of the Intercolonial Railway in any way, neither do I think the building of a line on the route suggested from Quebec to Moncton will have any injurious effect. It is well known that there is a traffic built up on the north shore of New Brunswick and that traffic has to be accommodated. If the Intercolonial Railway has been losing money, it has been lost by attempting to do a work for which it was never intended, transporting the products of the west to St. John and Halifax. It is said that this line, when built, cannot transport the wheat from the west to St. John. Well, I have been surprised all through this debate, both in the House of Commons and in the Senate of Canada, to find so much time devoted to a proposition which nobody disputes. Nobody is fool enough to say that navigation is not preferable to all-rail. We may find somebody who says it is, but I have never found a business man who says that such is the case. However, Canada is not like some other countries in the world. I will not say that Canada has a cold climate, but I wil say from the Rocky mountains all the way down the St. Lawrence and right out to the Atlantic during five months of the year, every pond, lake and river is closed.

Hon. Mr. TEMPLEMAN—British Columbia is open.

Hon. Mr. KING—St. John and Halifax are open, but Ontario, Quebec and the North-west Territories are closed. As I said before, the time is not far distant when it will be possible to supply the quantity of wheat which Great Britain requires in order to supplement the home-grown article and furnish food sufficient for the population of that country. I have no doubt that the gentleman whom the press say is leaving Canada to go over to the assistance of Mr. Chamberlain, will try while in that country to bring about preferential trade with Canada. I regret very much that members in this branch of parliament and in the other House, should have put an argument in the mouth of the opponents of preferential trade in that country, by telling the people of Great Britain that for six months of the year it was not possible to transport a bushel of wheat out of our north-west country. What are the facts? To-day you have probably five or six million bushels of wheat waiting for transportation down the lakes. We have fifty or sixty million bushels still in there for export this season, and I do not know how much more there will be for export in the years to come, but if you had the 200,000,000 bushels of wheat required to fill the contract spoken of, with the British government, you would fail to get it out, and if the preference of six cents a bushel were given to Canada, who would be filling the market and taking advantage of that preference during the winter months. I have been engaged in the lumber business, and I know that in the city of St. John when we had to depend on a sailing vessel, the whole summer through until September, when the insurance rate went up and the mills went on sawing, the lumber dealers on the other side knew how much lumber there was on the St. John wharfs and how much was to go forward, and when the spring came, we were continually glutting the market by throwing lumber into the market when it was not wanted. But that is changed, our lumber is going forward by steamer, which is the proper system, to Liverpool and Glasgow, and other ports in Great Britain, and I say that they had very much to do with helping the lumber business in the maritime provinces. If we had to depend on sailing vessels to-day, the lumber trade would not be in the satisfactory condition it now is. The same condition applies to wheat. If we have a quantity of wheat in the North-west it is no hardship. When a line of railway is constructed across that country to Winnipeg and thence down to Moncton, Halifax and St. John, the farmer in the North-west Territories can sell his wheat and have it brought down by rail. He can keep it if he wants to. There is no compulsion to sell, but if we get two or three million people in that country, as we hope there will be in the near future, and we deny them transport for their grain for six months in the year, they will get out as quickly as they came in. The grain business will increase and you are not taking an additional cent out of the farmer on extra freight rates at five cents a bushel, which is the most I heard anybody claim, while you are giving

the people of the North-west—I will not say the farmer alone, but everybody—you are giving them a chance to do business the year round. If they do not sell the wheat at the reduced price they can hold it. Take the Doukhobors and the other settlers going in this year. It is not supposed that they will all be millionaires like Mr. Barr. Their wants will be so great that they will have to dispose of the wheat they raise in order to obtain supplies in the winter. I have been six times across the prairie country, but I am not as well posted as my hon. friend from Wolseley (Hon. Mr. Perley). I say, however, we should give that country an opportunity to dispose of the wheat to the best advantage all the year round, and you do not want to place the farmers at the mercy of a few grain buyers, who can manipulate the price and buy it to suit themselves. What has happened this year? Within the last month or six weeks, wheat has gone up in Manitoba and the North-west to seventy-five or eighty cents a bushel. The usual price is sixty cents. Suppose the rise in wheat came after the navigation closed, and there was 100,000,000 bushels of wheat in the North-west, would that be a sound condition of things? You might say buyers would be on hand to purchase it and hold it, but I am told that the cost of keeping the wheat in the elevator is very considerable, very much more than to put it on the train and send it across the ocean. I have an idea that you can no more accommodate the traffic of Manitoba and the North-west with two million people in it than you can control the traffic of the United States. I have a very vivid recollection of the time when Manitoba had less than 100,000 population, and 50,000 in the whole North-west. We gave the Canadian Pacific Railway a monopoly in that country by preventing the granting of local charters unless they went in a certain direction. But the people rose in their might at that time and the government, strong as it was, and the Canadian Pacific Railway, as strong as it was, had to back down. I remember the speech in which Sir Charles Tupper remarked, 'We cannot check Manitoba.' If you could not check Manitoba and the North-west in those days, can we believe that the government of Canada will be strong enough to check Manitoba when Manitoba wants an outlet during the six months of the year when the navigation of the whole country is frozen up?

While I am on that branch of the subject, I want to refer to another proposition which has been made in the other House and backed up by the Conservative press of the country—a proposition which, on the face of it, I admit appears to be fair to the maritime provinces. I have looked very carefully into that matter, and I am going to give you my view of it. In discussing this question, I want it distinctly understood that I believe the only traffic from the great west that St. John and Halifax can ever participate in, will be traffic in winter. Now, it is suggested by the St. John 'Telegraph', a paper which is opposed to this scheme, but was formerly with the Liberal party, that the right and proper thing to do in the interest of St. John and Halifax is to buy the Canada Atlantic Railway and extend the Intercolonial Railway to Depot Harbour to St. John and Halifax for winter shipment.

Hon. Mr. FERGUSON—Does my hon. friend say the St. John 'Telegraph' advocates that?

Hon. Mr. KING—Yes.

Hon. Mr. FERGUSON—The Liberal organ?

Hon. Mr. KING—Yes, the St. John 'Telegraph,' which until recently has been the Liberal organ. On the face of it that looks a very fair proposition. There can not be very much in it, because my hon. friend the leader of the opposition has not endorsed it himself, nor has the hon. gentleman from Westmoreland (Hon. Mr. Wood) done so; but hon. gentlemen on the same side of the House are doing so and I do not doubt that before we get through this debate it will be advocated as a scheme in the interest of the maritime provinces. Suppose to-morrow the governement should acquire the Canada Atlantic Railway for twelve millions—and I never heard any lower estimate made of the cost—they would have to extend it from Coteau to Montreal. We know what it cost to get the Intercolonial Railway in at one side of Montreal, and we can imagine what it would cost to get the Canada Atlantic Railway in at the other side. Instead of the

capital of the Intercolonial Railway being fixed at $68,000,000, it would, if this plan were carried out, run up to $80,000,000, or about the cost of the Transcontinental Railway.

Hon. Sir MACKENZIE BOWELL—What portion would cost $80,000,000 ?

Hon. Mr. KING—The whole Intercolonial Railway system when extended to Depot Harbour. I want to point out that that scheme would not be in the interest of the maritime provinces. Why do I say so ? Put your Intercolonial train on to-day and send it to Depot Harbour, load it with grain—and there is nothing else there you could get during navigation—and carry it to Montreal or Quebec and tranship it there. In four weeks from to-day there comes a cold blast from the North-west and the St. Lawrence navigation will be closed. But if you take a train load of wheat to St. John, N.B., you have an elevator there (I admit that it is kept idle) which you could fill with the wheat. But you have nine steamers lying in St. John harbour. Will anybody say, if there was ten thousand tons of freight there intended for Manitoba and the North-west, that the Intercolonial Railway could take one pound of it west in winter beyond Depot Harbour ? Where would they land it ? At Depot Harbour on the ice, and then the moment navigation would open the trains would go back to Montreal, and what would they be doing ? Helping St. John and Halifax ? Not a bit of it. They would be helping Montreal and competing, as they are now competing, with the water route. The Canada Atlantic Railway is doing all it could do for Canada now just as much as if the government owned it. But I cannot afford to allow that proposal to rest there, because I am reminded of another fact, and that is, that I have heard some talk about a branch being extended from Depot Harbour up to the Canadian Pacific Railway at Sudbury, a distance of 125 miles. Unless you carry out the whole of Mr. Borden's scheme, which nobody in the House I find is willing to endorse or carelessly refer to, what would happen ? We had an election at St. John only three years ago which settled a matter of a similar kind. Mr. Blair ran his election in St. John and opposed the Canadian Pacific Railway, as my hon. friend knows, getting the privileges and advantages which they thought they were entitled to on the Intercolonial Railway. I am not discussing which of them was right or wrong, but what I am quite sure of is this : after what took place at St. John, the Intercolonial Railway would get a very cool reception at Sudbury if they were to offer freight to the Canadian Pacific Railway for Winnipeg. It would be better for them to get rid of it at St. John. They would get very little out of it. So far as St. John and Halifax and other ports in the maritime provinces are concerned, the only scheme which is worth a cent to them is that which is before this House to-day. Why do I say so ? You start from Winnipeg and cross this north country down to Quebec, and you will have a bridge over the St. Lawrence soon, and in four hundred and twenty-eight miles from there taking the estimate of a gentleman who is opposed to the scheme, you get to St. John. You get to St. John by a route 150 miles shorter than the present route, a route shorter than the present Canadian Pacific Railway line from Winnipeg to St. John—I will not say how much shorter ; it is hard to determine the distance yet, but it certainly will be as short as the Canadian Pacific Railway route. Who in this Chamber, who knows anything of business in the lower provinces will say that if it is possible to transport freight from the North-west to St. John by the Canadian Pacific Railway at a disadvantage of 183 miles as compared with the route to Portland, Maine, that it will not be possible to transport freight from the west to the same port by this new line ? If it were a couple of hundred miles longer I should say that it would fail, as the Intercolonial Railway has failed to get that traffic in the last 30 years ; but when you give us the shortest possible line to St. John, a line as short as the Canadian Pacific Railway, then you have done all that you can and if you fail to compete successfully for the freight of the west it will not be the fault of the government of Canada. The Canadian Pacific Railway is competing for that traffic. That company carried wheat to St. John last year. The newspapers do not always state the quantity that is carried that way, but some millions of

bushels of wheat were carried last year to that port from the west and shipped to Europe. I am very particular in making myself clear, because this matter has been of very great interest in St. John and in New Brunswick and Nova Scotia, and the people have been carried away by the Georgian bay proposition. I should like to ask the hon. gentlemen in this House who support that view what there is in that proposition for the manufacturers of Nova Scotia and New Brunswick. Will it help Sydney or the Nova Scotia Steel Company? They have but one line to the west, the Canadian Pecific Railway, unless they send freight by the old Intercolonial Railway or give it to the United States railways to get into that country by another route. I say the manufacturers of the maritime provinces have a right to be consulted in a matter of this kind. I say of the east as was once said of the west—you cannot check the maritime provinces. If this measure is defeated you will find, and the time is not far distant, when the people will demand their rights.

As I have spoken at considerable length, and as no hon. gentleman in this House has thought proper to defend the proposal of their leader in the other House, it is not necessary for me to refer to it, for if I did that I should speak at very great length.

Hon. Mr. LANDRY—It has not yet been recommended by resolution of the Governor in Council.

Hon. Mr. KING—The Borden route?

Hon. Mr. LANDRY—Yes.

Hon. Mr. FERGUSON—Do I understand the hon. gentleman to say that the propositions of the leader of the opposition in the other House are before the Senate to-day?

Hon. Mr. KING—No, and I do not think they ever will be before the House; but hon. gentlemen have a right to refer to them in this debate. I said a moment ago that the only proposition which would benefit the maritime provinces in the matter of transportation would be the one which we are now considering. I adhere to that statement. I have looked into the matter carefully, and I have no doubt on that score. I have no doubt that if my life is spared I shall see the provinces by the sea enjoying the benefits of that route. I represent a section of country far in the east; the majority of those around me belong to the great west. There was a time when we in the east counted in numbers more than you did in the west. But an invasion of the west occurred before the days of railroads, telegraphs and telephones, in 1812, and word came to the province of New Brunswick that help was needed. In the month of February or March, 1812, a regiment of 1,000 strong mustered out of the sparse population of the little province of New Brunswick, tramped on snowshoes over the route we are discussing to-day, performing a march which is memorable in the history of this country, for the purpose of defending you. At that time we were disjointed provinces, but we were British and it was the bond which bound us together. If it had has not been for that there was nothing else which would have induced our sons to face the hardships and dangers of that winter march. Things have changed since then. We are united by the British North America Act, and I am not afraid or ashamed to say that the bond which bound us then was stronger than the British North America Act. That bond exists to-day. We had evidence of it only a few years ago when our beloved sovereign called on Canada for help. What happened? Men rushed from every province of Canada to the recruiting stations, and soon our regiments were ready to embark for South Africa. They went from this country as provincials, but on the morning of the battle of Paardeburg, when they fought not only in the defence of Queen and empire, but to sustain the loyalty of their fair country, I do not believe there was any thought or feeling in their breasts which gave them greater inspiration than the fact that they came from a united Canada and were British. Some of them fell beneath the leaden hail, and are lying to-day in their lonely graves in that far-off land, but the rest of them are back with us; and I ask hon. gentlemen opposite, who oppose this measure, which I believe to be in the interests of the section from which I come, to sink their party prejudices and allow their breasts to be animated by the spirit which animated those men. If they do so they will not defeat a measure

of this kind. They will perpetuate a cry which is popular in this country to-day—'Canada for the Canadians.'

Hon. Mr. PERLEY—I am not one of the members of this honourable body who occupy much time in addressing the House, and I would prefer on this occasion to give a silent vote. My habit has been to listen carefully to arguments for and against any measure brought before this Senate, and then to give what I think is an intelligent vote. I should be glad to follow that course on this occasion, but circumstances require that I should state my views upon this Bill. I am not a fluent speaker, but whatever speech I might have made I have been robbed of my material by the speeches which have already been made by hon. gentlemen who have addressed this House on the question. I shall not, therefore, trespass on the patience of the House for any length of time. This is a large public question, the largest that has occupied the attention of parliament this session. If there ever was a question which should appeal to fair-minded men it is this Bill. It is true we have not had much time to think over it. The measure has been sprung on us. One would think it had been conceived in iniquity; certainly it has been born in darkness, because it was only towards the end of the session that it was sprung upon parliament and the government have not undertaken to furnish us with such information as will enable us to give an intelligent vote as we are expected to do. The Senate is the safety valve of the Dominion; it stands between the government on the one hand and the electorate on the other.

We are here, not as party hacks, although some of us may respond to the party lash. We are here as independent men to vote on all measures on their merits, and it is our duty to give a fair and impartial vote and not a party vote. My own practice has always been, as I can prove by the records of the past, to vote on the merits of the measures which come before me, holding what I regard as a high position, representing the great body of the electorate in the district from which I come. I am not here to vote at the bidding of any party. I am here to serve the interests of the people I represent. When I lived in New Brunswick I ran an election in my native county of Sunbury, and on one occasion I was speaking on the same line that I am speaking on now. I live in a free country, and have always exercised the privileges of a freeman and declined to be a serf to any government. In the election of 1882 I was making a speech in the county of Sunbury, in which I was a candidate opposing the Hon. Charles Burpee. I was giving expression to independent sentiments, because I had noticed in the parliament of Canada party lines were sharply drawn. No matter what the measure was the representatives of the people voted with their respective parties. I took exception to that course, when someone asked me: 'How will you vote if you get into parliament?' I said there are only two planks of this Conservative party before the country which I shall pledge myself to support. One is the national policy, the other is the railway policy. After that I shall judge measures on their merits. If the other measures they introduce commend themselves to my judgment I will support them, if not I shall oppose them. I removed from New Brunswick to the west, and at the next general election the people in my neighbourhood considered that I was a candidate who would suit them. I was speaking in that election on the same independent line as I had spoken in the east, because in the great western country the people enjoy their freedom. They felt that they ought to be treated in some respects more generously than they had been treated, and in speaking on one of those occasions I expressed opinions similar to that. A dozen of my supporters met in a very important town in my riding after I had delivered an address the night before, and they sent a delegate to me. They said: 'Go for this fellow Perley, we want to see him.' I came down to the meeting. They took me to a store and upstairs to the back office, closed the door, and I saw sixteen or seventeen of my best friends there. I said to them in a jocular way: 'Have you got some conspiracy against me, that you are bringing me in and locking the door?' They said: 'No, Sir; but we want to know what your politics are. Are you a Conservative or not?' I said: 'Gentlemen, is that what you brought me here for?' They said: 'Yes.' 'I will answer that question in two minutes. I am in favour of the policy of the Conservative

party so far as I know it at the present time, but I will not stultify or sacrifice your interests for any party after I go to Ottawa. I will go down there as the representative of the people, not as the representative of the government.' That is the policy I advanced. I said: 'I am in favour of the national policy, I am in favour of their railroad policy; and if you send me to parliament I will advance such measures as I think are in the interests of the people of this country whether it suits the government or not.' The result was when I came down here, although I was pledged to the national policy as far as one man could be pledged to it, in revising the tariff, as they always do at every new parliament, I moved in my place in the House of Commons that the duty on agricultural implements be reduced from 35 to 25 per cent. I spoke in favour of it. Sir Charles Tupper across the House implored me to withdraw my motion. I stood firm to my convictions, because I thought the manufacturers of this country that had started out with a 25 per cent tariff and had it raised to give them the market of Canada, I thought after a number of years when they got their factories fairly well established, they ought to be able to manufacture under a duty of 25 per cent, and I would not withdraw my motion. I stood to my motion and voted against my party. That was a thing I never saw a Liberal member do during the time I was in the House of Commons. I got the applause of the Grits then; they thought I was a great fellow then. In this Senate when I was appointed here I voted with the Liberal party for Clarke Wallace's Combines Bill, and again when the Bill for the Harvey and Salisbury branch of the Canadian Pacific Railway had passed the other House and came up here to be considered, I was one of the first members, with some of the other members of the Senate on the Conservative side, that took action against it, talked the matter over and defeated the measure in this House.

Now, gentlemen, I say I would rather forty times, and I speak what I believe at the bottom of my heart, vote for the government than vote against them. I have voted on several occasions for the government and I would gladly vote for them on every occasion, but when they present a Bill like this and ask me to swallow it I must say I must take exception. I say this should not be a party measure; it is a measure of very great importance. Hon. gentlemen have said it was a matter second in importance to no legislation that has come before parliament, and I quite agree with them; but there have been no profiles, no maps, no information, nothing on which to base our opinion, and yet we are asked to undertake to build a railway from ocean to ocean through a country which is unknown, because even the North-west portion, which may have been explored more than any other portions of it, is still an unknown country. We do not know anything about the physical condition of that country or the agricultural possibilities of it to any large extent, and the result is we are asked to go at it blindly—it is nothing more, nothing less, and vote for a measure we do not know a single thing about. When I go home and am asked the reason I gave for my vote on this Bill I will be able to tell them—because I am going to vote against it—that I voted against it because I did not know anything about it. It is too great a measure to undertake to trifle with. What I say is this, that if this government had made a proper survey of this road from Moncton—if they had had the courage to start from St. John—that is the proper place to start from, it would have more to commend it. Moncton is not a seaport town; and then the hon. gentleman talks about elevators. Why, there is not a granary you can put four bushels of grain in in Moncton—it is not a grain-producing country, and no ships put in there; the only things to be found at Moncton are the government works and the 'bore.'

Hon. GENTLEMAN—What is the bore?

Hon. Mr. PERLEY—It is the roll of the ocean. I was going on to say it is proper for the government to be progressive, it is proper for the government to support legitimate railway enterprise for the development of the country to the extent of its financial ability, but, this is a gigantic scheme, and if the government will have location survey plans and profiles of the line made so that that they can lay information before parliament on which men of some intelligence can vote for it on its merits, not under the

lash of the party whip, if they can give us the information that this country is justly entitled to before we are asked to spend from one hundred to one hundred and fifty millions of money, I for one, will vote for it, if it is a measure that is feasible and practicable. The hon. gentleman the Secretary of State said they did not know yet that they would build it. Is not that a lamentable argument for a leader of the government in this House, when he says he does not know sufficient of the character of the country, to say that the line will prove feasible. The government is coming down with a scheme that is going to cost the country some hundred million dollars, and the hon. Secretary of State does not know anything about the line. I can imagine the old political speeches which my hon. friend who last addressed the House made over twenty years ago back in New Brunswick, and the pith of the whole thing was to find fault with the government.

That was the stock in trade of the opposition in New Brunswick, to find fault with the government and that was about the policy of the party who were in opposition for eighteen years, and who are now in power. They now present the lamentable spectacle of apologizing to parliament and saying that they did not know what they were doing. They apologized for Mr. Blake, because of his fault-finding with the policy of the Conservative government in relation to the Canadian Pacific Railway, but I think it is wrong to make him the scapegoat, because at the time he arraigned the railway policy of the government they cheered him, and they were just as bad as he was. I do not hesitate to say that we in the west are in favour of any measure that will have a tendency to advance or to improve the trade facilities of that country. Transportation has been a great question with us, but it has not been so acute a question this year. I remember, in 1884, the first session I wintered in Wolseley. The hon. gentleman from Queen's (Hon. Mr. King) referred a few moments ago in his speech to the action of the farmers in the west when they said Manitoba could not be checked. I have always felt a deep interest in that country and always kept myself in touch with the people. When the government did wrong, I was always free to tell them they did wrong. I came down here on a delegation in 1886 before I was a member, and represented to the government here the state of affairs in the Northwest Territories, and I am pleased to say that we succeeded, my hon. colleagues, Mr. Ross and Dr. Wilson, succeeded in getting everything we wanted at that time. There were various things that the government of Canada did with respect to the Northwest that were not beneficial. They made certain rules and regulations, but they did not understand the condition of the country. One condition I made was to stand by the Canadian Pacific Railway, and I may say that I never advocated the building of the Hudson Bay Railway, because I felt it would divide the traffic with the Canadian Pacific Railway, while it would afford us an outlet for our grain for a few months only, that it would then be locked up, and we would be at the mercy of the Canadian Pacific Railway and they would charge us whatever rates they pleased the remainder of the year. A railway company act on the same principles as individuals: they must make their road pay or become insolvent; and my idea was to give all the traffic we could to the Canadian Pacific Railway and then demand from them that they reduce their rate to a proper basis, but if you took the traffic from them—and that is what these gentlemen wanted to do in Manitoba—it would be simply opposing the government and the Canadian Pacific Railway. They wanted to burk the trade that goes to the east and send it to the United States. They did everything they could to oppose the Canadian Pacific Railway. I have no reason to be particularly friendly to the Canadian Pacific Railway, but I am a friend to myself, and I said, 'No, let us stand by the Canadian Pacific Railway and let us help them and treat them in such a way that they will reduce the rates and make business more profitable in this country. When I was in Wolseley before I was a member of parliament a gentleman received a parcel of posters twice as big as a tumbler from Manitoba, Portage la Prairie, asking him to call a meeting at Wolseley and any other points he might think advisable to stir up the people against the Canadian Pacific Railway, and he said: 'Perley here is a circular, what do

you think of it? I said: 'Burn the blooming thing,' we are not agitators; we will not conspire against the government and the Canadian Pacific Railway, our life and soul and success are in the Canadian Pacific Railway. If they will conduct their business right we will be all right. I remember when the government loaned to the Canadian Pacific Railway $30,000,000. I was in Wolseley at that time, and the morning I went down street for my mail I was accosted by some people on the street, and I said 'What is the matter with you fellows'. One of them said 'Look here at these head lines in the Winnipeg 'Free Press,' the Grit organ. Nine columns out of ten of that paper was devoted to abuse of the government and the Canadian Pacific Railway. Another $30,000,000 to go to the Canadian Pacific Railway. This Lake Superior section had not been built, and the Rocky Mountain section had not been built, and we were right in a gap with the road passing by us, it is true. I read the article and I said, 'You are the worst lot of fools I ever saw. You will not have to pay a cent of that $30,000,000. You ought to get down on your knees and thank God there is such a man as Sir John Macdonald, who has the confidence of the people at his back, who will loan to the Canadian Pacific Railway that $30,000,000 and bring us into touch with civilization.' That money was returned to the government in a very few years, with interest. The land representing it was returned to the government at a dollar and a quarter an acre, and it is now worth ten times that. The opposition always opposed the Canadian Pacific Railway. I am glad now to see them atone for their sins by making the confession that they were wrong at that time, and that it was right to assist the Canadian Pacific Railway with that loan. The hon. gentleman from Wellington worked himself into a fury the other day when referring to the gerrymander Bill enacted by Sir John Macdonald to keep the Conservative party in power. If the gerrymander Bill kept Sir John Macdonald in power, he ought to get down on his knees and thank God for that measure, because he would not have been called to a seat in the Senate if it had not been for that gerrymander. The gerrymander Bill defeated him, and he got a seat in the Senate by it. That is the policy of this government. That is the way the government respect the feelings of the people; when a man is defeated in his constituency he is made a senator. I am not going to find fault with that. I do not hesitate to say that in my opinion it was a providential thing that the Conservative party was defeated in 1896, and hon. gentlemen will agree with me if they have any conscience in them at all. Because they established confidence in the national policy. The policy of the Conservative party that they had all those eighteen years been opposing. Now in power they adopted it root and branch. Then the manufacturers and importers had confidence in the country. Hon. gentlemen know that when the national policy inaugurated every Reformer in Canada proceeded on the same broad principle and blindly opposed it. We then had Mackenzie's policy for five years. The country was undeveloped, poverty was staring the people in the face, the factories and the industries of the country were crippled and every one knows when the Conservatives returned to power, for eighteen years the Reform party opposed them at every turn. I do not hesitate to say that the Reform party was a very creditable party in the matter of ability. I do not think they were patriotic, but they were a very creditable party. I hold that if any man comes to you, that people should have confidence in, next to that person it is the member of parliament who in his place on the floor of the House expresses his opinion on the public questions of the day as he looks upon them. It is his business to study public matters, and if his policy is within the bounds of reason or fair-play his people should support him. All those years the Reform party preached blue ruin and used every argument they could against the policy of protection, and the encouragement of manufactures in this country, and how could that policy commend itself when we had a lot of clever men saying it was all wrong. The fact of Blake, Mackenzie, Cartwright and others condemning it, saying it was wrong, how could we expect to establish and build up manufactures in Canada with these cries. Canada was an infant, so to speak, and the

United States was a strong nation to the south of us, with climatic and other conditions in their favour. We could not legislate against their climate. They were to the south of us and their customers were supplied before our goods were in demand. They could take their surplus and slaughter it in Canada. How could we build up industries in this country, when the Reform party were going to destroy every vestige of protection? How could we manufacture goods in Canada, when we expected in three years or so that we would have to compete against goods imported under a free list.

Hon. Mr. DEVER—Was the hon. gentleman not in favour of a lower tariff measure? Yes, 25 per cent instead of 35 per cent on agricultural implements.

Hon. Mr. PERLEY—The hon. gentleman should not interrupt me.

Hon. Mr. DEVER—I just asked the hon. gentleman a question.

Hon. Mr. PERLEY—It is customary for an hon. gentleman to stand on his feet when he addresses the House. I wish to say that in New Brunswick, in 1878 when the Conservative party ran on the national policy, it was readjustment of the tariff, as Sir John Macdonald said, in answer to a telegram.

Hon. Mr. DEVER—That is right.

Hon. Mr. PERLEY—I say that the people of New Brunswick at that time were naturally not in favour of protection. They were educated under my hon. friend for free trade or annexation or something like that, but they were not in favour of protection and the policy was rather unpopular, and the result was the Hon. Senator Boyd, then Mr. Boyd, telegraphed to Sir John Macdonald to know if the policy was protection, and Sir John telegraphed back, no, it was simply a readjustment of the tariff. I was a candidate, and I said, 'Gentlemen, no readjustment of the tariff for me. I am in favour of strong protection.'

I move the adjournment of the debate.

The motion was agreed to.

After Recess.

Hon. Mr. PERLEY—Before the Speaker left the Chair at six o'clock I was referring to a speech made by the hon. gentleman from Wellington, when I was interrupted by the hon. member for St. John City. That hon. gentleman has a faculty for interrupting hon. members, and I think at no time has he interrupted an hon. member when he was wider of the mark than on the occasion when he referred to my attitude on the principle of protection. I was saying just then with reference to the gerrymander that my hon. friend spoke about, that I would not say whether it was a providential act so far as being the cause of his defeat and getting him into the Senate, although I know he enjoys this haven of rest perhaps as well as he ever did any public position in his life, and I was surprised to see him wax so eloquent and so fierce as he did the other day on the matter of the gerrymander. But there is a point in the gerrymander that I think is worthy of some consideration, and I think when I refer to it that it will commend itself to the favourable consideration of this Chamber. That gerrymander with which so much fault has been found it is stated, was the cause of retaining the Conservative party in power.

Hon. Mr. TEMPLEMAN—I thought we were discussing the Railway Bill.

Hon. Mr. PERLEY—I shall discuss the Railway Bill in proper time. I will give the hon. gentleman all he wants about that later on.

Hon. Sir MACKENZIE BOWELL—And more than he wants.

Hon. Mr. PERLEY—The hon. gentleman from Queen's referred in a very pathetic way to the late war in South Africa.

Hon. Mr. LANDRY—There was a railway connected with that.

Hon. Mr. PERLEY—I rather think he must have forgotten himself when he referred to that matter, because of all questions that any hon. gentleman on that side of the House should refer to with any degree of delicacy and timidity, to my mind, it would be the matter of the war in South Africa or the rebellion in the North-west Territories. If the gerrymander Bill complained of was in any way the cause of maintaining the Conservative party in power, then, not only hon. gentlemen in the Senate, but every man in Canada, every woman in

Canada, every child in Canada, has a right to be thankful for that gerrymander. Particularly is that the case with reference to us who lived in the North-west Territories at the time of the rebellion in 1885. It will be remembered, as I said in the earlier part of my speech, that the opposition of that day, the Reform party, opposed the policy of Sir John Macdonald in granting a loan of $30,000,000 to the Canadian Pacific Railway in 1884. By the granting of that loan, the Canadian Pacific Railway were enabled to build the Lake Superior section of the road, and they built the Winnipeg section, in fact they completed their line of railway so far that it was passable from Ontario to Winnipeg. Now, had that not been the case, and it would not have been the case had the Reform party had their way, what would the result have been ? The result would have been when the rebellion of 1885 broke out in the North-west Territories, we could not have obtained the assistance of the volunteers from eastern Canada to quell that rebellion as we did. As it was the road was only so far completed that there were two sections of some 25 to 35 miles each that the volunteers had to march over on foot in order to get to the North-west Territories to help put down that rebellion. Had it not been for the Canadian Pacific Railway we could not have got the troops there, and we were not in a position in that country to quell the rebellion. The Americans at that time had begun to discover the great value of the North-west Territories, and the result would have been that Riel and his half-breeds, knowing every part of that territory, would have been able to carry on the war successfully against the Canadian government, more successfully than the Boers of South Africa against the British government, and the result would have been these great North-west Territories separated from the rest of Canada by the rocky country north of Lake Superior, would have been held by the half-breeds ; the Americans would have come in as allies of the half-breeds, and that vast territory would have been lost to Canada and we could not have helped ourselves. The fact that the Conservative party were in power was a providential thing. The road was built, the troops were got out there, the rebellion was put down, and the result is to-day Canada possesses by virtue of that Act one of the finest tracts of country in North America.

Hon. Mr. McMULLEN—Will the hon. gentleman admit that the Conservative party were the cause of that rebellion ?

Hon. Mr. PERLEY—No, the Conservative party stopped the rebellion. What was the attitude of the Reform party with respect to that rebellion ? The leader of that party in the House of Commons announced that if he was on the Saskatchewan he would shoulder his musket and help the rebels, and his party supported him with the exception of one great man, Alexander Mackenzie, whose memory we have perpetuated by the statue erected on the west side of this building. My hon. friend referred in pathetic terms to the war in South Africa. He spoke about the Canadian troops volunteering for service there to help old England fight the battles of the empire. I was glad to hear him speak in that way. He spoke in pathetic tones. There is no doubt he feels that the people of Canada did a great thing for the empire, and achieved a great name for themselves in that war. I want to ask him, if his party did anything towards it ? Who was the man that inspired the Canadians to tender their services to fight the battles of the empire in South Africa ? Was it not Sir Charles Tupper ? Was it not the Conservative press, and particularly the Montreal 'Star' ? Did not these inspire and urge Sir Wilfrid Laurier to send troops without waiting for the authority of parliament ? They did not want to take any political advantage. They went to Sir Wilfrid Laurier and urged him to call for volunteers who were willing to go out there to help fight the battles of the empire. Sir Wilfrid Laurier argued that they could not do it from the fact that parliament had not voted money for it. Sir Charles Tupper contended that they could issue a Governor General's warrant and get the money in that way, and the consensus of public opinion would sustain the government in doing it.

Hon. Mr. TEMPLEMAN—Would the hon. gentleman permit me to rise to a point of order. I should like to call attention to the fact that although the hon. gentleman rose to speak to the motion before the House on the second reading of the Transcontinen-

tal Railway Bill, that up to the present moment he has never touched the subject. I frankly confess, that I am not an authority on the rules of debate, but it does seem to me that this is trifling with the House to spend three-quarters of an hour on a rambling discursive political speech on questions that are totally irrelevant to the motion before the House. If I am wrong I am subject to correction, but I think the time of the House is being wasted by the hon. gentleman making a political stump speech in this Senate.

Hon. Mr. FERGUSON—I really thought my hon. friend from Victoria had forgotten what Bill was before the House when his friend from Queen's (Hon. Mr. King) was speaking ; he was quite as far away from the motion as my hon. friend behind me is.

Hon. Mr. TEMPLEMAN—My hon. friend from Queen's in a sentence or two referred to the question of South Africa only to illustrate a point.

Hon. Mr. PERLEY—I propose to answer the hon. gentleman ; I want to say that the whole policy of the government is a guessing policy ; they cannot tell the head or tail of it themselves. There are no two members of the cabinet who agree upon the route or anything else connected with this scheme. It is a guessing policy from start to finish. I was only replying to the speech made by the hon. gentleman. I admit there was not much in it to reply to, still he took the privilege of being discursive and I was replying. The hon. gentleman does not like to hear what I am saying ; it touches him in a tender spot. I also understand that half the argument that has been advanced by the hon. gentlemen on the other side, in support of this Bill is pure guesswork ; they have no figures or statements to lay before the House. I had to reply to the hon. gentleman's attack on the Conservative policy in the past. It would not do to let his statements go uncontradicted. The medicine will be pretty hard for them to take, but if they are patient and do not put on so many weary faces I will give it in milder doses. My hon. friend last night delivered a most magnificent peroration to his speech on the policy of Sir Wilfrid Laurier on this. It is the last plank in the policy of the party that they have broken. I congratulate them on the fact that at last they see the necessity of building a transcontinental line of railway. I do not propose to say that this scheme would be of any benefit to Canada ; on the contrary, I contend that just now it is not needed and I shall show the hon. gentleman in a little while why it is not needed at present.

These hon. gentlemen opposed the building of the Canadian Pacific Railway at a time when a transcontinental railway was needed. Canada was a young and growing country and it was necessary to have railway communication established across that great western country to British Columbia to connect the different provinces and make a consolidated Canada. The Reform party opposed that policy tooth and nail. I will tell the House why. They said the traffic would not pay the cost of the grease for the car wheels. They condemned the road as being a wild scheme. No one will say that a man favours building a road across a country when he believes it is no good. They believed that the North-west country was no good ; therefore they condemned the building of the Canadian Pacific Railway. There was one feature connected with that road with which we found fault, and nobody found as much fault as the Reform party and that is the exorbitant freight charges the Canadian Pacific Railway collected in that country. I admit they charged very high rates on most articles they carried. They had to do it. The road had to pay to some extent or they could not work it. And what is the result ? How could the government secure a good bargain with the Canadian Pacific Railway Company when the formidable opponents of the scheme decried the country and said it was no good. It was the home of the wolf and the bear, and a road through it would not earn enough to pay for the axle grease. Now, if I have property to sell, and tell you it is no good how can I expect to get a price for it. How could I expect to get $15 or $20 an acre for land when I am told by apparently competent authority that the land is no good. That was the difficulty the government had to contend with in making the bargain with the Canadian Pacific Railway. They had to make the best arrangement they could and were glad to do it. They had to get the

railway across the country within ten years under the contract with British Columbia and the Canadian Pacific Railway had them in their hands, because when they undertook to talk freight rates they justified themselves by the statement of Reform members that the country was no good, it was the home of the wolf and the bear and would not afford enough traffic to pay for the axle grease. How could parliament expect them to give low freight rates if such was the case. It was impossible for the government to make a more desirable bargain with the Canadian Pacific Railway than they did, in view of the position taken by the Reform party. We know that all that country nearly up to Alaska had been explored and roughly mapped. Both the government and the opposition had information that it was a great country. Had the opposition risen in their places in parliament and said 'Sir John Macdonald, you are making a bargain with these men. That is a great country ; it is going to be the home of millions of people in the near future, it is going to produce millions of bushels of wheat, and you must see that the settlers are not going to be imposed upon by a railway monopoly, because it will be a long time before there will be a competing line,' That would have redounded to the credit of the Reform party and the benefit of every settler in the North-west. In place of having to pay exorbitant rates we would have got our cattle and grain out of the country at reasonable rates. That was the difference between the policies of the two parties. I wish to say now that the Canadian Pacific Railway——

Hon. Mr. TEMPLEMAN—Say something about the transcontinental railway.

Hon. Mr. PERLEY—I am coming to that now. I do not think I have diverted any further from the point at issue than any other hon. gentleman who has discussed the question on the other side of the House. The Canadian Pacific Railway from Winnipeg west to the mountains traverses the centre of the great wheat belt of the Canadian North-west Territories. The main line of the Canadian Pacific Railway is located almost in a line parallel with the frontier from the east to the west of the great wheat country. Its branch lines running north and south intersect rich agricultural settlements. The Canadian Northern, further north, runs nearly parallel to the Canadian Pacific Railway. These two railways open up nine-tenths of the wheat-producing country of the North-west. I challenge contradiction on that point. The country that they traverse can for a long time be served by these railways. That country is already opened up in a measure, the railways already there are being pushed further into the country and are capable of serving the traffic that will be furnished by at least five millions of people, no one of them being very far from a railway line. I am told on reliable authority that there are very few sections in the province of Manitoba now where the farmer has to haul his wheat more than ten or twelve miles to a railway. When you take into consideration that the main line of the Canadian Pacific Railway crosses the country, and there is the Sault line, the Canadian North Western, the Arcola branch, branching off at Neepawa and running parallel with these other lines to Regina, which will be in operation early next spring through a splendid wheat growing country, it will be seen that the west is well served by railways. Then there is the Kirkella line north of that, the Pheasant Hill branch some thirty-five or forty miles north of the main line, and north of that is the Beaver Hills, and north of that is Manitoba North Western paralleling again and extending westward.

The north of that is the Mackenzie and Mann road, so there are about six or seven lines of railway either constructed or being constructed, and in a short time will cover that country for 200 miles north of the international boundary, and serve nine-tenths of the wheat-growing land of that region. What is the result ? Last year, or the year before, the parliament of Canada voted power to the Canadian Pacific Railway Company to borrow $20,000,000 and with that money they have been extending their side tracks from Fort William to Winnipeg, and from Winnipeg to Moose Jaw. There are two or three miles of side tracks in some places, and these side tracks will enable the company to do a very much larger business than they could do a couple of years ago. It is said now that in two or three years the road will be double-tracked from Fort William to Winnipeg, and very much further on, and you will hardly know

when it is done, the side tracks are so extensive. These side tracks enable the trains to pass in a way they could not pass before. If they make a double track, which I do not hesitate to say is absolutely essential, they can handle all the wheat that is likely to be produced in that country for some years. When the traffic becomes too great to be accommodated by a double track, they can put in a third, so that the existing roads will suffice. This new line is to be thirty miles from any other railway, and therefore there is no competition. Besides it is the policy of all railroads to route their own freight by their own lines. They do not want to hand it over to another road until they can carry it no further. With the double track it is not an impossible thing to start a train every half hour. As a matter of fact, you can do double that. I am not a railroad man, but I have some common sense about these things. Now I want hon. gentlemen to listen to me.

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Mr. PERLEY—I want to convince the hon gentleman: I admit it is a hard job to do it. With the double track from Fort William to Winnipeg, and thence to Moose Jaw, you will be able to take over that road 48 trains in 24 hours. That is only one train every half hour. That is not impossible, is it? You can leave one station with a train, after the train preceding it has left the next station. The stations are only about eight miles apart, and they would not take half an hour to go from one to the other. Each train consists of at least 30 cars—I have seen trains of 50 cars. The capacity of the old cars used in the west was 660 bushels. The next cars were made to contain 1,000 bushels, and now they have 1,500 bushel cars. Taking the 1,000 bushel cars, 48 trains a day of 30 cars each would be 30,000 bushels per train, or 1,400,000 bushels of wheat per day on the present system with only one double track. I am only speaking of one railway. We have two railways running out of that country east. Will any one tell me that we want another railway for the purpose of competition to reduce freight rates? To my mind, that is not a profitable way to reduce the freight rates. Men should sell goods at a reasonable profit, and railways ought to carry freight at reasonable rates, and not make it necessary to construct other railroads to do the work which one could do. Give one railway a fair compensation for their work and let it do the business. With a double track you would take out in the fall over 100,000,000 bushels of wheat from that country. I heard some one say the other day that navigation closes about the 12th of December. You have, therefore, ordinarily from the 1st of September to the 12th of December to carry grain down by the lakes. If you could carry a million to a million and a half bushels every day, you could ship out three times what we have for export at the present. I am in favour of building railways as fast as they are required, but I am not in favour of building them unnecessarily. We have a buoyant revenue, but that does not justify reckless expenditure. I was taught not to buy a thing simply because it was cheap, and I think that the same principle should apply in this case. We are asked to authorize the construction of a railway before it is needed and to pay a tremendous price for it.

There has been a great deal of talk about the congestion of freight in the North-west. I have been a victim of it myself to as great an extent as many of the farmers there. We have raised a great deal of wheat which we have not been able to ship as early as would have been profitable to us. There was a good crop in 1901, and there was an inflation of the trade of the whole country. Every man was buying land and horses and increasing his farming operations and the result was we had another big crop, but previous to 1901 we had had poor crops. Many of the farmers of the North-west went there from the east with eastern ideas of farming. I have known the best farmers from Eastern Canada to fail in that North-west country. I have been referred to since I came to Ottawa as 'the member for seed grain,' because the best men in that country have had to appeal to the government to provide them with seed grain. The same soil was there that we have now, the same men were there with the same energy, but they did not know how to cultivate the lands. The first year I was in that country I sowed 40 bushels of wheat and 60 bushels of oats and did not raise enough grain to fill a bushel basket. I have cropped that

same field 10 years out of the 14 years since, and last year we had nearly 40 bushels to the acre and without ploughing it a second time this year we had 25 bushels to the acre. That was the same field which did not produce anything before I learned how to cultivate it. Now, how do you expect the Canadian Pacific Railway or any other company to accommodate traffic in a country like that. I have seen on the Bell farm great quantities of frozen wheat ; you do not hear such a thing now. We have learned how to cultivate the land. We have to prepare the land at the proper time, sow the seed in time and with the right implements, and when that course is pursued we can raise magnificent crops. I have always stood by the Canadian Pacific Railway when I thought they were right, and condemned them when I thought they were wrong. Is it reasonable to expect them to provide rolling stock to carry out such a crop as we had last year when it was three times as large as the crop of the year before ? Did not the Secretary of State justify that position in the early part of this session, when he told the House that the Canadian Pacific Railway had offered to the government $5,000 more for an engine than it cost the government and they would not let them have it. The Canadian Pacific Railway tried to get all the engines and cars they could to carry the grain out of the country, but could not get them. They searched the markets of the continent to secure rolling stock and could not get their orders filled. It was unreasonable to expect them to be prepared for an emergency such as they had never experienced before. To show the difference in the quantity of freight offered, I may state what occurred on my own farm. In the year 1900 we raised 1,400 bushels of wheat and 600 bushels of oats. In 1901 we had 14,000 bushels of wheat and 7,000 of oats, and that increase in produce prevailed over that entire country. The result was we could not get our grain out. Prior to that big crop nearly every farmer was in debt. They had bought implements and other necessaries and were unable to pay for them. They had gone in debt to the storekeepers. They had faith in the country but they were in debt and trying hard to get ahead. The crop of 1901 was the banner crop of the North-west Territories, the banner crop of the world.

Hon. Mr. TEMPLEMAN—What has that to do with the question before the House ?

Hon. Mr. PERLEY—That year the average was about 40 bushels to the acre. With that sudden increase how could the Canadian Pacific Railway be expected to provide rolling stock to carry it out. The wholesale merchants of Winnipeg who had been carrying the country merchants for some years, pressed for payment, and the local merchants pessed the farmers for payment. In Wolseley, where I live, four of the local merchants had become so heavily involved that they had to quit business before the banner crop came. They had to sell out and let new men come in with capital enough to extend credit to their customers for a year. As soon as the farmers threshed their grain they rushed it to the market, sold it, and with the money paid off their debts. Very soon the elevators were filled and the traffic was congested. Then there was a howl. There was a demand for cars but they could not be supplied. Then came the big crop of last year and, I am proud to say, the good crop of this year. Three such crops in succession could not be found anywhere else in the world.

Our wheat is next thing to gold, and very soon the farmers paid off their debts and confidence has been restored throughout that whole country. These men went into wheat production more heavily. The manufacturers could not supply the engines and cars required by the railways last year, and there was congestion again, because of another bumper crop. I speak in the presence of financial men and they will bear me out when I say that no man in Canada gets so little credit in the banks as the farmer. Four years ago I went with the best endorser in the city of Winnipeg to the Bank of Montreal to borrow $300, and was told ' We do not do business outside of the city.' I did not get the money ; I could live without it. I had considerable property and would have been no risk to the bank and besides I had a good city name on my paper, but the bank would not lend the money. A farmer cannot get money from a bank the same as a business man, because the bank is not a lending institution. Last year the elevators were all filled up. There was a general blockade on, and the navigation

closed leaving a large quantity of wheat in the country to be sold. For instance, I had about 15,000 bushels for sale and could not sell it. The elevators were full, and the farmers used to find fault with the elevator men. I am about the only man in that country who seemed to have anything good to say of the elevator men. The elevator men would say 'Navigation is closed at Fort William. Wheat was worth 50 cents yesterday, but I would have to carry your wheat over now until next spring, pay insurance, interest on the money we have to pay you, storage, which is a heavy bill for five months, and we have to take the chances of how your wheat will keep and what the market will be next spring. All this amounts to nine cents a bushel.'

Hon. Mr. TEMPLEMAN—I rise to a question of order. It seems to me that in this discussion the hon. gentleman should deal with the question before the House. The hon. gentleman has been speaking one hour and I think the House will agree with me that he has not yet referred to the question that is under consideration.

Hon. Mr. PERLEY—I want to show the hon. gentleman the state of trade in that country. Are the government prepared to stifle discussion? I am speaking common sense——

Some hon. GENTLEMEN—Order, order.

The SPEAKER—Great latitude is allowed in discussions in this House, but I must say the hon. gentleman has exceeded even the liberal limits generally allowed. He had better address himself to the measure before the House.

Hon. Mr. PERLEY—I am doing that. I am explaining my case. I want to show the state of trade in that country and hon. gentlemen do not like to hear it. I want to show what happens when navigation closes—is not that in the argument? Can I not speak about navigation on a question of this kind? Navigation closes, and of necessity the wheat falls six or seven cents a bushel, because, as I said, there is the interest on the money to pay, the storage, the insurance, together with the possibility of a lowering in prices, and the margin of profit these men will want will be 7 or 8 cents a bushel. The elevator man says to the farmer, 'I will give you within 7 cents of what I gave yesterday,' and there is no fault to find with him; he is as straight as a string. But he says, Suppose this Grand Trunk Pacific Railway was built, and I, as a farmer, said: 'Mr. Elevator man, it is all very true you cannot give me as much if you hold my wheat, but why hold my wheat? Ship it out by means of this railroad.' He would just tell me in plain language what every man in Canada knows, 'It will cost seven cents a bushel more to take it from Winnipeg or Wolseley to St. John or Halifax than it would cost by the water route, so that it is just as broad as it is long, and it will pay me just as well to leave the wheat there as to pay the higher freight. I want to tell the hon. gentleman something he ought to know. There has been great development in that country during the last two or three years. The Union Bank of Canada, whose head office is in the province of Quebec, has fifty-two agencies in the Canadian North-west Territories and in Manitoba. The Bank of Montreal had several of their agents up there, when I was home a few weeks ago, hunting up places for establishing agencies. The Bank of Nova Scotia is going to open up agencies; the Bank of Hamilton is already there. I speak particularly of my own section—and we have banks at various points throughout that region. These are chartered banks, not private banks fleecing the farmers, and now what has the farmer to do to relieve this congestion which has been mentioned? I was in Wolseley the other day and the banker told me 'Senator, last fall a farmer came to me and told me these elevator men would not pay him within ten cents a bushel of what the market price was, and he was not prepared to sell at that rate, because it would be too much of a loss.'

He did keep it until spring in his own granery where it would cost nothing, where there would be no storage charges, no interest or insurance. It does not burn up in the winter. This man came to the manager and said 'I want some money. The elevator man wants to fleece me out of so much. Give me an advance and I will give you the wheat.' The banker said to me: 'I know the country better than you do; it

is my business to inquire into the standing of every man who does business with the bank. I know his financial standing and the result is if he is a good man with a good farm and substantial buildings, I give him the money on his own promissory note; but if he is not right up to the standard and I feel there may be a little risk about it, I have a little form by which I take lien on the man's wheat and let him have the money.' The man came to me and said 'I made $300 by you letting me have the money.' Those bankers are there to lend money, and they have every confidence in the country. If the Canadian Pacific Railway improve their equipment and get new cars and machinery to enable them to take out the wheat as fast as they can there will be no congestion; and if the farmer holds his wheat over, as was done last year and the year before, we will have a large quantity this year in our own granaries. We will pay no interest or insurance, and under that system this winter road will not be required. It would be a suicidal policy to pay eight or ten cents to get your wheat to the seaboard, when we can hold it for half a cent a bushel and get it to the seaboard at summer rates. There are two articles in the North-west Territories that form the commerce of the country—wheat and cattle. Wheat and cattle are 99·100ths of the export trade of that country. What would happen supposing this railroad were built? I say here, and stake my reputation as a man of common sense, that you could not ship one bullock by that route without loss. More than that, in our western country we do not fatten cattle like you do in eastern Canada. My hon. friend spoke about barns. We do not have barns; these western cattle run out on the prairie and in the spring and fall get fattened. The ranchers pick out the best animals and ship them in August and September to the closest possible port of shipment, Montreal. You must ship cattle by the shortest possible rail route. We do not stall feed our cattle. We ship them out in the fall of the year. They must be shipped before navigation closes at Montreal, so as to be sent out on vessels from Montreal. I am not going to discuss this railroad east of Winnipeg; I would not waste time discussing it. It is an insult to the intelligence of the House and placing a low estimate on their intelligence, to attempt to discuss that route from Winnipeg to Moncton.

Hon. Mr. McMULLEN—How are the cattle carried out?

Hon. Mr. PERLEY—By rail to the nearest possible seaport; but this railway will be two thousand miles long. I am not going to run down the country in northern Ontario and northern Quebec, because I do not know anything about it. I am just like the rest of you—I do not know a blessed thing about it nor do the hon. gentlemen on the other side of the House, I have the fairness to admit that I do not know anything about it; they have not. No hon. gentleman supporting this measure has undertaken to tell what the traffic on that railway would be. It is to run through a great northern region. Along the Canadian Pacific Railway from Port Arthur to Sudbury there is no crop raised. They cannot raise garden stuff on this route so much further north: it would all be frozen. You cannot expect to get local freight on that line for some time to come. You cannot rely upon pulp-wood, because that would be all burned up. I was never so surprised as when I learned this year the quantity of coal it takes to run an engine from one division to another. The bunker holds twenty-five or thirty tons. There would be about fifteen or sixteen divisions between Winnipeg and Moncton, and it would be all the road could do to haul coal to supply its own trains. In the winter, the most inhospitable season of the year, when everything is frozen up, coal has to be hauled on the line of the Canadian Pacific Railway as far west as Jackfish bay, where the Canadian Pacific Railway have a coal station. The coal is brought across the lake to that point and landed right alongside of the railroad track. At Fort William the same way, they have facilities that they would not have on this projected road. It was said by the Canadian Pacific Railway when I complained about freight rates, 'Oh, we have to keep up the Lake Superior section and the Mountain section, and we have to earn enough to pay for that.' On this proposed line from Winnipeg to Quebec, and from Lévis to Moncton, we will have 2,000 miles unproductive, and you do not know what you will haul over it. You will have a rail-

way that will not pay for axle grease required to lubricate the wheels of the trains. I will stake my reputation on that. My hon. friend complimented Mr. Hays and said he was a great railway man. Yes, he was: he knew just how to handle the government. He did not undertake to keep that part of the road: he knew it would be impossible.

In view of these facts, the prairie section, the only section which will produce the freght, will be taxed to cover the expenses of running trains over the barren section and pay interest, and then it will be no competitor with the Canadian Pacific Railway, even if it goes right to Winnipeg. It will cost more to keep it running than it costs the Canadian Pacific Railway or the Canadian Northern, because these run through a settled country which furnishes paying freight, and the proposed line does not. I find the Canadian Northern and the Canadian Pacific Railway have lowered their freight rates 2 or 3 cents a bushel. In the face of these facts, we cannot possibly expect that this railway would be able to carry grain and be a competitor with these other railways, when there is such a long stretch of railroad that would not yield enough return to pay for the axle grease. It will furnish no competition, but will be a charge upon this country to pay the interests on the bonds guaranteed in support of it. Another point about that railway is that nobody can tell us where it is to go. No one will undertake to say where that road is going from Winnipeg. I made a statement a while ago that the Canadian Pacific Railway Company and the Canadian Northern Railway Company traversed with their main and branch lines the great wheat fields of the North-west Territories. You may raise cattle and patches of wheat further north, but it is not a great farming country. I have heard men speak disparagingly of the lands on the route projected by the Mackenzie government and I tell hon. gentlemen that the Canadian Pacific Railway Company were no fools when they located their line where it is. They located it through the best section of the western country. They made it so that their branch line would feed it. They took it right through the great wheat belt, but this projected line will not have the wheat to carry out if they do get it built. You will be astonished if I tell you that they do not grow wheat in the northern part of the Territories. They produce butter, and so on. On the line of the Canadian Pacific Railway you can sow the seed in the spring and have your money in six months. You cannot get such quick returns with your cattle. You have to feed them some two or three years in order to get them converted into money; I challenge contradiction of this statement, that the great district of Edmonton, which is boasted of as being one of the most fertile agricultural districts of the North-west, has its drawbacks. Notwithstanding the great bumper crops of last year and the year before, they never shipped one bushel to Fort William, and why? It was either because the country was not fitted for the growth of wheat, or because the distance was too great. I have the highest authority in the west for the statement that they never shipped out a bushel. I will admit that they may have produced some for home consumption, and shipped some to British Columbia, but that would be all, and what does it amount to? It would not be over two train loads of 30 cars each. So that the government is undertaking to build a railway into a part of the country which, although good in many respects, is not the great wheat-growing country that the southern country is, and therefore this railway is not required. I say that for a number of years we will not require this railroad. I may say that I am as much in favour of having cheap rates as any man, but it is no use to double up and divide the traffic and expect to get rates. These men are human beings. We live in an age of combines which have been brought into existence by this government to a large extent, and I find the more you get your business condensed the more you are likely to have combines. Three or four men can form a combine, but 5,000 cannot. Half a dozen men can form a combine and make it work, but a large number cannot. If you have two or three railways you will find they will combine and fix the rates. I could give you a little instance where I went to a railway company to get three sections thrown into one, and they said, 'We have an agreement with the Northern Pacific and we cannot

do it.' We are subject to these combinations, and railways will agree upon freight rates in their mutual interest.

I am in favour of opening up in any part of the country suitable for settlement, but there is no use in opening up a great country when there is nobody to fill it. We have 158,000 or 159,000 people in the North-west Territories, and look at the number of railways we have to accommodate that population in Assiniboia, Saskatchewan and Alberta. We have the Soo line penetrating the territories as far as Moose Jaw ; we have the Manitoba and South-western leaving Manitoba and running parallel to Estevan ; we have the Arcola branch starting down to Manitoba, crossing the Assiniboia and going to Regina, and we have another railway coming in next year. We have the main line of the Canadian Pacific Railway crossing from one end of the country to the other. We have the Arcola branch of the Canadian Northern, and a dozen other lines in different sections intersecting that country. And now it is proposed to build a railway in the most inhospitable portion of every province through which it goes. It does not go through any habitable place. Therefore, it is altogether unnecessary and a waste of the public money. The government boast of having a great revenue. How did they get it ? They got it by adopting the policy of the Conservative party. What would the industries of Canada have done if they had abolished the national policy, as they told the people they would, and had gone in for free trade ? This country would have been a slaughter market for the United States to-day, but continuing the national policy and building up industries and developing the country, it has made this country what it is to-day. I challenge these men to point to one single thing which they did to make this country a nation. The national policy and the Canadian volunteers that went to South Africa to fight the battles of the empire have given Canada the name it has to-day. I challenge any hon. gentleman to point to anything which this government has done to make Canada a nation.

Hon. Mr. SCOTT—Before the next speaker rises, I would like to give notice that on Saturday the amendments made to the Railway Bill be taken into consideration in order to get them on the minutes. The House of Commons agreed to certain of the amendments made by the Senate ; other amendments they dissented from and gave their reasons, and it is desirable they should be spread out on our minutes of proceedings in order that hon. gentlemen may know what they are. I also give notice that on Saturday, I will take up the resolutions to give the approval of parliament to the orders in council affecting the Yukon. Under the Act of 1902, where orders affecting the Yukon are made, they require to be confirmed by parliament, otherwise they cease to have any force or effect. I give notice that we will take it up on Saturday, just simply to get it on the papers.

Hon. Sir MACKENIZE BOWELL—I may add to the suggestion made by the hon. Secretary of State that if members of the Senate who will have to consider these amendments will turn to p. 14251 of the Commons, they will find the reasons given for disallowing certain amendments that were made. On the whole, I think, it is rather a compliment to the Senate that 54 amendments have been approved, 12 have been disallowed, two have been amended, but unfortunately the most important ones, at least those which were considered most important, are the ones that are disallowed, and it will be for the senators to consider well whether they should adhere to the position which they have taken. I hear it mooted about the Chamber that the government, or representatives of the government, have had conferences with supporters in the House as to whether the Senate will insist on these clauses which have been disallowed. Wether that be true or not, I do not know, but I think I may safely say that in the discussion of these clauses the question of politics never entered into the mind of any one. Many of us voted against the government and sometimes we sustained the government as far as possible as far as the Bill was concerned. I merely throw out this hint because I think if it is the case it will be the means of creating opposition to the acceptance of the report of the House that might not otherwise occur. We have dealt with this matter purely from a commercial standpoint, and what we believe to be in the interests of the country, irrespective of political leaning. Politics should not enter into the discussion of a

question of this kind, and I should hope that position would be continued. Of course, if the government have consulted their leading members and those who have taken such a decided stand upon some of these questions, and they have agreed to withdraw their opposition, or rather to accede to the demands of the Commons, they having the majority and placing it upon that ground they are able to carry it—

Hon. Mr. SCOTT—I think the hon. gentleman has been misinformed. I certainly have not heard of any conference. There may be individual members who have met and exchanged opinions as to whether it was worth while asserting the right of the Senate to insist on particular amendments, but there has been no understanding so far.

Hon. Mr. McSWEENEY—As a representative in the Senate from the maritime provinces, with the permission of the House, I will make a few remarks on the Grand Trunk Pacific contract.

The hon. gentleman from Wolseley who has just taken his seat, stated that one of the first things he did, after his election to parliament, was to move that the duty be reduced on agricultural implements and in the next breath he told us he went in for the fullest measure of protection. I do not see how he can reconcile the two positions. It strikes me as very illogical, to say the least.

He also says that the gerrymander brought the Conservatives into power.

Hon. Mr. PERLEY—I did not say that.

Hon. Mr. McSWEENEY—Kept them in power.

Hon. Mr. PERLEY—I did not say that. I said if it did.

Hon. Mr. McSWEENEY—That was a direct contradiction of the statement of his leader the other day; the hon. gentleman from Hastings denied that——

Hon. Mr. PERLEY—I said distinctly and emphatically once, twice, thrice 'if it did.' I did not say it did.

Hon. Mr. McSWEENEY—I shall not attempt to follow the hon. gentleman in his long discourse. He travelled from Dan to Beersheba; but I shall stick to the motion before the House in relation to the contract between the government and the Grand Trunk Pacific Railway Company.

I am sorry that the ex-Minister of Railways and Canals (Mr. Blair) has taken his stand in opposition to the 'National Transcontinental Railway,' and particularly against the section from Moncton to Quebec. One of the strongest arguments is that it will 'parallel' the Intercolonial and destroy its usefulness. Parallelling the Intercolonial is rather a seductive cry, and the opposition are to be pardoned for building some hopes upon it. But it will not serve their purpose; it is too easily disposed of. As a matter of fact, the Intercolonial has long been fatally parallelled. It was parallelled not only with the consent, but with the liberal assistance of the late Conservative government, which subsidized the Canadian Pacific Railway short line through the state of Maine. So effectually it is parallelled that every ton of freight which Mr. Blair carried from Montreal to St. John in competition with the Canadian Pacific Railway, was carried at a loss. Parallelling a railway means, when it means anything, invading its territory and competing for its proper business. Here are the facts concerning the location of the 'National Transcontinental Railway' with reference to the Intercolonial Railway, as figured out by Mr. E. H. Thomson, a competent and unprejudiced engineer.

From its 20th to its 100th mile the National Transcontinental Railway will average 28 miles from the Intercolonial Railway; at its 130th mile, or opposite Rivière du Loup, the roads will be separated by 35 miles; at its 160th mile, or opposite Rimouski, the distance will be 70 miles; at its 180th mile, or opposite the most northerly point of the Intercolonial, the separation will be 90 miles; at its 200th, or opposite Matapedia, 70 miles; at the 250th, or opposite the western headland of Nepisiquit bay, 30 miles; opposite Kent Junction, about 60 miles; from Moncton, the road will be separated by 40 miles.

It is all very well for the opposition to turn up their noses at the saving of a distance variously estimated at from 100 to 140 miles from Halifax and Sydney to Montreal and 150 miles over the Intercolonial Railway going to St. John. On the great American roads something like $100,000,000 have been spent during the past five years

in straightening out their systems, to avoid such detours as are in the Intercolonial Railway. The best example of millions spent to save a few miles of roundabout route, is the attempt of Harriman (on the Union Pacific) to build the Lucin Cutoff, across Salt Lake. He only saves a couple of hours haul, but he will spend about $25,000,000 to carry out one of the biggest engineering feats of the century to save that two hours.

Another example is on the Great Northern (J. J. Hill's road), where they are going to abandon the recently constructed $3,000,000 tunnel through the 'Cascade mountains' to construct another route recently discovered. It was only by adopting such heroic measures as this, that Americans have been so successful in railway transportation.

It is said by the opposition that if the line from Quebec to Moncton is built, it will destroy through traffic. This is what the St. John 'Telegraph' says: 'Deprived of its through traffic by the Lévis-Moncton route of the Grand Trunk Pacific, what hope would there be for the Intercolonial?' Now, to settle that question, I will read for you the freight returns of the Intercolonial Railway for the fiscal year ending June 30, 1902:

No. 1. Traffic originating in Montreal and vicinity, and between that and Lévis	$563,177 37
No. 2. Traffic origanating in Lévis and vicinity	128,959 92
No. 3. From Maritime Provinces destined for Montreal and vicinity or points west of Lévis	304,975 20
No. 4. From Maritime Provinces destined for Lévis and vicinity	56,326 39
No. 5 (A). Traffic from Drummond and joint section, including Montreal, and from Lévis, Point Lévis and Quebec to Maritime Provinces	374,101 00
No. 5 (B). Traffic from Maritime Provinces to Drummond and joint section, including Montreal, and to Lévis, Point Lévis and Quebec	361,301 59
No. 6 (A). Traffic from Ontario from West via Montreal, G. T. R.	671,740 67
From West via Ste. Rosalie, C.P.R. (through north of Moncton)	29,307 08
From West via St. John, C.P.R.	79,938 07
No. 6 (B). Traffic to points in Ontario and West via Montreal, G.T.R. (through north of Moncton)	154,694 66
To West via Ste. Rosalie, C.P.R.	71,407 18
To West via St. John, C.P.R.	11,115 69
	$2,807,045 02

The total receipts of the Intercolonial from freight traffic amount to $4,128,255.

The passenger traffic would be about $2,000,000. So you see in reality instead of this road destroying the northern part, the through traffic north from Moncton amounts to 20 per cent of freight receipts only, to say nothing of the passengers. There was a larger quantity of wheat carried that year than they ever carried before and never will again, because the route is too long and roundabout.

The ex-Minister of Railways (Hon. Mr. Blair) says that it is impossible to give running rights over long distances, but the contrary is the case. Take the Grand Trunk Wabash as an apt illustration. This road is the southern division of the Grand Trunk, and runs from Detroit to Niagara Falls, with an additional spur line running from Buffalo to Welland Junction, with headquarters at St. Thomas. Mr. Ferritor, the superintendent of both roads, on being reminded of the fact that rumours were out that the Père Marquette were seeking running powers over the eastern division, Mr. Ferritor stated, if that were the case they could be accommodated quite readily, and there could be no difficulty whatever in running a third line over the system.

What do we find on the Intercolonial Railway at present? A train leaves Boston every day for Point du Chêne, connecting with the Prince Edward Island boat; it is a Boston and Maine train, runs over the Boston and Main tracks. Main Central, Canadian Pacific Railway, and from St. John to Point du Chêne over Intercolonial Railway rails. The Canadian Pacific Railway has a traffic arrangement or running right over the Intercolonial Railway from St. John to Halifax, has had it for years. The Canadian Pacific Railway runs a train over Boston and Maine tracks and from New York over New York, New Hampshire and Hudson River Railway.

The ex-Minister of Railways asks 'Who wants this road?' He says, 'I have yet to hear the first man in the province of New Brunswick asking that this road shall be built.'

Does he ignore the resolution passed by the St. John Board of Trade at the annual meeting, held on December 17, 1902, also the resolutions passed by the Truro Board of Trade and the Halifax Board of Trade. The resolutions passed by the Monc-

ton City Council, also the Moncton Board of Trade, by a vote almost unanimous, only two voted against it, one, the president of the opposition paper, and the other the editor. Now, I shall read the resolution adopted by the Halifax Board of Trade. It is as follows :—

Whereas, objection having been taken to that part of the Grand Trunk Pacific Railway scheme, which provides for the building of the road from Winnipeg to Moncton, N.B., this board desires most emphatically to reaffirm its previous declaration (appended hereto) that no scheme of government transcontinental transportation will be either adequate or equitable to each province of the Dominion which does not insure the carriage of Canadian products through Canadian ports in winter as well as in summer, and regards it as imperative that stringent guarantees to carry out that policy should be exacted from the government.

We further maintain that the construction of the road west of Quebec without insuring its continuance east through Canadian territory would be manifestly unjust to the Maritime Provinces.

This board is also of the opinion that the building of the shortest possible line through Canadian territory from Quebec to Moncton, N. B., would be of immense advantage to the Maritime Provinces, as well as to the rest of Canada, and would secure for the road a large share of through freight and passenger business, which at present is done through United States ports.

(Signed) JAMES HALL,
Vice-president.

(Signed) CHARLES M. CREED,
Secretary.

Halifax, July 22, 1903.

There is also a resolution adopted by the Halifax Board of Trade on May 23, 1903. It is as follows :—

Whereas, application has been made to the Federal government for a charter to build a line of railway known as the Grand Trunk Pacific Railway, from Quebec to Port Simpson, or Bute Inlet on the Pacific Coast (said line to run south of Lake Winnipeg), and no provision has been made in application for the shipment of the traffic originating on said line through the Maritime Province ports in the winter season ;

And whereas, members of parliament representing Maritime Province constituencies at Ottawa, have urged that the charter be granted only on the condition that the Grand Trunk Pacific Railway Company agrees to build the line from the Pacific coast to the town of Moncton, New Brunskick ; and further

Therefore resolved, that this board approves of the stand taken by the representatives from the Maritime Provinces.

Resolved,, that this board protests against government assistance of any kind being granted to any transcontinental railway unless a distinct and binding condition is enforced that said railway shall be built entirely on Canadian territory, that its export and import traffic shall be through Canadian termini, and that the rates of freight charged by said railway shall be as low via the ports of St. John, N.B., and Halifax, N.S., as rates charged via any port on the Atlantic seaboard.

And further resolved, that if aid is asked from the Canadian government by the Grand Trunk Pacific Railway, the interests of the Maritime Provinces should be safeguarded by compelling this railway company to commence the construction of the eastern portion of its line at Moncton, N.B., and complete it as far as the city of Quebec (or the bridge where connection is made with that city), concurrently with the commencement and completion of the western portion of the line.

And whereas, the route from Quebec to the Pacific coast, running north of Lake Wininpeg, would in our opinion best serve the interests of the province of Quebec and of the Maritime Provinces, and open up for settlement a new and valuable part of the Dominion.

Therefore resolved, that the government be urged to adopt this route for any new transcontinental railway company, seeking government assistance.

This board also desires to express its opinion that the interests of Canada demand that the Intercolonial Railway be extended to the grain-producing centres of the west, thus rendering it independent of other railway lines for its traffic.

(Signed) J. E. DEWOLF,
President.

(Signed) CHARLES M. CREED,
Secretary.

Halifax, N.S., May 23, 1903.

Hon. Mr. FERGUSON—Has my hon. friend got a later resolution than that, passed by the Halifax Board of Trade ?

Hon. Mr. McSWEENEY—No.

Hon. Mr. FERGUSON—The Halifax Board of Trade, I think passed a resolution later than that, one that qualifies their approval of the transcontinental scheme.

Hon. Mr. TEMPLEMAN—The hon. gentleman can use it.

Hon. Mr. McSWEENEY—The ex-Minister of Railways asks who wants this new road ? Does he ignore the fast of his own speech in October, 1902, in British Columbia, his speech in Compbellton on the 1st of December, 1902, speaking also in February, 1903, as reported in the St. John 'Telegraph.'

There is an immense western country behind the business of this port St. John, and the people of Canada have become convinced that their products should find an outlet through Canadian ports.

Does he deny also the resolution passed by the legislature of the province of New Brunswick, moved by Mr. Geo. Robertson and seconded by Mr. Hazen and carried unanimously in favour of an all-Canadian route from ocean to ocean ; also the telegram from Mr. Jarvis the president of the

St. John Board of Trade, and his (Mr. Blair's) answer, favouring the building of a line to a maritime port ?

The ex-Minister of Railways and Canals is very much afraid, if the Grand Trunk Pacific is built between Moncton and Winnipeg, that it will affect Moncton injuriously. But I can assure him that the people of Moncton do not look at it in that light. They expect it will cause real estate to look up, business to improve, 2,000 men to be employed in the shops instead of 1,000 as at present. The government are making preparations to build cars and engines; the machinery is already on the ground or contracted for, the business on the Intercolonial is bound to increase ; the country is not going to stand still. In fact they are building engines now and some that they have completed are running on the road. The sum of $89,000 voted for increased accommodation at Moncton does not look as if the government intend to degrade the Intercolonial Railway, as the opposition claim. It looks, on the contrary, as if the government believed there would be increased business to warrant increased accommodation at Moncton.

Consider the effect upon Moncton of building the Grand Trunk Pacific and making Moncton the terminus. It will double its population in a few years, a central point for half a dozen railways in the near future. It means still more, it means brakesmen, engine drivers, conductors, machinists and workmen of all kinds will have better chances to get increased wages, because there will be more work, more competition between the different railways. But how would Moncton fare if the policy of the leader of the opposition is adopted to extend the Intercolonial Railway westward to Georgian bay. How long would Moncton remain the headquarters of the Intercolonial ? How long would it retain the general railway offices ? Not a year would pass before Moncton would suffer a serious blow. These offices would be removed to a more central point, in all probability Montreal, and then would come a repetition of the depression suffered between the years 1878 and 1885 in the city of Moncton.

God help the Intercolonial if the opposition manage to get into power again. I well remember when they succeeded in the elections of 1878, we had at Moncton in the year 1878-79 to July 1st 365 men employed in the shops, of these 120 were dismissed in midwinter and the majority went to the United States to seek employment. While there a number worked on engines in the Hinchley Locomotive Works for the Intercolonial Railway and others on cars at Worchester Car Shops for the Intercolonial. The large amount of $150,000 was paid to United States builders of cars and locomotives in the years 1879 and 1880. It took just seven years to bring the force up to 365 men, the number employed in 1878-79, and the Tories all this time were shouting 'Canada for the Canadians.'

I shall not go into the financial question. That has been fully dealt with by speakers in the House of Commons, as well as in this Chamber, but contrast this contract with the contract made by the Conservative government with the Canadian Pacific Railway. Not one acre of land. The cash subsidy which is promised, and which is to be given, will not exceed $13,000,000, or thereabouts. Not one dollar of exemption. Compare its terms with the terms granted the Canadian Pacific Railway. Twenty-five million acres of land was granted the Canadian Pacific Railway ; $25,000,000 in cash was paid the Canadian Pacific Railway, 700 miles of railway completed, which cost $35,000,000, was handed over to the Canadian Pacific Railway. In all about $135,000,000 ; more than enough to build and equip the road. Sir Charles Tupper's estimate was $88,000,000 for building the Canadian Pacific Railway.

Under the contract with the Canadian Pacific Railroad, there was an exemption from taxation for 20 years. Under this contract there is no exemption whatever. Everybody is free to compete with the Grand Trunk Pacific Railway. Exemption from taxation was given the Canadian Pacific Railway in a manner that is felt in the territories and Manitoba to this day. Not one dollar of exemption is given to the Grand Trunk Pacific Railway. The Toronto 'Globe' says :

> The new railway from Edmundston to Moncton will be virtually a gift by the rest of the Dominion to New Brunswick. All that will be repaid for it will be the individual citizens' contributions to the general revenue in the form of customs and excise duties. The province, as such, will not be asked to contribute anything, except perhaps to give free right of way through Crown lands and free timber for ties and trestles. If a merely local road

between these points were offered by the Dominion to the province, it would be promptly if not gratefully, accepted, and not a statesman or a publicist would utter a word of protest against its construction. But this road across New Brunswick is much more valuable as part of a transcontinental line than any merely local road could possibly be. The service must needs be more effective, for there will be both through trains and local trains in almost embarrassing abundance. The traffic over this air line will be enormous, for it will include freight and passengers for three or more great seaports that are open all the year round—St. John, Sydney, and Halifax, not to mention others already established or likely to develop. For New Brunswick to imperil such a project on local grounds would be indescribably fatuous, and the past history of that province does not suggest the belief that its inhabitants are a community of fools.

It is not necessary in this connection to press the higher and broader aspects of the new transcontinental railway on the attention of the people of all the Maritime Provinces. It will do much to promote their local welfare; it will do much for Quebec, Ontario, the North-west, and British Columbia ; but it will do more for the Dominion as a whole than it will do for all the various provinces separately considered. Canadians in all sections of Canada believe in the future greatness of their country. They have built at enormous cost one transcontinental railway to bind its scattered portions together, and that great work has in this respect served an admirable purpose. They are face to face now with a project that will provide a second transcontinental railway at a comparatively insignificant cost, much more favourably situated for developing continuity of settlement, and affording a means of shortening materially the great traffic route between the rich and populous east and the energetic and progressive west. The Grand Trunk Pacific will do more than anything else in sight to put Canada before the world as one of the coming world-powers.

Hon. Mr. VIDAL—I do not propose to occupy much of the time of the House in making remarks on the Bill which is under consideration. In my mind, it is an exceedingly important measure, with respect to the vastness of the enterprise which it embodies, and especially with reference to the financial obligations into which the country is to be brought. I have two very serious objections against the Bill being proceeded with at this time. I may say briefly that one of my objections is that I consider it unconstitutional in the way in which it is brought before parliament. Another is the argument which has been already very largely dwelt upon, the fact that we know little or nothing with reference to the great work which it is proposed to undertake. Now, it may be thought that in saying it is unconstitutional I am speaking unadvisedly, but when we remember that the British constitution itself is not embodied in writing, while our own to a certain extent may be so, under the Confederation Act, still with us, as with Great Britain, there is an understanding of certain things connected with the administration and enacting of laws, just as binding as if it were written like the Magna Charta. One of these, it must be admitted, is never deviated from in this Dominion. Throughout the whole of Canada how careful we are in enacting laws for the guidance of the municipalities—not perhaps so much here as in the local legislatures—to debar them from engaging in any large enterprise involving an expenditure of money until the sense of the municipality has been taken by a public vote—most carefully guarded, so that a vote shall really elicit the sentiments of the people. Surely if we are so particular with reference to the expenditure of sometimes only a few hundreds, or thousands of dollars by a municipality in this way, we ought to be more guarded in the expenditure of so enormous an amount of money as must necessarily be involved in carrying out the project before us to-day. Have we any indication that the voters of this country would sanction such an expenditure, I say that we have not. In my own judgment, the country is not prepared to incur such an expenditure without knowing more than it does about it. We have the simple fact that there has been no indication given to the government to guide them in an immense expenditure of this kind by the voice of the people in any public meeting, or in any way in which an expression of their opinion could be made. I contend it is a constitutional principle that a project of such vast importance, involving such an immense expenditure of money, should not be undertaken in the way proposed here like a perfected scheme, until we have a knowledge that the scheme, until we have the approbation of the voters of this country ; and, consequently, I believe that it is not wise or proper that we should proceed with the enactment of such a measure until we have an expression of public opinion. It is very easily arrived at. An election, I suppose, will come on before long, and no doubt this will be one of the main questions which will be before the community and if the public at large really supported the project of the government, I should hold my peace

certainly ; I should admit that whatever might be my own views, the country having spoken and by a majority approved of such an expenditure, it would be right then to undertake it ; but I hold until such an expression has been given, we are acting prematurely and unwisely, and, as I believe, unconstitutionally, in forcing upon the country a measure of such vast importance without their knowledge or consent or any intimation of their will regarding it. I hold that until a very recent date the country has not been really thinking about it at all. The first mention of it was at the opening of the session, in an expression in the speech of His Excellency, speaking, of course, the sentiments of the ministry. Now, I think it is a very important matter that the words with which the Governor General then spoke should be remembered and thought of. These words were :

> The whole question of transportation and terminal facilities continues to occupy much attention, and my government will immediately appoint a commission of experienced men to report on the subject.

And that subject was the transportation by railway of the products of the country. Now, here was a promise from the Governor General at the opening of parliament that a certain question should be investigated—that men on whose judgment we could rely should be appointed to take evidence and consider this question, and make a report for the guidance of parliament. Nothing could be more clearly and distinctly stated than that by the Governor General in addressing parliament. Has that been done ? It was to be done immediately. I hold it was not done immediately. It can hardly be said to have been done until very recently, since the month of July at any rate, when a commission was appointed. Even then, if it has been appointed, it has not done anything ; it has made no report, taken no evidence ; has not even begun to work, and yet, intimating, as the Governor General did to the House of Parliament, that such an examination would be made by careful, experienced and wise men, and their report submitted to the House before any legislation as this should be introduced, people very naturally remained at ease until that commission should be appointed and the evidence taken and submitted to the country, and never dreamed that a perfected scheme of this kind would be forced on parliament without waiting for that commission to take any action. I hold some are greatly to blame if the Governor General understood what he was telling parliament for their guidance, when he promised that this should be done. Why was it not done ; and why, I would ask, in its absence, and the necessity of it being clearly involved in what he said to us, is such a perfected scheme submitted to us ? I hold there is a great wrong done to the Governor General in putting into his mouth a statement which turns out to be absolutely untrue, when nothing has been done to carry it into effect. It is exceedingly important that the information suggested in the paragraph which I have read should be obtained for the guidance of parliament before we take the first step in an enterprise of this kind. We have not got that information. It is quite true much has been said about the splendid country through which the line is to pass, the facilities it offers for the construction of a railway, and all that, but what does it amount to ? To my mind, all that has been said amounts to little or nothing, excepting perhaps the information furnished by my hon. friend from de Lanaudière (Hon. Mr. Casgrain), in whose judgment I have very great reliance as a surveyor and engineer. His statement as to the part which he has seen, and which he tells us is really fitted for the construction of a railway, I would accept without any hesitation as being correct, coming from a man competent to judge ; but how far did his personal experience of it go ? A very little distance as compared with the great length extending from Quebec to Winnipeg. How out of harmony with what he has stated with reference to a portion of the line with which he is familiar, are the statements which have been made to us by the hon. member for Lauzon (Hon. Mr. Bolduc), and also by the hon. gentleman from Westmoreland (Hon. Mr. Wood).

They read from that document which all of us have received and looked into, professedly giving that mountain of information with reference to the location of the line. I am an old land-surveyor and somewhat of an engineer myself, and in my judgment the information given to us in that book is of no value whatever with reference to the construction of a railway. It gives us in-

formation as to the character of a country to indicate where sportsmen might want to go, or where those searching for mining locations and timber might want to go—very useful for those purposes, but there is nothing in these pages giving the information which a business man would require to form any judgment about locating a practical line of railway—not a word, and consequently, although that 'mountain of information' has been so much spoken of, it is information of a character which, in my judgment, has no strict connection with the locating of a line of railway. Many of the reports have been read from that same mountain of information, and what have they told us? They have told us of very serious engineering difficulties, of the construction of bridges, passing of large lakes and rivers, of irregularities of the country, and I think it is said passing nine times over the height of land, and a great many expressions of this kind which clearly show that the book does not supply the information which we need to form a correct judgment as to the propriety of locating a line of railway there. Then the line itself is not definitely marked. It is a mere imaginary line, with reference to which we have really no practical information at all. Before an enterprise of this kind should be engaged in at all, parliament should insist upon having a very full, perfect and reliable report of all things connected with the construction of such a work, its location, the character of the country over which it is to pass, the engineering difficulties which may be met and may have to be overcome. There are many things connected with it that we have not got and which are essential to the forming of one's judgment as to the propriety of engaging in such an enterprise. Then in reference to the work which would be done by that line. The usefulness of it is very largely preached and promulgated as if it was to be a grand thing for the country. Many arguments have been presented here which carry no weight to my mind. I think some of the utterances which have been made by the hon. gentleman from Wolseley although he said much that was not in the enterprise, had very great importance in relation to it. The statement which he made of the abundance of railways already provided in that great wheat-growing country, which I take to be perfectly reliable, shows that the country is supplied with railways in every direction, giving easy access to the farmers to different lines in all parts of the wheat-growing belt. The statement which he made also that further north than where it is proposed to locate the transcontinental line there are none of the facilities which are found in the wheat-growing country, and that wheat has never been produced in any quantity in that region, is important. These points all require investigation and the commission would investigate them and form a judgment upon them, and surely the statement of the hon. gentleman from Lauzon (Hon. Mr. Bolduc) when he gave us the interesting account of what he had ascertained after a close study of the United States lines of railway and the lack of success of recent enterprises, is evidence to my mind perfectly conclusive to show the impropriety of taking a single step in this great enterprise until such statements as those have been carefully examined and reported upon by such a tribunal as the Governor General suggested. I think it is exceedingly important that we should know something about these matters; consequently my belief is that a scheme of this importance should not be hurried through parliament as it is proposed to do with the measure now before us. I think it has been doing a great injustice to the Senate, and it has been complained of every year that some of these important measures are brought down to us at the last hours of the session when it is impossible to give them that full consideration which their importance demand, and surely this is an occasion where, if ever it was necessary that we should take a firm stand upon a question and insist upon our independent action, this is one.

I know that sometimes this House is regarded as being a mere recording chamber for the decisions of the House of Commons, and it is being argued much more strenuously nowadays than it used to be in the earlier days of my connection with this honourable body—too much so. It appears now that we are becoming a reflection on what the other House has done. Our true office is to sit as judges on that legislation.

No doubt the intention of the founders of the constitution was that the Senate should be composed of members, not so much influenced by party considerations, not so influenced by the consideration of where a measure originated as to prevent a calm, deliberate, careful judgment upon the merits of every question coming before us. It is for the very purpose of counteracting any mischief which might arise from hasty legislation in the lower Chamber, or of legislation forced through the lower House from party motives. That is where the Senate becomes valuable, and that is where the House of Lords in the old country, which we are supposed after a fashion to represent here, show their value and importance to the well-being of the empire. I contend that even in the short history of this Senate we have on several occasions rejected important measures that were very strongly contended for, supposed to be of great benefit to the country, and the country generally has always approved of our action in rejecting them. I think this is one of the occasions on which our judgment should be guided by sound commercial as well as national reasons, that should not be influenced at all by party feeling in this matter. It may be said to be a difficult or impossible thing for members to do. I do not think it is impossible. As far as I am personally concerned, it makes no difference whether a measure originates from one party or the other, or who may be the author of it, I bring my own judgment to bear upon it, I like to hear the arguments which may be adduced for or against it, and then form my own judgment. I am quite aware that that judgment may be erroneous or may differ from the experience of wiser and more able men than myself, still I exercise my own judgment and act upon it, and I feel that that should be the positive, pressing duty of every member of this Chamber. The government is not affected by this House arriving at a judgment condemning some measures that they are interested in, or advocating or pressing in the other House. There, of course, an adverse vote would jeopardize the existence of the government, or might lead to resignation or change. Here it does not. Here we are at perfect liberty to form our judgment, feeling that that judgment will not affect the position of the government or the party in power one iota. It is a judgment simply upon the merits of the measure, and the government pay no attention to it. It has no effect upon them if we do vote contrary to the views which they have been advocating, and which are supported by the majority in the other Chamber. Under those circumstances, I think we should not proceed any further with this Bill. That is my opinion—that we should wait until we can obtain information which is absolutely necessary in forming a judgment with reference to the propriety of the arrangements proposed to be made with the Grand Trunk Pacific Railway in its financial aspect. I must fully and frankly admit that I do not feel competent to deal with these large money questions, although I have listened with attention and endeavoured to arrive at some understanding of the financial features of the scheme, I would never insist very much upon my own judgment in reference to that matter. I would prefer being guided by the judgment of experienced financial men on that point, but there are other matters connected with it on which I think my own judgment is as good as that of any other persons, and on which I could form a correct judgment as to the propriety of doing them or leaving them undone. I do not think it is important that this Bill should be proceeded with hurriedly. We heard a great deal when the Bill was introduced about there being a crisis.

The very idea of a crisis requiring a Bill like this as if it could be passed in a few days and the road brought into existence in a few months and the crisis thereby avoided, is absurd. How can a crisis be avoided by a project which will take ten years to complete? It would have to be a long lasting crisis and might be greatly changed in its character during that time so that I do not think the crisis argument has the slightest impression on any one's mind. We have had other suggestions made. I will not pay any attention to the war suggestions, although made by the hon. gentleman from Wellington for whom I have a very sincere respect. I could not help smiling at the suggestion of this road being a military necessity. It struck me when he was speaking that it did not harmonize very well with his vows. The proposal is to build a new road, not exactly parallel to the Inter-

colonial Railway—it is a little south of it—which would be a great deal nearer the American border and more easily attacked and destroyed than any other part of the line and yet notwithstanding the many urgent reasons that were given against it—the hon. gentleman said that although he didn't like it he would swallow it on the ground. I do not see any necessity for any hon. gentleman to swallow anything of the kind. If his judgment tells him a thing is decidedly wrong, he should give expression to that judgment by his vote and utterances in this Chamber, and he should not be guided by any other feeling or influence than that. I think the arguments which have been brought before us, especially by my hon. friend from Wolseley (Mr. Perley) with reference to what would likely be the fate of the Transcontinental Railway from Winnipeg to Quebec, require a great deal of consideration. It is not a question to be laughed at and lightly laid aside as having no value or being of no consequence. The one fact which he mentioned—I had never thought of it before—of the difficulty of supplying the fuel for the cars going that immense distance is a very serious difficulty and would necessarily require a vast expenditure in order to maintain the running of the trains and we know that the road must be run to produce a profit to the enterprise, otherwise the whole thing would be a failure. My strong conviction after all that I have heard, is that the traffic along that part of the road from Quebec to Winnipeg would never pay—not in the lifetime at any rate of any of us at present in existence, very likely many years after this, when the western country has a population of many millions there may be a necessity for building such a road, and the northern country might then be settled and this would be a useful transcontinental road.

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Mr. VIDAL—But I do not think anything of that kind could occur in the lifetime of any of us. Would there be any inducement whatever for settlers coming into this country, with the intention of engaging in agriculture going up to this northern country, when there are millions of acres of better land in the great North-west prairie country. You would not get people to go up where the land has to be cleared of timber and drained before it can be cultivated. I am satisfied there would be an influx of population in that direction during the work of construction, but if the road was completed it would be for many years a solitary road, very little travel upon it in the ways of passengers at any rate, and in my judgment the cost of transporting grain such a distance by rail would be so great that it would get very little patronage. It would come out rather by the existing routes, which have been shown to be amply sufficient for the requirements of that western section, not only for the present but for many years to come with the addition of a comparatively small percentage to their rolling stock or perhaps making occasional improvements in some parts of the line. It appears there is no other difficulty under the present system than the want of cars. The roadways are sufficient. It would be better for the government, in my judgment, to lend financial aid to the railways to supply that deficiency. That would meet the emergency of crisis if they call it that, and the grain could be moved speedily to the Atlantic sea port. But there is no proposal whatever of anything like that being done, although in my judgment it would be a wiser plan than to engage in an undertaking of this stupendous character. A great deal has been said with reference to the importance of this road being a wholly Canadian road to Canadian ports from which the grain and other products that are carried could be shipped. To my mind that is no argument whatever. We have at present an all Canadian road if you want one. We have the same outlets, if right steps are used to take advantage of them. My impression is, instead of incurring an immense expenditure of mone in building that road from Quebec to Moncton, it would be a much wiser plan, a much more effective plan, one more immediately useful, to put an additional supply of cars upon the Intercolonial. I have always understood that that road is a splendid road, a well built, thoroughly good workable road and that if it was more liberally equipped with rolling stock, there would be an outlet either to St. John, to Halifax, or to Moncton, just as well as by constructing this new line. What would the proposed line do if it were in operation from Quebec to Moncton ? In one sense it may be called

a parallel to the Intercolonial Railway. It will start from the same point and reach the same terminus. They would not be parallel lines exactly ; the Transcontinental would be shorter than the Intercolonial Railway, I am told, by some 60 miles or something of that kind.

Well, now, what does all that amount to ? If you come to look at the results upon trade and the transit of goods, is it of any great consequence ? The difference in time, which is a very important matter, would be about three hours, I believe, at the outside. Three hours' difference in time between going by the present Intercolonial Railway and by the proposed new road from Quebec to Moncton ; now, really, does any one think that, for the sake of that three hours of time on the trains, it is worth incurring the expenditure of many million dollars ? Not only would it be an unwise expenditure of millions, but it would most effectually ruin the Intercolonial Railway. Who would go by the Intercolonial Railway when there was a shorter line ? No traveller would think of going by the longest route, and the local traffic along the line would not be sufficient to maintain the road. So I think, in that case, the Intercolonial Railway from Quebec to Moncton, would be a very unprofitable route. It would be a local road, very little travelled and yielding very little return to the government for keeping it going. We have spent some sixty million dollars on that road, and it seems to me an extraordinary thing to run a road parallel to it, after a fashion which would ruin it, for the purpose of accomplishing that very little saving in time. I think it is a most unwise project. I am not familiar with the country. I have been over the road and that is all, but I have been told that on the route where the new road is proposed to go, there are many engineering difficulties, not very serious ones, but steeper grades have to be encountered than on the present well-formed Intercolonial Railway. That would, of course, add greatly to the cost of its construction, and I think would, to some extent, lengthen the time in passing over it, if these gradients were at all serious. These things should be thought over and considered before entering on a scheme of this kind, and the wisest course to be pursued by this House would be to take the ground, that until we have accurate and reliable information with reference to the exact location of the road proposed to be made, with reference to the soil over which it passes, with reference to the engineering difficulties to be encountered, and with anything and everything connected with the construction of it, and until that information is examined into, carefully studied and submitted to us, we will not be in a position to form a judgment as to what should be done with it. In the absence of that information, it is asking us to do an extraordinary thing, to sanction an enterprise with respect to which we know nothing, and consequently these financial estimates which are submitted to us, are most unreliable, because they must be all imagination. There is nothing about them which is reliable and should have the effect of guiding us. We should hesitate in sanctioning the passage of such a Bill. There will be an opportunity before very long, at any rate, of submitting the question to the people, who have a right to know about this project, and getting their judgment upon whether it should be undertaken or not. I know some hon. gentlemen have been laughing at the petitions which have been presented in both Chambers against the construction of this road. If those petitions are looked at carefully, the wording of them will be found sensible, and the reasoning correct. They ask, as I am asking, that we should be put in possession of the actually necessary information, for the construction of such a work, that it shall not be proceeded with in entire ignorance of many of these great questions connected with the project. The remarks which have been made about forgery are, in my judgment, most unwise and improper, because they imply that many thousands of the voters of this country, men of equal judgment and experience with ourselves, have improperly signed these petitions, and it is a pretty hard thing to have them told by a senator in his place in this Chamber, that their petitions are forgeries. I question if there are any forgeries at all. I can understand a person forging a signature when he is going to gain something by it, but what possible reason could be given for any body forging names to petitions like these ? I cannot con-

ceive of any reason at all, and consequently the charge which has been made is a most unjust one, and reflects improperly on the honesty and integrity of those who have sent petitions in large numbers to this House. But what do those petitions indicate? Do they not indicate what I have been contending for, that the public feel an intense desire to know something about this great scheme before it is carried into operation, and in that respect we should give attention to the request which has been presented to us, and should hesitate in passing into law a measure which has so many objections against it, and which is not at all necessary at the present time. I see no hurry for it. Plenty of time should be taken to obtain all the information which we need, and then if that information is such as to justify the scheme which has been submitted, the course could be adopted intelligently and wisely and with understanding of mind. But in the meantime I hold that we should not be expected to sanction such a measure as this. I feel that I know nothing about it sufficient to justify me in voting for its construction being entered upon. The many reasons and arguments which have been advanced here should receive consideration, not only from ourselves, but from the public before an enterprise of such vast extent and importance is engaged in by the country.

Hon. Mr. McGREGOR—At this late hour of the night, if it were not that I do not intend to detain the House long, I should perhaps apologize for rising to speak, but my remarks will be brief and I ask the Senate to bear with me for a few minutes. When I was asked to follow the hon. gentleman who has just spoken, I did not know that I should have to answer a constitutional question. I am not a constitutional lawyer, and therefore do not intend to deal with it in any form, but there is one point on which I should like to speak, and that is the demand for more information. Now that is a proper question for every senator to consider. I do not know whether it would be fair in debate for me to ask the hon. gentleman if he has always acted on that principle of getting information before voting for a measure? I think the hon. gentleman was a member of this House some years ago when Sir Charles Tupper wanted to build a railroad from Oxford to a junction on the Intercolonial Railway at Stellarton or New Glasgow. He said in his place in parliament that he could not describe that road better than by taking three corners of the parliament buildings, one corner representing Oxford, another Truro, and the third the junction, and by taking the hypothenuse, he was going to save some forty miles. Did the hon. gentlemen get information at that time, or did he take Sir Charles Tupper's word? The hon. leader of the opposition, was in the House at that time. I wonder if he got information, or if he took Sir Charles Tupper's word when he voted for that very large expenditure on the promise that the saving in distance would be no less than forty miles? The road has been built and is running to-day, and there are exactly eight miles saved. If the hon. gentleman got correct information before voting for that expenditure, it was all right. Another road was built in Nova Scotia two or three years ago from Windsor to Truro: did the hon. gentleman inquire what that road was going to cost and where it was going to run? The length of that road is about sixty miles from Windsor to Truro. I do not think there is one point, after it leaves Windsor, and before it touches Truro, where it is distant thirty miles from the Intercolonial Railway? When it gets near Truro the distance is sixteen miles, and a little nearer Truro it is right on the Intercolonial, and was at first intended to enter Truro at Brookfield by joining the Intercolonial Railway there.

Hon. Mr. FERGUSON—Is that a government measure the hon. gentleman is speaking of?

Hon. Mr. McGREGOR—It was a subsidized railway. The Truro people gave a bonus of $30,000 to prevent it running on the Intercolonial Railway and to have it run parallel to the Intercolonial Railway. The Dominion government gave $6,400 a mile to subsidize that road only a few years ago. I am not saying that road was not necessary, but did those hon. gentlemen get the information they should have had before they granted that? It is the right of the people to get this information, but have hon. gentlemen always got it? The hon. leader of the opposition, speaking last night of the road now being built in Prince Edward

Island said that road was going to cost $28,000 a mile for a narrow gauge road, and there is a bridge costing $1,000,000 or something like that. I want to know if those hon. gentlemen got all the information about the cost of that short piece of road. I have in my hand the time table of the Intercolonial Railway with a map of this road now being constructed down to Murray Harbour, and there is a scale here which shows that parts of this road which Sir Mackenzie Bowell says is costing $28,000 a mile are not ten miles from another branch of the Intercolonial Railway. There are three roads running from Charlottetown, one to Souris, one to Georgetown and one to Murray Harbour. I do not know that any of them is not a necessary road, but had those gentlemen the necessary information before sanctioning their construction ?

Hon. Mr. LANDRY—Certainly.

Hon. Mr. McGREGOR—Did the hon. leader of the opposition know that that narrow gauge road was going to cost $28,000 a mile ?

Hon. Sir MACKENZIE BOWELL—No, I guarded myself. I said in the discussion that had taken place in the House of Commons when the estimates were brought down, it was stated that the road was to cost $28,000 a mile. I do not know personally anything about it.

Hon. Mr. McGREGOR—These things are in reply to what hon. gentlemen said about getting information. I promised not to detain the House long, and it is very hard at this time of the debate to say anything that is new, and perhaps I would not have said anything at all upon this subject, but in travelling a few weeks ago with an hon. member of this House who is not here to-night, coming up from Montreal on the car, he said : 'Have you, as a business man, looked at this contract as you would look on any business proposition if proposed to yourself, to take stock in it ?' That set me thinking, and I have tried to look at this contract just as a business man would. I do not know whether I have been able to do that to the satisfaction of others, but to my own satisfaction I have, and I will give you my impressions. Sir Wilfrid Laurier, in introducing the Bill, said :

> Another transcontinental railway, every inch of it on Canadian soil, is a national as well as a commercial necessity ; it is a corollary of our status as a nation.
>
> Now is the time for action ; the flood tide is upon us that leads on to fortune. If we let it pass it may never recur again ; if we let it pass the voyage of our national life, bright as it is to-day, will be arrested in the shallows.
>
> We cannot wait, because time does not wait.
>
> Time lost now during our wonderful development is time doubly lost.

The great question is first, is the road a necessity ? So much was said this morning showing the necessity for the road, that I shall speak very briefly on that point. To show that it is a necessity, we must compare statistics. If the Canadian Pacific Railway was a necessity in 1881, how much more is this project necessary to-day ? The population of Manitoba and British Columbia in 1881, was 100,000 ; to-day it is nearer 700,000. The population of Manitoba in 1901 was 434,000. In 1881 there was scarcely enough wheat raised in the North-west for local consumption. In 1902 they raised more than 100,000,000 bushels of grain, and that territory has the honour of being called to-day 'The Granary of the Empire.' I need not speak of congestion, that has been already referred to, but if there was congestion of traffic last year, the same congestion will take place this year. If there was congestion last year with a population of 434,000 how much greater will the congestion be next year when you will have 700,000, or maybe more, in that province ? As has been said already, who can tell or estimate what it will be five or ten years hence ? Perhaps we cannot show the necessity for the line any better than by taking statistics from the Canadian Pacific Railway itself. In 1884 the gross earnings of the Canadian Pacific Railway were $5,750,000, and that was largely from carrying materials for its own construction work :

In 1886	gross earnings were	$10,081,803
1892	"	20,241,495
1897	"	24,049,534
1902	"	37,303,035
1903	"	43,957,373

Or about $140,000 a day. The grain carried by the Canadian Pacific Railway in the same years—and I happened to be in Toronto at the time of the opening of the exhibition, and at a lunch given to Lord Strathcona by the Exhibition Committee there, I heard the chairman of that committee say that sixteen years ago he shipped the first car of grain that ever came through on

the Canadian Pacific Railway—was as follows :

Grain carried in—

	Bushels.
1886....	10,960,582
1892.....	24,894,141
1897..	37,756,706
1902..	63,922,710

This is not taking into account passengers, flour, live stock or lumber. Then let me quote from an interview with Mr. Robert Kerr, passenger traffic manager of the Canadian Pacific Railway, which appeared in the Montreal 'Herald,' Sept. 28 :

I confidently expect that next season will see a greater flow of immigration to Canada than we have ever had.

That is how Mr. Robert Kerr, passenger traffic manager of the Canadian Pacific Railway sizes up the immigration situation.

Mr. Kerr has just returned from Great Britain and Eurpoe. He was away for seven weeks and in that time went practically all through Great Britain, and also visited Antwerp, Rotterdam, Hamburg, Copenhagen and Gattenburg.

Discussing his trip with the 'Herald' this morning, Mr. Kerr said :

'I went to England to look into passenger matters and was particularly concerned with the emigration question. Before the Canadian Pacific Railway got its steamship line the company was not as deeply interested in immigration as it is now. We had our connections with other lines, and those lines gave us the business. Now we are vitally concerned in knowing just how our agents handle our business.

INTEREST ABROAD GAINING.

'I found a great and growing interest in Canada and especially was this the case in Great Britain and in Germany. Every one seemed interested in Canada and I marked the growing desire to learn more about Canada, with the ultimate idea of coming here to settle. In former years little attention was paid to Canada. If a man wanted to come out here he came and that was all there was to it, but the same eagerness for information on Canada was not as noticeable then as now.

'I think British emigration to Canada is just about starting, and I believe next year will be a splendid one from a standpoint of immigration.

'In previous years we got the bulk of our immigrants in the early summer, and if we did not get them it was fair saying that we would not get them before the following year. This year it is different. On the ship on which I came out we had some 600 emigrants, a fine looking lot.

RESULT OF CROP FAILURES.

'One circumstance that helped the business was the harvest in Britain was a failure this year. The result is that the farmer looks to Canada to improve his condition.

'It is largely from this class that we get our immigrants, and the failure in the harvest will go a long way toward settling in their minds those who have for some time thought of coming to Canada. These people are mostly small farmers with twenty-five acres of land. Most of the immigrants who will come to Canada next year are agriculturists who will come here to engage in farming.

'There will be some mechanics, but few of them are coming with the idea of working at their trade. They all want to farm.

IRELAND, TOO, SENDS SETTLERS.

'As yet we have not had many immigrants from Ireland, but this year the arrivals were twice as large as any previous year, and they are still coming.

'At no time have I found in England as strong a sentiment in favour of Canada as at the present.

'Every person is interested in this country, and the result will be that not only will the immigrants come, but English capitalists be attracted here. That will be one of the results of the meeting of the Congress of Chambers of Commerce of the Empire as when the delegates go back, the information they will be in a position to spread will be of great benefit to this country.

'The delegates are men from the important commercial centres of Great Britain. Most of them are capitalists themselves, and they are all in touch with capitalists, so I anticipate great results from their visit.'

Mr. Kerr said he found business good all through Great Britain.

VIEWS OF MR. WILLIAMS.

A similar opinion as to the increase in the immigration to Canada next year was expressed by Mr. Clarence L. Williams, city ticket agent of the Canadian Pacific Railway in Chicago, who, with Mrs. Williams, is visiting Mr. J. R. V. Forrest, of 744 Mance street. Mr. Williams, however, deals with the influx from across the line of American farmers. He says that inquiries have been received at the Chicago office from people as far south as Tennessee and in all the Western States, who are thinking of migrating to Canada. Next year he believes will see two or three times as many Americans coming over as came this year.

I think that is enough to show that the road will be a necessity. And now let us look at the cost. The fundamental principle of all sound business is to count the cost, to use the common saying, 'Cut your coat according to the cloth.' We have the contract here in our hands. The contract is first with the government to build a road from Moncton to Quebec, and from Quebec to Winnipeg. The acting Minister of Railways estimated the road from Moncton to Quebec at 400 miles, and at $25,000 a mile, the cost would be $10,000,000 ; allowing $2,000,000 for our share of the Quebec bridge, and adding the cost of the road from Quebec to Winnipeg, 1,475 miles, at $28,000 a mile, $41,300,000, the total cost would be $53,300,000. Upon this fifty years' interest will be required to be paid. I have in my hand the budget speech of the Finance Minister of 1898. The last loan he put upon the market in 1897 was

$2,000,000, at two and a half per cent, which netted ninety-one pounds, ten shillings and five pence to the hundred, equivalent to two and seven-eights per cent interest. Now, money is getting cheaper ; loans before that brought four and a half, then four and an eighth, then three and a quarter, and now the rate has gone down to two and seven-eighths. We know the present state of the market is phenomenal, that in England, on account of the Boer war, money to-day is a little dearer than it was, but at the same time our credit is better. To-day much more is known about our country. This money will not be required for some little time, and as history repeats itself there is every reason to believe will be got as cheaply as that last loan made in 1897, and upon that I am basing our rate of interest. I think my argument is a fair one. Fifty years' interest upon $53,300,000, at two and seven-eighths per cent is $76,618,750. We are to receive as rental for forty-three years upon the same, three per cent, which will amount to $68,757,000, leaving a deficit of $7,861,750. Then there are 1,140 miles from Winnipeg to the mountain section on which the government guaranteed bonds for seventy-five per cent of the cost not to exceed $13,000 per mile ; the mountain section of 480 miles, on which the government guarantee bonds not exceeding $30,000, and pay seven years' interest at three per cent, amounting to $3,024,000, making a total of $10,885,750, being at the rate of $3,120 per mile. The subsidy paid now throughout the Dominion by the Dominion government is not less than $3,200 a mile, and that is paid at the time, but in this case the subsidy will be extended over fifty years. Or when we come to pay, extended over a period of fifty years, for the first seven years would have $432,000 a year to pay for the mountain section ; and for the Moncton to Quebec section, $157,235 a year, making a yearly payment of $589,235, and for the seven years a total of $4,124,645. Adding to that forty-three years interest at $157,235 a year, $6,761,105, we have a total of $10,885,750. That is the cost as I make it.

After a man has counted the cost, the next thing is to find out whether he is able to pay it. Is it within our means ? I will try to show that it is within our means. Let us compare 1881 with 1901, and with to-day. In 1881 the population of the Dominion was 4,324,000 ; in 1901, 5,371,000 ; it is now estimated at five and a half millions. The revenue of this country for 1881 was $29,635,000 ; for 1901, $52,500,000 ; for 1902, $58,050,790 ; and the revenue for this year is $66,400,358.

Hon. Mr. LANDRY—That is up to the 30th June?

Hon. Mr. McGREGOR—Yes. The imports and exports for 1881 were $203,620,000 ; for 1901, $371,652,000 ; for 1902, $415,060,000. In 1881, with the small revenue we then had, we undertook to find money to build the Canadian Pacific Railway. That money cost the country four and a half per cent against three per cent to-day. That is, we can borrow as much money for three dollars as we could borrow for four dollars and a half ; or we can get $150 to-day for what we could get $100 at that time. With all the changed conditions, I am satisfied we have the means to build the road, and we can afford it. I will just read an extract from a speech made by a member of this House before the convention of the Chamber of Commerce held in Montreal a few weeks ago. At the convention of the Chamber of Commerce held at Montreal a short time ago the Hon. Mr. Drummond used the following language :—

> The great North-west, which only a few years ago was a barren place, the home of the trapper and hunter, is now producing vast quantities, and increasing quantities too, of the grain which is required for the food of the people. That part of Canada produced last year 67,000,000 bushels of wheat, and 50,000,000 of other grain. The Canadian Pacific Railway sold to immigrants and cultivators last year 2,639,000 acres. Over and above that, quantities of land were sold by the government to private owners, and during last year, and the first seven months of this, over a hundred and fifty thousand immigrants entered into that territory. I think it would be imprudent to place limits upon the possibilities of the future.
>
> Another point, as to the foreign trade of Canada. This was in 1886, $189,675,000, and in 1903 it had become over $467,000,000. Canada per capita, does the third largest trade in the world, being exceeded only by Great Britain and Belgium. It has nearly three times the trade per capita of the United States, or in the neighbourhood of $84 per head of the population of Canada to $30 per head in the United States. And I think I am justified in

saying that the colonies are even now increasing their per capita trade more rapidly than any other part.

If we can afford it then let us see if the bargain is a good one or a bad one. Is the contract a satisfactory one, or, in other words, is it a good bargain ? To judge this fairly we must make comparisons and naturally go to the contract with the Canadian Pacific Railway first. By reference to the public accounts of the Dominion we find by the Statistical Year Book, page 513, the account stands, $62,754,243.58. In addition a land subsidy of 25,000,000 acres was given valued at $37,500.000. Total, $100,252.243. Taking into consideration the condition of the country at the time, I am willing to drop the land subsidy as there is no denying the fact the promoters of the road took great risks. The undertaking was most hazardous and its failure meant their ruin.

Before passing it, let us glance for a moment at what 25,000,000 acres of land means. It represents 200 miles square, or 40,000 square-miles being equal to double the area of the province of Nova Scotia.

Let us take then the actual cash paid and for convenience of mental calculation call it $62.500,000, upon which we have been paying 4 per cent for 20 year or $2,500,000 yearly $50.000,000 to date total, $112,500,000. There is yet 30 years to run which at 4 per cent, is $75,000,000. So that at the end of 50 years, making a total of $187,500,000, we will have paid in interest $125.000,000, and will be called upon to pay $62,754,243 for which the country will not have one dollar of assets.

Costly as it was, we are to-day much the richer, for the crops of the North-west the last three years would pay the whole cost of principal and interest.

Let us, by way of comparison, see how the matter stands. We will have paid $125,000.000 in interest in one case, and what are we going to pay in the other ? From Moncton to Winnipeg I have estimated the cost at $53,300,000, and I am going to be as generous as the hon. minister was when he brought it down and will add a quarter, so that there will be no mistake. A quarter added to the estimated cost of the road from Moncton to Winnipeg, would bring it up to $66,000.000 odd. Take the interest upon this and the difference between it and the rental of 50 years at 3 per cent will make $9,827,687 and interest, together with $3,024,000 interest on the mountain section for 7 years makes $12,881,187. I am now basing it on an increased estimate of 25 per cent. on the calculation made by the Minister of Finances, which, I think, is a fair one. At the same time we will have paid for the Canadian Pacific Railway, $125,508,-000, or ten times as much in interest and at the end of 50 years how do we stand in relation to the two roads ? In one case we have a national road for the $12,881,187 and a liability of between $53,300,000 and $66,-625,000 which ourselves or our heirs will have to pay ; but we will have as asset 1875 miles of road which will probably be worth many times what it cost, 50 years hence, and in the other case we will have paid $62,625,-000, and will leave a heritage of debt without owning a foot of the railway. There is the comparison of the financial aspect of the two roads. I therefore add in conclusion that the bargain is a good one.

Did anybody ever hear before of a bargain like that ? I will ask hon. gentlemen of this House if they ever went into a large undertaking where they got the interest in seven years ? I have had some little experience in subscribing my name for stock and ventures of that kind, and they were all disappointments. The Canadian Pacific Railway did not earn dividends for many years, and then 2 per cent and 2½ per cent was what it paid. Recently it paid 6 per cent. In the case of this railway the money will not cost more than 2⅝ and it is going to pay 2⅜ per cent, a loss of less than ⅛ of one per cent, from the day it starts. That is phenomenal, and no business man ever put through a transaction that did pay in the time. I have had disappointments and every hon. gentlemen here probably has had disappointments, but here we have a bargain in a railway on which from the date it starts we are going to get 2⅜ per cent.

Hon. Mr. LANDRY—Why ? Does the govment not pay the interest for 10 years ?

Hon. Mr. McGREGOR—I was going to make a little further comparison in reference to that, and I had almost forgotten it. If the company offered to take the usual subsidy and build the road from Moncton to Port Simpson would not every man in the House rise up and say the government were getting a good bargain if they did it for

$6,400 a mile ? Supposing we agreed to give a bonus or subsidy of $6,400 a mile for the 3,500 miles, which would amount to $22,400,000 to which must be added 50 years interest at 2½, making $32,200,000 a total of $54,600,000, being $15,600 a mile or five times what we are to pay under this contract and we would not own a mile of it. I think the contract is a good one, the best ever put before the country, and when every portion of the country is petitioning for subsidies of $3,200 a mile for local railways, when it is shown that this road is being built, not for a cash subsidy of $3,200 or $6,400 a mile, but, at the end of seven years it only costs us $157,233 a year for a transcontinental road, the country must accept it and be satisfied.

Human nature is the same all the world over, and I am apt to look at things from my own standpoint. The man from Ontario looks at how it will benefit Ontario and the same with people in Quebec and Prince Edward Island. I am sure the hon. gentleman from Marshfield looks to see how it will benefit the island in which he lives, and I am looking to see how it will benefit Nova Scotia. I do not see such a great benefit to Nova Scotia when the road is completed, but I do see before the eastern country a great future while the road is building. I do not use it as an argument that the road should be built ; I want to show what the road is going to do for this country, and it should be particularly satisfactory to the men who are crying out for protection. There is a clause in the contract which reads as follows :

37. The company shall purchase all material and supplies required for the construction of the Western Division and the equipment of the whole of the said line of railway from Canada, and when such material and supplies can be purchased in desired quantities and of equal quality suitable for the purpose required, and for prices and upon terms equally advantageous with those procurable elsewhere.

That is part of the contract

Being satisfied that the Bill and contract now under discussion will be passed by the Senate, I desire to submit for the information of hon. members some facts regarding the materials required in the construction and equipment of the road, to show the benefits which will accrue to the iron industries, particularly to those to which at present public attention is turned, and upon whose success or failure so much depends. The estimated length of the road, Moncton to Fort Simpson, is 3,500 miles. Including branches and sidings, this will require 4,300 miles of rails, weighing 600,000 tons which, with 80,000 tons of fish plates and 20,000 tons spikes, and 100,000 tons switchgear, frogs and tieplates, will make a total of 800,000 long tons, or 896,000 tons of 2,000 pounds. For equipment and construction while building, there will be required 400 locomotives ; 200 first-class cars, including dining and parlour cars ; 300 second-class cars, including baggage and mail cars ; 11,000 freight cars, including ballast and working cars.

Basing an estimate on figures given me by practical car and locomotive builders, I find that 100,000 tons of iron and steel, chiefly steel, will be required for this equipment. There will be required for and during construction, steam shovels, scrapers, ploughs, picks, shovels, crow bars, sledges, hammers, drills, most of which will be worn out and replaced many times, and to these may be added nails and spikes for station houses, freight sheds and platforms and also wire fencing. It is not possible to make an exact calculation of the quantity of steel this would necessitate, but I do not think I am overestimating when I put it down at 150,000 tons. This, with the amount estimated for rails, fish plates, spikes, tie plates, &c., would bring the total quantity up to 1,146,000 tons.

Let us see what the manufacturing of 1,146,000 tons of steel and iron means. In manufacturing steel into bars from pig iron there is a loss of about 20 per cent so that 1,432,000 tons would be required. The total production of pig iron last year in Canada was 321,191 tons. At that rate of production it would take all the furnaces that were running last year, four years and five months to produce enough pig iron to make the steel and iron which will be required.

Now with a market for 1,146,000 tons of iron and steel let us see how this quantity might be divided to illustrate just what this demand would mean. Take first the works at the 'Soo' and the Dominion Iron and Steel Company's works at Sydney, being the two largest, and give to them the whole

of the rails and we find that 600,000 long tons or 672,000 tons of rails would mean 280 tons each per day for 300 days in the year for four years.

Give to the Hamilton Steel Company and the Nova Scotia Steel Company 120,000 tons each, and this would mean 100 tons each per day of 300 years in the year for four years. Give to the Montreal Rolling Mills and the Messrs. Drummond of Montreal 60,000 tons each and it would be fifty tons each for the same period. This would leave 114,000 tons or an output of 55 tons daily for any of the smaller industries. I may have omitted for the same length of time. In this connection I might also bring to your notice the local coal industry, which will be largely benefited. To manufacture 1,432,000 tons pig iron from ore, will require 4,300,000 tons of coal ; and to convert the pig iron into steel ingots, and ingots into billets and billets into finished bars will require two millions additional, being over a million tons more than the whole output of Nova Scotia colleries last year, and double the output in 1899.

It will be noted that in making estimates of material required for the construction and equipment of the road, I have confined myself to that in which the province I represent is directly interested, viz., steel, iron and coal. I leave for others to calculate other materials and labour required in the building and furnishing of the immense quantity of rolling stock, though in Nova Scotia we have also the Rhodes, Curry & Company, Limited, works at Amherst, which are now turning out large numbers of cars for the Intercolonial Railway and Canadian Pacific Railway, and could doubtless handle a part of this equipment.

From our province, we expect to furnish also our share of qualified engineers, practical machinists and responsible contractors, along with intelligent, skilled labourers.

While we in the east rejoice that the great west is being peopled so rapidly and that she is already designated 'The Granary of the Empire,' we too are ambitious that the east as well as the west will profit by this great undertaking. Coal and iron being the basis of industrial pursuits, we aspire to become the Sheffields and Birminghams of Canada.

Hon. Mr. McGREGOR.

I have great hopes that the building of this road will so stimulate and firmly establish our collieries, blast furnaces, rolling mills, foundries and car shops, that when the road is completed we will be able to supply all the future demands of Canada, however much increased, without depending upon any other country.

I have gone into this as I would into a business proposition. Were I asked to take stock or anything of that kind, I would first do as I have done : I would ask, as a business man does, what market have you got ? I would then ask what is it going to cost, and after I was satisfied with the market and the cost, I would ask ' Who is going to manage this ? ' You would want to know who the directors were. I am satisfied upon the first point. I am satisfied the road is a necessity ; I am satisfied that the cost is reasonable and within our means, and I am satisfied that the bargain is a good one. I am also satisfied with the men who are going to manage it, with Sir Wilfrid Laurier at the head of it, having become convinced the road is a necessity. Convinced that the road is a necessity, with the courage of his convictions he is asking us to endorse them. Surrounded as he is with so cautious a Finance Minister, and business men such as the Minister of Customs, Minister of Public Works, Postmaster General and others, I am prepared to take the responsibility of casting my vote for this Bill, or if it were a matter of stock, I would subscribe my name.

Hon. Mr. LANDRY moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned until 11 o'clock on Friday.

THE SENATE.

Ottawa, Friday, October 16, 1903.

The SPEAKER took the Chair at Eleven o'clock a.m.

Prayers and routine proceedings.

LURCHER SHOAL LIGHT-SHIP.

INQUIRY.

Hon. Mr. ELLIS inquired of the government :

1. Is a light-ship under construction for the Lurcher shoal ?

2. If so, when will it be placed in position ?
3. Where is it being built ?
4. What will it cost ?

Hon. Mr. SCOTT—The answer to the first question is yes. In answer to the second, 'when will it be placed in position' the answer is: It is hoped early in December. In answer to the third question, 'where is it being built' In Polson's Yard, Toronto.' In answer to the fourth question the contract price is $90,000.

YUKON TERRITORY REGULATIONS.

MOTION.

Hon. Mr. SCOTT moved:

That a resolution be adopted relative to the regulations made by the Governor General in Council under the authority of section 47 of the Dominion Lands Act, applicable or relating to the Yukon Territory.

He said: Those are formal orders in council affecting the Yukon district. I may say here that they have no connection whatever with the Treadgold concession. They are purely formal matters. The Orders in Council are here in print.

Hon. Sir MACKENZIE BOWELL—We have not seen them yet. The hon. gentleman might explain why it is necessary to have the approval of parliament.

Hon. Mr. SCOTT—In 1902 when some change was made in the management of the internal matters of the mining in the Yukon there was a clause introduced in the statutes that Orders in Council passed under that statute should be laid before parliament and should be enforced during the next sitting of parliament after the order was approved, and till the end of the session and no longer unless formally approved. So that in that case it requires the approval of parliament. The formal approval of the Orders in Council was given in the House of Commons a day or two ago when they were laid on the Table and it was claimed that they were not in any way contentious and had no connection whatever with the Treadgold concession. That was not one of the points. Another is authorizing the Minister of the Interior to dispose of any mining claims which may have been forfeited under the provisions of section 41, under the regulations affecting placer mining. The next, is section 7 of the regulations governing placer mining in the Yukon territory, established by Order in Council, dated March 13, 1901, which provides that a person or joint stock company, and every person in his or its employment, except house servants, shall have a free miner's certificate unexpired, shall be and is hereby amended by leaving out the words 'and every person in his or its employment, except house servants.'

That is, it allows every one to become a free miner. In the original order mere servants were excluded from becoming miners. A man employing a servant while he could take out a free miner's license himself, his servant could not do it. The next is that the Order in Council which provides that any application for location shall be filed in the Department of the Interior at Ottawa, is amended so as to provide that the application shall be filed with the commissioner of the Yukon territory, at Dawson.

Then there are two or three orders which regulate the royalty on the gold. As hon. gentlemen are aware, it was started at a pretty high figure, and it was gradually brought down until now the royalty is two and a half per cent on the gold going out, and it is collected just as export duty would be. The next is if a claim is not recorded within three months subsequent to the date upon which it was recorded the claim shall then be deemed to be abandoned. The next provides that a fee of $2 be the fee for registration of any instrument affecting any claim. That is, if a party makes an assignment of a claim there is a fee of $2 payable on the assignment.

Hon. Sir MACKENZIE BOWELL—I think my hon. friend might defer any further comment on the resolutions. From what I have heard there are some of them, particularly the export duty, that after my visit to that country I advocated when I came home, and also in interviews.

Hon. Mr. SCOTT moved the following:

Resolved, that the regulations made by the Governor in Council, under the authority of section 47 of the Dominion Lands Act, applicable or relating to the Yukon Territory and set forth in the Orders in Council, of which the dates are respectively as follows, and of which copies have been laid before this House, are approved by this House, in accordance with the provisions of section 5 of chapter 34 of the statutes of 1902.

Order dated the 15th April, 1902, P.C. No. 633; Orders dated the 19th May, 1902, P. C. Nos.

573, 597, 749, and 825 ; Orders dated the 21st May, 1902, P. C. Nos. 898 and 899 ; Orders dated the 31st May, 1902, P. C. Nos. 983, 941, and 960 ; Order dated 4th June, 1902, P. C. No. 619 ; Order dated the 31st October, 1902, P. C. No. 1606 ; Order dated the 22nd December, 1902, P. C. Nos. 1890, and 1899 ; Orders dated the 7th March, 1903, P. C. Nos. 323, and 325 ; and Orders dated the 31st March, 1903, P. C. Nos. 472, 473, and 475.

Hon. Mr. LANDRY—We are asked to approve of certain regulations of which we know nothing.

Hon. Mr. SCOTT—They are all printed in the 'Canada Gazette.'

Hon. Mr. LANDRY—I suppose they are good because they are proposed by the hon. gentleman's government ?

Hon. Mr. SCOTT—Not necessarily ; this government is like every other government.

Hon. Mr. FERGUSON—I wish to second the suggestion of my hon. friend to have the motion stand until to-morrow.

The motion was allowed to stand.

NATIONAL TRANSCONTINENTAL RAILWAY BILL.

DEBATE RESUMED.

The Order of the Day being called :

Resuming the further adjourned debate on the motion for second reading (Bill 235) an Act respecting the construction of a National Transcontinental Railway.—(Hon. Mr. Landry.)

Hon. Mr. FERGUSON—My hon. friend (Hon. Mr. Landry) has consented that I should speak just now instead of himself with, of course, the understanding that that will not deprive him of his right to speak later.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. FERGUSON—I can heartily agree with my hon. friend the Secretary of State in the remark which he made when he submitted this motion to the House, that this is a very important question. It certainly is the most important one that has come before this parliament since I have had the honour of being a member of it, and it is a question which calls for serious and earnest discussion. Although we have had a great many views presented to the House with regard to it, and although it would be almost impossible for any one speaking at this stage of the discussion, to advance much that might be distinctly new, yet I could not think of foregoing my right to speak on this subject in order that my views may go on record with regard to it A few months ago this question was not before the country in any tangible form. I think I am perfectly correct in saying that when parliament met the state of the question was that of a cloud not bigger than a man's hand, but which, to-day, is overshadowing our political sky. I observe that about the end of December last, or early in January, the Grand Trunk Pacific Company gave notice of an application to parliament for the building of a line of railway to connect their system in the east with the Pacific ocean. The notice distinctly indicated it was to be a railway from Gravenhurst or North Bay to Port Simpson. On the 15th of April the company's petition was presented to the House. It differed from the notice in this respect, that it prayed for power to construct a railway from Quebec to Port Simpson. That was the position of the Grand Trunk Pacific Company with reference to this question, only a very few months ago. There had been a discussion going on almost every year in parliament on the transportation question. It was, to a large extent, an academic discussion. No very definite and practical plan was outlined either by the government or by members of parliament with regard to this question, but the discussion went on in that form. During all this time, it appeared to the public—I have no hesitation in saying it—that there were only two members of the cabinet, who appeared to have a strong grasp of this transportation problem. These gentlemen were the Hon. Mr. Tarte, who has since left the administration, and the Hon. Mr. Blair who has also followed him out of the government. The whole course of that discussion showed that these gentlemen had a strong grasp of the question, that they regarded it as being one of very great importance, especially the Hon. Mr. Tarte, who made it the theme of his discourse on almost every occasion on which he put his views before the public. On the 12th of March, parliament met and there was an announcement with regard to it in the speech from the Throne. It it scarcely necessary to read that but in order to emphasize the argument that I am going to submit, it will be

necessary for me to reproduce it. The paragraph in the speech from the Throne reads as follows :

> The great influx of population into our North-western territories and the very large additional areas of fertile land which are being brought under cultivation combine to further press upon us the need for increased transportation facilities for the forwarding of our grain and other products to the markets of the world, through Canadian channels. The whole question of transportation and terminal facilities continues to occupy much attention, and my government will immediately appoint a commission of experienced men to report on the subject.

I desire to point out that at that date the government had not made up its mind to do anything but to inquire, and by these words which they put into the mouth of His Excellency they showed the necessity of inquiry and admitted the lack of information which would justify any positive action on the part of the government. The position of the government on the 12th of March was that of inquiry. On the 27h of May a report from the Minister of Public Works approved of by the Governor in Council authorizing the appointment of a commission was submitted to parliament with regard to this question of transportation. It is not necessary that I should read that report in full, but it followed on the lines of the speech from the Throne, and it shows that even up to that time, when this report was adopted by the council, which was on the 19th of May, the government had not arrived at any conclusion in regard to this great measure which is now before the House. In further proof of that statement, I shall refer to a speech made by the premier on the 26th of May in the House of Commons—and this, let me say, was before submitting the report of the Minister of Public Works intimating that a commission had been appointed—and informing the House that it was the intention of the government to appoint that commission with Sir William Van Horne as president. On the day previous to the presentation of that document to the House, the leader of the opposition, Mr. Borden, asked the government for information as to what they were doing with regard to transportation and especially with regard to the commission which had been promised at the beginning of the session. Sir Wilfrid in reply to Mr. Borden, spoke as follows :

> It has also been suggested to us that we should subsidize and give assistance to any of the companies now seeking aid. There are three companies seeking aid—the Trans-Canada, the Canadian Northern, and the Grand Trunk. I may say to the House that the government have not made up their minds to any one of these schemes—whether they will be prepared to aid this one or that one, or anyone at all. The quesion is under consideration, and requires a good deal of consideration before any conclusion is come to. The field is open to all.

That was the position of the government on the 26th of May with regard to this question. On the 29th of July a Bill was introduced which we now have before us. The point that I want to impress on hon. gentleman is this ; that at the outset, and continuing all through the months of last winter and early spring, the Grand Trunk Railway had not any intention or thought of doing anything further or asking the government to assist them to do anything, except to extend their railway system in eastern Canada from Gravenhurst or some point near that place to the North-west, through to Port Simpson. That was the position of the Grand Trunk Railway, at least up to the time when their petition was presented, about the middle of April, when they went a step further and prayed for power to construct a railway from Quebec to the Pacific coast and I also point out—which this extract from the speech of the premier proves beyond all doubt—that the government had not arrived at any conclusion on the question up to the 26th of May when this statement which I have just read was made. I ask then why was there this sudden resolution come to ? Why was there this change of base on the part of the Grand Trunk Railway itself, though after all it is but due to remark that the Grand Trunk Railway had not so very seriously changed their position, because they are not required by this agreement to build all of the railways that they first gave notice that they would build nor all the railways that they afterwards petitioned parliament for the right to build. They have really made a bargain by which they are to build less than what they prayed for, but the government scheme includes very much more than they contemplated when they first laid out their plans, when they gave notice of their intention to ask this parliament to deal with the question. The government of Canada did not

appear, up to the 26th of May, to have any definite policy with regard to this subject. I ask, therefore, why was this change affected? Why was so serious a change in the policy of the government brought about and under what circumstances? I submit that this change was brought about in the first instance by the pressure of the Grand Trunk Pacific. There were other plans submitted to the government, and there was no doubt some pressure exerted with regard to some other schemes, but it appears that the influence and the views of the Grand Trunk Pacific were dominant with the government and ultimately prevailed, and I submit that in my opinion these views prevailed notwithstanding there were greater difficulties in the way of their acceptance than there were in the way of accepting the propositions that were made by other companies. These difficulties arose from the distrust which was felt with regard to having the old Grand Trunk Railway Company dealing with the new phase of the transportation question. That distrust, I am bound to say, was felt by the people of Canada generally and I shall show hon. gentlemen that it was also felt by the government to some extent although I do not believe they appreciated it as fully as they should have done. I think I shall be able to show that they did appreciate it to a certain extent, and that that distrust had a very serious effect with regard to their action. Reference has been made to the pressure which has been brought to bear upon the government by the Grand Trunk Pacific with regard to this project, in which I see nothing wrong on their part. They had an enterprise in view and wanted to have it advanced, and I can see nothing wrong on their part in pressing their own case, and I say distinctly that I have no sympathy whatever with the objections which have been taken to this scheme, because certain gentlemen are associated with it. I have no objection and I can see no objection to my hon. friend from Toronto, who sits before me, having a hand in such an enterprise, if he believes it to be a good thing and if he is willing to lend his financial experience and strength to this work with which his name has been connected.

I have not the slightest objection to having the name of Mr. Booth connected with it. We know he is a gentleman of great enterprise, and of considerable financial strength, and I say that, all things being equal, the names of these gentlemen becoming connected with the enterprise, instead of being a detriment, would be to my mind a very distinct advantage. Nor would I have the slightest objection to the connection of Mr. Hays with this enterprise, were it not for his connection with the Grand Trunk Railway. Were it not for the fact that he is connected with the old Grand Trunk Railway I think it would be a distinct advantage to have a man of his great railway experience connected with an enterprise such as this. Some remarks have been made in some portions of the press with regard to Mr. Hays' position as a United States citizen, and favour being given to United States employees in the service, and such things as that. I have not the slightest sympathy with that objection. Experience has shown us that United States citizens who have come into this country, men like Mr. Hays, and Sir William Van Horne and Sir Thomas Shaughnessy, have rendered this country most valuable service, and it is no detriment in the slightest respect that we should call to our aid in this matter, gentlemen connected with the interests of Canada and who are—or have been—United States citizens. But I take this position that of all the parties making propositions with regard to the building of this transcontinental railway the old Grand Trunk Railway of Canada and the gentlemen connected and interested in the Grand Trunk Railway Company were the least entitled to assistance, and they were the last party that the government should have taken up and dealt with in connection with this matter. The reason I take this position, is mainly on account of their connection with the harbour of Portland. I am not saying this is the fault of the old Grand Trunk Company. It arose out of the insular feeling prevailing in Canada before the days of confederation, when the Grand Trunk Railway system, throughout the older province was considered of vital importance and any outlet to the ocean was desirable, and the Grand Trunk Railway Company at present or

at the time, were no more responsible for the choice of Portland for a seaport than the government of Canada or the people of Canada generally. Therefore I am not laying any fault to the door of the Grand Trunk Railway that they have an outlet at Portland. But I say most distinctly that for the form that this proposition now has before the country, for some of the enormous obligations the government has assumed, we have to thank the Grand Trunk's position with regard to its Portland connection, and we have to thank the distrust which is felt by the people of Canada and felt by the government too, with regard to the Grand Trunk Railway entering the North-west. When the Grand Trunk enters the North-west, as they are proposing to do, it has been felt and is felt to-day that they will be able to drain a vast amount of our trade in excess of what they have been doing in the past to Portland. That has been felt, is felt to-day, and the government have attempted in a way of their own, but in my own opinion in a clumsy and most inadequate way, to prevent it from happening. I believe it is inherent in the proposition that we have before the House, that that trade shall be so diverted to a very large extent, and that the only way to prevent it would be to have made this contract with some other company that had not a United States connection. Now, I shall turn again to some of the remarks made by the premier on the 26th of May, the speech to which I referred a few moments ago. It had begun to be felt all over the country that a transcontinental railway scheme was to be propounded, and that a contract was to be made with the Grand Trunk Railway. That feeling had gained ground and was accepted all over the country at the time the premier made this speech, although the premier had stated that up to that moment the government had not come to an absolute resolution on the question, and the premier pointed out in this speech to which I refer, that this feeling existed that whenever a transcontinental railway scheme should be entered upon it should be one that would preserve Canadian trade to Canadian ports, and he went on to speak this way on that subject :

My hon. friend (he was speaking of the leader of the opposition) asked what guarantee we had that the trade would not be diverted to American ports. I may say to my hon. friend that this is a subject which will be discussed with more propriety when we come before parliament with any proposition. At the present time perhaps it is premature to say how we can bind any company or any undertaking of that kind in such a way as to make it absolutely under any and every possible circumstance, that the trade should not be diverted from our own channels to American channels. Whenever we should lay any proposition before parliament on this subject, we shall do the best we can by legislation to ensure that object ; but I have very little hope that any legislation which this parliament could place on the statute-book would ensure the result which my hon. friend and I have equally at heart, if we had to rely on legislation alone. It is always easy for lawyers, such as my hon. friend is, and as I was at one time——

Mr. R. L. BORDEN (Halifax). I hope my hon. friend has not left the profession.

THE PRIME MINISTER——to legislate on such matters ; but even railways have sometimes found it not easy to carry it out. But there is another way of guiding the railways so that every pound of traffic shall go through Canadian channels ; it is to take advantage of our geographical position, and to make sure that such a line would be the cheapest and the shortest between the Pacific ocean and the Atlantic ocean at the city of Quebec. A line of that character should run from the city of Quebec north of the mountains and on west to the prairies. With such a line we should have solved the problem, because we should have provided the shortest route from the Pacific ocean and the prairies of the west to the tidal waters of the Atlantic ocean.

I gather from these observations that the premier realized the danger which existed with regard to diversion by the Grand Trunk Railway system of traffic originating in our great North-west to United States channels, that he recognized that we could not protect our trade by legislation, but that he had seized upon the idea that by building a road from Winnipeg to Moncton that difficulty would be overcome, and as he puts it himself that every pound of Canadian traffic would be safely retained for Canadian ports. Hon. gentlemen will agree with me that the prime minister was under a very great delusion when be made that statement, and experience will demonstrate that the building of that line from Moncton to Winnipeg will, in a very small degree, have any result of that kind. The point I desire to make is this : the government having made up their minds to deal with the Grand Trunk Pacific proposition, decided to build the eastern division, as the Grand Trunk Pacific would not undertake to construct it, in the hope in that way to secure the trade of Canada to Canadian ports. Therefore, I think I am

right in taking this position, that it has been distrust of the old Grand Trunk Railway Company that that has been the primary cause why the government so suddenly changed its position with regard to this question, and took up the building of a line of railway from Winnipeg to Moncton. In addition to the reason that I have already given why I do not think the Grand Trunk Railway should be assisted in carrying out this enterprise, the history of the old Grand Trunk Railway Company, and its intercourse with the government has not been of such a nature as to guarantee by any means that its obligations would be faithfully carried out in the future. We know that the old province of Canada loaned the Grand Trunk Railway over fifteen million dollars and that no interest upon that loan was paid up to the time of confederation. In the first statement of our assets in the year 1867, as a Dominion, this amount of over fifteen million dollars, was carried forward, and on that amount the interest which had accrued up to that time, was nearly eleven million dollars, none of which has been paid, and from that time up to the present, for thirty-six long years, as has been remarked by my hon. friend who spoke from this side of the House, the government of Canada has not seen the colour of Grand Trunk Railway money in the way of payment of interest or principal. At 4 per cent, which would not be a high rate, the indebtedness of the Grand Trunk Railway Company to Canada is now over sixty-one millions of dollars.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. FERGUSON—I am not going to say that Canada has lost on that account. I frankly admit that the Grand Trunk Railway has done a great service to Canada. That is not the view I am presenting. In that sense I admit that a good deal should be placed to the credit of the Grand Trunk Railway Company. In the early days of railway construction they were the pioneers in Canada, and the English shareholders did not benefit much by what they had done. I desire to point out that what happened with regard to that loan of fifteen millions may happen again. It may even be in the minds of the old Grand Trunk Railway Company that what happened before, may happen again, and that the obligations they are assuming with the government to-day will be as easily got over as their old obligations. They may satisfy themselves later on that they have done amply for Canada, and that even if they do not pay at the end of seven or ten years, 3 per cent on the cost of the line from Winnipeg to Moncton, they have rendered such services to Canada, that even the government may come to the conclusion, as the government of Canada came to the conclusion long ago with regard to their old default that it would be better not to enforce payment. I want to point out with regard to the dealings of the Grand Trunk Railway with the government, that the Canadian Pacific Railway which undertook an immensely larger enterprise, have the credit of carrying out to the full, their obligations. Criticisms have been indulged in by hon. gentlemen on the other side of the House with regard to the terms given to the Canadian Pacific Railway Company. When the contract with the Canadian Pacific Railway Company was entered into offers almost precisely the same as those made to the Canadian Pacific Railway Company were made to the Grand Trunk Railway Company with regard to the construction of a railway to the Pacific. Endeavours had been made by both governments to induce other capitalists to take up that enterprise, but without avail. The promoters of the Canadian Pacific Railway Company of that day had the courage to take it up. It was predicted in parliament and in the press that they would never get earnings enough out of their enterprise to grease the axles of their car wheels. But they had faith in it, and undertook it, and I remember very well when Sir John Macdonald pressed the adoption of that contract on parliament, he said one strong feature of it was there was finality about it—that that would be the sum of the assistance which the Canadian Pacific Railway would receive from the people of Canada. Sir John Macdonald's word proved to be true. It was claimed when the thirty million dollar loan was made to the Canadian Pacific Railway that Sir John's declaration would fail of accomplishment, but a little later, it was proved to the country that Sir John Macdonald's remarks were entirely correct. The

Canadian Pacific Railway Company paid back $20,000,000 in cash, and the government took the balance in land at a very reasonable price indeed, a much better bargain for the country than if the government had received the whole amount in cash. I may say with the single exception of that contract, which stands out in bold relief from the rest of our dealings with great public enterprises, there is very little to point to, in the way to give assurance to the public that the engagements of the Grand Trunk Railway Company will be fully maintained with regard to this question. In addition to the old Grand Trunk Railway Company's dealings with the government of Canada, we have the experience of the harbour of Quebec, the canal system, the Intercolonial Railway, with its large capitalization and small returns, we see the same results everywhere, and therefore we have no right in making up any calculation of the cost of this railway, to assume that we are to receive a return in the shape of rentals from the Grand Trunk Pacific Company. They will perhaps be able to show that they are equipping the road in a very handsome manner, benefiting the country, and consequently, these rentals are almost certain to get in default. We cannot, therefore, say what the actual cost to the country will be. We have a right to estimate what it will be on a very different basis from these insufficient, and to my mind, erroneous calculations, which have been submitted to parliament by members of the present administration. I can see no reason why this contract was not made with the Canadian Northern, instead of with the Grand Trunk Railway. The Canadian Northern were in the race for the building of a transcontinental line. They have done a great deal in that direction. They had risked a great deal. They had certainly received subventions from the government to enable them to carry out their plans, but they were fairly in the race for building a transcontinental railway, and I cannot understand why they were not given the assistance in place of the Grand Trunk Railway. If assistance had been given to them, they would, no doubt have been able to connect with themselves, men of great financial standing, in addition to what they have themselves, and they would not have those United States connections, and the government would have been able to make a bargain with them which would meet the exigencies of the day without assuming such an enormous burden as they have assumed with a view to getting rid of the danger of trade being diverted to United States channels. I am not acquainted with the history of these negotiations. I do not know what happened, but I must say that the Canadian Northern has had my fullest sympathy. They have it now. I do not know whether they were jockeyed out of the race that they had almost fairly won, as being first in this transcontinental railway enterprise, after the Canadian Pacific Railway. I do not know what took place, but I know they were seeking to build a transcontinental railway. The premier says they were applying, and were desirous of making a contract with the government with regard to it, and I cannot see why they were not given the chance in preference to the Grand Trunk Railway Company, for two reasons: first because they had done more towards the fulfilment of that plan by the extensive railway construction which they have carried out from the headwaters of Lake Superior, extending to a point in Saskatchewan within a few hundred miles of the city of Edmonton, and secondly they were unfettered by any connection with a United States port. For these two reasons, it seems to me that they should have been given the preference in making this contract, that is assuming that the line to be assisted should pass through the Red River valley. My hon. friend from Westmoreland (Hon. Mr. Wood) when discussing this question in the House, pointed to what, in my mind, is a very grave consideration, and that is that the prairie section is certain to be built long before the eastern division can be constructed, and that the railway over that prairie section which is so easy of being constructed, will be in operation for many long years before the eastern division will be ready to receive traffic, which that prairie section will carry down to Winnipeg and which must, in the meantime, find an outlet from that point to the ocean by existing routes. There is a very serious danger, a danger which nothing can avert, that this traffic will be handed over to American lines

or channels of transportation. The Grand Trunk Railway in addition to having a Portland terminus has acquired a railway now extending into Minneapolis. We know that the distance from Winnipeg to Minneapolis is not very great. In addition to that the Grand Trunk Railway has always been more or less in unison with the Great Northern of the United States.

Hon. Mr. COX—Do I understand the hon. gentleman to say the Grand Trunk Railway has a branch extending into Minneapolis ?

Hon. Mr. FERGUSON—It has bought the Wisconsin Central Railway, I am told.

Hon. Mr. COX—That has been publicly denied by the general manager of the Grand Trunk Railway.

Hon. Mr. FERGUSON—I did not see the denial; the statement was made many weeks ago, and has continued to be made, and I did not hear of a denial until the present moment. If that denial is true the Grand Trunk Railway is not any further west than Chicago. I am happy my hon. friend has corrected me. I was just pointing out that the Grand Trunk Railway has always worked somewhat in connection with the Great Northern. They have delivered their west bound freight, that unconsigned west bound freight that passes into their bands from eastern points in Canada, to the Great Northern at Chicago, even when its destination was British Columbia or the North-west Territories. We have no reason to doubt if all-rail transportation is resorted to what the Grand Trunk Railway will do with their traffic while the eastern division is being constructed. Although they have no line of their own further than Chicago, they will do with their unconsigned traffic and the traffic they gather up on their own lines in the future as they have done in the past, and some of it, at least, not all of it, will either find its way by Chicago and the American system or it will go down to Duluth by the Great Northern, and in that way, move eastward and it will find its way ultimately a very large share of it, to the harbour of Portland with which the Grand Trunk Railway is connected, and as the premier said on the 26th of May no legislation can prevent it. During the time this railway is building, while the Grand Trunk Railway is gathering up a trade in the territories and in Manitoba, the eastern division will be under construction but not open for traffic, and during that time there will be a wholesale diversion of trade towards the American channels, and there is nothing to prevent it. I think, ultimately, it will be found that the building of that line from Winnipeg to Moncton will not have a very serious effect in diverting that traffic to Canadian ports, but admitting, as the Premier seemed to take it, that it would have that effect, even that result will not be attained during the many years this eastern division is under construction, and we know very well that when traffic has once found its way in a certain channel it is very apt to follow that channel, and it will not be so easy to secure that traffic which the Grand Trunk Railway will gather and deliver over to American lines during the years the eastern section of the Grand Trunk Pacific is unconstructed or not worked, and it will be hard to divert the traffic after that time back into Canadian channels. Now, there is another suggestion, I believe it is the plan of the Grand Trunk Railway, to connect with the headwaters of Lake Superior. I remember that when the Bill to incorporate the Grand Trunk Railway was before parliament. An amendment was made in the Senate on that point to indicate that there were very matured intentions with regard to that subject. The power to build a branch to Port Arthur was in the original Bill as it passed the House of Commons. The Senate amendment gave them the option of going to Nepigon bay, and it is believed that it is the purpose of the Grand Trunk Railway to reach the waters of Lake Superior by a branch from the main line somewhere near or perhaps a little west of Lake Nipigon, and get an outlet on Lake Superior at Nipegon bay. When the hon. gentleman from Calgary was adressing the House the other day the hon. gentleman from Toronto pointed out the fact that the Grand Trunk Railway had power to build a branch to connect with Lake Superior as meeting a view of the case that was presented at that time by my hon. friend. My hon. friend from Toronto pointed out that that branch would meet the objection that the hon. gentleman from Calgary was urging, but to my mind

the other objection was the stronger one, that the Grand Trunk Railway having that outlet by waters of the great lakes that the principal part of the traffic that they will gather in the North-west Territories will thereby find its outlet to the ocean.

Hon. Mr. EDWARDS—Will it not be for bringing traffic to the road instead of diverting it ?

Hon. Mr. FERGUSON—The branch to Nipegon ?

Hon. Mr. EDWARDS—Yes.

Hon. Mr. FERGUSON—Bring traffic to the branch line ?

Hon. Mr. EDWARDS—No, to the main line.

Hon. Mr. FERGUSON—I cannot see it in that way. The point I am making is that it will afford an outlet to the lakes and that when that traffic reaches the lakes it is out of the power of the Grand Trunk Pacific Railway to control it afterwards.

Hon. Mr. EDWARDS—It will be the means of bringing American grain through Canadian channels.

Hon. Mr. FERGUSON—I think that is a very far-fetched conclusion, because if it brought United States grain, which I think is extremely improbable, across the line to Winnipeg and away by English river and Lake Nipegon and finally landed it at a port on Lake Superior, if it has that effect it would also have this affect, that it would land it back in the direction of United States channels. My hon. friend from Toronto pointed out that the old Grand Trunk Railway Company had terminals and were ready to receive that traffic at the other side of the lakes. We know that the old Grand Trunk has terminals at Midland, and my hon. friend from Toronto pointed out that fact to my hon. friend from Calgary (Hon. Mr. Lougheed) as tending to assure him that everything would go right and that the Grand Trunk Railway had the means of handling the traffic, but the point I am desiring to make is this : that after their traffic is diverted to the lake at Nepigon by the Grand Trunk Pacific, and it is carried across in steamers and delivered at Midland to the Grand Trunk system that the control of all that traffic falls into the hands of the old Grand Trunk Railway Company of Canada, who are not bound by any obligation in this contract with regard to the traffic ; that having it in their hands they are not bound to keep it in Canadian channels. The traffic has passed into other hands, and they have entered into no obligation whatever with the government with regard to the routing of traffic. They will be perfectly free when that traffic comes to them at Midland to carry it away in any way they chose, and therefore the provisions that are in this Bill, which only binds the Grand Trunk Pacific with regard to the routing of traffic, are altogether insufficient, because the Grand Trunk Railway Company, which is really the company which will control this matter in the end, are not bound by any of these provisions.

Hon. Mr. COX—In what respect is the Grand Trunk traffic carried by the Grand Trunk Railway in a worse position than the freight carried by the Canadian Pacific Railway or the Canadian Northern ?

Hon. Mr. FERGUSON—My hon. friend has just raised the point which I had in my mind, but which was going to escape me. The Grand Trunk Railway is in a worse position than the other lines with which it competes, because it has a United States outlet.

Hon. Mr. COX—Has it not also all the Canadian ports that any other company has ?

Hon. Mr. FERGUSON—Montreal.

Hon. Mr. COX—And Quebec.

Hon. Mr. FERGUSON—Yes, but it has enormously greater interest to carry the freight the other way than other companies have. We all know that the traffic which it can conveniently hand over to the ocean ships at Montreal will be taken by that route.

Hon. Mr. COX—Yes.

Hon. Mr. FERGUSON—But there is a preponderating interest to carry winter freight to Portland, which influence is not felt by any of these other companies which have been named.

Hon. Mr. COX—So long as the lakes are open in the west, Montreal is also open, and they have the very best possible facilities to take grain from the great lakes to Montreal,

and they have the very best shipping facilities in Montreal when the upper lakes are closed.

Hon. Mr. FERGUSON—I ask my hon. friend to give some attention to the point, which he certainly understands, that for grain from these western points the Grand Trunk Railway very frequently, and, I think, almost invariably, gives the same rate to Portland as to Montreal. Of course, it costs them more to carry it to Portland, but they have their terminal facilities there. We are told they spent $20,000,000 there. They have connections with an ocean fleet at that point, and they have an interest which will always exist to divert traffic to Portland, an influence which will always exist to a much greater extent than in the case of the company which has not a line to a United States port.

Hon. Mr. McMILLAN—What will the Grand Trunk Pacific be doing while the grain is being carried by the Grand Trunk Railway and the Canadian Pacific Railway? They are certainly drawing away the traffic from the Grand Trunk Pacific while this is going on.

Hon. Mr. FERGUSON—Certainly they are. I am pointing out the circumstances that will arise in case a branch runs to Nepigon bay before the construction of the eastern division, which, I think, is certain to happen, and I am pointing out the conditions that will exist during the long years that will, no doubt, pass after the prairie section is constructed and before the eastern division is ready to handle the traffic. The premier, in adressing the House on this subject, when introducing the Bill, expressed a great deal of satisfaction because the old Grand Trunk Railway Company was in it. It is not necessary for me to say that I do not at all agree with him in that respect. I think it is far from being a matter of congratulation to the people of Canada that the old Grand Trunk Railway are connected with this enterprise. I think it is detrimental. It has forced the government to undertake heavy obligations, and obligations that they would not under any other consideration have undertaken, and, notwithstanding their having undertaken these obligations and provided, as they think themselves, very extensive safeguards, the evil will still continue, and there will be a serious diversion of trade from Canadian channels. The Grand Trunk Railway, in its own interests, and in view of the close connection there is between the Grand Trunk Railway and the Grand Trunk Pacific, will create a serious diversion of this trade to United States ports that would not to any such extent occur, had this contract been made with another company. I turn to Mr. Fielding's observations at page 8553 of the House of Commons 'Hansard,' where he made use of the following statement :—

> Hon. gentlemen who have attended the meetings of the Railway Committee may remember that when Sir Rivers Wilson addressed that committee he made the remark that the old Grand Trunk Railway would stand behind this enterprise. We have not been content that they shall stand behind it. We have required, and they have readily consented, that they shall be in it and of it and form the whole thing. We think it is to the advantage of this country to have the Grand Trunk Railway extended both east and west, and we think it is far better that this enterprise should be in the hands of the old Grand Trunk Railway than of promoters, who could be characterized as irresponsibles.

That was a very strong statement to make, and, after reading that statement, I was naturally disposed to turn to the provisions of this agreement and to find to what extent this enormous advantage that the premier, in introducing the Bill, and the Finance Minister, in recommending it to Parliament, seemed to find from the connection of the old Grand Trunk Railway with this enterprise. I turn to the routing conditions, and I do not find a single provision that binds the old Grand Trunk Railway to do anything in connection with retaining trade in Canadian channels. The Grand Trunk Pacific, when it was first brought to parliament, bound themselves that the Grand Trunk Railway would do certain things : first, that the Grand Trunk Railway would guarantee the bonds of the Grand Trunk Pacific to one-fourth of the cost, the remaining one-fourth beyond the government guarantee of three-quarters of the cost of the western division, the government guaranteeing the bonds for three-quarters of the cost, or $13,000 for the prairie section and $30,000 for the mountain section, and that for the other one-fourth a further bond issue would take place and the Grand Trunk Railway would guarantee these bonds. The Grand Trunk Pacific put in

that obligation, but it was no obligation binding on the Grand Trunk Railway, and the opposition urged that point and pressed it home so efficiently in the House of Commons that an amendment was made to the Bill by which the whole agreement will fall to the ground unless the Grand Trunk Railway Company do guarantee these bonds; but if the arguments that have been advanced in support of this Bill, both in this House and the other branch of parliament, are sound, in guaranteeing these bonds the Grand Trunk Railway are rendering a very slight service. In fact, they are still in the position apparently that Sir Charles Rivers Wilson said they were in, at their meeting about the close of last year in England, when he declared that they were not to put one dollar of their money in it, and that they were not to be involved financially to the extent of one dollar. I do not think the guarantee of these bonds takes away the force of what Sir Charles Rivers Wilson said what the government have said in the House of Commons and if what has been stated in this House is true, that it does not cost the government anything to guarantee these bonds. It is not very reasonable to assume that the guarantee on the part of the Grand Trunk Railway of similar bonds is going to cost them very much. But there is something very peculiar about another provision and one which I have failed to see at all explained satisfactorily in the long discussions which have taken place on this Bill. The Grand Trunk Railway Company are to take over $24,900,000 of the common stock of this company and they are to hold that common stock. In the earlier discussions in the other branch of this parliament, opposition speakers pointed out that if the Grand Trunk Railway Company should take that stock and if they held it they should pay for it at par; that there should be a value to the stock and that that value should be par. It was replied to by the prime minister at the time that that would be unfair, and that the market value should be what should guide them in carrying out the transaction. It does not appear that that position has changed in the slightest degree. The Grand Trunk Railway Company is to hold that $25,000,000 of common stock, and they will receive whatever dividend will be paid on it during the period of 50 years, and it does not appear according to the contract that they are to do anything in regard to that matter except receive the dividend and guarantee the bonds of the company for one-quarter of the cost of the construction of the prairie and mountain sections which, according to the argument of the supporters of this Bill, will not cost them anything. I have already pointed out, that the routing sections, 42 and 43, by which the Grand Trunk Pacific are solemnly bound as far as words can do it, but which Sir Wilfrid Laurier said would be very far from affecting anything that all unrouted traffic that they gather on their lines in the North-west is to be handed over to Canadian channels of transportation and Canadian ports. But while they are so bound the old Grand Trunk Railway, which will have probably more influence then they will in solving that question, are not bound in the slightest particular with regard to the retaining of the freight through Canadian channels of transportation. It is almost certain that the Grand Trunk Pacific Company declined to build the eastern division. A statement to that effect has not been absolutely made, but I cannot believe for one moment the government would have undertaken to build that road in the way they are doing if the Grand Trunk Pacific had been willing to build it as well as the western division. The main objection, however, which lies against the measure which is now before us is that the government are proceeding with regard to it without proper information. My hon. friend from New Glasgow (Hon. Mr. McGregor) in addressing the House last evening, referred to other railways and other enterprises upon which action was taken without, as he said, abundant or full information. He referred to a small railway that is being built in Prince Edward Island some 50 miles long and he referred to another railway that is building in Nova Scotia called the Midland between Truro and Windsor. I think my hon. friend, on a little reflection, will find there is not the slightest parallel between these cases and the work which we are entering upon. Those little lines of railways which are simply branches, one of them owned by the government and the other by a private company connecting with other systems of railways, are built through a closely settled country where sur-

veys were made over and over again and where the parliament and the people had every opportunity and every facility for knowing what the country was like and what were the facilities for railroad building. I think we can safely claim that in no case in the history of Canada was such an enterprise as this launched with regard to which we have so little information. Some gentlemen have referred to the case of the building of the Canadian Pacific Railway. I was astonished to hear that statement made because it suggests the very argument I am now addressing to the House. We know in the case of the Canadian Pacific Railway survey after survey was made, and millions were spent in surveys for that road. I suppose there was no other great enterprise that ever was entered upon in regard to which there was such a vast amount of labour performed in the way of getting information and extending over so long a period of years. Although there might be some points upon which the fullest knowledge did not exist, taking the scheme as a whole, the country was furnished with very full and ample information, and there was no leap in the dark with regard to the construction of that great enterprise.

Hon. Mr. COX—Before these extensive surveys were made, the country was committed to the scheme.

Hon. Mr. FERGUSON—My hon. friend has heard of the Dawson survey ; the country was not committed to the scheme at that time. My hon. friend has heard of Sir Sandford Flemings's explorations from coast to coast in company with the Rev. Dr. Grant, and when the latter gave to the country his 'Ocean to Ocean,' which Sir Sandford Fleming calls 'that well read book,' parliament was not absolutely committed to any scheme until after Sir John Macdonald's government came in in 1878, although it was part of the terms on which British Columbia entered the confederation, but parliament did not sanction the contract for building the Canadian Pacific Railway until it had a vast amount of information collected through many years of patient investigation, and at a very considerable expense to the tax-payers of Canada. I am now only dealing with the question of the surveys, I have something to say with regard to the Canadian Pacific Railway and the great difference which exists between the contract with the Canadian Pacific Railway and the conditions existing at the time that contract was made, and those which exist at the present time. However, I shall deal with that as another branch of my subject. The government did not collect information. The premier used an expression which has now been converted into a phrase, and is on almost everybody's lips. He referred to what he was pleased to call the 'mountains of information,' which the government had upon this subject. I must say that on looking over this matter very carefully, in reading the documents that have been presented to the House, in reading the speeches of members of the government and the comments of the press supporting them, the conclusion to which I have arrived is that they proceeded on mountains of misinformation, rather than on any information whatever. I have pointed out the state of things which led up to the making of this contract, and I have only to refer to the speech of the premier delivered on the introduction of this Bill on the 29th of July last, to convince me, as I believe it will also convince every hon. gentleman in this House, and also convince the country that the government was in a state of panic, at that time when the Bill was introduced, and they did what is usually done by people when they are in a state of panic, very unreasonable and unaccountable things. My reason for believing the government was in a state of panic is drawn from the words of the prime minister himself. He said :

> To those who urge upon us the policy of to-morrow, and to-morrow, and to-morrow ; to those who tell us, wait, wait, wait ; to those who advise us to pause, to consider, to reflect, to calculate and to inquire, our answer is : No, this is not a time for deliberation, this is a time for action. The flood or tide is upon us that leads on to fortune ; if we let it pass it may never recur again. If we let it pass, the the voyage of our national life, bright as it is to-day, will be bound in shallows. We cannot wait, because time does not wait ; we cannot wait because, in these days of wonderful development, time lost is doubly lost ; we cannot wait, because at this moment there is a transformation going on in the conditions of our national life which it would be folly to ignore and a crime to overlook. . . . We say that to-day it is the duty of the Canadian government, it is the duty of the Canadian parliament, it is the duty of all those who have a mandate from the people to attend to the needs and requirements of this fast growing country, to give

heed to that condition of things. We consider that it is the duty of all those who sit within these walls by the will of the people, to provide immediate means whereby the products of those new settlers may find an exit to the ocean at the least possible cost ; and whereby, likewise, a market may be found in this new region for those who toil in the forests, in the fields, in the mines, in the shops of the older provinces. Such is our duty ; it is immediate and imperative. It is not of to-morrow, but of this day, of this hour, of this minute. Heaven grant that it be not already too late ; heaven grant that whilst we tarry and dispute, the trade of Canada is not deviated to other channels.

I think I am amply justified, looking at the course of this discussion, in believing that up to a month or two before the delivery of this speech the government did not regard the question as one of urgency, but for same unaccountable reason they got into a state of panic in the month of Juiy, and I think the words of Sir Wilfrid Laurier amply sustain that conclusion. The words are panicky from beginning to end. and it was in that state of panic they proceeded to make this contract which is before us, and which it is not, therefore, very surprising should prove to be a very ill-considered one. The eloquent speech which the prime minister made on that occasion, reminds us of Cicero's oration against Cataline : 'Cataline is at your gates.' he said to the Romans, 'and you deliberate.' There was a Cataline at our gates, and the prime minister himself did not seem to be awere that Cataline was aproaching until a short time before he made this speech : but he was then fully conscious, apparently. that he was there, that a great danger was approaching us. and we had no time for deliberation, that we had to do something, without, as he said, deliberation—we should not wait to deliberate, but we should go to work and do something in order to avert this tremendous danger which was overhanging us. A great deal has been said during the course of this discussion that this measure has been launched before the country on account of the demand of the people of the North-west for additional means of transportation ; that a great congestion of traffic had occurred in the North-west during the last two years. and that it is in order to meet that congestion that this scheme has been thrown before the public. Probably that affords the interpretation which otherwise it is extremely hard to get of the premier's state of panic on the 29th of July, when he introduced this Bill. But I think it will be in the minds of hon. gentlemen who give this subject any consideration that the demand of the people of the North-west with regard to increased facilities was not for an increase in the number of the trunk lines. The outlets were there already. It was a demand for an improvement in equipment, and probably an increase of branch lines throughout the North-west Territories. That was all. There was a scarcity of locomotives ; there was a deficiency in elevator accommodation, and there was a shortage in steamships on the lakes to accommodate the traffic. It is notorious that that state of things did exist to a very large extent last year, and to some extent the previous years, but the proposition we have before the House was not suited to meet, and could not possibly meet, that difficulty, because other means of relief had already been obtained, ample and complete means of relief were already in sight, and to-day while we are considering this Bill, we know as a fact there is no congestion, and that notwithstanding the North-west had a very satisfactory crop this year, it is being brought out with the most perfect ease.

We know that at this moment the transportation facilities that are available are not by any means taxed to their fullest extent. The fact is entirely the other way: the grain is not coming forward rapidly enough to furnish cargoes for the steamers. So that this state of panic which existed on the 29th of July, if it had any reference to a congestion of trade in the west, was altogether an erroneous conclusion. The people of the North-west were demanding increased equipment on the existing railways. They asked for a reduction of rates, too. and there has been a reduction. They were asking for better facilities to move their crops and were wanting them immediately. and the government, in July. in a panic. say : 'We will do that for you ; we will build a great railway from Winnipeg to Quebec—which will not be constructed according to our own estimates, for many years.' That was the kind of relief they proposed to give the people of the North-west when they asked for additional

facilities along existing means of communication. The people of the North-west asked for bread, and the government gave them a stone.

Now, I come to another point on which I am anxious to place myself on record—that is, in regard to the resources of our northern country. I have a great deal of sympathy with the view that we have a valuable country north of us. I confess that I do not in detail know a great deal about much of that country. I think none of us do, but we have had from various sources information with regard to the section of this country bordering upon Hudson bay and extending eastward to Lake St. John ; and we also know a good deal about the Peace river country. When this subject was before parliament last year, I gave expression to my views on it, and I have no fear or hesitation in referring to them now, and I say that I have not changed my opinions in the slightest respect on that subject. When the Bill for extending the charter of the Trans-Canada Railway Company was before parliament, a discussion took place, as many hon. gentlemen remember, in which I took some part and made use of these words :

> I look to-day with a great deal more interest on this northern country of ours from the Pacific to the Atlantic than I formerly did, and I do not know that I am alone in that respect. I believe that most of the public men in the country, since the Yukon development, have learned to know and appreciate more highly this great northern country of ours than they did before, and I have examined the surveys and reports made by Henry O'Sullivan for the province of Quebec between Lake St. John and James' bay, and am convinced it is a very valuable country with great resources, especially in spruce timber and agricultural lands. I am satisfied when a line of railway traverses James' bay and Hudson bay to the Atlantic ocean to the Saguenay, what is practically an open winter port on the St. Lawrence, there will be an extraordinary development in that part of the great north as well as in other parts of our northern country. I have not studied the difficulties of railway construction immediately west of James' bay. We have not been supplied with detailed information from James' bay westward to the Peace river, but we all know something of the value of that Peace river country. I have therefore the greatest confidence in what has been said by the hon. gentleman from Richmond in the opening of this discussion, that although I may not live to see it, and many members of this House will not live to see it, the day will come when we will have not only the Canadian Pacific Railway system traversing this country from east to west as it does to-day—not only the system of which Mackenzie & Mann are the promoters, and which is making such strides in spanning the continent, but we will have a trans-continental line still further north where the distance will be shorter and the gradients easier than by either of the other routes.

That is the Mackenzie & Mann route or the Canadian Pacific Railway route. That was my view last year with respect to that northern country, but I had not the slightest idea, when that Bill was introduced, that any government could be found so rash as to proceed with the building of the railway at this time and without accurate information with regard to the route which it is to traverse. I notice my hon. friends opposite take a great deal of satisfaction from these words of mine which I have read. I have read them because they are in the line of what is going to follow. I notice it is not the route that the Trans-Canada proposed to follow that is to be selected for this railway. They are traversing a country about which we know less, and what we do know regarding it is not by any means so satisfactory as it is of the more northerly route through the basin of James bay. They do not propose to penetrate the Peace river country, excepting by a long detour to Winnipeg, and then passing through the southern and middle portion of the fertile belt to the Peace river country. The project which was then before us, a project well worthy of consideration, when the time came for taking it up, was to build a railway following the basin of James bay and penetrating the Peace river country in as direct a line as could be obtained, or, in the words of Sir Sandford Fleming, it would enter the North-west at a northern gateway and collect traffic of its own in the great northern part of the fertile belt, which, as Sir Sandford Fleming said, is the most valuable of the whole of it, and would be most likely, finally, to supply a most important traffic. When my hon. friend from de Lanaudière (Hon. Mr. Casgrain) was addressing the House the other day, and proceeded to give us his personal knowledge of this country to the north, I sat back in my seat, expecting we were goint to get a great deal of very valuable information. My mind flashed back to Herodotus, and as he went a little further—although I did not allow the suggestion to remain in my mind for a moment—I thought of Baron Munchausen. Knowing what I do of my hon. friend, I could not allow that sug-

gestion to remain for a moment—I dismissed it at once—but I thought we were going to be entertained with a traveller's tales. My hon. friend started out with one statement that was very novel and startling, when he said that for seven hundred miles along the line of this new proposed railway the elevations would not differ more than about two hundred feet. That remark created a little laugh amongst the members of the House, and the hon. gentleman proceeded promptly to revise it by saying, possibly four hundred feet. He reminded me very much of Mark Twain. He was describing the remarkable transparency of Lake Tahoe. He said he could easily count the speckles on a trout one hundred and eighty feet below the surface, the water was so transparent ; but, he said, I have often tried to get this statement off at par, and never succeeded. Now, I offer it at a liberal discount and say I could count the speckles on a trout ninety feet below the surface ; and he went on to say : 'Nevertheless, my first statement was correct, but as I could not get it off at par, I was obliged to make this discount.' So it was with my hon. friend's statement regarding this remarkable table land seven hundred miles along the height of land, with a variation of only 200 feet in elevation, which I could only compare to an immense billiard table—it must be one of the wonders of the world. Nothing of the kind exists, I believe, anywhere else ; but my hon. friend evidently discovered that such a country exists away up north. The marvel is that, living within two hundred miles of it, nobody appears to have discovered that we had such an extent of table land there until my hon. friend gave this information to the House. Notwithstanding the information which we expected to receive from my hon. friend with regard to that country, I found as he proceeded that his own personal acquaintance with it was limited. It only applied to two sections, and not to the parts of the country which are most in doubt or dispute. I found, nevertheless, that my hon. friend was much more enthusiastic over the easy character of the country that he had not visited, than over that which he had personally traversed.

I remarked a few minutes ago that while I have never been able to discover any sign of these 'mountains of information' that we were told we would have in regard to this subject that I am not incorrect when I say we have been furnished with mountains of misinformation. One of these absurd statements which has been made is with regard to the fertility of this northern country. As I said before, it is a very remarkable thing that while it is so near us and while it has been crossed and recrossed for hundreds of years by trappers and missionaries and other people, that this alleged fact about the 24,000,000 acres of fertile land, equal to the best lands of the old province of Ontario, should only have been presented to the public, I believe, for the first time during the progress of this debate. While it is quite possible that there are tracts of fertile land up there, whatever information we have, points in the direction that these patches or stretches of fertile land are but exceptions and that the great bulk of the country partakes of another character. I am not going to say, however, that although that should be the case, it would be a country without resources. It is highly possible that there would be minerals found up there. A great deal of stress has been laid upon the timber which it is said grows along the line of this railway and of the freight which it may give. I am not disparaging the country. I believe it is a matter of satisfaction to us that we should feel that there is value in that northern country, and it is also a matter of satisfaction to know that through that northern country, not where the government are proposing to build this railway but considerably further north there is the probability of a very good railway route being found, such as would be very useful for the purposes of a transcontinental line ; but, as I said last year, I believe the time has not arrived for building that road. I may have been a little too cautious last year. It may occur in the lifetime of some hon. gentlemen that that road should be built, but some things should happen before that. We have the hon. gentleman from Calgary, speaking with the most perfect knowledge of what he was saying, declaring that we have in the southern portion of the territories and in Manitoba an enormous quantty of fertile land that is not yet taken up. We have an enormous quantity of land to be given to homesteaders gratis to induce them to come in there, prairie land that would not re-

quire any clearing or stumping, all it requires is a strong arm and very little capital to bring it into a state of cultivation. We have that enormous quantity of land unsettled, except to a limited extent, and I say it is folly to try to divert settlement to the shores of James bay or to the country lying beyond the height of land for agricultural purposes until the North-west land is more largely taken up, or until the price of that land in the North-west is forced up so that cheaper land may afford attractions to settlers. With regard to that I turn to a pamphlet which has been placed in the hands of hon. gentlemen by Sir Sandford Fleming. I do not know whether the government have distributed it or whether it has come from Sir Sandford himself. It being one o'clock, I move the adjournment of the debate.

The motion was agreed to.

BILLS INTRODUCED.

Bill (257) An Act to amend the Civil Service Act.—(Hon. Mr. Templeman.)

Bill (261) An Act respecting the pilotage district of Montreal and the port and pilotage district of Quebec.—(Hon. Mr. Templeman.)

The Senate adjourned till three p.m.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock p.m.

NATIONAL TRANSCONTINENTAL RAILWAY BILL.

Debate resumed.

Hon. Mr. FERGUSON—When the hour of adjournment was reached I was referring to Sir Sandford Fleming's opinion with regard to the construction of a northern transcontinental railway and I refer to page 9 and page 13 of the pamphlet which has been placed in our hands and I shall read therefrom so as to bring out the point that I am discussing. The article is headed 'Two gateways to the West,' and reads as follows :

> The rich prairies of the Dominion are in the heart of the continent. They may be said to be bounded on the east by Lake Winnipeg. The illimitable grain region of central Canada practically extends from that lake to the foothills of the Rocky mountains, and from the international boundary away north to an undefined line 400 miles or more distant. It embraces the greater part of the four provinces of Manitoba, Assiniboia, Saskatchewan and Alberta, to which may be added the western portion of Athabasca. This immense territory, now being rapidly occupied by settlers, is so situated that it can be reached from the east by two possible routes. One passes to the south of Lake Winnipeg, the other to the north. These may be regarded as the only two avenues open to Canadian railway service between the great west and the Atlantic seaboard. If we look forward but a few years, we must see that both routes are of great, perhaps equal importance, and that there are two gateways through which the products of the prairies must pass on their way to the east.

Then turning to page 13 he further discusses the same point. He says :

> There is one point which appears to a large extent to have escaped the attention of parliament. If we look forward a few years we may anticipate great changes. The inhabitants of the great prairie region will not remain centered in Manitoba. While we are aware that the fertility of the country around Winnipeg, the Red river valley, cannot be surpassed, we must at the same time recognize that the area of the fertile plains of the whole province of Manitoba is only about one-eighth of the vast fertile region of the North-west. If we add to Manitoba, Assiniboia and every acre directly west of Assiniboia to the Rocky mountains, we have but the southern and much the smaller half of the prairie and habitable region. This southern half is already fairly served by railways. It has the Canadian Pacific throughout its whole length. It has the Canadian Northern from Lake Superior. It has the Northern Pacific from the United States, and many branches for these lines. It is not the southern half, so much as the northern and by far the larger and generally more cultivatable half of the prairie region, which is in need of new railways. The southern half has the advantage of three great lines to collect and transport its products to market. Should not the people of the northern and more important half of the fertile plains be provided with one trunk line direct to the seaboard, instead of being obliged to use the longer route by way of Winnipeg ?

Some hon. gentlemen have quoted Sir Sandford's opinions as being favourable to the government Bill. By looking carefully into the views of Sir Sandford as contained in this paper, it will be found that in almost every particular he is out of accord with the plan the government is submitting to us. His proposition is the one that I outlined myself in the remarks that I made last year, and it was in favour of a direct route through the Peace river pass and through the Peace river country, through the Hudson bay or the James bay basin and thence through to Quebec. It was what was called the Trans-Canada route and is very distinct from the proposition

that we have before us to-day. Sir Sandford Fleming points out to us, and with great force, that the North-west, for the purpose of obtaining an outlet, is divided into two sections. The gateway for the northern half, including the Peace river district and the northern part of Alberta and Saskatchewan, which he says is the largest half of the fertile belt, is by a direct line almost from the Peace river pass to the Lake St. John district. That is the idea that runs through this pamphlet. I am entirely in accord with that. I would not be understood to say it should be done now. I believe there is ample time, and that it would not be wise to obligate this country to such an enormous extent as it would mean to build that road, until the other parts of the fertile belt are more closely settled and until the country has solved the great question of cheapening the transportation of the produce of the already settled west by the existing outlets through the lakes. But ultimately there are great possibilities in that proposition, and there is another possibility in connection with it that has been vitally lost sight of during the course of this debate on transportation, and that is in connection with the Hudson bay. The northern line direct from Port Simpson to Quebec, without the enormous deviation to the south, as is being made to take in Winnipeg, would run sufficiently close to the Hudson bay to make a connection with that bay practicable, and my firm and honest conviction is that there is a great future in store for our extreme North-west by this route. I am quite conscious of the fact that Hudson bay is not and cannot be regarded as open for a very long season for navigation, but that it is open for a considerable season to navigation is a fact that has been known to the world for hundreds of years——

Hon. Mr. McSWEENEY—How many months of the year is it open ?

Hon. Mr. FERGUSON—I do not claim to have 'mountains of information,' and therefore I am not going to set down the day when this period of navigation opens and the day when it closes ; it is sufficient for my argument that there is a very considerable period of open navigation through the Hudson bay.

Hon Sir MACKENZIE BOWELL—The Hudson Bay Fur Company carry in their supplies by the Hudson bay.

Hon. Mr. FERGUSON—And further, the territory that Sir Sandford Fleming refers to as calling for an independent gateway of its own to the Atlantic coast, would be tributary, ultimately, to the Hudson bay in somewhat the same manner as the southern portion of the fertile belt is tributary to the St. Lawrence route and to Lake Superior. When that day comes, the present system of transportation through elevators holding grain at terminal points, can be applied there, and though much of a crop cannot be moved out by that route in the season in which it is grown, it may be removed to and placed in elevators at some harbours on Hudson's bay and transported more cheaply from the great Saskatchewan and Peace river country than grain can be transported from Minnesota and Dakota, at the present time. I am therefore, entirely in accord with the views that Sir Sandford Fleming has put before the public and before parliament with regard to this subject, and although he has not elaborated the argument in favour of the Hudson's bay route, every hon. gentleman will see there is a great possibility in connection with it in reference to a northern transcontinental railway. While I am referring to Sir Sandford Fleming's opinion I will refer hon. gentleman to his words with regard to the course which the government ought to pursue in reference to this Bill, with this opinion I am entirely in accord, and which I believe is the opinion of the vast mass of the people of Canada at the present moment. He says :

> Two things should be noticed—(1) That I deprecate commencing construction on any section before full and exact information be obtained respecting the physical features of the country ; the object being to secure the very best location for the railway which can possibly be had, having in view economy in transportation. (2) That in my judgment, it is in the public interest to defer proceeding with construction in the extreme eastern and the western portions of the project until the middle section, from Quebec to the prairie region, be completed.

He is not speaking of the route from the city of Quebec to Winnipeg along the height of land, he is speaking of a direct line from Lake St. John district, or, if you will, from Quebec to the prairie section in a direct line through the Peace river pass to the Pacific.

He gives several reasons why it would be better to build the eastern section first. One reason is that an agreement which calls for the construction of all the sections of this line simultaneously would lead to very serious disturbances in the labour market, and would cause the construction to be more costly and would cause a large inflow of labouring people in order to build that railway, and would also, as he points out very clearly, lead to another very serious disturbance when this great railway construction would cease, and these labouring people would be thrown out of employment. But I would add another reason to these very cogent reasons which he advances, and it is this: that if you hasten with the building of the prairie section before the eastern sections are constructed you are giving the company with which you make this contract, an opportunity to gather up a trade in the Northwest which they will be obliged, apart from inclination altogether, to divert from a northern line, and once it is so diverted, it would not be very easy to get it back. In my remarks a year ago with regard to the Trans-Canada Railway, I referred to the opinion I entertained, that on a northern route of that kind it would be possible to get easier gradients than on either the Mackenzie & Mann road which would pass through the Yellow Head pass or the Canadian Pacific Railway lines which have already penetrated the Rocky mountains. My reasons for saying that I believed easier gradients would be found on the Trans-Canada route than on either of the other two lines, is that I had made a careful examination of surveys which had been made by the present government through the Peace river pass. This matter was taken up, as hon. gentlemen will see if they look at the Railways report for the year 1900 and 1901 in connection with getting a route to the Yukon. Very thorough explorations have been made on a route from Dunvegan to Port Simpson. I have come to the conclusion that a very easy route can be got through the mountains at that place. I do not regard this plan as having very great difficulties at that end of the line. Indeed from the examination I have been able to make, the engineers only report one place, the Peace river canyon, where any serious difficulty intervenes. They do not appear, by these reports, to have found a way of getting over a three per cent grade for some distance there without extensive and severe tunnelling; but, beyond that difficulty I was not able to find that the engineers have discovered any very serious obstacles in passing through the Rocky mountains. I had also before me last year the reports of Mr. O'Sullivan, employed by the province of Quebec on the country between Lake St. John and James bay, and the result of this examination showed that a country of considerable value for timber and for agricultural purposes did exist there, and that there were no very serious difficulties in the way of building a railway. I did say then, and I take the same position still, that from that point until you reach the Peace river country, I have no information about the country, and I do not see that there is anything tangible before us yet. Nor do I see that we have any definite information with regard to the route now proposed to be adopted from Quebec almost to the boundary of the province of Manitoba. A few minutes before adjournment I referred to the mountains of misinformation which have been placed before parliament and the country with regard to this question. One of these is in relation to the distances. I have looked over the plan attached to this pamphlet and am confident that the total distance has been considerably understated; that when due allowance is made for curvature, which I know in some parts of the line will have to be very serious, the road will be considerably longer than is there stated. But I particularly object to the statements which have been placed before parliament with regard to the shortening that will be effected in the province of New Brunswick by building a new line through the centre of that province, as compared with the Intercolonial Railway. The statement made by the premier, that a distance of 110 to 140 miles will be saved by that construction, receives no credence from those who have studied the reports of Sir Sandford Fleming, and others regarding the country through which that line is to run. Another gentleman who has put before the country what I believe to be very misleading statements with regard to distances, is a representative

of one of the Norfolks in the House of Commons. That gentleman informed the House of Commons that the deviation southward, from a direct line between Quebec and Peace river, in order to take in the city of Winnipeg, would only extend the line by a distance of 75 miles.

When we know that Winnipeg is nearly 300 miles south of the northern line, that the whole length of Lake Winnipeg and a good deal of land both north and south intervenes between these two places, it is quite unreasonable to ask us to give any credence to a statement that the line would only be lengthened to the extent of 75 miles by the detour southward in order to take in the city of Winnipeg. I also take exception most strongly to the statements that have been made with regard to the cost per mile of building the eastern part of this road. I am not going to argue with regard to the cost of the mountain or prairie sections. I am not prepared to dispute that these roads may be built for the figures that are indicated in the Bill. But it is perfectly absurd to say that a road through central New Brunswick, equal to that which is called for in the agreement for the western division, equal in standard to the line of the Grand Trunk Railway between Montreal and Toronto, can be built fo $25,000 a mile. It is too severe a strain upon our credulity to submit such a statement as that to us. Now I turn to a point that was referred to by my hon. friend the leader of the opposition when considering the same point as I am now discussing. He referred to the cost of a railway being built by the government at the present time, in the province of Prince Edward Island. My hon. friend made a statement based, I know, upon the debate that has taken place in the House of Commons on this question, that this road 3 feet 6 inch gauge with light rails, I think only 54-pound rails, running through a rolling country, is found to have cost $28,000 per mile. I think it is a very extraordinary thing, in the face of such a fact, to ask us to believe that a road of the standard of the Grand Trunk Railway between Montreal and Toronto could be built through the centre of New Brunswick for the estimate that has been placed before us. My hon. friend from St. John knows a little about Prince Edward Island, and knows something about the centre of New Brunswick, and he will know how to value the statement that a road of the broad gauge, with heavy rails, and in every respect a high standard road can be built through New Brunswick for $3,000 less per mile than the road which has been built from Charlottetown to Murray Harbour. I turn to the debate of the House of Commons of the 30th September of the present year. A vote for this railway was before the House and the Minister of Finance spoke as follows :—

The MINISTER OF FINANCE. This is a large item, but as hon. gentlemen know, we have undertaken quite a costly work in the extension of the railway from Charlottetown to Murray harbour, inasmuch as a very expensive bridge has to be provided for. In the main estimates we ask for $750,000, a portion of which has already been voted, and we are asking the balance now. In the supplementary estimates we shall have to ask a further sum of $480,000, so that the expenditure which we expect to make on that work during the current year, including the bridge, will be $1,230,000. There was expended on this work up to the 30th June, $1,492,525.47, so that if we take the expenditure to the 30th of June, and the amount we shall have to ask for the current year, these sums make the cost of the work, as estimated up to the end of the current year, $2,795,113.19. The road is already constructed as far as Murray river, and it will take six miles more to carry it down to Murray harbour, which extension is included in the estimate which I have given for the year, and which will have to be provided for in the supplementary estimates. There is also a wharf to be built at Murray harbour, where navigation is open four weeks earlier in the summer and four weeks later in the fall than at Murray river. We propose to carry the road down, as the Act contemplated, from Charlottetown to Murray harbour. The total expenditure for the whole work completed will be about $3,000,000 in round numbers. The bridge is a very costly bridge.

Mr. LEFURGEY. What is the tender for the bridge ?

The MINISTER OF FINANCE. The tender is on schedule prices, and the estimated cost of the bridge is $1,494,097.

We find the cost of the railway to be $26,000 a mile. We do not include in this any part of the further sum which the Minister of Finance said might be required, but which he did say would not be necessary for the bridge, because he said the total cost will be $200,000 more than the figures given, or to reach a round sum of $3,000,000. Further on the Minister of Finance is asked the question by Mr. Cochrane, as follows :—

Mr. COCHRANE. What is the cost per mile of that road ?

The MINISTER OF FINANCE. $21,500 per mile. It is a narrow gauge road through a hilly country, with a considerable amount of rock.

Mr. SPROULE. If the bridge cost a million and a half and the whole expenditure was $2,795,000, the railway, being 45 miles in length, must have cost $28,000 a mile.

The MINISTER OF FINANCE. That would include the bridge.

Mr. SPROULE. No.

The MINISTER OF FINANCE. It is 50½ miles over the whole line—44 miles to Murray river and 6½ miles from Murray river to Murray harbour.

Mr. SPROULE. That would make it about $28,000 per mile.

I am told that some doubt has been thrown upon these figures by the government, or some person formerly connected with the government, but we have this information filtered through the acting Minister of Railways, the Hon. Mr. Fielding, and we do not see any way of getting over it. And I ask hon. gentlemen this question: if a narrow gauge road of a lower standard, with light rails, in the rolling country of Prince Edward Island, is to cost that amount, does the government expect the country or this House to believe that a railway of the high standard called for in this agreement, without going so far as Mr. Charlton, and other advocates of the Bill with regard to the standard, but the standard called for in this Bill, can be built through the central part of New Brunswick for an expenditure of $25,000 per mile? I ask hon. gentlemen if they are prepared to accept as correct or approximately correct that the part of the road leading from Quebec to Winnipeg, the western part of the eastern division can be built for $28,000 a mile, having in view what I pointed out as the expense of that Murray Harbour branch railway ? Time will demonstrate who is right or who is wrong, and if this road is built under this agreement, of which I have still serious doubts, but if it is built under this agreement by the government of Canada in the way indicated in this Bill the ultimate cost to the people of this country will in my opinion be very nearly, if not altogether, double the amount that has been stated to parliament by the ministers and by their friends and supporters. Of course, hon. gentlemen may say: 'You are no authority,' I admit I am not, but I have sufficient confidence in the general accuracy of the view that I am presenting to the House that I am quite willing it should go on record, and time will tell who is right and who is wrong. Extraordinary statements have been made with regard to the low grades possible to be obtained on this line. I say most extraordinary statements have been made, and for the first time since the northern part of the continent of America was discovered, within the last three months a large number of voices have been heard and many pens have moved in description of a belt of table land lying right along the height of land between James basin and the St. Lawrence basin, which generally may be summed up to be like a vast billiard table, extending from east to the west, with a slight downward incline towards the east. I will turn to the comment of one of the advocates and supporters of this Bill in the newspaper press, and I think I shall be able to claim that this forms one of the mountains of misinformation which has been laid before the country. He says:

The air line from Winnipeg to Quebec is the central feature of the plan. If that line can be located without grades, or with exceptionally low grades, and with easy curves, great national advantages must result. . . . . This attractive future depends upon one great condition. It depends upon grades. The conformation of our country is so peculiar that it seems that behind our rugged and sterile Laurentian outcrop there may be an easy back passage from Winnipeg to Quebec. Along that back passage a railway may be located which will have no grade steeper than the 4-10 of 1 per cent, which in this discussion has been taken as the maximum consistent with cheap haulage. Possibly even better gradients may prove possible. Possibly they may all slope seaward, so that, theoretically, a freight car given a push at Winnipeg would roll by its own momentum down to Quebec.

This extract which I have read, and a great many of the speeches and the arguments that are addressed to us assume that a certain elevation is reached on leaving Winnipeg, and is followed almost directly from that point to Quebec. If hon. gentlemen will give a little consideration to the geographical aspects of this country they will find that after leaving Winnipeg we have three distinct basins before us. We have the basin of Lake Winnipeg, which is the first geographical feature; out of that basin we ascend a height of land. There

is a height of land running between the Winnipeg basin and James bay basin which forms a figure something like a T when it joins the height of land in the Laurentian range. The latter runs, on the whole, east and west ; we have to ascend the first height of land which lies north and south before we reach the main and general height of land about which we hear so much and which runs east and west. Having reached that height of land, the advocates of this Bill have assumed that we get on this great billiard table, and we are gently gliding down hill from that point until we reach the Atlantic coast. If these gentlemen will look a little more fully into the question, they will find that it is impossible that any railway moving in that direction can follow with any degree of closeness the contour of that height of land which is itself irregular in elevation as well as in its general direction. The Canadian Pacific Railway passes north of that height of land at one place for a distance of several miles. Hon. gentlemen may not have observed that, but I have passed over that place many times, and I have revived my recollection of it by looking up the map and the annotated time table furnished by the Canadian Pacific Railway, and I find that the main line of the Canadian Pacific Railway passes north of the height of land at Chapleau and the flow of the streams is northward at that point. When we bear that fact in mind, and, when we take one of the items in the pamphlet with which we have been furnished by the government, we find it stated that the route of this railway will cross the height of land no less than nine times in this total distance, we can determine the accuracy of the statement that the proposed railway is to follow the height of land. There is a serious departure from a due west course, or from any general line or course, in the direction of this height of land, and any railway that is located in that country cannot fail to be dipping up and down and backward and forward, as there is no general contour of height of land on which it can possibly pass along and still maintain a direct course. These are the deductions to be drawn from the general geographical aspects of the country, and in the absence of anything approaching a surveyor's estimate of what that country is like. I do not attach any importance to the statements made and compiled by geologists. Railway possibilities are not what they were on the lookout for, and their eye and instinct would not at all lead them to collect information with regard to locating a line of railway. It would be the last thing that was in their mind. I, therefore submit we have no information on which the parliament of Canada or the people of Canada or any business man could arrive at a conclusion with regard to there being absolutely a very easy line of railway to be found in that country. It is possible such a line may be found, but the point I take is, we have no evidence of it, and I think hon. gentlemen will not contradict me when I say that such statement flies in the face of the generally received opinions about that country which we have learned from geographies and other sources of information.

There is a gentleman who has discussed this question many times and with a great deal of persistency in the other Chamber—I refer to the hon. member for North Norfolk (Mr. Charlton). He has placed his views on this question on many occasions before parliament, and his opinions have attracted a good deal of attention. I notice that even Sir Sandford Fleming, who, we know, is a very eminent engineer, but has not, as far as I know, had any experience in operating a railway, and, therefore, as far as that point is concerned, as to the possibility of cheap transportation, his opinion may possibly be not much more valuable than that of an ordinary business man—but I think that even Sir Sandford Fleming has been considerably misled by the confident statements that have been made in the House of Commons by Mr. Charlton, and which have been quoted by the friends of the government and supporters of this Bill extensively all over the country. I may say the present views of that hon. gentleman have been only very recently arrived at on this own subject. On the 26th or May, speaking on the motion of Mr. Borden with regard to the Transportation Commission, that gentleman made use of these words :

> Now there are conditions which render it, in my opinion, impossible at present to compete with that route. It is useless to think of hauling wheat from a point as far west as Port Arthur by an all-rail route to Quebec or to Halifax at prices such as those I quoted with

regard to the American lines. Of course in the winter we should control, to a large extent, the transportation of that country. We should certainly, and under all conditions, control the transportation of all the products of the soil and of the forest north of the height of land, and between Lake Winnipeg and Quebec.

He admitted quite frankly that it was impossible to compete by means of a railway of that kind with the other routes he referred to. More recently, as a result of what he claims to be more careful consideration and better information, he has submitted to parliament and the country estimates that indicate, providing this railway is built of the character which he insists is necessary—and I entirely agree with him, that it should be of the highest standard, with the easiest grades possible—wheat can be carried, taking the actual cost of moving wheat and not taking into account moving empty cars back, and making no allowance for profit, for that distance, fifteen hundred miles, for 2¼ cents per bushel. The statement is so far from coinciding with our knowledge and experience of railroading and transporting grain by rail, all over the continent of America, that it is not entitled to very serious consideration. In looking into this calculation, with the help of some parties who know more about railroading than either Mr. Charlton or myself, I have been able to discover the extraordinary fallacies which underlie this calculation and the points which he overlooked show that his calculation is of no value whatever. This calculation is based on the average cost per train mile of moving trains on all the roads of our country. It is found by taking the statistics of the principal great railways—the Intercolonial Railway, the Canadian Pacific Railway, the Grand Trunk Railway and the Canadian Northern —that the cost per train mile of trains is an average of about 90 cents. Mr. Charlton assumed, for the sake of making his calculation absolutely fair, that one dollar per train mile would be the cost of moving such a train as he deems necessary in order to carry wheat at a minimum cost.

Assuming the railway is fifteen hundred miles long, that would be a cost of $1,500 for a train from Winnipeg to Quebec. In order to move a train of the proper capacity with a 100 ton locomotive, with cars of fifty tons weight without loads, with a track of at least four-tenths of one per cent grade, with every other appurtenance that belonged to a really first-class road—he assumes that it is possible that such a train would carry 66,000 bushels of wheat each trip and he assumes that that could be done for two and a quarter cents a bushel. He proceeds however, in order to make the calculation, as he says, perfectly fair, to add fifty per cent to that amount for carrying empty cars back, and then throwing in another fifty per cent for profit, bringing the whole thing up to about four and a half cents a bushel, and he goes on then, fearing something might be wrong in his calculation, and adds another 25 per cent and arrives at six cents per bushel as being the highest price that it should cost for carrying grain over a railway such as that for that distance. The first main consideration which the hon. gentleman entirely overlooked, was this : that this cost, given by the railways in their reports per train mile for moving their cars is only the average cost. It is not the heaviest train that they are able to remove, but it is the average train. That was shown on one of the railways to be only seventeen cars, and these comparatively light ones, and many of their trains will run down as low as three cars to a train, and very few, I presume hardly any of these roads ever carry a train as heavy as the one he contemplates, in order to bring about these results. That is the first important fundamental error which lies at the very bottom of this calculation, and which vitiates everything from beginning to end. It is only necessary to point out this fallacy to hon. gentlemen and they will see how far-reaching it is and how utterly it discredits the calculation which the hon. gentleman submitted to the country and which the government press have been heralding all over the Dominion as being conclusive in favour of such a railway as is now proposed to be built. Another point partially overlooked, is the conveying back of the empties. A train running on that route would have very little freight to carry in the opposite direction for a long time to come. The cars that would carry other products of the North-west, apart from the carriage of wheat, would I think, be found to be ample in moving to the west all the freight that would be wanted in the country, as the freight that goes west

is not so bulky and can be moved with less rolling stock than wheat and cattle. It is therefore to be assumed that almost the full amount of the cost, whatever it is, that is incurred in moving a heavily loaded train of wheat of this kind from the west, would be repeated in moving the empties back. This long train of empties would be a far heavier train than the ordinary average train, that would pass over the railways on which these statistics are based. Therefore, it is not 50 per cent on average cost but it is almost 100 per cent on the maximum cost which would be more likely to be three dollars per train mile for moving such a heavy train as this and an almost similar expense in moving the empties back. In discussing this with some gentlemen who were railway men the point was raised. 'Oh, but if you get so good a grade as this is, the difference between a heavy train and a light one will to a large extent disappear.' My railway friends who know all about such matters say there is nothing in that. 'Just try the thing for yourself. Take an empty wagon on a level road, you can move it very easily, perhaps with one hand but if you load that wagon heavily you will find it will take a horse to start it.' There is no question but that the weight of the train will have a great deal to do with the cost of moving it notwithstanding a favourable grade, and this is a point that Mr. Charlton entirely overlooked. But he also overlooked another point which is even of much greater importance. While putting the paltry sum of one cent and twenty mills down for profit he entirely overlooked the fixed charges on the road which have to be provided for out of the transportation, and all railway men will tell you at once that these fixed charges, which must be provided for and must be borne by the transportation, are much more serious and much heavier than the actual operation or hauling of the train itself, unless there is a very large traffic. In the case of this road you would have to provide for three per cent on the cost of the road and a large amount for the deterioration of the road and plant and you would have to provide for the general management of the road. You would have to make all these provisions and then you would have to ascertain what proportion of these charges the carrying of wheat would bear. This is a mere estimate and nothing more—absolute guesswork. One gentleman who has discussed this Bill and given very strong support to it in the first instance, more recently he has been led to the conclusion, I have no doubt conscientiously, that the alternative proposition of the leader of the opposition contained some points of very great merit and that the government should have taken advantage of many of the suggestions that were embraced in that proposition has discussed this point with considerably ability. I refer to Mr. Willison, of the Toronto 'News,' discussing as I said the project favourably, and endeavouring to build up an argument to show that a very favourable rate of transportation for wheat may be made along this northern railway, nevertheless, goes into the matter much more fully and with a very much better grasp of what the whole question involves than Mr. Charlton did. He assumes that the fixed charges on the road would be made up in this way: assuming the road to cost $50,000,000 the rental would be three per cent—that would be $1,500,000. A similar amount is put down for track deterioration, then 10 per cent for interest and deterioration on rolling stock valued at $10,000,000, and then management expenses. He figures this up at a little more than $5,000,000 annually which will have to be borne by the traffic. He tries then to ascertain what proportion of these fixed charges would be borne by wheat. His conclusion is that it would be about 60 per cent, or $3,000,000, and following that up he then finds out what would happen if 50,000,000 bushels of wheat were being carried along that line. He finds out that if that were to happen the proposition of fixed charges which each bushel of wheat would bear would be about 6 cents a bushel that would have to be added to the hauling charges to which we have been referring, which Mr. Charlton erroneously put down at 2¼ cents a bushel, but which should have been put down at at least three times that amount after making due allowance for the immense, weight of the trains that would be moved, and also the increased cost of carrying the empties back. Therefore, taking this calculation, and after correcting the fallacies under which Mr. Charlton laboured with

regard to the haulage charges, and putting before the House the views of Mr. Willison, with regard to what the fixed charges would amount to assuming that 50,000,000 bushels of wheat was being carried annually, we find the figure would come up to fourteen cents a bushel, and that is the statement made by the hon. gentleman from de Lanaudière. He found that he could not, I suppose conscientiously, go any further when he puts the figures down at 14 cents a bushel, but this estimate is that much too low, I wish to point out the condition assumed by Mr. Willison, when he fixes the proportion of the cost embraced in fixed charges at 6 cents a bushel. He assumes that the road is then carrying 50,000,000 bushels. My hon. friend who sits opposite me will, I know, entirely agree with me when I say that whether the volume of wheat would be great or small would not affect the fixed charges; if the quantity is large the proportion to be borne by wheat will be small per bushel, but if the quantity would be very much less than 50,000,000 bushels then the fixed charges would bear more heavily on every bushel carried. Mr. Willison estimates that on 50,000,000 bushels of wheat the fixed charges would be 6 cents a bushel, it follows that if only 25,000,000 were carried, these charges would be 12 cents and if this railway, after it has been built, does not carry any more wheat than the Canadian Pacific Railway carried last year on its all-rail route,—and that would be I think a very liberal estimate for many years to come—the cost of the fixed charges alone, without allowing anything for hauling, would be so great as almost to absorb the value of the wheat.

These are figures which have been supplied by Mr. Willison in building up an argument in another direction, but it is as plain as possible that the conclusion to be drawn from them is of the nature I have indicated. It is only when a very large volume of wheat is being moved that the proportion on each bushel of fixed charges can be brought down to reasonable dimensions. The cost of haulage will, no doubt, be made less, by easy gradients, heavy trains, powerful locomotives—in other words, by having a high class road. There is no doubt the haulage charge per bushel will be reduced very much with such a railway, but, on the other hand, the better you make the road the more costly it becomes and you are increasing the fixed charges, and these would come against every bushel of wheat moved. I have no hesitation in saying, therefore, that very strong and unwarranted statements have been made with regard to the possibilities of carrying wheat at a very low rate over that route.

Hon. Mr. KERR (Toronto)—I suppose the hon. gentleman is quoting from an editorial article in the 'News'?

Hon. Mr. FERGUSON—Yes. The point I am making is that it is most important that this road should be built with easy grades; that we should have, if at all, the very best road to be found anywhere, but I contend that no matter how good the road may be, the handicap of an all-rail route against water transportation will remain. The difference is most marked at the present time. There was a time when railways appeared to have gained on the waterways. That was the case for many years, and many imagined that a day would ultimately come when railways would be able to move heavy freights, such as wheat, in great quantities, as cheaply as they can be moved by water. But we have known for several years that the trend of experience has turned in the opposite direction, and today, all over the world, there is nothing more thoroughly recognized than that water transportation is cheaper than all-rail transportation even under the most favourable circumstances. With regard to that point, I will turn for a moment to an article which appeared in the Toronto 'Globe' on the 28th of last month. It is headed 'Reaching the Ocean.' The main object of the writer is to show the value of the market for futures in wheat. He is pointing out that in New York such a market exists, while in Montreal there is no such market. He says that such is also the case at New Orleans, and that shippers of wheat from the west are led to send their wheat to New York in preference to other points because there is a market for futures there. Knowing what the grain has cost them, they are able to sell it in this way in New York, and take no risk of loss, and having secured a profit they send their wheat at once forward to New York. He points out that New

Orleans is waking up on that question, and the board of trade of that city have appointed an important delegation to visit New York and inquire into this subject with a determination to provide a market for futures in New Orleans, so as to be able to compete successfully with New York in wheat. While this is the object of the writer, incidentally he brings out these facts. He says:

> There are some disadvantages in shipping from ports in the Gulf of Mexico, the torrid heat of a considerable part of the year being one of them. They are all overborne, however, by the fact that for an extensive territory such ports as New Orleans offer the minimum of rail carriage.

That is the point wherein New Orleans is getting the advantage over New York, because it offers the minimum of rail carriage. The article goes on to say, and it covers the point:

> Indeed, advocates of the St. Lawrence route as the ideal channel for the export of northern grain have always been told that it can never be successfully employed until there is a market for futures in Montreal.
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> The way in which it operates is this: when a grain dealer in Winnipeg buys 20,000 bushels of wheat at current rates he immediately telegraphs his New York agent to sell 20,000 bushels of wheat for future delivery. He is thus secured against any decline in prices for a time, and ships his grain relieved of all speculative chances or mischances. A Winnipeg dealer shipping to Montreal, or a Topeko dealer shipping to New Orleans would have to accept possibility of a fall in the market, making his operations more hazardous. This handicap would balance a difference in rates up to a certain point, but beyond that, as we are now seeing, it fails to operate. Montreal and New Orleans are each getting an increased tonnage of grain in spite of the fact that there are no markets for futures there. It looks, however, as if the latter is going to make an effort to supply even this want, and there will be considerable interest in seeing if it can be accomplished.

The fact stands out to-day that up to a date not very far advanced in this summer, it was found that Montreal had absorbed a larger proportion of the wheat trade of this continent than any United States port, and, strange to say, New Orleans came second. Why is it that these two ports, one of them situated on the Gulf of Mexico, very considerably removed from the great wheat belt of the west, and the other Montreal with handicaps, as we have been told so frequently during this debate—why is it that these two ports are leading in the export of grain during the current year? It is because New Orleans has the advantage of that great water route, the Mississippi, and because Montreal has the advantage of the great water route of the St. Lawrence. Taking these facts into consideration, I hope hon. gentlemen and the country will not lose sight of the important fact of what value the Hudson bay may be to us some day in moving our produce, for let it be only three or four months of the year, it will be the natural outlet for the great Peace river country, which we are told by no less an authority than Sir Sandford Fleming is a belt of country to be served by that northern gateway with greater possibilities of production than the southern part of the fertile belt which has now its outlet via Lake Superior.

In this connection, let me direct the attention of hon. gentlemen, if anything further be necessary to prove the immense superiority of a water route over any rail route, let it be of ever so high a standard, to what has developed in connection with the great Trans-Siberia Transcontinental Railway:

> A well known Russian statistician and economist, M. Radzig, discusses in a Russian periodical the question of Manchurian trade with particular reference to the possibility of Russian goods driving out those from Britain and the United States. Under equal conditions, that is under a tariff system that applies equally on Russian goods and on those of the other powers, the writer's belief is that Russia cannot successfully compete. She would require the free admission of her goods and a high tariff barrier against others in order to monopolize the trade.
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> One reason for Russia's disadvantage is said to be the higher cost or manufacture, and the other is the high cost of transportation. From manufacturing districts, such as Moscow and Lodz, to Manchuria by the Trans-Siberian railway the freight charges would necessarily be so much higher than the charges by water on the goods from other nations, that Russian goods are seriously handicapped. Speaking of cottons, M. Radzig says:
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> 'The cost of carriage by railway from the Moscow and Lodz districts will be considerably higher than the charges for sea carriage. All this may be said likewise of iron, the low price of which excludes large expenditures for carriage. In fact, the same is true of sugar and all other such wares. Speaking broadly, it will be impossible to export anything at all from European Russia to Manchuria, because we have no goods which will stand the freight charges from Cheliabinsk to Manchuria.'

That is the experience of Russia with regard to the Trans-Siberia Railway and yet we appear to have the government of Canada labouring under the delusion, the extraordinary delusion one may say, that they are going to build a railway in the north that will carry grain cheaper than it can be

carried by the water routes, in the face of the experience of the world, and the results of that carriage all over the continent and in fact everywhere else.

Now, I want to say a few words, before resuming my seat, with regard to the line from Lévis to Moncton. The attention of hon. gentlemen has already been directed to Sir Sandford Fleming's report upon this route in the year 1865. I know, in the other end of this parliament, this subject has been discussed by the ex-Minister of Railways (Hon. Mr. Blair), and by the hon. prime minister in introducing the Bill, and the prime minister, made what I have already characterized as a very extraordinary statement that the line from Quebec to Moncton was to be shortened by a distance of from one hundred and ten to one hundred and forty miles. The ex-Minister of Railways, who knows that country immensely better than the prime minister, says that no such shortening as that can be accomplished. He quotes good authority for his belief that 40 or 70 miles is the utmost that could be effected in the way of shortening the route, and he does not at all admit that even by shortening the line to that extent it will be possible to secure such grades as would be necessary in order to accomplish what it is claimed that road is going to accomplish. I am not going to direct hon. gentlemen's attention to Sir Sandford Fleming's opinion as conveyed in the blue-book of 1865, which I have here and which has already been frequently adverted to, but I will content myself just now with submitting to hon. gentlemen the present opinions of Sir Sandford Fleming with regard to that question. Sir Sandford Fleming having lived an active life, being engaged these thirty-eight years that have intervened since he made that survey and watching what has been going on in railway surveying in New Brunswick and elsewhere, still adheres to the opinions he gave in 1865. He takes the ground now that he took then, and that is, that such a line as is proposed by that route is not practicable. I will turn to pages 12 and 13 of this document which is in the hands of hon. gentlemen. Sir Sandford Fleming says, after approving of the construction of the western part of the eastern division, not the line between Quebec and Winnipeg but between Quebec and the Peace river country, he goes on to say :

> I must not be considered, however, as unqualified in favour of the scheme precisely as propounded. (1) I do not think there is any urgency for a new railway from Quebec to Moncton. (2) I do not think there is any pressing need for the western section.

Then he goes on to say :

> I shall merely remark with respect to the section from Quebec to Moncton, that the physical features of the country on the short route laid down are not such as to admit of the construction of the first-class railway so much desired.

I hope my hon. friend the Secretary of State will take a note of this, possibly he has already taken a note of it when he informed the House that if it should be found to be impracticable to build a railway such as is proposed in this agreement that it would be abandoned. We have the opinion given only the other day by Sir Sandford Fleming that it is impossible to build a first-class road, such as is provided for in this agreement, regarding the western division through that central section of New Brunswick. In further evidence on that point I will turn to the opinions of Mr. Blair and Mr. Fielding, and the point I now desire to make is that there is no evidence before the country that it is possible to build a railway through the central part of New Brunswick between Lévis and Moncton, equal in standard to the Intercolonial Railway ; that is the ground I am taking, and I think there is evidence enough before the House, and before the country to warrant my making that statement. Now, in regard to the character of the Intercolonial Railway, I turn to a speech made by the late Minister of Railways, in the House of Commons, in respect to this same Bill that we have before us, a speech delivered on the 12th August last. First he quotes from and discusses the report of the survey made by Mr. Davy and says no such inference could be drawn from it as that drawn by the prime minister that this road could be shortened by 110 or 140 miles, but he says, even taking Mr. Davy's report which he does not think is entitled to much importance the utmost distance saved would be 77 miles. He goes on to say :

> It must not be forgotten—and I wish to emphasize this fact—that the Intercolonial Rail-

way has such exceptionally favourable grades, is so well laid and is such an exceptionally favourable road for traffic running along the coast line, that it can haul heavier trains 259 miles further than the Canadian Pacific Railway in shorter time. You can therefore see how small a figure 77 miles would cut under such circumstances. I venture the opinion, without fear of successful contradiction, that there is no new railway which can be laid out in the province of New Brunswick that can reach St. John under as favourable conditions as the Intercolonial Railway. You may save fifty or sixty miles in distance by building an expensive line, but the more favourable grades on the Intercolonial Railway will make that line very much shorter in its actual operation than this new road.

On another page of his speech he illustrated his argument by another fact. He says :

When you talk about building a road through the central part of the province of New Brunswick in order that you might get a cheaper and better route than the Intercolonial Railway, I point to the experience of the Canadian Pacific Railway, which crosses the state of Maine. What is the fact ? The Intercolonial Railway has had a contest with the Canadian Pacific Railway—a contest in one sense—at all events, a test between the two roads has taken place. When did it take place and with what results ? It took place last year when the Canadian Pacific Railway was barred, in consequence of the embargo laid upon cattle, from carrying cattle through the state of Maine. We were called upon on the Intercolonial Railway to carry these cattle from the west, because, as I have said, they could not go by the Canadian Pacific Railway ; we carried them, and what did we succeed in doing when we carried them ? The city of St. John is 259 miles further away from Montreal by the Intercolonial Railway than by the Canadian Pacific Railway; yet, we hauled double as many cars to a train load over the Intercolonial Railway by reason of its good condition and level, easy grades, and we hauled them in less time than the Canadian Pacific Railway could haul their cattle trains over their own line 259 miles shorter in distance. That is a fact, and therefore I say that we can with good reason claim that the Intercolonial Railway can hold its own against the competition of any other railway which may be constructed in New Brunswick, except the railway which will run from Rivière du Loup directly down the valley of St. John to the city of St. John, which, of course, has very much more favourable grades than those on the Canadian Pacific Railway.

Now I will turn to the opinion of Mr. Fielding, the Minister of Finance on this very same subject, on page 8844 of the 'Hansard' for August 12, and I am sorry my hon. friend from Queen's, New Brunswick, is not in his place in order that he may profit by a consideration of Mr. Fielding's views which are so utterly antagonistic to those which he presented to the House two days ago :

I do not say in this connection that I agree entirely with all that has been said with regard to the original location of the Intercolonial Railway. It is sometimes spoken of as a political location. I suppose that term may be used in a good sense or in a sense of reproach. I am inclined to think though that there were high political reasons which could have been urged in favour of that location. For myself I do not hesitate to say that if to-day we should have only one line of communication between the upper and lower provinces I should prefer to have the line of the Intercolonial Railway around the north shore. If you could have only one line then that line should be chosen not purely for commercial reasons but for larger national reasons and I may say even for imperial reasons, and I think that the selection of the north shore route for the Intercolonial Railway at the time of confederation was to some extent based upon national reasons and to some extent based upon political reasons. It was deemed desirable that the line should afford a channel of communication between the east and the west and that it should be a sufficient distance away from the American boundary to make it what we sometimes call a military line.

Therefore, when my hon. friend from Queen's severely condemned the government of Canada for having located the Intercolonial Railway on the north shore, he should have taken into consideration the views of the hon. Minister of Finance and included that gentleman in the condemnation, because he adheres to the choice which was then made. It is true that he qualifies it somewhat and does not take the ground that the Intercolonial Railway has got the best location for a commercial road ; but the Hon. Mr. Blair has shown that, owing to the high standard of the Intercolonial Railway, its commercial position is still much better than the Canadian Pacific Railway, going to St. John from Montreal, although the distance by the latter line is 259 miles less. I would turn to another observation made by the hon. Minister of Finance which is even more pertinent than the one I have read ; there are two references. He says :

It would be quite impossible by the expenditure of any money to produce a railroad equal to the Grand Trunk between Montreal and Toronto within the space of five years.

He is referring there, not only to the Moncton, but also to the line from Winnipeg to Quebec. On page 8667, he makes another statement :

I am informed that you can build a line through the country with maximum grades no less favourable than those on the Intercolonial Railway—though that is not as good a road as my hon. friend from North Norfolk (Mr. Charlton) wants—for $25,000 per mile.

The utmost that the hon. Finance Minister and acting Minister of Railways claims is that the new road which they are proposing to build through New Brunswick shall have as favourable grades as the Intercolonial Railway has at present. Other authorities, I think more entitled to weight than he is—although I do not want to attach any disrespect to his opinion,—such men as Mr. Blair and Sir Sandford Fleming present opinions entirely different from that, and I think we are bound to accept their opinions on a railway question in preference to the opinion of Mr. Fielding. I have another testimony to offer with regard to that road, which, I am sure, will be received with great respect in this House. It is the view of an hon. member who is with us to-day in this honourable House, to whose opinions we attach a great deal of importance. This is an extract from the St. John 'Globe' of May 26, 1903:

> The hope may be ventured that in whatever way the Grand Trunk Pacific scheme may eventuate it will not be found necessary to construct another line of railway through New Brunswick from Quebec to the seaboard. Railroads that are necessary should be built as fast and as far as they reasonably can with the means at our disposal, but unnecessary roads ought not to be constructed. We have now the Intercolonial, which connects Quebec with tidewater. In addition to this we have connection with Quebec via the Intercolonial, the Temiscouata and the Canadian Pacific Railway. People who are interested in building railroads, for the mere sake of spending money, may want more roads; but for all ordinary and reasonable purposes these two lines ought to suffice. If more is needed by the creation of traffic, there will be time enough in which to build; but it is not worth while to destroy capital by sinking it in unnecessary railroads in order to satisfy fads or to heal spasms. There are roads now in New Brunswick which return very little to the people for the public money spent upon them. If more money is to be spent it ought to be expended in putting these roads into condition. The talk now going on in regard to a shorter route through New Brunswick to Quebec is, for all practical purposes, thirty odd years behind the time. When the Intercolonial was projected and the route was being adopted there was not sufficient sound public opinion in the province to compel the government to build the road by the shortest route.

My hon. friend, the writer of this article, did not altogether agree with Mr. Fielding on that point.

Hon. Mr. LANDRY—Who is responsible for that?

Hon. Mr. FERGUSON—I am reading from the St. John 'Globe,' a paper controlled by my hon. friend the member for St. John (Hon. Mr. Ellis). We are glad to see he is with us this afternoon. I am aware my hon. friend gives a general support to this Bill, but from the extract which I have just read I learn that he does not approve, or at all events did not approve of making the line from Quebec to Moncton a part of the scheme. My hon. friend may give a general support to the whole scheme. He may be like my hon. friend from Wellington (Hon. Mr. McMullen) who is prepared to swallow it finally although he does not like it. That may be the course my hon. friend is prepared to take, but nevertheless I regard his opinion as very strongly confirmatory of the views held by Mr. Blair, Sir Sandford Fleming, and other eminent authorities that the building of this part of the line from Lévis to Moncton is not justifiable. I will just take this position with regard to that Moncton extension; if it will be better and shorter than the Intercolonial Railway it will be certain to take the traffic from it, and the Intercolonial Railway will dwindle into a local line doing a very unimportant local traffic. If it is not a better road, and if a better road than the Intercolonial Railway cannot be built, then I say it should not be built at all. I assume that on either of these grounds we should not pass a Bill to incur an expenditure which I think is far more likely to be twenty millions of dollars than ten millions, as stated by the promoters of this Bill, for building this unnecessary part of the road which I believe will not give any better facilities, for transporting the products of the country than we are enjoying on the Intercolonial Railway or that we can enjoy on the Intercolonial Railway by the expenditure of a very reasonable amount of money, nothing like the amount that will be involved in the plan now before us.

Hon. Mr. VIDAL—And we can get the benefit sooner.

Hon. Mr. FERGUSON—And as my hon. friend from Sarnia says, we can get the benefit of it very soon. It would not take long to very greatly improve the Intercolonial Railway in that respect. It would not take a large amount of money to make it really a first-class road as Hon. Mr. Blair says, and I think all railway authorities will

agree with me, a difference in distance of forty to seventy miles is not a very serious thing in the matter of transportation if you can get a road up to a high standard, and in the other case, you cannot get a road of that character. A good deal has been said by hon. gentlemen with regard to paralleling lines, and they proceed on the assumption that exception has been taken by the ex-Minister of Railways to this project solely on the ground that the Lévis to Moncton section parallels the Intercolonial Railway. Mr. Blair took pains to explain that he was not using that word in the sense that the two roads would run side by side, what he meant was that they would be aiming to acquire the very same object. I think that any hon. gentleman who has studied the question can not fail to come to this conclusion, that if this road is built, and easy grades are obtained, which may possibly be the case by an enormous expenditure of money, so that it will become as good a road as the Intercolonial Railway, the influence of the Grand Trunk Pacific Railway in the west will be able to divert the traffic to that road to a great extent, to the injury and prejudice of the Intercolonial Railway. In that case you will have a property thrown on the hands of the government which from end to end has cost seventy millions, which will be greatly reduced in value and will shrink in the general character of its operations, until it becomes a mere local railway. This is what will happen. It is a serious matter to people along that line who have built up industries there. It is not much wonder that people on the Intercolonial Railway in New Brunswick and Quebec are alarmed at what is being done through the joint influence of the government of Canada and the Grand Trunk Pacific Railway Company. It will greatly depreciate and injure the value of their property and take from them a trade which they have, after long years of patient labour and industry and the investment of their capital, built up on that line. The effect on Moncton will be most serious. I assume that hon. gentlemen are right, that a high class road is to be built and if that should be the case trade will be diverted to that line. It is not at all likely that the Grand Trunk Pacific will establish workshops at Moncton, they will have them elsewhere and Moncton will not be at all a centre for them. It will be a terminus, but not a centre. The workshops of the Intercolonial Railway will not have the work to perform that they otherwise would have to do, employment will dwindle there and the advantages which the town of Moncton has derived on account of being a great central point in connection with the Intercolonial Railway will, to a large extent disappear. I understand that there is a very strong feeling on that subject in New Brunswick, and hon. gentlemen in the government never made a greater mistake in their lives than they are making if they think they can appeal to the public sentiment of New Brunswick in favour of this Bill. I am told that the views of Mr. Blair and the stand that he has taken, meets the approval of the majority of the people of New Brunswick, both Lberals and Conservatives.

A good deal has been said in this discussion with regard to the alleged improvident bargain and the liberal terms given to the Canadian Pacific Railway Company. I take the ground that there is no similitude between the position of Canada to-day with regard to this transcontinental railway which we are asked to sanction, and our position with reference to the Canadian Pacific Railway over 20 years ago. We were committed at that time by the terms of union with British Columbia to build a railway between the Pacific and the older provinces of the Dominion. We had realized to some extent, and only to some extent, the great value of the prairie country which had become our heritage. That country had to be epened. We had to bind our confederation together by the iron bands of a railroad, and it was of primary importance that we should do it as soon as possible. All difficulties that interposed were to be considered as nothing in the accomplishment of that purpose, and both political parties in the early days of confederation, each as the obligation was placed on it by being in power endeavoured to solve that question. It remained for the Liberal-Conservative party to find a solution and make the contract with the Canadian Pacific Railway Company. My hon. friend from Toronto (Hon. Mr. Cox) and my hon. friend from Smith's Falls (Hon. Mr. Frost) appeared before this House in sackcloth and ashes over the terrible mistake their party had made with regard to the Canadian Pacific Railway.

Hon. Mr. FROST—I am happy to tell the hon. gentleman that in the early days when the Canadian Pacific Railway was under construction, and when it was first mooted, I was in favour of it, and I have been in favour of it all through. I was not in accord with some of the members of my own party on that point.

Hon. Mr. FERGUSON—I am delighted to hear it, and my hon. friend has not therefore to put on sackcloth for himself. The penitential mood in which we found him was rather on behalf of the party to which he belongs and not to settle any account for himself individually.

Hon. Mr. FROST—I was always in a cheerful frame of mind.

Hon. Mr. FERGUSON—I am pleased to think that such was the case with both of these gentlemen, for, judging by the breadth of their views generally—although I had not the pleasure of their acquaintance at that time—I would be inclined to believe that, although, perhaps giving a nominal support to their own party, in their heart of hearts they were even then in sympathy with the great effort made by the Conservative party to bind Canada together by a transcontinental railway. I was pleased to find both of my hon. friends paying the most hearty and ungrudging compliments to the Liberal-Conservative party because they had built the Canadian Pacific Railway, and had done such a great work and service to Canada. I was pleased to find that both these gentlemen had done the right thing on that point in the remarks which they addressed to the House; but I am not inclined by any means to draw the inference which these gentlemen appear to have drawn from history. The inference they draw is, apparently, that the party that for the time being is engaged in constructive work must be right; that because the Liberal-Conservative party, being the constructive party on a former occasion, were right, they infer that, inasmuch as the Reform party being the constructive party this time, they must also be right. I do not think, on close examination, that they will contend that that position is logically correct. Indeed, I think there is strong reason to be found in the position of things with regard to the Canadian Pacific Railway to lead the people of this country to doubt whether this government is right upon the scheme now under consideration. It is not unfair or unreasonable to say that the party who were admittedly wrong in the exercise of their judgment at that time, may not have since improved, and that on this occasion their judgment is still at fault, although they are proceeding in an opposite direction. I think it is a fair assumption that the great Liberal-Conservative party, having been right in the eighties, and having been admittedly right, admitted by their opponents to be so, that they are still right in regard to this question, and I cannot allow my hon. friends, much as I respect them, to say without challenge that the Liberal-Conservative party in this discussion are belittling Canada or taking a position adverse to progressive action. That is not our position. We do not take the ground that this enterprise, big as it is, is one that will handicap our country or bring financial ruin to our doors. We do not say it is too big for us; but there are other things to be done more urgent than this. They may not be as big or as expensive, but we say they should be undertaken first. We say this enterprise is not too large to be undertaken in its own time, in a proper way, with proper information, but not to be undertaken now, to be undertaken later on, to furnish the gateway to that fertile belt of the Peace river country, furnishing another outlet for western Canada independent of that by Lake Superior. When I hear my hon. friend taking consolation from the argument that, as the constructive party, the Liberal-Conservative party were right in the eighties, that they, the present government, being the constructive party, must be right to-day, it reminds me of the fable of the crow and an eagle. A crow, standing on a tree, saw an eagle swoop down and carry away a lamb, thought his opportunity had come to act also, and he followed suit and pounced down amongst the sheep and attempted to carry away a ram, the head of the flock. He got his claws tangled in the wool, he could not free himself, and the shepherd came and caught him, and that was the end of the crow. I am afraid my hon. friends are performing the part of the crow, because they saw the Liberal-Conservative party doing a great thing, and doing it cleverly, and coming out

with credit, they proceed to do something that is not likely to redound in the same degree to their credit as a party.

Hon. Mr. FROST—We have not tasted the crow yet.

Hon. Mr. FERGUSON—If they have not eaten crow for their party by the admissions they have made that the Conservative party were right in the past, then they have come very near doing so.

Hon. Sir MACKENZIE BOWELL—They have choked it down.

Hon. Mr. FERGUSON—I was amused at the consolation that my hon. friend from Queen's drew out of the present situation. He could not believe it possible that the present government would commit suicide by bringing in so unworkable and bad a proposition as the opposition contend that this measure is. My hon. friend's confidence in them is so great that even when he cannot find the merit that he claimed to be in the Bill he falls back on the belief that the government will not commit political suicide. My hon. friend appears to have forgotten all about the Yukon Railway Bill, and when hon. gentlemen are talking so confidently about time not being able to wait, and taking fortune at the flood, and the danger of delay, and the folly of the people who talk about deliberation, we are forced to go back in recollection to the situation which occurred when the Yukon Railway Bill was before us. We had the same demands for precipitation, and we were told that by our opposition, we were going to ruin Canada, and that Canadian trade was to be diverted to United States channels.

Hon. Mr. TEMPLEMAN—Quite true.

Hon. Mr. FERGUSON—And that Canada would lose the great gold fields of the Yukon, unless something was done.

Hon. Mr. TEMPLEMAN—So we did.

Hon. Mr. FERGUSON—Something they did not know anything about it, and about which the hon. gentleman who has just interrupted me does not know anything now. This House paid no attention to the absurd warning and we have not heard the condemnation of the country. In fact the government admitted we were right because we never heard of them submitting that proposition to parliament from that day to this, and when my hon. friend from Queen's expresses such confidence that the government will not commit political suicide or introduce a Bill that would be unworkable or dangerous in its character, he ought to reflect upon the character of the Yukon Railway proposition as it is now regarded by everybody in this country. We find no one so poor as to do it reverence, and we are again inclined to doubt the judgment of the members of the present government with regard to the transcontinental railway. It is not because this proposition is too big for Canada; it is not because it will entail burdens that this country is not able to carry; it is not because it is likely to bankrupt us in any respect that we oppose this Bill. We oppose it because we believe it is not a proposition that is urgent at the present moment and because we are not supplied with proper information, and because notwithstanding the great financial resources of this country, notwithstanding the great prosperity of this country, despite all these considerations which are so eminently favourable in their present situation, we believe that the passage of this Bill will to some extent handicap Canada in doing other things that are more urgent than the building of this transcontinental railway. That is the belief of the country, I think, at the present time, and that is why we advise the government to stay their hand and not proceed with this enterprise, but to advance the transportation problem in Canada on other lines that are, in our opinion very much more urgent and feasible. Reference has been made in this debate to some suggestions that were made in the House of Commons with regard to this question by the leader of the opposition, Mr. Borden, and hon. gentlemen have twitted us on this side of the House because we have not branched away from the discussion of the Bill before us to express our opinions upon the different suggestions that were made on that question. I think it is eminently creditable to Mr. Borden, as the leader of the Liberal-Conservative party, and eminently creditable to the Liberal-Conservative party that we have had other suggestions and propositions em-

anating from them. It would not be in accord with the past history of the Liberal-Conservative party if we were to sit in our seats and allow other parties to put forward even a semblance of a claim that they were the constructive statesmen of Canada. History has no such showing as that, and the Liberal-Conservative party is proud of having a leader who is bold and courageous enough to make suggestions, not in the form of a Bill, because he could not do that, but to throw out suggestions and support them with able arguments showing that the people of Canada could do other things not altogether necessary, all of them at one time, but they could move on other lines and do what would have been very much more valuable to Canada than what is proposed being done in this Bill. I will say that with regard to Mr. Borden's propositions or some of them, I refer especially to the important improvements proposed to be made to the Lake Superior route, that it has at least this merit, that he proposed to follow the lines of least resistance. Trade is following that course. Naturally it flows that way. I fail to believe that hon. gentlemen in the government, notwithstanding all the expenditure that they are going to make, will be able to very seriously divert it from that course.

Hon. Mr. TEMPLEMAN—Does my hon. friend support Mr. Borden's scheme ?

Hon. Mr. FERGUSON—My hon. friend will surely have patience to listen till I get through, and then he will find out how far I support Mr. Borden's proposition. I do not think he has a right to catechize me at the threshold, and ask me to say yes or no. He will get my views in time.

Hon. Mr. TEMPLEMAN—I thought my hon. friend was concluding, or I should not have interrupted.

Hon. Mr. FERGUSON—I wish to point out to my hon. friend that Mr. Borden's proposition has this merit, that the radical and more important suggestions he made were following the lines of least resistance. I take that position, and I will take the further position that the point which he made in favour of acquiring the Canadian Pacific Railway from Sudbury to Port Arthur on the north shore of Lake Superior ; improving its character, improving its gauge, making it a common highway, not the silly futile provision in this agreement about other roads having rights to run over the railway, but making it a common highway for all the lines communicating between the east and the west, for the Mackenzie & Mann system, for the Grand Trunk Railway and the Canadian Pacific Railway ; for the Intercolonial Railway, putting it under a joint and independent control, and giving all these railways precisely the same rights upon it, and thereby enormously increasing the traffic, is a proposition worthy of earnest consideration. And I submit we should adopt that plan by making it a first-class road, which might cost a good deal of money, but the expenditure would not compare, in any respect, to the expenditure that will have to be incurred in the proposition which the government places before us. By doing that the fixed charges would be somewhat high, but they would not be very high, in proportion to the volume of trade that would be brought to the road by the gathering in of all the railways, and the proportion to be borne by a bushel of wheat would be infinitely small as compared with the proposition we are now considering, and I think the alternative proposition was well worthy of consideration. It would not do away with the superiority which exists in favour of the water route by any means, but for the transportation of cattle we all know the all-rail route is the best, and for a general trade between the east and the west which would, in this case, be supplied by four great systems of railroad, there would be such a volume of business that the fixed charges would be comparatively small, and the haulage would not be different from what it would be on any other first-class road. The proposition of Mr. Borden was criticised by Mr. Mulock in the other House of parliament, and I will say that from the time I have entered public life to the present, in the numerous discussions that have taken place under my observation, I have never read anything so utterly unfair, so palpably unfair, I would almost say dishonest, as the criticism Mr. Mulock made of that proposition. The principles or rules of calculation, which he had submitted to the House himself, and which had been submitted more elaborate-

ly to the House by the Prime Minister and the Minister of Finance with regard to estimating the cost of the government scheme, were entirely ignored with regard to Mr. Borden's proposition, and by entirely disregarding any approach to fairness or honesty, I might say, in the calculation, he figured up an enormous expenditure to frighten the country with regard to that scheme. There was no such thing as extraordinary expenditures involved in that scheme—nothing like the expenditure in the proposition before us. Another advantage of Mr. Borden's proposition would be to give immediate or early relief. It will not be claimed, even if all the good things which the government have told the House and country about it are going to result out of this proposition, that these advantages are to come to us at any early day. We will be a long time gathered to our fathers before the scheme bears much fruit. Is that what we want in this year of grace 1903? We want something that will give us immediate advantages, and not something that will begin to bear fruit ten years hence or twenty years hence. Mr. Borden's proposition was something that could be put into effect very soon, and I think if the prime minister felt in his heart of hearts that there was anything in his talk about time not waiting, and no time for deliberation, he would have accepted Mr. Borden's proposition, because it was to bring results very much quicker than the plan embraced in the Bill now before us. We heard an objection propounded by an hon. gentleman in this House, the hon. gentleman from Wellington. My hon. friend, I have been given to understand, was not in very great love with this Bill when it was proposed in the first instance.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. FERGUSON—I have not had the advantage of a personal knowledge of his views, but I am told that my hon. friend was not very favourable to the proposition; nevertheless a change has come over the spirit of his dream, and when the Bill to incorporate the Grand Trunk Pacific came here he went a little out of his way in order to make a speech, and he took occasion to attack the proposition made a day or two before by the hon. leader of the opposition in the House of Commons. My hon. friend's objection to Mr. Borden's proposition was almost entirely based on military grounds. He saw imminent danger likely to arise from the Canadian Pacific Railway being blown to pieces by United States gunboats. It was true that under the treaty between Great Britain and the United States only one gunboat could be placed by either power on the lakes, but he saw a probability of the Erie canal being deepened to a greater depth in the near future, or remote future. He saw all this, and he saw a danger of the United States, in case of trouble breaking out between that country and Great Britain, launching gunboats on the lakes, and cutting Canada in two by destroying the Canadian Pacific Railway, and my hon. friend being so strongly impressed with the importance of that view which appeared to have seized him very suddenly, like the prime minister's panicky speech on the 29th of July, he found it was certainly important that Canada should build this great transcontinental railway away north of the height of land, and that we should build it very quickly. It was a great military necessity. The hon. gentleman did not appear to bear in mind just at that moment that this railway, would in the course of its line, towards the east, run for a considerable distance, thirty or forty miles alongside the United States border. It will lie as near the United States boundary as it can possibly get, having due regard to curvature, and the securing of a good location. There is only forty-five miles between the United States boundary and the St. Lawrence, and the Intercolonial is not absolutely on the shore, so that the distance between the two lines necessarily can not be very great. To prevent the possibility of the two lines coming almost together it will be necessary to get as near the United States boundary as possible, with due regard to alignment. My hon. friend did not appear to bear in mind that it was just possible for the United States to break the line at that place and separate the country, and that in point of vulnerability the new proposition was not any better than the line of the Canadian Pacific Railway, north of Lake Superior. To be consistent, my hon. friend would have had to insist that when the line reaches Quebec it

should keep on the north side of the St. Lawrence, and keep far back from the shore and find an outlet near the Straits of Belle Isle. That would be the only consistent position for the hon. gentleman to take, feeling such an alarm from a military point of view, lest we should be liable to have our great transcontinental line broken by the violence of our neighbours. Another objection to this scheme, has been urged by Sir Sandford Fleming. Sir Sandford Fleming disapproves of Mr. Borden's alternative scheme, and he does so for what he thinks are a number of strong reasons. He said :

> Notwithstanding the great initial cost it will prove totally inadequate and next to useless for half the year.

I am afraid that is an objection which lies against other propositions almost as much as against Mr. Borden's :

> It could in a way compare with an all-rail line established specially for cheap grain carrying from the heart of the prairie region on the main Saskatchewan direct to Quebec.

Sir Sandford Fleming, who has never been engaged in transportation himself, has evidently been carried away and misled by the expert of the government, Mr. Charlton, as others have been carried away and misled, by the utterly fallacious statements which have been submitted to the public with regard to this question, statements that are to-day thoroughly discredited, and which I have no doubt Sir Sandford Fleming will find to be so when he comes to examine them closely.

> The latter would prove in all respects a national communication. If a map be examined it will be seen that this northern route would add breadth to the Dominion, and promote settlement in the great hinterland of Ontario and Quebec, where many natural products can be obtained and industries developed ; the alternative proposal would have no such tendency. Taken by itself the alternative would distinctly leave the Dominion into two separate halves, connected by two rails a few feet apart along the shores of the lakes—a connection which at any time could easily be severed. Obviously it is of political importance in the highest sense, that the unity of Canada shall not be absolutely dependent on so slender a ligament for hundreds of miles along the frontier. No doubt the lakes will always be used as they are now in conjunction with railways east and west, for the transportation of Manitoba grain, but we must bear in mind that there are public reasons why there should be more avenues than one, and especially important that we should have at least one avenue essentially Canadian. In the transportation of grain at the present time by way of Fort William, does not a very large proportion of Canadian wheat find its way to market by way of Buffalo ? Will not this go on increasing if we continue to hug the shores of Lake Superior with our main lines of transit ? The same arguments, only in a less degree, apply to the proposal to pass all products through Winnipeg, there in part, especially in winter, to feed lines leading to United States ports, by way of Chicago.

I have read this because it is the production of a thoughtful man whose views are entitled to a great deal of respect, but when you come to read them through, you will find that he is in his mind drawing a comparison between Mr. Borden's proposition, and not the proposition that is now before the House, but his own favourite proposition, that is, a line direct from Quebec to Peace river. That is the point he is amplifying in this paper, and the objections which he entertains to Mr. Borden's proposition, are that it is not as good a one he thinks for the transportation of the products of the extreme west as the one which he himself is submitting to the public, and which I believe to be also an exceedingly good one, one which will ultimately have to be adopted by the people of Canada, but which I regard this Bill as throwing serious obstacles in the way of doing. A great deal has been said in the course of this discussion, both in parliament, in the press, and the hon. prime minister was especially emphatic on this point—of the enormous advantages which would result to Canada on account of what is called the running privilege which the government have secured over this line, east and west. I do not see anything to congratulate ourselves upon in that part of the contract, in fact it has been possible, through the intervention of the Privy Council and it will be through the operation of the railway commission, for the government to get running rights for one railway over another line, and as far as that is practicable and possible, in the mere matter of haulage and running rights, it can be enjoyed without any provision of this Bill in relation to it. That is an altogether different provision from the one Mr. Borden suggested with regard to the Canadian Pacific Railway north of lake Superior. There he proposed that the railroad should be put under independent control and that all the railroads should have exactly the same privileges in using it and be called on to contribute the same pro-

portion towards its maintenance. That was the proposition that Mr. Borden took with regard to that railroad, but there is nothing like that in the provisions with regard to running privileges secured in the Bill that is now before us; I believe that public opinion in this country is altogether against this Bill.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. FERGUSON—I believe that public opinion is growing and intensifying, and it would be found if the government would take the proper constitutional course of holding this Bill over and allowing public opinion to be expressed with regard to it, or go to the country upon it, that the people of Canada, by an immense majority, are opposed to this legislation. I take that position, notwithstanding the disparaging remarks which hon. gentlemen in this House and elsewhere have made with regard to the petitions against the Bill, petitions with which I have had nothing to do but which I contend deserve consideration. I circulated none of them. I know nothing about them or the machinery by which they were distributed. One came to me from a party in Prince Edward Island that I know very well, a very respectably signed petition, which I presented to the House, and that is all I know about it. I have no hesitation in saying that these petitions are entitled to the greatest respect, and it does not become supporters of this Bill to sneer at petitions or petitioners, particularly in view of the fact that not one petition has been presented to parliament in favour of the Bill. If it is such an easy matter to get up petitions; if people will sign them without the slightest consideration, why has not the government been able to get some people to petition parliament in favour of this Bill. Not one petition of the kind has been presented, and the inference we must draw is that the petitions which have been presented have come to us because public opinion is running against the Bill. In the entire absence of petitions in favour of the Bill we can properly draw the conclusion that there is no strong sentiment in the country in the other direction. There is another way of gauging public opinion with respect to this question, apart from the petitions, and that is, that in every part of Canada, every newspaper that has the slightest claim to be regarded as independent in politics has opposed this Bill either in whole or in part.

Why is that? Do the independent newspapers fail completely to express the independent opinion of the country? Every hon. gentleman who knows anything of public opinion knows very well the newspapers are very apt to be exponents of public opinion except when they are subsidized by the government. I shall name over a few leading newspapers of Canada that either are independent or have strong sympathy with the government on other questions that are in opposition to this Bill. I will begin with the St. John 'Telegraph,' the leading Liberal paper in the maritime provinces at the present time. That paper to-day is directing all its power and argument against this Bill, and day after day, through its columns, the Senate is being called upon to perform a great public service by rejecting that Bill. I turn to the Ottawa 'Journal,' that is generally known to give support to the government, but claims to be independent with a strong kink towards the government. Its attitude is against this Bill. I come next to the Hamilton 'Herald,' which is regarded as an independent paper, about which I do not know so much as the others. It is also against it. Then, I refer to the Montreal 'Witness,' and does any hon. gentleman in this House deny the Liberal antecedents of that paper, yet we find it is steadily and strenuously arguing against this Bill. The 'Witness,' to my knowledge, circulates amongst independent people.

Hon. Mr. FROST—The hon. leader of the opposition in the House of Commons had Liberal antecedents.

Hon. Mr. FERGUSON—I am sure my hon. friend is making a very irrelevant observation. If my hon. friend can show me what that has to do with the point I am discussing now, I would be very glad.

Hon. Mr. FROST—The Hamilton 'Herald' is not an independent paper.

Hon. Mr. FERGUSON—The 'Witness' is a Liberal paper, has always been a Liberal paper since I have known it, and to-day the Montreal 'Witness' is opposing this Bill. I turn to the Charlottetown 'Guardian.'

The hon. gentleman may not know very much about that paper, but there are gentlemen here from Prince Edward Island, sitting in this House, who do not agree with me on general politics or on this Bill, but I am quite safe in making the statement in the presence of these gentlemen that the 'Guardian' has always been understood to have a tendency to support the Liberals, and I may say that the 'Guardian' is to-day leading a discussion against this Bill with singular ability. The editor is a gentleman known to very many members of this House, Mr. McCready, at one time editor of the St. John 'Telegraph,' a man who was at one time very well known around parliament. Mr. McCready, in the editorial columns of the Charlottetown 'Guardian,' is leading a discussion on this measure with a great deal of ability and effect, and I think hon. gentlemen will find that out in due time. I refer also to the Huntingdon 'Gleaner.'

Hon. GENTLEMEN—Oh, oh.

Hon. Mr. FERGUSON—Hon. gentlemen exclaim, oh, when they hear the name of the Huntingdon 'Gleaner.' The 'Gleaner' claims to be a Liberal of the old school of the days of the Ottawa conference. It is calling upon the party to act up to their professions, and I find that immediately an editor or anybody else has the temerity to ask these gentlemen to come up to their promises and their professions, they rule him out of the party, in fact they laugh at him for being so gullible as to suppose that anything such as that is to be thought of in this world. Then I take the Winnipeg 'Tribune.' Will hon. gentlemen say that has not been a Liberal paper ?

Hon. GENTLEMEN—Oh, oh.

Hon. Mr. LANDRY—What is it ?

Hon. Mr. FERGUSON—I remember years ago when I was in Manitoba for some months that the 'Tribune' was the leading Liberal organ in the west.

Hon. Mr. WATSON—Years ago.

Hon. Mr. FERGUSON—And it so continued until the present government resolved on abandoning their pre-election promises, and Mr. Richardson had the honesty and courage to say, 'That will not do, you will have to fulfil some of your promises,' and then they proceeded at once to rule him out of the party. They said, 'You are not fit to be a member of the party if you expect us to do that.'

Hon. Mr. KERR—He has been the candidate of the hon. gentleman's party since.

Hon. Mr. FERGUSON—The hon. gentleman from Toronto (Hon. Mr. Kerr) should leave the gentlemen of the west to make these interruptions, because he is wrong when he says that.

Hon. Mr. WATSON—Mr. Richardson was the nominee of Sir Charles Tupper in the Lisgar election.

Hon. Mr. FERGUSON—I may tell my hon. friend once for all that he need not palm off any such statement as that upon us.

Hon. Mr. WATSON—I am not palming anything at all.

Hon. Mr. FERGUSON—Allow me. We have heard the hon. gentleman's statement. Sir Charles Tupper advised his party not to put up a candidate in Lisgar in 1900, as they might get some support from Mr. Richardson, while they would certainly get none from the machine Liberal candidate. He was not Sir Charles Tupper's nominee. He was an independent Liberal candidate. The Conservatives took that course in that election, and Mr. Richardson was elected, possibly from the fact that he received considerable Conservative support. He was unseated and went back to his constituents and he was opposed by a candidate of the Conservative party and a candidate of the Liberal party, and in the three-cornered fight he lost his election.

Hon. Mr. KERR—But he opposed the government.

Hon. Mr. FERGUSON—He criticised the government because they had broken their promises and for that criticism he was ruled out of the party ; but he was an independent candidate and the fact that the Conservatives put up a candidate in opposition to him at the by-election will show he was not recognized as a Conservative. Mr. Richardson and the Winnipeg 'Tribune' are to-day in opposition to this scheme. I now speak of the Toronto 'News,' and its position is one that is not so clear. It is an inde-

pendent paper. It warmly supported this proposition and still gives some measure of support to it; but when Mr. Borden launched his alternative proposition, Mr. Willison was candid enough to admit there was great merit in it, and he advised the government to call a halt and re-study that question, and see if they could not incorporate some parts of it in their own. Although he still gives a general support to the measure, it is by no means unqualified, as hon. gentlemen know very well, the attitude of his paper is one calling for deliberation if not delay.

I shall now refer to another publication, and it is not a political one, but nevertheless it has passed judgment quite recently upon this subject; it is the 'Canadian Magazine' for the present month. There is a signed article by Mr. Cooper, the editor of the magazine, dealing with this question. It says:

> The new transcontinental road will cost much money directly and much indirectly. At the close of the last session it was announced that no more railway bonuses would be given but that assistance would be rendered to a new railway in the west. This session bonuses are to be given freely in assistance to this new transcontinental road. This is a reversion to the old order of things which most people believed had gone for ever.
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> The Canadian Northern has received a bond guarantee of some eight or nine millions. That was the first breach of promise. If that were the last most people would overlook it. Now comes the announcement that the country is prosperous and can easily grant more bonuses. There are to be other breaches of the promises, breaches which will be condemned by both sides of the House.
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> The country is prosperous, there is no doubt of that, but the reasonable conclusion would be that this prosperity would remove the necessity of bonuses. If bonuses are to be granted because the country is prosperous, then they may be expected to increase in size and number as the years go by. Surely the absurdity of this will have revealed itself to such shrewd and able men as Sir Wilfrid Laurier and the Hon. Mr. Fielding.
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> The reason for this revival of subsidies is due, no doubt, to compromises which were rendered necessary by the Grand Trunk Pacific scheme. The Canada Northern people have considerable influence in both parties and they demand subsidies as the price of their acquiesence in the Grand Trunk's magnificent bargain. The same may be said of the Canadian Pacific people, the trans-Canada crowd and the Quebec bridge promoters. In order to smooth down the opposition to the government's bargain with one set of financiers all the other sets must get a share of the plunder.

I have not the slightest doubt that the enormously swollen estimates and votes that are being made by this parliament during the session are to a large extent compensation, or perhaps gentlemen would prefor the word 'bribes,' to other interests in order to soften down their opposition to this Bill. Enormously swollen votes have been brought down to parliament, including bonuses to railways and other votes of an abnormal character and the government have been compelled to bring them down in order to smooth away opposition to the Bill that we have now before us. That is the ground taken by the editor of the 'Canadian Magazine,' and I believe it is well taken and that it is strictly accurate.

Hon. Mr. BEIQUE—The hon. gentleman should not make a statement of that importance reflecting on members of parliament, without some foundation.

Hon. Mr. FERGUSON—I am most happy to say that I am not aware that any one vote of these estimates was intended to reach directly or indirectly a single member of either branch of parliament. If such should be the opinion of others it is not mine; I am speaking of the interests that had to be compensated and mollified, and that the result of this improvident bargain which the government has made with regard to the transcontinental proposition has been such that they have been compelled to swell their estimates to an abnormal extent in other directions, and that the country has to pay for that as well as for the rest. The remarks I have addressed to the House have been in the line of asking that this question should receive further and more serious consideration. I believe that we would be doing the right thing, and that the Senate would elevate itself in the opinions of the people of Canada from the Atlantic to the Pacific, irrespective of party, if we would call a halt and ask the government to consent to the withdrawal of this Bill, until more accurate information is obtained, until the government would have an opportunity of going over the ground again in the light of the discussion that has taken place. It is impossible that such discussions as have taken place on this subject should not have resulted in new ideas, arguments and facts having come to the surface which would be of enormous value to the government if they were to go over the ground

again. I think, therefore, out of respect to the petitions of the people, out of respect to the known public opinion that exists in the country with regard to it, having due respect to the fact that we have no accurate information, that admittedly we are without information with regard to the details of this scheme, taking all these things into consideration the action of this House should be not to read this Bill a second time but to ask for delay in order that the best measure that is possible in the interests of the country might be evolved. With that view, hon. gentlemen, I will move, seconded by Mr. Baird :

That all the words after 'That' be struck out and the following inserted in lieu thereof :

1. In the opinion of this House the country is not possessed of sufficient information to justify parliament in assuming the responsibility of an undertaking of such vast magnitude and involving such large expenditure as the proposed transcontinental railway.

2. That while the enterprise involves enormous obligations, there is no evidence to enable this House to form any approximate estimate of its cost, nor is there evidence to show that its construction will cheapen freight rates for the products of the west or satisfactorily solve the transportation problem ; that, on the contrary, it is greatly to be feared that by pledging the credit of the country to such a large expenditure it will make it impossible to carry out other works in furtherance of these objects and which in the meantime may be found to be of greater importance to the general welfare of the Dominion.

3. That the further consideration of this Bill should be deferred until full and accurate information shall have been obtained and laid before parliament, regarding the route selected, the nature of the country traversed, the engineering difficulties to be met with, the cost of the undertaking, and the compensating advantages that would result from the construction of the said railway.

Hon. Mr. McMULLEN—I am quite sure that the House has listened with considerable attention to the very extended address that has been made by the hon. gentleman from Marshfield. He unquestionably has covered the whole ground ; he has given us a perfect diarrhœa of words. There is very little in the way of argument. If we were to search through his speech for the nuggets of argument, we would have as much difficulty in finding them as a man would who searched for a needle in a straw stack. I do not much wonder that the people of Prince Edward Island rejected my hon. friend, when he ran as a candidate for the House of Commons.

Hon. Mr. FERGUSON.

Hon. Mr. FERGUSON—The people of Wellington rejected the hon. gentleman too.

Hon. Mr. McMULLEN—I inquired of a gentleman who came from Prince Edward Island why this had occurred. I said 'Mr. Ferguson appears to be a man of considerable ability and quite a talker.' 'Why,' said he, 'that is just what killed him—his talking. He would start to address an audience and would keep them until two or three o'clock in the morning and the result was that they got so absolutely sick of his tirades and never-ending address that they rejected him, and that is why he is here.' He is a perfect political eight-day clock ; when he is wound up he will never stop until he runs down. We had a gentleman who occupied a similar position in the House of Commons. When he got to his feet there was no end to his talk. A member of the House at one time told me that he would venture to bet that he could set his mouth going and take a walk down street and stay away half an hour and come back and it talking still. My hon. friend from Prince Edward Island could perform the same feat if he only tried it.

He has said something to us with regard to the two members of the cabinet, that he says are opposed to this scheme, and left the government upon that account. We know perfectly well that Mr. Tarte did not leave the government on account of this scheme, because he had left the government before it was broached, and Mr. Tarte has not at all expressed himself as being opposed to the construction of this road. He has simply challenged the course the government have taken for the purpose of producing it.

Hon. Mr. LANDRY—But he voted against the Bill.

Hon. Mr. McMULLEN—He has not said that the construction of that road is not a necessity. Then take the case of Mr. Blair. He differed from the government on the question of how the railway should be promoted, not upon the question that it was not wanted, for Mr. Blair has, on more than one occasion, expressed himself as being strongly in favour of that line, and he has even gone further than that ; he has said that not merely one line is wanted but he

has no doubt that at no distant day half a dozen lines would be built thorough that section of country because he hoped if the North-west develops as we all expect it will develop, that increased railway accommodation will be furnished, and therefore he did not differ with the government as to the construction of the line but merely on the question as to the course they have taken to produce it.

My hon. friend said something about the Grand Trunk Railway Company asking for a line from North Bay to Winnipeg. The Grand Trunk Railway did come to parliament, as any other company has a right to come, and asked for a charter for the construction of a road from North Bay to Winnipeg. The government in their wisdom and propriety in guarding the best interests of the entire Dominion, suggested that that road should go from the city of Quebec through northern Quebec and northern Ontario and thence on to Winnipeg. I believe that was a wise, proper, judicious and statesmanlike policy. The whole trend of the immigration policy of the government in past years has been to secure an influx of settlers to the North-west. We were quite willing that immigration should be directed to increasing the population of that part of Canada. I heartily endorse the sentiments expressed by my hon. friend when he says we have a magnificent country there. We believe it will develop to be a grand country filled with a wealthy and prosperous population before many years. But while that is going on we in Ontario and Quebec are desirous of seeing some development taking place in the northern part of these two provinces. We believe that we have territory that will develop into a magnificent agricultural district, and that in the construction of this road we shall be doing something for the province of Manitoba as well for which they are longing and anxiously waiting, and that is, to deliver them from the lumber monopoly. We are satisfied that this road will pass through a section which is well timbered, from which the building timber and lumber so essential to the development of Manitoba can be drawn, and you will have the Grand Trunk Pacific carrying to Winnipeg lumber and timber of all kinds entering into competition with the lumber from British Columbia, and the people of Manitoba and the North-west Territories who are crying out against a lumber combine will get cheaper lumber. The best way to break up a lumber combine is to develop other sections from which we can draw supplies, and the competition will relieve the people from the suffering to which they are subjected.

The hon. gentleman talks about the Grand Trunk Railway diverting trade from North Bay to Portland. They might possibly do that. The Grand Trunk Railway is a corporation anxious to earn money. They are not particular whether they earn it in carrying produce to Portland or to a Canadian seaport. They are public carriers. Their object is to earn money for their stockholders, and if they can do it better by carrying traffic to one port than to another they are under no obligation to carry it to any specific port. They have a perfect right to do what is best in the interests of their stockholders, but here we have in this agreement a covenant on the part of the Grand Trunk Railway that they will, as far as they can, keep the trade of the North-west in Canadian channels. The Grand Trunk Railway will have plenty of traffic for their Portland route. The company does an immense business from Chicago and western states to Portland and Boston. It's accommodation there will be required for that trade and their traffic will probably be increased. We have no objections that they should make the best use they can of that route, but for the trade that they gather up in Manitoba and the North-west we want it carried through our own territory to Canadian ports, and the government is perfectly justified in exacting a covenant from the railway company that what is Canadian trade shall reach Canadian ports and go to the credit of the exports of this country instead of going to Portland or New York or any other United States port.

My hon. friend drew some attention to Mr. Hays as a prominent railway man being connected with this scheme. I am sorry that he should so far have forgotten himself and the duty he owes to his country and the Grand Trunk Railway—because the Grand Trunk Railway is a credit to Canada after all—as to try to belittle the manager of the Grand Trunk Railway by challenging the propriety of the government of

this country using him in connection with the construction of the Grand Trunk Pacific. We have a right to be proud of the men who are at the head of the different railway systems of this country. I think they will compare favourably with the managers of any transcontinental lines on this continent. Mr. Hays is a man of continental renown as a great railway man. No man that has ever undertaken to lift the Grand Trunk Railway out of the position it was in financially and commercially and place it on the high road of prosperity, has accomplished so much within the same time and to the same extent as Mr. Hays has done with that road. That shows ability. I am not going to say for a moment that he is at all the superior of Sir Thos. Shaughnessy. In him no doubt there is a very able man, a man who has proved himself to be an able man and quite the equal, I have no doubt, of Mr. Hays. I have often said in this House and in the other Chamber that the Canadian Pacific Railway is a credit to Canada, and brings honour to us wherever it is known, and I claim the same with respect to the Grand Trunk Railway as recently managed and handled by Mr. Hays. My hon. friend said also that the Grand Trunk was the last company to whom should be given this contract. I cannot understand why he has come to that conclusion. I do not think there is any Canadian that has a right to be ashamed of the record of the Grand Trunk Railway. The Grand Trunk Railway has fulfilled, as far as I know, every obligation that it has undertaken to this country or to any man in this country. I should like to know where it has broken faith? The only parties that ever suffered by the construction of the Grand Trunk Railway were those to whom the Secretary of State drew attention, the original stockholders of that company. They lost all the money they put into it, but the Grand Trunk Railway has filled the position in Canada admirably and well. It has contributed enormously to its development. It has built up the city of Montreal to an extent that brought it to prominence as a great shipping centre, and it has done much in the same way for many other points that it has touched, so that I do not think it lies in the mouth of any patriotic Canadian to say one word, or cast one single slur at the Grand Trunk Railway or its management. My hon. friend drew attention to the fact that the Grand Trunk Railway was owing this country with accumulated interest on the government loan, altogether some $61,000,000. The Grand Trunk Railway never received the subventions from this country for its production that was granted to other lines. The country commenced by taking stock in the Grand Trunk Railway and the result was that with English money the Grand Trunk Railway was constructed with very little assistance, if any, unless in the way of stock on the part of this country, and I was proud to hear the hon. leader of the opposition express himself in the manner in which he did, in reply to the hon. Secretary of State, that the debt that is held by this country against the Grand Trunk Railway should be cancelled at once and we should not hold over the head of those people the small and insignificant amount that the company stands now indebted to this country. We should cancel that debt and give the Grand Trunk Railway absolute and complete release from that amount that stands to its debit in the books of this country. The Grand Trunk Railway, from Sarnia to Montreal received nothing in the way of a Dominion bonus. They have not only a splendid line but they have doubled their track all the way from Toronto to Montreal entirely at their own expense. They have asked no municipal aid and no provincial aid, and they have had no Dominion aid. The trade of the country necessitated doubling the track. They have done the whole thing themselves out of their own resources, and they have asked no municipal corporation or Dominion corporation to contribute one cent towards its construction. It is one of the best lines, I think, on this continent. I do not think there is on this continent a roadbed that will beat it. My hon. friend has challenged the propriety of getting on with the construction of the transcontinental road without further infomation. He says we should wait; we should send out surveyors. We should examine the district; we should get information. The Grand Trunk Railway has had surveyors out there: they have made explorations on their own account, and what are they willing to do? They are willing to undertake with the assistance of this gov-

ernment to construct a line of railway running from Quebec to Winnipeg of the same class of road as that from Montreal to Toronto. They covenant that they will produce a line of that grade and character, and they covenant that they will pay rent at the rate of 3 per cent on the money invested, and they themselves will construct the line by the government granting the assistance or finding the money in the meantime. Now, I think that that does away with all arguments with regard to grades, with regard to curves, and with regard to objections of every kind. They enter into a covenant that they will produce a line of a certain standard. The government engineers will see that that line is produced. They enter into a covenant that they will pay 3 per cent on the money invested. It is their policy—at least it should be—it will be no doubt—to see that every dollar that goes into that road counts, to see that the road is produced as cheaply as it can possible be. Why? Because they have to pay rent to cover the interest on the money invested. Why should we haggle and challenge the propriety of going on in the face of a contract with responsible people, who are prepared to covenant what they are going to do, and they will be required by the engineers of the government and by the government to carry out that contract in full. I do not know that we have anything more to do. The country wants the additional accommodation. Some may say it does not, that the roads that we have are sufficient. I challenge that statement. I believe the development that will take place in that country during the next three years will prove most conclusively that Sir Wilfrid Laurier is looking well and carefully into the future of the Dominion. He sees what is coming, and he realizes that the construction of this road is an absolute necessity. My hon. friend who has just addressed the House cannot see into the future of this Dominion, I would conclude, not further than the end of his own nose. He does not see what is coming, but Sir Wilfred Laurier and his government have looked into the future and they see that from the disturbed condition of things in Europe, from the manner in which the name of Canada is respected wherever it is known, from the manner in which it is respected in the motherland, from the noble and conspicuous position our premier took at the Queen's Jubilee, at the King's coronation and also at the convention that was held in London to discuss imperial questions from a provincial and imperal standpoint, what the British government learned, and what they now know, has opened the eyes of the people in England, and I believe we shall have now an influx of population into this country that will surprise the most sanguine individual with regard to our future and will settle up the North-west. What would be the consequences if we did not make provision for public works of this kind? If anything should happen this country that we should have—and God forbid that it should happen—a failure of crops in the North-west, if anything of that kind should overtake us, with an enormous increase of population, what would be the condition of things? Canada might suffer a reverse that she could not recover from for fifty years. Sir Wilfred Laurier sees this, and he is starting public works that will employ numbers of people and give them means of earning a livelihood for themselves and their children, and facilities to bring them to the country, and to enable them to earn a living in the country if the occasion arises.

It being 6 o'clock, the Speaker left the Chair.

After Recess.

Hon. Mr. McMULLEN—When the Speaker left the Chair at 6 o'clock I was pointing out to the House some of the reasons why I considered that Sir Wilfrid Laurier and the government had decided to act at once in the construction of the Grand Trunk Pacific. As I said before, we anticipate a very large immigration to this country. I believe the very favourable impression that has been formed of the magnificent resources of our North-west by deputations from the old country that have come here and have seen the evidence of our prosperity, and have examined the enormous territory that is still to be settled in our North-west, and who reported on their return that Canada is evidently destined to become an exceedingly important country and capable of supporting a very large population, will give a stimulus

to emigration from Great Britain to Canada. In view of that enormous influx which I earnestly hope will take place, I have not the slightest doubt that in the next three years Canada will add to her population something very close to a million people. If that is the case, as I said before, and if an unfortunate reverse should overtake us—and all countries are subject to reverses; the older provinces have had their years of reverse—if an unfortunate reverse should take place or an unfortunate failure of crops or anything of that kind, the people of that country might wake up to find themselves in a very desperate condition. The construction of public works is the greatest relief the government can possibly afford. In the construction of the Grand Trunk Pacific which will take, I am quite sure, from five to seven years and possibly more to complete, there will be the expenditure of a very large amount of money, a great many men will be required to work upon that road and the result will be that people coming from the east will there find employment for themselves and their families; they will be able to earn what will enable them to make a comfortable start in life when they take up their residence on the prairie, or when they start in New Ontario or in the province of Quebec. That in itself will be a great inducement for immigrants to come to this country. We have had a very active immigration policy. The government deserve credit for all they have done in bringing the resources of Canada before the eyes and under the notice of the people of Europe and the United States. It has brought to our shores a largely increased number of desirable settlers, but I believe the construction of the Grand Trunk Pacific will do more to fill up our country than any other scheme that the government possibly could adopt. It will answer two purposes. It will provide lucrative employment for those that come amongst us, without capital, and will enable them to earn money to give them a start in life and at the same time it will be an inducement to those in the older countries to come here, knowing that there is plenty of labour and good pay.

That of itself will be undoubtedly a very great inducement to an influx of population and will protect that population when it comes to us from the disastrous condition of things that might possibly overtake them if we had not public works going on. My hon. friend who spoke this evening said that it might be possible that after this road is completed, and in running order, after the Grand Trunk Pacific Company have taken possession of it and have commenced to operate it that it may not pay the rent. My hon. friend should remember this, it is rent which this government will collect, it is not interest; had it been interest they might possibly allow it to accumulate, but in the covenants of the agreement made with that company it is rent they have to pay. The country owns the road, and the result will be they will not want to risk the probability of the government stepping in and possessing themselves of the line and adding it to the Intercolonial Railway or renting it to somebody else which they would have a right to do if the company do not pay the rent. I venture to predict that the Grand Trunk Pacific and Grand Trunk will see that the rent is promptly paid every year, because on the payment of the rent depends their continuing in possession of the line. If they do not pay up the rent the road reverts to the government, and they can do what they like with it. While the company have to pay interest of three per cent on the gross sum invested in that line it is payable in the shape of rent, and they will have to meet their payments if they expect to remain in possession and use the road. My hon. friend said something with regard to the Canadian Northern. He said why was not this contract made with the Canadian Northern? The Canadian Northern is a new line. I must say that I personally, as a Canadian, feel very proud of the progress that the Canadian Northern has made. The Canadians that are at the head of the Canadian Northern Company deserve great credit. I believe every true Canadian is proud of the efforts and success that has attended their efforts so far, but has the Canadian Northern the connections that are desirable in order to become a transcontinental line? It has not. The Grand Trunk Railway has got connections with every manufacturing centre in Ontario and in Quebec. That is most desirable. While we are quite willing to contribute to the construction of the Grand Trunk Pacific we want connection with a road which will tend to

build up our manufacturing institutions, which will give the best and cheapest connection with Manitoba and the North-west Territories. The Grand Trunk Railway can run its cars almost to the doors of every factory in the province of Quebec and the province of Ontario, and receive consignments of goods going to Manitoba and the North-west. We are glad to say the Canadian Pacific Railway has admirably good connections too, but after all the construction of the Grand Trunk Pacific will create a rival. The probabilities are there will be a rivalry in rates and rivalry in trade. My hon. friends from the opposite side have complained—I have not heard them in the other House, but I think they are complaining—of the monopoly of the Canadian Pacific Railway. I have not had experience as far as the Canadian Pacific Railway is concerned, but I must say that in looking over the rates that have been charged by transcontinental lines on the other side of the boundary, I think the Canadian Pacific Railway rates will compare very creditably and favourably with the rates charged by other lines. Still competition is necessary ? Not only is competition necesssary, but if we are to have a fulfilment at all of the predictions regarding the output of produce from the North-west, which will test the capacity of the Grand Trunk Railway and Canadian Pacific Railway, both to remove it from the west and bring it to the markets of the east, there will be plenty for all to do. I was amazed at my hon. friend from Wolseley saying that it was not increased railway accommodation they wanted, it was more cars and more engines. It is very hard to please some people. He says they want more cars and more engines, but just because these cars and those engines do not roll over the Canadian Pacific Railway but are going to roll over another line that is projected by the present government and not by a tory government, he is not satisfied with it. He wants a line produced by the party to which he is so closely allied, and blindly attached, and if this line was inaugurated by one of his own political stripe he would throw up his hat and hold up his hand for it. More than that, if my hon. friend had to appeal to a constituency in the North-west and ask the electors for their endorsation, I rather think he would be found in parliament holding up his hands for that very scheme ; but simply because he has got his seat and has no responsibility to a constitutency and has not to go back for election he is prepared, for the sake of partyism, to oppose it. I draw attention to the fact that the Canadian Northern Railway at present could not fill the bill. Mr. Borden has not dared to say that the Canadian Northern would. My hon. friend has not been able to cite his leader as suggesting that the Canadian Northern should be taken up and that that company should be given the contract, but my hon. friend's vision is so limited he cannot see that it is absolutely necessary and desirable that if any line in the country is going to get the contract for the construction of that Transcontinental Railway, the Grand Trunk Railway, owing to its connection in all the provinces will best fill the position. The government have admirably reserved rights for the Canadian Northern, if they chose to take advantage of them, over this very line that is to be built. The government has reserved running rights for the Intercolonial Railway and they have reserved running rights over the Grand Trunk Pacific for any other line.

They can make terms upon which the Canada Northern can send us all the surplus grain that they can not ship by water. The Canadian Northern have excellent accommodation at Port Arthur. They deserve great credit for the strides they have made in erecting elevators and making provisions for moving the crops of the North-west, but if they are not able throughout the winter season to handle the wheat they bring to these elevators, they can make arrangements through the government with the Grand Trunk Pacific to utilize the line to Quebec or Moncton for sending their products east, and that will be a very great advantage to them. Now, another line that my hon. friend spoke of, one that has been mentioned by Mr. Borden, is the Canada Atlantic. His suggestion is that we should buy out that line and a portion of the Canadian Pacific Railway from North Bay to Port Arthur, the portion north of Lake Superior. He suggested that the country should possess these lines, improve them, and then acquire the Canada Atlantic line. But the Canada Atlantic does not make the connections in Ontario and Quebec that are desired. It has

some connection with the Grand Trunk Railway, but after all it does not make connection with the manufacturing towns of Ontario. The Grand Trunk Railway is the only line outside of the Canadian Pacific Railway that can fill the bill and give desirable rates to the North-west during the winter when the lakes are frozen over.

The hon. gentleman has also spoken of the Grand Trunk Railway extending to Port Arthur or Thunder bay. I have no doubt the Grand Trunk Railway will find it to be to its interest to construct a branch from its main line to Thunder bay. There is every reason why it should. In the first place, the Grand Trunk Railway has excellent accommodations along the south shore of Georgian bay in the way of elevators all the way down to Point Edward opposite Port Huron. They have very excellent elevators there and they will want to turn their accommodations to use by handling the surplus wheat in the winter, and the probabilities are that they may also put on a line of steamers for summer traffic. I do not know but they have one now from Collingwood to Port Arthur, and they no doubt will take advantage of the water route from time to time when it can be done conveniently and lucratively, and use their storehouses along the line. My hon. friend was boasting very much—I am sorry he is not here—of the advantage of water over rail communication. He was pointing out how much cheaper grain could be carried by water than by rail. I believe this is true. I believe grain can be carried cheaper by water than by rail, and I earnestly hope that a very large percentage of the grain and produce of Manitoba and the North-west Territories will go out by the lakes, by utilizing our lake boats which are increasing in number every year. But when the Mackenzie government was in power and the suggestion was made that we should utilize the water stretches from Lake Superior up to Lake Winnipeg my hon. friends opposite bitterly opposed it and declared that it would be folly to attempt to use those water stretches.

I think they could be used to advantage. Any man who has gone through the Lake of the Woods, up Rainy river, throuh Rainy lake, must have seen about 200 miles of a stretch of country that has a magnificent water way, and had those improvements suggested by the Mackenzie government been made, there might have been a very decided advantage to the country and Manitoba in the way of an outlet for the carrying of the freight where the water stretches could be used. But my hon. friend declared that while water could be used now, it was not looked upon as being advisable at all when the Mackenzie government were in power. My hon. friend said something with regard to the same rates being charged by the Grand Trunk Railway from the west to Portland as they would charge to Montreal. I do not know what is the basis of that statement. My hon. friend may be able to back up that statement by some evidence, but he has given us none. Now, I do not think that is correct. It possibly may be, but when you get to Chicago, owing to the very keen competition which the Grand Trunk Railway has to meet there they may be forced to consent to a cut in rates, in order to meet the rates of other lines, and in that case it may be forced to carry produce, perhaps, from Chicago to Portland about as cheaply as to Montreal. We all know perfectly well that railways, in order to get larger volumes of freight, will, as a rule, make a cut. They will endeavour to get the traffic as against their rivals, and perhaps the Grand Trunk Railway at times is forced to do that kind of thing. Some little criticism has been indulged in with regard to the stability and the financial position of this Grand Trunk Pacific Company. It is said that the Grand Trunk Railway stands behind that scheme. I am glad to learn that it does, and I think the splendid record of the Grand Trunk Railway is a good guarantee that when the Grand Trunk Pacific line is built it will be utilized to its fullest capacity and will be well and efficiently managed. If it is managed the same as the Grand Trunk Railway is managed at the present time by Mr. Hays, it will become an admirable acquisition to this Dominion, and I have no doubt that it will be so managed. I am glad to know that while the government has agreed to guarantee seventy-five per cent of the cost of the construction of that road, that the remaining twenty-five per cent has to be found by the old Grand Trunk Railway Company. They have to endorse the bonds, and that is a good guarantee of our first mortgage being

a good security because it will be virtually the same as Dominion bonds. If we guarantee their bonds, we will have to hold security in some way so as to protect ourselves against any loss, but the Grand Trunk Railway being subsequent mortgagees, it will be a very good guarantee to this country that the investment they are making is entirely safe. They are to take $24,900,000 of stock. There has been some considerable discussion as to what price that stock shall be taken at, whether they shall take that stock at par or at what rate on the dollar, or whether they shall give anything at all for it. The stock cannot receive any dividend until such time as the interest on the bonds are paid, and if the interest on the several bonds that are issued for the construction of the line from year to year are paid, it makes very little difference to the country what comes of the $24,900,000. As long as they meet their obligations and the road is properly run, their covenant with this Dominion will be amply fulfilled, and I think the country will have a right to be satisfied. They have also covenanted to see the line completed. My hon. friend the leader of the opposition said something with regard to a technical provision in the contract that might possibly enable the Grand Trunk Railway to back out of the whole scheme. He said that they had to be consenting parties to the location of the line, and if they chose to decline to sanction the survey, they might get out of the contract in that way. I do not think there is the slightest likelihood of the Grand Trunk Railway attempting anything of that kind. Any one who knows anything about the Grand Trunk Railway—and I profess to know a little—knows very well that they have been anxiously seeking to form a connection with Manitoba and the North-west. They have sent up their best men through that country. Their president and manager have gone through it and the Grand Trunk Railway Company have come to the conclusion that they want a share of the enormous trade that they see in the future in that country, and they will only be too glad to carry out the contract they are entering into with this government to secure that connection. My hon. friend also complained that the parliament is not in possession of sufficient information with regard to the country through which this railway is going to pass to enable us to let a contract and carry out the construction of the line. I do not think my hon. friend has made an honest effort to post himself with regard to the country through which that line will run. Had he gone to the library and asked the librarian to lay before him any information in his possession with regard to the resources, with regard to the climate, with regard to the soil and with regard to the general features and character of the country through which this is projected I think he would in a very few moments have laid before him information absolutely sufficient to warrant him in saying that he was satisfied, if he could be satisfied at all, that it is a country through which a railway should be built, and the sooner it is built the better. But I do not think he proceeded with a desire to get information. My impression is that his whole effort was to find some argument against going on with the contract. My hon. friend surely does not expect that the government would send up a staff of engineers and make a microscopic investigation to find whether there were so many molehills and ants' nests over that country ? He could not expect the government was going to make such a minute investigation as that, but if he takes the evidence that Sir Wilfrid Laurier laid on the Table of the House, the evidence he can get by applying to the library of parliament and read it over with an unbiassed mind he will conclude at once that he has information before him to satisfy him that the government was justified in proceeding with the work. I think any man who would make an investigation of that kind would come to that conclusion. The Ontario government were extremely anxious to find out what that country contained, and they sent up no less than four exploring parties who spent the largest portion of a year up there. They made a thorough and careful investigation of that whole district. I was speaking to one of them, a man who spent seven or eight months in that country making explorations, and preparing a report as to the character of the soil, timber, and everything, and he told me, as far as the general features of the country were concerned, it would be an admirable district to build a railway through, and it would never be opened up till the railway was

built. I believe that is the case also in Quebec. I believe when that road is built, an enormous development will take place in both provinces, the population will largely increase, and it will be a decided advantage to both provinces having that road constructed through that particular district. I am also satisfied that the Grand Trunk Railway will form a connection with Hudson bay. I have not the slightest doubt that before ten years, whoever lives to see it, may see half a dozen cars, or perhaps a dozen loaded every day at Hudson bay, running out with the magnificent fish of those waters to seek an eastern market, so that we cannot tell what the development in that direction may be. We have every reason to believe that it is a country that will turn out remarkably well once they have the advantages of a line constructed through it. I also draw the attention of the House to the fact that Sir Wilfrid Laurier had come to the conclusion that it was time to act. My hon. friend opposite and hon. gentlemen who sympathize with him, say that we should delay proceedings. I think there is not one day or hour to be lost. I think the sooner the government get this matter in shape and get the Grand Trunk Pacific under way the better it will be for this country. Many of us may not live to see it, but I am satisfied in years to come that those that do live will declare that the most statesmanlike and prudent act that the premier ever did was when he undertook the construction of that line. He is looking ahead. He sees what is before Canada in the near future and is making wise, prudent and statesmanlike preparation for the conditions which I have no doubt will fall to our lot.

My hon. friend made use of another expression. He said that Manitoba and the North-west had asked from the Dominion of Canada bread and had been given a stone. I cannot understand how my hon. friend could make that statement. If ever a government has afforded relief in the conditions such as Manitoba and the North-west Territories found themselves it was the present party when they came into power. They secured to that country enormous reduction in the carriage of the surplus products of the North-west. The very first time they got the Canadian Pacific Railway in a position where they could drive a hard bargain with them they covenanted, when they were undertaking the construction of the Crow's Nest Pass Railway, for a reduction of freight rates, and the North-west Territories have reaped the benefit. I heard a representative of a Manitoba constituency, Dr. Douglas, when that Bill came down, declare that he had made a careful estimate of the advantages of that cut for the farmers of the west and he believed it would be worth on the surplus produce of Manitoba and North-west every year $600,000. Was that giving the people of the North-west a stone when they asked for bread? Where has there ever been the same relief given by any other government? The present government have done everything in their power to afford relief to Manitoba and the North-west, and from time to time have proved themselves to be earnestly and honestly anxious to do what they could for the settlers in that country. I have no doubt if my hon. friend's political party had undertaken the construction of this road, if Sir Charles Tupper or my hon. friend from Belleville, for whom I entertain a very great regard, was at the head of the government of this country and they had undertaken this scheme the hon. gentleman from Prince Edward Island would have thrown up his hat and said it was one of the grandest strokes of statesmanship ever heard of. He is only opposed to the policy now because his own friends did not inaugurate it. We have very little idea of what is before this country in the matter of development. We have heard estimates from time to time of the probable output of grain, and we are glad to know that Manitoba has shown in the last two or three years by the crops which have been produced that it has been, and is likely to be, a wonderful country for the production of grain. I am sure we wish it every success. We feel proud of its extent and resources, and its future we earnestly hope will be great. But I believe there are many things else we can look forward to. Take, for instance, the mineral wealth of our part of the Rocky mountains. The United States extract from the Rocky mountains within the limits of the Republic over $60,000,000 a year in silver and gold alone. If that is the case, and the official records of the United States show it, I have not the

slightest doubt that the section of the Rockies within the limits of Canada will prove equally productive, and possibly more so. We have merely been prospecting there, but when we get a fair development of our mineral wealth in British Columbia we shall find there will not be anything too much in the way of railway accommodation. That province will undoubtedly fill up with a large mining population. There are many things they will want that we will manufacture in the east. I hope we will be able to control that market and send from our factories in Ontario and Quebec a very large amount of what they require for daily use, and in that way while they are developing the resources of that province in the mining of gold and silver we shall have the advantage in the east of producing the supplies that they will require.

My hon. friend drew some attention to the estimate that was made of the cost of constructing this railway. He said it never could be built for $28,000 a mile. The methods of building railroads have been enormously improved since the principal lines of this country were constructed. Improved machinery now used in excavating and ballasting roads greatly cheapens the cost of construction. I have no doubt the Grand Trunk Pacific will use the very best machinery and adopt the most economical and efficient methods in the construction of their road. But even supposing it costs more than the amount estimated the line should pay. The average cost of constructing all the lines in the United States is something like $61,000 a mile, but these lines were constructed at a time when materials were higher and the cost, if I may use the expression, was watered, and that estimate included not only the cost of the road but also of the rolling stock. The average net earnings of all the lines in the United States is $2,519 per mile. Supposing the Grand Trunk Pacific after it is built and in running order, with all the advantages of the immense territory that it will tap in our North-west, with all the advantages of the ranching sections from which very large shipments of cattle will be made, with all the advantages of timber it will have to carry from Ontario and Quebec to Manitoba and the North-west, and with all the interests that otherwise will grow up from the construction of that road, if they can manage to make a net profit of $1,200 a mile they can pay the rent on the entire cost of the 1,850 miles from Moncton to Winnipeg, if it costs $40,000 a mile instead of $28,000. If they can earn one-half the average of United States roads—and some of the United States lines earn very little—they will be able to pay their rent of $1,200 a mile over and above working expenses. I think there is not much doubt that the Grand Trunk Railway will be able to do that from the very start. They will have also to compete with the Canadian Pacific Railway. I have no doubt that competition may arise, and in face of the fact that we are going to have a railway commission that will fix rates, and in the interests of the people hold the balance fairly between the railway companies and the shippers, in that case, having two lines that will be thoroughly capable of doing a large business, will prove to be a very great advantage to that country.

My hon. friend persisted in saying that the railroad would not pay, that it will run through a section of the country that could not possibly furnish traffic to make it pay.

Well, I confess that in the inception of the Canadian Pacific Railway scheme, a great many of us thought that work would not pay. We thought that the section along Lake Superior could not possibly pay running expenses. We were mistaken in that case. The North Shore line, I believe has been a very good line, and it is a most desirable one, because it gives a winter connection to Manitoba and the North-west. Now we will have a double winter connection. I remember my hon. friend the leader of the opposition drawing attention to the statement that I made in this House with regard to the necessity for this line as a military line, and he said: 'Supposing any difficulty arose between us and the United States, why could not the United States send their soldiers across from Minnesota or from Maine, there is only an imaginary line between us at either of those points, and this road would run very close to each place.' My hon. friend forgets this fact: in winter time they might possibly interfere with the line at the points he mentions, but when we have a road which runs straight from Quebec to Winnipeg, removed a distance from the shore of Lake Superior, it

cannot be interfered with the same as the Canadian Pacific Railway could be interfered with ; and supposing that any difficulty did arise, and admitting the truth of what my hon. friend says, there would be no difficulty without this Transcontinental Railway in cutting this Dominion in halves, in a very few hours. If the bridges on that portion of the Canadian Pacific Railway that hugs the shores of Lake Superior were blown up, that line would be rendered absolutely useless, and how would we get troops from the east to the west ? Supposing England sent out her troops to help Canada in the case of an emergency, how are we going to get them through to Manitoba, to the Northwest and British Columbia ? The Canadian Pacific Railway would be rendered useless by the destruction of its bridges. We could not get them through at all, but the construction of this line would give a reliable interprovincial communication that could be used under all conditions. I contend it is unquestionably a necessity. Take it from an imperial standpoint. Supposing England got into some trouble in the east ; supposing she lost the use of the Suez Canal, supposing some difficulty arose, that would require the rapid transport of troops to China or India, would it not be an admirable thing that Canada had afforded a route over which she had safe and easy and direct communication with the east ? It would unquestionably. I consider that from an imperial standpoint, as well as an interprovincial and a national standpoint, the construction of that line is an absolute necessity, and I hope that when my hon. friend thinks it over he will admit there is some force in my argument, although, as I said before, I earnestly hope we shall never have any difficulty with the United States. I earnestly hope that the last sun will rise and set on this continent before any difficulty will arise between us and our neighbours. But one cannot look into the future. We cannot foresee what political upheaval may occur to mar the friendship that now exists between the two countries. The United States is getting to be a very powerful nation. They are spending immense amounts of money in the construction of a navy. They are investing eighty millions a year in their navy alone. They are taking quite an interest in the difficulties that exist in the east now ; they are taking a hand in the troubles overtaking China, they are cutting quite a conspicuous figure in dealing with foreign affairs. They may possibly get at cross purposes with England over some questions that did not affect Canada at all, but affected some other portion of the world, and difficulties might arise between us in that way. If they did, Canada should so far respect her own independence, and the maintenance of the supremacy of the empire to which we belong, that it is our duty to construct this line that will give safe and easy transit from one ocean to the other without risk of having our line of communication blown up and destroyed. I think this is an exceedingly prudent scheme from that standpoint. My hon. friend said in his remarks that the Reform party opposed the construction of the Canadian Pacific Railway. I do not think he intended to misrepresent the Reform party. We were not opposed to the construction of the Canadian Pacific Railway. We were simply opposed to the terms ; we thought they were extravagant. We thought better terms should be obtained ; and the result of that feeling was another company was formed, who tendered for the work on terms that would have been decidedly more advantageous to the country if their tender had been accepted. The terms were the only thing the Reform party complained of. They were not in opposition to the construction of the Canadian Pacific Railway, because the late Alexander Mackenzie was the man who let the first contract and turned the first sod for the construction of that great railway enterprise. He let the contract for that portion from Lake Superior to Winnipeg. It was well under way, almost constructed, when hon. gentlemen of the Conservative party came into power. So that to say the Reform party was opposed to the construction of the Canadian Pacific Railway, is contrary to the facts, and it is a statement that cannot be proved. I am amazed that my hon. friend who is an intelligent man——

Hon. Mr. McMILLAN—Who said it would not pay for axle grease ?

Hon. Mr. McMULLEN—That was the section along Lake Superior. We thought it was premature to construct that section. The Reform party advocated the road should be built from Port Arthur across

the prairie section and after development had taken place such as would justify us in concluding that that country would become a successful agricultural district, then build the North Shore section if we found it was necessary. That was the policy of the Reform party. We were very much afraid that the road would not pay running expenses under conditions that existed at the time it was built. Another thing my hon. friend said that he apparently took a pride in, was the defeat of the Yukon railway project. He said if this Senate ever rendered valuable service to the country for which they deserved the united thanks of the people, it was their refusing to ratify that contract. I have formed a very different opinion. I say it was one of the most deplorable acts that ever was perpetrated by this Senate when they refused to ratify that contract. What is the condition of things to-day? An American company has constructed a road in from Skagway, and they control the traffic of the Yukon. I will not support two roads. However, had hon. gentlemen opposite consented to the Yukon road being built, we would be in possession of that traffic to-day, as owning and operating the railway line that is run in there. But the opposition influenced purely by political venom, rejected that Bill, and the result is to-day we do not occupy the position in the Yukon we would have occupied had they ratified that Bill. I am amazed that my hon. friend would dare, in the face of the experience of Canada, to say that he felt proud he and his friends had thrown out that Bill. I am glad to say and I am sure in years hence the people of this country will be glad that a different condition of things exists in this Senate to-day. I dare say, if my hon. friend had the power he would reject the Grand Trunk Pacific, not because he does not think it may become a decided advantage, but just because the party that he belongs to is not behind the scheme; if they were it would go through flying. If they had been at the bottom of the Yukon scheme, it would have been ratified as one of the grandest projects that ever came before this House; but just because they were not they would not have it, and they threw it out. It is unnecessary that I should add a word to the eulogies that have been passed in this House from both sides, with regard to the prospects of our magnificent western country. We all take a pride in the future of that country and earnestly hope it will fulfil the greatest expectations and predictions, of those who have talked about it. My hon. friend referred to the opinions of Sir Sandford Fleming, and he quoted the utterances of that hon. gentleman at considerable length. Sir Sandford Fleming is a man who has occupied a very distinguished position in this country for many years. He has been a very eminent engineer, I respect his name and his record as a man, but, we must not forget that Sir Sanford Fleming is only human like the rest of us, and what is the fact? Sir Sandford Fleming is a director, if I am rightly informed, of the Canadian Pacific Railway. If he is, is it not only natural that he should advocate that the Grand Trunk Pacific should be kept as far north of the Canadian Pacific Railway as possible? No doubt he would like to see it run north of the height of land towards Hudson's bay, and keep well away out of competing reach of the road of which he is a director? We cannot blame him for that? Any one of us would do that if he had the same interest at stake. He does not say there is not a necessity, nor does he say there is not room for the road. He does not dare to say that the future of that country does not indicate that the road will be required in a very short time. He simply advocates that in the construction of that road it should be kept away to the north. We can easily understand why he advocates that, and I do not blame him for it. He has a perfect right to be devoted to the interests of the line of which he is a director. Something was said by my hon. friend with regard to Hudson bay. I have already alluded to that, and I earnestly hope the Grand Trunk Pacific will have connection with Hudson bay, and that it will prove a very desirable connection for them. He said also that Winnipeg is 300 miles south of the line the Grand Trunk Pacific would have to follow and that there would be a great difference in the climate. Is my hon. friend aware of the fact that the same parallel of latitude that marks the boundary between the United States and Canada runs through the centre of the district of North Ontario and North Quebec? Is my

hon. friend aware of that? If he was he surely would not make the statement that Winnipeg is 300 miles south of the parallel that runs through North Ontario and North Quebec, the very same parallel that marks the boundary between the United States and Canada marks the southern boundary of Manitoba runs through the centre, probably right on the line where the Grand Trunk Pacific will run so that Northern Ontario and Northern Quebec are not so far to the north as some people are apt to think.

In the northern sections of Manitoba there are fairly good agricultural districts, and fairly long seasons. If that is the case in Manitoba why should they not have the same seasons in northern Ontario and northern Quebec? There is nothing to prevent it, and I believe that country will develop into a first class district once it has railway accommodation, and it cannot very well do without it. My hon. friend drew attention to the scheme proposed by the leader of the opposition in the other House. My hon. friend spoke very loudly and pointedly against the enormous increase of debt that is going to result from the construction of the Grand Trunk Pacific. The 'Mail and Empire' and other Conservative papers are also trying to scare the people into the idea that an enormous increase of debt is going to result from the construction of this road which will hang about the necks of the taxpayers of this country like a millstone. What would be the increase of the debt, supposing the scheme Mr. Borden suggested was carried out? Why it would have doubled and more than doubled the expense that will necessarily have to be incurred to construct the Grand Trunk Pacific, and then it would not have produced the development that this road will. He proposes to buy up that portion of the Canadian Pacific Railway that runs along the north shore of Lake Superior, and the Canada Atlantic. These two lines he proposes to buy up, and connect them with the Intercolonial Railway, and also by connecting the Canada Atlantic Railway with the Canadian Pacific Railway at Lake Superior and the Intercolonial with the Canada Atlantic Railway at Montreal. Well, for my part, I frankly confess that I do not want to see any more government operation of railway in this country. I found very great fault with the hon. gentlemen opposite for the manner in which they handled the Intercolonial when they were in power. I admit that the government now in power have not made a great deal of improvement as far as economy in outlay is concerned. The road is doing more work, and it necessitated more outlay, but I contend that no government railway—and it is the experience I believe in Australia as well as here—can be run as successfully and cheaply as by an independent company. If government ownership or state ownership of railways could be made a success, the United States would have tried it long ago, but they have not done it. They did make one effort in the case of the Central Pacific, but after constructing it as a federal line, they at last sold it out and lost thirty or forty million dollars invested in the production of that road. Their experience was practically our experience here. I went over the operations of the Intercolonial Railway here, when I was in the other House and I showed there that they had something like three and a half men to a mile while the Grand Trunk Railway had two and three-quarters, and the Canadian Pacific Railway about two. A railroad cannot be operated as cheaply by a government as it can by a company, and that is quite natural. Every man who represents a constituency along a government line will go to the Minister of Railways and he will worry and badger him to get employment for men who are pulling at his coat tails to get engagements of one kind or another. The result is he has to give way, however determined he may be, no matter how unnecessary the expenditure may be, he has got to give way and the result is we have along the line of railway baggagemen at stations where there are not six trunks a week to be checked or shipped, we have men along the line that are digging drains where there is no more necessity for a drain than there is for a second track, all which shows that under political pressure the minister is called upon to give way in the interests of party friends, and the government cannot operate as cheaply as it can be operated by independent men. I do not want to see Canada attempt to operate any more lines like the Intercolonial Railway. I earnestly hope that the Intercolonial Railway will make a fair return

to Canada for the money invested in it. but I never want to see it extended, because I fully realize that if we cannot operate a government railway better than it has been operated under either government, we can never operate them successfully and to the satisfaction of the people financially. My hon. friend referred to the settlement of the northern districts of the western prairies. He said there were sections that would not be settled up for ten years. I was making inquiry a short time ago with regard to locations that are now being made 39 or 40 miles north-west of Edmonton, yes, as much as 50 miles north, and I know that settlers are seeking locations out there before the surveyors had planted their stakes or even made a return to the department here. They were pouring in in large numbers into that very district, so that I am satisfied that the settlement of the North-west will keep on until such time as every arable acre has been run over and has been located. There may be sections in certain districts that yet remain to be located but all the best lands in the locality that I refer to are being taken up. Interior sections may be left, but all the best and most suitable lands for settlement will be taken up just as rapidly as they can be opened. If this is the case the quicker we construct this railroad to carry away the surplus produce of that country the better it will be for the settlement, and the better it will be for the country. My hon. friend from Westmoreland, who addressed the House a few evenings ago, gave some figures showing the difficulties the country would have to contend with in the construction of that portion of the road from Quebec. He undertook to show from some survey that in some sections in eight miles of road would have a grade of 51 feet to the mile, and he also pointed out that in New Brunswick some very great difficulties would be met with. Is that any good reason why, if the road is needed, that it should not be built? It is desirable to have the very best kind of road that can be got, and the Grand Trunk Pacific have agreed to this and they are under agreement, it is in the Bill, it is declared to be a condition—the commissioners are to produce a road of the same character and grade as we have between Montreal and Toronto.

Now, if they construct such a road, is it for us to say to them 'the difficulties in your way are such that you cannot build it!' We leave it to them, they have made an investigation, have explored the country, and have deliberately signed the contract to build a line of equal grades and character to the line run from Montreal to Toronto. Do you want anything more? Is it for the hon. gentleman from Westmoreland to tell them that they cannot do it? They know what they are about. They have had their engineers on the line and have covenanted to build the railroad from the information they have acquired.

Hon. Mr. DeBOUCHERVILLE—Does not this imply that the government will be obliged to build the road on the same conditions—that is to say as good as the Grand Trunk Railway from Montreal to Toronto?

Hon. Mr. McMULLEN—The government are bound to build the line. The company will contract for the construction of the line: the government is to find the money and the company have to pay three per cent on the money necessary to build and if it costs millions, the company pay three per cent on the cost. They say to the government 'Find the money and we will produce the line.' That is the agreement and it is very likely that they will carry it out. My hon. friend drew the attention of the House to the very low rate at which grain is carried by water from Duluth to Montreal. We all admit that freight borne by water is cheaper than freight carried by rail, but, we must not forget that for five months of the year we cannot use our water communication. Is it right or prudent to allow that western country to be absolutely and entirely dependent upon one outlet for five months of the year for the surplus produce of that country if it should reach the important dimensions predicted for it in a few years? I think it would be very unwise. My hon. friend ridiculed the calculations made by Mr. Charlton in the other House with regard to railways being able to carry wheat at a very low rate. We know that the rates have been greatly reduced and that you can carry freight over a well built line for about one cent per ton per mile. I think that is the general rate in the United States. If you go into a calculation you will

find that such a rate will enable them to carry wheat at a very low rate all the way from Winnipeg to Quebec, or even to Moncton, but you cannot carry grain or anything else by rail in competition with water. One thing is very certain, Manitoba and the North-west are becoming great stock raising countries. They are shipping large numbers of horses and cattle. These have all to go out by rail ; you cannot send them as conveniently by boat. Boats cannot afford to take them as conveniently as a railway can. They have to go out at a season of the year when the lakes are not open. It is desirable that the people of the North-west should have facilities for the export of their horses and cattle at all seasons of the year. The Canadian Pacific Railway have rendered admirable service. I do not say one word against them. They deserve all the credit that can be claimed for them for the manner in which they have handled the exports of Manitoba and the North-west. Instead of hon. gentlemen in this House everlastingly complaining that the Canadian Pacific Railway have not supplied cars, they should be thankful that they are in the hands of that company, because they have rendered an admirable service.

The hon. leader of the opposition rather ridiculed the remarks made by the leader of the government in the other House with regard to abolishing the bonding privilege. I do not know whether my hon. friend was very sincere in his criticism. The United States could put us to very serious inconvenience if they did abolish the bonding privilege. For my own part, I do not think there is very much risk of their doing that. The bonding privilege is of as great advantage to them as it is to us. Still, we know they have done some things in haste that after mature consideration they would not have done. We have a treaty with them limiting the number of gun boats on the lakes. At the time of the trouble between the North and South, owing to the irritation caused by the St. Alban's raid, they gave notice for the abrogation of that treaty but after some five or six months' consideration, after they had got over their temper they withdrew the notice.

Hon. Sir MACKENZIE BOWELL—Does my hon. friend say that the treaty was abrogated ?

Hon. Mr. McMULLEN :

Hon. Mr. McMULLEN—I said the United States had given notice to abrogate the treaty. After five or six months, overtures were made by Great Britain to the United States to know whether they intended to press the abrogation of that treaty and the United States withdrew the notice. They may some day under some such irritation abrogate the bonding privilege. It might put us to considerable inconvenience, but people do things sometimes that will cause themselves trouble in trying to punish others that they dislike.

Hon. Sir MACKENZIE BOWELL—To what raid does the hon. gentleman refer when he speaks of the St. Alban's raid. I was always under the impression that the St. Alban's raid was a Fenian raid from the United States to Canada.

Hon. Mr. McMULLEN—At the time of the difficulty between the North and South, some southerners who had taken refuge in this country crossed the border of the province of Quebec and broke into a bank in St. Alban's.

Hon. Sir MACKENZIE BOWELL—I admit that there was a robbery by a few southerners.

Hon. Mr. McMULLEN—After that raid, those people returned to Canada and were arrested and a trial took place. The United States applied to have them extradited. They fought very determinedly against being taken back to the United States, and the people of the United States were so excited and irritated over what they conceived to be the bad treatment they received from Canada that they gave notice to abrogate the treaty.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman knows that Canada paid the amount of the claim for that robbery.

Hon. Mr. McMULLEN—I admit all that, but after that the United States government withdrew the notice they had given. What I am pointing out is that they gave the notice in a sudden fit of temper, and they may do the same in connection with the bonding privilege.

I wish to pay some attention to the hon. gentleman from Wolseley (Hon. Mr. Perley) who, amongst other things, referred to the

rebellion which had taken place in the Northwest and the difficulty of getting troops up to Manitoba. If there is anything which my hon. friends opposite should feel ashamed of, it is that rebellion. They should allow the history of that time to remain forgotten, because history proves clearly that they were entirely responsible for the irritated condition of the half-breeds that drove them into rebellion. The very best evidence of that is the simple fact that after the rebellion was over, the government meted out to every one of the half-breeds all that they had asked for before the rebellion. Is not that evidence that had they made those concessions which the half-breeds asked for, there would have been no rebellion? Had the government done their duty there would have been no rebellion. My hon. friend also claimed that when he came to parliament he came as an independent politician—that he was elected by an independent constituency, and was going to serve his constituents in a very independent spirit. Well, he only served them for one year. He took the opportunity of getting rid of the responsibility of serving those people as an independent member. He made room for Mr. Dewdney, who was then Minister of the Interior, and accepted a seat in the Senate, and left his constituents to fight out their own destinies as best they could. The hon. gentleman has been here ever since. He did not long practice the independence which he declared he was elected to show in the lower House. I am satisfied that if he were answerable to those people to-day he would vote for this Bill. The hon. gentleman said in his speech that if the gerrymander Bill kept the Conservatives in power 18 years it was a godsend. I do not think the Deity will at all recognize that. He has been unjustly dealt with in the statement that he had anything whatever to do with the gerrymander Act. If my hon. friend, before making that statement, had consulted the leader of the opposition he would have told him that he got far more assistance from His Satanic Majesty in the preparation of that Bill than from the Deity, and the hon. gentleman would not have said anything about the Deity having had anything to do with that Bill. My hon. friend from Wolseley gave us some information with regard to how hard it was for him to borrow money where he was known. I felt sorry to think that any man in this House who uses the prefix 'honourable' to his name is unable to secure the paltry sum of $300 on his own note with any number of endorsers. He told us in the next breath that another man went to the same bank and on his own credit, without an endorser, got the money he required. There must have been something wrong, and it was a very singular confession for my hon. friend to make. I do not wish to probe into the conditions which led the bank manager to refuse to lend him the $300, but really, it was a very significant thing that he could not get it with any number of endorsers, while another man could get it without any endorser at all.

I venture to predict that the Grand Trunk Pacific will carry out their contract with honesty, with care, and with prudence, and that the money of the country will not be squandered. I venture to declare that there will be no section B contracts; that there will be no Underdonk contracts, no old rotten worn out, good for nothing rolling stock to be taken over from the contractors when the road is finished; that none of those experiences to which Canada was subjected in years gone past will be repeated under the present leader. I venture to predict that the construction of the line will be completed in honesty and uprightness, and that the country's money will not be sacrificed.

Hon. Mr. DEVER—No McGreeveys nor Rykerts.

Hon. Mr. McMULLEN—All the land along the line will belong to the country; no land will be given away in Ontario or Quebec. Everything will belong to the people and all that we will have to do will be to provide the money to construct the road. I want to say to this House before I take my seat that I consider it was one of the happiest and most fortunate incidents in the history of this country when Sir Wilfrid was called upon to fill the distinguished position he occupies to-day. He has been in public life in this country for over thirty years, and there has never been one stigma fastened upon him to this hour. He has conducted himself throughout, in the different spheres which he has been called upon to fill, with

honour, credit and advantage to this Dominion, and there is not a true hearted Canadian to-day that is not prepared to pray earnestly that God may be pleased to long spare Sir Wilfrid Laurier to Canada. I believe that he is one of the noblest men that his country has ever produced. He has always kept as the leading star of his political life, honesty, uprightness, and prudence. No stigma has ever fastened upon a single Minister in his Cabinet. It has never been shown that he has attempted in any shape or way to feather his own nest at the public expense. He has conducted himself as premier of this country in a manner that has brought honour and credit to Canada. The manner in which he acquitted himself at the Queen's Jubilee and the King's Coronation brought credit to this country. He was the distinguished figure in that entire procession that passed through the streets of London. He was then and at the conference which was held afterwards, pronounced, and is looked upon to-day as one of the most distinguished statesmen in the empire. My hon. friend quoted from the Ottawa 'Journal.' I saw a note in the 'Journal' some few days ago that the empire would do itself a good service if they were to instal Sir Wilfrid Laurier as Colonial Secretary in place of Mr. Chamberlain. I believe he would fill that position satisfactorily. I hope that he will live to see the completion of this work for which he is now letting the contract, and I hope that he will have the satisfaction of seeing the road in operation and rendering to this country the valuable service that I believe it will. I hope that Canada will receive all the advantages that he anticipates from it, because I am sure that his feeling will be, if he has to lay down the reins of power, when that road is built he will be thankful that he has contributed somewhat in undertaking that gigantic work, to the development and prosperity of the country over which the people have called him to rule.

Hon. Mr. BAIRD—I think the time has arrived when we ought to make short speeches. We have had enough long speeches on this Bill. I was much amused by the remarks of the hon. gentleman from Wellington. We have had a history of the Northwest Rebellion, a history of the gerrymander Bill and a statement of how and in what manner they discount notes in the west, all of which I think has not been very interesting or relevant to the motion now before the House. As there will be a vote taken on this question, I feel it my duty to make a few remarks before casting my vote. Before applying myself to the question before the House I shall make a few remarks in reply to some statements made by the hon. gentleman from Wellington. He took occasion to refer in his usual scathing manner to the way in which my hon. friend from Marshfield was defeated in Prince Edward Island. I do not know why the hon. gentleman from Marshfield was defeated, but I do think from what I can learn from the people of the county of North Wellington which he previously represented, that if the opinion of that constituency was voiced on the floor of this House to-night they would say it was because he had gone back on his record. That hon. gentleman never, while he had a seat in the other House, and while the Conservative party was in power, lost an opportunity, to analyse the report of the the Auditor General. He had it lying before him all the time, and one of the reasons why his constituents left him at home, was because he failed to do his duty in criticising the Auditor General's report as diligently after the change of government as he had done when the Conservatives were in power. When he comes to consider the enormous and extravagant expenditure of the present government, he will find ample room for criticism, and had he attended to that duty when he occupied a seat in the other House and during the last election in his constituency, I have no doubt he would still be a representative of North Wellington in the House of Commons. He also made reference to Dr. Sproule, a member of the Commons, which I think is not exactly according to our rules. His remarks were uncalled for. The best evidence we have of the popularity of Mr. Sproule is the fact that he has represented his county for 25 years. He is still holding his seat in parliament, and is not looking, as a defeated candidate, for a seat in the Senate. I have no doubt that he will continue to hold his seat in the House of Commons for years to come. The hon. gentleman from Wellington also said that he believed because the aver-

age earnings of roads in the United States was $2,519 per mile that Canada would be able to realize at least half that amount per mile from this railway. Any business man will agree with me in saying that it is impossible for the railways of Canada, with a population of only six millions, or even supposing it to run up to ten millions, will earn half as much per mile as the railways of the United States which serve a population of eighty millions. That argument is a good deal like other arguments the hon. gentleman advanced. He also admires the far seeing statesmanship of his honoured leader, in the other House, in bringing down this measure in the interest of Canada. It is very strange when we come to consider that at the beginning of this session we were promised a commission to inquire into the transportation problem. It is evident that the hon. gentleman at that time did not see the necessity for this Transcontinental Railway because he promised to give us a commission which would report on the whole transportation question.

I am sure that had he carried out his original intention and appointed that committee which in the meantime would have made an exhaustive report and examination of the whole route through which this railway may pass, that this House and the country might be able to deal more intelligently with the question now before us. I am not going into the financial aspect of this scheme in all its bearings. That phase of it has been thoroughly dealt with, and to my mind it is only a waste of time for us to make up columns of figures to show that this railway will be an immense advantage to Canada or that it will pay such a large revenue to the government when we have no information at hand on which to base any calculation of what the road will cost in any particular or any part. This being the case, I think it is only a waste of time to go into the financial aspect, therefore I shall not detain the House with any remarks upon that particular point; I shall say a few words, however, taking a general view of the question. It has been said by hon. members on both sides of the House that it is one of the most important measures that has ever come before this Senate. That being so, it is only right that we should give it our most serious consideration before we dispose of it. The transportation question without doubt is a very important matter in Canada. The future welfare of the country depends upon the manner in which the transportation question is dealt with, and the members of this House should see to it that the question is so dealt with that in the carrying out of this contract the traffic which it acquires will not be carried to a foreign port for shipment. I think that is the gist of the whole question, and we ought to apply ourselves directly to this point. I propose now to deal with the part of this project from Quebec to Moncton, because that part I do know a little about. We find on examination of the timetables, which are the only sources of information we have, that the distance from Montreal to Portland, Maine, is 297 miles. We find the distance from Quebec to Portland, Maine, is 322 miles, and I have been informed lately that the bridge crosses the St. Lawrence about eight miles west of the City of Quebec. That being the case, of course it will shorten the distance to Portland about that much, I presume, which will leave the distance from Quebec via the bridge to Portland, Maine, at about 314 miles. I can readily see that while Quebec will have the business in the summer that there is great danger, with the Grand Trunk Railway running from Montreal to Portland, a distance of 297 miles, and running from Quebec to Portland a distance of only 314 miles, when we come to consider that the line from Quebec to Moncton is 400 miles and that from Moncton to St. John is 90 miles, in all 490 miles, this road will have to compete against two rivals, with a distance of 314 miles in one case and 297 miles in the other. And these short routes are dangerous, because they lead to a foreign port. They have made extensive improvements in Portland, Maine, and the people of Portland as will be seen from the Portland papers, are rejoicing because this Bill is going through parliament, and that Portland business is going to be largely increased from the fact that this road is to be built.

The hon. gentleman who has just taken his seat remarked that the Grand Trunk Railway people are working in the interests

of thier stockholders. I appeal to this House if it would not be in the interests of the stockholders that they should go to Portland. This scheme would commend itself to me if it were the shortest possible line to a Canadian seaport. It is not, as I will show, if you follow the lines already contructed. From Quebec to Rivière du Loup, it is 115 milles; from Rivière du Loup to Edmundston it is 81 miles; from Edmundston to St. John it is 229 miles, in all a distance of 425 miles following the present lines that are constructed. I defy any gentleman on the floor of the House to contradict that statement that by existing lines from Quebec to St. John, N.B., the distance is 425 miles. Under this scheme you are going to increase the distance to 490 miles. I would feel like supporting this measure if you built an all-Canada line to the nearest port. I have heard it said in the lobbies of the House that this road is not going to Moncton, it is going to Fredericton, it is going to Chipman. There is the wisdom of the government that they have had no surveys of this road made because, if the road were located, there would be a great many men on the floors of this and the other House who would vote against it; but under the present circumstances they can carry every man within 100 miles because they can persuade him the road is going by his door. I claim this road will not carry the trade to a Canadian seaport though the government contend it will. That is one of the strongest reasons why I am opposed to this Bill. With regard to the section between Quebec and Winnipeg I may say I know very little. There have been a great many exhaustive reports read here, and I notice gentlemen will read these reports and pick out of them just as people will pick out of the Bible enough different views on religious matters to start different churches—such portions as to suit their purpose, but I have endeavoured to read those reports carefully through and I have come to the conclusion that the section between Quebec and Winnipeg is not as good a country as the supporters of this Bill would lead us to believe. I read in the Crown Lands report of the Quebec legislature that the road passes through a country that is covered with white birch and small spruce, I have some knowledge of lumber and when you find a lot of white birch in a country you cannot find any large timber growing. Then it is explained as a last resort that through this country there will be opened up great fields for the pulp industry; that it will be a great colonization road, that thousands of people will settle along that road. I think you will agree in looking over the history of our country that young men are not going into the fields to chop down trees and clear lands as they did in years gone by; they are going to the western country where they can find rich and already cleared lands where they can use their machinery the very first year to cultivate it. That being so, we are not going to get the young men of our country or foreigners to go into this north country to cut trees and burn logs and remain upon those forms for eight or ten years before they can use machinery. Then with regard to the section through the province of New Brunswick, through three or four counties through which the railway will pass, the wild lands belong to the New Brunswick Railway. They are not offering it for sale and in that part of the country there will be no prospect of immediate settlement. The Hon. Secretary of State the other night, showed how little information we have in our hands, stated the road might go through Winnipeg or it might not: In case it did not go through Winnipeg there would be a branch line built into Winnipeg from the main line. Can any one tell me how long that branch line will be? The road might go 150 or 200 miles north of Winnipeg. We are all at sea with regard to the route, and with regard to the expenditure as well. Many of the hon. gentlemen who have preceded me in the debate in this and the other House have pretented to make financial calculations as to what the road will cost. The Hon. Secretary of State put the cost at about $82,000,000.

Hon. Mr. TEMPLEMAN—No.

Hon. Mr. SCOTT—$65,000,000.

Hon. Mr. BAIRD—$81,400,000.

Hon. Mr. TEMPLEMAN—No.

Hon. Mr. BAIRD—The hon. gentleman says No. I say Yes; the ex-Minister of Railways who, I presume, ought to know a

little about railway building has put the expenditure at $139,000,000. I think I am safe in saying it might cost $125,000,000. That being the case what debt are we putting upon the people of this country for all time? We are putting a debt of about $25 per head for every man, woman or child, or nearly $125 for every family in this country, in order that this road may be built. I do not see that there has been any great demand for this road from the various provinces. I am sure there has been no demand from the province of New Brunswick. The best evidence of that is there is not a newspaper in the province of New Brunswick of any standing in favour of this Bill except the St. John Globe in which the hon, Senator from St. John has an interest, and that paper opposed the project only a few months ago.

Hon. Mr. McSWEENEY—What papers are opposed to it?

Hon. Mr. BAIRD—Tell me one that supports it.

Hon. Mr. McSWEENEY—The 'Transcript,' the 'Gleaner'—half a dozen of them. The 'Telegraph' has been on both sides of the question.

Hon. Mr. BAIRD—I think hon. gentlemen will agree with me there has been no demand for it from the provinces. I have heard no great demand from the province of New Brunswick except the usual favour shown towards the building of railways. I have heard people say 'The government is determined to put this thing through and New Brunswick might as well have a share of what is going.' They would favour the road if it were built by the shortest route and that would be to the city of St. John via the valley of the St. John river. There would then be some prospect of their getting a portion of the business of this country but they know there is not the slightest doubt that the export traffic will go to Portland. What cry has been coming up from the province of Quebec? I have not seen any delegations here from the province of Quebec. There has been no delegation from the province of Ontario. There has been no demand from the west that I know of. The argument advanced by hon. gentlemen who are supporting this measure was the great congestion of freight in the west. If that is true, why not build the road into the congested districts. You are taking it far north of the districts where wheat is being grown in large quantities. Then an argument was brought forward by hon. gentleman who preceded me that Sir Wilfrid Laurier with his far sightedness had brought on this great work in order that the people in the west would get employment. I think when you look at the car loads of men that go from here in the fall to assist in the harvest you will be convinced there is plenty of work there and the time has not arrived when the government should pledge the country to this costly scheme on the plan of giving employment to the people. I will support this amendment for the reason that I believe this House and the country have not sufficient information at hand in order to deal intelligently with this question and I am following the lines indicated in the speech from the Throne on the opening of this session. I am waiting for that commission to report. If that commission were appointed and brought in its report for next session and this line was fully surveyed from the Atlantic to the Pacific and we had before us the proper information then I would feel as though I would be able to deal with the matter conscientiously and in such a manner as I would not feel ashamed of it afterwards.

Hon. Mr. DEVER—This is a great question placed before us for our consideration. It has made quite a commotion amongst our politicians and statesmen. It has also brought out some excellent speeches from both sides of this Chamber. But my present object is to say that I am in favour of opening up the country from Quebec as far north and west as this Dominion can find funds for that purpose. Quebec is an old and venerated city and its people are worthy of our warmest admiration. Its citizens are of the very best in this Dominion. We have every right to consider their interests and feelings in this great enterprise, and I am most anxious that this, or some other great line of railway, will be built from the wheat and grain lands of the west to the old historic city of Quebec with its fine summer harbour, and that that city may become most prosperous with ships from all nations, loaded with the riches

and food of western and northern Canada to supply the wants of the needy people of other countries. This, hon. gentleman, being said, here I stand to ask the government to not perpetrate another grievance on St. John, that city with an equally fine harbour all the year round, by forcing on its people a second time another Intercolonial Railway to sidetrack them again and open up anew the disappointment that has been festering in their minds these thirty-four long years, ever since the location of that Intercolonial Railway, where it now stands, a sinking fund of the people's money for all time to come. There is no necessity of doing this this time for while it will outrage St. John it will not benefit those who are promoting it. If this road is to be built, and I hope it will, by this government, the great object is to shorten the land carriage of freight to a maritime port so as to compete all the year round with Portland in the State of Maine. This cannot be done by duplicating the Intercolonial to Moncton but by taking the shortest route from Quebec through northern Maine to St. John, which after all is the only natural winter port of Canada. Loyalty is a weak cry in trade. Some people seem more loyal than Englishmen, who have no objection to dine on American turtle and turkey and other good food, or who become enamoured with American girls and make them their beloved wives. More still who purchase raw cotton in New Orleans and other cities and get rich manufacturing it. In fact, hon. gentlemen, it seems unreasonable and impossible to me to keep us from commingling with the people of the United States in trade and travel as it is to keep the waters of the Bay of Fundy from commingling with the Atlantic ocean.

I admit that our government could not be expected to build a road through Maine, but there is nothing to prevent them from permitting the Grand Trunk Pacific, as a private company, starting from Quebec through northern Maine to St. John, as a short cut for carrying grain and other freight to that city. It will be done yet to the astonishment of many; former Canadian governments permitted the same Grand Trunk people to go from Montreal to Portland, and the Canadian Pacific Railway to cross Maine to St. John. That can be repeated, and this would give St. John profound satisfaction and enable its shippers and merchants to compete successfully with their opponents in sending forward the winter exports of Canada, instead of subdividing them, as is now contemplated by this Bill, and thereby causing the trade to be barely profitable to any one engaged in it. Constructing a line of railway from Quebec to Moncton is, to me, like carrying coal to Newcastle. To bring it back again ninety miles to St. John and to expect the people of the lower provinces ever using this road to any extent is a scheme too visionary to place before a commercial people. I know parties have had passes on the present Intercolonial Railway for years, yet these people never avail themselves of these passes; neither will they travel by this new delusion unless it be very much changed and shortened. Still I will vote for the Bill on the basis of the promise of the Secretary of State, that 'surveys are not yet located,' that 'the shortest and best route will be selected,' and also on the basis that we have a premier and a government too wise to act in haste in a matter of such importance to the whole Dominion.

It is exceedingly regrettable to see such wide difference of opinion as to the location of this great work, which, after all, must be a trade road, or nothing. The Intercolonial Railway, I should think, ought to be all sufficient for military and Halifax purposes, wihout desiring this work also to be a second failure through selfishness. This dog-in-the manger feeling must necessarily soon die out.

Listening to the speech of an hon. gentleman in this debate, I could not help remembering when it was almost treason to have any dealings with the United States, but such unreasonable prejudice has given way to better feeling. Intercourse and commerce must not be impeded by the necessities or ill-will of politicians. These are my views, hon. gentlemen, on this great question, and I cannot help holding them till I hear better arguments to the contrary.

In the excellent speech of the hon. Secretary of State, he said that the road would be located between the two shipping ports—that is, between Halifax and St. John. My answer to this is, that Halifax has already got the Intercolonial Railway. It was for

Halifax and the British government it was built in that out of the way position. Let Halifax now keep it, but give St. John what her geographical position entitles her to, that is, a commercial road, from Quebec city across Maine, and everybody will be served to advantage. If we do not obtain this, we will certainly get it by private enterprise.

In closing my views, hon. gentlemen, I wish to strengthen them by reading to you some kindred views taken from our Ottawa morning paper and other undoubted authorities, showing that I am not alone in some of the views I have expressed about Sir Wilfrid Laurier and other matters :

TRIBUTE TO LAURIER.

(Canadian Special Cable.)

London, Oct. 14.—The Pall Mall Gazette, in reviewing Willison's book on Laurier, says : 'Laurier has been more successful than any other colonial statesman in captivating the imagination of the empire and the British public. Although scarcely as conspicuous in Canadian history as Sir John Macdonald, it cannot be denied that his work as well as his personality are better known to the English masses, and Laurier has raised politics in the Dominion to a plane upon which they have gained an unprecedented measure of attention of an international character.'

Next and last I wish to read an extract from the same paper dealing with our relations with the United States. We lost Maine by stupid diplomacy. Let us regain the use of it by civilization and trade intercourse :

SHOULD BREAK DOWN ARTIFICIAL FETTERS.

(Special Canadian Cablegram.)

London, Oct. 13.—The Morning Leader says : 'No two countries in the world would have been more designed by nature to have a free interchange of commodities than Canada and the United States. The sooner they break down the artificial barriers between them the better for us, as this would tend to extend the system to England, and thus create imperial free trade.

I thank you, hon. gentlemen, for listening to me so courteously.

Hon. Mr. De BOUCHERVILLE—His Excellency the Governor General, in his speech at the opening of the session, declared that the whole question of transportation and terminal facilities continued to occupy much attention, and he added, 'My government will immediately appoint a commission of experienced men to report on the subject.' After the government had named those commissioners, when the premier, in a speech in the House of Commons, declared that the policy of the government was to construct this great road from the Atlantic to the Pacific, the people were surprised—even people on the ministerial side were surprised, but probably none so much as those unfortunate commissioners. Well, we have the Bill before us. Another surprise came when the Minister of Railways left the government, giving as one of his reasons that he had not been consulted before this railway policy was adopted. I am not such a friend of the government as to think that every member of the cabinet should know what the prime minister was contemplating, but I always thought that every minister ought to be consulted on things pertaining to his department. This Bill has been approved of by the House, and we are now asked to give our approval to this arrangement and this Bill. I have very few reflections to make. We have heard speeches showing a great deal of study on the part of those that delivered them, and certainly as good as any that have been made in the other House. Therefore, I do not intend to discuss the question of the expense of that road, only I would remark that a few moments ago I took the liberty of putting a question to the hon. senator from Wellington. My question was this : since the Grand Trunk Pacific is to build its own road and make it as good as the Grand Trunk Railway from Montreal to Toronto, does it not imply that the government, building the eastern section, shall be in duty and in honour bound to build on the same standard? The answer was that the company was going to build the eastern section. That was not an answer to my question, and not in accord with what is really the fact. I am not a railway man or an engineer. I have had some experience, though, in building railways. Probably the hon. Secertary of State's colleagues in this House can answer my question—can you expect to build a road like the Grand Trunk Railway for $28,000 a mile, when the Grand Trunk Railway, constructed through a level country, cost more than that? Does any one imagine that the government can build a road of that quality for less than $40,000 or $50,000 ? It stands to reason, and I think everybody will admit, that it must at least cost that much, and probably more. We

have had an example of the danger of building a road without proper exploration, even in a country where exploration may not appear to be very necessary.

In 1899 the present government bought the Drummond Railway at a cost, I think, of $1,600,000. Anybody who has seen or knows anything of that road, must know that it has cost, with the improvements of the government, at least $30,000 a mile. Now, that line runs through a flat country; there is hardly a hill on the route.

Hon. Mr. DANDURAND—Does the hon. gentleman pretend that the purchase price of $1,600,000 represents between $25,000 and $30,000 a mile.

Hon. Mr. de BOUCHERVILLE—No; the hon. gentleman knows very well that that road has had to be improved. It was a small road built for a lumbering business; the rails, the cars, the roadbed, the bridges, everything had to be renovated, before the heavy engines of the Intercolonial Railway could pass over it. Without the improvements made by the government, the trains would have had to travel at a very slow rate. If the hon. gentleman doubts that, I should like him to furnish some proof that it has not cost $30,000 and more. I have to reproach the government for their maps in the timetable of the Intercolonial. The road between St. Lambert and St. Rosalie runs in one direction, and then in another direction to Point Lévis; but in this map they represent it as a straight line from St. Lambert to Point Lévis.

Hon. Mr. TEMPLEMAN—They are all straight lines on railway maps.

Hon. Mr. de BOUCHERVILLE—No, it is not that way on the Grand Trunk Railway.

Hon. Mr. TEMPLEMAN—They make them straight on their time-table.

Hon. Mr. de BOUCHERVILLE—That is the answer and I think it is a very good answer; but there is reason for that. People will look at this map and will think the government made a very good bargain, when they bought that road, giving them a straight line. It is not a straight line. As I said before, I do not intend to enter into the cost of the road. Those who have spoken on this side of the House have had no hesitation in saying that this road will cost too much. It will saddle the country with an immense debt. Taking this Bill itself; it is something like the map of the Intercolonial Railway from St. Lambert to Point Lévis; it has names which it ought not to have. Where does it get this name of National Transcontinental Railway? Nobody contends that the Grand Trunk Railway will have the road from the Pacific to the Atlantic. They will have the road to the Intercolonial Railway and will reach the Atlantic by means of the Intercolonial Railway. Is there not another railway that has that same connection? Has not the Canadian Pacific Railway the right to run on the Intercolonial Railway? It has access already by its own line to the Atlantic, and it can go by the Intercolonial Railway, and if it goes by the Intercolonial Railway, it has the same right to be called a National Transcontinental line as this new road. Therefore, I think that is a name that ought not to be given to the new railway. It ought to be a combination of the Grand Trunk Railway and the government road. In reality it is the Grand Trunk Railway. The Grand Trunk Railway must take $24,900,000 of the stock of this road; therefore, if the Grand Trunk Railway owns $24,900,000 of $45,000,000, it will be master of the road. Therefore, I do not see why the name is given to this new company which is only the Grand Trunk Railway itself. There is another clause by which the Grand Trunk Pacific or the Grand Trunk Railway must finish its work in a certain number of years. If it does not fulfil all the conditions, it will be liable to forfeit large sums of money which it will have to put into the hands of the government. Does not this imply that the government, if they do not build this road, will have to pay an indemnity to the Grand Trunk Railway. The government have paid an indemnity already in the case of the Teslin Railway, although they were not bound to do so, because they did not fulfil the contract they had signed with the promoters to get it approved by this parliament. Parliament not approving it, the government subsequently, paid them a sum of money. I do not say that it was wrong, but if it was not wrong in that case, it would be right in this case to indemnify the Grand Trunk Pacific if the government did not build the eastern section of this

transcontinental railway. As the road is to be built on the same standard as the Grand Trunk Railway, the government may come to the conclusion, in view of the great expense such a work would involve, that they will not build the road at all. If they do not build the road, then the Grand Trunk Pacific will ask, and will probably get an indemnity for the failure of the government to perform the contract. I think this is a very important question which ought to have been thought of. It will not surprise hon. gentlemen when I tell them I am going to vote for the amendment before the House. I do not think this road, even if it is to be a very good road for the country, ought to have been begun before explorations had been made. I shall vote against this Bill and if the government admit any amendments, I shall be obliged to vote against them, because I think the road ought not to be built until we have sufficient information. But I am convinced that this agreement will have no effect, and that the eastern section will not be proceeded with. I do not think I am obliged to, and I will not, tell you my reason for saying so ; but will wait till things prove what I say.

Hon. Mr. DANDURAND—If we look back to the date when the Grand Trunk Railway officials announced their intention to build a road from North Bay, northerly and westerly to Winnipeg, and west of Winnipeg through to the Pacific, and try to recall the sensations that we all, on both sides of the House and throughout the country, felt, we would remember that the scheme of the Grand Trunk Railway Company was universally approved. Public opinion was unanimously in favour of this old company reaching the wheat fields. All Canada applauded the effort of the pioneer railway company of this country to reach the Pacific coast on Canadian soil, thus dropping to a certain extent their United States connections and helping the Canadian Pacific Railway Company to develop this country to its fullest capacity. I may say that at that time there was one feature of the project which did not suit my views. I was not particularly in love with the idea of that railway stopping at North Bay and there connecting with its old system. I thought that the Grand Trunk Railway Company could afford to push its new system down to the old city of Quebec, in order to reach a Canadian seaport by an absolutely straight line. I was not alone of that opinion. I remember full well that when the Grand Trunk Pacific Bill was before the Railway Committee of the House of Commons there was a consensus of opinion there in favour of their second proposal, to continue the road to Quebec. I even remember —and I think the hon. gentleman from Stadacona (Hon. Mr. Landry) will not deny this statement—that a Conservative member from the district of Quebec moved that the Grand Trunk Pacific Company should be compelled to start building their road from the city of Quebec and the city of Winnipeg concurrently. There was not only very great satisfaction at seeing the Grand Trunk Pacific pushing on its new system from North Bay to Quebec, but an earnest desire on the part of perhaps a majority of the House of Commons that the work should be carried on concurrently. I do not remember exactly how the vote stood on that. If I am not mistaken, it was made by the member for Montmorency, and he made it because he was not sure that the Grand Trunk Pacific Company was in earnest in obtaining powers to build from North Bay to Quebec. If I remember well, his motion was defeated, the Liberal members, perhaps, in a majority voted against it.

Hon. Mr. LANDRY—Hear ! hear !

Hon. Mr. DANDURAND—Convinced that they were of the good faith of the Grand Trunk Pacific, and, at all events, they were not deceived as to where the government stood on this question for the government decided to build that section themselves. There were many reasons why this system should not stop at North Bay. Many reasons were given. It suffices for me to affirm that the whole eastern part of Canada, the maritime provinces and the province of Quebec thought that this road should not stop at North Bay, but should follow straight through on Canadian territory to the seaboard, for the obvious reason, which should appeal to all Canadians, that the trade which would flow from the west to North Bay would follow in the old channels from that point, and find its way to the United

States seaboard. But outside of this general reason, there was one which appealed most to the eastern sections of Canada—the desire of having a straight connection with the west, in order that after having given the west a direct outlet to the sea on Canadian territory, eastern Canada should enjoy the advantage of its construction by returning to the toilers of the wheat fields the manufactured articles made in eastern Canada. We all agreed at one time upon the desirablity of seeing the Grand Trunk Railway construct that line as far east as Quebec, at all events, and I am not surprised at the unanimity of the members representing the maritime provinces in desiring that that road should be continued as far down towards their seaboard as possible. The unanimity ceased when the government brought down its Bill. We have heard very many objections to the scheme embodied in the Bill before us. We have heard a question raised as to the character of the country which it will cross and whether it will be worth developing. All the reports we have, from people who have gone through that country, are favourable. We have towards the north fertile lands, and minerals will be found in very many parts of that region—have already been found towards Hudson bay—and we have wood lands which are valuable. I met a gentleman this very day who had the advantage a few years ago, of travelling on foot and by water courses that he met on his journey straight through from Quebec as far west as Winnipeg. He speaks highly of the country he saw, and all the reports that we have agree with his affirmation, that that country has as rich soil as we can find in the old settled parts of Canada. In fact, everywhere the settler has gone, pushing northwards, whether in the Temiscamingue region or the St. John region, he has been able to find land to settle upon where he can prosper. We must reason, as we generally do in all human affairs, from the known to the unknown. All that we know of the northern part of Canada, wherever we have explored it, shows that the territory is well worth developing. The settlers who have gone northward have found it most satisfactory. Those who have not been there should have a little more faith in Canada than to think that all the territory of the Dominion worth developing is what has been already developed. We should not be satisfied with hugging the shores of Lake Superior because the Canadian Pacific Railway passes there, and has passed there perforce in its effort to reach the Pacific coast.

Hon. Sir MACKENZIE BOWELL—Not necessarily.

Hon. Mr. DANDURAND—By this scheme we are opening up and developing a second breadth of territory which will double up, in a few years, the settlements of Canada. We will develop a part of this country that is more adapted to continuous settlement than we have on the north shore of Lake Superior, which will better unite and bind together the east and the west than the mere band of steel which we have now along the rocky shores of Lake Superior. The question has been asked if there was not some danger of the North-west being populated by farmers from the western states in such numbers that a sympathy would spring up between the populations on both sides of the line and ultimately our western territory would revolve around the United States centres. I am not one of those who fear that the United States farmers crossing the line will not in time become thoroughly Canadian, but I am convinced of the necessity of settling that part of Canada which is at present unoccupied and which separates Canada into two absolutely distinct parts, the eastern group and the western group. It seems to me that if this road will develop a continuous settlement from east to west, it will help to form a solid Canada and we will have a more united nation than we can expect under present conditions. If we have from east to west continuous settlements of villages and towns, the intercourse between the east and the west will naturally be more complete and we will thereby form really but one nation, whereas to-day we are two distinct groups hardly knowing each other.

Hon. Sir MACKENZIE BOWELL—Not so bad as that.

Hon. Mr. LANDRY—That is a pious exaggeration.

Hon. Mr. DANDURAND—A few months ago I could find but one point of disagreement between the two parties into which the

population is divided—the mode and means of construction. The discussion was as to government ownership or private and subsidized ownership. I was not one of those who thought that our past experience in the operation of the Intercolonial Railway justified us in extending that road under government management. That opinion, I am glad to know, the hon. leader of the opposition (Sir Mackenzie Bowell) shares, and I thought at one time it was shared by the vast majority of the Conservative party in the House of Commons, but to my great surprise, I found that perhaps a majority of the members sitting to the left of the Speaker in the other House voted for government ownership in one of the last divisions on this Bill. Under this scheme I contend we will have all the advantage of government ownership for the greater protection of the people, without the onerous cost of government operation. The government will be enabled to control rates and will prevent combination between Canadian roads. Not long ago the fear was expressed that the combinations of railways and steamship companies in the United States would perhaps some day cast envious eyes on our means of transportation and succeed in monopolizing them by purchasing a majority of the shares of our railway companies.

I do not know what would be the effect of such a control of railways by the United States railway trusts, which are flourishing on the other side, but whatever may be the ground of that fear and the danger of such a monopoly of our roads in American hands, I feel that the holding of one section of this national highway in the hands of the Canadian government dispels all such fears for the future. We will have a truly national road—and perhaps this is an answer to the hon. gentleman from Montarville—we will hold one of the main parts of that road in our own hands, on our own individual right, and it will remain our own property, and will not be tinkered with or tampered with by any manipulation of stocks. I have mentioned the management of the Intercolonial Railway. I know that the representatives of the maritime provinces, and perhaps the majority of the people there, are not favourable to anything else but government ownership. They seem to be satisfied with the paternal way in which they are treated under this kind of management, but I venture to affirm that outside of the maritime provinces there is a vast majority of people who would vote to-day, and who would vote every day in the year, in favour of leasing the Intercolonial Railway to either the Grand Trunk Railway or the Canadian Pacific Railway on the same terms on which this Canadian road will be rented to the Grand Trunk Pacific.

Hon. Mr. FERGUSON—Does my hon. friend think that is the sentiment of that part of the province of Quebec where the railway runs ?

Hon. Mr. DANDURAND—I am sure there is a vast majority in the province of Quebec who would vote in favour of leasing the Intercolonial Railway to any private company for a rental of three per cent on the amount that the road has cost us. The people of the province of Quebec are sufficiently well up in mathematics and in ordinary arithmetic to know what the road does cost us to-day, and what it does cost us yearly ever since it was built, and would be extremely glad that this expenditure should stop once for all, and that we should reap some return from the Intercolonial. For the first time we would be sure of seeing a real balance in our favour and no further heavy expenditure, either on capital account or in the shape of a large deficit, as we have had for so many years past. I have heard the argument outside of this House and in this House that we were assuming a formidable burden. It is true that we will advance the money and make the outlay, but I contend it represents no burden upon the people outside of the first years during which we will have to pay interest, because we will receive in interest as much as we will pay for the amounts borrowed, and when the fifty years are over, we will stand, not with a property which will have depreciated, but which will, on the contrary, have doubled in value. It is useless for me to give an idea to the hon. gentlemen who listen to me of what that road will be in fifty years with that part of Canada fully developed. We are not so far from the initial year when the Canadian Pacific Railway

started running. We know now what it has done for the country it traverses even taking into account the barren desolate parts of the north shore of Lake Superior, which are quietly but steadily being settled, past North Bay, and the Sudbury region. It will be a fifty years' lease. To men who will not stop to think, that seems a long time, but fifty years is a very short time indeed in a national life, and I suppose I need not dwell very much upon this proposition even in the life of human beings. Those who are here in this Chamber who can look back half a century will readily admit that fifty years will very quickly pass. They will be years of development, the primary years for this road, and when the lease is over, it will be in its full development and its full prosperity, and I am quite sure that the generation to which we will hand it over, which will be the next generation, will be grateful for the present and will wonder how it was that we subsidised roads for such a long term without thinking of entering into such arrangements as will give them, when the fifty years expire a road of immense value passing through a very prosperous region which they will be able to control absolutely. I do not intend to discuss the value of that road from the point of view of transportation.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. DANDURAND—We all know what factors railways are in transportation. We all know what they represent in populating a new country, and it is most especially as a colonization factor that I intend to say a few words for it. For colonization purposes it seems to me that the present scheme is an ideal one. It opens up new territory everywhere; in all the provinces through which it passes. It will be a splendid road for the colonization of the middle part of New Brunswick. It will greatly develop the northern part of Quebec and Ontario, and I need not say what it will do for the west, which is clamouring for railways and more railways. People are in advance of railways 40, 50 and 60 miles, and they are clamouring for communication, not with the east specially, but for communication by rail or otherwise in order to dispose of their produce. The west to-day is complaining that the country is not doing sufficiently to handle the harvest. If we continued to sit here for the next 30 days, we would see the western members, the hon. gentleman from Wolseley and others, coming up, as they did last year and all previous sessions, and complaining about the bockade in the west and asking the government why they stand still and do nothing.

Hon. Mr. YOUNG—Hear, hear.

Hon. Mr. DANDURAND—We are offering the west a new channel, a transcontinental railway which will open up new fields, and I await with the greatest confidence the day when the electors of the west will give their opinion at the poll upon this great enterprise.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Mr. DANDURAND—The hon. gentleman from British Columbia (Mr. Macdonald) as we were adjourning a few days after this scheme was brought down in the other House hurried to write a notice of motion and place it on the Order paper censuring the government for the project and condemning it from A to Z. I understand the hon. gentleman returned to the shores whence he came. We have no more heard his voice or his notice of motion, which was very quietly dropped. I understand now that if he came back from British Columbia, and showed his face in the House, it would be with an express mandate from the Pacific coast to vote in favour of this scheme. The Boards of Trade of British Columbia have all approved of it. The whole of the North-west acclaims this proposition. I wonder why they should not when we continue to do for them what we have been doing for the last twenty five years. We have been building them roads and outlets for their produce. They need not thank us for it. They are helping to develop the country and we are furnishing the means to help them to develop it. We are advertising our country and bringing in a hundred thousand emigrants every year. We think they will come here in hundreds of thousands. We must provide for the immense harvests we will have increasing by millions of bushels every year. The new road will pass through the province of Ontario; it cannot help doing so, as it must find its outlet to the east. Everybody applauded the idea of building a road

as far as North Bay. I may say that the Liberal party, which is responsible for the measure before this House, will confidently go to the province of Quebec for an endorsation of its policy. This road opens up the whole of northern Quebec from west to east. Roads are already pushing up quietly towards the north. They will do so to a much greater extent when the railway companies know that they can join and tap a transcontinental trunk line. I may say that the province of Quebec to-day is thankful to the federal government for that first instalment of better terms, for which the province of Quebec, with other provinces, has been asking the federal government for some time. This is a work which the province of Quebec will not have to contribute to. We have in the province of Quebec two main questions before the people, and in fact it is a sufficient programme for any provincial party; it is colonization and education. We have been knocking at the federal door for a larger subsidy in order to improve our educational system, and to open up our unsettled regions for colonization. The federal government, without asking the province of Quebec to contribute a cent, will now open up the whole of our northern region from west to east. The hon. gentleman from New Brunswick (Mr. Baird) said to-day that he had heard no demand for this railway. I simply invite him to suspend his judgment as to what is the desire of the province of Quebec until the next elections, and I think he will find such a unanimity as will surely surprise him.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. DANDURAND—I know that the duty of the opposition is to criticise and to oppose, and I am very sorry for them, because in this instance they most painfully labour in their attempt at faultfinding. We have seen the extent of their opposition. The leader of the opposition from the other House ventured upon an alternative proposition. I refer to the member for Jacques Cartier. He had before him a line of railway running from west to east, opening the whole north of the province, giving to the old city of Quebec what that city has been longing for, and in need of, a back country, a hinterland. But the hon. gentleman is in opposition and had to oppose. A line was before him from west to east, he suggested we should have a few lines from south to north. This was the alternative proposition. I have not yet seen it before this House; it may come up in the form of an amendment. He thinks that we should, for colonization purposes, build a few lines following or preceding settlements into the Lake St. John district, into the district back of Montreal into the Terrebonne, and into the Ottawa district. We will submit those two schemes to the province of Quebec at the next elections, and ascertain the judgment of the electorate. We are offering the province of Quebec a trunk line passing through the north of the province and we are quite sure the electors will have enough common sense to know that all those small roads that the hon. gentleman from Jacques Cartier suggests should be built from south to north will creep up very fast and much faster when the owners of those lines know that they will reach a trunk line and be able to secure trade for their own roads. I do not see any comparison between the solid, compact plan of the government and the puny system fathered by the member for Jacques Cartier in the other Chamber. I shall not dwell on the crazy-quilt scheme proposed by the hon. leader of the opposition in the other House. He suggested that we should improve the old roads instead of building a new highway into new districts and opening up new fields. There again we will go with a quiet mind to the country and lay before the people of the Dominion those two schemes as they have been propounded by the leader of the government and by the leader of the opposition.

The hon. gentleman from New Brunswick said he heard no demand coming from the province of Quebec or New Brunswick, or the other provinces in favour of this road. I am surprised that he did not deem proper to refer to petitions that have been brought before this Chamber and the other House asking that we should delay building this road, petitions which happened accidentally I suppose, to be in line with the amendment moved by the opposition in the other House, and which is now before us. The electors of this country who have some experience, who are all of age will very easily weigh the value of those petitions. The hon. leader

of the opposition (Hon. Sir Mackenzie Bowell) thought I had perhaps spoken somewhat lightly of those petitions the other day, and of the way they were circulated throughout the country. There is no man from the Pacific to the Atlantic who does not know that those petitions were sent out by the Canservative organization to the Conservative leader in each municipality, parish or town. They were printed forms, and directions were given to secure as many names as possible, and to return them to both branches of parliament. Everybody knows that they do not represent four or five per cent of the whole population of Canada. When each Liberal candidate goes into his county, and holds to public view a few dozen names of the best Tories of his county who have signed these petitions and shows them up at public meetings, I leave hon. gentlemen opposite to get out of these petitions all the comfort and satisfaction they can. The amendment before us implies that this road could be built before a thorough survey is made which is too preposterous a proposition to be seriously discussed. It is the painful duty of the opposition to oppose, but it is the duty of a government to act, and to govern is to foresee. It is the duty of the government to provide for the future, and the party in power to-day is willing to be judged by the future as to the wisdom of this important undertaking.

Hon. Mr. LANDRY moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned till 11 a.m. on Saturday.

THE SENATE.

Ottawa, Saturday, October 17, 1903.

Morning Sitting.

The SPEAKER took the Chair at eleven o'clock a.m.

Prayers and routine proceedings.

YUKON REGULATIONS.

The Order of the Day being called :

That a resolution be adopted relative to the regulations made by the Governor in Council under the authority of section 47 of the Dominion Lands Act, applicable or relating to the Yukon Territory.

Hon. Mr. TEMPLEMAN—In the absence of the hon. Secretary of State, I beg to move the foregoing resolution.

Hon. Mr. FERGUSON—Explain.

Hon. Mr. TEMPLEMAN—The hon. Secretary of State explained the resolutions, and as I understood his explanation was that it was to get the sanction of parliament to Orders in Council passed in respect of the Yukon regulations which, under the statutes required to be approved of by parliament. My hon. colleague made the explanation very fully yesterday in laying them on the Table. The matter has not been in my hands. I thought the hon. gentleman heard the explanation of the hon. Secretary of State. The hon. leader of the opposition was satisfied.

Hon. Mr. FERGUSON—I know the hon. gentleman made some explanations. We are perfectly aware that it is necessary, in a formal way, that parliament should endorse or approve of these regulations, but the House would like to know what the regulations are.

Hon. Mr. TEMPLEMAN—If my hon. friend insists on an explanation I shall have to ask the resolutions to stand until my hon. friend the Secretary of State appears in the House. The Orders in Council, as I assume they were, were laid on the Table yesterday and were in the hands of the Secretary of State. I have never seen them and I cannot give my hon. friend the information he asks. I thought the matter was fully understood by the hon. leader of the opposition yesterday who signified his concurrence in the resolution as presented by the hon. Secretary of State.

Hon. Mr. DeBOUCHERVILLE—I understood this resolution was to appear in the proceedings.

Hon. Mr. TEMPLEMAN—So it is.

Hon. Mr. BERNIER—No, it is not.

The SPEAKER—This resolution was put in my hands yesterday by the hon. Secretary of State and then it was suggested by some hon. gentlemen on my left that the Secretary of State should read the document. He read some of the Orders in Coun-

cil and was proceeding to read further when the hon. leader of the opposition suggested that that would not be necessary, that the Orders in Council might be laid on the Table so that members would have the opportunity of looking over them and it was better to postpone this resolution, and the Secretary of State laid the documents on the Table, as I understood, for the purpose of letting hon. gentleman look at them. I remember the occurrence. I think it was the hon. gentleman from Stadacona who demurred.

Hon. Mr. BERNIER—It seems to me that these matters should be put in the Minutes; it is impossible for every member to go to the Table and look at them. I do not see why these documents were not printed in the Minutes.

The SPEAKER—The hon. gentleman will see it is not the practice to put returns of that kind in the Minutes.

Hon. Mr. LANDRY—There is this difference, that the returns are not generally proposed to be adopted by the House, but this is.

The SPEAKER—Here is the Secretary of State himself.

Hon. Mr. SCOTT—I went over a number of these resolutions yesterday, and I do not just remember how far, but it is open to any gentleman on notice to call up any of them. They are Orders in Council passed at various times during the year, in fact, more than a year now, and under the Act of 1902 they continue in force up to the sitting of parliament, and until one day after the sitting and must be confirmed during the sitting. I shall read them.

Hon. Mr. BAIRD—Is it necessary to take up the time of the House with reading these?

Hon. Mr. SCOTT—Only because some hon. gentlemen asked it should be done.

Hon. Mr. FERGUSON—My inquiry was not intended to lead to the minister reading to the House the Orders in Council, but I thought that he would know what the Orders in Council contained and would be able to tell us what the material changes are which have been made to these Orders in Council. That would be much more useful to the House than to have the documents read, or leaving the papers on the Table; but if the members of the government are not ready to make a statement of that kind I do not see that there is any need of reading the documents.

Hon. Mr. SCOTT—They are all mere matters of detail changing the royalties or rescinding regulations formerly made that were not approved of by the people of the Yukon. They are all little matters of detail. There is nothing that I am aware of which involves any principle whatever.

Hon. Mr. FERGUSON—No part of the principle involved in the concessions to Treadgold.

Hon. Mr. SCOTT—No, that statement was made in the other House by the premier.

Hon. Mr. LANDRY—Before the motion is adopted I should like to call the attention of the House to this fact; we are asked to approve of things which we do not know anything about. I cannot approve of that. I do not want to delay the proceedings of the House, and I think the hon. minister will understand why we say 'carried on a division.'

Hon. Mr. SCOTT—Of course, they will be all published in the 'Canada Gazette.' Anything of importance in them has been published in the papers during the past fifteen months.

The motion was agreed to on a division.

NATIONAL TRANSCONTINENTAL RAILWAY BILL.

DEBATE CONTINUED.

The Order of the Day being called:

Resuming the further adjourned Debate on the motion for second reading (Bill 235) An Act respecting the construction of a National Transcontinental Railway, and the resolution in amendment of the Honourable Mr. Ferguson.—(Hon. Mr. Landry.)

Hon. Mr. LANDRY—I have been asked to give place for a few minutes to my hon. friend on my left (Hon. Mr. Tessier), and if the House will permit me to do so, I shall speak later.

Hon. Mr. TESSIER—The majesty of this House is so awe inspiring that it is not an easy task for a new member to take part in the discussion of a question so important

as the one which is now before us, especially when the subject is nearly exhausted; but I feel it incumbent on me, as one of the representatives of the district of Quebec, to state in a very few words my reasons for assenting to the policy of the government. This policy has the merit of recognizing the geography of this country. It seeks to render equal justice to the maritime provinces who have had a right to complain in the past, and it assures the construction of a line from the tide waters of the St. Lawrence at Quebec to the prairies of the North-west, developing en route the back country, which is a part of the domain of the provinces of Quebec and Ontario. The limit of the Canadian wheat belt is north of latitude 49. In Quebec, the lowest part where the St. Lawrence can be bridged is in latitude 47. If we are sincere in our desire to bring the trade to Canadian ports why shorten our national line, and bend it to latitude 43 or 45 as has been asked in some quarters? When it was evident that there was a grain congestion in the North-west the people of Quebec were the first to recognize the necessity of building a new transcontinental line. Our most prominent citizens gathered together. They decided to revive the charter rights of the Trans-Canada Railway, a line which offered the shortest possible route from Chicoutimi, Quebec, to Port Simpson. This was recommended by Sir Sandford Fleming, Colonel Hughson and by Marcus Smith. It is only 2,700 miles from ocean to ocean, passing to the north of the height of land close to James bay which could have been reached by a small branch. Passing north of Lake Winnipeg or through the beautiful Peace river valley, through the Rocky mountains at an elevation of less than half of the elevation of the present Canadian Pacific Railway, and going from there to Port Simpson which is the best harbour on the Pacific coast north of San Francisco. By that line, which is the shortest possible, being 300 miles less than the present line of the Grand Trunk Pacific the distance from Liverpool to Japan would be 720 miles less than by Vancouver and 2,000 miles less than by New York. Although far north it would still be south of the limit of wheat cultivation, and it is no wonder that the people of Quebec were so enthusiastic about the scheme, and that some of our most prominent citizens, the Hon. Mr. Gauvreau, William Price, Dobell, Ross and Scott did not hesitate to spend their money freely, send parties of engineers from the St. Lawrence to the Pacific coast, who explored the country, and whose reports, I am glad to say, have been so useful, in this discussion, have been used by the ministers in explaining the present scheme, and have also been used by the members of the lower House and members of the Senate in discussing this question. The government has not thought fit to admit this scheme in its entirety, but the agitation which the promoters of the Trans-Canada have kept up, the common sense of their ideas has prevailed to a certain extent, and I have no doubt it has led to the present policy of the government line; at least from Quebec to Winnipeg. The government's proposal is infinitely better and far less expensive than the contra proposal offered by the chief of the Conservative party in the lower House. His scheme makes the fatal error of clinging to the water routes, by the great lakes, thinking that the extension of the Intercolonial Railway from Montreal to Georgian bay would solve the problem of cheap transportation. Like other advocates of the rail and lake route he is led astray by the idea that the cheap rates on grain from Lake Superior to Buffalo can also be obtained from the great lakes to Montreal, forgetting that the big steamers of 7,000 tons drawing eighteen feet of water, can carry grain at least one-third cheaper than the 2,000 ton steamers which are limited to fourteen feet by the depth of our canals. The United States use the great lakes for a thousand miles on account of the cheapness of the rates which they can get by using these great steamers, but the position of Canadian railways is entirely different on account of the limited depth of 14 feet in the canals, so that a modern road, with easy grades of about 30 feet per mile could, I am informed on good authority, not only compete with the present lake and rail route, but save 30 to 40 per cent on the freight rates now current. We would in the same time get rid of the temptation of the all-lake route which last year took away 11,000,000 bushels of Canadian wheat to Buffalo from Fort William, and probably as much from Duluth. It has been suggest-

ed to buy the Canada Atlantic Railway from Coteau to Parry Sound and part of the Canadian Pacific Railway north of Lake Superior, I think that proposal is simply preposterous. If we have to augment the public debt, the people will expect they will get something for it. They do not want to buy a railway that is already in existence. They will expect to have a new enterprise, a new road which will give a new development and new progress to their country. It has also been said that the building of a road from Quebec to Moncton was superfluous. I am not at all of that opinion. I know that from Quebec to New Brunswick from the shore of the St. Lawrence river to the line of the state of Maine there is a splendid country. I am speaking from personal knowledge, for I have the honour to represent four counties, in that section, Lévis, Bellechasse, Montmagny, and L'Islet. These counties contain a great deal of timber and some good lands and a thriving population, and these people have been waiting and asking for a long time to have railway communication, and that part of the country will be largely benefited by the new scheme. It is only natural to say, that New Brunswick will be highly benefited by a railway passing in the centre of that province and I do not see why the maritime provinces who will have to pay a share of the expenses should not get a share of the profit. Building a new road entirely on Canadian soil is far more patriotic than subsidizing roads going on the American territory, as has been done some years ago. I hope that proper surveys will be made. If a proper location is selected to the north of the height of land, it will develop a new province of Quebec and a new province of Ontario. It will open up a valuable country that has great resources in soil, in forests and fisheries and minerals, that will, I feel confident, surprise us all in the near future.

Hon. Mr. LANDRY—The Bill before us, which we are asked to sanction by our votes, creates a commission and sanctions a contract. The commission is created to carry out in the name of the government the enactment of the contract entered into by the government and the incorporated company called the Grand Trunk Pacific Railway Company. For that purpose, let us read the Bill itself :

The construction of the eastern division and the operation thereof until completed and leased to the company pursuant to the provisions of the agreement shall be under the charge and control of three commissioners, to be appointed by the Governor in Council, who shall hold office during pleasure, and who, and whose successors in office, shall be a body corporate under the name of 'The Commissioners of the Transcontinental Railway' and are hereinafter called 'The Commissioners.'

(2.) The Governor in Council may, from time to time, designate one of the commissioners to be the chairman of the commissioners.

10. The Governor in Council may appoint a secretary to the commissioners, who shall hold office during pleasure, and may also appoint a chief engineer for the eastern division, who shall hold office during pleasure, and who, under the instructions of the commissioners and subject to the provisions of the agreement, shall have the general superintendence of the construction of the eastern division.

11. The commissioners may appoint and employ such engineers (under the chief engineer), and such surveyors and other officers, and also such servants, agents and workmen, as in their discretion they deem necessary and proper for the execution of the powers and duties vested in them under this Act.

By clause 15 it is enacted :

15. The commissioners shall have in respect to the eastern division, in addition to all the rights and powers conferred by this Act, all the rights, powers, remedies and immunities conferred upon a railway company under the Railway Act and amendments thereto, or under any general Railway Act for the time being in force, and the said Act and amendments thereto, or such general Railway Act, in so far as they are applicable to the said railway, and in so far as they are not inconsistent with or contrary to the provisions of this Act, shall be taken and held to be incorporated in this Act.

The contract has been agreed to and signed by the government on one side and the company on the other side, as stated in the Bill now before us :

(Signed) C. RIVERS WILSON,
" WELBY,
" JOHN A. CLUTTON-BROCK,
" JOSEPH PRICE,
" ALFRED W. SMITHERS,
Per Charles M. Hays.
" CHARLES M. HAYS,
" FRANK W. MORSE,
" JOHN BELL,
Per Charles M. Hays.
" WM. WAINWRIGHT.

Signed, sealed and delivered in the presence of :

(Signed) F. H. CHRYSLER,
" W. H. BIGGAR.

Signed, sealed and delivered in the presence of :

GERALD G. RUEL.

Quebec.

The contract alluded to provides for the construction of a railway described as follows :

2. A through line of railway, of the gauge of four feet eight and one-half inches, comprising two divisions, to be called the 'eastern division' and the 'western division,' respectively, shall be constructed, in the manner hereinafter mentioned, between the city of Moncton, in the province of New Brunswick, and the navigable waters of the Pacific ocean, at or near Port Simpson or some other port in British Columbia, as may be agreed upon. The eastern division shall comprise the portion of the said railway to be constructed from its eastern terminus, through the central part of the province of New Brunswick and through the province of Quebec, by the shortest available line to the city of Quebec,——

I draw particular attention to these words 'the shortest available line to the city of Quebec.'

—then westerly through the northern part of the provinces of Ontario and Quebec, and through the province of Manitoba to the city of Winnipeg ; and the western division shall comprise the portion of the said railway between the said city of Winnipeg, or some point on the said eastern division, and the Pacific ocean, extending westerly through the province of Manitoba, the North-west Territories and the province of British Columbia.

Clause 4 of the contract, reads :

4. The said western division is further, for convenient reference, considered as being divided into two sections, one extending from the eastern terminus thereof westerly to the eastern limit of the Rocky mountains (herein designated as the 'prairie section'), and the other extending westerly from the said eastern limit of the Rocky mountains to the western terminus of the said division (herein designated as the 'mountain section').

That is for the western division. This western division according to calculations made by the hon. Secretary of State would measure 1,400 miles. The eastern division is defined by clause 5 of the contract which reads as follows :

5. The said eastern division shall be constructed by, and at the expense of, the government, upon such location and according to such plans and specifications as it shall determine, having due regard to directness, easy gradients and favourable curves.

This eastern section will have, according to the figures given by the hon. Secretary of State, 1,875 miles. The whole rail line through from Moncton to Port Simpson, would be about 3,355 miles. Then what we may call the 'to-be-incorporated-company came before parliament—that is the company spoken of in the agreement of 29th July, 1903, for this agreement was signed on the 29th July, 1903, by those persons I named, persons representing herein and acting on behalf of the Grand Trunk Pacific Company, a company to be incorporated by Act of parliament at the present session thereof. This to-be-incorporated-company, spoken of in this agreement came to parliament with the Bill No. 64 entitled 'An Act to incorporate the Grand Trunk Pacific.' I read from clause 1 as follows :

The Hon. George A. Cox, H. M. Pellatt, and E. R. Wood, all of Toronto, the Hon. William Gibson, of Beamsville, Ontario, J. R. Booth, of Ottawa, the Hon. H. B. Rainville, Charles M. Hays, Frank W. Morse and William Wainwright, all of Montreal, and John Bell, of Belleville, together with such persons as become shareholders in the company, are incorporated under the name of 'the Grand Trunk Pacific Railway Company,' hereinafter called 'the company.'

This Bill was read a first time on 31st of March of the present year. In it we find that clause 4 reads as follows :

4. The capital stock of the company shall be seventy-five million dollars, divided in whole or in part into shares of one hundred dollars each, or twenty pounds sterling money of Great Britain each, as determined by the by-laws of the company.

Then clause 6 gives to the company the power to issue preferred stock at such price and to such amount not exceeding ten thousand dollars per mile, and upon such conditions as to preferences and privileges appertaining thereto. By this first Bill, the road was located as follows :

12. The company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the city of Moncton, in the province of New Brunswick, through the central portion of the said province, and through the province of Quebec, to a point at or near the city of Quebec, thence in a north-westerly and westerly direction to a point on the boundary line between the provinces of Quebec and Ontario within fifty miles of Lake Abitibi ; thence in a north-westerly and westerly direction passing to the north of Lake Nepigon, in the province of Ontario, to a point at or near the city of Winnipeg ; thence westerly and north-westerly, passing through or near Battleford, Edermonton and Dunvegan, or by such other more feasible route as is hereafter located, but following in a general direction that herein indicated, and by way of either the Peace river pass, or the Pine river pass, or such other pass in the Rocky mountains as is found most convenient and practicable, to Port Simpson or Bute Inlet, or such other port on the Pacific coast between the said points as is considered more accessible and better adapted for the purposes of the company.

That was the line as first located by this Bill introduced in March. Further on the company had the right to build branches to

Port Arthur, Regina, Calgary and Dawson. This was the Bill in the form that it was presented. It was not, however, the original plan brought before the public by the Grand Trunk Railway in December of the previous year, and entertained by that company, which then, as now, was to be incorporated by Act of parliament. The first scheme introduced before the public was a scheme by which the Grand Trunk Pacific intended to build a road from Gravenhurst or North Bay to the Pacific. This first scheme aroused much opposition throughout the country. Amongst the public bodies who took a stand against it let me cite you the Quebec Board of Trade. On the 4th day of December, 1902, the Quebec Board of Trade held a meeting in the city of Quebec and passed certain resolutions, amongst which was a most vigorous resolution against the construction of the Grand Trunk Pacific. The resolutions read as follows :

That the board of trade whilst sharing with Canada at large the pride which is felt at the wonderful crops which are being raised in the North-west Territories the fullest confidence in the future of that magnificent country and the conviction that immediate measures are necessary as recently urged by Hon. Mr. Blair, Minister of Railways, to give additional facilities to that part of Canada to enable its crops to be moved, views with alarm the proposed construction by the Grand Trunk Railway of a line of railway from Gravenhurst or North Bay to Port Simpson on the Pacific coast ; that this board is of opinion that no charter should be granted by parliament by any additional transcontinental line or for any railways to carry out the produce of Manitoba to the seaboard without the most careful consideration, and that in any transcontinental charter hereafter granted the following conditions should be rigorously exacted.

Now I will read these conditions, because these conditions applied not only to the scheme brought forward at the time by the Grand Trunk Railway but because as a matter of principle they are equally applicable to any transcontinental scheme which might come before parliament.

1. That such new line should be the shortest possible from ocean to ocean, and should run by the most level route obtainable so as to ensure favourable grades and enable the western farmer to obtain lower freight rates on grain.

I presume my hon. friend to my left when he spoke a few moments ago had in mind that first principle put forward by the Quebec Board of Trade which decrees that the government must choose the shortest route from ocean to ocean. That is in favour of the Trans-Canada.

2. That the location selected and the conditions to be imposed by parliament should be such as to compel the shipment of the goods exported seaward by such railway to be by St. Lawrence ports in summer and maritime province ports in winter.

3. That it would seem wise in any future charters to adopt the policy which was followed when the Canadian Pacific Railway was first chartered of preventing the construction of lines in a south-easterly direction towards the United States frontier, as being likely to direct the export trade to American seaports.

4. That any future transcontinental line—especially if aided by government—should be so located as to benefit as much as possible all the provinces of the Dominion, to develop new sections of the country, and to be as remote as shortness will permit from districts which already have railways, so as not to be injurious to capital invested therein.

That in the opinion of this board the new line proposed to be built by the Grand Trunk does not meet any of these requirements, for the following reasons :—

1. Because the distance by Grand Trunk from Portland to Port Simpson via North Bay will be about 3,600 miles, and from Lévis to Port Simpson about 3,400 miles. Whereas the distance from Quebec to Vancouver by the Canadian Pacific is only 3,078 miles, and a direct line from the city of Quebec, through northern Quebec and northern Ontario by the route granted by parliament last year by charter to the Trans-Canada Railway would be only about 2,830 miles, and the distance from Montreal to the same point, by the branch line provided for in the Trans-Canada charter less than 2,900 miles. And, furthermore, because the nature of the country close to Lake Huron and Lake Superior is such as to involve gradients on existing line there precluding the economical thansportation of grain. Such grades and the extra length of the proposed line would render cheap freight on grain impossible.

2. That as the proposed Grand Trunk line would pass through or near Toronto, which is only 550 miles distant from New York, as compared with 333 miles to Montreal, 505 to Quebec, 808 miles to St. John or 1,083 miles to Halifax, and as the policy of the Grand Trunk has always been to direct its winter export traffic and latterly its summer traffic to Portland, where it owns elevators and terminals, there would be great danger that United States ports would get at least a portion of the summer and the whole of the winter export business of the Grand Trunk line. Whereas if the Trans-Canada route were selected the geographical position would be such that the summer business would have to come to Montreal and Quebec, and the winter traffic, by the Queen's bridge, to Halifax and St. John.

3. That the direction of the proposed Grand Trunk line running south-easterly from the north end of Lake Winnipeg towards Toronto, to such an extent that its easterly end will be ten degrees or 600 miles further south than the prairie district which it is sought to develop, invites the very danger of diversion of trade to the United States, which parliament has always sought to avoid in such charters.

4. That the proposed location of the Grand Trunk extension would at its eastern end, run through the province of Ontario only, although

the province of Quebec offers the shortest route, and that for many miles it would not develop new sections of the country, being close to existing lines, which it would injure. Whereas, if the location selected by the Trans-Canada were adopted 400 miles of the new line would be in the province of Quebec, 350 miles in northern Ontario, the distance from ocean to ocean would be shortened by about 700 miles, and a new and valuable country—all of it south of the wheat limit—would be developed in both provinces. Furthermore, the connection sought with southern Ontario and Toronto would still be assured by means of the railway which the province of Ontario is building from North Bay to James bay, as a public work of the province, and this connection would be very little longer in mileage to Toronto than that now proposed by the Grand Trunk project, so that the wants of Ontario would be fully supplied by the Trans-Canada plan.

That for all these reasons, this board is of opinion that the proposal of the Grand Trunk does not commend itself either from a commercial or a national standpoint, and that parliament would not be justified in reversing the policy which has hitherto prevailed, by granting a charter on the location sought by that company. And this board is further of opinion that if the government favour the building of another transcontinental railway the Trans-Canada offers by far the best route in the interest of all Canada, a route which has been recommended as the best, from ocean to ocean, by Sir Sandford Fleming, the highest engineering authority in the Dominion, a route which gives fair-play to all the provinces of the confederation, and which will give excellent connections to Toronto, Montreal, Quebec, St. John and Halifax. And we are convinced that the granting of the same assistance as is required by the Grand Trunk would be sufficient to ensure the construction of the Trans-Canada.

Another public body, the Halifax Board of Trade, which has been alluded to by my hon. friend from Moncton, passed, on the 3rd February, 1903, the following resolution :

Whereas the transportation facilities of any country are a most important factor in the development of its industries and commerce, and whereas the Halifax Board of Trade is of the opinion that the time has arrived when another transcontinental railway should be constructed, and whereas a line from Quebec north of Lake Winnipeg to Port Simpson would open up an immense area of fertile lands in the Northwest province, the shortest route from the Atlantic to the Pacific on Canadian territory, and serve the best interests of the empire from a military standpoint.

I hope my hon. friend from North Wellington is not asleep and that he will feel secure that such a line would pass far away north, out of the reach of those much feared American guns.

And whereas the route proposed by the Trans-Canada Railway Company between Quebec and Port Simpson should serve the interests of the maritime provinces better than any other established or projected route, therefore be it resolved that the federal government be asked to aid in the construction of such a line, enforcing stringent conditions that will ensure the entire traffic throughout Canadian ports both summer and winter.

That was the resolution passed by the Halifax Board of Trade. The Quebec Board of Trade, after passing the resolutions which I have read, passed other resolutions at a meeting which is thus described in the Quebec 'Chronicle' of December 5, 1902 :

The largest and most representative meeting of the Quebec Board of Trade ever convened by that corporate body in the ancient capital was held yesterday afternoon to consider and discuss the Trans-Canada Railway across the continent from the Atlantic to the Pacific. The board assembly room was crowded to the doors, and even standing room was at a premium. Every business interest in the city was represented by prominent and influential men, irrespective of political affiliations, and a common sentiment of union in the interest of the city and the province of Quebec seemed to prevail in a manifestation of harmony never before so unanimously evidenced. Besides the prominent citizens of Quebec, representing finance, the wholesale business and manufacturing, there was a solid phalanx of city aldermen, mayors of parishes on the north and south shores from Quebec to Rivière du Loup and the Lake St. John district, east and north, and many from the municipalities west of Quebec. There were also ten federal members of parliament, including Messrs. Wm. Power (Quebec West), O. Talbot (Bellechasse), J. Girard, M.P. (Chicoutimi); J. Ross, M.P. (Rimouski) ; Gauvreau, M.P. (Temiscouata) ; Carbonneau, M.P. (L'Islet) ; Béland, M.P. (Beauce) ; Morin, M.P. (Dorchester); Fortier, M.P. (Lotbinière), and S. Delisle, M.P. (Portneuf) ; Hon. Senator P. Landry, Hon. L. P. Pelletier, Hon. Jules Tessier, Hon. V. W. Larue, M.L.C. ; Hon. M. Garneau, M.L.C. ; Chapais, M.L.C., and others. Among the merchants and other representative citizens were Messrs. Andrew Thomson, Wm. Price, Geo. Amyot, G. Lemoine, H. M. Price, Victor Chateauvert, Thos. Davidson, M. Joseph, J. G. Scott, Henry O'Sullivan, C.E., John G. Ross, Major W. J. Ray, A. R. Macdonald, Wm. Marsh, John Ritchie, and about three hundred others of high commercial standing.

The president of the Quebec Board of Trade, Alderman George Tanguay, M.P.P., called the meeting to order at three o'clock.

That was a very representative meeting, I should say.

I have already read the first resolution which was passed and sent to parliament, I shall now read another resolution passed at this same meeting :

Proposed by Wm. Price, Esq., seconded by P. S. Dumoulin, Esq., that Messrs. Gaspard, Lemoine, V. Chateauvert, Geo. Tanguay, M.P.P., Thos. Davidson and the mover and seconder, be appointed a deputation to wait upon Hon. S. M. Parent, premier, and the provincial government, to point out to them the necessity of immediate action with regard to a land grant to the Trans-Canada Railway so that the province may not lose this opportunity of securing

the development of the seventy millions of acres of valuable land belonging to the province in the James bay district, it being the opinion of this meeting that the opening up of the James bay territory is of the highest importance to the province, which will thereby secure a large revenue from the lumbering operations, the minerals and the water powers of that vast country, a new source of revenue of which the province stands greatly in need, and that it seems evident that the province holds the key to the position, as the proposed land grant will immediately secure the development of this country which may otherwise be deferred for very many years.

Proposed by V. Chateauvert, Esq., seconded by W. M. Dobell, Esq., that copies of these resolutions be forwarded to the right hon. the premier and the members of the federal cabinet, to Hon. S. M. Parent, and the ministers of the provincial government, to the president and general manager of the Grand Trunk Railway, to the several county councils of this province, and to the press in all the provinces.

Proposed by H. M. Price, Esq., seconded by G. M. Amyot, Esq., that the secretary be instructed to convey to Sir William Van Horne and to Sir Sandford Fleming the thanks of this board, &c.

A few other motions of secondary importance were passed. Well, what was done? The deputation named in the resolution I just read waited upon Mr. Parent, the premier of the province of Quebec, and they asked him, in order to insure the success of the Trans-Canada to grant it a land grant in the remote part of the country, north of the city and district of Quebec. Mr. Parent, who is very well known as the right arm in Quebec of the hon. premier of Canada, doing in every possible way the business of Sir Wilfrid Laurier, asked the deputation what amount of land they wanted. The deputation gave a figure, 25,000 or 20,000 acres per mile. It did not suit Mr. Parent, 'That is too much said the provincial premier, I will take up the matter and think it over.' But at the second meeting he choose to throw cold water on the enterprise and said: 'You are asking for lands in that district, but I was approached a few days ago by a man who asked me to buy 25,000,000 acres at $1.50 an acre, a sum sufficient to pay the whole of the debt of the province of Quebec, and I refused.' Thus indicating that the company had very little chance to get a land grant in that part of the country. In fact up to date no land grant has been made, showing the determination of M. Parent to kill the Trans-Canada. His answer was reported by the press, and in the following local session a member inquired from the government who was the party that waited upon the hon. premier of the province of Quebec, and asked him to sell 25,000,000 acres in the north part of the province of Quebec. Well, it is recorded that a man named Roberts comes now on the scene. It was for that reason, when my hon. friend from de Lanaudière was speaking the other day, I asked 'where was Roberts.' I suppose he did not catch my question, because he did not answer. Who is Roberts? Pressed by the few members of the opposition in the local legislature, who inquired into the personality of that stranger, the Hon. Mr. Parent said Mr. Roberts was a man that came into his office one day and made him the proposition. The members asked: 'Have you it in writing?' He said: 'No, I have not it in writing.' 'What kind of a man is he?' The only description Mr. Parent could give was Roberts had green eyes, and the members of the opposition found the answer out too green for their own eyes. A few days after, Mr. Parent, in order to play the game of Mr. Laurier here in Ottawa, who was at that time compromising with the Grand Trunk Railway working in its favour against the Trans-Canada, issued a royal commission on the same lines as the one that has been issued by our friends on the other side of the House, when they named Mr. Bertram and the others as members of the commission to settle the transportation question. A royal commission was named by Mr. Parent, composed of MM. Laflamme, Bourgeois and Stephens. Rev. Mr. Laflamme is a scientific man, but he never devoted very much of his time to the study of the colonization requirements of our country; Judge Bourgeois of Three Rivers, knew a little more of the laws of the country than of the wants of the settlers. Mr. Laflamme, and, finally, Mr. W. Stephens, is well known as the watch dog as he was in the time of the Mercier government. These three gentlemen were constituted the royal commission. They went to work and the first thing they did was to adjourn. In the meantime Mr. Laflamme, becoming disgusted with the way they were treated, tendered his resignation. He was replaced by a man called Canon Thivierge, well known in the province of Quebec, and being one of the parties compromised in the Mercier

scandal. He was recompensed by his appointment to the position of royal commissioner. Mr. Parent was therefore confident that that commissioner would decide whatever he wanted. Judge Bourgeois died—he could not stand it—and he was replaced by a member who is now a member of this House called Mr. Legris, a senator for one of the divisions of the province of Quebec, and another gentleman from Montreal—I forget his name for the moment—has replaced Mr. Washington Stephens who tendered his resignation. This royal commission having a secretary, Mr. Chrysostome Langelier, made a first report. That report was sent to the hon. premier of the province of Quebec, and we all know what was—not a mere insinuation but a direct accusation—brought forward and never answered that that first report, which granted certain sums of money to the Trans-Canada and one or two other railways, was taken by the premier himself, put in his desk, and that another report was ordered to be made. What did that other report say ? This second report said in conclusion, that steam railways cost more than electric railways. We were very much enlightened by the decision of the royal commission. We never before dreamed that such a light had been kept under the bushel from our people in the province, but at last it sprang up like a meteor in our sky. We are now waiting for the third report, and I suppose the conclusion of the third report will be a solution to the following problems ; does an electric railway cost more than a common cart driven by a yoke of oxen ? That point once decided, we will be told that this common car hauled by a yoke of oxen will cost more than a human being carrying a bag on his back. That other question once decided probably the royal commisison will have accomplished its mission. That royal commission is a farce from beginning to end, appointed solely to kill the Trans-Canada and to do the work in the province of Quebec of the hon. premier of Canada, and what proves it is, that in the meantime, Mr. Parent has given his land agents and his colonization agents orders to withhold the sale of any lots to settlers until this royal commission have solved in their report the transportation problem. But, like some public men, time cannot wait, and the Grand Trunk Railway came before parliament with this present Bill, which was read for the first time on the 31st of March of the present year. A very lengthy discussion took place in the Railway Committee of the House of Commons upon that Bill.

Hon. Mr. FERGUSON—My hon. friend is now speaking of the Grand Trunk Pacific incorporation Bill ?

Hon. Mr. LANDRY—Yes, which was introduced here in this House on the 31st March, and which shows the change which public opinion brought into the framing of the Bill, because the first scheme of the Grand Trunk was to build a railway from Gravenhurst to Fort Simpson, but the Bill as now before us changes the line and brings it to Quebec. Mr. Hays appeared in the Railway Committee in the House of Commons. He was asked to take under his charge the building of that portion of the railway which extends from Quebec to Winnipeg. He refused. Why ? I suppose he found that it would never be a paying concern. He found that traffic would never come from Winnipeg to Quebec by that road. It is an impossibility—viewed as a business or economical question. Figures have been given. I shall not discuss them. It is a well-settled conclusion arrived at by persons who have studied the question, that all-rail routes cannot compete in rates with water-ways, or water and rail combined. Mr. Hays knew that before the discussion. As a man of experience, he knew what freight was and what any railway could do, and he peremptorily refused to undertake the building of that line of railway. He said : 'I will operate it on one condition, namely, that you build it yourselves, and that you will make the necessary repairs all the time I have it. The necessary repairs must be made by the government. On those conditions I will take it, but not before seven or ten years have elapsed, and if it does not pay at that time, we will see what we can do then.' The Grand Trunk Pacific Company succeeded in the Railway Committee in having the Bill amended, or, to speak more correctly, the discussion there was so lively, and the interest in the case became so large, that it necessitated further amendments in the Bill. When the people of the maritime

provinces saw that Mr. Hays and the Grand Trunk were willing to take that part from Quebec to Winnipeg, they said : 'Why not extend it to Moncton?' And they succeeded, the line was extended to Moncton. Public opinion in the meantime kept agitating, and we see that on the 23rd May—that is after the Bill had been presented to parliament—the Halifax Board of Trade, nothwithstanding what my hon. friend from Northumberland has said, passed, on the 23rd of May the following resolution :—

Whereas, application has been made to the federal government for a charter to build a line of railway known as the Grand Trunk Pacific Railway, from Quebec to Port Simpson, or Bute inlet on the Pacific coast (said line to run south of Lake Winnipeg), and no provision has been made in application for the shipment of the traffic originating on said line through the maritime province ports in the winter season ;

And whereas, members of parliament representing maritime province constituencies at Ottawa have urged that the charter be granted only on the condition that the Grand Trunk Pacific Railway company agrees to build the line from the Pacific coast to the town of Moncton, New Brunswick :

Therefore resolved, that this board approves of the stand taken by the representatives from the maritime provinces.

And further resolved, that this board protests against government assistance of any kind being granted to any transcontinental railway unless a distinct and binding condition is enforced that said railway shall be built entirely on Canadian territory, that its export and import traffic shall be through Canadian termini, and that the rates of freight charged by said railway shall be as low via the ports of St. John, N.B., and Halifax, N.S., as rates charged via any port on the Atlantic seaboard.

Is there a condition in this contract agreed to by the government with the Grand Trunk Pacific Railway that their freight, if they ever go to St. John or Halifax, shall be as low as any rates charged by the Grand Trunk Railway for carrying freight to any port on the Atlantic seaboard ? Why not have inserted that clause in the agreement?

And further resolved, that if aid is asked from the Canadian government by the Grand Trunk Pacific Railway, the interests of the maritime provinces should be safeguarded by compelling this railway company to commence the construction of the eastern portion of its line at Moncton, N.B., and complete it as far as the city of Quebec (or the bridge where connection is made with that city), concurrently with the commencement and completion of the western portion of the line.

There is a resolution which was passed by the Halifax Board of Trade instructing the members from that province to compel the government to insert in the contract a clause binding the parties constructing the road to commence at Moncton simultaneously with other places.

Hon. Mr. McSWEENEY. Hear, hear.

Hon. Mr. LANDRY—Does the hon. gentleman mean by that 'hear, hear' that there should be such a clause in the contract ? Well, it is not. The resolution goes on to say :

And whereas, the route from Quebec to the Pacific coast, running north of Lake Winnipeg, would, in our opinion, best serve the interests of the province of Quebec and of the maritime provinces, and open up for settlement a new and valuable part of the Dominion.

Therefore resolved, that the government be urged to adopt this route for any new transcontinental railway company seeking government assistance.

This board also desires to express its opinion that the interests of Canada demand that the Intercolonial Railway be extended to the grain-producing centres of the west, thus rendering it independent of other railway lines for its traffic.

And this resolution was signed by the same names that were mentioned the other day by my hon. friend—by Mr. De Wolfe, president, and Mr. Charles Creed, secretary. It is dated Halifax, N.S., May 23, 1903.

Hon. Mr. McSWEENEY—Read the one of July 22.

Hon. Mr. LANDRY—I intended to read it later, but as the hon. gentleman cannot wait, I shall read it immediately. It is as follows :

Resolution adopted by the Halifax Board of Trade.

Whereas, objection having been taken to that part of the Grand Trunk Pacific Railway scheme, which provides for the building of the road from Winnipeg to Moncton, N.B., this board desires most emphatically to reaffirm its previous declaration (appended hereto) that no scheme of government transcontinental transportation will be either adequate or equitable to each province of the Dominion which does not insure the carriage of Canadian products through Canadian ports in winter as well as in summer, and regards it as imperative that stringent guarantees to carry out that policy should be exacted by the government.

We further maintain that the construction of the road west of Quebec without insuring its continuance east through Canadian territory would be manifestly unjust to the maritime provinces.

This board is also of the opinion that the building of the shortest possible line through Canadian territory from Quebec to Moncton, N.B., would be of immense advantage to the maritime provinces, as well as to the rest of Canada, and would secure for the road a large share of through freight and passenger busi-

ness, which at present is done through United States ports.

JAMES HALL,
Vice-president.
CHARLES M. CREED,
Secretary.

Not only the Halifax Board of Trade, but the city council of Halifax passed a resolution on the 15th of May last, which reads as follows :

Office of City Clerk,

City Hall, Halifax, N.S., May 18, 1903.

Extract from minutes of a meeting of the city council of the city of Halifax, held on the 15th day of May, 1903.

The following resolution is now introduced :

Whereas, the Grand Trunk Pacific Railway Company is applying, at the present session of the parliament of the Dominion of Canada, for a charter to build a railroad from the Atlantic to the Pacific oceans ; and also asking for a large subsidy from the Canadian government towards that project, as well as for said government to guarantee their bonds ; and whereas no satisfactory assurances have been given by the representatives of the above named company that the road will be an all-Canadian one with its termini on Canadian soil.

Be it therefore resolved, that this council do emphatically protest against any financial or other assistance being granted by the Canadian government to this or any other transcontinental road unless on the express understanding and agreement that all freight received by it destined for Canada, or to be sent from Canada shall only be shipped at Canadian ports in both the summer and winter seasons.

There is a clause of the contract which is directly opposed to this resolution of the city council at Halifax. The resolution continues :

And be it further resolved, that copies of this resolution be forwarded to the Minister of Railways, the Minister of Finance, the Minister of Militia, and the maritime province representatives with a request that they use their best endeavours to carry out the tenor of the above resolution, and, furthermore, they be also requested to exert their influence with the western members in the same direction.

Moved by Alderman Doyle, seconded by Alderman Hubley, and being put is passed.

A true extract.

L. FRED. MONAGHAN,
City Clerk.

That gentleman sent copies of this resolution to the representatives of that province. I suppose my hon. friend got a copy of it, being a member from the maritime provinces. At all events, I received a copy of it. The letter accompanying it was as follows :

Office of City Clerk, City Hall,

Halifax, N.S., May 18, 1903.

Dear Sir,—The city council of the city of Halifax has instructed me to forward you the inclosed copy of a resolution, passed unanimously by that body at a meeting held on the 15th instant, relating to the railway from the Atlantic to the Pacific oceans, proposed to be constructed by the Grand Trunk Pacific Railway Company.

It is the earnest desire of the city council of Halifax, that you will do your utmost to have accomplished the wishes expressed in said resolution, and also use your influence with the members of parliament representing the western constituencies, in the same direction.

I have the honour to be, sir,
Your obedient servant,
L. FRED. MONAGHAN,
City Clerk.

I suppose the hon. member has used his influence to convince the representatives from the westerly part of this Dominion to vote against this scheme if the wishes of the city council have been complied with, or is it the contrary that has happened ? I do not know but I think my hon. friend did not in a very strong way use his influence in that direction. What do we find the Quebec Board of Trade did in reference to that Bill ? On the 14th of April the Quebec Board of Trade passed the following resolution, which I recommend to the hon. minister who for the time being represents the government in this House. This resolution refers to the city of St. John, whose representative now here seems to forget entirely the interests of his city. The resolution reads as follows :

The Quebec Board of Trade reaffirms the opinion expressed in its resolution adopted on the 4th December last, as to the vital importance to Canada of the choice of a proper route for the construction of the next Canadian transcontinental railway, that it heartily endorses the position taken by the Dominion government in insisting that the terminal points should be at tide-water in Canadian ports at both ends of the line, so as to give its traffic to Canadian ports only, that is to say, by the St. Lawrence in summer, and Halifax and St. John in winter.

That Quebec being now recognized by legislation at present before parliament as the eastern summer terminus of the proposed line, it is of the highest importance that the shortest practicable route should be selected from Quebec to the North-west Territories, through the interior of this province, as recommended by Sir William Mulock, so that all danger of the diversion of this traffic to American ports may be averted.

That for these reasons, and in view of the paramount national importance of this question, the Quebec Board of Trade would earnestly recommend the government, before selecting any route, to submit the question to a commission of eminent engineers, so that the best line may be selected.

That copies of these resolutions be sent to the premier and the representatives of this district in parliament, and that they be urged to impress their necessity upon the government.

We see by this resolution that the Quebec Board of Trade has firmly impressed upon the government the necessity of referring this vital question to a commission of eminent engineers so that they may decide what was decided when the Intercolonial Railway was deflected from what was the best commercial route, and as the government was to make that a commercial and at the same time a transcontinental route they might have received an instruction to select that route from that double point of view. Well, public opinion was so much agitated with this expression of the electorate in the different provinces that the government were forced to step in and in face of Bill 64 to take the onus of building the eastern section of the road. We see in that Bill from clauses 1, 4 and 12, what change took place. Clause I shows that the directors have been changed :

1. Sir Charles Rivers Wilson, G.C.M.G., C.B. ; Lord Welby, G.C.B. ; John A. Clutten-Brock, Joseph Price, and Alfred W. Smithers, all of the city of London, England.

These names have been added to the directors of the company. The Hon. Geo. A. Cox, and Hon. W. Gibson, still remain directors. By clause 5 the capital of the company which had been fixed at $75,000,000 was reduced to $45,000,000 because the government undertook to build the eastern part of the railway, which, by the first Bill, would have been probably built by the Grand Trunk Pacific Company from Quebec to Winnipeg. The government stepping in and taking the Moncton division and the Quebec division on its own account and consenting to build itself the whole eastern division, it followed as a matter of course that the capital of the company which was $75,000,000 at the outside should be reduced to $45,000,000. Clause 4 of the Bill says, that the capital stock of the company shall be $45,000,000. By clause 12 we see a very material change in the location of the road. It reads as follows :

12. The company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the city of Moncton, in the province of New Brunswick, through the central portion of the said province, and through the province of Quebec, to a point at or near the city of Quebec, thence in a north-westerly and westerly direction to a point on the boundary line between the provinces of Quebec and Ontario within fifty miles of Lake Abitibi ; thence in a north-westerly and westerly direction, passing to the north of Lake Nipigon, in the province of Ontario, to a point at or near the city of Winnipeg ; thence westerly and north-westerly, passing through or near Battleford, Edmonton and Dunvegan, or by such other more feasible route as is hereafter located, but following in a general direction that herein indicated, and by way of either the Peace river pass, or the Pine river pass, or such other pass in the Rocky mountains as is found most convenient and practicable, to Port Simpson or Bute inlet, or such other port on the Pacific coast between the said points as is considered more accessible and better adapted for the purposes of the company.

And the company are awarded the right to build branches on this line. They had by the first Bill the right to build branches to Port Arthur, Regina, Calgary and Dawson. These four branches were kept and their right to build branches was increased by the right to build a branch to Montreal or Fort William or any other Canadian port on Lake Superior and to Prince Albert. The line by this Bill was divided into the eastern section, the Quebec section, the woodland section, the prairie section and the mountain section. Those five sections were divided as provided by the Bill. The clause reads as follows :

And the said main line of railway and branches, together with such other branch lines, and any extensions of the said main line of railway, as are hereafter constructed or acquired by the company, shall constitute the line of railway to be called the Grand Trunk Pacific Railway.

Then came Bill 235 which indicates the policy of the government in the building of the line under the authority of Bill 64. That Bill 235 contains the contract which is now before parliament and for which the sanction of parliament is asked. But let me tell you this Bill containing the contract is in direct opposition to the speech from the Throne. The speech from the Throne has been already quoted, and the paragraph I refer to reads as follows :

The great influx of population into our North-western territories and the very large additional areas of fertile land which are being brought under cultivation combine to further press upon us the need for increased transportation facilities for the forwarding of our grain and other products to the markets of the world, through Canadian channels. The whole question of transportation and terminal facilities continues to occupy much attention, and my government will immediately appoint a commission of experienced men to report on the subject.

Those experienced men were appointed by the government, but the present railway

Bill is directly opposed to what is indicated by the Governor General's speech. More than that it is also in violent opposition to the terms of the order in council appointing such a commission. What does the order in council say. It reads as follows :

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor General on the 19th May, 1903.

On a report dated April 6, 1903, from the Minister of Public Works, stating that he has had under consideration questions affecting the transportation of Canadian products to the markets of the world through and by Canadian ports with a view of placing the Canadian producer in a position to compete, and compete successfully, through all-Canadian channels with the producers and exporters of other countries.

The minister submits that it may be assumed that grain and other products will naturally seek their markets by the cheapest routes, and therefore, the method of attaining the object desired should be to make the Canadian routes cheaper and more convenient than competing routes.

That is the order in council. It is the echo of the sentiments and of the feelings of the government on this very important question. It proceeds :

That the development of north-western Canada has manifested the inability of existing Canadian transportation agencies to take care of Canadian products.

That our agricultural exports can only command the prices over seas to which their natural excellence entitles them when they cease to be confounded and confused with the inferior and often adulterated articles produced elsewhere ; and to preserve their separate identity they must go through Canadian channels.

The minister further states that the questions to be considered are complicated and involved, including among the objects to be sought the transportation of western products from place of production to the markets of the world.

This involves the consideration of their transportation :—

From place of production to Canadian seaports.

From place of production to the western ports of Lake Superior.

From the western ports of Lake Superior to Canadian seaports.

From Canadian seaports to Europe.

From place of production through Canadian ports on the Pacific.

As it affects the products of the eastern provinces of Canada, it involves their movement:—

To the seaports.

From the seaports to Europe.

It is obvious that before any satisfactory conclusion may be reached upon these questions, a thorough and comprehensive inquiry should be made regarding :—

The conditions of original shipment and the possibilities of improvement in the conditions surrounding such shipments.

The storage requirements of lake, river and ocean ports.

The harbour facilities of the inland lakes, rivers and Atlantic and Pacific ports.

The conditions with regard to the navigation of the St. Lawrence route, and, generally, any improvement, enlargements, or other matters affecting the more economical and satisfactory uses of any Canadian channel of transportation by land or water.

The minister further states that in making such investigation, attention should not be confined to routes and facilities which are at present utilized, but, if necessary, new surveys should be made to determine whether any more economical and satisfactory channels of transportation by land or water can be opened up.

In the face of this declaration of the Privy Council, the government are asking us to pass this Bill, and thereby to declare, without any information, that the best route in the interest of commercial and national enterprise is the one outlined in this measure. The order in council points out that the inquiry suggested should also be made regarding :

The forces operating against the attainment of all-Canadian transport, namely :—

Competition by United States railways ;

Competition by United States vessels from Lake Superior ports ;

Diversion of Canadian products through eastern outlets to Boston, Portland and other United States ports, should be investigated, and the best and most economical methods used by our competitors should be carefully studied and reported upon.

The minister apprehends that in these circumstances it devolves upon the Dominion government to consider and adopt the best possible means of promoting such measures as may enable Canada to control the transportation of its own products, and it is thought that the most efficient method of conducting such an inquiry and obtaining the required information is by means of a commission of competent and experienced experts who may be appointed and authorized under the provisions of chapter 114 of the Revised Statutes of Canada.

Hon. Mr. LANDRY moved the adjournment of the debate.

The Senate adjourned to three o'clock this afternoon.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

NATIONAL TRANSCONTINENTAL RAILWAY BILL.

Hon. Mr. FERGUSON presented a petition praying that no further steps be taken in the matter of the Transcontinental Railway Bill now before the Senate. He said :

I may say this petition is not on the usual form of the petitions being presented to parliament. It is one drafted by the electors themselves, giving their own reasons. It is not on any printed form, and I may say further that from my own knowledege of the men about one-half of them are Liberals in politics.

DEBATE RESUMED.

The Order of the Day being called resuming the further adjourned debate on the motion for second reading (Bill 235) an Act respecting the construction of a national transcontinental railway, and the resolution in amendment of the Hon. Mr. Ferguson.

Hon. Mr. LANDRY—When the debate was adjourned at one o'clock, I was proving that the Bill now before us was in direct opposition to the speech from the Throne and to the order in council passed by this government in the month of May last. Now, I shall give evidence that this Bill is also in direct opposition to the public and solemn declaration made by the Prime Minister on a very memorable occasion; that is, the first time he spoke in Quebec after the general election of 1896. Hon. Mr. Laurier was banqueted on the 28th of October, 1896. The papers of the time gave a very long report of the interesting speeches that were made by more than one cabinet minister and members of parliament. The 'Chronicle' of the 29th October says :

The Hon. Wilfrid Laurier, M.P., was the object, last night, of one of the grandest ovations ever given here in honour of a public man. Not only was the grand tapestried dining hall of the Chauteau Frontenac crowded with guests at the magnificent banquet given in his honour, but there was an overflow that filled also the breakfast room annex of the hall. In all there must have been over 250 guests at the dinner. The decorations were very rich and reflect credit upon Mr. P. Mullins, who arranged them.

I will not speak of the decorations, but I will give the names of the principal parties there :

The banquet was presided over by Mayor Parent in his usual able and masterly manner. On his right he had the guest of the evening, the premier of the Dominion, and next to him, in the following order, were Hon. Messrs. Fitzpatrick and Langelier, Messrs, Guay, M.P., R. Lemieux, M.P., Hon. P. Garneau, Mr. Hays, general manager of the Grand Trunk Railway. On the left of the mayor were Hon. R. R. Dobell, Hon. F. G. Marchand, Mr. Edwards, M.P., Hon. Jos. Shehyn, Mr. Fiset, M.P., Alderman Préfontaine, M.P., Mr. Choquette, M.P., Mr. Carroll, M.P., Mr. Lavergne, M.P., and Mr. Fauvel, M.P. The vice-chairs were occupied by Messrs. J. B. Laliberté and Richard Turner.

When the dinner was well under way, a large number of ladies, headed by Madame Laurier, made their appearance and were received with loud applause by the company. Amongst the ladies accompanying Madame Laurier were Mrs. Lavergne, Mrs. Fitzpatrick, Mrs. Langelier, Mrs. More, Mrs. Canon, the Misses Pacaud, the Misses White, Mrs. Arcand, Miss Dobell, Mrs. Tanguay, Mrs. Edwards, Mrs. C. E. Roy, and many others.

On that occasion Mr. Laurier, who was then prime minister, delivered a speech, and in that speech he treated directly with the question of transportation, and I want to show the views that he publicly expressed at the time. I am quoting from a report published by the Liberal organ of the province of Quebec. At that time it was 'L'Electeur.' On that occasion Sir Wilfrid spoke as follows :

The destiny I dreamed for Quebec when I was in the ranks of the opposition is still the destiny I am dreaming to-day now that I am in power. It is just what the city has been in the past, during a number of years, from 1770 down to 1870, a maritime city.

Nature has been generous towards Quebec. It has given Quebec the finest harbour in the world. . . . All we have to do now is to help nature. Perhaps have we not done in the past all what could have been done in this respect. What must we do to make of Quebec the magnificent maritime port that it should be.

Gentlemen, look at the map. With its own hands Providence itself has deepened the highway through which is bound to pass the trade between Europe and America, and that highway is the River St. Lawrence, the first outlet of which is the city of Quebec.

Please look at the map and you will feel convinced that not only the products of our Canadian, but that also the products of the American west are bound to find an outlet towards Europe through the River St. Lawrence. Look at the map and you will find that seven or eight states of the union, Illinois, Michigan, Wisconsin, Missouri, Minnesota, the two Dakotas and other states have no other outlet than the River St. Lawrence if they want to secure to their products the shortest way to Europe. All those states saddle the Mississippi, but the Mississippi is not and can not become their natural channel of exportation. The River St. Lawrence is their natural waterway. Notice that both the St. Lawrence and the Mississippi spring from the same plateau, with this difference, that whilst the Mississippi flows to the south the waters of the St. Lawrenec run directly towards Europe, so much so that when a loaded ship arrives at the mouth of the Mississippi, she needs still fifteen days to attain the first European market, while a ship loaded with the products of the west, arriving in the Gulf of St. Lawreenc has only a three days' crossing to reach the coasts of Ireland. This applies to the whole of the western states, not merely to Manitoba and our territories, but equally to all the states that I have just mentioned.

But an obstacle is in the way. This unfortunate obstacle is to be found in the rapids of the River St. Lawrence, between Kingston and Montreal.

The first duty which, in my opinion, incumbs to the present government, this Liberal government which you, electors of the city of Quebec, have so much contributed to bring to power,—the first duty, I repeat, which incumbs to the present government is to deepen the canals so that the St. Lawrence may become the shortest route from America to Europe. It is the first thing we propose to do after consulting our financial means. All could not be done at the time. But imagine what will arrive as soon as we have deepened the canals of the St. Lawrenec. All the products of the west, not only those of Manitoba and of the territories, but also those of Illinois, Wisconsin, Minnesota, Missouri and Dakota will be forced to take the St. Lawrence channel. Of all the products of the west which travel on the lakes, of all the western wheat which come from the Minnesota, the Dakota, &c., of all the western products which go through the Ste. Marie canal on their way towards Europe, 96 per cent are directed and sent to Boston and New York as soon as they arrive at Tonawanda, Oswego or Buffalo on the American side, and 4 per cent only can reach Montreal. Quebec has nothing.

Change that condition of affairs, let the River St. Lawrence be a free waterway and immediately all those figures will be turned up and 96 per cent of the trade of the west will reach not only Montreal but also Quebec. Montreal will then be unable to take all the trade coming from the west, its port will be insufficient. Then the western trade will overflow down to Sorel, Three Rivers and Quebec.

Such is, gentlemen, the future of Quebec.

It is in that direction that we should labour. Such is the first result we should obtain, the first point we should attain, the first difficulty we should overcome. But up to that time we have something else to do. A few years will elapse, not many, but a few years will elapse before the canals of the St. Lawrence are deepened sufficiently to allow of the western trade reaching Quebec. In the meantime something else could be done. If the waterway is actually shut up, it is possible to diminish the length of the land course. Look at the map once more—I regret, Mr. Mayor, that my friend Mr. Dobell has not succeeded in convincing the banquet committee in putting up on the wall a map of our country, for you would, in a simple glance, see the immense advantages which are preparing for us the Parry Sound Railway to Quebec. Look at the map and you will find that the road from Parry Sound to Quebec is almost a straight line. It is an air line. It is the line that would follow a carrier, if left free at Parry Sound to come back at the dovehouse at Quebec. The energy of two men are opening this route. In the first place the energy of Mr. Booth will have completed before December, 1897, that portion of the route from Parry Sound down to Hawkesbury on the Ottawa river, and the energy of one of your citizens, the Hon. Mr. Garneau, will have, in the same time, completed the other portion of the road from Hawkesbury down to the harbour of Quebec.

What will then happen? Here is what will happen. The wheat cargoes which sail from Duluth and Fort William and which are actually compelled to unload at Tonawanda, Buffalo and Oswego, so that they may be transported to Boston or New York, instead of further landing on the American side will reach Parry Sound and thence by rail will come down to Quebec where they will be loaded and sent to European ports.

This is not a mere dream.

We have here an elevator on the wharf of the Louise basin. What have we gained by it, beside its costly construction, filled up with universal hope? We expected that such an improvement would bring us the grains of the west. Well, I would be very much surprised should I learn that a single bushel of wheat has yet been stored in that huge construction. But whenever we give to our western wheat an outlet to the sea, by eight hundred miles shorter than any other outlet actually in existence and by fifteen hundred miles nearer Europe then we may hope—and this will happen—that in those days we will have at Quebec the trade of wheat, the maritime trade of wheat, and that Quebec will become the emporium of our trade between the east and the west.

Gentlemen, this much we are entitled to hope for Quebec.

Those were the utterances of the hon. leader of the government in the year 1896. I ask hon. gentlemen who stand up here to-day to combat the scheme advocated by the hon. leader of the opposition in the House of Commons, what they have to say against the scheme suggested in this speech of the hon. prime minister of this Dominion? It is exactly the same scheme. No one will deny it. The silence which greets my declaration and my challenge proves that no one is in a position to deny the scheme offered by the hon. the prime minister in 1896, is exactly the scheme offered to-day to the people of this country by the leader of the opposition in the House of Commons. And it is in the face of such declarations, that the premier of this Dominion has modified his views, and instead of bringing the trade to Quebec, by the St. Lawrence waterways, as he advocated in 1896, he is now trying to bring it by a railway constructed from Quebec to Winnipeg in the northern portion of our province. One of the most objectionable features of this Bill is just that eastern division of the road. Why is it constructed by the government? The prime minister himself gives the reason why. In the speech he delivered in the House of Commons this is what he said:

But, why did we keep this section of the road in our hands? Why did we not give it to the company to build as the other section? We did it because we want to keep that section of the line which is to be the exit of the productive portion of the west, in our own hands so as to be able to regulate the traffic

over it. The prairie section will be teeming with business, as we knaw ; it will be teeming with activity, as we know. Already there are three lines of railway, the Canadian Pacific Railway, the Great Northern and the Canadian Northern ; and this one will be still another. Other roads are also going to be built there to meet the increasing wants of the people. The Canadian Pacific Railway has its exit on the north shore of Lake Superior ; those other railways have no exit. It is our intention that this road shall be kept and maintained under our supervision, so that all railways may get the benefit of it, so that the Canadian people may not be compelled to build another road across that section of country. This is the reason why we have adopted a policy which I shall supplement later on by other explanations.

In other words, the premier says we propose to build that road ourselves so that we may not be compelled to build it—'so that the Canadian people may not be compelled to build another road across the same section.' And why do we not build the western section ? The premier himself will answer. In the same speech he says :

Now, I will be asked : Why do you not retain also the western section ? Why do you not continue building by the government the railway from Winnipeg to the Pacific ocean ? We came to the conclusion to have that railway built and operated by a company for the reason that we do not believe, under existing circumstances, and for many years, perhaps for many generations to come, it will be possible, with such activity as may be developed in that section of the country, successfully to operate it as a government road. I may be biassed and prejudiced on this question. I formed my opinions some years ago, and perhaps I may be permitted to relate a personal experience which went far to form my own conviction in this regard. In the fall of 1896——

That was a few days before he was tendered that banquet in the city of Quebec.

Mr. J. R. Booth, of this city, invited me to visit his railway, the Canada Atlantic Railway, which was then in process of construction. I accepted the invitation. The road had been built almost to the shores of the Georgian bay, perhaps within half a mile of it. When we left the train we walked to the shore of the lake, a bleak shore with not a building upon it. Mr. Booth said : This is the terminus of my railway. I asked Mr. Booth : Where is the trade to come from ? His answer was : 'I have to create it, I have to collect it from Port Arthur, from Duluth, from Chicago and from both sides of the lakes. I will have to build elevators, I will perhaps have to buy wheat in order to furnish trade to my railway.' Then, I say, it dawned upon me that no government under such a condition of things, with everything to create, could successfully operate a railway in a new country like that. When this railway is taken to Port Simpson, there will be the same thing which I found on the Georgian bay in 1896—a bleak shore with nothing upon it. Everything will have to be created. Wharfs, warehouses and sheds will have to be built, elevators will have to be provided, branch lines will have to be constructed, possibly hotels may have to be built and managed, steamships will have to be built or chartered, and trade will have to be brought from all points of Asia. Would any one tell me that government management, under such circumstances, could do justice to the undertaking in such a big question as that ?

What does it amount to ? Just to this—we do not build the western part because we would have to build the whole, even the terminus, and to create a trade. These are the two explanations given by the hon. premier to enlighten this Dominion as to the reason why he builds one part and does not build the other. The effort may be laudable for partisans, it is laughable for business men. Let us come now to the eastern section, and particularly to that part which extends from Quebec to Moncton. Has the line been located ? Hon. gentlemen will remember that more than once I put the question here to the hon. Secretary of State, if the government had come to any decision as to the location of the line. The invariable answer of the hon. gentleman was that the line had not yet been located, no surveys had been made, and that he was unable to say where the line would run. Similar questions were put in the House of Commons by the hon. member from Dorchester, who was interested in that road particularly, and wanted to know if it would run through his county. The information we got was from the hon. premier himself, in the speech that he delivered on the 30th July of this year, in which he says :

The line which we propose will extend from the Quebec bridge down on the southern slope of the mountains which extend through the counties of Lévis, Bellechasse, Montmagny, L'Islet, Kamouraska and Temiscouata up to the town of Edmundston. At the town of Edmundston that line will connect with the system of railways which now gives direct connection with St. John: From the town of Edmundston the railway will proceed eastward to the town of Moncton ; it is impossible to say at this moment by what route, perhaps by Chipman, or in the vicinity of Chipman. At all events, from this point it is impossible exactly to locate any precise line, or to say where it will be ultimately. Suffice it to say, that we desire to have the best and the shortest line between Lévis and Moncton.

Between Lévis and Edmundston the prime minister declared emphatically the line will pass through the counties of Lévis, Bellechasse, Montmagny, L'Islet and Kamouraska. In a speech delivered some time afterwards by a gentleman who is designated as the successor to the Hon. Mr. Blair, should Mr. Blair have a successor, because it is not quite decided in the councils of the

government if Mr. Blair is going to be taken or if he is going to be succeeded by Mr. Emmerson or any other party in New Brunswick, we find the following declaration made on the 14th of August, 1903, and which reads :

> In 1884, the then member for Bellechasse in the Quebec legislature, the late Faucher de St. Maurice, who was one of the leaders of the Conservative party of that day and far more patriotic than any possessed by that party to-day, read in the assembly a letter from the Reverend Mr. G. Boulet, parish priest of St. Magloire, in which that clergyman said :—
>
> 'I see by the press that you and your friends are working to have a railway built which will pass along the southern front of the county of Dorchester, Bellechasse, Montmagny, L'Islet and Kamouraska. That would be a grand and patriotic undertaking, a most happy conception, one that should long since have been realized.'
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> That is exactly the line to be taken by the Grand Trunk Pacific Railway except that it crosses the county of Lévis instead of Dorchester.

So by these declarations it is manifest the county of Dorchester is left out and that the line, as the hon. prime minister says, and as Mr. Emmerson repeated will pass through the counties of Lévis, Bellechasse, Montmagny, L'Islet, Kamouraska, and Témiscouata. If that be the case the line will then proceed from the bridge near Quebec, and will parallel the Intercolonial Railway to a point near St. Charles, or perhaps near St. Michel, perhaps a little further below, and the county of Dorchester will be deprived of the benefit of having a railway. More than that, if that railway is built by the government, if it passes through the location as we see it placed by the speeches of the hon. prime minister and Mr. Emmerson, then the county of Dorchester will not only be deprived of that railway, but it will lose also the whole benefit of the other railway projects which have been chartered by this parliament. We must not forget that there is already a railway from Quebec called the Quebec and New Brunswick Railway. There is another railway, which we incorporated during this present session, called the Quebec, New Brunswick and Nova Scotia Railway. The Act as we passed it says that there must be at least five miles between those two lines. These two railways start from Lévis and follow the Etchemin river valley and take an easterly direction in the southern part of the counties of Bellechasse and Montmagny. But, hon. gentlemen will remember, when Mr. Fraser, of Guysborough, appeared before our committee he was asked : 'Will these roads go further on if the government proceeds with this Transcontinental Railway ?' Mr. Fraser answered that if the government builds the road from Lévis to Moncton then the local railway projects are to be abandoned. They will be killed by the project of the government. So that in this case, if the government adopt the route from Lévis to Moncton, passing over the line as located by the prime minister and Mr. Emmerson, that part of the road from Lévis to Edmundston in those different local charters will be wiped out, and the whole district or county of Dorchester and the southern slope of the mountains in the counties of Bellechasse, Montmagny, L'Islet, Kamouraska and Temiscouata will be really deprived of the means they have to-day of getting a railway should the government railway project be abandoned. On those grounds we may assert with all certainty that the government railway is going to kill those local charters. It will also kill the Intercolonial Railway in those parts of the country that the Intercolonial Railway serves to-day, and merely a local railway, will not have the facilities that they enjoy to-day by the Intercolonial Railway being a government railway. Take Rivière du Loup, for instance; take Rimouski, and all the parishes situated between Rivière du Loup and Matane and Métis. These parishes will then have in the Intercolonial Railway only a local railway, and will be deprived of all the advantages accruing to the main line of a government railway in that part of the country. So much so that petitions are flowing in from Bellechasse, Montmagny, L'Islet, Kamouraska, Temiscouata, Matane and Rimouski, all praying that this project of the government may not become law, and why ? Because it is conflicting directly with their interests, and those people know very well that a road constructed in opposition to the Intercolonial Railway in that part of the country means ruin to them. As to the question whether the proposed line from Quebec to Moncton will shorten the route, there is no doubt that it will not shorten it at all. If you take Sir Sandford Fleming's report and the discussion that

took place on the merits of those different routes in that section of the country, it is evident that the Intercolonial Railway was chosen as the best route, not only from a military point of view, but from a commercial point of view also, on account of its easy grades and curves, and the report shows the absurdity of passing from Edmundston to Moncton. The only possible way of constructing that line is to run down by the route which is at present constructed from Edmundston to Woodstock, and, in his report Sir Sandford Fleming says :

> An air line drawn from Moncton to Rivière du Loup passes entirely within British soil ; although near Little Falls it comes within two or three miles of the American boundary. This line is 260 miles in length.

Further on he says that from Rivière du Loup to St. John an air line would be 255 miles, and from Rivière du Loup to Moncton the air line would be 260 miles. The gap between St. John and Moncton would be 90 miles. Speaking of the two lines from Rivière du Loup to St. John, and from there to Moncton, Sir Sandford Fleming says :

> There are many engineering difficulties on each which render it necessary to depart materially from the straight course and if practicable for military reasons the building of an Intercolonial Railway on either of these lines, touching as they do near the American frontier, is pronounced by military authorities objectionable.
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> Beginning at Rivière du Loup and following the line laid down at the prescribed distance from the main boundary to the city of St. John, we find that in passing over the mountainous ridge, which separates the St. Lawrence from the Restigouche, not only is a maximum elevation of nearly 2,000 feet above the sea reached, but the surface passed over is of a very broken character ; minor ridges, nearly all crossing the line in a right-angled direction, are constantly met with ; these attain elevations ranging from probably 1,000 feet to nearly double that height above the sea and are separated by low-lying water channels, of which may be mentioned, Lake Temiscouata, River Toledi, Squatook lakes, besides the branches of Green river. Several of these waters will not exceed 500 feet above sea level.

So it is shown from the report of Sir Sandford Fleming, a gentleman in whom the government have such great confidence now, that it is an impossibility to have an air line built between those two points so that the distance which they claim they would save by constructing the line as the government want it, would amount to very few miles indeed.

Speaking of the cost of the railway, the different figures are given. The hon. Secretary of State in his speech told us that the cost would be $85,000,000, and he made it up in this way : Moncton to Quebec, 400 miles, at $25,000 a mile, $10,000,000 ; Quebec to Winnipeg, 1,475 miles, $41,300,000. He put nothing for the prairie section. The mountain section, 480 miles, at $30,000 a mile, $14,400,000 ; making a total of $65,700,000. Interest on the above, ten years at three per cent, $19,730,000, nearly twenty millions, which makes a total of $85,410,000. But what strikes me in those calculations as explained by the hon. Secretary of State, is this : When he was speaking of the western end of the railway through the mountains, he said that the cost in that section would be at least $40,000 per mile. The government gives a guarantee of $30,000 a mile, but he says we must know that in that mountainous section it will cost more than $40,000 per mile, but the company will pay the difference.

The section between Winnipeg to Quebec, if constructed direct from Winnipeg to Quebec, and not north of the lake, will pass through a mountainous country north of Lake Huron and Lake Superior, so that the figures given us by the hon. Secretary of State when he estimated the cost of the mountainous district of the western part, are the figures that should apply to that section north of Lake Superior and Lake Huron. At all events Mr. Blair, in his computations of the cost of the different parts of the railway gives an average of $35,000 a mile. Another singular assertion of the hon. Secretary of State is this : He puts $28,000 a mile for the construction of a railway from Quebec to Winnipeg, and he says that comprises all. There will be no purchase of the right of way. That portion of the road is through a level country ; there is no obstacle in the way, no mountains to be crossed, it is all a level plain, and he estimates the cost at $28,000 a mile, where there is nothing to be paid for the right of way. At the same time he gives $25,000 a mile as the cost of the construction of the Moncton branch—that is the line from Moncton to Quebec, to be constructed through the southern slope of the mountains, where, as the hon. premier of this Dominion said, they will be obliged to buy the right of way. All that is estimated at only $25,000 a mile. We see the fallacy

of those computations by a simple comparison of the figures brought forward by the hon. Secretary of State himself. Another question which has been entirely forgotten in this discussion is the proposition to buy the Quebec bridge, and to make it a part of the scheme. We have heard nothing mentioned in that respect either in this House or the other House. The Quebec bridge is essential to this road. It is the connecting link between the Moncton division and the Quebec division in the eastern part of the railway. This parliament has already voted a subsidy of $1,000,000 towards the construction of that bridge. In Quebec the city has voted $300,000, and the provincial government $500,000 for the construction of that bridge. The president of the bridge is the gentleman who is now prime minister of the province of Quebec, and is known as Mr. Simon Napoleon Parent. He is one of the glories of the Liberal party in our province, and his cumulative functions bring him into light in the whole country.

Mr. Parent superintends the construction of that bridge as president of the company. At the same time he is mayor of the city of Quebec, and premier of the province of Quebec, and in that capacity superintends the payment of the provincial and municipal subsidies. Under legislation of this parliament the subsidy granted to the bridge company can only be paid on the report of the chief engineer of the government showing the progress of the work. A similar provision exists in connection with the subsidy given by the province of Quebec. The premier of the province cannot give assent to any payment for the construction of the Quebec bridge except on the report of an engineer stating the kind and amount of work done. The city also has given a subsidy towards the construction of the bridge but it cannot be paid except on the report of the city engineer. Now, what takes place? The president of the Bridge Company raps at the door of the mayor of Quebec, and says: 'My good fellow, I am coming for that subsidy.' The mayor of Quebec says to the president of the Bridge Company: 'You know, Mr. Parent, you must give me an engineer's report. The law says so and I cannot give you the money without the report.' Mr. Parent, the president of the Bridge Company, gives himself a report that all is correct and Mr. Parent, the mayor of Quebec, hands over the money. As soon as the mayor of Quebec has paid to the President of the Bridge Company the city's subsidy, the president of the Bridge Company goes to the premier of the province and says: 'I come to claim our share of the subsidy to that bridge.' The hon. Mr. Parent, premier of the province says: 'My good fellow, here is the money and say nothing.' All the money that has been paid, up to this date, for the construction of the bridge, has been paid in that way, by self interested parties making reports in their own favour. Is that all? No. The Bridge Company has the power to issue bonds. The bonds have been issued, possibly not in their entirety, but a certain amount has been issued. Under the contract between the contractor for the bridge and the Bridge Company it is provided, first that the building of the bridge should be paid for by the money obtained in the way of subsidies from the Dominion parliament, from the provincial legislature, and from the city of Quebec. When all that money is paid, if there is still something due to the contractor, he takes in payment the bonds of the company, so the contractor for the bridge is paid out of public money and the bonds of the company. Where does the money of the shareholders go? The company up to this date has subscribed $200,000 for the building of the bridge, which will cost at least $7,000,000. Out of the $200,000 subscribed they have two instalments, one of ten per cent and the other of fifteen per cent, so that the shareholders have paid about fifty thousand dollars. That money is to pay the secretary and other small expenses; none of it goes for the construction of the bridge. So that the question which presents itself now in relation to the construction of that bridge is this, the bridge has been built out of public money. The shareholders have not paid a single cent of the $50,000 towards the construction of the bridge. I saw here this morning the mayor of Quebec, I saw here this morning the president of the Bridge Company, and I saw here this morning the premier of the province of Quebec. These three persons, united in one, have come to Ottawa to negotiate the sale of the bridge to the

government. The triple M. Parent has even brought with him a notary, M. Taschereau, to sign the contract. What will the government do? Will they acquire the bridge? Certainly they will. One way or another the bridge is to become part of this scheme. If the reports in circulation are true, the government will guarantee the bonds of the company to the amount of six or seven million dollars—say six million dollars. What will be the result? The government will guarantee those bonds, and the necessary money to build the bridge will be obtained. The bridge will become, I suppose, the property of the government and those who have negotiated the bonds at fifty or sixty per cent—because they were given to the contractor at sixty per cent—will, by this transaction realize forty per cent on the face value of those same bonds. It has been publicly stated in the Quebec press, and never denied, that the intention of the government is to guarantee those bonds, reimburse the shareholders the money they have spent in that vast enterprise, with ten per cent profit on their shares, and to repay at the same time what the province and the city have given towards the construction of the bridge. So that the monies heretofore paid towards that enterprise will be repaid to the parties who advanced it with ten per cent added as profit, and forty per cent for those who have secured the bonds issued up to date. That might be a profitable affair for a few schemers, because I do not believe that the contractor is alone in that business. I say to the government, and I ask the hon. minister who is here to-day (Hon. Mr. Templeman) to convey to the premier, before that bargain is settled, what is the desire of the people of Quebec. They have no objection that the government should become the proprietor of the bridge. Let them do what they like on that question, but if that bargain is done, they want the government to remain the proprietor of the bridge and not hand it over to a railway company. Why? Because if the Grand Trunk Pacific becomes the proprietor of the bridge, as it will operate the whole railway for fifty years from Moncton to Port Simpson, their own requirements will prevent other companies from coming into Quebec by that bridge. The Grand Trunk Pacific may monopolize the bridge for its own advantage. If the government are to be the proprietors of the bridge they can make such arrangements as will assure the crossing of the bridge to every company and without favour, and as a matter of right. I call the attention of the hon. minister to this matter, so that he may put it before the prime minister. The parties are here. They came up to the city last night, with their notary, Mr. Taschereau, and they are here for the purpose of settling the whole business. In the interest of Quebec and of the government themselves, I warn them to be careful in handling that contract so that the public interests may be served and not the interests of private parties. I felt it my duty to bring this matter before the House and to the attention of the government.

When Sir Wilfrid Laurier, who was then the Hon. Mr. Laurier, in 1896, delivered his speech, he made a good point when he called the attention of the electors of Quebec to the fact that Mr. Pierre Garneau was a man of energy who was at that time building up the future of Quebec by the construction of what was called the Great Northern. He did not make a good point, however, when in the nomination of the Quebec member of the transportation commission he forgot entirely that hon. gentleman. M. Garneau is the president of the Great Northern Railway Company. The Great Northern Railway is a road which connects with the Canada Atlantic Railway at Hawkesbury and continues up to the Georgian bay at Depot Harbour. I call the attention of this House, and especially of the government to a fact which Sir Wilfrid overlooked. If the government do not like to give us the Georgian bay canal to Ottawa to bring the grain by water, there is one road that could be substituted to it, a road which will be a paying one for Quebec, I speak of the Quebec and Lake Huron Railway, which was incorporated here a few years ago. An extension of time was given so that the road would have every opportunity to overcome the difficulties which have arisen since it has been before us. The company in charge of the Quebec and Lake Huron enterprise, was incorporated in 1900 by an Act of the parliament of Canada, 63-4 Victoria, chap. 14. Its powers were extended in 1902 by another Act of parliament, 2 Edward VII, cap. 93. This road will start from Quebec and end at the mouth of French river which, as every one knows, is

on Georgian bay, at the north east angle of Lake Huron. The road will be practically a straight line, 450 miles in length, 335 of which will be in the province of Quebec, and 115 in the province of Ontario. Besides this there will be several spurs or branches to connect with very important water power districts on the St. Maurice, on the Lièvre, the Gatineau, the Coulonge, the Dumoine, and other rivers, bringing the total length to be built up to about 550 miles —that is the main line and the branches. The object of this line is to provide for the exportation of the agricultural products of the Canadian and the United States Northwest, and for the products of the valuable forests of the province of Quebec. It is the shortest route between navigation of the great lakes and ocean navigation between North American and European ports, and especially between this continent and Great Britain. Quebec is well known as being one of the finest ports in North America for seagoing vessels. The depth of water in the harbour varies from 40 to 150 feet, and can accommodate ships of any size. Every gentleman knows that the Great Eastern rode at anchor in perfect security in that port, and every summer Quebec is visited by the large men of war of the British navy. They are just as safe in the port of Quebec as in any port of Great Britain. The monster freighters which have been built of late years for the purpose of reducing the cost of transportation can be accommodated in that port without difficulty at any stage of the tide and at any hour of the day and night. The port of French river at the western end of the road has a depth of 24 feet and can accommodate the largest steamers running on the great lakes. It is entirely land locked and its entrance is admirably protected by the group of what is called the Bustard islands which completely shelter the North river from the westerly and southerly winds of the Georgian bay while the mainland affords protection from the northerly winds. The largest steamers trading on the great lakes carry cargos of 8,000 tons and more and they draw only 20 feet of water to enable them to pass through the St. Mary's canal. They can there have in the port of French river all the accommodation possible because the French river has four feet more depth of water than they require. A mere glance at the map shows that this road will be the shortest between the great lakes and Quebec, and that it is impossible to secure any other that could be shorter. It is the great short cut par excellence, and it will ever be the great short cut. The building of this road will come nearest a solution of the great problem of cheap transportation between the west and the east than anything that has been suggested up to date. The company who have the charter for that road intend to build an up to date railway, with 90 pounds rails, 90 ton engines and 50 ton cars. The gradients of the road will allow those monster engines to handle each 50 loaded cars or a train carrying 75,000 bushels of wheat. With such a road in connection with the steamers of 7,500 to 8,000 tons capacity on the great lakes, and the most modern elevators at both terminal points, the company claim that it has reason to believe that it will puzzle any of the other lines to compete with them, and with the advantage of 500 miles of lake and 500 miles of ocean navigation saved by this route, it must be apparent to any one that this company may become the rate making power on foreign shipments from the west of Canada and the United States. It is well known that the chief shipping points for grain, flour, meats and other farm products from the western states and Canada are Chicago, Milwaukee and Duluth, in the United States and Fort William and Port Arthur in Canada. If we consult the annual statistical report of the New York produce exchange for 1900 we will find that for that year the receipts of grain at the three above named lake ports were as follows in bushels :

Wheat.	
Chicago	89,959,457
Milwaukee	23,188,192
Duluth	52,153,180
Corn.	
Chicago	134,663,456
Milwaukee	5,780,400
Duluth	1,400,823
Oats.	
Chicago	105,226,761
Milwaukee	8,506,100
Duluth	1,408,823
Rye.	
Chicago	1,973,701
Milwaukee	1,165,150
Duluth	614,572
Barley.	
Chicago	17,813,919
Milwaukee	15,963,100
Duluth	2,692,180

Making a total for Chicago of 349,637,294 bushels, comprising wheat, corn, oats, rye and barley; and for Milwaukee, 54,602,942 ; and for Duluth, 61,060,435.

For each respective kind of grain the total in bushels for the three ports is as follows :

Wheat (from Chicago, Milwaukee and Duluth)	165,301,029
Corn (from Chicago, Milwaukee and Duluth)	144,638,436
Oats (from Chicago, Milwaukee and Duluth	115,133,684
Rye (from Chicago, Milwaukee and Duluth)	3,758,323
Barley (from Chicago, Milwaukee and Duluth)	36,469,199

In tons of 2,000 pounds these quantities represent, of

	Tons.
Wheat	4,369,430
Corn	4,049,876
Oats	1,957,272
Rye	105,233
Barley	875,200

Or an aggregate of 11,357,071 tons.

A large share of that immense traffic the Quebec and Lake Huron Railway is destined to bring by the shortest and quickest route to the port of Quebec. We will now take Canadian traffic. Fort William and Port Arthur, on the north shore of Lake Superior are only distant about three miles, and we might consider them particularly as forming only one port. With regard to the Canadian North-west, it occupies the same position as Duluth and Chicago to the American North-west. It is the lake port of the Canadian Pacific Railway, which brings there the grain and the other field products of Manitoba and the North-west Territories. In 1901 the production of Manitoba and the territories was 109,360,937 bushels of grain, namely, 63,178,408 bushels of wheat, 38,909,655 of oats and 7,272,874 of barley. This production increases by leaps and bounds, at what we may call horse rate speed. In Manitoba, for instance, the wheat crop from 31,775,038 bushels in 1895 went up to 50,502,082 bushels in 1901, an increase of 18,727,044 bushels in six years, or at the rate of 3,121,174 bushels per year, and this increase may go on for years before all the best wheat lands of the province are under cultivation. The progress was still greater in the territories, where from 5,542,478 bushels in 1898, the production of wheat went up to 12,676,323 bushels in 1901, an increase of 7,133,845 bushels in three years or about 130 per cent in three years. Over 75,000,000 acres of those wheat lands are still waiting the arrival of settlers to yield more wheat than is required to supply the demands of the whole of the United Kingdom. By the time the Quebec and Lake Huron Railway is opened to traffic, the grain crop of Manitoba and the Canadian territories will be, I venture to say, over 200,000,000 bushels. It will arrive very soon at that figure. In Canada most of the railways are built for the purpose of creating traffic by opening up a new country, but the Quebec and Lake Huron Railway may be termed an exception. The traffic it seeks is already created ; and, as far as the western trade is concerned, all it has to do is to reach the traffic at Chicago, Milwaukee, Duluth and Port Arthur, and take the large part it has a right to claim on account of the speedier and cheaper transportation that it can afford to Quebec.

Now, if we look to the lumber traffic we find the following figures : Between the St. Maurice and the Ottawa river the Quebec and Lake Huron Railway will run through the most valuable forest of the province of Quebec. In 1902, as shown by the report of the Minister of Lands, Mines and Fisheries of the province of Quebec, there were taken out of the forests 534,367,179 B.M. feet of pine and spruce ; 130,603 cords of pulp wood; and 263,129 railroad ties. In the Nipissing district, between the Ottawa river and the Georgian bay section, which belongs to the province of Ontario, and which is to be traversed by this railway, a great deal of pine timber is also manufactured, so that it is safe to say that this road will run through a country in which over 600,000,000 feet of pine and spruce timber are annually made for export to Europe and the United States. These forest products represent in weight over 1,000,000 tons. Then in addition to that there are the hardwoods, which, being unfloatable, to be utilized must be taken out of the forest by railroads. Besides the products which I have just mentioned in the agricultural and the forest line, we have water-powers. Along the whole length of the route there are series of cascades and falls capable of supplying motive power to numerous and extensive manufacturing establishments—above all, to pulp and paper mills. These water-pawers are not now utilized because

there are no available means of transport for bringing into the great trade centres the products of manufactories that could be established there. The railway would provide those means and would undoubtedly encourage the establishment of dozens of factories at these valuable water-powers now useless in an unsettled country. No other railway is destined as much as the Quebec and Lake Huron to foster the colonization of public lands in the province of Quebec. From Quebec to the River St. Maurice a distance of about 80 miles, the railway will run through a country already settled and inhabited, but from St. Maurice westward it will run through a land awaiting settlers. It will cross what was called the plateau of the Mattawa, that is the plateau spoken of by my hon. friend the member for De Lanaudière when he addressed the House, that billiard table of 700 miles long: that table land will be crossed by the Quebec and Lake Huron Railway at a distance farther south than the line which is now proposed by the government, because the Lake Huron Railway will run directly from Quebec to the French river, passing by St. Michel des Saints, precisely that part of the country which has been explored by my hon. friend, and from St. Michel des Saints traversing that plateau of the Mattawan to the mouth of the French river on the Georgian bay. According to the reports of reliable explorers, and I may put perhaps my hon. friend amongst them, I think 20,000 families at least may be settled with advantage in that part of the country. Further west the road will cross the fine plain formed by the upper valley of the Lievre and Gatineau rivers, where millions of acres of the best farming lands are awaiting settlers to transform them into one of the finest agricultural districts of the province. In that stretch there is also room for a population of 500,000 souls, or one-third of the present population of the province of Quebec. If the House will allow me to cut short my remarks, as I have a few other documents to quote, and should there be no objection I shall hand them to the Debates, so that we can save time.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. LANDRY—The point I wished to make is this: the land to be traversed by the Quebec and Lake Huron Railway is just the land that has been described by my hon. friend from De Lanaudière and all that he said concerning the Quebec and Winnipeg route, as projected by the government, was what he should have said for this particular line, located I suppose, about 200 miles south of the other. It is a direct line from Quebec to the French river so much so that in 1901, when the question was debated in this House and elsewhere the Montreal papers, and a paper which my hon. friend on the other side of the House will accept as one that what was most useful to them during the elections of 1896 and 1900, 'La Presse' came out with an article approving of the immediate construction of the Quebec and Lake Huron Railway. If hon. gentlemen will remember in 1901 an excursion took place composed of members of the Senate and of the House of Commons down to Quebec. A trip was settled by the Quebec authorities, the Quebec Board of Trade and the Quebec Harbour Commissioners, and invitations were tendered to the members of both the Commons and the Senate. The excursionists went to Quebec, and the following day the Montreal 'Herald' came out with an article. I must tell hon. gentlemen that this excursion took place by the Canadian Pacific Railway, going down to Quebec, and by the Great Northern, returning to Ottawa. In reference to the excursion of the members of the Senate and of the House of Commons, to Quebec, the report of the 'Herald' says:

> Quebec people entertain great hope in the Great Northern as a connecting line between their city and the west and as a prolongation of the Ottawa, Arnprior and Parry Sound Railway or Booth system. For the carrying of grain it is certainly a route shorter than the canals of the St. Lawrence; but there is an immense difference between the part of the road furnished by the Parry Sound and the one built by the Great Northern. It is clear, even for anybody who is not familiar with railway affairs, that a great deal of money must be spent to put the Great Northern road in position to carry the heavy trains filled with grain. Heavy rails are to be provided for, curves must be straightened and grades made easier. In many places, useless curves are to be found, and the rails have been laid down without having undergone the necessary bending to suit the purpose. Taken all those things into consideration it is more than probable that in the future grain will to continue to arrive in Montreal to be loaded on board the steamers.

That was an article the 'Herald' published immediately after the excursion to Quebec. Here is what 'La Presse' says in

answer to that article, and the article of 'La Presse puts forward in a very able way the contention I am now endeavouring to maintain in regard to the Lake Huron and Quebec railway. The article is as follows :

What the 'Herald' says is precisely what we have heard from other people, especially from competent people who do not hesitate to declare that in its present condition the Great Northern, especially that part of it which runs from Shawinigan to Quebec is completely unable to acommodate a traffic such as the transportation of the grain coming from the west. We do not want to diminish the value of a road so useful as the Great Northern, but as it was built with limited means, the exigencies of the future and especially the sudden wants of the present were never brought into account. We can therefore state that the rails are too weak to carry the heavy locomotives and large cars of the Parry Sound. In the country between St. Thècle and St. Raymond the curves and the grades are simply impracticable. Mention is made of a short cut between Notre-Dame des Anges and St. Raymond, which would give a straighter, better and shorter line. So much the better, but even if that spur is obtained, it will be still necessary to increase the weight of the rails, which should attain from 70 to 90 pounds per yard. As long as this is not done our Quebec friends need not put any hope in the Great Northern as far as the western trade is concerned. . . . .

By the Parry Sound and the Great Northern the distance from Depot Harbour to Quebec is 573·7 miles. By the Parry Sound and the Grand Trunk, from Coteau Junction, the distance between Depot Harbour and Montreal is only 399·86 or 173·84 miles less than from Depot Harbour to Quebec. On the other hand, the distance by water between Montreal and Quebec is not as generally said 180 miles, but only 160 (see report of Public Works, 1867-82, pp. 796 and 800). or 13 84 miles shorter than by rail.

Is it reasonable to suppose that on a road of inferior quality as the Great Northern, the transportation of grain could be done as cheaply as by the steamers running between Montreal and Quebec ?

To put the question is to answer it.

We want to be well understood. We are not hostile to Quebec. Quite the contrary, and heartily we wish that its magnificent harbour should increase its trade. If we call the attention of our friends from the old capital on the insufficiency of the Great Northern it is only to prevent them having illusions and to induce them to take the necessary steps to avert the danger and to establish their position on a solid basis.

We may be mistaken, but we believe that the enthusiasm of the people of Quebec towards the Great Northern leads them to forget a project by far most important to them and to the whole country—that is the Quebec and Lake Huron Railway. If there is a railway capable of restoring the port of Quebec and bringing down to it its share of the western trade, increasing in the same time the local traffic of the old capital, it is incontestably the projected line from Quebec to Lake Huron. A glance on the map will convince everybody that that railway can not have any rival in attracting the immense traffic of the lakes to the St. Lawrence, especially to Quebec. It is impossible to imagine a shorter line and even a line equally short from the lakes to Quebec. By this line Quebec harbour will only be 450 miles distant from the Georgian bay, that is 123½ miles nearer than by the Great Northern. It is evident that by diminishing by 25 per hundred the length of the way, a similar decrease would occur in the freight rate.

The Quebec and Lake Huron will have another advantage which places it in the first rank. In their proposition made to the governments of Quebec and Ottawa the directors bind themselves to the construction of a first-class road—rails of 90 pounds per yard, cars of 50 tons, locomotives of 90 tons, capable of hauling trains of fifty cars of 50 tons—equal, at the least, to the Intercolonial in all respects. Such a road, we need not say, would defy any competition.

If we were living in Quebec we would stir heaven and earth to bring forth the success of such an enterprise, because we are convinced that it is the one more than any other that will insure to that magnificent harbour the high rank that it has a right to occupy in the transportation of the trade business.

That railway will equally be without any possible rival in the local trade. In the valleys of the Mattawin, of the Upper Rouge, Lièvre and Gatineau rivers. it will cross a region where millions of acres of the best arable lands are still opened to colonization. No one needs to be a prophet to predict that such a railway will create an unprecedented movement of colonization in that region. With a forty-mile branch connecting at Labelle with the Canadian Pacific Railway, the Quebec and Lake Huron Railway will open to the populations of our district the magnificent lands of the Upper Rouge, Lièvre and Gatineau rivers. The timber of the Upper Ottawa could be hauled by that railway, and the splendid hardwoods, which are now, so to speak, a cause of ruin for the settlers, would turn out a source of revenue and wealth, as the railway will allow them to be exported with profit for the settler, who now is obliged to burn them down to clear the land.

On all the rivers to be crossed by the projected railway, and in its vicinity, we find considerable water-powers, which the railway will convert into industrial centres. At St. Michel des Saints, for instance, the Mattawin has a fall of 60 feet in height, and could easily furnish a power from six to eight thousand horse-power. No doubt, such a power would be immediately utilized upon the construction of the road. On the River Rouge, the Kiamika, the Lièvre, the Gatineau, the Coulonge and the Dumoine, water powers are to be found by the dozen, some of which are very considerable. Is it not clear that the railway will utilize all those resources, especially for the pulpwood industry, the industry by excellence, and will thereby stimulate colonization ?

This colonization movement will be profitable to the people of Quebec, who will have an immense back country, a feeder to their local trade. In that way they have nothing to hope from the Great Northern, which traverses old parishes, where no colonization is to be expected.

From Quebec to Lac Bouchette, where begins that part of the St. John's lake region opened to colonization, there is 160 miles by the Quebec and Lake St. John's Railway. From Quebec to St. Michel des Saints there is only

125 by the Lake Huron Railway. The whole region of the Mattawin, of which St. Michel is the centre, contains as many and as good arable lands as the Lake St. John's country. May we be allowed to point out to the Quebec people, who have already heavily subscribed to the Lake St. John Railway to obtain the trade of that region, that they should manifest more interest in the Lake Huron Railway, which do not ask them for any subscription, but which, nevertheless, will open to their local trade the magnificent valley of the Mattawin, so rich in fine lands, splendid forests and water powers? With such a road they would be on an equal footing with us in the Upper Rouge, Lièvre and Gatineau, where 500,000 of an agricultural population could find proper space and excellent lands.

The hopes the Great Northern could inspire to our friends of Quebec are nothing, compared to those in store, and we could assure them that, should they give a helping hand to insure the success of the Quebec and Lake Huron Railway, they would give a formidable push to their city, whose trade and population would increase at giant's pace. And they would cause their harbour to assume the high position it has a right to occupy in the questions of commerce and transportation.

These views were shared not only by the population of the city of Montreal and especially of the press which gives utterance to them, but also by the Quebec Board of Trade and by the City Council of Quebec, as may be seen by resolutions passed by those bodies. In May, 1900, the Quebec City Council passed the following resolution:

Alderman Tanguay, seconded by Alderman Foley, moved, and it was resolved :—

That this council has learned with the deepest satisfaction that a company has just been incorporated by the parliament of Canada with power to build a railway through the shortest and most direct line between the shores of Lake Huron and the north shore of the St. Lawrence at Quebec.

That this council notices with pleasure this additional proof of the increasing interest which the leading business men take in the St. Lawrence highway for traffic, and especially in the north shore of our mighty river, as offering the shortest line of communication between North America and Europe.

That the building of this railway would attain the long looked for object of the shortest practicable highway for transportation between the centres of the grain-producing districts of this continent and Liverpool, the point of distribution in Europe.

That this projected line of railway is of paramount interest to the province of Quebec, as it would open to the lumber trade, to colonization and to agriculture immense regions now inaccessible from the actual centres of population and would vastly increase the wealth of this province both in capital and in revenue.

That this council views with the greatest satisfaction this new enterprise, which would bring to our city its share of the western trade and develop the natural resources of the port of Quebec, which ranks among the largest and safest ports of the world.

That this council considers as a guarantee of success the determination of the promoters of the Quebec & Lake Huron Railway Company to make their road one of the most thoroughly equipped of the continent, combining together the excellency of moderate grades, of heavy and solid rails, of powerful locomotives, and of large-sized freight cars, so as to rival the most advanced competitors in the railroad business.

That the construction of this road, in conjunction with the building of our stupendous bridge over the St. Lawrence near Quebec, vastly increases the value of our port as a port of entry and exportation and will afford easy and rapid communication between Quebec and the New England seaports in one direction and with our excellent winter ports of Halifax and St. John, N.B., in another direction.

That for all the above reasons your council would be most happy to find the government and the parliament of Canada ready to place this enterprise on the list of those which are by statute declared to be of national importance, and helping its promoters liberally by bestowing upon them such grants and subsidies as are generally accorded in such cases.

That copies of the foregoing resolutions be sent to the right honourable the prime minister of Canada and to the president of the Quebec & Lake Huron Railway Company.

This is to be found in the 'Chronicle' of May 21, 1900. A copy of these resolutions was sent the premier of this country who is also a representative of a Quebec constituency. I am amazed that the hon. gentleman, instead of throwing away public money on the construction of a road from Quebec to Winnipeg, has not advocated the construction of this short line of 450 miles, extending from Quebec to the shores of Georgian bay where it could get a large share of the grain trade from the Canadian and United States North-west. It is the shortest and most direct route from the upper lakes to Quebec, shorter than any route ever suggested. It would be constructed as a private enterprise, and the government would not be obliged to spend some forty-one million dollars—that is the very moderate estimate of the Secretary of State—to build a road which I venture to say, will never be a commercial road. Should the government spend a comparatively small amount in aiding the Quebec and Lake Huron Railway they will easily obtain what they are aiming at: they will have a terminus on Georgian bay where they could capture the greater part of the commercial traffic from the west, and the line will, at the same time serve as a colonization road. If the projected line from Quebec to Winnipeg is intended to be a national colonization road, I venture to say that it will not be a success? It can never be a colonization railway such as the Quebec and Lake Huron road will be, because the Quebec and Lake Huron while being the shortest possible

route, passes through a splendid country for settlement, through that billiard table plateau alluded to by my hon friend opposite, which is 200 miles south of the route to be traversed by the projected transcontinental road. The Quebec Board of Trade viewed the matter in the same light. I will read a short resolution which was passed at one of their meetings. It is as follows :—

Moved by Mr. Thos. Davidson, seconded by Mr. Auguste Carrier,—That the proposed Quebec Lake and Huron Railway is one of the most important enterprises in connection with the carrying trade between the west and Atlantic seaboard, and therefore it ranks amongst the enterprises of national interest ;

That running, as it will, through millions of acres of the best arable lands of the province of Quebec, the construction of this road will give a most powerful impulse to colonization, thereby contributing to a substantial increase in the population and wealth of this province and of the Dominion of Canada ;

That the building and operating of this road in the most modern and improved style will impart to it a handling capacity that will enable it to successfully compete with the great American trunk lines carrying trade between Boston, Philadelphia, Baltimore and the great trade centres of the west ;

That this road will obviously be one of the main factors in building up the trade of the port of Quebec and drawing western traffic to the St. Lawrence route ;

That it will also bring to Quebec an immense local trade, and thereby largely contribute to the increase in population and wealth of this city ;

That by means of the Quebec bridge, which will soon span the St. Lawrence, the Quebec & Lake Huron Railway and its intended extension eastwards will be by far the shortest route between the American and Canadian North-west, and the fine winter ports of the maritime provinces, especially Halifax and St. John ;

That by means of the Quebec bridge, the proposed road and its connection with the Quebec Central and the Boston & Maine Railways, will procure one of the shortest and cheapest lines of transportation between the North-west and the New England states ;

That for all these considerations, the proposed Quebec & Lake Huron Railway is an enterprise which imposes itself on the most favourable consideration of the government of Canada, which should grant to it the privileges, facilities and help which it is customary to grant to enterprises of this nature.—Adopted unanimously.

GEORGE TANGUAY,
President.

TH. LEVASSEUR,
Secretary.

In the face of those expressions of opinion by the press in general, by the corporation of Quebec, the board of trade and the city council, pointing out that the only short route from the grain ports on the Georgian bay to Quebec, and the real colonization road, is the Quebec and Lake Huron road, and asking that this road should be subsidised as the others are, I have no doubt the hon. premier of this Dominion will find his way to give a subsidy to the Quebec and Lake Huron Railway. He should look into the advantages of such a railway. He will see that this railway is really what it is said to be, and if that is the case I think he will favour the constituency which he represents so ably in the House of Commons by giving at least to that constituency a share in the public expenditure of this country. He can not help but do so.

I shall close my remarks now by answering some of the observations made by one or two of the preceding speakers. It was claimed that we had no right in speaking of one of the members of this House to say that he could not wait, and the hon. gentleman alluded to now wants an apology. The speech he made in this House was reported to the ex-Minister of Railways from whom the apology is expected, and is the apology forthcoming ? I will read an article which appeared in the 'Citizen' in reference to the matter, which is as follows :—

Hon. Andrew G. Blair, ex-Minister of Railways and Canals, who, in the course of his eloquent and convincing speech in opposition to the National Transcontinental Railway Bill, gave utterance to the now famous expression, 'Cox can't wait,' has no apology to offer or explanation to make to the ambitious senator. Senator Cox has told the Senate that he is waiting either for Mr. Blair to apologize or explain what he meant. But, as before stated, neither will be forthcoming, for the reason that Mr. Blair doesn't consider that, under the circumstances, he is called upon to do anything of the kind. When the senator denies that he persistently urged upon the government the adoption of the scheme and the immediate construction of the road, then it will be time enough for him to complain of the use of his name by the ex-minister. He hasn't done that yet.

Hon. Mr. Blair was seen yesterday at his residence on O'Connor street by a 'Citizen' reporter. Free, to a considerable extent, from the harassing cares of the more strenuous political life, the ex-minister is a picture of health and complacency and perfectly satisfied with the course he has pursued, knowing how it commends itself to the great mass of the thinking people of the Dominion. The ex-Minister, however, was not very communicative.

He was asked as to what he had to say in respect to Senator Cox's remark, that he was awaiting an apology or explanation for the sentence used by Mr. Blair, 'Cox can't wait.'

The ex-minister thought a minute and then replied : 'No, I have no apology to make nor explanation to offer. If Senator Cox says he wasn't pressing the government in connection with the Grand Trunk Pacific matter, if he can truthfully affirm that he didn't urge the construction of the road, then he might claim, very fairly, that I ought not to have made use of his name in my remarks in the House of Commons when the Bill was under consideration.

'But,' and Mr. Blair paused for a minute, 'I don't apprehend that the senator will deny anything of the kind.

'I reiterate that I do not see that there is anything for me to explain or apologize for. A similar remark might truthfully be applied to almost every one who is urging the government to aid his scheme and I do not see just why it should be regarded as a reflection upon his integrity to say he couldn't wait. Promoters are not often willing to wait if they can help it.'

'And Senator Cox was a promoter of the Grand Trunk Pacific project ?' suggested the reporter. The ex-minister paused again.

'Wasn't he very prominently mentioned for the presidency ?' he asked.

Beyond that Mr. Blair would not go.

I remember the indignation manifested by the hon. gentleman because his name had been mentioned in this House by the hon. gentleman from Lauzon when he said that somebody could not wait. He took the allusion to himself and his indignation exploded on that very late occasion, but the hon. member is not very serious in his remarks. He knows well that he is the promoter of the Bill and when he says he has no interest in the concern, he knows at least that he is the custodian of the interests of the parties who have come to parliament seeking incorporation, and who have a contract with the government, and more than that, it is provided in the Bill if it has not been stricken out by the committee, that no member of the Senate could hold an interest in the undertaking provided for in that Bill.

Hon. Mr. DEVER—In a government Bill ?

Hon. Mr. LANDRY—In a contract with the government, so I think the hon. gentleman will not deny that he is interested far more than we are. We are not interested personally, but I think he is, and more than that, it was said if I remember well and I think it was never denied, it was said on the public platform, in the press, and it went through the whole country that the hon. gentleman has subscribed a certain amount to the prime minister and has contributed to the fund created for the benefit of the prime minister. If it is not the case he will deny it, but I do not think he is in a position to deny it.

Some years ago, when it was proposed to give Sir John Macdonald a purse, we know what a torrent of indignation rolled through the country, and we know what was said when $32,600 was subscribed for Sir Hector Langevin. The Grits of our constituency denounced the subscription. They could not tolerate the idea of a public man receiving a present from any employees or friends when he was in public life. But what has been done in the present instance. Only a few days ago we read a letter published by the hon. gentleman from de Salaberry in the press, saying that they contemplated giving Sir Wilfrid Laurier a life annuity and giving the resolutions adopted on that occasion. I do not blame them for it, but I wonder that the indignation which was manifested in days gone by when the Conservatives proposed to give Sir John Macdonald and Sir Hector Langevin a testimonial has not found expression to-day when the Liberals are doing the same thing especially when we see railway promoters and schemers of all kinds braced up in such pious business. I hope the hon. gentleman will give us the assurance that he has never contributed a single cent to a politicial friend who could so easily pay him back as the prime minister of this country. He cannot do it.

The hon. senator from de Lorimier made his parting speech yesterday, I suppose, before going to the old country, and he gave us his parting advice. He said that Quebec owes him mountains of gratitude for all he has done in the interest of our province, and he denounced some ministerialists in the House of Commons for having shown some opposition to the railway scheme of the government. It might be his idea that they were not acting in accordance with his principles, but we feel very much relieved when the hon. member tells us that he leaves it to the electors of the province of Quebec to decide at the next elections, which are to come off very soon I hear, as to the merits of the transcontinental railway. We know that for some years past, particularly during the present session, the premier of Quebec has come to Ottawa more than once to obtain better terms for his province. I suppose he was refused. At all events, at the beginning of the session, the hon. Secretary of State announced in the name of the government that nothing of the kind would be done, that the government would not apply to have the British North America Act altered in any way so as to increase the subsidies in the different provinces. The hon. gentleman from de Lorimier told us yesterday that the province had the next best thing, that immense sums of

money are to be spent on the eve of the general elections in the province of Quebec, as well as elsewhere. If he is trying to comfort the people by such a statement, I tell him he will not succeed. If he thinks that the people of Quebec do want to have the subsidies increased, and that in place of an increase of subsidies, will be satisfied with an expenditure for one year only, instead of having the subsidies readjusted, he misinterpretes the sentiments of the people of Quebec. The policy of the government will be laid down before the people and will be judged according to its merits. I know the government will point to the large appropriations made this session, but the people will put themselves above these temptations, and will judge the government railway measure as one that is neither national nor commercial. It cannot stand investigation either as a commercial or as a colonization road, and for that reason it will be condemned by the people. The hon. gentleman (Hon. Mr. Dandurand) said it was the painful duty of the opposition to oppose this measure. We do not find it at all painful. We are simply doing our duty in opposing it, because we think it is not in the interest of the people of Canada. If opposition to a measure is always painful we can understand the sorrow that the hon. gentleman experienced himself when he as a ministerialist opposed a government measure brought into this House and founded upon resolutions approved by the Governor General until the government themselves amended it. If opposition is always painful we can understand his sorrow in opposing that money Bill and in forcing the minister that introduced it in this House to declare that it contained vicious principles.

I thank the hon. House for the patience it has shown in listening to the few remarks I have made.

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Mr. LANDRY—I assure hon. gentlemen that I appreciate their kindness in approving. by their silence, all I have said.

The SPEAKER—Before the hon. gentleman takes his seat. I wish to know whether I correctly understood something which he said some time ago. I understood the hon. gentleman to say that he proposed to hand to the reporters certain documents which he had not read.

Hon. Mr. LANDRY—I had a few. One was a description of the country in the neighbourhood of Abitibi lake.

The SPEAKER—We have no practice of that kind here. If he has a statistical table, the effect of which he states to the House, it is sometimes permitted to print the table without reading it, but we have not the practice which prevails at Washington, of allowing hon. gentlemen to hand documents to the reporter which have not been spoken or read to the House. I know it would be convenient for the time being to allow that, but it would be the introduction of a practice which has never been tolerated in either House of the Canadian parliament.

Hon. Mr. LANDRY—I made that suggestion because I was asked to do so. I said to some hon. gentlemen to-day that I had one or two documents to read and they said if you hand it to the reporters it will be taken as read. One extract is a description of the new territories which were annexed to the province of Quebec by the legislation of 1898 and divided into three districts. One of those is Abitibi which is to be crossed by the Quebec and Lake Huron Railway.

Hon. Mr. FERGUSON—I will suggest that the hon. member might be permitted to hand the extract to the reporters. There is no rule on the subject. It will take up a great deal of time to read.

Hon. Mr. WATSON—I would like to say the hon. gentleman from Stadacona told me this morning that he had some documents to read and I suggested to him that he might put in those documents to be printed in the report. That suggestion was made about one o'clock, and the hon. gentleman intimated he would be through in about an hour after the three o'clock meeting which would be about four o'clock. It is now almost five thirty and it seems impossible to reach a vote to-night as other members wish to speak and I think he had better go and read what he wants to.

Hon. Mr. LANDRY—Well, hon. gentleman, I never thought the House was so patient as to want more of it.

Hon. Mr. SCOTT—Perhaps the hon. gentleman will read only what is pertinent.

Hon. Mr. LANDRY—If the hon. gentleman thinks it is not pertinent he might stop me. In this extract it is stated :

SUCCINCTLY NARRATED.

The Facts and Figures relating to the St. Lawrence Route and North-western Products—Advantages of One and Magnitude of the Other.

St. Louis, the commercial metropolis of the State of Missouri, lies by 38 degrees 37 minutes 28 seconds latitude, and 90 degrees 15 minutes 16 seconds longitude.

Liverpool, the centre of the shipping trade of Great Britain lies by 52 degrees 23 minutes of latitude, and 50 degrees 17 minutes of longitude, west of the Greenwich meridian.

Therefore, there is between those two points a difference of 13 degrees 45 minutes 32 seconds in latitude, and 84 degrees 58 minutes 16 seconds in longitude, so that to go from St. Louis to Liverpool, one must make 951·5 miles from south to north, and 4,622 miles from west to east, by following the meridian of Liverpool and the parallel on which St. Louis lies. The total length of the trip on those lines would be 5,572 statute miles.

It is evident that the distance would be considerably shortened by following the straight line, or the diagonal between those two points. The length of this diagonal would be about 4,122 statute miles, or 1,450 miles shorter than by following the meridian and the parallel.

To find the shortest of these diagonals following a practicable route by land and by sea, is the great problem of the improvement of carrying accommodation between the west of Canada and the United States, on one side, and Europe, especially Great Britain, on the other side.

The St. Lawrence Route.

A glance at the map of the world clearly shows that the St. Lawrence is on this shortest diagonal between the west and Great Britain, the one of all the countries in Europe which consumes the largest quantity of farm products raised in that marvellous west, the Eldorado of agriculture.

Let us then take St. Louis and Liverpool for points of comparison.

We have seen above that by drawing a line mathematically straight between those two points, this line would measure 4,122 statute miles in length. By the Wabash Railway from St. Louis to Detroit, thence the Canadian Pacific to Montreal, thence to Liverpool by the St. Lawrence, the actual distance between St. Louis and Liverpool is 4,303 statute miles, or only 181 longer than the mathematical line between the same points, as calculated on the difference betwen latitudes and longitudes.

Let us remark, in order to avoid confusion, that the above-mentioned distances and those mentioned further are expressed in statute miles, even for the part across the ocean, which is generally expressed in nautical miles ; and that one nautical mile is equal to 1·152·664 statute miles.

Result of Deviation Southwards.

The latitude of St. Louis is 38 degrees 37 minutes 28 seconds, and that of New York, 40 degrees 42 minutes 43 seconds, so that New York lies 2 degrees 15 minutes 12 seconds, or 146.31 miles, north of St. Louis. By the Baltimore and Ohio Railway, which is the shortest line between those two cities, the distance from St. Louis to Liverpool, via New York, is 4,689 statute miles, or 386 miles longer than by the Wabash, the Canadian Pacific Railway and the St. Lawrence route.

Let us take another example.

The latitude of Baltimore is 39 degrees 17 minutes, but to reach the ocean, ships plying to that port have to go down the Bay of Chesapeake to latitude 37 degrees 15 minutes, or about 97.23 miles south of St. Louis. From the latter city to Liverpool, by the Baltimore and Ohio Railway, and via Baltimore, the distance is 4,911 statute miles, or 222 miles longer than via New York, although there is only a difference of 1 degree 25 minutes 43 seconds in latitude betwen New York anad Baltimore.

Duluth and Liverpool.

Let us now take as a basis for comparison Duluth, whose progress is so wonderful as an accumulation and shipping point for farm products, particularly wheat and flour.

The astronomical position of Duluth is 46 degrees 48 minutes of latitude, and 92 degrees 6 minutes of longitude. In other words, Duluth lies 4,100 miles west and 350 south of Liverpool, which makes a distance of 4,450 statute miles, when measured on the meridian and the parallel, while the distance, when measured on the diagonal, is only 3,852 miles, or about 600 miles shorter.

By far the largest part of the grain and flour shipped from Duluth goes to New York via Buffalo. To accomplish this trip, it goes down south 6 degrees 5 minutes 17 seconds, or 423 miles, to reach the latitude of New York, and comes back north the same distance to reach the parallel of Duluth, thus making a zigzag of 846 miles.

This is not all.

As the degrees of longitude increase in length going southwards, it is evident that the distance to be covered from west to east is much longer on the parallel of New York than on that of Duluth. The difference between the meridians of Duluth and Liverpool is 86 degrees 49 minutes. On the parallel of Duluth these 86 degrees 49 minutes represent a length of 4,075 statute miles ; on the parallel of New York they represent a distance of 4,600 miles, or 525 miles more. If you add this to the length of the zigzag to go south and back north, you find a total difference of 1,371 miles.

Via New York, following the lines of the parallel and of the meridian, the distance between Duluth and Liverpool would be 5,446 miles. Taking the shortest road between Duluth and New York, viz., the Chicago and Northwestern Railway from Duluth to Chicago, thence the Pennsylvania Railway to New York, the real and practical distance from Duluth to Liverpool is 1,952 statute miles, or only 494 miles shorter than that covered by following the astronomical lines.

Boston is only 1 degree 38 minutes 41 seconds further north than New York, and yet the distance from Duluth to Liverpool via Boston, by the Chicago and Northwestern, the Hoosac Tunnel and the Fitchburg Railway is 4,835 miles, or 117 miles shorter than via New York.

Go up further and take the route via Montreal, which is 4 degrees 18 minutes, 17 seconds more to the north than New York. The actual distance by this route, always via Chicago, is 4,906 statute miles. The zigzag to go down to the latitude of Chicago and up again to reach that of Montreal, increases the length of this

route by 71 miles, as compared to the Boston route.

By the route of Sault Ste. Marie, which decreases the angle to the south and saves the Chicago zigzag, the distance between Duluth and Liverpool, via Montreal and the Canadian Pacific, is 4,301 statute miles, or 605 miles less than via Chicago.

Let us go further up yet and pass by the northernmost seaport, and let us see the distanc via Quebec, which is only 1 degree 30 minutes more to the south than Duluth, or practically on the same parallel.

From Duluth to Mattawa, by the Soo line, and the Canadian Pacific, the distance is 722 miles, and from Mattawa to Quebec, by the short cut of the Quebec and Lake Huron Railway, the distance is 325 miles, making 1,047 miles from the whole distance from Duluth to Quebec. Add the distance on the ocean, 2,976 statute miles and you find a total distance of 4,023 statute miles between Duluth and Liverpool, or 278 miles less than via Montreal.

There is only a difference of 1 degree 6 minutes 20 seconds in latitude, or 91·26 miles, between Montreal and Quebec, yet by avoiding the circuit northward to reach Montreal, you shorten the whole distance by 278 miles.

The route via Quebec is therefore 278 miles shorter than via Montreal, 812 shorter than via Boston, and 925 shorter than by via New York.

It would be difficult to show in a more forcible, more irrefutable manner, the superiority of Quebec as a centre for accumulating and shipping to Europe the farm products of the west, especially of the North-west.

This also clearly shows that the United States and Great Britain are in line with the great diagonal formed by the St. Lawrence, the shorter they are. It seems as if Providence had purposely provided this great route to facilitate the exportation of the products of the wonderful plains of the west, whose soil is rich enough and vast enough to suffice to the alimentation of all the population of old Europe.

Providence has thus traced a programme to our statesmen, as far as the transportation question is concerned, improve the route of the St. Lawrence so as to make it the unrivalled highway for carrying the western products to Europe. And the way to render it unrivalled is to make Quebec the head of ocean navigation. All that is not done in accordance with that programme so clearly traced by Providence is done against nature as well as against common sense. Why spend millions to improve an artificial port which, at the best, can only be much inferior to the ports of the United States, when you have at Quebec a natural port unquestionably superior to any of the American ports, a port which can accommodate the largest ships which modern genius can put on the sea?

A single glance at the map clearly shows that the St. Lawrence is the natural, the most direct and the shortest way to ship the products of sixteen states of the United States to Europe. As a receiving and shipping centre, Montreal is at the head of the St. Lawrence route and on the straight line formed by the great river, and Lakes Ontario and Erie, tapping Northern New York, Ohio, northern Indiana, Illinois, Iowa, Missouri, Kansas and Nebraska.

The states lying further north, viz., Michigan, Wisconsin, Minnesota, the Dakotas, Montana and Wyoming, the natural outlet is through Lake Superior and the northern part of Lake Michigan, the Straits of Mackinaw and the Georgian bay. From the north-east corner of this bay, follow the short-cut of the Parry Sound and Great Northern Railways, and better yet, follow the proposed Quebec and Lake Huron Railway, and you have a straight and direct line from Montana to Quebec, traversing about midway, between north and south, the territories and states of Wyoming, Montana, the Dakotas, Minnesota, Wisconsin and northern Michigan.

In 1899 there were raised in Minnesota and the Dakotas 157,710,550 bushels of wheat, 61,-742,183 bushels of corn, 76,008,364 bushels of oats, 1,393,962 bushels of rye, and 16,463,831 bushels of barley. Of the wheat, at least 125,-000,000 bushels were exported. Of the other grain, at least ten per cent were also exported. The aggregate of those exports form 4,095,568 ton of freight, of 3,750,000 tons only for wheat. And when the lands which are yet to be settled are put under crops, their yield in cereals will add at least 1,000,000 tons to the quantity of freight, bringing the total to 5,000,000 tons.

Now let any man of unbiassed mind look at the map of North America and say whether Quebec is not the natural outlet for all those products, and whether if any serious competition can be offered for that traffic to the new channel opened by the Great Northern Railway and to be improved by the Quebec and Lake Huron Railway.

This may give an idea of the possibilities of the port of Quebec.

By navigation on the lakes, the distance from Duluth to Buffalo is 1,025 miles, and only 530 miles to French river, viz., 495, or to make a round number, 500 miles shorter. From French river to Quebec, by the proposed Quebec and Lake Huron Railway, the distance is 450 miles, or the same as the distance by railway from Buffalo to New York. Then, by ocean navigation, the distance from New York to Liverpool is 3,130 miles, and only 2,661, or 469 miles less, from Quebec to Liverpool. Therefore, the opening of the new route via French river and Quebec would mean a saving of 500 miles of lake and 469 miles of ocean navigation, 969 miles in all, in the transportation to Europe of the farm products of Minnesota and the Dakotas. If this saving represent only a reduction of one cent a bushel, it amounts to a benefit of $1,405,608 for the farmers of those three states, or for the dealers who would buy and ship grain. Would not this be a sufficient inducement to bring traffic to the new route ?

This new route offers the same advantage as regards the Chicago and Milwaukee grain business.

From Chicago to Buffalo, by navigation on the lakes, the distance is 1,025 miles, the same as from Duluth, and only 530 miles to French river, or 495, say 500 miles less. There is the same difference from Milwaukee, so that a steamer running between Chicago or Milwaukee and French river can carry twice more freight during the same length of time than if she were trading between the same places and Buffalo; which means that she could carry grain to French river for about half the money that it would cost to carry to Buffalo. Under these circumstances, is it not reasonable to assume that the new route would be in a position to cut a large figure in the Chicago and Milwaukee business?

What are the proportions of this business ?

In 1899, there were received for shipment at Milwaukee and Chicago, 340,123,751 bushels of grain, viz.: 42,489,700 bushels of wheat, 141,009,-640 bushels of corn, 124,516,832 bushels of oats, 4,556,286 bushels of rye, and 27,813,281 bushels of

barley, representing 7,134,021 tons of freight—1,274,691 tons of wheat, 3,948,269 tons of corn, 1,115,786 tons of oats, 127,756 tons of rye, and 667,519 tons of barley. Suppose that only 20 per cent of this freight is taken by the new route, via French river, and you have an addition of 1,500,000 tons to the business of the port of Quebec, which would then aggregate over 7,000,000 tons for the grain coming from the western states. This represents 700 steamers cargoes of ten thousand tons each, or the loading of three of these steamers every day during the 200 days of summer navigation.

We complain that shipping business deserts Quebec, that steamers pass at our doors to go up to Montreal. Why ? simply because we have no business, no freight to offer to ship owners. But let the Quebec and Lake Huron Railway and the Great Northern bring to our port, from the Western States, those 7,000,000 tons of grain, and steamers still flock to Quebec and get that freight. Competition will then reduce the freight rates, and bring them to as low a figure as from New York, or any port on this side of the Atlantic.

There, and there alone, is the solution of the question, as regards the route of the St. Lawrence. In the first place let us take the means to bring the freight and of their own move, steamers will come to get it. If the lights and lamps of the gulf and river are wanting in some respects, let the government improve them which will cost a trifle, and as regards Quebec, all will be complete, as our railroad companies are providing themselves the accommodation required for the transhipment of their freight. The Great Northern has its own elevator and the Quebec and Lake Huron Company, in its propositions to both governments also undertakes to build its elevators, flour sheds, and wharfs at its own expense.

Other Freight.

In 1899 there were shipped from the six principal ports of the United States, viz. Newport News, Baltimore, Philadelphia, New York, Boston and Portland, 1,002,978 tons of meat and meat products ; 433,896 tons of pork, 327,302 tons of lard, 198,711 tons of beef and 43,068 tons of tallow. Besides, there were exported about 500,000 tons of fruits, poultry, butter, cheese and live stock. By far the largest part of those products was raised in the states situated along the line of the new route via the Georgian bay and Quebec, which should get at least 20 per cent of that traffic, or over 200,000 tons of freight.

Between the River Ste. Anne and the Ottawa, the Quebec and Lake Huron Railway would run nearly through the centre of the finest forests of the province of Quebec. In the year 1900, there were taken out of these forests, as shown by the report of the Commissioner of Crown Lands, 294,394,753 feet B.M. of pine, 145,849,524 feet of spruce, and 2,669,772 feet of birch, or an agregate of 442,914,049 feet B.M. In the Lake Nipissing district, a part of Ontario, to be traversed by the Quebec and Lake Huron Railway, a great deal of timber is also manufactured, so that there is no exaggeration in the statement that the railway will run through a country in which over 800,000,000 feet of timber are annually made for export. And when the said road has made available the resources of the immense forests of hardwood through which it will run, these will easily contribute their 100,000,000 feet to the timber made for export, which will bring the total to 600,000,000 feet.

Supposing that the railway only secured one-fourth of the freight it would bring to Quebec 150,000,000 feet, or nearly 250,000 tons of freight.

This clearly shows that if proper means were taken to bring to Quebec the freight to which it is naturally entitled, before two years the shipments from this port would count in the ten millions of tons. This enormous business would stimulate competition and lower the freight rates to the same figures, at least, as those from New York, Boston and other American ports. Why should steamers travel over 900 miles more on every trip to go to New York or Boston for freight, when they could get it at Quebec and save that surplus of travel which is about 15 per cent A steamer could, in the time required to make six trips to New York make seven at Quebec. At New York, steamers are very often compelled to stop and wait for the tide in order to pass the bar before entering the harbour. At Quebec, there is no such cause of delay, and steamers can come straight to the wharfs at low as well as at high tide, without any delay, and this for the largest steamers that may be put on the Atlantic. The American government will have to spend about $50,000,000 to give to the ports of New York and Boston a depth of 40 feet of water. In the port of Quebec nature has provided a depth of 50 feet and over, and without dredging a single yard of sand or excavating a single yard of rock.

What is the Ottawa government asked to do in order to secure for the finest of Canadian ports and the route of the St. Lawrence, that immense traffic from the western part of the United States ? Simply to grant the ordinary subsidy to the Great Northern in order to build the short bit from St. Tite or Notre Dame des Anges to St. Raymond, and also the ordinary subsidy to the Quebec and Lake Huron Railway. These subsidies would amount to about $3,000,000. These companies ask nothing for accommodation at Quebec ; the Great Northern has its elevator, and the Quebec and Lake Huron Railway Company, in its proposition to the government, undertakes to build at its own expense two elevators of 1,000,000 bushels each, immense flour sheds and docks to which ocean liners of any depth of water may come for loads. In other words, $3,000,000 would insure the improvement of the Great Northern, the building of the Quebec and Lake Huron Railway, and all elevators, wharfs and docks required to accommodate the immense traffic brought to Quebec by these two roads, viz. : over 5,000,000 tons of freight, or 500 steamer cargoes of 10,000 tons each.

If we are to believe the reports published in certain newspapers, the Ottawa government has decided to spend over $5,000,000 to deepen the ship channel from Quebec to Montreal, and improve the harbour of Montreal. This is nearly twice more than Quebec wants for its two railways, which would establish for ever the superiority of the St. Lawrence route, while after spending the five millions asked by Montreal, this port will still be quite inadequate to compete with the American ports.

Have the members and ministers who represent the district of Quebec taken all these facts into consideration ? Will they consent to give all to Montreal, and continue to keep Quebec in the background ? Let the government spend millions to satisfy the fallacious fancy of making, by name, Montreal the national port of Canada, but let them grant to Quebec the help to which she is entitled to

become, not only by name, but in reality, the first port of the Dominion, a port superior to any in the United States, as regards depth of water and accommodation for steamers of the largest tonnage. This is the only way of establishing for ever the superiority of the St. Lawrence route, which for up-to-date steamers ends at Quebec.

I shall now read an extract from 'Le Soleil,' descriptive of a portion of northern Quebec through which this projected railway is to run :

New Quebec. or that territory annexed to our province by the legislation of 1898, is divided into three sections : Ashuanipi, Waswanipi and Abitibi. This last mentioned one is the richest of the three, and it is of it that we purpose giving a short sketch for the benefit of the readers of ' Le Soleil.'

Situation and area.

The territory of Abitibi is bounded on the west by the province of Ontario, on the north and north-east by a line starting from Rupert's bay and running at about equal distances between the Rupert and Little Nattawai, or Broadback rivers, to a point beyond Lake Némiskan, about 75 miles from the seacoast, then turning south-east towards the height of land, by passing between Lakes Wahwanish and Chibougamoo, in the vicinity of the sources of the St. Maurice ; on the south-east and the south by the summit line dividing the waters of the Ottawa from those that flow into the James bay.

That territory, according to an essay read on the 8th March, 1897, by Dr. Bell, before the London Geographical Society, measures about 280 miles in length, in a straight line running from north to south, and about 230 miles in width, from east to west, which constitutes an area of 60,000 miles superficies, or more than the size of England. This gives 38,400,000 acres, or about the third of the superficies of all the land comprised within the olden limits of our province, before the annexation thereto of these territories. It is 11,945,720 acres more than the area of all the counties on the north side of the St. Lawrence, except Pontiac, Chicoutimi and Saguenay, for these twenty-three counties have only a superficies of 24,454,280 acres.

Topography.

This immense territory is a table-land, almost even, only slightly above the level of the sea, the face of which is barely here and there varied by isolated hillocks, not rising higher than 600 feet, and by not very steep slopes The ' height of land,' or the summit line which divides the waters that run towards the Ottawa from those that run north into the James bay, rises from 850 to 1,050 feet above the level of the sea. That line almost runs along, and at a comparatively slight distance, the upper course of the Ottawa, from Lake Témiscamingue to the source of the river. North of this line the land slopes gradually and evenly to Lake Mattagami, a distance of about 150 miles, where the elevation above the level of the sea is 600 feet. That easy descent continues on for about 50 miles, at the end of which the elevation above the sea-level is 450 feet. From that point the decline becomes more accentuated, and in the space of the remaining 80 miles, the 450 feet disappear, thus bringing the surface of the land to a level with the sea at James bay.

These data apply to the valley of the principal branch of the Nottawai river, which is the grand fluvial artery of that country, and which takes in about the two-thirds of the region.

Starting from the height of land, on the eastern side the land slopes westward, and the southern half of that territory is drained by the Rivers Mikiskun and Waswanipi, which are the two principal tributaries of the upper Nottawai. Beyond the fringe of the higher and somewhat irregular lands in the regions of Lake Waswanipi, the surface slopes northward where the drainage is effected through the chain of lakes and the river that throws its waters into the Little Nottawai, or Broak-Back, which latter flows into the greater Nottawai near its junction with Rupert's bay. The land becomes silghtly more hilly and rocky as the sources of the Waswanipi are neared, but it is level between the lake of that name and Lake Mistassini.

Rivers and lakes.

The Nottawai is the largest river in that country. From the head to the mouth of the principal branch the distance, in a direct line, is 280 miles ; but taking in the windings thereof the river is about 400 miles long. In the twenty-five miles between its mouth and Middleton island, its width is 2½ miles, and from ½ to ¾ mile in the 130 miles between Middleton island and Lake Mattagami. Beyond the rapids that exist in the 18 miles above this lake and in ascending it the river is navigable for steamboats for a distance of 60 miles. The depth of water is considerable, varying from 25 to 40, and even to 80 feet, acording to soundings taken by Dr. Bell. Higher up, by the expansion of its waters, the river forms Lake Shabogama, some 30 miles long—longer than Lake St. Peter—and Lake Obaska, 16 miles long.

The Mikiskun and the Nottawai are, in themselves, two important rivers and the Rupert is almost as large as the Nottawai. On all these rivers there are numerous water-powers, of practically unlimited capacity, and which cast in the shade those of the St. Maurice, even that at Shawinigan. According to the measurements taken by Surveyor Sullivan, immediately above the tide mark, the flow of the Nottawai is 4,000,000 cubic feet of water to the minute. Twenty-five miles from the high tide mark there is a fall of twenty feet that gives over 150,000 horse-power ; 12 miles further up there is one 50 feet in height, which could give 375,000 horse-power ; about 40 miles still further up there is a third one, 36 feet in height, that could develop an energy of 250,000 horse-power. Starting from the height of land, and at about sixty miles from the source of the river, at the exit from Lake Shabagoma, there is a fall of 14 feet, capable of giving 13,250 horse-power ; a little distance further down another of 30 feet, capable of developing 28,500 horse-power, and 15 miles still further down there is yet another one of 30 feet and of equal power. Dr. Bell says that after the Nelson river—one of the largest in the world—the Nottawai is the most important stream of the Hudson's bay region. Surveyor Sullivan says, in one of his reports, that the River Waswanipi, a tributary of the Nottawai, is as voluminous as the Ottawa at the Mattawa.

The lakes are not very numerous, but are very large. The extent of the great Lake Mis-

tassini, which is well known, is one hundred miles in length, and averages twelve miles in breadth. Lake Goeland is about forty miles long and from twelve to fifteen miles wide. Lake Evans is about the same width, and some thirty-three miles long. Lake Waswanipi measures twenty-five miles by from five to seven miles. Lake Mattagami is twenty-five miles from east to west, and forms in the north a bay that is about sixteen miles deep, which makes it, in reality, about forty miles long.

Hills and Hillocks.

In that vast region there are no mountains, and the highest hills, according to all explorations up to date, do not rise higher than 700 feet above the general level of the land. Apart from these, the principal ridges consist of hillocks, that are scarcely perceptible, and which only serve to facilitate the drainage of that immense table-land. The most irregular and rocky part is in the vicinity of the sources of the Waswanipi river.

Soil and Arable Lands.

Dr. Bell says that in the valleys of the rivers and in the less elevated lands the soil consists of thin beds of light clay or brownish slaty rock, resting upon a bottom strata, and sometimes covered with a deposit of sand, and less frequently with gravel. These kinds of loam are to be found even on the higher lands, as far up as one hundred feet above the general level of the country. On the hills and hillocks yellow earth, sand and gravel form the surface soil. Practically speaking, there are neither stones nor pebbles to be found. The greater part of the country possesses a soil that equals in richness that of the valley of the Richelieu, and surpasses it even in almost every place. There are about 35,000,000 acres of this excellent arable land that could support a farming population of fully two million souls. In several sections and over vast areas the richness and depth of the soil equal the very best that is to be found on the prairies of the North-west. Apart from those of the Waswanipi, the waters of the rivers are agitated and but slightly muddy, which shows that on all sides exists that rich loam soil.

The Climate.

'The climate in that region,' says Dr. Bell, 'is much finer than is generally supposed. That country is situate between 47° 45′ and 51° latitude: that is to say, that the northern limit is even further south than London. If it does not enjoy exceptional advantages for such a latitude, no more does it suffer from the currents of cold air that come from the western part of the Atlantic, from which it is distant over 1,000 miles. The slightness of the elevation of that table-land above the sea-level is very favourable to its climate, which may be considered as normal for those latitudes.

'In those regions where there has been no attempt at cultivation, the prospects for agriculture may in great part be calculated by means of the natural flora. It is generally admitted that wheat thrives well where small pears (Amelanchier Canadensis) and soft curly maple (Acu Spicatum) grow; for these two shrubs are to be found in the north of the region in question.

Forest Wood.

The forests of the Abitibi territory are rich beyond all idea. White pine is found upon the scattered knolls and rocks as far as the northern latitude of Lake Abitibi; also red pine is there to be had. White cedar of large dimensions goes as high as Lake Goeland more than one hundred miles north of the height of land. The white birch and fir (balsam) are large, which indicates rich soil. But the wood which is most abundant and of the finest quality is the white, and also the black, spruce. Along the shores of the rivers and lakes there are lots of white spruce, measuring 24 and 30 inches in diameter, and Mr. Sullivan saw some 100 feet high. The red spruce which was magnificent, had been nearly all destroyed by an insect, which, moreover, played havoc with it everywhere else; but this insect has disappeared, and in a few years there will be lots more of it. These abundant forests of white and red spruce line the rivers, where there are immense water-powers, and thus constitute that country one of the most favourable for the industry of pulp and paper manufacture.

Mineral Resources.

Dr. Bell, who is both learned and expert in these matters, is of opinion that the territory in question has every appearance of being rich in valuable minerals. The Huronian rocks, which in our country are the richest in minerals, are largely developed in that country. The great band of these rocks, blended with diorities and granites of volcanic origin, which extends from Lake Superior to Lake Mistassini, attains its greatest development in that region, where it measures 150 miles in breadth, along a line drawn from south to north between Lakes Victoria and Matagami. A great portion of that chain is composed of divers species of crystalline schists and of pyroclastic rocks. These formations are intersected by numerous quartz veins which clearly indicate the presence of gold. Iron pyrites in sufficient quantities to be worked, containing copper, have been found at several places on the shores of the little river Nottawai.

Agriculture.

It is well known that, for over one hundred years, the Hudson's Bay Company has tilled farms and carried on agricultural pursuits at their forts on Moose, Rupert and Eastman rivers. At these places they raised cattle, and have a superb stock, which springs from animals imported from Scotland and England. As to the raising of grains, here is what Dr. Bell says:

'Mr. Baxter, in charge of Fort Waswanipi, was kind enough, at my request, to make some fresh trials in the sowing of wheat, oats and barley, and a variety of other seeds which I had obtained from the Central Experimental Farm, and which I had sent to him during the winter. When we visited his post, on the 12th August, these different grains had a fine appearance. They had come to head some time, and were ripening. The potatoes were as large as hen's eggs. the turnips were six inches in diameter, the carrots and other vegetables were good to eat, the Indian corn showed the tassels of its cobs, the tobacco looked well, and mostly all the garden productions of the inhabited parts of Canada succeeded under the care of Mr. Baxter.' Also at Fort Waswanipi millet and clover are raised successfully. Dr. Bell says that apart from the raising of cereals, in this new country we have vast expanses of good lands, which before long will be valuable for the raising of cattle and for dairy purposes,

the two most profitable branches of agriculture.

The learned geologist, and clever as well as intrepid explorer to whom we are indebted, so to speak, for the discovery of this beautiful country, thus summarizes its wealth :—

'The above-mentioned explorations have had for result the demonstration of the existence of immense masses of Huronian rocks, which promise to furnish metallic minerals and other industrial minerals of great value, as well as the existence of great tracts of arable lands and forests composed of northern trees, all of which things are destined, without a doubt, to become later on of great value to the country.'

I thank the House for the interest they have taken in the last few lines I have read. If I had simply handed these extracts to the reporter and not read them to the House hon. gentlemen would have been deprived of very valuable information that the geologist of this country and the other interested party have given with respect to this far north country. With these thanks which I give the House in abundance I resume my seat.

Hon. Sir MACKENZIE BOWELL—I suggest if it meets the approval of the government that the debate be closed giving the right to the gentlemen who desire to reply to this exhaustive and convincing address to which we have just listened the same right of discussing it on third reading. We know that in the committee if the chairman enforces the rules of debate the discussion would have to be confined to the clause under consideration, and with the understanding that this matter can be discussed on the third reading we might give the Bill its second reading now. There is, however, a difficulty in this respect. There are one or two gentlemen who are I know anxious—my hon. friend to my left for instance (Hon. Mr. Miller) to be here when the vote is taken and will be disappointed if their votes are not recorded. Let it be understood that it is six o'clock and let us take the vote when we meet at eight, and let it be understood that there will be no more discussion, or if anybody dsires to make a speech, take the vote at nine o'clock.

Hon. Mr. KERR (Toronto)—Some hon. gentlemen would be leaving by seven o'clock if the vote were taken now.

Hon. Mr. FERGUSON—It would be very unfair to take it now. I think we might take it soon after eight o'clock meeting. It was understood it was to be taken in the evening.

Hon. Mr. YOUNG—It was not anticipated that two hon. gentlemen would occupy the whole day when the arrangement was made.

It being six o'clock the Speaker left the Chair.

After Recess.

Debate resumed.

Hon. Mr. CLORAN—Hon. gentlemen, I rise on this occasion under a sense of duty towards this Senate and also towards this country of which I am a citizen. The debate on this question no doubt will go into the records of parliament as a historical one. I suppose, like all new members in this Senate, I will have to apologize for the remarks that I shall have to make in regard to the subject under debate. I do so more readily and more humbly as I have been more or less called to task for having dared to give utterance to my opinions on public questions of the day, I will not say in a very harsh manner, but in a tone somewhat of irony and sarcasm. Up to the present I have made it a point not to intervene in the debates of this House unless questions of principle were at stake on which I could not allow statements to go to the country which I consider undermined these principles. I have had opportunity to speak on a question which interests largely this Canada of ours, and that is the labour question. On that I was charged with telling this House that the hon. gentlemen who proposed certain legislation affecting the interests of labour did not know what they were saying. If I made such a bold statement I hereby withdraw it. I have no recollection of having put my thoughts or feelings or sentiments into such words as those. On another occasion I felt it my duty to defend a principle which underlies this confederation of Canada, and that is the question of provincial rights. I gave my opinion on the question that was then debated and some—not of our friends, but friends of the opposition, thought that I had undertaken too much, that I was too young to tell this Dominion what were its rights, and especially to tell the provinces of this Dominion what were their rights. On another

occasion I was brought to task for putting this honourable House on its guard against documents which on their face are a forgery, and I was called the censor of the Senate, looking after its dignity. So under all these circumstances I feel a little abashed at addressing the House at the present moment. I have all the sentiments of humility necessary in a child. I am a newborn babe in the Senate, and I suppose that the babe while in its cradle has no right to look his father in the eyes or at its mother and say 'here, papa or mamma, I want this or I want that.' I have to take what is given to me. All I have to say in regard to the attitude assumed in this honourable body in regard to new members of the Senate is this, that if Providence will give me the privilege of living as long as many of my confreres and colleagues in this House with crowns of silver gray on their heads, when a young Canadian will come into this honourable body thirty or forty years from the present time I will take him by the hand and say to him 'Go on and express the opinions of the young Canadians you represent.'

I will not make it a crime on his part to intervene in the debates of this honourable House. I say that to excuse or to beg pardon from this honourable House because I intervene at the present time in this debate, I intervene for one reason alone. I rise here as a young Canadian, proud to stand sponsor for one of the greatest Acts any government has ever brought before parliament. I stand here in my young manhood ready to endorse the Bill before this House so that in later years I will have the privilege of looking back and saying 'When you were young you did a good and noble thing for your country in voting for this National Transcontinental Railway.' It was not my intention to make two speeches on this question. It was my intention to give to this honourable House the reasons why I support this Bill, the reasons why I approve of the action of the government in this matter. Since this debate started I have listened to the reasons for and to the reasons against the building of this National Transcontinental Railway. I have heard the Secretary of State explain the question in a very mild and modest manner without any pretension whatever. His facts and figures were given with all that mildness and kindness which characterizes him. I have heard our friends on the government side follow him; I have heard our friend from de Lanaudiere give us a fair and scientific exposition of the question; I have heard our friends from New Brunswick, the hon. Senators King and McGregor and Senator McSweeney from Nova Scotia give us their views from a business and commercial standpoint. I have heard the old war-horse from Wellington (Hon. Mr. McMullen) give his impressions of the subject, and his speech went to my heart because it was that of a fighting Canadian, one who wishes to see his country advance in spite of paltry arguments that are opposed to the progress of this country. I have heard the hon. gentleman from Smith's Falls (Hon. Mr. Frost) give an excellent exposition of the subject without any expression of sentiment or passion. He gave us an excellent business speech; and then this morning before that long, exhaustive and convincing speech, as stated by the leader of the opposition to-night, from the member from Stadacona, I heard Hon. Senator Tessier give us his views as a French Canadian from the province of Quebec, and the province of Quebec will stand by the views he gave in this House. Finally, last but not least, one of the oldest members of this honourable House (Hon. Mr. Dever) gave us in a few words last night what I considered the best national sentiment that has been expressed in this House. On the other hand, what have I heard to convince me or to convince this honourable House that it is our duty as citizens of Canada, as members of the Senate, to vote down this Bill. I have listened attentively—I have, unfortunately, not heard all, but I have heard the best of the debate from the Conservative side of this House, and I am free to say that in their exhaustive speeches I have found no ground upon which to build a conviction that the government is wrong. I have heard the hon. leader of the opposition in this House, a gentleman who has held a high position in the government of this country, make an attempt to criticise this Bill. During this two hours speech did he bring to the mind of any hon. gentleman a conviction that this road should not be built? I leave it, not to the other side of the House, but to the

friends around him. Did he bring home to them that the Liberal government is doing a national wrong ?

Hon. Mr. McMILLAN—Yes.

Hon. Mr. CLORAN—On what ground, then ?

Hon. Sir MACKENZIE BOWELL—Don't answer the hon. gentleman.

Hon. Mr. CLORAN—The hon. leader of the opposition criticised one of the reasons given by the premier, the question of the bonding privilege. That is the only strong point he made in the whole of his argument. Did he tell this honourable Senate, as was his duty, as leader of the Conservative party opposed to this government, that they should vote the measure down ? I sat here for two hours and heard him make no such appeal to this honourable body or to the electors of the country. He criticised one or two of the reasons given by the right hon. leader of the government, but did he tell us that the road was not necessary or useful or was to be built under conditions unfavourable to this country ? He did not, and I say that the hon. gentleman left on my mind no conviction which would force me to vote against this Bill. Then following him came the hon. gentleman from Westmoreland (Hon. Mr. Wood). I did not hear his speech, but I understand he made a strong, clear exposition of his case as against the project. I am not in a position to criticise him. But, I followed the hon. member for Marshfield, the coming leader of the opposition, and heard him for four and a half hours declaim against this measure. What did he accomplish in his discourse ? Did he prove to this honourable House that Canada is not in need of that road ; that Canada could build a better road for less money ? Did he prove conclusively that the people are not ready to accept the Bill, as proposed by the government ? To my mind he did not. His discourse was a most educational one, taken from the best authorities, as far as the many side issues are concerned, but when it comes down to the merits of the question, did the hon. senator convince this House that the Bill should not be accepted ? I humbly submit that he failed to convince this honourable House. But, I have this to say against the hon. gentleman from Marshfield. His words are recorded in the Senate Debates, one of the national records of Canada, and he undertook to declare that the act of the present government was not only rash but was insane. What right had the hon. gentleman to describe the act of a government such as we have to-day, as an act of insanity ?

Hon. Mr. FERGUSON—I wish to say for the information of my hon. friend, that I never used the word insane from the beginning to the end of my speech.

Hon. Mr. CLORAN—I accept the hon. gentleman's statement, but if he did not correct his speech and strike out the word, my memory is as good as his.

Hon. Mr. FERGUSON—The hon. gentleman can look at the proofs.

Hon. Mr CLORAN—I have the hon gentleman's words in black and white, and his words were : 'The government is acting rashly and, if I might use the word, insanely.' That is the way he put it, and I challenge the right of the hon. gentleman to say that the act of the government is either rash or insane. Then we come to the position taken by the hon. gentleman from Wolseley (Hon. Mr. Perley), a gentleman of vast experience in the maritime provinces and in the North-west. I bow to him as one of the pioneers of this country, who went into the North-west with his intellect, his muscle and his capital, to develop the resources of that country ; and in the face of his experience as a pioneer, how can he rise in this House and say to the country that the great North-west Territories only require one main line on condition that it is double tracked ? That is his argument. How can he say that Manitoba and the North-west require only that the Canadian Pacific Railway shall be double tracked ? I can explain it only on one ground, and it is in contradiction to his declaration in this House, that he was not a party man. From his attitude, sentiments and views, he is probably the strongest Conservative in the Senate. He is a man who is ready to sacrifice the best interests of the country in the interests of his party, though he came before this honourable House and stated that he was not a party man. He

gave us his experience in his earlier days when he started in his public career. He said that when he was elected in his constituency in the North-west it was on one condition, that he would come down here with all the elements of independence necessary in public life, that he was no serf of any government. He came here and demanded from the Conservative party a reversal of their policy. The Conservative party had been in power from 1878 up to the time he arrived in parliament on a national policy of protection. And he told this honourable House that, independent as he was, he was able to tell the government of Sir John Macdonald: 'You must bring down the tariff on agricultural implements from 35 per cent to 25 per cent, or I will oppose you, and I will ask for a resolution to be passed in the House.' That was his declaration, and three sentences after he said that no man could be a true Canadian unless he was a protectionist. I say, hon. gentlemen, that that kind of independence is not what is necessary, is not what is safe for the maintenance of proper legislation in either House of this parliament. He wanted a reduction in the tariff for his own ends, for his own constituents. Why not a reduction in the tariff for people who were not under his wing, who were suffering just as much as the people who were under his wing in the North-west. Be logical. Be brave enough to stand by the consequences of your principles. Advance them not before this country when they are one-sided, when they are lopsided. These are the hon. gentlemen who advocate opposition to this Bill.

We have had also an address from another hon. gentleman, and I was proud of him as a Canadian. I am sorry he is absent to-night, the hon. gentleman from New Brunswick (Hon. Mr. Baird). He, to my mind, made the speech of the opposition side. Did he condemn the construction of this road by the government? No. He said, 'Only for its want of location I would support it.' As a matter of principle, the hon. gentleman from New Brunswick is in favour of a transcontinental line. The only thing that is lacking in this case is that the road is not surveyed and is not located. Then we come down to the last effort of the opposition, that of to-day. I have only this to say, that if the hon. leader of the opposition was sincere in asking for an arrangement to take the vote this evening, I would be obliged to disagree with him, but I fail to see any sincerity in those remarks. He called the speech of the hon. gentleman from Stadacona (Hon. Mr. Landry) an exhaustive and convincing effort. He was perfectly correct in saying it was exhaustive, but I noticed the twinkle in the roguish eye of the hon. leader of the opposition when he said 'convincing.' So that he and I can agree on this point, that the hon. gentleman from Stadacona did not deliver an address that was convincing on this question, and he knows it. If my ears were not at fault, I have often heard him say, 'Too long, too long.' It was in fact too long. It was very long, from eleven a.m. to six p.m. I am sorry the senator from Stadacona is absent. I do not want to be personal with regard to him, and I hope he will read the remarks I have to make in answer, but I ask him did he consult sufficiently his sense of delicacy towards this House? Did he consult sufficiently what this House was entitled to in debate? I have been asked by a large number of my colleagues in this House to denounce the hon. gentleman, as they said, to go for him hammer and tongs. I shall do nothing of the kind. When he reads his remarks in Hansard, when he has time to consider his five hours' speech, he will come to the conclusion, no doubt, that he was wrong in abusing the patience and attention of this honourable House. I spent five long hours taking notes of his speech, expecting every moment to find an argument that would be against the construction of this road. I followed him, and what did my task result in My task resulted in being a time-keeper. I followed him closely minute by minute. I find he commenced to address the House at 11.40 a.m. to-day, and started to read an extract from the contract and Bill as printed, and which every hon. member knows by heart. Then he read resolutions of the Boards of Trade of Quebec and Halifax, and newspaper reports from the Quebec 'Chronicle,' that took him from 11.40 to 12.19, thirty-nine minutes. Now, hon. gentlemen, I have no objection to the Quebec Board of Trade or to the Halifax Board of Trade or any other town or municipality having their resolu-

tions quoted in this House. He has a right to quote them as a backing to his argument, but why should he give us a whole rigmarole of ordinary meetings of that kind, meetings that are held every day in the week. He might have said the Quebec Board of Trade was against it for such and such reasons, but he kept this House here for forty minutes reading these resolutions and reading these reports from the papers. I would have not objected to Quebec passing resolutions; they look after their own local interests. I have no objection to Halifax passing resolutions; they look after their own local interests, but I have a right to turn to the hon. member from Stadacona and say this question is not to be decided on local needs or local acts; we are here to decide national questions. I have no objection to him quoting this or that opinion, but he spent five hours of our precious time in quoting these things.

He quoted the history of the Trans-Canada road; that took him from 12.19 near on to one o'clock. Now, what has the Trans-Canada Railway got to do with this question before the House? The question of the Trans-Canada was a local one, purely provincial, not federal, not national, either in its line, either its purpose or any other reason, and he made this honourable House sit here from 12.19 until one o'clock listening to what the hon. prime minister of the province of Quebec did and did not do in regard to the Trans-Canada. What right had he to make use of his position as a senator of the Dominion of Canada to arraign the province of Quebec. What right had he on the floor of this honourable House to arraign the prime minister who was sitting outside the bar of this House, to insinuate before this House that Hon. Mr. Parent conducted public affairs on a dishonest basis—he did not say so in so many words, but he insinuated it; he insinuated that because a man whom the people called to be prime minister of the province of Quebec; called to be mayor of the city of Quebec; called to be president of one of the greatest constructions in Canada—the confidence of his own people placed him there and not his own act or his own word—the hon. gentleman from Stadacona, through partisanship—I will not use an adjective to qualify it, it would be unparliamentary—avails himself of his senatorial position, to arraign the best government we have ever had in the province of Quebec. I say it is not right and I say furthermore, it is no argument against the construction of the National Transcontinental Railway. The hon. senator went further and attacked the character of men who are not here to defend themselves, men high in the councils of their church, men high in their professions, men high in mercantile life; he challenged all their virtues and all their qualities while nobody was here to defend them. While I am a citizen of the province of Quebec, having no interest, either spiritual or temporal, in the welfare of these gentlemen, I say to the hon. gentleman what he stated here on the floor to-day was not justified by facts. I say that the hon. gentleman had no right to impeach the integrity of honourable men such as Rev. Mr. Lafiamme and Canon Thivierge and others; it was unfair warfare. Is this House then to be a theatre for the manufacture of campaign literature against the provincial government of Quebec? Is this to be a theatre for such deeds? I say the hon. gentleman has no right to make use of this House for such purposes. Then he went on to speak of the Grand Trunk Pacific incorporation Act which came into the House five or six months ago, and said Mr. Hays was the bulldozer of the government in regard to that Bill, in the same way that he insinuated here, unfairly, that Hon. Senator Cox was a man who could bulldoze the government. I say there is no man in this country that can bulldoze the government led by Sir Wilfrid Laurier, there is no man in Canada, the United States or England who can come to this government and say 'This is what I want and you have got to give.' The Liberal government of the day is able to say to these capitalists, not as the government were obliged to do in the eighties, not as they were obliged to do in the Red Chamber at Toronto, when they knuckled down to the manufacturers and capitalists of this country—we stand above and aloof from capitalists and we dictate the rights and wants of this country to them; they do not dictate to us, and when the hon. member from Stadacona insinuates that one of our hon. colleagues, is able to take this government and force his will upon them,

that I say was not fair. He took occasion to say that the Grand Trunk Pacific had forced the government, or had it in their contract to force the government to make all repairs on the road. Undoubtedly he has read the contract. There is no doubt about that, he read it and re-read it here to-day three or four times, but he has not read it right. I do not know whether he read the French or the English version, probably the French version was not ready and he was obliged to read the English version—and he has got a wrong interpretation of the Act. I know he is a stickler on having Bills printed in French, and I forgive him if he has made any mistake in his interpretation of the English Bill, but I refer him to section 14 of the contract, and he will find what he stated to this House is not exactly correct. In fact the railway company is responsible for all repairs. The government will undertake to renew anything that is permanent in the constructions of the road, and the actual money it costs is to be capitalized and put into the construction account against the company, and when the hon. gentleman comes here and tells us after reading that clause that Mr. Hays forced the government to put in a clause that would give the company the right to exact all necessary repairs, I say it is not in the reading of the contract.

Then the hon. gentleman went on from 12.35 to 12.48 p.m., reading resolutions of the Halifax Board of Trade and the City Council of Halifax and a letter from the town clerk. I should like to know what the letter from the town clerk has to do with this debate. Then he read resolutions from the Quebec Board of Trade. Evidently the Quebec Board of Trade had nothing else to do in those days—I do not know whether the hon. gentleman is a member of it or not—than to hold meetings and pass resolutions. They were like the three tailors of Tooley street proclaiming themselves as representing the people of Canada. They had a right to pass resolutions for their own local wants, but their wants and wishes are not to be taken as the wants and wishes of this great Dominion. Then at 3 o'clock he read Sir Wilfrid Laurier's speech delivered in October, 1896, seven years ago. Had he satisfied himself with reading the speech we would not have felt so tired, but he went on and gave us the names of nearly all who were at the banquet, with a biographical sketch of each. What has that to do with this debate? What do we care whether Tom, Dick and Harry were at that banquet. He gave us a long rigmarole that lasted from 3 o'clock to 3.24. How much influence had that on the minds of the House? He spoke of the great waterway of the St. Lawrence. There is no doubt it is a great waterway. We all speak of it in the same way. When the hon. member from Marshfield (Hon. Mr. Ferguson) stated that the only two men in the government of this country who understood the transportation question were the hon. ex-Minister of Railways and the hon. ex-Minister of Public Works, does he mean to say that the people will take that as gospel truth, that the Liberal government which has managed the destinies of this country for seven years contained only two men who understood the question of transportation in this Dominion? Does he think that that will be swallowed by the electors of Canada? He never imagines that it would be swallowed by the hon. members of this House. Was he talking to the electorate when he said that the government had only two men, A. G. Blair and Joseph Israel Tarte, who understood the transportation question? Let me tell the hon. gentleman right here that the Hon. Joseph Israel Tarte is but a new convert to the question of transportation. For many long years I, in company with public men in this country, such as the Poupores, such as McLeod Stewart, ex-mayor of Ottawa, whose father was the creative genius of the water routes of this country, at our own expense went through the Ottawa valley urging the people to demand of the government the construction of the waterways of this country, and I say here to-night that the natural route of the west to the east is through the Georgian Bay canal, concerning which my hon. friend read extracts for which we are responsible. We continued that campaign for two or three years, addressing the boards of trade in Montreal and Ottawa, and meetings of the people in this country and asking the people to demand the construction of this great national highway. When we concluded our work we went to the hon. Minister of Public Works for his endorsement. We did not come to the government and ask them

to carry out a scheme which was unreasonable or a scheme that was not demanded in the interests of the country. After having done what we considered necessary in the interests of the project, we went to the man who was supposed to be 'the master of the administration' and asked him for his support, and we got the door. Two years after that, the hon. gentleman, for purposes and reasons of his own, takes up the question and allies it with another that was against the policy of the Liberal party, the question of protection, and on these two subjects he travelled through the country trying to impress his personality on this country of ours. But I tell the hon. gentleman he is not a true prophet; he is not a sincere man in the discussion of public affairs. He derided the project of which we were the sponsors at the time, and when it suited his own purposes he took the matter up. So let not the hon. senator from Marshfield tell the people of this country that Mr. Tarte is the prophet of transportation in this Dominion. He is nothing of the kind, any more than he has a right to call himself the apostle of protection. The leaders of the opposition, are the gentlemen entitled to preach that doctrine. You are the men to whom the country has given the right to proclaim the principle of protection. The country gave you that right for eighteen years, and not Mr. Tarte, who left the Liberal party and went through the country demanding protection. He, in 1893, declared that protection was ruinous to the farmer and to the country and the means by which the few became rich and the many poor. That is what Mr. Tarte proclaimed in 1893, to serve his own petty ends, to avenge his own petty jealousies, to avenge his humiliation in being out of the cabinet, he marches through the country proclaiming himself the apostle of protection. Let me tell this honourable House that the one man in the Conservative party who understands the situation is the French leader from the province of Quebec, Mr. Monk. He will have nothing to do with Mr. Tarte as the apostle of transportation and protection. He will not appear on the same platform with him, and I say I would prefer to be beaten ten times by Mr. Monk than be elected once by the aid of such a man as he who is not sincere in his proclamation of public documents or principles for the welfare of this country. There is the position. I give to Mr. Blair all that he is entitled to. He is a man who has devoted a great many years of his life to the public service. He is a man that has helped to build up his province. He is a man that came into the Liberal government with great prestige. He is a man to whom Sir Wilfrid Laurier, the leader of the government, confided the largest part of the interests of the country. He worked hard, he worked fairly and honestly. He was in favour not of one transcontinental line, but of many I had not the opportunity to be present at the banquet at which my hon. friend from de Lanaudière assisted, to hear him say that we required or would require in a short time ten transcontinental railways, but we have it in the public records of this country that no later than a year ago, on the coast of British Columbia, the hon. gentleman who was then Minister of Railways, asserted that not only one, but four transcontinental railways would be required within ten years. When the hon. Minister of Railways left the cabinet, did he leave it on a question of principle or on a question of circumstances? Were 14 members of that cabinet to be guided by one man, or was one to accept the will and wishes of his fourteen colleagues, who are entrusted with the destinies of the country? For one reason or another he could not accept the scheme for the construction of this road, but he stated in his speech in the House of Commons that a transcontinental road was necessary. I say a man who will give up a vital principle necessary to the life of the country for the sake of jealousy or any other reason, is not one whose opinion ought to prevail. Why not sacrifice his ideas on small questions to maintain the right principle which he has been preaching for over seven years? When the hon. member for Marshfield represents these two men as the guiding lights of what is required in this country, transportation and protection, and that they were the only lights in the Liberal government, I tell him he gives us false lights and that we are not bound to follow him. As I said, I am following the remarks made by the hon. gentleman from Stadacona, and I have only reached 3 p.m. He spoke until six p.m.

Hon. Mr. POIRIER—How long will the hon. gentleman continue ?

Hon. Mr. CLORAN—If I can crowd a criticism of five hours into 25 minutes I will be one of the best analysts of composition in Canada. I will take an opportunity in the future to complete my remarks, and will not inflict a speech on the House to-night. I have said nothing offensive against the hon. gentleman, but I am taking an opportunity to criticise his doctrines and quotations without any offence whatever, because I do not want his doctrine to go forth to the country as the common sense of this Senate. I will not use a barber's scissors and a bucket of paste to keep this House in session for seven hours. I wish to give my impressions from my conscience and not from reports in the newspapers, for which I am not responsible, or from magazine writers of whom I know nothing. What I give you here to-night is a solid conviction and the best judgment of a young Canadian who has the honour of sitting in this House. I have stated as briefly as possible, in as unimpassioned words as possible what I thought of the debate so far carried on. On another occasion I shall point out to this honourable House a question which I think has been overlooked, and which will appeal to this country to stand by the government in the construction of this road. I will be able to point out that the construction of this railway will not cost $69,000 a mile by way of subsidy, as the Canadian Pacific Railway cost in 1881-82. I will be able to show that when the Canadian Pacific Railway was built, it was at a tremendous expense to the treasury and to the Canadian people, and I will be able to show that this road is not one that will take the wealth of the country and allow individuals to carry it abroad and live as lords in England ; that there will be no fortunes made out of this contract. I will be able to show that the road will not depend upon the transportation of wheat. There is nothing that tires me so much as these niceties of mental algebra and mathematics as to whether a bushel of wheat can be carried for one-eighth or one-sixteenth of a cent in a particular way. There is nothing that will tire a man worse than that. The Canadian Pacific Railway does not depend on the carriage of grain for its immense success. It depends on the general traffic of the country and on the trade of the east, and that is a point that no hon. gentleman has called to the attention of this House. The trade of the Orient, Japan and China, the trade of the eastern countries. We can get the trade of all the countries of the east by crossing the Pacific ocean in 10 or 11 days, when it takes European companies several weeks to reach there. Why not allude to the trade that will come over the transcontinental line the same as going over the Canadian Pacific Railway. There are many other questions I could refer to, but I will reserve them for a future day, and I hope the hon. leader of the opposition will take it up in this strain and will not cast his vote against this Bill, but that would be too much to ask from him at the present moment. I hope the Senate will assert itself in a manner worthy of the country and of the government.

Hon. Mr. LEGRIS—I do not desire to make a long speech, which would be out of place at this stage of the debate. I also confess that I am not familiar enough with the English language to undertake such a task, and I must apologize to the House for attempting to speak at this time in a language which is not my mother tongue. I must admit that the task is made more difficult after the eloquent speech we have heard from the hon. gentleman (Hon. Mr. Cloran) who has just taken his seat. But I wish to make a few brief remarks on the question. I feel it is my duty, coming from the province of Quebec, to raise my feeble voice in support of the ministry whose courage and energy are strong enough to launch such a national enterprise which is no doubt the boldest and largest that Canada has ever heard of since its existence as a confederation, without excepting the Canadian Pacific Railway construction decided in the years 1878-79. I admit that this great work is surrounded with difficulties of all kinds for a government. The enormous advantages that were anticipated from the construction of that transcontinental line have been fully demonstrated by the members who have already spoken on this subject in the other House and in this Chamber, and also by the press. The question is now plainly before the people as well as it is before

this Senate. No doubt the enterprise will ensure the establishment and success of several new manufacturing industries, new mineral enterprises and colonization all along the line from the Pacific coast to the Atlantic, and will also tend to increase our production, increase our population, increase our revenues, and altogether increase the wealth of the Dominion. These advantages are expected for each province, as I have already said, but those expected for the province of Quebec are so promising and of such magnitude that I wish to add a few words to what has already been said. Those who oppose this Bill cannot deny that a strong feeling exists, even with members of the opposition in favour of another transcontinental line. We all know that the leader of the opposition in the other House has suggested a scheme of his own for such a line, recognizing in so doing that the time has come for the construction of another transcontinental highway. Whatever may be the mode of proceeding, let it be in building a through line, or in buying three of four or five or six shorter lines and constructing a few hundred miles to connect them together, it makes no difference as to the point I wish to make. The hon. leader of the opposition in the House of Commons presented his views in a lengthy and forcible speech that could not be mistaken. We all know also that the ex-Minister of Railways and Canals, Mr. Blair, announced months ago that the time had come to have more than one transcontinental line, and going further he said the time was not far distant when more than two lines would be required for the accommodation of the traffic of the country. That is not all. We heard yesterday in this House, the hon. member for Queen's (Hon. Mr. Ferguson) stating also that he recognized during the last session that another line was necessary, and he has quoted his own words uttered during that session in favour of the Trans-Canada route. So I am right in saying that he considered a strong feeling existed in favour of a new transcontinental line as well in the ranks of the Conservative party as in the Liberal party. It seems to me that this fact must weaken considerably the position in which the opposition are placed. Now what are the objections raised by those who oppose this Bill? They are few in number. The first is the expense, the second insufficient information. As to the first point, I find no better argument in favour of the financial aspect of the project than the words of the hon. leader of the opposition in the other Chamber, the man who would be called to the high position of prime minister if his party regained power.

Here is what the hon. leader of the opposition says about the expenses. I quote his words in the speech which he delivered in the other House on the 18th August last. He uses the following words: 'The people of this country are not afraid of spending money.' A little further on he says again: 'There is no reason to be afraid of spending money; I am not afraid of spending money and the country is not afraid of spending money.' So it seems to me that this quotation from the remarks of the hon. leader of the opposition settles this question of the expenses. The second objection is that we have not had sufficient surveys. On this point I think we have more information on the whole north country through which the proposed line will pass than had the government twenty-five years ago when the Canadian Pacific Railway construction was decided upon. As has already been stated many times, we have 'mountains of information.' We know well the character of the country through which this line will pass, I am not aware that when the Canadian Pacific Railway was decided upon, the line was located. I contend we have in our hands considerable information. We have this blue-book which contains a large amount of information. It says in the beginning the works of reference from which it was compiled number nearly 10,000 pages. On page 2 we have the names of the surveyors and the years during which the surveys were accomplished, from the year 1823 to 1901, and I take the liberty to quote a few lines:

'In a north-westerly direction from the city of Quebec it is not difficult to reach the St. Maurice. The Lake St. John Railway runs in that direction quite a distance, and from the point near Rivière à Pierre in a north-westerly direction towards La Tuque and Iroquois Chute. Thence to the height of land there are no obstacles of any account; a general level plateau is struck, which can be followed in a westerly direction for 800 miles, not varying 200 feet in that distance.'

On the next page I read as follows :

All the reports consulted agree upon this point, that there is a level tract of country from the head-waters of the Gatineau to Lake Mistassini. Between the city of Quebec and the height of land, the great valley or highway of the Saint Maurice river may be taken advantage of.

We have also reports made by the local governments. We have the report made lately by the order of the government of the province of Ontario, containing about 300 pages, with various details of all kinds concerning the north portion of the province of Ontario. So I think the objection against the reports we have in our possession is not sufficiently well-founded, and it is not strong enough to invite us to lead this honourable Senate to vote in favour of the amendment now before it. References has been made to the very important question of transportation. The hon. member for Lauzon (Hon. Mr. Bolduc) was kind enough to quote a few lines from the speech I had the honour to make in seconding in this House the address in reply to the speech from the throne, approving the appointment of a transportation commission. He seemed pleased at the thought of putting me in a position of contradicting myself. Let me tell the hon. gentleman that if he had taken the trouble to read the paragraph immediately preceding the quotation he made from my speech, he would have seen that I was speaking of the Georgian bay canal through the French and the Ottawa rivers. I admit this point is of minor importance. At all events nobody in this House, and, I may say, in the country, is prouder than I am of our magnificent St. Lawrence river, and I believe that this sentiment is shared by every true citizen. Not only are we proud of it but we fully realize its importance for the trade of the country, and none realize this fact better than the government of to-day. We have a clear proof of it in the large sums of money expended during the last few years for the improvement of the navigation. I find in the report of the Department of Railways and Canals that during the six years previous to 1897 that department expended on the canals along the St. Lawrence river some twelve and a half million dollars in round figures for improvements of all kinds, and in the years following those six years, since 1897, the amount expended on improvements to the canals along the St. Lawrence river was sixteen and a half million dollars. Is not that a strong proof that the government of to-day understands the necessity and the great importance of improving that waterway More than that, I find that for dredging the St. Lawrence in order to improve the ship canal, the following sums have been expended :—

In 1897	$107,000
" 1898	198,000
" 1899	315,000
" 1900	428,000
" 1901	432,000
" 1902	674,000
" 1903	512,000

It shows clearly that the government have made considerable expenditures to improve that fine waterway, and I have come to the conclusion that they appreciate the importance of that route. With those sums of money considerable work has been done and more is actually in progress and will be continued without doubt. I should not be surprised if the Georgian bay canal scheme is followed up and constructed in the early future. The St. Lawrence route cannot remain the only avenue for the trade of Canada. Its importance is very considerable, but we also need other routes. Navigation cannot transport the trade of the country the whole year round ; it cannot go everywhere ; it cannot settle the country in the interior. We want the St. Lawrence route and we want the railroads. Both are indispensable for the progress of the country. Previous to the year 1898 the area of the province of Quebec was 120,764,000 acres. Out of that about 13,000,000 acres were occupied. The largest portion of the remainder, which is over 100,000,000 acres, is unfit for cultivation. Nevertheless many millions of acres of it can be considered as good farming land. By the statute of Canada, passed in 1898, an immense new territory was added to the old province of Quebec. That new territory is calculated to contain about 78,000,000 acres. One can hardly imagine what an immense territory the northern part of the province of Quebec is now. With a view to the administration of that territory it has been divided into three districts, namely, Ashuanipi, Wasnanipi and Abitibi, this last one being by far the most important, containing about 36,000,000 to 40,000,000 acres. It is that area, covering a part of the pro-

vince of Quebec, that this road we are now dealing with is required to open. The importance of that territory cannot be too much emphasized. We have in reports on those territories informations of the highest importance. I contend that a large portion of those territories is fit for cultivation. They contain also valuable timber. They are drained by large rivers on which there are valuable water-powers, and a very important matter is that the land is fit for cultivation and is generally of first quality. I take the liberty of quoting a few lines from this report on the resources of the country between Quebec and Winnipeg to show that we have in that northern portion of Quebec very good farming lands, well situated, which are waiting for settlers to add to the resources of the country. For instance, the country around Gull lake is thus described :

> The country on either side is level or gently sloping clay land, timbered mostly with gray and black spruce, bouleau and poplar.
> The country around here is level or gently rolling clay land, and fairly well timbered with mixed spruce, poplar and bouleau.

On page 52 of the report of Mr. H. O'Sullivan, he writes :

> The soil is a rich brownish clay, and outcroppings of Huronian rocks are seen here and there along the shore.
> On page 52 of his report he writes :—The soil is a good clayey loam, and free from stones, as far as we could see from occasional runs made inland.

With regard to the Abitibi region, I mentioned a few moments ago that we have reports from Mr. McOuat, from which I take the following :—

> Lake Abitibi is surrounded on all sides by level clay land. At a good many points, however, the rock rises above the level of the clay. This is especially the case along the south side of the upper lake, where the dioritic hills, already described, approach the lake ; but even here, there is generally a strip of clay land along the shore. To the north, and especially the north-westward, the clay level seems almost unbroken, and it is well known that it extends in this direction to the shores of Hudson bay.
> Several acres of this clay soil are cultivated at the Hudson Bay Company's post at Abitibi, and with satisfactory results. The only crop grown at present is potatoes : but I was informed by the man who has charge of the farming operations (a French Canadian, who has been more than thirty years at Abitibi, but was brought up as a farmer near Sorel, in the province of Quebec), that several other crops, including wheat, had been tried in former years, and with such results, that he is inclined to insist that all the ordinary cereals can be cultivated as successfully at Abitibi as on the St. Lawrence. Such an opinion from a man who has been for so many years practically engaged in the cultivation of the soil, is worth recording, and ought to be reliable.

We have another report from Mr. Cochrane, C.E., and one from Mr. Wilson. We have also reports from Mr. Ogilvie, all stating the same facts, that this country is generally good farming land. We have also a pamphlet issued by the Trans-Canada Railway Company, in which we have testimony from many sources, amongst them a report from the Quebec Board of Trade, dated February 16, 1901, stating that almost everywhere that the soil of the Abitibi region and the Hudson bay region is of very good quality for farming purposes. In this pamphlet we have also a letter written by a missionary named Nedelec, who states the same facts. We have another letter from Father Paradis, and a report from Dr. Bell, describing this territory as a most promising region for farming purposes. I have also in my hand the report of the Commissioner of Crown Lands for the province of Quebec for the year 1895, dealing with various localities, from Grand lake, Victoria, and from the Upper Ottawa valley, where he says the soil is a rich clay without boulders, level or gently undulating land. Another report from Lake Simon contains the following :—

> 'A more beautiful stretch of water or more inviting shore on either side can hardly be found than this river between the lakes. Level clay land, not a stone to be seen, and timber on either sides.'

Another report speaking of the region of the Wedding river, where it is explained :—

> 'There is no better land in Canada than is to be found along this river.'
> 'I examined the land in several places, and found often from two to three feet of rich black vegetable mould overlaying the clay.'

This is from Mr. O'Sullivan :—

> 'I followed down the main Waswanipi river about three miles. This is no ordinary stream. It takes its rise near the head-waters of Chamouchouan river, in the neighbourhood of Grand Lake, Mistassini, and forms the main body of the Nottawai river, which flows into James bay, not far south-west of Rupert House. It is nearly a quarter of a mile in width, deep water, and swift current, fully as powerful as the Ottawa river at Mattawa, and the country on either side can be compared with any part of the Dominion for richness of soil.'

In conclusion, speaking of the Abitibi country, Mr. O'Sullivan says :—

> 'Roughly speaking, this vast region extends over about three degrees of latitude and five

degrees of longitude, containing about 50,000 square miles, or 32,000,000 square acres ; equal in area to the whole of England, and one-third larger than Ireland.'

I have in my hand also a paper read by Dr. Bell, before the London Geographical Society, in which he says :—

'That territory is about 230 miles long from south to north, and 280 miles in depth from west to east, forming 38,400,000 acres.'

We have reports in numbers to show that this north portion of the Dominion is worth all the sacrifice the government asks us to make to develop that country. I think the government has made a bargain that will be most advantageous to Canada. Compare this scheme with the scheme suggested by the hon. leader of the opposition in the other House, which would, perhaps, cost more money without giving the country any better transportation facilities, and give us practically nothing more than we have to-day. Compare this contract with the contract agreed upon between the government and the Canadian Pacific Railway 22 years ago. The contract that was agreed upon with the syndicate in 1881 provided for the construction of a road between Callendar and Port Moody, a certain portion of it to be constructed by the government—the Lake Superior section, between Lake Superior and Selkirk, 405 miles long, the western section, between Port Moody and Kamloops, being 238 miles long, making 643 miles altogether to be constructed by the government, and after that giving it gratuitously to the company, the company being bound to construct the remainder of the line, namely, 1,906 miles, and we all know that the government in aiding the company to construct those 1,906 miles, has given them money to the extent of $25,000,000 in cash, 643 miles of road, having cost the country $35,000,000 in round figures, and also 25,000,000 acres of land, which, at a value of $2 an acre, not an exorbitant price, amounts to $50,000,000, making a total of $110,000,000 for constructing 1,906 miles of road ; equal to a subsidy in cash of $13,111 a mile, with road construction $18,363 a mile, with land $26,222 a mile, or a total subsidy of $57,696 a mile. I think I am right in saying the present contract compares exceedingly favourable with the contract made by the government and Canadian Pacific Railway Company. Compare also the development of the country, its resources, its wealth and population at that time with the state of affairs to-day, having done that myself, and looking to the future, I think the government deserve my most cordial support for the measure now before us. By building that road we shall open a new field between Quebec and Moncton. That section has been dwelt on by other hon. gentlemen, and I do not propose to deal with it now. By building this road we will open a new province to the north of the province of Quebec, containing millions and millions of acres of good land, good timber, magnificent rivers and water powers, containing everything to open up a new country that will support a contented and prosperous population the same state of affairs will occur in the province of Ontario and in the other provinces of the west. I am in favour of this scheme for those reasons, and also because it is a patriotic scheme. I am in favour of the scheme because it will carry Canadian and foreign trade through Canadian territory, the whole year round. I am in favour of this scheme, because it will open up and develop the resources of our country, attract settlers to us, make homes for millions of population, make the Dominion greater and greater, and procure for this Canada of ours advantages out of all proportion beyond the sacrifices we are called upon to make.

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

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Hon. Mr. WATSON—The hon. gentleman from Toronto has not voted.

Hon. Mr. COX—Hon. gentleman, I have abstained from voting, not because I think there is any sufficient reason for so doing, but my name has been prominently identified with the project in consequence of certain unwarranted statements to which I have already referred on a previous occasion, and I have therefore decided to leave no possible room for misapprehension or misrepresentation. I desire to repeat again that my sole and only interest in the project is my compliance with the request of the authorities of the Grand Trunk Railway Company to become a director of the Grand Trunk Pacific Company, and in addition to that the earnest desire that should actuate every patriotic Canadian to see the early completion of this great national undertaking that will add so much to the prosperity of this country.

Hon. Mr. KERR (Cobourg)—I call attention to the fact that the hon. gentleman from Wellington has not voted.

Hon. Mr. McMULLEN—I wish to state that I am paired with the hon. gentleman from Waterloo. Had I not been paired with him I should have voted against the amendment and for the second reading of the Bill.

Hon. Mr. WATSON—I have a list of a number of pairs, and it would be well perhaps to have them recorded. I shall read it for the information of the House and those outside of the House. The hon. gentlemen desire to have their names on record on this vote. The pairs are as follows:

Hon. M. Lovitt paired with Hon. Mr. McDonald (C.B.)
Hon. Mr. Domville paired with Hon. Mr. Poirier.
Hon. Mr. Dandurand paired with Hon. Mr. Owens.
Hon. Mr. McMullen paired with Hon. Mr. Merner.
Hon. Mr. Joncas paired with Hon. Mr. Lougheed.
Hon. Mr. Mckay (Alma) paired with Hon. Mr. McKeen.
Hon. (Sir Adolphe) Pelletier paired with Hon. Mr. Casgrain (Windsor).
Hon. Mr. Thompson paired with Hon. Mr. Kirchhoffer.
Hon. Mr. King paired with Hon. Mr. Wood.
Hon. Mr. Godbout paired with Hon. Mr. Sullivan.
Hon. Mr. Shehyn paired with Hon. Mr. Montplaiser.
Hon. Mr. Kerr (Toronto) paired with Hon. Mr. Baker.
Hon. Mr. Edwards paired with Hon. Mr. Perley.
Hon. Mr. David paired with Hon. (Sir William) Hingston.
Hon. Mr. Fulford paired with Hon. Mr. Forget.
Hon. Mr. Fiset paired with Hon. Mr. Bolduc.
Hon. Mr. Gibson paired with Hon. Mr. Mcdonald, B.C.

The motion for the second reading of the Bill was carried on the same division.

The Bill was then read a second time.

The Senate adjourned till Monday next at 11 a.m.

THE SENATE.

Ottawa, Monday, October 19, 1903.

MORNING SITTING.

The SPEAKER took the Chair at Eleven o'clock.

Prayers and routine proceedings.

ERRORS IN 'PARLIAMENTARY GUIDE.'

Hon. Mr. MACDONALD (P.E.I.)—I desire to call the attention of the hon. Secretary of State, as a member of the government, to the necessity of the government exercising some supervision over the 'Canadian Parliamentary Guide' which contains a great many errors. I have been requested to call attention to this more particularly by persons from my own province, and without referring to other errors than those connected with Prince Edward Island I would point out one to which my attention has been particularly called. The same error has occurred not only in the latest number of the 'Parliamentary Guide,' but also in the preceding one. For the province of Prince Edward Island it is stated that at confederation the persons forming the government of Prince Edward Island were the Hon. Robert Haythorne, Hon. Ed. Palmer, Hon. Peter Sinclair, Hon. James R. McLean, Hon. James Muirhead, Hon. Henry Beer, Hon. James Yeo, and Hon. James Hogan. That is entirely wrong. Those gentlemen were not members of the government of Prince Edward Island at that period. Certain privileges were accorded by Her Majesty the Queen to the gentlemen who composed the

executive council of Prince Edward Island at confederation. They were entitled to certain distinctions as having been the members of the government at the period of confederation, and if those errors are perpetuated in the 'Parliamentary Guide' from one year to another, it is very likely to become established that these gentlemen above named were the members of the government of Prince Edward Island at the time of confederation. The gentlemen who composed the executive council of Prince Edward Island at confederation were Hon. J. C. Pope, Hon. T. H. Harrland, Hon. W. W. Sullivan, Hons. F. Brecklin, John Lafurgy, A. A. Macdonald, W. G. Strong, Archibald Macdonald, and John Yeo. It would appear that this ministry has been omitted entirely and the ministry preceding it has been given as the ministry at confederation, and the ministry which followed is also entered in this record: I think that the government should exercise some supervision over the issue of publications of this kind so that these errors should not be perpetuated, because these publications become a reference for the history of the Dominion with respect to these political questions. It is not right that such errors should be allowed to go without being corrected.

Hon. Mr. SCOTT—These errors are of course very regrettable and it is unfortunate, when they occur, that hon. gentlemen who notice them do not communicate with the publisher; but 'The Parliamentary Companion' has never, in my recollection, been in any way under government supervision. I know it was not at the time of the Mackenzie administration, nor do I think it was at the time of our immediate predecessors. What they have done is to give a contribution to the publishers sufficient to pay for a volume to each member of parliament and each senator, and enough for the departments. The criticism the hon. gentleman makes is one that has been very frequently made. I have rarely known of any publication into which errors have not crept. 'The Parliamentary Companion' cannot in any sense be called authoritative. It is good as far as it goes. That is about all you can say for it. It is very regrettable that it is not perfect, but the government could not undertake the publication of it.

Hon. Mr. MACDONALD (P.E.I.)

Hon. Mr. LANDRY—I would ask the hon. gentleman who brought the matter up before this House, if those errors are to be found in the 'Annual Statistical Year Book'?

Hon. Mr. MACDONALD—I have not looked that up.

Hon. Mr. LANDRY—Because if they were not in the 'Year Book,' I do not understand how they should be made in 'The Parliamentary Companion,' because the editor would probably take his information from 'The Statistical Year Book.'

Hon. Mr. POIRIER—I understand 'The Parliamentary Companion' is an official publication, and it is one mostly referred to by public men and others when information is sought concerning members of parliament, and the repeated errors referred to by my hon. friend are serious. I know some other errors that have crept into the book, and I know also that the editor of the paper has made himself very obnoxious to a certain number of the members on this side of the House, who do not care to correspond with him. I do not mean to blame the editor of the book, but I know that is the case. Considering the importance of this publication which is one of the few that are read concerning us, I think it would be advisable for the government to exercise some supervision to have that book published either by the gentleman who publishes the annual statistics, or at least to see that the person who is responsible for the publication should be grata persona to members on both sides of the House, a person with whom people would not have any personal objections to correspond.

Hon. Mr. FERGUSON—In a circular addressed to members of parliament, Mr. Magurn said—if my memory serves me correctly—that he was requested by Sir Wilfrid Laurier to take up this work. I have to say, in support of what has been stated by my hon. friend from Shediac (Hon. Mr. Poirier), that there are many errors in this publication. It bears indications of being gotten up without sufficient care. It contains such a flagrant error as to give the names of gentlemen who were not members of the cabinet of a province as being in control at the time confederation was effected.

Hon. Mr. POIRIER—And continuously.

Hon. Mr. FERGUSON—I call attention to this gross error in order that it may be corrected for the future. In glancing over it when it first came into my hands this year, I noticed several indications of slovenliness. On page 347, after giving the personnel of the Farquharson ministry, and the record of the Hon. Hector C. Macdonald, Attorney General, beneath it is stated :

> Hon. Mr. McDonald was appointed judge and on September the 28th, 1899, Hon. D. A. Mackinnon was appointed Attorney General. Resigned to run for House of Commons, 1900. The cabinet was reorganized December 28, 1900, &c.

The facts of the case were that, when Mr. Mackinnon was appointed Attorney General, he went back to his constituents and was defeated, and instead of resigning ran for the House of Commons a year later, and was again defeated on going to his constituents at that time. It is true he held the office of Attorney General in defiance of the constitutional principle for a year, but the fact of his being defeated when he went back to his constituents is omitted entirely.

Hon. Sir MACKENZIE BOWELL—The suggestion of the hon. gentleman from Shediac (Hon. Mr. Poirier) is a very good one. If the hon. Secretary of State would suggest to the Minister of Finance, when he brings down his next budget, to see that no sum is placed in the estimates for the publication of a work like this unless it has been supervised by some one connected with the department, who would have knowledge of the facts, it would to a large extent prevent inaccuracies. I have seen gross errors in the book to which I have called the attention of the editor, in reference to myself, not so much politically, as from a family standpoint. If you take it as a record of events which occurred fifty or sixty years ago, you will be led to a wrong conclusion. It is not necessary to say what the error was, but in giving the ages of the members of one's family, and other items in connection with one's life, care should be taken to avoid error. I called the editor's attention to it, and said : 'Supposing people who know my family saw that book, what inference could they draw from it ?' I have not looked at this edition to see if the errors have been repeated. These are small matters, but they are important as affecting not only the history of the country, but placing members, from a moral standpoint, in some cases to which I could refer, in an unpleasant position. There should be a stricter supervision over the work, and I am very glad the hon. gentleman has called attention to this fact. No doubt the hon. Secretary of State, seeing, the importance of a book of this kind to the publication of which we contribute about a thousand dollars a year, will admit that there should be some supervision over it in the future. As to the political references to myself, that I cared nothing at all about ; to the other, I must frankly confess I did. The editor should be either thrown on his own responsibility or the work should come under government supervision. What would be still better, let some official in the Statistical branch of one of the departments, take up the matter and have a correct book compiled. If the editor is not personally acquainted with the history of an individual whose record he purports to give, he could send him the proof sheets and have them corrected.

Hon. Mr. ELLIS—I concur generally with the suggestions made by the hon. Secretary of State. No editor will intentionally publish a book and send it out if he knows it contains errors. His credit and responsibility rest on the accuracy of his work. The error to which the hon. gentleman from Prince Edward Island (Hon. Mr. Ferguson) called attention in this book, has probably been perpetuated. It began in some other volume, and unless hon. gentlemen who know the facts communicate them to the editor, those errors are likely to be continued. A man does not go back on what he has written or what he cuts from a previous volume unless his attention is called to it. The suggestion that the government might control a book of this kind would really make the government responsible for errors, because they would have to depend upon some official who might have no more knowledge than the present editor, and, unless, in one of those departments of the government, where an exact system prevails, as we observe from some of the correspondence occasionally it would be very difficult to secure greater accuracy in the book than would be secured by the way suggested, that gentleman observing errors should inform the editor. The book I think always contains a paragraph that any one discover-

ing an error should inform the editor of it, and corrections are made in that way.

Hon. Sir MACKENZIE BOWELL—Does not the hon. gentleman think that the fact of parliament appropriating a large amount towards the publication of this book gives it a semi-official character ?

Hon. Mr. YOUNG—Not at all.

Hon. Mr. DeBOUCHERVILLE—If the editor of this publication was told by the government that he would not get any money from parliament unless he submitted it to each local government before finally printing it, it might have a good effect. It is only the local governments who are properly informed on cases such as the hon. gentleman from Prince Edward Island has referred to. If the editor was to send a copy to each local government he could have the corrections made. You cannot get a perfect record in any other way. If it had been sent to the local government of Prince Edward Island they would have discovered the errors which have been pointed out by the hon. gentleman. We would merely have to tell the editor that the proof sheets must be submitted to each government before publication.

Hon. Mr. SCOTT—It would be very embarrassing for the government to undertake the control or supervision of this book. It contains a great deal more information than biographies of members of the House of Commons and of the Senate. It contains many matters relating to the tariff, the constitution and all that, and I do not think the previous government has attempted anything like control over the publication. They have contributed a certain sum of money when it has been published, but it has not been published under the authority of the government. It commenced with Mr. Morgan and then Mr. Mackintosh, and then Mr. Gemmill. Mr. Mackintosh at the time controlled the Ottawa 'Citizen.' The government gave him a contribution for the work and then Mr. Gemmill took hold of it, but it was not by any previous arrangement with the government. It is quite possible that Sir Wilfrid Laurier promised the present publisher a contribution towards it, but Sir Wilfrid Laurier would not, I am satisfied, undertake any responsibility in connection with the publication. Hon. gentlemen must have frequently received from independent publishers a request for information or for some details connected with the lives of public men. I rarely answer these letters. I very often see misstatements but pay no attention to them. This book is just got up in the way that 'Who is Who' is got up.

Hon. Sir MACKENZIE BOWELL—We get them constantly from the English publishers.

Hon. Mr. SCOTT—Yes. One ought to take sufficient interest in a publication of this kind, if he discovers an error, to notify the publisher and I am quite sure it will be corrected in the next edition.

Hon. Mr. DeBOUCHERVILLE—But when the hon. minister receives the book.

Hon. Mr. SCOTT—We do not receive any copy of it in advance. The government exercise no control or supervision over it. We buy the book for distribution, I think among members. We purchase a certain number of copies, as a sort of encouragement for a book of that kind. That is the extent of the government control or connection with it. I presume the publisher of this book will read what has been said by hon. members in this House, and perhaps it will make him more careful if, in the future, he happens to be the publisher of another issue of the book.

Hon Mr. MACDONALD (P.E.I.)—I do not refer to any errors in the biographical notices at all, but this is an error connected with the public life of the Dominion, and especially with the public life of our province, and it is desirable that it should be corrected.

Hon. Mr. SCOTT—It is not authoritative in any sense.

Hon. Mr. MACDONALD (P.E.I.)—It is true the government is disclaiming now against it as being authoritative.

Hon. Mr. SCOTT—Never was.

Hon. Mr. MACDONALD (P.E.I.)—That certainly was not known to the public until it was stated on the present occasion. If the publisher, as was the case of the previous publisher, had sent to the provincial secre-

tary of any one of these governments he could have obtained a correct record of the administrations that held office there during the different periods. That has been the course pursued heretofore, but it was only in the publication of the two last numbers that this error has been observed.

Hon. Mr. McMULLEN—I hold in my hand a copy of 'The Parliamentary Guide' of 1903. A copy of it was sent to me, and on looking through it I detected many errors. My own name was put down as coming from Northumberland. I have been in parliament eighteen years and during all that time my name has been associated with North Wellington, and it certainly must have been a stupid blunder to put me down as coming from Northumberland. I cannot understand how men who undertake a work of this kind do not try and be accurate. There certainly should be no contribution made for the production of a book of that kind unless there is some evidence that there is an effort to be accurate.

NATIONAL TRANSCONTINENTAL RAILWAY BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole House on (Bill 235) An Act respecting the construction of a National Transcontinental Railway.

(In Committee.)

On clause 2,

Hon. Mr. FERGUSON—I think it would be well to hold that clause over until we have gone over the agreement, because we would now be sanctioning the agreement before we have considered it. That was the course pursued in the House of Commons and I think that would be the best course to take in regard to this Bill, and, having gone over the agreement in detail and having agreed to it, then we could pass this section.

Hon. Mr. MACDONALD (P.E.I.)—When this matter was under consideration previous to going into committee, it was understood that if any hon. gentleman who had not an opportunity to address the House, or had not availed himself of the few brief minutes that were at his disposal on Saturday evening, wished to address the House he was to have the privilege of doing so when we went in committee, upon the principles of the Bill.

Hon. Mr. DeBOUCHERVILLE—It was on the third reading.

Hon. Mr. MACDONALD (P.E.I.)—The hon. senator says this was to take place on the third reading of the Bill. That may be very true, but under the clause which is now under consideration the whole gist of the Bill might be discussed legitimately because it is the kernel of the whole matter. I did not take up the time of the Senate on the second reading, and I desire now to refer very briefly to some of the provisions of the Bill and to some remarks which were made by hon. senators in addressing the House. The first thing that struck me particularly when this came up for discussion, was that gentlemen who advocated the measure proposed by the government, and who probably had been advocating the Trans-Canada Railway which was proposed to be constructed from Quebec to the Pacific, deflected from the line of that road all the information which was obtained respecting it, and applied that information to a line which runs on an entirely different route from the city of Quebec to Winnipeg—a line which is at various points along the route distant for several degrees from the route proposed by the Trans-Canada road. In doing this they were applying to the line which is proposed by the government information which did not apply directly to that line at all, but which was obtained directly for the purpose of the Trans-Canada road. I must say for my part, I think there was very much to be said in favour of the Trans-Canada road, which was proposed some time ago, from the city of Quebec to the Pacific which will not apply to the line now proposed by the government. In the first place that road would be shorter than any other possible line which can be found or constructed from the port of Quebec to a port on the Pacific; no shorter route can be obtained across the continent than that suggested by the Trans-Canada scheme. The promoters of that road showed they had faith in their own project, for they put their money into it, they bulit a certain portion of that line which would have been available for the purpose of continuing the Trans-Canada

road across the continent. We find further that at one time that Trans-Canada line had the approval not only of the people of Quebec, but of the government of the Dominion. They passed an order in council favouring that route. They recommended a survey to be made of that route, and the report to be given to the government in favour of the advantages which it presented. Now, what has become of that report? The government must have made a very sudden change in their proposals when they dropped the line which had been favoured by themselves, and approved by an order in council, and adopted another line which they call the Transcontinental line. Whatever may be said about the first line proposed from Quebec as the Trans-Canada line, it certainly had some right to the claim of a transcontinental line; but how a line from the city of Moncton to the city of Winnipeg, to be constructed by the government, can be called a transcontinental line, is something I cannot understand. In addressing the House hon. gentlemen mentioned various resolutions which had been adopted by public bodies, boards of trade and municipal authorities in different places favouring the construction of the line across the continent, and hon. gentlemen will rise in this House and with all possible plausibility try to persuade the Senate that these resolutions apply to the line which the government has adopted and now propose to carry across the continent, whereas these resolutions apply to the Trans-Canada, a line which was favoured by the city council of Quebec, by the municipal authorities of Halifax, and by many other local bodies. They do not apply legitimately to the proposal now before the Senate. We must bear in mind that the advocates and promoters of the Trans-Canada road, were, according to what has been stated here in the House, ready to proceed with the construction of that line, across the continent, provided they were offered the same assistance that is now being given to the Grand Trunk Pacific Railway Company. If that had been done very many who are opposed to this Bill would have given the Trans-Canada road their support. I shall refer briefly to what has been said by some hon. gentlemen who have addressed the House on this question. The hon. senator from de Lanaudière (Hon. Mr. Casgrain) gave us evidence respecting the fine country through which this road is to pass. It is true, at the starting point of the road, where it corresponds with the Trans-Canada, that evidence was pertinent to the question, but beyond that it had no bearing whatever and would not apply to the transcontinental line from Quebec to Winnipeg. The Trans-Canada road was intended to pass very much to the north of the route at present proposed. It was to pass to the north of Lake Winnipeg, and open up the Mackenzie river basin, the Peace river basin and the valuable country which, as has been shown by evidence submitted to parliament many times heretofore, is one of the finest parts of the Dominion. The proposed line will not have the same advantages. It will start from Winnipeg, where it will be hundreds of miles south of the projected route of the Trans-Canada. Had the Trans-Canada line been built, it would have proved a real trunk road across the Dominion from which branches would radiate wherever trade was to be obtained. It would have done more for the development of Canada than any other line, existing or projected, except the Canadian Pacific Railway. We heard also, from the hon. senator from Queen's (Hon. Mr. King) respecting the route through New Brunswick. It would appear that the hon. senator, who had been in the legislature of his own province for many years, had always been opposed to the location of the Intercolonial Railway, by the route which it now follows, believing that a very much better line might have been obtained through the province of New Brunswick. He did not tell the House that when that road was located two men of eminence as engineers, Sir Sandford Fleming and Mr. Marcus Smith, had been authorized to make surveys through the province of New Brunswick for the purpose of locating the Intercolonial Railway. If hon. gentlemen will look up their reports, which were laid before parliament, they will find that they reported on ten different lines through the province of New Brunswick, and after making very exhaustive explorations on these different routes, recommended the one which was selected for the Intercolonial Railway. That road was not located until after all these lines had been sur-

veyed and abandoned. That shows the improbability of any line being now constructed through the province of New Brunswick which will be more advantageous for the people of the maritime provinces generally than the Intercolonial Railway is at present located. But what advantage can it be to the people of the maritime provinces to have this line located through the centre of New Brunswick where it will have gradients which will forbid it ever competing with the Intercolonial Railway ? If the line should ever be built to Moncton, that city will be a mere way station, past which the trains will carry the vast quantities of grain which are expected to be carried by this road. The trains will just pass through Moncton to some shipping port in the maritime provinces. The hon. senator from Moncton (Hon. Mr. McSweeney) gave us statistics of the great advantages which he expected would accrue to that city by the construction of this road, and also referred to the freight now carried by the Intercolonial. He gave us the figures of the quantities carried by the Intercolonial Railway past the city of Moncton now, and he expected that those quantities would be augmented when a second line was built. I must say I do not agree with the hon. gentleman from Moncton as to the great benefit which he expects this line to confer on that city. It has now the advantage of being a point where a great deal of the work of the Intercolonial Railway is performed ; but if another line is built for the purpose of carrying trade past Moncton—for Moncton is neither a seaport nor a place where grain is likely to be stored for a time—I believe it will have the opposite effect to what my hon. friend has predicted. All that he will see of what he has predicted for Moncton will be the trains carrying the freight through, and all that will be left to Moncton will be the smoke from the engines as they pass. Then we had a very glowing estimate of the benefits to be conferred on the country by the construction of this road from my hon. friend from New Glasgow (Hon. Mr. McGregor). He looked forward with prophetic eyes, as it were, to the position which the Dominion is to occupy with respect to this road at the end of fifty years from the present time. His statistics do not agree with those which were furnished by gentlemen who profess to be well up in mathematics in the other House, and it is not necessary that I should refer to these further. He gave us a glowing estimate of the advantages to accrue to his province by the construction of this road, and to the Dominion generally. I dare say Nova Scotia could supply coal. It is at present one of the greatest coal-producing provinces of the Dominion, but New Brunswick expects to supply a certain quantity of coal, and coal is now being mined in various provinces of the Dominion. With the exception of the little province from which I come, it is expected that coal will be found in all the provinces. Therefore the advantage of supplying coal to the proposed road, will not be so great to his province as the hon. gentleman anticipates. He also gave us statistics of the amount of iron and steel to be used in the construction of this road, and the number of people to be employed during the period of its construction. It was to give employment to an immense number of people in producing 1,500,000 tons of steel rails, and materials required for the construction of the road, and he indulged in a glowing prediction of the prosperity which will result from the production of all the steel rails for this railway, particularly in the province from which he comes. We must remember that that hon. gentleman is interested specially with that business more than any one else in this House, being a large shareholder in works of this kind. He is a man of means and is likely to benefit by the increased production of such materials as will be required ; but I ask this House what possible ground is there for supposing that those materials will be manufactured by the Dominion Iron and Steel Company, the Nova Scotia Steel Company, the New Glasgow Iron Works, or any other such works in the Dominion ? That the steel rails will be supplied by Canadian establishments is rather visionary. The rails required for the road, are to exceed forty-five pounds per yard in weight at any rate. Those rails come free into the Dominion, and is it likely that the manufacturers of steel rails in the United States and Germany will not make a bid for that trade ? Yes, and even if they lose money by it they will compete, seeing that such a

large quantity of material will be required, even at a lower rate than they should be supplied for under our present tariff, by any Canadian company. We had addresses, and I think they were very well prepared, and were certainly uncontradicted in the main points which they brought forward, from the hon. member from Lauzon (Hon. Mr. Bolduc), the hon. member from Calgary (Hon. Mr. Lougheed), and many others.

The points which these hon. gentlemen have made in their addresses respecting the present railway Bill and respecting the position of Canada have not been contradicted successfully by any gentleman who followed. Rail and water routes as compared with all-rail routes are much more advantageous for the transport of grain; then, why is it that the government of Canada have not taken advantage of another scheme besides the transcontinental line, a road which would not cost this Dominion any more than the subsidies we are now giving, $3,200 or $6,400 a mile. If they had given a subsidy of that amount to the road which has been proposed, and which has been chartered, and for which bonds are now being issued, I believe, or about being issued on the stock market in the old country, the road which was alluded to by the hon. gentleman from Stadacona in the address which he gave us the other night and which other hon. gentlemen seemed to have ignored altogether, it would have been a more practical scheme. I refer to the line from the city of Quebec to Georgian bay or Lake Huron in Ontario, a line which would have been shorter from the lakes to the tide-water of the St. Lawrence than any other route which has been talked of or proposed or imagined by any gentleman who has addressed this House on this subject. If the government of the Dominion had subsidized that line, if they had given it the slightest encouragement they would have saved millions of dollars to this country, for by that line it is only 450 miles from the city of Quebec to the waters of the great lakes, by which we would have the advantage of water carriage and a shorter rail route than by any other line which has been proposed or imagined by any person who has considered this subject.

Hon. Mr. LANDRY—If the hon. gentleman will allow me I will tell him, for his information——

Hon. Mr. MACDONALD (P.E.I.)

The CHAIRMAN—The hon. gentleman has not taken his seat but I allowed him to proceed although I did not think it was quite clear there was to be a general discussion of the Bill on this paragraph. I should like to be instructed by the committee. We are discussing the second clause of the Bill and while it was understood that members could speak on the third reading of the Bill I did not understand that there was to be a general discussion in the committee.

Hon. Mr. MACDONALD (P.E.I.)—I will refer to the hon. gentleman from Portage la Prairie (Hon. Mr. Watson) who informed me on Saturday night that two other gentlemen were to speak, and that when the Bill was in committee there would be an opportunity for hon. gentlemen to make some remarks.

Hon. Mr. FERGUSON—The hon. gentleman is in order to speak on this clause, there is no doubt about that.

The CHAIRMAN—I did not say he was not. I called the hon. gentleman from Lauzon to order when he interrupted the hon. gentleman from Prince Edward Island, but I also asked for instructions from the committee.

Hon. Mr. LANDRY—Will the hon. gentleman permit me to ask him a question. I was just going to say that I did not mention the fact in the speech I had made, but it is a fact, that the Quebec and Lake Huron Railway have issued debentures to the amount of $15,000,000 and they are now trying to negotiate them in the London market.

Hon. Mr. EDWARDS—Is that the Transcontinental road, or what road is the hon. gentleman referring to?

Hon. Mr. LANDRY—The Quebec and Lake Huron Railway.

Hon. Mr. MACDONALD—I was proceeding to say if the government had given to that line a subsidy such as they are now giving to various little bits of lines in different parts of the country it would have given the province of Quebec the shortest route between the lakes and tide water. Ancient history has been referred to in this matter; we have gentlemen referring to the war of

1812 and to the raids that have taken place between that period and the present, the rebellion in the North-west and various matters of that kind which have very little bearing on this project. Perhaps you will bear with me if I refer to something of an ancient matter too. In the year 1868, or thereabouts, I had the honour to be one of a delegation sent from Prince Edward Island to the United States, where a conference was invited to assemble from every state in the union for the purpose of considering the question of transportation. At that conference we had representatives from every province of the Dominion, Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island. I had the honour to be one of the junior members of the representation from Prince Edward Island, and even at this date I can recall the addresses which were given on that occasion by the most celebrated orators of the United States on this very question of transportation. I recollect very well that reference was made at that period to the quantity of grain which was shipped from the ports of California to Great Britain. That was 35 years ago, and I presume that whatever that quantity was at the time it has been largely increased since then. What I wish to refer to particularly is that on that occasion we were addressed by a gentleman who I think was afterwards consul for the United States at the city of Winnipeg and possibly at Montreal, Mr Taylor. He was a man who spoke with a good deal of force and whose words were listened to with a good deal of attention. I believe he was from the city of Portland, in Oregon, and this conference was held in the city of Portland in Maine. We had reports from every state in the union. The chairman of that conference was the governor of the state of Maine. I recollect that gentlemen, who addressed the conference, in referring to the question of transportation said that nature's great highway for conveying the products of the western states of America and of the states bordering on the great lakes and whatever portion of the Dominion was beyond the head-waters of the lakes and the St. Lawrence, was the River St. Lawrence and they were then most anxious to have the navigation of that river opened to American tonnage. The free navigation of that river by the Americans they have since obtained. They were perfectly satisfied that no other means of conveying produce or the manufactures of the western states or of the Dominion North-west could compete with the River St. Lawrence route. If that was true in 1868 it is just as true to-day. No means of communication by land can ever compete with water communication. That is a principle which is beyond contradiction; it has been enunciated by men who have investigated it, and but a few years ago we had representatives from the United States of America heard before a committee of the other House, several senators were present on the occasion, and in addressing the committee they gave us the different rates which prevailed between water transportation and transportation by rail, showing that freight could be conveyed by water for less than half the rate at which it could be conveyed by rail. That was true at that time, and it is just as true at the present moment. I have gone into this question to an extent beyond what I intended to do at the outset. We have heard of the advantages which this route and this outlay of public money is to confer on the maritime provinces. The road passes through, if we admit the Intercolonial is a part of this road, every province of the Dominion from the Atlantic to the Pacific with one exception. No hon. gentleman has ventured to mention the name of that porvince, or to say it will be benefited to the extent of one single cent by the expenditure of $125,000,000 of money in building a road across the continent. That porvince is the little province of Prince Edward Island. We heard the other day from the hon. senator from de Lorimier in the address which he gave and to which I listened with attention, because it certainly, had an interest beyond that of many other addresses that were given on the second reading of the Bill. He referred to a circumstance which had not been referred to by any other hon. gentleman addressing the House; he referred to the fact that the different provinces had sent their premiers or representatives within the last year to consider the terms of union between the different provinces with respect to the amount that was allowed each province by the Dominion for the purpose of carrying

on local government, and we can recall the glowing accounts which were given the press of the Dominion on this subject when the deliberations of that body were referred to. It was there stated in regard to the additional subsidy which was to be given, that each province was to be placed in something like a fairer position than it bears now with respect to its finances with the Dominion government, and the hon. gentleman in a rather covert way, referred to the fact that the building of this road which is proposed under this Bill by the Dominion government would fulfil the expectations of the people of Quebec with respect to the amount of money they were to receive as a result of that meeting of the representatives of the different provinces which was held in the city of Ottawa last summer. Great things were expected from that meeting of the premiers and representatives of the different provinces, and now it would appear from the address which was given by the hon. senator from de Lorimier that Quebec is about to receive under the present Bill everything she may expect to receive as the result of that meeting. But what do the other provinces receive? What does the little province of Prince Edward Island receive under this Bill? None whatever. We have to pay our share of the expenditure which the government will incur by the construction of this road. Our province is decreasing in population. We have lost under the Redistribution Bill one of the representatives; we have lost two out of the original number which were allowed to us under the terms of confederation. That was a disappointment to the people of Prince Edward Island who believed they were guaranteed for all time six representatives when they entered the confederation; but a different construction has been put upon those terms and our representation has been reduced. The advantages which our province was expected to receive from becoming a province of the Dominion has not been realized to the utmost. We have certainly secured advantages and perhaps benefits in many ways, but they have not come up to our expectations. Our province will have to contribute somewhere about $2,300,000 towards the expenditure which is to be incurred under this Bill. That would appear to be a small amount of money when we think of the lavish way in which money is voted by the government and by the representatives of the Dominion, but to our people it is a very serious undertaking. We shall have to contribute towards that expenditure the value of the entire production of the fisheries of our province for the next two years, taking the average they have produced for years past. We sometimes boast about our fisheries, about their great value; how the fisheries of our province and the lobster fisheries are considered to be a very valuable asset to Prince Edward Island.

I shall not refer to the export of the product of the lobster fisheries from our province, but take the entire production of the lobster beds for the next five years, export and home production and it will take the entire value of that product at the rate which has been given in the census of the Dominion, to pay the amount which the people of Prince Edward Island will have to contribute to the expenditure incurred under the present Bill. Or, if you take the oyster fisheries, it would take the entire production of the oyster beds of Prince Edward Island for twenty years to pay the amount our province has to contribute to the Grand Trunk Pacific Bill which is now under consideration. That is in reference to the fisheries. But let us look at the products of the farm. Our province is an agricultural province, one of the most fertile in the Dominion, for its size, and unexcelled for its extent, probably, in agricultural production, by any other portion of the Dominion. We consider that for the size and extent of our province, we produce butter and cheese probably to a greater extent than the same number of people do throughout any portion of the Dominion. It would take the entire production in our province of butter and cheese, for the next five years to realize the amount that that province will have to contribute towards the expenditure of the government for the purpose of constructing this road. Now, hon. gentlemen, it is a matter for surprise to find that petitions have come into this House from that province, not as is stated, signed exclusively by men who are opposed to this government, and would sign anything that they were asked to sign that would be supposed to be detrimental to the government. If hon. gentlemen will look at the signa-

tures to those petitions—and there are gentlemen from Prince Edward Island here—they will find that the signatures have not been confined to people of that class ; that they are signed by influential people who have been and, for anything I know, still are the supporters of the present government, but they are opposed to this Bill. They look at it probably as I do, not as a representative of the Dominion, but as a representative from a province of the Dominion, which will be loyal to all that is required of us, as a province of that Dominion. While doing our own part as becomes us, and as we are required to do, probably to as great an extent as any other province of the Dominion, we feel that under this scheme we are not receiving and we are not likely to receive the same benefit as any other province of the Dominion. These remarks which are applicable, certainly to the clause now under consideration, under the arrangement which I understood was made the other night should have been made prior to the second reading, and I trust they will commend themselves to the consideration of the committee.

Hon. Sir MACKENZIE BOWELL—A suggestion was made that the same course should be pursued in reference to this clause as was pursued in the other House. By the passage of this second clause, we confirm the whole agreement.

Hon. Mr. SCOTT—There is no objection to its standing until the other clauses have been disposed of.

Hon. Mr. WATSON—Before leaving this clause I wish to make a few remarks. The hon. gentleman has just said that any person who did not take an opportunity to address the House on the second reading of the Bill will have an opportunity of doing so in committee on the consideration of the second clause. The Bill was discussed on the second clause in the House of Commons. I thought the same order was to be adhered to here, and it seems to me that if any person has any objections to offer to the Bill, or reasons to advance why the Bill should pass, the sooner these reasons are given to the House, the better. It might be more appropriate, for any member who wishes to do so to make remarks now than on the third reading. I have no hesitation in saying I am entirely in accord with the Bill. For several reasons, I have no sympathy with the people who oppose the Bill because of the fact that petitions have been presented against its passage. I shall not take up as much of the time of the committee in giving my own individual opinions on the matter, as I will in trying to show that people who are in a position to know best the needs and requirements of the country, have expressed their opinion and expressed their opinion in very strong terms as to the necessity for the construction of the Transcontinental Railway.

It has been argued by every hon. gentleman who has spoken against this Bill, that there is no demand for the road—that no one has asked for it. It has been asked where was this project conceived. It has been stated that no proper consideration has been given to the project and that it had been shoved on the parliament of Canada prematurely. That has been said by different hon. gentlemen and particularly by the hon. senators from Calgary (Hon. Mr. Lougheed) and Wolseley (Hon. Mr. Perley). I cannot understand how these hon. gentlemen can attempt to lead this House to believe that the west does not want this railway, because almost every representative body in the North-west has asked for it. There is another thing we have to consider, and I do not wish to make use of it as an argument for favouring the Grand Trunk Pacific project as it is before this House—but there is an alternative proposition practically before the country, the project set forth in the resolutions of the Hon. Mr. Borden, leader of the opposition in the House of Commons. There is one thing to the credit of this Chamber, that only one senator has ventured to suggest that that scheme is practicable. It has been practically dropped. It is a sort of hybrid scheme which has been ignored by hon. gentlemen in the discussion of this Bill, and I think properly so. I cannot understand how such a scheme as the one submitted by Mr. Borden in the House of Commons was conceived, unless it was in the minds of some of the directors of the Canadian Pacific Railway who wished to dispose of the unproductive portion of their road north of Lake Superior. It has been claimed by some hon. gentlemen that grain cannot be

carried by an all-rail route from the west to the seaboard. I take exception to that statement. I believe it can be if carried on a modern railway with easy grades and modern equipment. Grain can be carried just as cheaply on such a road to the seaboard as it can be carried by lake and rail, when you take into consideration the difficulty of getting grain to market in reasonable time. It must be remembered, in considering this matter from a western standpoint, that we are practically closed to the outer world for six months of the year. I am speaking now of the lake and water route, which is practically closed for half the year. Is it to be supposed that the people of the west who are engaged in the grain trade will be satisfied, to have all communication and trade between the west and east of Canada and the outside world closed for six months of each year? We can never be satisfied with that in the west. It has been suggested that Manitoba and the North-west are the granary of the empire; I think it can safely be called the future granary of the world. We expect in a very few years to produce a surplus of breadstuffs sufficient to supply the wants of Great Britain. Do hon. gentlemen mean to tell me, that we should be content for six months of the year with being shut off from shipping our produce to the British markets? Part of our grain will have to be taken all-rail. It is simply absurd for any one to suggest that the millions of bushels of grain of Manitoba and the North-west, can be brought to a lake port and shipped to foreign markets in the short season before navigation closes. That being so, of what use is this hybrid scheme proposed by the leader of the opposition in the House of Commons? You cannot transport the grain across the ice in winter, and you would have freight from Depot Harbour eastward only six months of the year. You will have by this scheme an all-rail route. And a high standard road, because in consideraing this matter we have to admit that the Canadian Pacific Railway is not what is known as a high grade road to-day. On part of their line they have 56 pound rails, on other parts 60 pound rails, and on other parts 80 pound rails. The Canadian Northern has on a part of its line 56 pound rails and the heaviest rails on any part of the line are 60 pound rails, with what you call a low grade road. It is intended that the Grand Trunk Pacific shall have a high grade road, up to the standard of the Grand Trunk Railway between Montreal and Toronto, which is one of the finest roads in America. It will not come up to that standard for a few years, because time must be given for the enbankment to settle, but in a few years it will be equal to the Grand Trunk Railway between Montreal and Toronto. The section of the Canadian Pacific Railway north of Lake Superior which Mr. Borden suggests the government should purchase—and I take it for granted that would be the policy of the Conservative party if they came into power—is something which no person in this debate has advocated seriously. No one has contended that another railway is not necessary. The difference of opinion is as to the scheme which should be adopted to secure another railway. The necessity of it has been admitted for years. I can quote the opinions expressed by Conservative members in the House of Commons to show that there is necessity for four roads west of Fort William, and that four roads will be required to accommodate the traffic, and that two of them should be prepared to carry freight through to ocean ports during the winter season. We are called upon to adopt the best system. The ex-Minister of Railways, Mr. Blair, has been quoted as an authority—in fact he is the greatest expert that the opposition have put forward as to the construction of a railway and what a railway is capable of doing. I do not wish to detract from Mr. Blair. I think he is one of the ablest administrators that Canada has had the good fortune to have in the government. By his management of the Intercolonial Railway, instead of having an annual deficit of half a million dollars a year, we now have a small surplus every year. Certainly, for the last couple of months, Mr. Blair has received a certificate of character from his former opponents, simply because he saw fit to disapprove of the Grand Trunk Pacific scheme. I do not wish to detract from Mr. Blair as an authority, I wish to quote him as an authority. He made a trip to the Pacific coast about a year ago, and while at Portage la Prairie, Winnipeg and other parts of Manitoba and the North-west, he

stated that there was a necessity not merely for two transcontinental lines, but he thought in a few years four railways would be insufficient to carry the trade of that country. That was his evidence after seeing the country. He made the same statement in an interview in Montreal. Mr. Blair saw fit to withdraw from the government. Why ? He gave as his reason in the House because he had not been consulted about the Grand Trunk Pacific scheme while other members of the government had been consulted. Mr. Blair, I think, made a mistake in withdrawing from the cabinet, because it is a good thing for Canada to have such a man as Mr. Blair in the government. He would better have served his country if he had remained in the cabinet and tried to perfect the Bill which is before us to-day. I do not admit that all the wisdom about railway construction is bound up in Mr. Blair. We have other men in the cabinet whose views have been embodied in this Bill, and the measure is about as perfect as a Bill could be made. I venture to say, and it has not been denied by any one, that no responsible railway company has ever undertaken to construct such a work as the Grand Trunk Pacific Railway, for so small a consideration.

Let us compare the Bill which is before us to-day with the Bill passed years ago for the construction of the Canadian Pacific Railway. Hon. gentlemen say that the Canadian Pacific Railway was a necessity. Hon. gentlemen say that the Liberals throughout Canada opposed the construction of that road. That statement is not true. The Liberals opposed some of the conditions contained in that Bill. One of those conditions was that the Canadian Pacific Railway should have a monopoly of the trade of Manitoba and the North-west for twenty years, and that no line of railway should be built within fifteen miles of the international boundary. Another was that their road-bed for all time and their lands until patented, should be exempt from taxation. That was an immense concession. It has been said in this debate that the government are undertaking to construct the difficult portion of the road between Moncton and Wininpeg while the Grand Trunk Pacific are constructing the easier portion of the road west. What was the case in connection with the Canadian Pacific Railway ? The government had completed a good portion of the difficult part of that road, and they agreed to go on and practically complete all the difficult portions of the road at the expense of the country, and after it was completed to hand it over to the Canadian Pacific Railway as a free gift, and in addition to that to give the company a further grant of $25,000,000 and 25,000,000 acres of land. The Grand Trunk Pacific are building the section of this road from Winnipeg to the Pacific coast. They are guaranteed three-quarters of the cost not to exceed $13,000 a mile for the prairie section and three-quarters of the cost not to exceed $30,000 a mile on the mountain section. The government are building the section from Winnipeg to Moncton, and will own the road. The argument was advanced here the other night, in making a calculation as to the rate of interest, that if the rate declines in the future as it has declined in the past fifteen or twenty years, the government will be making a profit out of the 3 per cent rental that the company agree to pay for the use of the government portion of the railway. Consequently the government will own the road and will have it at no cost to the country at all. The government built the difficult portions of the Canadian Pacific Railway and made a free gift of it to that company. In this project they retain the road from Moncton to Winnipeg as a public highway. Any other railway company will have a right to use this road. The government can control rates. What was the privilege given to the Canadian Pacific Railway ? That until the profits amounted to 10 per cent the government would have no right to reduce the rates. There never was any attempt to control the rates until the Liberal government came into power, and when they made a bargain for the construction of the Crow's Nest Pass Railway they forced the Canadian Pacific Railway to reduce their rates. Now the Grand Trunk Pacific Railway has been demanded in the west. I have been a resident of Manitoba for twenty-seven years, and I know that for the last twenty-five years the people have been demanding more railway accommodation. The Grand Trunk Railway has a great Canadian system of railways reaching almost every point in Ontario and Quebec, and we want

to get the advantage of having that system extended to the North-west. Another reason why we favour the Grand Trunk Railway and the Grand Trunk Pacific—because they are identical—the Grand Trunk Railway Company were immigration agents for the United States. The Grand Trunk Railway Company was responsible for taking hundreds of thousands of Canadians over to the western states. Why? They had connections with railways in the western states, and no connections with our North-west, and they carried as many people to the western states as they could as a matter of business. While I was a member of the House of Commons I had occasion more than once—as the hon. leader of the opposition here to-day knows—to point this out and urge that the government should give the Grand Trunk access to Manitoba and the North-west, that the monopoly should be done away with, and thus make the Grand Trunk Railway Company immigration agents for Manitoba and the North-west. The Grand Trunk Railway Company were kept out of that country for years. When the hon. senator from London (Hon. Sir John Carling) was Minister of Agriculture, I remember a gentleman moving in the Committee of the House of Commons that the Department of Agriculture should take steps to prevent the Grand Trunk Railway Company advertising the western states in its stations and inducing our people to emigrate to the states. That showed what a mistake it was to prevent the Grand Trunk Railway from extending its system to our North-west. And we have been in that way diverting our people from Canada to the United States. It is very important that we should have the Grand Trunk Railway people interested in our Canadian North-west, because the Canadian portion of the Grand Trunk Railway is peculiarly a British road. I understand that every dollar invested in the Grand Trunk Railway is held by British capital—practically every dollar—and there are some 40,000 stockholders of the Canadian Grand Trunk Railway living in Great Britain. Unite the interests of the Grand Trunk Railway with the Canadian North-west and you have an immigration agency that will tend to divert hundreds of thousands of immigrants to our North-west. The great natural resources of that country have been spoken of, and if those resources are brought to the attention of the British people you will induce the investment of British capital in the Canadian North-west, and it will be developed. We find that is the tendency now. Our Canadian North-west is practically booming. I would not call it booming, because the natural advantages of our country warrant the advance that is taking place in Manitoba and the North-west to-day, and I say we are on the up grade. Some hon. gentlemen talk about extravagance. I think if they will investigate the matter they will find that there has been as much spent on the Intercolonial in betterments in the last six or seven years as the government will be liable for in the construction of the road from Moncton to Winnipeg.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. WATSON—If that is the case, why should hon. gentlemen fear it, and why should we hesitate about the expenditure of a few million dollars when we are going to benefit the country so much? Practically, Canada will be doubled in size by the opening of the North-west Territories, northern Ontario and Quebec. We have simply a fringe of 4,000 miles, with an average depth of 60 miles, at present, while we have all that immense country lying to the north undeveloped for want of railways. Will hon. gentlemen tell me we should not provide accommodation and facilities for the people who wish to settle in our country? Some people say you cannot get people to settle in northern Ontario until the prairies of the North-west are settled. I say that is not correct. There is a class of people, and I have no doubt hon. gentlemen in this House know of a class of people in the province of Ontario and in the province of Quebec who much prefer to go to a country where it is wooded. There is a class of people who will go to the wooded country and settle there and make homes for themselves, who would not have the means to make homes for themselves on the open prairie, because in the open prairie they require capital to supply machinery and horses and improved implements to work

the land. They have also to buy lumber for building and fencing. A man cannot go on the prairie and settle without a certain amount of capital; but he can go into the woods with an axe and make a living and home for himself, as a great many people in Quebec and Ontario have done in years gone by. We have assurances about the quality of the soil on the eastern end, which is fit for settlement, and it is admitted by hon. gentlemen on the other side that the evidence given by the hon. gentlemen from de Lanaudière (Hon. Mr. Casgrain) is correct, that for hundreds of miles north of Quebec the land is fit for settlement. I know personally something of the country north of Lake Superior, not a great deal, but I have made it my business to make inquiries about the country for a number of years past for different reasons, and the information I have is that there is a large tract of country in northern Ontario fit for settlement. I was aware of that fact before the Ontario government had the surveyor's report presented to them. The Ontario government, knowing they had to develop New Ontario, sent their explorers out years ago, and an exhaustive report was printed, and I think it is in the hands of every member of this House, showing that the province had some 15,000,000 acres of land up there fit for settlement. Ontario at the present time, under the Redistribution Bill, will lose six members. Our Prince Edward Island friends are complaining that they have no territory to open up by roads of this kind. If Ontario is to retain her representation, how is she going to do it? Only by developing new territory. In the older portions of Ontario the land is pretty well settled. In fact, the people are getting crowded. They have to go west, because in Ontario farmers have practically abandoned wheat-growing. They do not look upon the growing of wheat as one of the industries. They are taking up dairying, which pays them better, no doubt, and in consequence each farmer wants a larger area of land for pasture, and to grow fodder to feed cattle. Canada is growing in that way, because I think Ontario people admit that they cannot compete with the west in the matter of growing wheat. The result is that a great number of the farmers' sons are going to northern Ontario and settling in the bush country. I know of a gentleman who resided in Manitoba in the early days; hon. gentlemen must have heard his name. He lived west of Portage la Prairie on a fine farm, and later on went to Griswold, but now he is back to his old love, farming near the Ontario experimental farm at Dryden, on the clay belt. There are a great many people who prefer to get into the timber lands. They can practically make homes for themselves without any capital.

Hon. Mr. PERLEY—Who is that man?

Hon. Mr. WATSON—Mr. Yomens. He was one of the largest farmers we had in the Portage la Prairie section, but he is to-day farming at Dryden, where the Ontario government have established an experimental farm.

Hon. Mr. PERLEY—He is a lunatic.

Hon. Mr. WATSON—He was never in the unfortunate position that the hon. gentleman admitted he himself was. I never knew Mr. Yomens to fail to get all the money he wanted in the bank. I never knew an honest farmer in the west who owned land who was not in the other predicament, that credit was too cheap. The money was forced on farmers by the banks and loan companies to get their money in circulation. I should like to say something further in connection with what I said about the character of the soil. I move the adjournment of the debate.

The motion was agreed to.

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

Hon. Sir MACKENZIE BOWELL—Before the House adjourns, I desire to ask the hon. Secretary of State whether any reports have been received from the engineers of the Geological Survey Department appointed to investigate or inquire into the character of the country through which this transcontinental road is to run. Have they returned from their labours and made any report, and if they have, will it be laid on the Table so that hon. gentlemen can see it?

Hon. Mr. SCOTT—I am not aware, nor do I believe that anything has been pre-

pared by the engineers of the Geological Survey other than the reports which have been laid before parliament. I am not aware that any of the parties have returned.

Hon. Sir MACKENZIE BOWELL—The reports to which I refer are from engineers or members of the Geological Department who were sent out and who have returned since the debate on this Bill commenced. I think there is no doubt that some of them have returned, but whether they have made reports or not, I do not know.

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—Rumours are current that they have made reports as to the character of the country and if that is the case, I think we should have them.

Hon. Mr. SCOTT—I think I should have heard of it if any reports had been made. It has not come to the knowledge of the government. If reports are made they will be laid upon the Table.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman make inquiry ?

Hon. Mr. SCOTT—Yes, I will.

The Senate adjourned till three p.m.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

NATIONAL TRANSCONTINENTAL RAILWAY BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (235) 'An Act respecting the construction of a National Transcontinental Railway.'

(In the Committee.)

On clause 2,

Hon. Mr. WATSON—When the House rose at one o'clock I was about to give some information in regard to the character of the country which this road is to traverse, but before doing so I will just mention one matter. The hon. gentleman from Lauzon, who made a very exhaustive speech on this subject, claimed that the Grand Trunk Pacific or the Grand Trunk Railway people should not be dealt with by this government, because they had spent some of their money in building railways in the United States. I thought at the time that coming from a gentleman on the opposition benches, the argument was rather far-fetched, because we know that when the Conservative party were in power they not only encouraged, but compelled that railway corporations should spend their money in the United States. For instance, the short line of the Canadian Pacific Railway through the state of Maine was subsidized by the Dominion government, and I find in connection with the Grand Trunk Railway Company, who were condemned by the hon. gentleman for spending money in the United States, an Act was passed in 1880 for the purpose of the government purchasing from the Grand Trunk Railway a portion of their line of railway from Rivière du Loup to Lévis, for which they were to receive a consideration of $1,500,000 on certain conditions. The section reads as follows :

> And it is further provided by this Act that the payment of the purchase money, which shall not exceed $1,500,000, shall always remain to cover expenditure for such purposes in connection with the Grand Trunk Railway as the government shall consider conducive to the public advantage.

Now, subsection 5 of clause 1, amongst other things, referred to the terms on which they were to spend this money and one of the conditions imposed by the Conservative government of that day was that among other purposes which the government consider will promote the welfare of the Dominion is the extension either by building or purchase of an independent line or such other arrangements of a permanent character with other companies as will secure free access to and from Chicago, in the state of Illinois for through-traffic to the seaboard. It seems to me the hon. gentlemen on the other side should not complain if the Grand Trunk Railway spend some money outside of Canada in the United States, when they were compelled to spend the money that they received from the government of the day for the purchase of a portion of their road from Rivière du Loup to Lévis for the purpose of securing a

through line of railway to connect with Chicago in the United States.

Hon. Mr. LANDRY—Was that intended to take the trade of the west ?

Hon. Mr. WATSON—I am not objecting to making connections with the United States if it is going to facilitate traffic and be a benefit to Canada, but I say it does not lie in the mouth of hon. gentlemen opposite to condemn the Grand Trunk Railway for spending in the United States, when they were compelled to do so by statute, a portion of the money actually received from the federal government for the purchase of a portion of their own line of railway.

Hon. Mr. LANDRY—The hon. gentleman did not answer the question.

Hon. Mr. WATSON—I would like to say also, with regard to rates, that that hon. gentleman also spoke of a rate of two and a half cents a bushel on wheat from Fort William or Port Arthur to Quebec. We have heard all kinds of rates discussed within the last two months in another part of this building, and for the last week in this Chamber, and some are extravagant and absurd, and I think two and a half cents a bushel is one of those absurd rates quoted. At the present time—and we must remember that this fall the water rates are cheaper than they have been for years, for the reason that the vessels which were employed in carrying ore on the lakes have been relieved from that work at an earlier date than usual, and they are now seeking cargoes of wheat, and the harvest in Manitoba is also late on account of wet weather and delay in threshing. The rate at the present time from Fort William to Montreal, all water, is four and five-eighths cents a bushel, exclusive of marine insurance, which amounts to about half a cent a bushel, or altogether it is over five cents a bushel.

Hon. Mr. FERGUSON—Is my hon. friend aware that the Waldron Company have been carrying wheat for three cents a bushel from Fort William and Duluth to Quebec this summer ?

Hon. Mr. WATSON—This summer, that may be the case ; if vessels are idle they would rather take a load of wheat for three cents a bushel, or even two cents, than go light. I am talking of what actually exists to-day, and these are the freight rates we have to figure on. At the present time vessels are looking for freight at Fort William and Port Arthur probably as they never were before for carrying our wheat, and I was informed by a shipper from Montreal that the rate on Saturday last was four and five-eighth cents by all-water, exclusive of marine insurance rates. The lake and rail rate is five and a half cents a bushel, but you have to take into consideration that it is exclusive of insurance, which would be perhaps a quarter of a cent a bushel, as a portion or the route is by rail. Another thing you have to consider in discussing the rates is the fact that the lake and rail shipment is much slower than all-rail, and you have to figure on interest on the money invested as between the time it leaves the producer and the time it is delivered at a seaport and shipped to England.

Another thing to be remembered is that you shut off competition in the markets, because with an all-rail route you have a great many more buyers in the market; if you have only the lake and rail route you must ship enough at a time to make up a cargo. That involves larger buyers and larger operations, but if you can ship a carload of wheat a time you have more buyers and keener competition and the producer gets a larger price for his grain, because the moment he ships a carload of wheat he can draw on the miller in Ontario or the shipper in Montreal, Quebec or St. John for its value. These, added together make up a difference which has been mentioned as between five cents and seven or eight cents a bushel. The drop in the price of wheat last year and the year previous was due to elevator charges and lack of cars about the time of the closing of navigation. If a man bought wheat in a car he would pay seven or eight cents a bushel more for it than in elevator, because if he had not time to get it out during the fall by water and ship it to market he had to hold it for an average of six months, and it has been estimated that it costs six cents a bushel to hold the wheat over. That is made up of interest on the cost, insurance, and the commercial risk, because there is certainly a risk in the fluctuation of the market. In the west the

difference to the producer between wheat that is to be put in elevator and wheat in car is seven or eight cents. That is one of the reasons why the west is calling out for another all-rail route. This idea that has been suggested by the Conservative party—I say Conservative party because I take it for granted that the resolution placed before the House of Commons by Mr. Borden is really the policy of the Conservative party for the relief of the congested trade of the North-west—is a lake and rail route. He proposes to extend the Intercolonial Railway to Depot Harbour. As I have pointed out, that would only furnish traffic for six months of the year. It should also be remembered when we talk about the all-rail haul, that the Intercolonial Railway, running to Depot Harbour, would have to take freight there at present rates, with about fourteen cents a hundred against them. Eleven cents is the best rate in Manitoba to lake ports, and then you have to ship from Fort William to Depot Harbour, you have your elevator charges at both ends, and your insurance, and you have to receive your wheat at Depot Harbour with a charge of fourteen cents per hundred pounds against you. Add that to the all-rail 1,800 miles from Winnipeg to St. John and you have a very fair freight rate by the latter route. I will not go into details as to what it costs other railways to carry freight. I have given the lake and rail rate from Fort William to Montreal, by Depot Harbour and the Canada Atlantic Railway. We have no reason to suppose that the Canada Atlantic Railway or the lake rates will be any less as a rule than they are to-day and therefore we ought to accept them as a basis for calculation. If there is any one thing that will justify the government's Grand Trunk Pacific scheme, it is the alternative scheme propounded by the leader of the opposition, extending the Intercolonial Railway to Depot Harbour, therein making a connection with North Bay and purchasing that portion of the Canadian Pacific Railway on the north shore of the lakes, which is unproductive, expensive to operate, and never can be made a cheap route on account not only of its grades, but of the sharp curvatures, because curvature is as detrimental to carrying heavy freights as grades are. So I say that road can never be made a cheap route for carrying grain, and for that reason the scheme should be condemned. No one suggests that the Canada Atlantic Railway could be any better operated by the government than by Mr. J. R. Booth. No one in either House has suggested that the people of Canada would get a better service from the Canada Atlantic Railway under government management than under Mr. Booth's management. If that is so, why should the people of Canada put their hands in the public treasury to buy out Mr. Booth's road? No one in the opposition would say that if the Canada Atlantic Railway were operated to-day in connection with the Intercolonial Railway that it would be as valuable to Canada as it is under its present management. This purchasing of an unproductive portion of the Canadian Pacific Railway is an absurd proposition. It would never give the relief to the North-west that they are demanding. I said in the opening of my remarks that I proposed to give some evidence which I thought should be placed before this House, and which I think should bear much more weight than the few petitions which have been presented here against the Grand Trunk Pacific. The hon. gentleman from Marshfield said the other day in his remarks: 'Why do you not get petitions asking for the construction of the Grand Trunk Pacific?' The hon. gentleman from Calgary (Hon. Mr. Lougheed) and the hon. gentleman from Wolseley (Hon. Mr. Perley) said there was no demand for this railway in the North-west Territories.

Why should the government ask people to circulate petitions in favour of the construction of this road? It is the government's policy to build it. The hon. gentleman's friends have deliberately circulated petitions all over Canada and have secured only about two per cent of the voting power of Canada to petition against the construction of the Grand Trunk Pacific. I venture to say that ninety-five per cent of those gentlemen are Conservatives. But what weight should such petitions have with this parliament? I have had some experience in circulating petitions, and I venture to say that not ten per cent of those who sign ever read them. The petitions are signed be-

cause people are asked to sign them. I have no doubt some who have signed those petitions have done so believing that they were petitions in favour of the construction of the Grand Trunk Pacific Railway. Several weeks ago the hon. senator from Victoria pronounced against the Grand Trunk Pacific project in this Chamber a day or two after Sir Wilfrid Laurier had laid his scheme before the House of Commons, and he got up here and stated he was going away, but before going he wished to place on record his views in condemnation of the Grand Trunk Pacific scheme. He did so by placing a long resolution on the Order paper, and made a few remarks, and wound up by saying that the people should not take very much stock in what was said by Sir Wilfrid Laurier. He departed for the west expecting, I suppose, that the whole west was in sympathy with his views. He went to Victoria and a board of trade meeting was called there, at which he was present and spoke, expecting, I suppose, he would be welcomed to that board of trade meeting and that they would tell him that he expressed in the Senate the views of that board of trade.

Hon. Mr. TEMPLEMAN—The board of trade is nearly all Conservative.

Hon. Mr. WATSON—Yes, so I am informed. That board of trade did not agree with the hon. gentleman, and they passed a resolution approving of the Grand Trunk Pacific. The Vancouver press says that a resolution was introduced into the board of trade for the purpose of condemning the sentiments that that hon. gentleman had placed on the Order paper of the Senate before he left. But that motion was withdrawn, and the board of trade contented itself with passing the following resolution :

Resolved, that we, the members of the Victoria, British Columbia, Board of Trade, hereby heartily endorse the federal government's endeavour to have constructed another transcontinental road, and that we strongly urge the representatives from British Columbia not to put any obstacle in the way of such immediate construction.

This was utimately received by a two-thirds vote of the meeting.

Hon. Mr. LANDRY—There is no condemnation in that.

Hon. Mr. WATSON—No, no condemnation ; but I think my hon. friend will agree that that resolution does not accord with the views expressed by the hon. Senator from Victoria, as expressed in this House, but is exactly the opposite and in favour of the construction of the Grand Trunk Pacific. They wrote and urged the representatives from British Columbia to do everything in their power to assist the government in securing the early construction of that road. Then let us take the North-west assembly, and I wish to call the attention of the hon. gentleman from Wolseley to the views expressed by the North-west assembly in regard to his statement that there was no demand for the Grand Trunk Pacific Railway, but that the Canadian Pacific Railway should have a double track from Fort William to Moosejaw, which would relieve the congestion. I think the North-west assembly is a fairly representative body of the North-west and ought to know fairly well what are the needs and requirements of the west, and their views ought to have weight in this assembly in connection with this project. The North-west assembly sent the following memorial to the Governor in Council last fall :

We, His Majesty's dutiful and loyal subjects, the legislative assembly of the North-west Territories of Canada, in session assembled, humbly approach Your Excellency for the purpose of representing—

That after making due allowance for the extraordinary circumstances with which the Canadian Pacific Railway Company has had to contend it appears to this House—

That the practically continuous freight congestion of the last two years has abundantly demonstrated that the Canadian Pacific Railway Company has absolutely failed to provide adequate facilities for the transportation of the grain, cattle and other natural products of these territories and that there has resulted in consequence of the lack of such facilities great loss and damage to the people of these territories not only in respect of the depreciation in the market price of grain but also in respect of cattle, and has further resulted in vexatious delays in the importation of merchandise and in the transaction of the ordinary business of the country :

That the volume of business originating along the main line of the Canadian Pacific Railway, and in the territory directly tributary thereto necessitates that the energies of the company should be concentrated on the providing of adequate facilities for handling such business (which are not now provided) and that good faith with the people of these territories demands that branch lines already promised and partially constructed should be completed this year rather than lines in territory already provided with railway facilities, and

That the prospective increase in the volume of traffic which largely increased cultivation and settlement of lands in these territories will certainly create, will further tend to congest

traffic between these territories and the provinces to the east, and unless it is held desirable to divert part of such traffic through foreign channels, adequate facilities for its transportation must be immediately provided, and

That this House does therefore humbly pray that Your Excellency may be pleased to take such action as may be necessary or expedient to insure that the people of these territories are provided with an efficient transportation system as contemplated by the contract made between the people of Canada and the Canadian Pacific Railway Company.

Hon. Mr. PERLEY—I endorse every word of that.

Hon. Mr. WATSON—I am glad the hon. gentleman agrees to it. He has new light on the subject. I wish I had read this before he made his speech.

Hon. Mr. PERLEY—My speech was exactly in accordance with that.

Hon. Mr. WATSON—The hon. gentleman points out the difficulty of part of the trade being diverted to American channels and the government is called upon to furnish additional facilities to keep that trade within Canada. That is what the assembly of the North-west Territories say about the scheme. I was glad the hon. gentleman agrees with it because I was disappointed that any member of the North-west should say one word against the government extending railways into the North-west because that country is growing rapidly and the government have not only to take care of a crop of 100 million bushels, but in the very near future, as the hon. gentleman knows well, they will have to take care of three or four hundred million bushels of grain besides the cattle trade. We know that cattle buyers had to ship by the United States this season because they could not get transportation through Canada. We all know that the buyers who have ranches in the North-west had to ship their cattle by Chicago into the western territories where tens of thousands of cattle have been shipped to be fattened on the grass there, to be brought back in the shape of beef for export to England.

Hon. Mr. FERGUSON—Is the hon. gentleman aware that the premier of the Territories placed himself on record the other day in opposition to the Bill now before us?

Hon. Mr. WATSON—The premier made a speech the other day in which he is reported to have said that he disapproved in part of this scheme. He apparently wanted to separate himself from the North-west Assembly in doing so, for party purposes, because at the meeting he said he did not feel bound while leader of a non-partisan council to take himself outside of that assembly and support the Conservative party.

Hon. Sir MACKENZIE BOWELL—Yes, sensible fellow.

Hon. Mr. FERGUSON—That is exactly our policy—the extract the hon. gentleman has been reading.

Hon. Mr. WATSON—Did I make a mistake? I expressed my sorrow that I was not able to speak before the vote was taken because I tried to assure the hon. leader of the opposition that I had such evidence to present to the House that he himself would vote for the Bill, and he said, 'For God sake let us take a vote, for I do not want to violate my conscience.' I am glad to see he is coming round the other way, I think the hon. gentleman from Wolseley will agree with me that another class which has the interest of the North-west at heart is the North-west Grain Growers' Association. I think he will admit that is a representative body, alive to the requirements of the farmer in the North-west. They resolved in this matter and I shall read their resolution. It is as follows:

That in the opinion of this meeting the Canadian Pacific Railway Company, having demonstrated their total incapacity to handle the grain and general traffic of Manitoba and the territories, and as a consequence the development of the country being not only retarded, but the residents suffering much deprivation, scarcity of fuel, scarcity of building material, and an average loss of ten cents a bushel on their wheat, apart from loss by holding and storing grain and paying interest on advances from banks; the Territorial Grain Growers' Association are forced to solicit action on the part of the federal government which will induce the Canadian Pacific Railway Company to allow as much as possible of the congested freight to be hauled over the connecting railway systems to the south.—E. A. Partridge, Sintaluta, mover; Wm. Noble, Oxbow, seconder.

That congestion has been such in the North-west that these people tried last year to get United States cars because as they set forth they were losing about ten cents a bushel on account of not having railway facilities. The Winnipeg Board of Trade, another non-partisan body, have resolved on this matter. Speaking of the grain blockade in 1901-2 they passed the following resolution on the 19th December, 1902:

Whereas, in the autumn and early winter of 1901, the farmers and business classes of Manitoba and the North-west Territories suffered severe losses through the inability of the Canadian Pacific Railway Company to cope with the grain traffic; and whereas, it was promised, on behalf of that corporation, that it would supply itself with an equipment that would enable it to carry out the crop of the present year (1902), and whereas, the company was authorized by parliament to issue additional stock to the amount of $20,000,000, with the express condition that the proceeds were mainly to be used to purchase the necessary equipment, and whereas, the conditions in regard to grain transportation during the present shipping season are as bad as, if not worse, than those which prevailed in 1901, with the same result of heavy loss to the farmers and to the community as a whole, and whereas, on account of the same lack of proper equipment, the railways have not been able to supply transportation for fuel, and as a result of their failure, great loss and much personal hardship and suffering have been experienced in nearly every portion of western Canada ;—

And whereas, the passenger service has become so irregular, unreliable and apparently disorganized, that much loss has been inflicted on business men, and the travelling public has suffered great and long-continued inconvenience and hardship, and whereas, the equipment of the railway company has fallen into such a condition that the corporation is utterly unable to handle the traffic of western Canada, and whereas the people of western Canada, seem, under present circumstances, to have no recourse or redress against the corporation for the enormous losses which they have sustained, and whereas, the railway corporations have received from the parliament of Canada valuable franchises, monopolies and privileges, besides enormous donations of public money, grants of public lands and the use of the public credit for large sums, in consideration of the corporations providing an adequate and efficient system of public transportation ; and whereas, the parliament of Canada, as the charter-granting power, is the supreme and responsible authority in all questions relating to the regulation or control of public transportation, and the government of Canada is vested with authority to enforce the terms of charter obligations ;

Therefore, be it resolved : That this board respectfully urges the Dominion government to take such immediate action as shall remove the grievous disabilities under which the people of Manitoba and the North-west Territories labour ; and to take such further measures as shall effectually prevent the recurrence of conditions such as those herein described ; that a copy of this resolution be transmitted by the secretary to the government of Canada, and to the Canadian Pacific Railway.

Can any better evidence be offered as to the opinions of the board of trade of Winnipeg where they asked the government to take such immediate action as will relieve the grain shippers and the buisness men from the inconvenience which they suffer from to-day. You can only get that by competition. I remember a few years ago when the Canadian Pacific Railway had a monopoly in that country before the Northern Pacific Railway project, which was introduced by the Greenway administration, that previous to that the purchaser of goods in Montreal or Toronto could not tell when they would get their goods. It might be six weeks or two months. On the advent of the Northern Pacific Railway into Manitoba a merchant placing an order for goods could almost assuredly calculate on receiving those goods within eight or ten days. We want competition. I believe that the Grand Trunk Railway accumulating the freight in the east for the Grand Trunk Pacific as they did accumulate it for the Northern Pacific Railway at that time in Toronto and Montreal, the Transcontinental Railway will have more than it can handle. The Toronto Board of Trade passed a resolution bearing on this matter :

The council of the Toronto Board of Trade is already on record as favouring a government line in a resolution passed June 23rd, setting forth that :—

Whereas the board realize the necessity of an outlet by the shortest and cheapest route for the fast increasing productions of the North-west country, and the advisability of competition without the extravagance of the duplication of lines;

Be it therefore resolved that this board urges strongly upon the government of Canada the construction by the Dominion of a line from Quebec to Winnipeg, traversing the clay belt of northern Ontario and passing north of Lake Nepigon to Winnipeg, the use of such railway being permitted to all railroads under proper regulations.

That is a resolution of the Board of Trade of the city of Toronto, probably as important a board of trade as there is in the Dominion of Canada, asking for exactly what this Bill provides, a road from the city of Quebec to the city of Winnipeg, with running powers for other roads. This government policy is exactly in line with that resolution, and not a diversion from it at all. The Winnipeg Grain Produce Exchange to-day is practically the largest grain exchange in America. Last year the volume of business done by that exchange was greater than the business done at Chicago or Duluth. The Winnipeg Grain Exchange resolved on this matter. I want to say here that the Winnipeg Grain and Produce Exchange is composed of men who are handling a trade that requires tens of millions of dollars to handle. The president of the Winnipeg Grain and Produce Exchange in his annual address on January 14th last, had the following to say on the question of transportation :

Transportation.—The question of transportation still continues to be a serious one, both to the producer and to the grain trade of this country, and this year, as last, it has been the principal subject of discussion. The car shortage has resulted in serious loss to the farmers in not allowing them to dispose of their grain when they wished to do so, and to the trade by preventing the dealers from getting their grain forward within a reasonable time after it was purchased, thus entailing considerable additional expense in insurance, interest and storage. This prevented dealers from paying to the producers the price for their grain which they were justly entitled to expect, and has resulted in a great deal of dissatisfaction and misunderstanding which would not have existed had there been an adequate supply of cars. The development which is taking place in the west, however, seems to have wakened up other railway corporations to the advisability of securing a portion of our trade, and there are reports of companies seeking permission to enter western Canada for that purpose. Notably among these is the Grand Trunk Railway Company, and I have no doubt that the introduction of that road will be hailed by the grain producers of this country with the greatest satisfaction. The advent of a corporation of this kind, with its immense resources both in money and equipment, will no doubt prove a great advantage to the country, by their competing for a share of the trade in the older settled districts and by opening up new territory for themselves.

That is a very pointed statement with regard to the trade of the west, and nobody knows more of the needs and requirements of that western country than the Winnipeg Grain Exchange. Then we have the statement of the warehouse commissioner, Mr. Castle, who was appointed by the government, and who has charge of administering the laws with regard to the handling of grain in the west. In his report he speaks of the grain blockade of last season and says :

The farmers had lost heavily on the prices they received for their grain because a sufficient proportion of the crop was not shipped from country points before the close of navigation ; adding that such losses would continue to recur until such time as the railways meet the traffic requirements of the country. Mr. Castle found that only about 55 per cent of the entire wheat crop of 1902 was marketed by the close of navigation, and of that amount marketed the railways transported to the lakes 58 per cent, whereas at least 60 per cent of the entire wheat crop should annually be delivered at the lakes before the close of navigation in order to enable farmers to realize sufficient funds to pay for the cost of production.

Only thirty per cent of the crop of 1902 was forwarded to the lakes at the close of navigation, and that shows conclusively that two railway companies doing everything they could to relieve the freight congestion only about thirty per cent of the grain was at the lake ports at the close of navigation in 1902.

The following resolution was passed by the Winipeg Board of Trade at a special meeting held on the 19th December, 1902 :

Whereas, in the autumn and early winter of 1901, the farmers and business classes of Manitoba and the North-west Territories suffered severe losses through the inability of the Canadian Pacific Railway Company to cope with the grain traffic ; and

Whereas, it was promised on behalf of that corporation that it would supply itself with an equipment that would enable it to carry out the crop of the present year (1902), and

Whereas, the company was authorized by parliament to issue additional stock to the amount of $20,000,000 with the express condition that the proceeds were mainly to be used to purchase the necessary equipment ; and

Whereas, the conditions in regard to grain transportation during the present shipping season are as bad as, if not worse, than those which prevailed in 1901, with the same result of heavy loss to the farmers and to the community as a whole ; and

Whereas, on account of the same lack of proper equipment the railways have not been able to supply transportation for fuel, and as a result of their failure, great loss and much personal hardship and suffering have been experienced in nearly every portion of western Canada ; and

Whereas, the passenger service has become so irregular, unreliable and apparently disorganized, that much loss has been inflicted on business men, and the travelling public has suffered great and long continued inconvenience, and hardship ; and

Whereas, the equipment of the railway company has fallen into such a condition that the corporation is utterly unable to handle the traffic of western Canada ; and

Whereas, the people of western Canada seem, under present circumstances, to have no recourse or redress against the corporation for the enormous losses which they have sustained ; and

Whereas, the railway corporations have received from the parliament of Canada valuable franchises, monopolies and privileges, besides enormous donations of public money, grants of public lands, and the use of the public credit for large sums, in consideration of the corporations providing an adequate and efficient system of public transportation ; and

Whereas, the parliament of Canada, as the charter-granting power is the supreme and responsible authority in all questions relating to the regulation or control of public transportation and the government of Canada is vested with authority to enforce the terms of charter obligations;

Therefore, be it resolved, that this board respectfully urges the Dominion government to take such immediate action as shall remove the grievous disabilities under which the people of Manitoba and the North-west Territories labour; and to take such further measures as shall effectually prevent the recurrence of conditions such as those herein described ; that a copy of this resolution be transmitted by the secretary to the government of Canada and to the Canadian Pacific Railway.

And it is estimated that for the payment of expenses, &c., the farmers of the west should have at least 60 per cent of their grain sold at the close of navigation, or be able to realize on it by the first of January.

At Regina there was a jam of freight, and I want this House to pay particular attention to this fact, that the congestion is not due to the hauling of grain alone in the North-west. The railways are being blocked with the ordinary traffic of the country outside of grain altogether. They cannot handle the ordinary goods that merchants are importing—cannot get return freight into the country. It is held back on account of the lack of transportation facilities. The following reference is made to that fact from Regina :

A FREIGHT JAM AT REGINA.

Yards Chocked wih Traffic—Merchants Suffering from Ruinous Delays.

For many weeks past first one merchant and then another has in vigorous language drawn the attention of 'The Leader' to the fact that the condition of railway traffic in the west is continually getting worse. The situation last year was bad enough when for days and sometimes weeks, merchants would be completely out of certain lines of goods because the railway could not get them in, but this year it is infinitely worse for many business houses have been completely sold out of certain lines for weeks and months, notwithstanding that their orders had been placed in plenty of time and the goods promptly shipped by the wholesalers in the east. There is to-day hardly a merchant in Regina—and our exchanges tell the same story of all parts of the territories—who has not orders for goods which were promptly shipped now long overdue. Merchants who ordered goods for the Christmas trade received them after that festive season was over and had to dispose of them at a sacrifice. Others who had supplies ordered and shipped for the early spring trade will have to carry them over for a whole year. The situation at present is that so unreliable has the freight service become that merchants are afraid to place large orders for certain seasonable goods not knowing but they will arrive after the opportune season is past. Any supplies which must be secured without a delay of a month or more are ordered to be shipped by express. This of necessity makes a ruinous inroad into the profits.

It goes on to show that the ordinary traffic of the country cannot be handled with the present railway facilities. It is conclusive proof of the correctness of these statements and is additional proof to show that the Grand Trunk Pacific Railway is required in the west. Additional railway facilities must be had if that country is to prosper as it should. I have here a statement made by Mr. White, assistant to the president of the Canadian Pacific Railway. No man knows more of the trade of the west from Port Arthur westward than Mr. White. He is one of the ablest officials of the Canadian Pacific Railway, and a man who expresses himself honestly on this question. You would naturally suppose that he would be like some of the gentlemen who are advocating the policy of Mr. Borden—that he would feel disposed to keep out the Grand Trunk Railway, and have a monopoly of the trade of the North-west, but Mr. White, in his interview, admits that the Canadian Pacific Railway is not able to cope with the traffic of that country, and he welcomes the Grand Trunk Railway. The following is an interview published in the Montreal 'Star,' November, 1902 :

'There is lots of room for the Grand Trunk in the North-west. I'm glad to hear they are coming. You must remember the Grand Trunk is a national road, and it is far better to have it than an American road.'

This is the opinion of William Whyte, assistant to the president of the Canadian Pacific Railway, who is in the city to-day. 'If the people in the east,' he continued, 'had any idea of the rapidity with which the country is settling out there they would not be surprised to hear me say, "there is room for the Grand Trunk and others as well." The condition of affairs has completely changed, even since a year ago. The traffic is not only abnormal east-bound, but also west-bound. It is this fact which has simply rendered it impossible to handle the crop with the dispatch which was necessary.

'In 1895 we had a large crop, as you remember, which was handled satisfactorily, simply because we could rush the cars back and reload. To-day all is changed, and I don't suppose we are getting within 35 per cent of the use of the cars for grain haulage we did last year, simply because they are used in other ways. The people are rich ; they are purchasing in the east, and what we call our lake trade has increased 95 per cent over last year. Then, the fuel situation has changed ; they are consuming more fuel as they become richer, buying more groceries, provisions, &c., in the east, so that the abnormal increase has been in both east and west bound, and in local trade.'

About thirteen months ago, before the wheat crop began to move in Manitoba, the sidings were blocked with trains at Winnipeg, Portage la Prairie, Brandon, Regina, and almost every point along the Canadian Pacific Railway. I know before they hauled a carload of wheat that fall, in Portage la Prairie, there was not room enough on the sidings to run an engine in to make a crossing ; they had to run a mile east to get a Y, because the ordinary merchandise blocked the sidings. I saw at Winnipeg on one siding a mile of cars loaded with general merchandise destined for points on one branch line. I also know that at Calgary, where there was a washout, about that time, which lasted a few days, it took the company four or five weeks to relieve the

congestion which occurred there in the course of a few days. It was the ordinary traffic of the road outside of the grain trade altogether. These are reasons which should convince every one that we require increased railway accommodation. I could not offer any better evidence, however, than the interview with Mr. Wm. White, which I have read, showing that they want the Grand Trunk Railway, because the Canadian Pacific Railway is not able to accommodate the traffic. I might mention also an interview with Sir Wm. Van Horne, published a year ago, in which he said they would like to have the Grand Trunk Railway in that country, that there was room enough for the two railways. I have other evidence here which I might offer, but I do not wish to take up too much of the time of the committee. A pretty live member of the House of Commons has expressed himself on this question, a gentleman who voted against the Grand Trunk Pacific the other day, but sometimes men do these things for party exigencies, not in the interest of the people they represent, and not representing their own convictions. I am inclined to think that the honest convictions of Mr. Boyd, the member of parliament for Macdonald expressed in the House of Commons on May 17th, 1902, which will be found on page 3393 of 'Hansard.' In discussing the transportation question he had the following to say :

> This is a very important question, and the hon. member for North Perth (Mr. MacLaren), has done a good thing in again bringing it before the people ; because I fear that a great many in eastern Canada do not recognize its urgent importance. I say it will require four railroads between Fort William and Winnipeg, and two or possible three more east of there to serve the trade that is looming up and is coming very soon in that country. It is only a short time since I went there, when we imported everything into the country—potatoes, meat, bread, everything ; whereas to-day the country is supplying all the demands of the people, feeding every person there, and at the same time has 100,000,000 bushels of grain for export, produced by a very small number of people. If you take out the towns and the cities, the number of people employed on the land in Manitoba and the North-west Territories is estimated, I think, by Sir Wm. Van Horne, to be less than 40 per cent of the population. Well, if 40 per cent of the present small population is able to produce such an enormous crop, what can we expect what that country has, as it must have in the near future possibly 1,000,000 people. What are you going to do to met that emergency ? It is only the importance of this question to the western country that induces me to occupy the time of the House at this moment. It is so important that the government should not lose sight of it, and the country will hold them responsible for whatever the results may be.

That was Mr. Boyd's opinion in 1902 looking ahead to the increase of population, I am sure Mr. Boyd's anticipation of increased population has been more than realized in the large number of people that went into the country during the last year, and are going in this year and he says very properly :

> And the country will hold them responsible whatever the results may be.

Just picture the western country having millions of bushels of grain with no chance of getting it to market. It would set that country back, and when we are on the up grade and people rushing into our country and the country is being rapidly developed the government is responsible for any results that may occur by their neglect, and Mr. Boyd's warning is right and proper. I have other evidence to offer. Another member from the west said—and I ask the hon. gentleman from Wolseley to pay particular attention to these remarks :

> I want the government to take time by the forelock and I should be derelict in my duty if I did not call their attention to the lack of accommodation for farmers for the sale and transportation of their wheat. I am not advocate for the Canadian Pacific Railway, but I admit they have done marvels to get out the grain as they have got it out. But we have the land, we understand the business and we are able to produce in that country under ordinary circumstances, great crops. We will have more settlers, and the farmers have made greater preparation, so that with a much less acreage we will be able to produce quite as large a crop next season as we produced last year and we must have ample facilities to take it out or the country will sustain a serious loss.

That is part of a speech by the hon. member for Wolseley a year ago, warning the government as western representatives have done, as to the need and requirements of that country and the importance of providing those facilities. You cannot build a railway in a day, and you have to take time by the forelock and provide those facilities in advance, and the hon. gentleman emphasized that point very strongly several times in that speech. Mr. Sproule also warned the government. He said in speaking on this transportation question :

> Now with the influx of population to that country which has been taking place lately, what will it be two or three years hence when you have 400 million bushels of grain ? Why even twelve or fifteen railroads could not handle it.

Those are the views expressed by the members of the House of Commons, by the representatives of the west, and it is well that the government should take warning and provide those facilities, which are not only needed for the future, but are needed at the present time. There is a congestion of trade there, and the trade has got to be retained for Canada by the construction of an all Canadian route, or it will go to the United States. I wish to say to this House, that probably the most natural place for the Manitoba farmer to dispose of his wheat is the American market. We know that two years ago the United States government were requested by the American millers to take the duty off wheat. They did not do so, but they allowed the wheat to be ground in bond and one of the largest mills in Minneapolis was set aside for grinding Manitoba wheat in bond. The Americans are looking for our trade and our wheat, and, if eastern Canada is to expect to retain that trade, means of transportation must be provided. It is a trade which they are entitled to, and which they ought to retain. I wish to say in addition to what I have said that Mr. Phillips, who is this year president of the Winnipeg Grain Exchange has spoken on this matter :

A representative of the 'Free Press' yesterday waited on Mr. Fred Phillips, and asked him for an expression of his personal opinion as a representative grain dealer of the west, upon the projected Grand Trunk Pacific railroad. Mr. Phillips said that he was unreservedly in favour of the proposition to build a second transcontinental line upon the lines announced by the government and approved by parliament.

Mr. Phillips cannot be accused of being a politician. If there is a man independent of politics in Canada I think it is Mr. Phillips. I have known him for a great many years and it is very hard to say whether he is a Conservative or a Liberal. He is one of the largest grain dealers in the west, and there is no man who is more alive to the importance of shipping grain to the east, than Mr. Phillips.

Mr. Phillips had no doubt whatever of the material advantage that this additional road would be to the west. By the time it was built there would be more business for it than it could handle, and its advent would be no hindrance whatever to the other lines, but would be welcomed by them as a help in coping with the congestion of business, which he believed would be as acute then as now. Mr. Phillips pointed out that the yield of wheat in the territories had increased from 5,542,000 bushels in 1898 to 14,649,000 in 1902. In Manitoba the yield in 1891 was 14,500,000 bushels ; last year it was 53,000,000 bushels. With the great influx of population and the general increase in all parts of the west in the wheat acreage, he believed that it would be a matter of a very few years before there would be 100,000,000 bushels of wheat for export ; and within fifteen years the Canadian west would produce enough foodstuffs to satisfy the entire population of the British Isles. When that time came it would be found that the three railroads would be as little fitted to cope with the demands as the two existing railroads were to carry out last year's crop. He, therefore, regarded the building of the Grand Trunk Pacific as a necessity, and he was satisfied that the prospects for the road becoming a great financial success were infinitely better than were those of the Canadian Pacific Railway fourteen or fifteen years ago.

That is the idea of Mr. Phillips, not a partisan, but a business man who knows whereof he speaks. I have taken up probably a longer time than the committee would desire, but I wish to call attention to the character of the country through which this road runs ? I am not going over the whole line from Moncton to Winnipeg. The Moncton section has been dealt with by men familiar with that country, and I know little of the geography or of the location east of Quebec ; but I would just say—I see the member for Marshfield coming in the house—that in that hon. gentleman's exhaustive address he quoted Sir Sandford Fleming on the location of the Intercolonial Railway. He believed Sir Sandford Fleming was right in reference to what he had to say, but when the same Sir Sandford Fleming with additional experience—and I do not think the hon. gentleman will say that Sir Sandford Fleming is failing in intellect, I do not think he will say that he is not a man as capable of giving an opinion to-day as he was twenty or thirty years ago. He is just as good a witness now with his years of experience, as he was then, because he is an active man. But he did not want to take Sir Sandford Fleming's opinion with regard to the Grand Trunk Pacific. He thought he was entirely wrong ; that he had been influenced by some members of the government. The hon. gentleman could not take Sir Sandford's word when he believed the Grand Trunk Pacific was a necessity, and is capable of being operated at a profit, with easy grades, and so on.

Hon. Mr. FERGUSON—I entirely agree with Sir Sandford Fleming. He does not approve of this railroad.

Hon. Mr. WATSON—He has approved of it. Sir Sandford Fleming approved of a railroad in the Peace river district? Where is this railroad going except through the Peace river country? And it is well known that if you get on the table land on the height of land, east of Winnipeg you get easy grades and practically no curvature. Mr. Thomas R. Deacon, civil engineer, Ontario land surveyor, has travelled over a portion of that territory, and he writes a letter to Mr. Ashdown, of the city of Winnipeg, in which he states that he has traversed a large portion of the territory which was explored by surveyors for the Ontario government. He was not one of the Ontario government explorers, but on several occasions for private corporations he had travelled through a large portion of that territory. He speaks of the timber and the arable clay land and admits that some fifteen acres of land are there fit for settlement. He also speaks of large areas of timber in one particular part. He says:

'For fifteen years I practised my profession as an Ontario land surveyor and mining engineer, during which time I travelled over a great portion of the route to be followed by the Grand Trunk Pacific Railway, and I think I may say without immodesty that the fact, that without solicitation on my part, I was selected as one of the ten chiefs of exploratory survey parties sent out by the Ontario government in 1900, when $40,000 was expended in exploring northern Ontario, shows that my judgment and experience in that country was considered of value by the authorities at Toronto. I declined the appointment because I was paid $1,000 in cash as a bonus by a private company in addition to my usual fees to decline it, and attend to their business, and because I had been over the most of the country assigned to me before. However, I was well acquainted with most of the men who went out, and I know a great deal of the country myself between the head of Lake Temiscamingue, the boundary between Ontario and Quebec, and the boundary between Ontario and Manitoba, and the result of those explorations carefully made by experienced surveyors, showed that there are sixteen millions of acres of good agricultural land in northern Ontario, in one belt unbroken by a plough. The province of Ontario owns, by careful estimate by competent timber men, one block of white pine around the head of Lake Temagami alone, which contains over three billion feet of good white pine which can only be used by the construction of a railway through it, while the estimated quantity of pulp wood available is roughly 288,000,000 cords. The great plateau lying west of Lake Temiscamingue and extending for three hundred miles almost as level as a prairie, dividing the waters running into Hudson's bay from those running south into Lakes Superior and Huron and the Georgian bay, is mainly composed of clay land of a good quality and it must not be forgotten that this land practically all lies south of Winnipeg, being between latitudes 47 and 49, while Winnipeg is almost on the 50th parallel. I have seen as fine oats, wheat and vegetables grown at the head of Lake Temiscamingue as I ever saw anywhere in Ontario. Along the heads of the rivers, which are numerous, flowing north into Hudson's bay, there are large tracts of magnificent timber land, but until a railway is built through there, its utility is lost to the country.

I feel quite confident in saying, that with the building of the railway through that region, a dozen or more prosperous towns will spring up along its route, and some of the largest saw-milling and pulp industries on the continent will be established on these splendid waterpowers and that agricultural communities of large importance will grow up along at least the first three hundred miles west of Lake Temiscamingue, and that in a very short time the road from the head of the Ottawa river to Winnipeg will be self-sustaining. I have been over the Canadian Pacific from here to Ottawa a great many times, and have been employed as a surveyor at different times nearly all along its route, and know the country well, having actually walked over a great portion of it, and I have no hesitation in saying that the Grand Trunk Pacific will run through a much better country, and that the task of construction will not be nearly so formidable as was the building of the Canadian Pacific.

I just drop you these few notes in order to put you in possession of some of the facts about the country, in order that you may be able, perhaps, in some slight degree, the more effectually to advocate the immediate construction of this road which I regard as the most sagacious and statesmanlike conception of any Canadian since the building of the Canadian Pacific Railway was undertaken twenty-three years ago.

That was the report of a gentleman who is well known in the west, Thomas R. Deacon, who speaks from his own personal knowledge having travelled that country. I have another letter here which was sent in response to a letter by the 2nd vice-president of the Grand Trunk Railway asking the Rev. John McDougall, chairman of the Methodist Church Conference, Calgary, who had been interviewed and the report of the interview was seen in the press. The letter to Mr. McDougall is as follows:

September 15, 1903.

Rev. John McDougall,
Chairman,
Manitoba and North-west Conference Methodist Church,
Calgary, Alberta.

My dear Sir,—I notice that there is published in the press, at the present time, an account of a short interview with you as to the land over which you travelled on your recent trip through the North-west Territories and north of Lake Superior, and should be glad if you would favour me with a little more detailed information in regard to that portion of the country, through which our Grand Trunk Pacific line will probably exend.

Yours truly,
Second Vice-President and General Manager.

This is Mr. McDougall's letter, and I would say in regard to that gentleman that he is known to a great many members of this House. I suppose that there is no man who knows more of the northern portion of Manitoba and the North-west Territories than the Rev. Mr. McDougall. His father before him was a missionary on the Saskatchewan for a great number of years, and he has practically spent his whole life in the North-west Territories, and I venture to say in Mr. McDougall's addresses to the people of eastern Canada that no man has more weight in conveying his expressions of opinion of that country and this is what he states in reply to Mr. Morses' letter:

Box 316, Calgary, Alberta,
September 26, 1903.

Chas. M. Hays, Esq.,
Second Vice-President and General
Manager, Grand Trunk Railway,
Montreal.

My dear Sir,—I reached Calgary this morning and found yours of September 15, and hasten to answer same.

My recent journeys cover that portion of Canada situate north-east of the northern end of Lake Winnipeg some 400-500 miles and then westward to beyond Edmonton.

This is some of that part which has been thought to be outside of the 'Fertile Belt' and while perhaps no man has travelled this 'belt' more than I have, yet I have been delighted to note that both north and east of this 'belt' there are large portions of very fertile lands—I judge these by their covering of rank vegetation and also their response to cultivation wherever this latter has been attempted. Such cultivation up to the present has been at Hudson's Bay Company's posts at mission stations and I have both seen and partaken of splendid vegetables and small fruits grown at these remote spots. This has been the experience of many years. Then when in my journeys I have seen immense areas of similar soil subject to the same climate I have concluded that the whole country will when needed respond splendidly to settlement and cultivation. I also note that all the northern country is much less liable to summer frosts than the higher lands further south. The gardens above mentioned as also the native fruits all over the country are direct evidence of this. The lower altitude, the abundant distribution of water with the long day sunlight in summer are sufficient reasons for these conditions as I have found them. Considerable timber for lumber and great quantities of pulp woods are available all through this northerly route. Fish are plentiful and of good quality—water-power is seemingly without limit. In some sections especially east of Lake Winnipeg, I cannot help but believe that great mineral development will take place. From Lake Winnipeg to the Rocky mountains will be large and increasingly so as you go west.

In my opinion there is no barren country along the proposed route of the Grand Trunk Pacific, and in that portion say six or seven hundred miles east of Lake Winnipeg which may contain the most rock and muskeg, I firmly believe there will dwell hundreds of thousands of prosperous and contented people. The climate is good, the soil is rich, the water abundant and of the best quality and the lower altitude seems to lessen the liability to storms and violent winds such as prevail at times in the south country. You will please note that the country I have described as above is for the most part outside of the 'Great West' as known to-day in small measure to surveyors and present settlement. This is immense and alright and beyond present computation as to its productiveness and tremendous transport possibilities.

To say nothing about Assiniboia, Saskatchewan and the Athabasca and McKenzie river regions, northern Alberta and the Peace river country are packed with great natural resources and we know that climate, soil, grass, coal, timber, water are everywhere good and abundant and it is inevitable that a large and vigourous population will soon occupy and develop this country. Therefore you will understand me as speaking of areas outside of those already believed in portions of our great west and pinning my faith to those parts which hitherto have been looked upon as uninviting and barren.

Twenty years before it came I predicted for the Canadian Pacific Railway a wonderful success, to-day with a larger vision I may be pardoned if I believe with all my heart in your great enterprise and feel confident of its brilliant future.

Yours faithfully,
(Sgd.) JOHN W. McDOUGALL.

There is the opinion of a man who has travelled that country, not merely on an exploring trip but in the discharge of his duties, as superintendent of missions, very frequently, and from his observation he predicts that outside altogether of what is known to-day as the fertile belt, a large area of that country will be open to cultivation. That is evidence as to the character of the country through which this line is to pass, evidence which I do not think can be disputed. It simply bears out the reports of the exploring parties sent out by the Ontario government to explore that country. It bears out also the reports of the geological survey parties. I believe that the Grand Trunk Pacific will be able to transport wheat at reasonable rates from the west to the seaboard. I believe it will be one of the best cattle routes on the continent. With improved facilities in the near future, railways will be able to compete with water routes in almost all kinds of freight. I am satisfied that to-day they can compete with rail and water. They certainly can with all freight except grain which can be handled by machinery at a small cost. When you come to flour and other package freight you will find that the all rail will be as cheap as rail and water rates where the grades are easy, for the simple reason that package freight has to be handled by man-

ual labour, and it is expensive to tranship from vessel to rail and rail to vessel. It has been said, that it would be impossible to carry wheat from Manitoba to St. John. That statement has been made repeatedly in the House of Commons and in this chamber. If I can show to this committee that under present circumstances wheat was carried by rail last winter to Halifax and St. John, surely it will be admitted that a road with better gradients and improved facilities can carry wheat to the seaboard every year. Last year wheat was carried all rail from Manitoba to St. John between the first of December and the first of May to the amount of 3,137,000 bushels. Why was that shipped by rail? Because the market warranted the shipment. Had it remained in storage west of lakes for six months it would have been subject to a charge of six cents a bushel, and that six cents added to the ordinary lake and rail rate made it profitable to ship it by the all-rail route to St. John. Then during the same period the amount of wheat carried from Fort William to Montreal by rail was 679,000 bushels, making a total of 3,816,000 bushels shipped all-rail last winter, between the first of December and the first of May. It shows that if the market prices warrant it, wheat will be shipped by rail. In the other House evidence was offered, in a comparison of rates, which I shall not take the time of the House to enter into, showing what could be done with railroads similarly situated to what this Grand Trunk Pacific will be when completed. If we get the grades we can carry the freight. We will be able to carry wheat to St. John for eleven cents per bushel, and that will be cheaper than the rate by the rail and water route to-day. If so, why should not this railroad be a success as a grain carrying route? But outside of grain altogether, if the government were proposing here a scheme to build a railway from Quebec to Winnipeg through northern Quebec and Ontario, and on through the North-west Territories, and the northern part of British Columbia to the Pacific, that expenditure would be justified for the construction of a colonization road, opening up and developing the northern part of Canada, practically doubling the available lands of the Dominion. We are living in an age when we have to be alive to the future. We know that this country has a great future, that we have large areas of undeveloped territory, and more undeveloped wealth than in the whole of the United States. Why should we not develop it. The business of the country warrants it. The population entering into the North-west warrants it, and the government of to-day is undertaking a work that will tend even more to develop Canada than the construction of the Canadian Pacific Railway. The country is much more warranted to-day in undertaking this work than it was warranted in undertaking the Canadian Pacific Railway when it was built, because when the Canadian Pacific Railway was constructed, that country was not known. In fact it is only within the last few years that it was believed that grain could be grown outside of the Red River valley; but it has been demonstrated in the last three or four years that wheat can be successfully grown practically all over the North-west Territories. There is more necessity for the Grand Trunk Pacific Railway to-day than there was for the construction of the Canadian Pacific Railway twenty years ago. and much more trade for the two to-day than there was for the Candian Pacific Railway alone then. The excuse for giving the Canadian Pacific Railway such enormous aid and such exemptions was that these men were putting their money into the construction of a road for which they had no evidence there would be any return for many years. To-day the government are undertaking the construction of a road when there is evidence that there is trade waiting for it, and therefore the government is justified in proceeding with the work. It is a wise policy to build this road as a government railway, from Moncton to Winnipeg with running powers for all roads over that section. They own the road, and are leasing it for more money than the interest on the cost of building it will be. I believe that inside of fifty years, as the hon. gentleman from New Glasgow (Hon. Mr. McGregor) said the other night, the government will have a profit on their investment.

The Grand Trunk Railway has to pay a rental of 3 per cent on the cost of the road. And more than that, the government has adopted the wise policy of guaranteeing

the people that the road will be constructed at the lowest possible cost by having it built under a commission. There will be no log-rolling or politics mixed up with the construction of the road. I think the country will approve of the action of the government in building that road under a commission. I have taken more time in discussing this question than I intended to, but coming from the west, I trust the House will pardon me, because I have paid some attention to the transportation question for some years. I did so in the House of Commons, and I advocated the extension of the Grand Trunk Railway to Manitoba for ten years when I was in the Commons, as the hon. leader of the opposition knows. I am an advocate of that policy to-day, and I am glad to see that the Grand Trunk Railway will have a transcontinental line from ocean to ocean. I am not going to discuss the east end. I am not familiar with it, but as far as the west is concerned, we want the railway. The government would be criminally derelict in their duty, I think, if they did not see to it at once that the road was constructed, because, as was pointed out by Mr. Boyd in the House of Commons a year ago, and by the hon. gentleman from Wolseley a year ago, the government will be held responsible if they do not pay attention to furnishing transportation facilities for the rapidly growing traffic of the North-west.

Hon. Mr. PERLEY—I do not propose to take up much of the time of the committee, but I wish to compliment the hon. gentleman on the occasion he selected to deliver his oration, when the House was empty, and I congratulate the hon. gentlemen who are absent from being relieved of the duty of listening to the hon. gentleman. He has referred to this road as a road that will relieve freight congestion in the west. I am free to confess that last year and the year before there was a congestion in the shipment of wheat in the grain districts of the territory. I stated in my speech the other night the cause of it all. But I have not heard of any this year. We have a most magnificent crop in the west, and in view of the expectation of the magnificent crop we are now marketing, I called the attention of the Secretary of State to it early in the session, and asked if the Canadian Pacific Railway was preparing facilities to take that crop out of the country. The hon. gentleman answered me that the Canadian Pacific Railway had made every effort last year to do it; that they had even offered $5,000 for an engine more than the government paid for it, but they could not spare it. I knew of the agitation last year, and in my speech the other night I stated that there was an agitation against the Canadian Pacific Railway because they could not take the grain out of the country as fast as it was offered. Every farmer was anxious to pay his debts and get his grain marketed for that purpose, but this year the Canadian Pacific Railway Company have made such reasonable preparation they are able to cope with the difficulties that stared us in the face last year. The North-west Territories Council, the North-west government and the Grain Growers' Association all advocate better transportation facilities, and I do not hesitate to say that if this project had been to build a railway from the lakes to the interior of the country, I would support it; but it is not needed just now, because there are only about 250,000 people in that country, and we already have railway facilities to accommodate 5,000,000. With reference to the country described by Mr. McDougall, nine-tenths of it is the country already traversed and being traversed by railway. It was not that great northern country that nobody knows anything about. I want to tell hon. gentlemen that the altitude of Indian Head, and where I live, is 1,700 or 1,800 feet above the sea level.

Hon. Mr. WATSON—Mr. McDougall says that the entire territory which he describes in his letter is supposed to be in the grain-growing belt. I quoted that letter of Mr. McDougall's, and I do not want the hon. gentleman to misquote him.

Hon. Mr. PERLEY—He is not a farmer; he is a missionary travelling among the Indians of the North-west Territories, and he tells us they raise turnips and carrots, and potatoes almost up the Arctic circle, but they cannot raise wheat to any profitable extent north of the country where it is raised now. I want to tell hon. gentlemen that the grand district of Edmonton has not shipped a bushel of wheat to Port Arthur for two

years, and that is south of the country where the railway is supposed to traverse. I can quite understand the hon. gentleman (Hon. Mr. Watson) wanting a railroad through the back lands of Ontario, because he says already the people are leaving the fertile plains of Portage la Prairie and are seeking homes in northern Ontario. If that is the condition of Manitoba, I can understand the hon. gentleman wanting to open up the Moncton section of this road. But that is not the condition. I repudiate that entirely. I say it is a good country, and it is only an eccentric man who would leave it to go to the woods of Ontario to hew out a home there. I say that the railway the government are advocating is a road about which they do not know the first blessed thing. It goes from Moncton we do not know where. No one has attempted to describe the line within a hundred miles of where it is going. We all know the far north country is a bleak, barren, cold country, unfit for profitable farming, and, as I said, the 2,000 miles of the route it will take from Winnipeg to the coast is a route over which you cannot take cattle. You cannot take beef cattle over that country, because prairie cattle are always finished on grass and are marketed before the winter. And as to the wheat who will undertake to ship wheat over a road like that. The hon. gentleman refers to the Canadian Pacific Railway taking out 2,000,000 bushels of wheat from Winnipeg by all-rail. If they did they took it to make up cargo for their vessels.

Hon. Mr. WATSON—This was taken all-rail to St. John.

Hon. Mr. PERLEY—Yes, but I say they took it out by all-rail at a great loss, because they wanted it to make up a cargo for their vessels, and they had to go in ballast or take other cargo. They took it down for that purpose, and that is the only purpose. Every one will admit that you can carry wheat cheaper by water than by rail. In the summer time all that traffic comes by the lakes.

The hon. gentleman tells us that when this road is built western merchants will be able to get their goods five days after ordering them. Why, is it not monstrous to say if you send an order down to St. John or Ontario here for goods, you would get them up by this northern route in a few days ? There are sixteen sections on that road, in the 2,000 miles, and they would go one or two sections a day at the very best ; therefore, they could not possibly get the goods up as cheaply or as quickly over it as they would by the present route. I am opposed to building this 2,000 miles of road through a useless and worthless country and then charging up the cost of running it to the prairie section. That is my position in a nutshell. I know this road has to be made pay, and if it does not pay the company will come back on the government to pay the interest because the government have to guarantee the bonds. They talk about competition ; but this road cannot go within thirty miles of another road. If it should be located near the Canadian Pacific Railway, or through the fertile belt, it would offer some relief in the way of transportation of grain, but as it has to be located thirty miles from any other road, how can it be a competing line ? Everybody knows the Canadian Pacific Railway and the Canadian Northern will handle their own freight ; they will not bring the freight to Winnipeg and hand it to the Grand Trunk Pacific. Referring to what I said about the banking accommodation for farmers in the west, I am free to confess they would not discount my note, and they assigned as a reason they were not doing business outside certain places. I could have got that note discounted in the branch of the Bank of Montreal if I had been in Regina, as I have often done. But the banks will now discount the farmers' notes with an endorser, and there is no necessity for the farmers to sell their wheat in the fall because they can hold it for one-half or three-quarters of a cent without paying the extra freight of the all-winter routes that the hon. gentleman has spoken of. I do not propose to take up any more time. I told the House what I had to say the other day, because I do not know anything about the route of this railway. I am honest enough to confess it. If we had any information before us I would be able to discuss the project with some degree of intelligence, but to make bald assertions, without knowing where the road is to be located or what the road is going to cost, how much freight is to

be had in order to make it pay, is something that I do not know anything about.

Hon. Sir MACKENZIE BOWELL—There is nothing in this Bill compelling them to go thirty miles from any other road.

Hon. Mr. PERLEY—They say that.

Hon. Mr. FERGUSON—They say a great many things they do not do.

Hon. Mr. PERLEY—I merely wanted to put myself right on that matter. If they wanted to build a railway from Port Arthur to Fort William, I have no doubt every member from the west would support them, but when they ask us to support a railway to run by a northern route from Winnipeg to Moncton, I say we are opposed to it.

Hon. Mr. POWER—I suppose what I have to say will sound a little tame after the humorous observations of the hon. gentleman who has just taken his seat. I shall make one or two observations as to what he said, and then proceed to put my own views on this subject before the House as well as I can. When it was asserted by the hon. gentleman from Portage la Prairie, that something over three million bushels of wheat had been shipped last winter from the west to St. John, the hon. gentleman replied by saying: 'Oh, well, that was a case where the ship was hard-up for a cargo and the wheat was carried at no profit.' But there are a large number of ships sailing from St. John every winter, and the thing which happened last winter will happen again; those ships will be looking for cargoes, and it is to the advantage of the farmer of the North-west that he should get his wheat out over the all-rail route at a low figure. I do not think the hon. gentleman scored a point there. Then the hon. gentleman did what the Liberals were accused of doing in old times. It was stated we were continually running down the country. Any one would suppose from the observations of the hon. gentleman that the country from Lake St. John and Quebec west to Lake Nipegon and the eastern border of the province of Manitoba was a barren, useless desert, and that wheat could not be grown in that region at all. I do not profess to know personally—I am like my hon. friend—I have not been over the ground, but there is Mr. Henry O'Sullivan, who has been doing engineering, and surveying work in the back lands of the province of Quebec for a great many years, and he testifies that the land to the west of Lake St. John, to the west of the St. Maurice river and down towards James bay, is as good land and that the climate is as good as the land and climate at Lake St. John. As a matter of fact there is as good wheat, I believe, grown at Lake St. John as is grown in Manitoba, and I will make the suggestion that when we do not know things it is better not to make assertions.

Hon. Mr. LANDRY—That applies to the Trans-Canada, not to this road.

Hon. Mr. POWER—I like to discuss questions wih my hon. friend from Stadacona; but I would rather not just now, as I do not wish to keep the committee too long, I wish to put the question as it presents itself to one who does not know very much practically about the matter, and who is in the position of the ordinary elector in the eastern part of the country, in the lower provinces. This clause is practically a clause which embodies the whole question; it provides for the adoption of the contract and everything set out in the contract.

What is the position of things? There are about five million inhabitants in what I may call Old Canada, the maritime provinces and and there are nearly a million at the present time in Canada, west of Lake Superior; and the misfortune of our position is that the east and west are not connected as they should be. The country has length but it has not depth or breadth, whichever you wish to call it. The east and the west are separated by this tract of country of which the hon. gentleman from Wolseley (Hon. Mr. Perley) spoke in such disparaging terms. From Sudbury to Port Arthur, a distance of 550 miles, the only link in winter between the east and the west is the single track of the Canadian Pacific Railway. In summer of course that is supplemented by navigation over the lakes, but that navigation is not exclusively Canadian property. It is open to the ships of the neighbouring country.

Hon. Sir MACKENZIE BOWELL—So is the ocean.

Hon. Mr. POWER—North of this single track of the Canadian Pacific Railway is a wilderness more than a thousand miles in length. That lies between the settled east

and the settled west, and unfortunately prevents the continuous and intimate intercourse which ought to take place between portions of the same country. There is very little social or business intercourse, and the danger is that the political harmony and unity of feeling may diminish if the west feel that their interests are not being cared for. Even taking things as they are, with the strong desire that every Canadian ought to feel to have that country which intervenes between the east and the west built up, if the circumstances of the case were normal, there might be something said in favour of the country not going to any great expense to increase transportation facilities. We might be satisfied to let the single track road and water carriage continue to do the business. They might be sufficient. But that is not the case. I am only repeating what has been said a great many times, when I say that our west is a wonderful grain growing region; and the output of wheat, which—I quite agree with the hon. gentleman from Portage la Prairie (Hon. Mr. Watson) in thinking—is about as good as any grown in the whole world, is increasing very fast; and during the last four or five years population has been flowing into that country with great rapidity. The conditions, every one knows, even if we had not the evidence which has been submitted to-day by the hon. gentleman from Portage la Prairie, are that a single line of railway and a rail and water route are not sufficient. That has not been discovered only now, because last year a second line was completed between Winnipeg, which is the present entrepot of the west, and Lake Superior by the Canadian Northern, a company which I understand has charters also to build across the continent. It has no single charter which authorizes it to do that, but the company controls charters which will enable it to build from Halifax right through to the Pacific ocean. It appears from some of the evidence submitted that, even with the Canadian Northern supplementing the Canadian Pacific Railway between Winnipeg and Lake Superior, last fall it was almost impossible to get the crop out in good time, and there has been congestion even since the opening of the Canadian Northern. The Grand Trunk Railway Company naturally were anxious to get into that western country, and this year they applied to parliament for power to build a third line. The proposal of the company, as I understand it, was to build a line from North Bay, which is the northern terminus of the Grand Trunk Railway's Gravenhurst line, going north of Lake Nipegon to Winnipeg. That line would have done certain things. They proposed to go by the shortest available route from North Bay, north of Lake Nipegon, to Winnipeg, and thence through the fertile regions of the North-west to the Peace river or Pine River pass, and on to Port Simpson or Bute Inlet. Some hon. gentlemen have contended that the government should not have interfered with them, but should have allowed the Grand Trunk Railway Company to build this road. Looking at it in a cold-blooded manner from the remote regions of Nova Scotia, I cannot endorse that view. This line would have served the whole country by giving improved traffic facilities between the east and the west. It would have served the Grand Trunk Railway Company by letting them into the rich western country, and incidentally would have done a great deal for Portland, Maine, which is the eastern terminus of the Grand Trunk Railway. These are in themselves, perhaps, good things, but this road would have run from one point on the Canadian Pacific Railway, that is North Bay, at the eastern end of Lake Nipissing, to Winnipeg, which is another point on the Canadian Pacific Railway in the west, and it would do very little, hon. gentlemen can see, to develop the country east of Winnipeg, or to fill up this great tract of wilderness which now separates the east and west more effectively than an intervening sea would. Had the original intention of the Grand Trunk Pacific Company been carried out, it would not have done a great deal for the country, but it would have involved, I have no doubt, a subsidy of some sort, either a guarantee of bonds or a subsidy of so much a mile to the road when constructed. I gather that from the fact that the bonds of the Canadian Northern are being guaranteed to about the same extent in the prairie country as that to which it is proposed by this contract to guarantee the bonds of the Grand Trunk Pacific Company; so we may fairly assume that if the Grand

Trunk Pacific Company had been allowed to build just as they proposed to do, the country would have been called upon to give them very substantial assistance. There has been, as far as I understand, no very material change in the scheme west of Winnipeg. When the Bill for the incorporation of the Grand Trunk Pacific Railway Company was before the Railway Committee of the House of Commons it was amended in various ways, but the most important amendment was one which obliged the company to locate their eastern terminus at Moncton. Hon. gentlemen are all aware of the fact that the Bill was a very long time before the Railway Committee of the other House ; and this change was made at the instance of the members of that House from the maritime provinces, who were probably under the impression that if the Grand Trunk Pacific Company were interested in a line down to Moncton they would be much more likely to route their freight over that line than if they had no interest in it. As it is, under the contract, they would have to pay interest at the rate of three per cent on the cost of the road, and naturally would be interested in getting something out of it ; and the assumption of the members from the maritime provinces was that the company would be much more likely to send their traffic over that road to Moncton, which is regarded as a central point in the lower provinces, if they had a direct interest in doing so ; that otherwise it would be almost impossible to prevent them from sending the great bulk of their business through Portland. At about this point, when the Bill had been amended in the Railway Committee of the House of Commons, the agreement was arrived at between the government and the Grand Trunk Pacific Company. That is the agreement which, with some slight modifications, is embodied in the contract before us. Under this contract the government undertake, in the first place, to construct the road from Moncton to the Quebec bridge, subject, it is understood, to the condition that a line can be found between Moncton and the Quebec bridge with such gradients as will render that line suitable for part of a great commercial road.

Hon. Sir MACKENZIE BOWELL—There is no condition of that kind in the contract.

Hon. Mr. POWER—It is not in the contract, but the government are not pledged to build if they do not wish, and the hon. gentleman who leads the government in the Senate intimated in his speech in moving the second reading of the Bill that that was the case. Afterwards some hon. gentleman on the other side of the House repeated the statement, and it was not denied by the hon. Secretary of State ; so I assume what after all is only common sense, that if after surveys have been made, between Moncton and Quebec it is found impossible to get a road, with such gradients as there should be on a commercial railway, that that road would not be built, but the contry would continue to utilize the Intercolonial Railway.

Hon. Mr. LANDRY—That is a declaration made by the government ?

Hon. Mr. POWER—I am not in the secrets of the cabinet, and the hon. gentleman can draw whatever conclusions he pleases. I simply draw my own conclusion, and I shall tell why. If such a line cannot be found between Quebec and Moncton—if for instance you cannot get over the range of high hills lying between the St. Lawrence and the Maine border without grades so steep as to be prohibitory to heavy traffic, then I assume, that a colonization road will be built from the neighbourhood of Edmundston up to the Chaudière, near Lévis, under one of the existing charters outstanding for the construction of roads there.

Hon. Mr. DeBOUCHERVILLE—There is a road built already.

Hon. Mr. POWER—I do not wish to contradict the hon. gentleman from Montarville, but I think he is slightly in error. There is the Temiscouata road of course, from Rivière du Loup to Edmundston, but the road I speak of is one that has been referred to more than once by the hon. gentleman from Stadacona (Hon. Mr. Landry) and by other hon. gentlemen, the road which was to go in the rear of the counties of Bellechasse, Montmagny, and one or two other counties. There is a short line of railway running from Edmundston to a place called Connor—the hon. gentleman from Perth can correct me if I am wrong—which is heading towards Chaudière or Lévis. I think there are two charters outstanding

to build a road along there to the south of the line of hills which lie between the St. Lawrence and the border of Maine.

Hon. Mr. LANDRY—I think there are three, with the Mackenzie & Mann project.

Hon. Mr. POWER—If it turns out on inquiry that Sir Sandford Fleming's view is correct, which is not improbable, then that colonization road may be built under one of the existing charters. With respect to this road from Quebec to Moncton the hon. leader of the opposition in the other House, proposed to build a road from Moncton, not all the way from Moncton to Quebec, but to Rivière du Loup. The truth is, there is a road there now, the Temiscouata road, eighty-one miles long ; and the height to be got over is about twelve hundred feet. The grades on that road are as much as 66 feet to the mile, which hon. gentlemen will see are prohibitory grades as regards heavy freight. In addition to what the government undertake as to the road between Moncton and Quebec, they undertake to build the section from Quebec to Winnipeg. The clause which is under consideration provides, that the road should run through the northern portions of Quebec and Ontario, and north of Lake Nipegon. As far as one can gather from the contract and from the discussion in another place, the intention appears to be to adopt substantially the route selected by the Trans-Canada Railway Company; and I dare say, the hon. gentleman from Stadacona, will be very much gratified if that is done.

Hon. Mr. LANDRY—If it can be proved.

Hon. Mr. POWER—Time will show. Under the language of this contract the government have the right to locate the road from Quebec to Winnipeg. The contract provides that it shall go north of Lake Nipegon, but there is no limitation in the contract—there is no northern limit given ; and if it is found better to run a hundred or two hundred miles north of the height of land, there is nothing in this contract to hinder the government from doing so. There is another point with respect to the Trans-Canada. That company proposed to go to the north end of lake Winnipeg. The contract before us provides for the construction of the line south to Winnipeg city. If the government were to build the line north of Lake Winnipeg, while they would be doing well for the future, they would not be doing anything to relieve the present condition in the west, and what I assume is probable, is that in due time, a road will be built from some point on this proposed line to Norway House, or some other point, north of Lake Winnipeg. I hope I have not misstated the position. It is not my intention to do so. Looking at the position now, is the course which this contract proposes to adopt a desirable one ? I must say that I think it is emphatically so. I can understand that the directors of the Grand Trunk Pacific Company, who are naturally thinking of the interests of their shareholders, and who naturally desire that at as an early a day as practicable, there should be dividends to pay the shareholders, would hesitate to build a road such as I have indicated, across what is now almost a wilderness. The case is different with the government. They can afford, while the treasury is in as good a condition as it is now, without any difficulty, to pay the interest on the cost of this road, feeling sure that in due time that cost will be amply repaid by the development of the wilderness country, and by the great benefit which will be conferred upon the country east and west by the construction of this road, rather than by the construction of a road such as the company proposed to build. The hon. gentleman from Marshfield made some quotations from a little pamphlet, which has been printed, I understand, for Sir Sandford Fleming, and which has been distributed to some of our members. I do not think it is necessary to say anything about Sir Sandford Fleming's qualifications on questions of this kind. He was engaged actively until within the last few years as an engineer for more than the ordinary life time of man ; he is, I think, the hon. leader of the opposition will admit, a gentleman of a very independent frame of mind. He has no official or political connections with the government whatever. He is independent in every way. He has an independent frame of mind. He is a thoughtful and an observant man. I think I have heard the hon. leader of the opposition in this chamber speak in as high terms of Sir Sandford Fleming as one gentleman could speak of another.

Hon. Sir MACKENZIE BOWELL—That it true.

Hon. Mr. POWER—In addition to these qualifications I may say—and I think the hon. gentleman from Marshfield seemed to have forgotten that when he was speaking about Sir Sandford the other day—he has been a director of the Canadian Pacific Railway for a good many years, and consequently we can hardly imagine any one who ought to be better qualified to give a sound opinion on this project than Sir Sandford Fleming. He has been over the ground and looks at it with the eye of an engineer, and he has looked at it from the point of view of a director of a great railway company which has been up to the present time doing the great bulk of the carrying business to and fro.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to say that Sir Sandford Fleming has been over the ground? What portion of the ground?

Hon. Mr. POWER—I do not mean to say he has been over this tract between Quebec and Lake Nipegon. I do not think I did say that.

Hon. Sir MACKENZIE BOWELL—That is what I understood the hon. gentleman to say, and that is why I asked the question.

Hon. Mr. POWER—I certainly did not mean to say that. I do not think we can call any better witness than Sir Sandford Fleming. What does he say on this question we are dealing with just now? I have here something which was said to the Quebec Board of Trade. At page 4 of this pamphlet he says:

> It is a captivating project and it is one in which no part of Canada is more interested than the city of Quebec. From the earliest days, Quebec has been marked by nature, not only as a great trade and shipping centre, but as a point on the map of remarkable strategic importance. The new and magnificent proposal on the part of the Canadian government to establish a second transcontinental railway opens up the alluring prospect of consolidating the Dominion, by establishing a great national highway removed from the frontier. This feature of the scheme alone invests the question with special interest to every intelligent and patriotic Canadian.

I might interject here the observation that it did not seem to be worth very much to one or two hon. gentlemen, who rather sneered at the possibility of the military aspect of the case. Sir Sandford Fleming proceeds:

> It will further be recognized to be of overwhelming consequence that the national railway be established, so as to bring the illimitable grain fields of the interior of the Dominion nearer the British market than by any other route, and so that the cost of transportation be reduced to a minimum. It was once accepted as a truth that transportation is cheaper by water than by rail. This axiomatic and generally accepted statement requires qualification under certain circumstances now-a-days. Within the last quarter of a century, transportation has been completely revolutionized by the extraordinary development of the railway system. Such benefactors of the human race as Bessemer, Siemens, and others, have wonderfully changed the conditions, and steel rails have become an important factor in cheap transportation.

I find also that Sir Sandford gave his views to the Ottawa 'Citizen,' and I wish to call the attention of the committee to the fact that these views were given long before this measure was introduced. The quotation is taken from the Ottawa 'Citizen' of the 27th November, 1902. Sir Sandford says:

> It seems to me, however, that it would be a mistake to try to form a new transcontinental line, in a haphazard way by connecting various fragments of railway which have been laid down without any general plan. The effect would be to lengthen the whole unduly, lower its engineering character and almost certainly give it features which would for ever be regarded as blemishing to a great transcontinental line. To realize Mr. Blair's conception of a new national railway, it should in my judgment begin at the Quebec bridge now building, where it would form a direct connection with the Intercolonial, and it should extend from Quebec by the most direct route to Port Simpson on the Pacific. From what I know of the general character of the greater part of the intervening district, I believe a line with splendid engineering features could with ordinary care be secured. It would pass away to the north of the rugged shores of Lake Huron, Superior, Nipegon and Winnipeg through a vast region reported generally of alluvial soil with abundance of wood and water.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. POWER—I am glad that on this point the hon. gentleman agrees with me.

Hon. Mr. FERGUSON—That is not the route of this road.

Hon. Mr. POWER—I tried to point out that it probably would be the route, and until I know to the contrary I shall believe it. I think the government have practically taken up the Trans-Canada view, and in the end this is the route which I fancy will be followed.

Hon. Mr. LANDRY—Has the hon. gentleman any authority to make that statement?

Hon. Mr. POWER—I want to know if any gentleman has any authority to say it is not the intention of the government? I take the contract, and the contract reads that the road is to go through the northern portions of Ontario and Quebec; and I assume the contract means what it says, and you get a better line, I fancy, a little north of the height of land than you will anywhere else.

Hon. Mr. LANDRY—Does the hon. gentleman convey the intention of the government?

Hon. Mr. POWER—I do not know what the intentions of the government are, I am not their organ nor representative nor spokesman nor anything of that sort; but I say that judging from the discussion in another place and from the wording of the contract and from the——

Hon. Mr. LANDRY—The desire.

Hon. Mr. POWER—Yes, and the desire on the part of the government to meet the views of the people of Quebec I assume that the line will go north, and that ultimately it will go to the north end of Lake Winnipeg. Then Sir Sandford says:

Third—Since 1878 the Dominion has greatly advanced and prospered, far beyond the sanguine speculations of the greatest optimist among us. I have already expressed my doubts as to the wisdom or expediency of proceeding in a haphazard way to establish a new transcontinental railway. I regard the shortest line obtainable between the tide-waters of the two oceans as quite long enough. For that and other cogent reasons I would advocate the most favourable route which can be had between the port of Quebec and Port Simpson for a new Dominion Grand Trunk line, at the same time having in view the establishment of railway service with all desirable points by branches judiciously laid out. By having regard to these leading principles, great advantages would, in my judgment, result. It seems to me there is ample room for the new Grand Trunk railway. It would in no way interfere with any other line, and it may be regarded as a natural development of the railway system of Canada. On this point, however, I would invite attention to the pages of my report of 1878, to which I have made reference. I am satisfied that it is possible to establish a splendid national railway on the route proposed, with the best ocean ports at its termini, with a Rocky mountain pass very much lower than that of any railway yet constructed across the North American continent, and with general engineering features even more favourable than those obtained on the Intercolonial Railway. Such a line would give breadth to Canada and admit of settlements and profitable industries where such are not now possible. In the far North-west it would open up for ranching the rich plains of the Peace river and northern British Columbia and render the more distant gold fields more easily accessible at all seasons. When the day arrives to open the railway as a through route, it will be found to possess advantages, in respect to distance, as compared with the route via San Francisco and New York. From Yokohama to Liverpool the passage across the Pacific ocean would be 605, and across the Atlantic 195 nautical miles less, while the land distance would be 502 statute miles less, making a total saving on the whole of about 1,423 statute miles. Regarded simply from a Canadian standpoint, I cannot conceive any public undertaking which would better meet the wants of the New Dominion throughout its whole extent. I rejoice to know that it has so soon in Canadian history been brought up for serious consideration.

Then, while I am on the subject of Sir Sandford Fleming's opinions, perhaps I might be allowed to give his opinion of the alternative scheme proposed in the House of Commons:

In parliament, an alternative to the government scheme has been proposed, and it is supported by a large and influential party. Its chief features are to double track the Canadian Pacific Railway from Winnipeg to Lake Superior, to expropriate the Canadian Pacific Railway from Fort William to North Bay, to build a new line from Sudbury to Depot Harbour, to expropriate the railway from Depot Harbour on Lake Huron to Montreal, &c., the object being to adhere practically to the present system of conveying heavy products by a mixed route—rail and water. This alternative does not commend itself to my mind for a number of strong reasons. Notwithstanding the great initial cost, it would prove totally inadequate and next to useless for half the year. It could in no way compare with an all-rail line, established specially for cheap grain carrying from the heart of the prairie region on the main Saskatchewan direct to Quebec. The latter would prove in all respects a national communication. If a map be examined it will be seen that this northern route would add breadth to the Dominion, and promote settlement in the great hinterland of Ontario and Quebec, where many natural products can be obtained and industries developed; the alternative proposal would have no such tendency. Taken by itself, the alternative would distinctly cleave the Dominion into two separate halves, connected by two rails a few feet apart along the shore of the lakes,—a connection which at any time could easily be severed. Obviously, it is of political importance in the highest sense, that the unity of Canada should not be absolutely dependent on so slender a ligament for hundreds of miles along the frontier. No doubt the lakes will always be used as they are now, in conjunction with railways east and west, for the transportation of Manitoba grain, but we must bear in mind that there are public reasons why there should be more avenues than one, and especially important that we should have at least one avenue essentially Canadian. In the transportation of grain at the present time, by way of Fort William, does not a very large proportion of Canadian wheat find its way to market, by way of Buffalo? Will not this go on increasing if we continue to hug the shores of Lake Superior with our main lines of transit?

Hon. Mr. FERGUSON—Just read the next sentence ; the hon. gentleman is stopping at the wrong place.

Hon. Mr. POWER—I stop where I think proper ; the hon. gentleman stopped where he thought proper.

Hon. Mr. FERGUSON—I read all that you have read, but there is another sentence you did not read.

Hon. Mr. POWER—It proceeds :

> The same argument, only in a less degree, applies to the proposal to pass all products through Winnipeg, there, in part, especially in winter, to feed lines leading to United States ports by way of Chicago.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. POWER—The proposal of the hon. leader of the opposition in the House of Commons does just the same thing.

Hon. Mr. FERGUSON—That is where Sir Sandford's objection to the government proposition came in.

Hon. Mr. POWER—The two propositions have that in common, but I hope that before long a branch of this road will be built north of Lake Winnipeg. It is necessary to build one just south now because there is an urgent demand for connection with Winnipeg.

Hon. Mr. LANDRY—Sir Sandford did not understand the contract as the hon. gentleman does.

Hon. Mr. POWER—Sir Sandford did not say anything about the contract which had not then been made. He spoke about a proposal, but did not speak of a contract. With respect to this rear line, I do not propose to say much. There has been a great deal of evidence submitted here and in the other House, with respect to what we may call the rear of old Canada ; but I shall just make three or four statements about it. This rear line begins with either the Saguenay or Quebec as its eastern terminus. I assume that it will be Quebec ; and then it has as its eastern terminus a magnificent harbour which is the natural seaport of the St. Lawrence. In the next place, this line across the rear of old Canada will be part of the shortest possible route between Europe, Japan and China, and will probably, in a short time, develop a large traffic between those regions. We know that the Canadian Pacific Railway, which is somewhat longer than this line would be, does considerable of that business, and that business will increase. Amongst other things, I think Japan will probably take a good many of the products of the North-west, particularly flour. Business will be developed between Europe and the Orient, and this business will naturally become more profitable when the company shall have provided the shipping connections on the two oceans which are called for by clause 45 of the contract. This provides that the Grand Trunk Pacific shall provide steamship facilities, and from our experience with the steamships of the Canadian Pacific on the Pacific ocean, there is no doubt that this will be a profitable business both to the company and to the country. I hesitate to make any statement on the military question, under the military eye of the hon. gentleman from Stadacona, still a number of gentlemen who are authorities have pointed out that from a military point of view this route through the rear of old Canada will be far superior to the route on the front. If there was any difficulty with the United States—I hope there will not be—were we confined to a single line on the shore of Lake Superior, we would practically have no means of sending military forces across from one portion of the Dominion to the other ; and I think that while this is not a matter of overwhelming importance, still it is one of considerable consequence; and then , as has been indicated in the quotation from Sir Sandford Fleming, this road will give eastern Canada a breadth and solidity which it now lacks and will materially hasten the filling up of the vast region between Lake St. John on one side and Lake Nipegon on the other; and I understood that lines will be run south through that country from the main line. I notice in another place the leader of the opposition suggests that if colonization lines are needed, lines running north and south will be better. I do not think that is the case at all, and further, as a matter of course if this new line is built east and west, lines will be built down from North Bay and Montreal as a matter of course to connect with the transcontinental road, and this will afford the very best kind of colonization road. So that in addition to being an im-

perial and Dominion highway this road will be a good colonization road. It was pointed out by the hon. gentleman from de Lanaudiere the other day that the young men of the province of Quebec will naturally settle along the line of the Grand Trunk Pacific as they have settled along the line of the Lake St. John Railway and on other railways in that province, and our experience with Temiscamingue and the Canadian Pacific Railway goes to show that the same is the case in Ontario to a considerable extent. I do not propose to repeat what was said on this point by the hon. gentleman from Portage la Prairie—that is, that this question of settling on the prairie or in a country like old Canada is a matter of taste. There are some people who, apart altogether from the financial aspect of the question, prefer to live in a country with diversified surface rather than live on the uninteresting, if fertile, prairie. And we have the experience—that is the point—that within the last few years settlers have gone in in large numbers to the Lake St. John district and new Ontario. That, I think, is a thing very much to be desired, that the young men of these two old provinces should go in and settle up and develop the northern parts of these two provinces so as to give our country a uniform development and solidity which I regret to say it does not possess just now. There is another point which is also adverted to by Sir Sandford Fleming, that is the abundance of spruce in New Ontario and northern Quebec, which is a matter of considerable consequence. Some explorers report that there is a good deal of pine in New Ontario, but as to that there are differences of opinion, and I simply confine myself to spruce. Hon. gentlemen know that in these days of pulp mills, spruce is as good as wheat, and before long, when this road is built, and the branch lines which will necessarily follow, there will be a good many establishments like that at Grand Mère on the water-powers of the hinterland which is now so neglected..

There has been a great deal of discussion, both here and in another place, as to the respective merits of water, rail and water and all-rail routes as means of conveying grain in the summer. I do not undertake to express any opinion on that subject, Sir Sandford Fleming and other high authorities favour an all-rail route. There are other gentlemen who might be reasonably regarded as authorities on the subject who take a different view, and it would be presumptuous for me to express a strong opinion; but I can say that no one will affirm that the water routes are available all the year around, while the railroad is, nor will any one deny that grain may be carried the year round by rail. We have evidence of that in the speech of the hon. gentleman from Portage la Prairie ; and in addition to that passengers will go to and fro, and it may be necessary, as I indicated a while ago, that troops should pass to and fro. The question has been discussed in this House very much as though it were solely a question with respect to the transportation of grain. In my humble judgment the transportation of grain will not be the only or most important function of the Grand Trunk Pacific. In the first place, when this road is completed, it will necessarily have a large passenger traffic. It will carry large quantities of goods to and fro between Europe and the Orient. It will carry a very considerable quantity of cattle from west to east, and on the other hand it will carry manufactures and merchandise of various kinds from east to west, and, as the population pours in, this business will become more important ; and I wish to direct the attention of hon. gentlemen to this circumstance which has apparently been lost sight of ; hon. gentlemen have pointed out that United States railways could not compete advantageously with the water routes or with the rail and water routes for the carrying of grain, but that does not hinder the operation of a large number of railways in the United States south of the border which are doing a very profitable business. Those railways are able to do this business notwithstanding the competition of the big lake steamers of which there are so many. Those railways do an enormous business between east and west ; and it does not seem to me that there is any reason why the railways should not do a large business in Canada, not as large, perhaps, as in the United States, because the population is not as large, but proportionately as large and profitable a business. In looking at the scheme I hope I have not been blinded by any partisan feeling. I do not think my partisan feeling is just as

strong as it might be. If nothing stands in the way, if there is no difficulty that we do not know about, the scheme outlined in this contract is a good scheme. Hon. gentlemen opposite in the amendment which they have moved here take the ground that there should be delay, that we should delay for the purpose of having surveys made, and so on. I might say, with respect to that waiting for surveys that a great deal of time and a great deal of money were spent in making surveys for the Canadian Pacific Railway from Lake Superior to the Pacific, and after millions of dollars and many months had been spent at that work, years in fact spent at it, when the road came to be built all that work and all those surveys were ignored. At the same time I admit that under ordinary circumstances, it would seem reasonable to wait until the surveys had been made before entering into the contract, but in this case, the circumstances are not ordinary. I have already referred to the very rapid growth in the production of wheat as well as the rapid increase in the population in the North-west Territories; but there are other circumstances which have been referred to by the hon. gentleman from Portage la Prairie, that our North-west is bounded from Lake Superior out to the Pacific coast by a foreign country. It is separated from this foreign country only by an imaginary line, and it is connected with this foreign country by several railways. The foreign country is inhabited by a particularly up-to-date business-like population, and if we allow trade to get into channels running south and to remain there too long, it may be difficult if not impossible to get it to this side when we wish. Besides there is a large population coming in from the south who perhaps would naturally be disposed to do business with their old neighbours; and generally at any rate there is this to be considered, that the immigrants who are going in to people the North-west now are not chiefly Canadians as they were in old times. The bulk of emigrants coming into Canada and the North-west were men from the old provinces and naturally their affections were with old Canada.

That is not the case now. The majority of the men are not even British subjects. The United States citizens and foreigners constitute the majority of the men who are going in now, and therefore it is very necessary to try and connect that western country and the people who live in it, with western Canada, and the sooner that is done the better. According to the statements made by, I think, two hon. gentlemen opposite, it would take from seven to ten years to have this road built. That may or may not be the case. I do not profess to know. But supposing it takes only five years, by the time this road is completed there will probably be a million and a half of people in western Canada, half a million more than there are there now, and I think the necessity of beginning this work at the earliest possible moment is urgent. I may say that that was not my view when this measure was first introduced; but the more I have thought about it, the more convinced I have become that there is not any time for delay, and that the language used by the premier in introducing the Bill, which I thought was a little extreme at the time was justified by the facts. Of course, hon. gentlemen, surveys will be necessary to define the exact location of the road, but I think enough is now known to show that from the upper waters of the St. Maurice river west to the neighbourhood of Lake Nipegon, a comparatively level line can be got. That country, I fancy, has been under water at a remote period, and there is a gradual slope to James bay. At the two extremities, at Quebec and in the neighbourhood of Lake Winnipeg, some difficulty may be experienced in getting good grades for a short distance, but I think engineering skill may be trusted to get over these. At any rate, that is the best available route between Winnipeg and Quebec.

I have said about all I have to say with respect to the contract itself; but I should like to say a few additional words on the question. I should say, whatever one's feelings might be as to the proposal of the government considered in itself, that circumstances have arisen since the measure was introduced, which furnish a sufficient reason for passing this Bill, and that is the danger that the rejection of this contract might lead to the country being committed to the scheme propounded by the leader of the opposition in another place. That was a scheme which was acclaimed for some time, only a very

short time, by his followers in parliament and the press was embodied, by implication, in a resolution of want of confidence submitted by the hon. leader in the other House, on the 29th September, a proposition which has been generally discredited out of doors, and has been in great part repudiated by the hon. leader of the opposition in this House. I do not profess to be a business man, but I think such a scheme as that has rarely been submitted to any parliament. I am not going into it at any length, but I wish to dwell on it for a few minutes. The hon. gentleman's plan, as set out at considerable length on two occasions, on the 18th August, and again on the 29th September, would build a road, not from Moncton to Quebec, but from Moncton to Rivière du Loup. As I have already indicated, it is perfectly clear that the grades between Rivière du Loup and Edmundston are prohibitory. You cannot get a commercial road there. Then that would do nothing whatever for the counties of which my hon. friend from Stadacona spoke.

Hon. Mr. LANDRY—Where will the government railway pass then ?

Hon. Mr. POWER—I do not think it will pass there, if you ask my honest opinion. It is possible that there will be some pass discovered west of Rivière du Loup, a pass through the hills which is lower than that at Rivière du Loup, but it is clear that no commercial route can be built from Moncton to Rivière du Loup. You cannot get over the mountains back of Rivière du Loup. Then the hon. gentleman proposed to take over the Canada Atlantic Railway, which I think, as the hon. gentleman from Portage la Prairie says, is doing at least as good service to the public now as if it were owned by the government. He proposed to take that over and pay for it ; and he proposed further to build some forty miles of line to connect the Canada Atlantic Railway at Coteau with the Intercolonial Railway at Montreal. It is true there are two railways running side by side along there now, but the hon. gentleman proposed solemnly to build that forty miles of line. And the hon. leader of the opposition in the other House estimated that the road would cost $40,000 a mile. When you consider the character of the country through which it would pass, it is safe to say the land damages would amount to at least half that, and that the road would cost considerably more than that. The proposition was also to build a line about 108 miles long from Scotia Junction to Sudbury. Now, that is one of the most difficult districts in Canada to build a railway in. The railway companies have all shirked it, up to the present time. It would be a very expensive road. He proposes to take over the Canadian Pacific Railway from Sudbury to Port Arthur. Now, that is the very worst and poorest part of the whole Canadian Pacific Railway system.

Hon. Mr. DeBOUCHERVILLE—Making it a public road.

Hon. Mr. POWER—Yes, and making it a public road—do what you like with it. There will be no more business done over it when it is a public road than there is now, and one of the first effects of the government's taking over that section of the Canadian Pacific Railway would be that the Canadian Pacific Company's through business would be done over the Sault branch which they own themselves, and their own lines in the United States connecting with it, and we would have the Canadian Pacific Railway's western business done over the Sault branch. I am not going to enter into the different calculations of cost which have been made in another place and have been made here, but this thing is perfectly clear, that the scheme propounded in another place—I am glad to say that hon. gentlemen here were too old parliamentary hands to propound it in this Chamber—would cost a vast sum. I do not undertake to say whether it would cost more or less than the road to be built under this contract; but you would not have any one to pay the interest. There is this vital objection to it, that if you adopt the scheme propounded by the leader of the opposition, after you had spent all your money you would be left as to railway communication between eastern and western Canada just as we are now ; you would have just a single line of railway along the north shore of Lake Superior. That, in itself, is sufficient to justify us in making provision that the getting out of the western produce and getting in freight from the east should not fall into the hands of gentlemen who have committed themselves to that sort

of scheme. I think it is one of the strongest reasons to any one who is disposed to doubt what he should do, why he should vote for this contract.

Hon. Mr. DeBOUCHERVILLE—It has been asserted that the waterway would be closed for six months of the year. That is not the conclusion at which one arrives from reading the report of the Harbour Commissioners of Quebec for 1902. The last ocean passenger and freight steamship, 'Assyrian' left the harbour on the 2nd of December last.

Hon. Mr. WATSON—Left where ?

Hon. Mr. DeBOUCHERVILLE—Left the harbour of Quebec. The 'Lake Simcoe,' the first passenger and freight steamer from sea, arrived in the harbour on the 24th of April. The 'Carolina' came down from Montreal to Quebec on the 16th of April. The 'Fremona,' an ocean freight steamer from the Mediterranean, arrived on the 13th of April at Quebec, showing that the gulf was open. A vessel with passengers and general cargo arrived on the 9th of April. The 'Savoy' left for Anticosti with passengers and general cargo on the 6th April, and communication on the lower St. Lawrence was open in the spring of 1902 from the 2nd April. It is clear therefore that navigation was closed for only four months.

Hon. Mr. WATSON—I was referring to the upper lakes, not to the lower St. Lawrence. If the hon. gentleman will look he will find that the insurance, as a matter of fact, does not exceed six months on the upper lakes.

Hon. Mr. DeBOUCHERVILLE—I have been told that navigation on the upper lakes opens before navigation on the St. Lawrence, except in the harbours where the ice might easily be broken by heavy steamers.

Hon. Mr. WATSON—Navigation on the upper lakes closes earlier and opens later than on the St. Lawrence.

Hon. Mr. CLORAN—The canals are closed by the 2nd of November and not open before May in any year.

At six o'clock the chairman reported progress and the House rose for recess.

After Recess.

Hon. Mr. ELLIS—I think I shall be able to give the House the ideas which I have in my mind without occupying very much time. Almost all the speakers have made that promise, but have found it rather difficult to keep. After the great amount of debating that has taken place on this question perhaps it is well to be brief. One cannot but be impressed by the great variety of views which have been expressed on this question, and the differences of opinion which exist among hon. gentlemen with the variety of ideas as to the cost and other details in regard to the road itself, while there is a great deal of complaint about lack of information, yet hon. gentlemen opposed to the scheme had a great amount of information, at least to their own satisfaction, to prove that——

Hon. Mr. FERGUSON—To prove that we have none.

Hon. Mr. ELLIS—To prove that we had no justification for building the road. The project strikes me as a proposition not merely to carry grain but also to affect the settlement of the country generally. The former proposition has been put forward with a great deal of vigour and strength, and the hon. gentlemen of the opposition who have discussed the matter have put that forward as the principal idea. Well that, no doubt, is important in view of the statements made by the hon. gentleman from Portage la Prairie. It is an important matter to get the grain out, but we are all very desirous indeed to have the country settled, to have all of it, as far as possible, brought within the ordinary means of reach and we are desirous that the world shall know that not only have we that country, but that people who go into it can get easy access to it. That which was possible years ago, in the way of living in a country without accommodation, is not possible longer. I know in our own province at one time we had nothing to do but go round the coast or up the rivers when we wanted to communicate with different points, but that period has passed away, and the man who comes in to settle expects good roads and railways. I was greatly interested in the destructive speech made by the hon. gentleman from Marshfield. He really gathered all the adverse information that could be got, and discussed very critically all the reasons against assuming that an undertaking

of this kind would be of benefit to Canada. He could say nothing good whatever of the road and somehow or other he was disposed, notwithstanding the information under his hand, to find fault with my hon. friend from de Lanaudière (Hon. Mr. Casgrain). He rather suggested that there was a Munchausenism in some remarks of the hon. gentleman, because he had stated there was a plateau of 700 miles which ran from Lake St. John westward. My hon. friend held up his copy of the blue-book, if I remember, and suggested there was nothing of that kind to be found in it. As my hon. friend from de Lanaudière is not here, and as I know he was a little nettled about it, I would call attention to the following paragraph on page 2 of the book :—

In a north-westerly direction from the city of Quebec it is not difficult to reach the St. Maurice. The Lake St. John Railway runs in that direction quite a distance, and from the point near Rivière à Pierre in a north-westerly direction towards La Tuque and Iroquois Chute. Thence to the height of land there are no obstacles of any account, a general level plateau is struck which can be followed in a westerly direction for 800 miles, not varying 200 feet in that distance.

He did not do my hon. friend justice, although no doubt he made an unintentional error. It was remarked from this side of the House that sometimes in other years those things were really done without all the information necessary. My hon. friend from Pictou (Hon. Mr. McGregor) brought forward three instances, the Midland Railway of Nova Scotia, the railway in Prince Edward Island, if I remember, and the Oxford branch in Nova Scotia. My hon. friend from Marshfield (Hon. Mr. Ferguson) felt there was some force in that, although I do not know that it is a very strong argument anyway, but when my hon. friend dealt with the remarks of the hon. gentleman from Pictou he referred to the two weaker points and entirely ignored the point made by the hon. member with regard to proceeding with the Oxford branch without the proper information. As I remember that, it was quite an incident in its day. I was in the House of Commons at the time. Sir Charles Tupper came down with a proposition, not to straighten out the Grecian bend, as we called it, then, but to overcome it and by building a parallel road of 70 miles to save 40 in the distance. The road was built, and if anybody will compare the time-tables he will see that three miles were saved in the building of that Oxford branch.

Hon. Mr. ELLIS.

Hon. Mr. FERGUSON—In what distance ?

Hon. Mr. ELLIS—In 70 miles. Sir Charles Tupper's statement as to the length was quite right. It stands now in the time-table 69·01. It was to save 40 miles but it saved hardly three miles.

Hon. Mr. FERGUSON—In connecting which points is this saving calculated ?

Hon. Mr. ELLIS—The points between Oxford and New Glasgow.

Hon. Mr. McKAY (Truro)—In making that calculation of a saving of three miles, is the hon. gentleman taking into account a number of branches connected with that road which makes the distance shorter ? The saving is more than three miles. The branches make the line shorter.

Hon. Mr. ELLIS—I have not the time-table under my hand, but I think the hon. gentleman will find, if he compares the time-tables, that my statement is correct.

Hon. Mr. FERGUSON—The point I have in my mind is this : was Sir Charles Tupper estimating the saving to be effected between Oxford Junction and Pictou ? If he was, the statement would be amply justified and correct. The saving would be even more than that.

Hon. Mr. ELLIS—If my hon. friend will take the time-table of the Intercolonial Railway, the one showing the Oxford branch and the main line, he will find there is practically no saving.

Hon. Mr. OWENS—If I understand the hon. gentleman, when the proposed branch was built it was estimated that it would be 70 miles in length. It was actually only nine-tenths of a mile less than that. Sir Charles Tupper could not have misled the House by stating that the line would be less. The main line was built and consequently there could be no misrepresentation in that respect.

Hon. Mr. ELLIS—The proposition was that in building 70 miles, the Grecian bend, as it was termed, would be overcome and 40 miles saved.

Hon. Mr. OWENS—If it was only 72 miles before the construction of the Oxford branch, and the estimated length of the new line was 70 miles, there could not by any possibility have been any mistake or misrepresentation about it.

Hon. Mr. ELLIS—Then my hon. friend from Marshfield referred to the Canadian Pacific Railway which was promised to British Columbia before there was any survey at all. My hon. friend said that he had read Principal Grant's book, 'Ocean to Ocean,' and Sir Sandford Fleming's reports, his survey and other like matter, thus conveying the idea that the route was laid out across the continent before the road was agreed upon; but my hon. friend probably overlooked the fact that Principal Grant himself, in his book, makes this statement:

> On the 21st of July, 1871, British Columbia entered the Dominion. On the same day surveying parties left Victoria for various points of the Rocky mountains, and from the Upper Ottawa westward, and all along the line surveys were commenced. Their reports were laid before the Canadian House of Commons In April, 1872. In the summer of the same year, Sandford Fleming, the engineer in chief, considered it necessary to travel overland, to see the main features of the country with his own eyes, and the writer of these pages accompanied him as secretary.

I do not know that it is of so much importance, but my hon. friend seemed to attach considerable importance to it and I call his attention to that fact, that British Columbia was in the confederation and the railway had been promised her before this survey had been made at all.

Hon. Mr. FERGUSON—I was speaking of the time when parliament ratified the building of the Canadian Pacific Railway.

Hon. Mr. ELLIS—I understood it was to controvert the idea that we had promised the railway before the surveys were made.

Hon. Mr. FERGUSON—That is not what I was speaking of at all.

Hon. Mr. ELLIS—A great deal of literature has been written and published in the press throughout the country, and my hon. friend last year was a contributor to that literature which has helped to create a feeling, not in favour of this particular line but of another railroad across the continent. My hon. friend said last session:

> I look to-day with a great deal more interest on this northern country of ours from the Pacific to the Atlantic than I formerly did, and I do not know that I am alone in that respect. I believe that more of the public men in the country, since the Yukon development, have learned to know and appreciate more highly this great northern country of ours than they did before. I have examined the surveys and reports made by Henry O'Sullivan, from the province of Quebec, between Lake St. John and James's bay, and am convinced it is a very valuable country with great resources, especially in spruce timber and agricultural lands.

And he added:

> We will have a transcontinental line further north than the Mackenzie & Mann system.

He also remarked:

> Nothing gives more promise to the people of Canada than the fact that the old ideas about the value of the northern country are being dissipated, and one by one prejudices in that respect are being removed. We are learning that we have a more valuable country in the north, that Canada, instead of being, as was said in the days of confederation discussions, a country with length but no breadth, has not only length, but breadth of a most valuable character in the way of the resources which that country possesses.

Hon. Mr. FERGUSON—My next sentence or two before that is very material; it qualifies the whole; read it.

Hon. Mr. ELLIS—I do not remember what followed but I took what seemed pertinent to my presentation of the fact that the hon. gentleman has helped to create public opinion in favour of such a measure as we are now discussing, although I do not say of this particular line. I listened to, and I am not going to controvert the view of the hon. leader of the opposition, for I have great respect for his opinions; but I was rather disappointed, not from anything the hon. gentleman said so much as from the idea that seemed to run through his speech and perhaps based on some fact that there was little hope that the trade of the country could pass from the west to the east, say, for instance, to maritime province ports; he seemed to indicate that on the whole his opinion was that the great bulk of trade, particularly of the wheat, would find its way to the ports of the United States for exportation. I do not find fault with anybody holding that belief, but I am always sorry for it. I could wish my hon. friend had been able to hold out to us some hope that in the maritime provinces we would get in time a considerable portion of this trade.

Hon. Sir MACKENZIE BOWELL—I think I can show you that I was the very first one that gave you a winter port.

Hon. Mr. ELLIS—I am not endeavouring in any way to minimize the efforts of the hon. gentleman with regard to that; among all his colleagues he was as broad and liberal as any of them. I am only referring to the general idea expressed in his speech, and I will go further and say that I myself sometimes fear that that view may not be an incorrect one, but I hold it is our duty to make every effort possible to counteract that influence and endeavour if possible to carry the trade over our own territory. The speech of the hon. gentleman from Calgary was somewhat of the same character, a very terse and excellent speech in its way, but assuming that the trade must go south. I felt hurt, not exactly hurt, but I regretted the speech of the hon. gentleman from Wolseley, and I intend to make a reference later on to some observations he made. He seemed to think no work was necessary except double-tracking the Canadian Pacific Railway. That was sufficient for all purposes. I suppose that that road is near his own door and within his reach, and his vision does not extend much farther. The hon. gentleman from Sarnia in his consideration of the subject seemed to confine himself rather to the idea that the Intercolonial Railway would lose a great deal by the construction of this road. The Intercolonial may not get a great deal by the construction of this road, but I do not think it will lose a great deal. I doubt if, on the whole, it will not be the gainer as compared with its condition to-day. In the first place another railroad through the country will develop business generally. It will create a greater movement of trade, and suppose this railway should be built (my hon. friend the Speaker seems to have a doubt about the New Brunswick portion of it), there must be a great deal of freight originate beyond Quebec along the line of this railway, to be delivered to places on the shore of the St. Lawrence, around which the Intercolonial Railway passes, and along the towns of New Brunswick, and so there will be a gain in that way. The arrangements with the Grand Trunk Railway will remain, I think, as they are, and the agreement with it which was to continue for ninety-nine years as to the carriage of freight will still be continued and the freight will still go that way. There will also be a rental to the Intercolonial Railway from the Grand Trunk Pacific Railway for trains running over the road from Moncton to St. John harbour or Halifax, as the case may be. So that on the whole many points can be made showing that while there may be some loss to the trade which is now transferred to the Intercolonial Railway originating around Lévis, yet there may not be anything like the loss that at first might strike one as possible, and the general creation of a new traffic will amply offset that. I take the view on the whole that it is practically opening up for us a great northern empire, and that we will have throughout all our country not only a larger amount of territory brought in but a great deal of business brought to our eastern ports. There is no doubt whatever that there is a feeling in the maritime provinces that these provinces have not had from confederation the substantial advantage which has come to the western provinces through the development of the North-west Territories. Hon. gentlemen who listened to the hon. gentleman from Charlottetown must be struck with his views. I sympathize very much with the hon. gentleman. I have been all through the different stages of feeling upon the question. I know in our own province we have been much worried and disgusted over the fact that while parts of Canada are making progress, we in the maritime provinces are not making the progress which we feel we ought to make. When the hon. gentleman stated the case for Prince Edward Island, he certainly struck a sympathetic chord in my heart, but I do not think the remedy is to stop building railways. I do not think because New Brunswick, Prince Edward Island and Nova Scotia are not advancing as rapidly as we desire that we should stop the great works of the country, and I do not believe it is any advantage to the maritime provinces or the country generally, because they are a little short in their cash, to make a raid on the Dominion treasury, because after all, we have to provide that ourselves. My hon. friend pointed out that Prince Edward Island would have to contribute largely to the railways and that the lobsters for twenty

years, or the oysters for fifty years, would not pay the extra cost. If we raided the Dominion treasury the hon. gentleman will have to put in a share of his agriculture, the produce of the soil, as well as the lobsters to pay the debt, but while I sympathize with him, and we have the same feeling in our own provinces, I do not think we can arrive at the result in that way. The hon. gentleman from Marshfield quoted from some newspapers. He quoted from a newspaper to which I am sometimes a contributor. While he did not indicate that there was any absolute connnection between myself and an article he quoted, he intimated there might be. No doubt newspapers sometimes turn sharper corners than politicians, but I am not saying the paper I am connected with did that. I am free to state here that if this scheme would work out with the Intercolonial Railway, I would just as soon not go to the expense of building a road across New Brunswick, but it is part of the whole scheme. It has been agreed upon by those who view the matter in all its bearings and, therefore, I admit that it is better on the whole to carry out the complete scheme if possible to do so, and not lop it off at one end. I should like to call attention to a few extracts, as did the hon. member for Marshfield, for he omitted some important ones. The common council of the city of St. John sent to Ottawa a resolution unanimously passed on the 13th May. It reads as follows :

Resolved, that the city of St. John has heard with regret that the Grand Trunk Pacific Railway Company indicate an intention to build its line from the Pacific to the city of Quebec only and do not propose to construct and extend the same so as to have during the winter season a terminus at the open sea on Canadian soil. Which means that the company will do all its transatlantic business in winter through United states ports. And further resolved, that such a course of procedure would do great injustice to the 'maritime provinces' and would be applying the money and resources of Canada to the upbuilding of a foreign city and port.

And still further resolved, that this city respecfully, earnestly and most strenuously urges the representatives in parliament from the city and county of St. John and from the province of New Brunswick and the maritime provinces generally to do all in their power to protect the interests of their provinces in the matter of preventing that injury that would be done if the proposed wrong should be carried out. And further resolved, that the necessary protection against this impending injustice should be placed in the Act incorporating the company, should any such be passed.

And still further resolved, that this city requests the representatives of Quebec, Ontario, and the other more western provinces and territories to so act in securing such protection that the road to be built by the company shall pass from ocean to ocean through Canadian territory in both winter and summer and that such measures may be taken as will ensure the carrying through Canadian ports only of all freight originating or desired for any part of the Dominion of Canada.

That was sent forward by the mayor of St. John, Dr. White. He is a good Conservative and an admirable member of his party, and I have no doubt the way things look in St. John that he will be the Conservative candidate at the next election. Where he will be on this question then I do not pretend to say, but I think if I know him, he will stand by the resolution which he has forwarded. Then I refer to the St. John 'Sun' of the 14th May last. Now, my hon. friend from Marshfield has a great respect for the St. John 'Sun.' I confess myself that it is a well edited paper, a highly respectable Conservative journal, and it is quite as fair as any paper and as I said a paper of great ability. What did the St. John 'Sun' say ? My hon. friend did not quote it when he was giving us so many quotations. The article reads as follows :

The strong resolutions sent from the different legislative, municipal and commercial bodies in the east are clear and explicit. They ask one and all that the Grand Trunk Pacific shall get no public assistance unless the company shall build to the maritime provinces and make a terminus at a maritime province port. The boards of trade and other bodies know that an undertaking to deliver freight to the Intercolonial Railway is no good for the purpose they have in view.

The Grand Trunk people, the Intercolonial Railway people, and the winter port people, all know that export and import trade between the Canadian west and Europe can never be handled by the Intercolonial route.

The people of the maritime provinces, and we believe the people of Canada, do not propose to compromise on a traffic agreement with a road that cannot profitably handle the traffic. They insist on one thing and one only. They say that the Grand Trunk Pacific Railway itself must be built to a Canadian winter port. This is the message of Mr. Jarvis, and the St. John Board of Trade. That is the resolution of the city council and the county council of St. John, of the legislature of New Brunswick, of the other bodies which have made declarations on the subject.

Then on the 15th May, the St. John 'Sun' published the following article :

It is natural that Mr. Blair should desire to protect from competition the railway under his charge, but that anxiety is carried too far if it leads him to join Mr. Hays in objecting to terms compelling the Grand Trunk Pacific to build to a maritime province port. Mr. Blair has himself laid down the rule that railways may be chartered to run parallel with each

other forty miles apart in the west. He should not object to the construction of a railway by a natural route down the St. John valley 100 miles west of the Intercolonial Railway. In this province there would be no competition with the Intercolonial by that road for local traffic. The Temiscouata and Canadian Pacific Railway would be the roads to suffer. There would be competition for the traffic between St. John, Quebec and Montreal, but these are already competitive points, and there is no possibility of establishing a monopoly as to the through export and import business between the maritime provinces and the west. The north shore route never got the trade and never can handle it except at great expense to the owners of the Intercolonial Railway.

My hon. friend in his observations referred to the excellence of the Intercolonial Railway. I do not dispute that; it is a splendid railway and a credit to the country, but he instanced a particular case in which that railroad had made a notable carriage, I think his figures were 740 miles from Montreal to St. John against 481 miles of the Canadian Pacific Railway, and he pointed out that a shipment of cattle was carried over the longer distance just as fast as it could have been carried over the Canadian Pacific Railway. That is true, but the circumstances were peculiar. The steamer, I think, was waiting at St. John for this particular freight, or at any rate it was expected there and it was exceedingly desirable that the best possible time should be made, and good time was made. Why does not the Intercolonial Railway do that every day? There is the port of St. John, there are steamers waiting there for freight—why is not the time made? Why does not the freight come? The hon. gentleman knows very well that freight for ocean transport is not continuously brought over the Intercolonial Railway to St. John as quickly and as easily as it can be brought over the Canadian Pacific Railway. I have stated already the tremendous desire of the maritime provinces to get the Canadian trade, and perhaps they are willing to overlook some things in order that that may be secured. All who have read history remember the deep desire of the people of Europe to find a North-west passage to the Indies. We all feel as the Spaniards and Portuguese did in those days in our desire to get trade to our ports. The hon. gentleman said, with some force, that an arrangement should not be made with the Grand Trunk Railway, because they had a Portland outlet. I have come to a different conclusion from the facts which the hon. gentleman offered. I say it is because the Grand Trunk Railway has the port of Portland, because it has such a tremendous leverage through the country, that it should be made to understand that there is a national desire on the part of the people of Canada that it shall, as far as possible, do its business through Canadian ports. I would not impose on it any unjust restrictions with regard to its Portland business; I would not endeavour to hold up the men who have invested money in the enterprise, but I believe if you develop the country as fast as it can be reasonably developed there will be trade enough for all, and it is but right that the Grand Trunk Railway should be made to feel that notwithstanding it has an outlet in a foreign country, it should also have an outlet in a Canadian port, and should bend every effort to do its duty by Canadians as well as doing its duty by the shareholders who have put money in that railway to Portland.

I did not gather from what my hon. friend from Westmoreland said that he altogether entirely opposed this project, but he made a strong point upon the fact that there was a disadvantage in the building of the western portion before the eastern portion should be completed. There may be a disadvantage in that; I have no doubt there would be some disadvantage along that particular line which I am discussing, but still the west would get out its trade and the longer the time which elapses before the connection is made the worse it will be; but you make nothing at all by postponing it indefinitely and allowing the trade to get deflected to the south. My hon. friend from the county of Victoria, New Brunswick, in the speech which he made indicated the view that he was willing the road should be built provided the railway went down by the valley of St. John, at least I understood him to say he would not object to it if the road went down by the valley of the St. John. If the road is to be built I too would prefer the valley of the St. John, but I do not think because it is not arranged for it to go through the valley of the St. John that therefore the whole road should not be built; in other words, because this road does not go in New

Brunswick by the route we would prefer it to go is not a reason why the whole road should be condemned. When the road reaches Chipman it may be that Halifax and St. John will have one of their old fights as to which shall secure the trade, but accepting the proposition as good I would take it by which ever route it is most satisfactory to build. My hon. friend also went a little further and expressed the belief that no trade would go down that way at all because—I think he was a little inconsistent in being willing to accept this by the valley of the St. John and yet arguing that the trade anyway would go to Portland—he said the distance from Quebec to Portland, I think, is 320 miles, while it is longer, nearly 500 miles to St. John. The hon. gentleman counted to Moncton and then across the country to St. John adding 90 miles. I believe a shorter route than that could be got.

Hon. Mr. BAIRD—The present Bill is to build to Moncton 400 miles; there is no shorter route to get from Moncton to St. John.

Hon. Mr. ELLIS—That is quite so, but at the same time in the Grand Trunk Pacific incorporation Act itself there is a provision that they can build the road from Chipman to St. John.

Hon. Mr. BAIRD—Is that in the present Bill?

Hon. Mr. ELLIS—It is the incorporation Act, so that my hon. friend will see very well—and he has contributed to the energy and spirit of St. John—that if the road gets to Chipman we will know how to shorten it. As regards sending in trade from Quebec to Portland I desire to call my hon. friend's attention to sections 42 and 43 of the agreement:

42. It is hereby declared and agreed between the parties to this agreement that the aid herein provided for is granted by the government of Canada for the express purpose of encouraging the development of Canadian trade and the transportation of goods through Canadian channels. The company accepts the aid on these conditions, and agrees that all freight originating on the line of the railway, or its branches, not specifically routed otherwise by the shipper, shall, when destined for points in Canada, be carried entirely on Canadian territory, or between Canadian inland ports, and that the through rate on export traffic from the point of origin to the point of destination shall at no time be greater via Canadian ports than via United States ports, and that all such traffic, not specifically routed otherwise by the shipper, shall be carried to Canadian ocean ports.

43. The company further agrees that it shall not, in any matter within its power, directly or indirectly advise or encourage the transportation of such freight by routes other than those above provided, but shall, in all respects, in good faith, use its utmost endeavours to fulfil the conditions upon which public aid is granted, namely—the development of trade through Canadian channels and Canadian ocean ports.

Hon. Mr. BAIRD—The hon. gentleman has not read from that anything that states the road shall go by any other direction than from Winnipeg to Moncton, and thence to St. John.

Hon. Mr. ELLIS—I am not pretending to do so. I simply have said to the hon. gentleman that there can be a shorter route than he counts on.

Hon. Mr. BAIRD—That would be a shorter route, but the Bill does not say so.

Hon. Mr. ELLIS—This Bill requires the company to build to Moncton, but my hon. friend may know the Grand Trunk Pacific Railway has power in their Bill to build a line from Chipman to St. John and I said to my hon. friend—I don't know whether he missed what I said—that the enterprise of the St. John people, to which he contributes occasionally, will not submit to have the longer route if they can have a shorter route. I would like to say one or two words with regard to the province of New Brunswick. There has been through a great portion of the press, not so much in parliament, yet to some extent in parliament, a sort of depreciation of the province of New Brunswick and of the country through which this projected railroad largely runs. I would like to say to the House that there was very rapid development of the country in the earlier years of our province. From 1830 to 1850 there were a great many men who came from the old country, Irishmen and Scotchmen particularly, who made homes upon the soil. The whole maritime provinces and particularly New Brunswick and Nova Scotia were settled by men from Great Britain and Ireland who went into the farming life of the country and whose hopes and aspirations were that the provinces should develop as a farming country. We had not the boundless and fertile fields of the prairies; in those days every man who got his living from the soil had to work hard for it, but the idea was

that the living was there and if western Canada had not developed as it has there would have been no doubt a greater increase of population and our people would have continued to make homes for themselves just as the early pioneers in all parts of this country of Canada have done. In order to satisfy the old world as to what was the condition there the government of New Brunswick somewhere about the year 1850, sent to the old country and brought out Prof. Johnston, a fellow of the Royal Society, a man well acquainted with geology and chemistry and all these matters as they apply to the soil, and he made a report on the capabilities of the province of New Brunswick. The volume is rather large and I do not propose to read it, but I just call attention to one or two points. Prof. Johnston examined thoroughly the province of New Brunswick, its soils and so on, and he made many tables from the recorded facts with regard to the capabilities of the soil. Here is one of them. He makes a comparison between the State of New York and New Brunswick. Gentlemen who are as old as I am will remember that in the early days of this country a great deal of flour was exported from the state of New York. The Genesee valley was the great place for the production of the flour, and Johnston's last analysis of the average produce of the imperial acre in the state of New York for wheat compared with New Brunswick was as follows:

Average produce per imperial acre:—

	New York. Bushels.	N.B. Bushels.
Wheat	14	20
Barley	16	29
Oats	26	34
Rye	9½	20½
Buckwheat	14	33¼
Potatoes	90	226
Turnips	88	460
Hay (tons)		1¾

The superior productiveness of the soils of New Brunswick as it is represented in the second of the above columns is very striking. The irresistible conclusion to be drawn from it, appears to be, that looking only to wheat, the soils under existing circumstances and methods of culture are said to produce, the province of New Brunswick is greatly superior as a farming country to the state of New York.

Prof. Johnston made another comparison in which he took the fertile districts of New York, along Lake Ontario, the Niagara district and the Genesee valley, and after giving the figures of yields of crops he observes:

In the capability of growing all the common crops on which man and beast mainly depend (that from wheat to turnips) he concludes that the whole province of New Brunswick taken together exceeds even the favoured Genesee valley and the southern shores of Lake Ontario.

He carried on his examinations further, and said:

On the whole the cultivated land of the province is, in its present state, at least as productive as the lands of Canada West, of the state of New York, or of the state of Ohio, on the whole.

He added there are reasonable grounds for believing

That the quality of the grain it produces is equal to and will produce as good flour and meal as are manufactured from the wheat and oats of the United States and Canada.

He came to the conclusion that the province of New Brunswick could easily support a population of 5,000,000 of people, and that it might be more, but that the number was limited by the fact that it would be necessary to leave a certain proportion of the lands under timber for purposes of fuel. His whole statement is exceedingly interesting, and whether he stated too much or too little, I can say for him that he was a man of high reputation, and these are the facts he presented to the people of New Brunswick. There is no doubt the country has not advanced in agriculture to the extent we should like it to have grown, for the reason I have stated, that the west has taken the people away. With regard to the route of this railway in the province of New Brunswick I have not been over it all. I was over a part of it before the grasshopper was a burden; I have tramped over a great portion of the upper part of the province up to the Quebec line, and have been over the Squatook country. I am bound to say that we cannot find, on the whole, a better bit of country anywhere, unless it be the prairies, than the province of New Brunswick from Quebec to the Tobique river. I do not know the country across the Tobique river so well, but when you enter the central part of the province, after you pass the coal measures of Newcastle you get into a very fair country which I think my hon. friend from Victoria (Hon. Mr. Baird) will not dispute. So I desire hon. gentlemen not to go away with the idea that this railroad is to run through a desert. It is going to pass

through a very fair bit of country. The hon. gentleman from Wolseley, among other things which he said, made a statement that grain was only used for ballasting ships from the port of St. John. I wish to call attention to the trade of St. John, with special reference to the development of trade by the Canadian Pacific Railway since its construction, and to urge if that railway has done so much for our city, as it undoubtedly has, if it has done so much for the country, and that is within the knowledge of all of us, this new line will do a great deal also. Those of us who remember early history remember the accounts that were given when the Empress Catherine the 2nd of Russia went down to the Crimea which Russia had just acquired. The statesmen who preceded her built little towns and villages with beautiful villas and everything else; they grew up at night and disappeared as soon as she passed. Indeed I do not know but they were sent ahead from place to place. Something of the same magic, but substantial improvement, has followed the construction of the Canadian Pacific Railway. I was among those, I frankly confess, who did not believe the Canadian Pacific Railway would do what it has done, but when you look at the towns which have grown up as if by magic within the lifetime of all of us, it is a fair thing to assume that in a country like this, with the opportunities which we have, with the freedom which we enjoy, with the readiness of people to come in among us and help to build up our country that there will be along the line of this new railway just as great a development as there was along the line of the Canadian Pacific Railway. I want to call your attention to some figures showing the growth of the trade of St. John since the construction of the Canadian Pacific Railway through our city:

Fiscal year 1897. At St. John.

		Tons.
Vessels arrived (British),	1,092	334.159
" (Foreign),	395	227,899

Fiscal year 1901—

		Tons.
Vessels arrived (British),	905	404,909
" (Foreign),	758	263,318
	1,663	668,277

Fiscal year 1902—

		Tons.
Vessels arrived (British),	1,032	558,246
" (Foreign),	992	273,149
	2,024	831,395
Quebec	721,740	278
Halifax	740,818	1,011
Montreal	992,027	401

COMPARISON OF GOODS CARRIED FROM SAINT JOHN, FOUR YEARS.

Year.	Tons in.	Tons out.	
1899-1900	22,535	193,446	
1901	11,730	108,641	
1902	35,694	137,673	173,705 S. A
1903	34,122	222,335	

SAILINGS OF STEAMERS OF LINES.

1900.	1901.	1902.	1903.
63	61	89	99

LIVE STOCK.

—	1899-1900	1901.	1902.	1903.
Cattle	15,470	11,626	11,750	19,939
Sheep	2,389	12,113	6,869	9,668
Horses	495	207	100	71
	18,354	23,582	18,719	29,678

GRAIN SHIPPED.

—	1900.	1901.	1902.	1902-3.
	Bush.	Bush.	Bush.	Bush.
Wheat	2,828,522	636,515	1,860,256	3,937,039
Oats	879,348	959,904	98,249	461,609
Peas	170,934	280,388	112,066	103,133
Barley	431,287	319,348	17,127	10,979
Rye	60,526	123,540	12,492	70,927
Corn		453,636	20,405	22,518
Buckwheat			6,144	
Bagged grain	26,006	21,157	18,200	376,175
Total	4,396,089	2,795,488	2,144,937	4,982,400
In elevator				50,746
				5,033,146

But the total amount of wheat that was carried out was 3,937,059 bushels, nearly 4,000,000 bushels of wheat and the total amount of grain of all kinds that went through the elevator at St. John was 5,033,-046 bushels. My hon. friend from Wolseley (Mr. Perley) also in a contemptuous way suggests that this is all ballast. My hon. friend himself would make much better ballast than some of that wheat. The railway company takes wheat the same as anything else. I hope my hon. friend will revise that observation when correcting this report of his speech for the Debates, and will not allow it to go into print, because it will be rather against him.

Hon. Sir MACKENZIE BOWELL—Where does the hon. gentleman get the information he is giving us ?

Hon. Mr. ELLIS—This was published by the Canadian Pacific Railway. They make a statement at the end of the year and they publish it in the St. John papers. These are the official figures published by the freight office of the Canadian Pacific Railway in St. John, and these figures which I am about to read now are taken from the Customs Returns. They are the total figures of exports and imports for St. John :

	Exports.	Imports.	T'l value.
1896..	4,380,271	3,550,261	$7,930,532
1897..	5,730,585	3,554,067	9,284,652
1898..	7,063,992	3,431,968	10,494,960
1899..	6,565,836	3,875,724	10,441,560
1900..	9,733,534	4,730,403	14,463,937
1901..	11,094,903	4,623,134	15,718,037
1902..	14,273,846	4,990,004	19,263,850
1903	15,364,735	5,628,281	21,023,010

Hon. gentlemen will observe that the import trade rose more slowly than the export trade. The Canadian goods go out, but the railway has to bring back a good many empties simply because the Canadian people themselves have not risen to the duty to which they ought to rise of importing their goods through Canadian ports.

Hon. Mr. DEVER—They cannot do it under the national policy.

Hon. Mr. ELLIS—Last year the export trade had gone up to $15,364,000. It was not all our product. It was the product of the goods brought down over the Canadian Pacific Railway. The imports also grew from $3,550,000 in 1896 to $5,000,000 odd, making a total trade in St. John of $21,000,000 as against $7,930,000 in the year 1896. This proves that trade can be brought to our port. The Canadian Pacific Railway has considerable competition and has to carry so much cheaper, or it has to carry at the same rate as the Grand Trunk Railway carries to Portland, 200 miles further, but it does carry over the whole distance, and with the cheap facilities we have given them in St. John for doing their business, the trade has increased. I therefore conclude that the building of the railway will undoubtedly develop trade throughout all the country and if it be possible at all to get Canadian railway companies and the Grand Trunk Pacific to give the maritime provinces ports fair opportunities for a portion of this trade we will be thoroughly satisfied and we will come into general sympathy with the people of the Canadian west more than we are at the present time.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman tell me how much of the large increase of the exports of St. John in the list of $15,000,000 were composed of lumber ?

Hon. Mr. DEVER—Some was lumber.

Hon. Sir MACKENZIE BOWELL—I am asking if the hon. gentleman knows what proportion.

Hon. Mr. DEVER—There was a vast quantity——

Hon. Sir MACKENZIE BOWELL—I am not asking the hon. gentleman who is now speaking, I am asking the hon. gentleman from St. John.

Hon. Mr. ELLIS—There would be very little more lumber one year than another. I have given the whole thing.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman knows lumber is nearly double the value it was two years ago. I am glad to hear the figures the hon. gentleman gives.

Hon. Mr. ELLIS—The hon. gentleman may take a fair share of credit for this growth and I thank him for it.

Hon. Mr. OWENS—Permit me to congratulate the hon. member from St. John on the very candid manner in which he opened the discussion on this occasion, in which he said he would like to see the eastern portion from Quebec to Moncton dropped out of the

measure entirely. I hope the hon. gentleman will use his influence with the government in that direction.

Hon. Mr. ELLIS—I did not say that.

Hon. Mr. OWENS—Because I am perfectly well aware that the majority in this House and the majority outside of it in the Dominion of Canda will agree with the hon. gentleman in his views.

Hon. Mr. ELLIS—I did not put the case nearly so strongly as that. I said if the Intercolonial Railway could do the trade satisfactorily that I would prefer that it be allowed to do it for the present.

Hon. Mr. OWENS—I admire the hon. gentleman's candour in putting it in that way. I am sure the majority in this House and out of it would prefer to see that portion of the measure dropped entirely. It is looked upon not only as a useless but a dangerous appendage to the Bill. We think that trade could be as well done by the Intercolonial Railway as by the proposed road. When the hon. gentleman comes to discuss the portion west of Quebec he falls into the same error as the hon. gentleman on that side of the House who preceded him. He opened his remarks by quoting from the reports of the trans-Canadian Railway, that portion of the road from Lake St. John west, in which he is showing the fertile lands that are there, the level country, the favourable grade, etc.—he even quotes it as far north as James bay. The gentleman I believe is perfectly right. I think the quotations are perfectly fair and we agree with him in that. In fact all the gentlemen on the other side of the House quoted from the reports of the Trans-Canada Railway, and also from the reports of Sir Sandford Fleming on the Trans-Canada Railway, giving his reports of the eastern portion from Lake St. John west, and the western portion, in which he described the route of the proposed line via the Peace river, through what he termed the natural gateway from the country north of Lake Winnipeg to the Pacific ocean. They went over much the same route as Sir Sandford Fleming proposed for the Trans-Canada over a country which they described as a most fertile country, good for agricultural purposes, a climate equal to the climate of the North-west Territories, bountiful and magnificent timber, also that there would be every prospect of mineral wealth, and they described the benefits that would arise if such a line of railway were constructed there, which we all agree would be all right in ten or twenty years, but the proposed route takes an entirely different course. That is not the line proposed by the Bill before us. The Bill before us, as stated by the Secretary of State in opening the discussion on this subject, described the route as running along the height of land, over what they picture as a magnificent clay belt, level as a billiard table. The hon. gentleman described it as this level clay belt along the height of land, and to be certain that there is no mistake about it, they described it as involving no expensive bridges from the fact that it was on the height of land. Here was a country that was fertile, suitable for agricultural purposes, described by the hon. gentleman in most glowing terms, but we have reports from surveyors that have been over that route, the reports from lumbermen who have gone up from this side to the height of land, who have been over that country, and they state that there is not that level country there, and they have not seen the clay belt referred to. There is no drainage, because there are no rivers running through it. To obtain the level upon which the water would flow they are obliged to make tracks in the moss, and they described the moss as being from two to five feet deep, and when they turn up that moss they will find ice in the month of July. That moss is so dense and the sun does not penetrate it. I do not know if that would be conducive to agriculture or not. Also in describing the timber on the height of land it is described as being just little dwarf spruce and balsam. There is no height to it. It is stunted and of no value whatever for structural purposes. That is the class of timber upon the route proposed by this line. The Bill reads as follows :

> The Eastern Division shall comprise the portion of the said railway to be constructed from its eastern terminus, through the central part of the province of New Brunswick and through the province of Quecbe, by the shortest available line to the city of Quebec ; then westerly through the northern part of the provinces of Ontario and Quebec, and through the province of Manitoba to the city of Winnipeg.

That is the shortest line. That line is from 100 to 300 miles further south than the

line described by the gentlemen who quote from the reports for the Trans-Canada railway. Therefore, hon. gentlemen will see that the quotations which have been read to the House are very misleading. I do not wish to accuse hon. gentlemen of wilfully misleading the House, but our hon. Speaker, who is generally so well posted on all questions which come before us, dropped into the same error and quoted from the same reports. But he observed the weakness of the arguments of his friends on that side of the House and he endeavoured to show that the route proposed could be run further north. Either this Bill means what it says, or it does not mean anything, and we must naturally take it that the Bill means what has been signed by the government and the promoters of the company. If the Bill can be changed in any direction it is well that we should know it, but that is precisely what the Bill says in this respect, and in fact both the hon. Secretary of State and the hon. Speaker in referring to the line upon the height of land and also upon this line that would be built from Moncton to Quebec, take the ground that if when the route is surveyed and lines cannot be found to be good commercial lines, that they would drop it entirely. Is it possible that this Bill that has been signed by the contracting parties, if it is ratified by the House, can be dropped by one of the parties at their will ? I hope it is a fact, and I hope it is within the power of the government to be able to drop it if they wish to do so. Then we would have reason to hope that when they come to survey it they will not be so reckless as to build a road through a country that we know never could maintain it and furnish no local freight for it. It would be a great advantage to this House and to the country if it be really possible that the government can drop those two sections of the road, both the portion east of Quebec and between Quebec and Winnipeg, if it is in their power to do so. Bu there are two parties to the agreement, and if the other side are not a consenting party there will be reason to doubt whether the government could drop that portion of the road or not. The hon. gentleman from Portage la Prairie, in describing the route in glowing terms, referred to running along this clay belt that is up there ,and he described the magnificent timber that was there, the facilities that would be afforded for pulp mills and other industries of that kind along the line of railway. If the railway is built as they describe it along the height of land and above the head of the rivers, how are the pulp mills going to be built ? Are they going to float the logs up stream to the head of the rivers and build pulp mills up there ? They must float the logs against the stream. If it were built on the proposed Trans-Canada line there is magnificent power, but they would need heavy bridges to cross the rivers.

We are given to understand there is good timber there. That timber could be cut and floated down the streams to saw-mills, pulp-mills and other industries on those rivers. But on the line proposed by the Bill we would not have any of those advantages. The road would be built along the height of land. All of that timber would have to go down on the railroad. The proposed Trans-Canada line would be a good road to construct ten or twenty years hence ; but if we commit the error of building a line now on the height of land it will interfere with the building of the other line which would come in later. It is a very strong reason why it should not be built at all. The arguments of hon. gentlemen in that respect have been rather contradictory throughout, in describing this clay belt, in describing the timbered lands, and then in describing the level route that they would have for it, because we know perfectly well that if the railway is built further north, on the route where it should be built, there will be engineering difficulties, and some extensive rivers to cross, but at the same time it will be a better line of railway and it is the route which should be selected. One of the advantages of this Bill I suppose, as far as the government is concerned, is that it leaves them perfectly open to make surveys where they please, and that is why many of our friends outside of the House think it is only so much campaign literature. With that Bill they can go before the country. They will have surveyors running different lines through New Brunswick and through the province of Quebec. They can meet parties interested in those different localities and say 'If you support the government we will build the line this way.'

They can go to others and say the same to them and in that way, no doubt, they think it a very good scheme to get political support, but it may prove a boomerang. While they may secure support from some localities it may operate against them in the Dominion generally, and probably not turn out to be such successful campaign literature as they imagine. It is true that members of the present government have an idea that the electors like to be humbugged, and that they can be humbugged with this scheme as well as with any other, and that explains why they have drafted the Bill in its perestn form.

Hon. Mr. POWER—That is a very nice point the hon. gentleman has made, but he should bear in mind that it is claimed these roads are to be located through a wilderness.

Hon. Mr. OWENS—I am quoting from the Bill itself, and not only from that but from the remarks of the hon. gentlemen who have spoken in favour of it. Surely those gentlemen know what they are speaking about. They describe this county as a plateau on the height of land, a clay belt.

Hon. Mr. POWER—The hon. gentleman misses my point, if you give service through a wilderness you do not get any votes.

Hon. Mr. OWENS—That is true so far as the northern part of Ontario and Quebec is concerned, it would not effect so much locally there, but I was speaking particularly of the line from Moncton to Quebec, they could make their line there so as to secure votes. I do not know very much about the province of New Brunswick but from what the hon. gentleman who has just spoken stated, I would judge it would run through a fertile and well settled country, and therefore there would be votes to be influenced there. Of course, in so far as the northern parts of the province of Quebec and Ontario are concerned there are no votes, it would be through the votes brought to bear on either end of the Winnipeg-Moncton section. We know that there are men connected with the Liberal party who wish to have jobs; we know a great many families would be relieved of certain members who are a burden upon them if they were sent out on the building of that railway. There are also other contractors who have axes to grind and who would use as so much campaign literature, but it may not have the effect expected. When I was interrupted I was going to refer to the hon. gentleman from St. John, and one object he had in view, and a very commendable one, was to as far as possible prevent trade going to the United States ports, and to bring it to Canadian ports. I think we can accomplish that very well, and we have every advantage of doing so when we have the splendid waterways that we can open from the great lakes through to the port of Montreal. I refer to the Montreal Ottawa and Georgian Bay canal, that is the canal from the mouth of the French river on Georgian bay to lake Nipissing and thence to Montreal via the Ottawa river. Any one who will look at the map will see this is really the shortest route from the great lakes to a shipping port, and when we are going in for cheap transportation, it is the route upon which the government should expend their money. A few years ago when a party of English capitalists offered to build that canal they came before the Commission on Railways and Canals. The engineer representing them was certainly one of the brightest men that I have heard upon the canal question; he was a canal engineer, he understood his business clearly and he had the levels and reports there to show what that canal could be built for. The capitalists who were willing to put their money into the project were very modest and very moderate in their views; they were rather under-estimating the expense of the canal. The ground that they took at that time was they were merely asking the government to guarantee the interest at two per cent upon fifteen millions of dollars which would be $300,000 a year. Ther was not a dollar of that to be paid over, or the guarantee would not take effect, until the canal was completed and in operation, and if that canal was completed and in operation they said the rates of freight on wheat from the great lakes to Montreal would be something between two and three cents per bushel and it would go on down to the lower ports without transhipment to St. John and New Brunswick for local consumption for something about three and a half to three and three quarters cents. One can easily see that during the season of navigation the railways

would not be able to compete with this water route. There is every advantage in building that canal; there would be very little artificial canal as far as that is concerned. It would necessitate a certain amount of dredging and it would provide a waterway that would bring the grain down that way, because it would be the shortest as well as the cheapest route from the great lakes to New York passing through Montreal harbour. Consequently very little grain would go to New York for export. A private company has been chartered to build a canal from Longueuil opposite the city of Montreal out via Chambly, to the deep water of lake Champlain. The construction of only twenty-two miles of canal by that route would obviate a circuitous route of 135 miles through the Richelieu. It would give us the advantage of supplying the eastern states and New York and all the local consumption, and that market they say is even better than the export market. If that canal were built and a cheap freight rate could be offered it would increase the value of our prairie lands double what they are to-day which I am sure would meet the views of our representatives from that western country and no railway would compete with it. There would be no difficulty in that question.

In the proposition of the Grand Trunk now before this House they ask for aid to build the road from North Bay west to the prairie country, from North Bay to Winnipeg if you will. While they would build the road from North Bay to Winnipeg they would certainly build a branch north of Lake Winnipeg to what is termed the gateway of the Peace river and Saskatchewan river district, and the wheat would come down that way. They would also build a branch no doubt later through to James' bay. We know perfectly well that a railway running down this way through a well settled country where they would receive the local trade every mile of the road they run through, where they would be running through the commercial centres of this country that they could carry the wheat of the west at a much cheaper rate than a railway that would be running down through this proposed northern route, from which they could not receive any local freight. We know the reasons advanced by the Canadian Pacific Railway for their higher rate of freight over the section north of Lake Superior and through the Rocky mountains was that the country did not furnish them any local freight. That argument would be much stronger when applied to this north country especially if it is located on the line that they propose now, through that imaginary clay belt. It would furnish them no local freight whatever; they could not compete as a commercial enterprise with a railway that would be operated through settled country that furnished local freight. I do hope the government will take this matter into consideration, and, as they consider they can drop those objectionable portions of the road if they see fit to do so, we trust they will exercise their right in that respect, and that after this Bill has passed they will go on and make the survey. They can spend considerable monies in surveys, employ a number of their friends and we will forgive them all that if they will not saddle the country with the expenditure of building a road that may never be of any use, but will be a burden upon the country for all time. We will forgive them for the money they will expend in surveys. We will allow them to employ their friends before the elections in surveying that country and use it to the greatest possible extent in that way as far as it will do for election purposes, but do not burden us with the road, do not put upon the country the burden of millions of dollars for a road that can have no traffic and must be a burden to us every year afterwards in running it. I trust the government will take that view and drop those sections of the road from the Bill.

Hon. Mr. DEVER—When I spoke a day or two ago on this question I made no reference to the country back of Quebec because I know nothing about it; but I think I do know a little about the maritime provinces, and when I hear a gentleman of such intelligence as the hon. gentleman (Mr. Owens) declare that wheat and other produce could be carried by water to St. John, shipped through the Georgian Bay canal via Montreal, I am amazed to think a representative in parliament knows so little about the lower provinces.

Hon. Mr. OWENS—The hon. gentleman is in error in saying we will ship to St. John for export. I said the grain would go down to the city of Montreal but it can

be carried for local consumption to the lower provinces, to the eastern states and to the city of New York.

Hon. Mr. DEVER—If the hon. gentleman withdraws the statement I am satisfied. I certainly had my ears open and I understood him to say wheat might be carried in ships or barges or steamers to the city of St. John by water. That is an utter impossibility because first and foremost it would have to go down the River St. Lawrence and through the gulf, go round by Nova Scotia and almost to New York. The thing is so ridiculous that I am surprised hon. gentlemen should quietly listen to such a statement. If we are ever to get a bushel of western wheat to St. John it must be brought by land. It cannot be brought by water. For thirty-four years we have been waiting for a railway from Quebec city which will carry the products of the Northwest to St. John summer and winter. I hope hon. gentlemen who speak on this question will make themselves thoroughly acquainted with it, and not rise for the purpose of making a display of oratory. I made a speech the other night and if anybody will take the trouble to examine what I said, I defy them to contradict it geographically. I repeat to-day that what I said will ultimately be the result if ever we are going to have a trade from Canada that will be of any consideration to the lower provinces. We went into confederation with the full expectation that we would have a road from the lower provinces up through the whole of Canada. That was our hope and expectation. That is the reason we gave up our liberty to make our own tariff, to raise our own public money, to build even our own railroads; but as soon as we came into the union we found that Upper Canada had become the dominant partner and they located the Intercolonial Railway according to their own views to suit themselves and the British government as a military road. From that day the province of New Brunswick has been waiting and hoping that better times would come and something better than the Intercolonial Railway would be offered to us. Now it is offered and though we do not know exactly the section of the country it is to come through, we hope that the wise men in Canada are not going to build a railroad which will not have traffic enough to pay expenses. Get a road and locate it to the city of St. John. I am not so hide-bound as to say we should not cross the state of Maine again. We have to cross it now to get to Portland, and I do not hear anybody exclaiming against it.

Hon. Mr. LANDRY—As a private enterprise.

Hon. Mr. DEVER—I admit that, but the same parties who are using that line as a private enterprise are to be connected with the new enterprise. Why not go across the state of Maine again. The Canadian Pacific Railway is bringing to St. John a fair share of the trade of the country. If it is disloyal in one case to run the road through the state of Maine it is disloyal in the other. My hon. colleague from St. John did not want to have it cross Maine; he wanted it located through New Brunswick. I do not agree with him in that. We should use the country of our neighbours when it is to our advantage to do so, they use ours. If we do not get trade by railroad we need never expect it to come by water to St. John. If any one disputes that let him show on the map how it can be done and I will acknowledge that I know nothing.

Hon. Mr. BEIQUE—After the long discussion which has taken place over this Bill in the Senate and in the House of Commons there would not be much to gain in covering points which are open to differences of opinion. There are, however, in this important measure, points on which unbiased and fair-minded members should be agreed, and it is to those points that I propose to direct the attention of this House. I am free to admit that if we had to deal with an ordinary promoter there might be reasons to pause before committing the country to the responsibility which this measure involves, but we are dealing with the Grand Trunk Railway Company, a corporation which has a paid up capital of over $362,000,000, a corporation whose system of railways covers a large portion of the provinces of Ontario and Quebec and also an important portion of the territory of the United States, a corporation whose gross receipts exceeded last year $26,000,000 and which this year will very likely reach $28 or $30,000,000, a corporation second to none on this continent

and, I may say in Europe, as fas as credit and management are concerned.

Hon. Mr. OWENS—The hon. gentleman loses sight of the fact that it is with the Grand Trunk Pacific that this contract is made.

Hon. Mr. BEIQUE—I will show before I am through with my remarks that the parties we are dealing with is the Grand Trunk Railway Company with its capitalization, with its energy, with its influence, with its business connections and with all that that company can accomplish, in dealing with this project. It was only in 1886, the latter part of that year, that the Canadian Pacific Railway was inaugurated. Only 17 years have elapsed since that time and what are the results which have been obtained ? The Canadian Pacific Railway has cost the Dominion of Canada in money or money's worth and in lands or value of lands and exemption of taxes, a sum exceeding $100,000,000, but we are all proud of the results obtained, and admit that the benefits have surpassed in a great measure the cost which that company has been to the country. Is there an hon. gentleman in this House who is ready to declare that any part of Canada should be closed to the Grand Trunk Railway Company ? Is it not in the highest interests for the government to adopt prompt measures to enlist the co-operation of that great corporation, and is it not by enlisting its co-operation, in arranging so that they may enter into the field of the North-west as well as into the northern part of the provinces of Ontario and Quebec and the maritime provinces, that the government will best serve the interests of this Dominion ? We have been told that the government should wait, that they should spend one or two or, if necessary, three years, in making surveys in order to locate the road and be able to show where the line is to run. I shall have occasion to show that irrespectieve of the interests or requirements of the Grand Trunk Railway the country cannot afford to wait, that it is most urgent to enlist the co-operation of the Grand Trunk Railway as soon as possible to develop the northern part of Ontario and Quebec, of Manitoba, the North-west Territories and British Columbia, and of the maritime provinces. But we all know that the Grand Trunk Railway itself is not standing still. It would not be managed by Mr. Hays if it were ? Corporations, like men and nations, must advance or go backward and it is well known that the Grand Trunk Railway management made up their minds not merely months but years ago to enter the North-west Territories and British Columbia and reach the Pacific coast. The question, therefore, is whether the government should put any obstructions in the way of the Grand Trunk Railway entering these new fields, or whether it is not their duty to facilitate the company doing so and force them, so to speak, into the new territories I have mentioned.

The hon. leader of the opposition himself, in his speech, made it a point—and it was one of the main points—that it would be impossible to prevent the Grand Trunk Railway Company from taking the trade of the North-west into United States channels. It may be difficult by reason of the United States connections of the Grand Trunk Railway and by reason of its Portland road and harbour, to keep them entirely on Canadian territory, but surely it is the duty of the government to do all in their power to try and obtain that result. I am ready to admit that if the interests of the Grand Trunk Railway only were to be consulted and if they had been left to their own desires, they would not have touched the northern part of Ontario and Quebec. They would have built their road as was originally contemplated, from Gravenhurst to Winnipeg, and from Winnipeg to the Pacific coast, but it is not only the interests and requirements of the Grand Trunk Railway Company that should be consulted in this matter ; it is the interest of the country, and when it is in the power of the government to interfere and bring influence to bear on the Grand Trunk Railway for the purpose of preventing that being done, if possible, enlisting their co-operation, not only in taking care of a large part of the western trade but also developing new territories, it is the duty of the government to bring the proper amount of pressure to bear and to devise a contract which would bring these results about. Therefore the question resolves itself into this : does the contract that we have before us contain the proper clauses and guarantee to ensure the co-operation of the Grand Trunk

Railway and will the result which we expect from the building of that road to be a compensation for the outlay that will be involved in that enterprise on the part of the government? As far as the western section of the road is concerned, the question is easy of solution. The responsibility of the government, as far as that section is concerned, is limited to dollars and cents. I am sure it will not be suggested that the Grand Trunk Railway Company will make a failure of the enterprise as far as the western division of the road is concerned. It will be admitted that they have the credit, the means, the energy and the management necessary to carry out that part of the project to a success. Now what is the extent of the responsibility assumed by the government? It is merely this—a guarantee of $13,000 per mile as far as the prairie section is concerned, without assuming the payment of any interest. As far as the mountain section is concerned it is the guarantee of an amount not exceeding $30,000 per mile on not more than 75 per cent of the cost of the road, and the payment of interest for seven years at 3 per cent per annum. The figures have been given by the Secretary of State and they are summed up in this way: about 1,000 miles for the prairie section, or $13,000,000, and about 480 miles of the mountain, or $14,400,000. As the interest is to be paid only on the later amount at 3 per cent, it comes to $432,000 a year, or for seven years to a little more than $3,000,000. Now this is the sum total which this western section is going to cost the government, and it amounts to what? This sum of $3,024,000 representing the interest at 3 per cent for seven years on a mileage of 1,480 miles comes to the paltry sum of $2,000 per mile. This is the amount of the responsibility involved on the part of the government in building that road. Is there any hon. member in this House who will deny that the benefit to be derived from the building of that section of the road will far surpass this outlay on the part of the government? If you take only the increased value of the government lands, if you take the number of people that will be brought into the western territory through the agency of the Grand Trunk Railway; if you take the results, which directly and indirectly will be obtained from this important co-operation, I am sure you will admit that the benefit will be enormous as compared with the expenditure.

The objections as to the eastern section are twofold; first, because the proper surveys have not been made, that we have not the proper information, and second, because this road built in the northern part of Ontario and Quebec will not be able to compete with the water route. I have a great deal of confidence in the judgment of several of the hon. members who addressed this House against the measure, but I have more confidence in the judgment and experience of the management of the Grand Trunk Railway, and if the information were insufficient, if there was too much danger involved in the enterprise I am sure that the Grand Trunk Railway would not have been disposed to commit themselves to undertake to operate that road and to pay interest at 3 per cent on the total outlay for the space of forty-three years; therefore to my mind the fact that the Grand Trunk Railway is associated in this measure with the government in adopting a proper route a road which will eventually pay and which can be operated to advantage both for the country and for the Grand Trunk Railway is the best guarantee that we can have in dealing with a measure of this kind.

Hon. Mr. DEVER—Hear, hear, a commercial road.

Hon. Mr. BEIQUE—It has been claimed by the hon. gentleman who has just spoken that the government was committed to a route along the height of land in building this road. I think he has not read the Bill with sufficient care. If he turns up page 10 of this Bill he will find the following:—

2. A through line of railway, of the gauge of four feet eight and one-half inches, comprising two divisions, to be called the 'Eastern Division' and the 'Western Division', respectively, shall be constructed in the manner hereinafter mentioned, between the city of Moncton, in the province of New Brunswick, and the navigable waters of the Pacific ocean, at or near Port Simpson or some other port in British Columbia, as may be agreed upon. The Eastern Division shall comprise the portion of the said railway to be constructed from its eastern terminus through the central part of the province of New Brunswick and through the province of Quebec, by the shortest available line to the city of Quebec; then westerly through the northern part of the provinces of Ontario and Quebec, and through the province

of Manitoba to the city of Winnipeg ; and the Western Division shall comprise the portion of the said railway between the said city of Winnipeg, or some point on the said Eastern Division, and the Pacific Ocean, extending westerly through the province of Manitoba, the North-west Territories and the province of British Columbia.

It will be noticed that neither the government nor the Grand Trunk Railway are committed to any specific place as to the location of this road. After the Bill is passed the proper surveys will be made and these surveys will be controlled not only by the government but by the Grand Trunk Pacific Railway, who is a part interested as lessees of the road and it is to be taken for granted, it seems to me, that the best location will be adopted for all parties concerned, and whether that location is 50 or 100 miles further north or further south should not matter, but we are entitled to assume that the best location will be adopted.

Hon. Mr. OWENS—I was quoting from the remarks of the gentleman who was speaking in favour of the Bill. I did not misquote that portion of the article.

Hon. Mr. BEIQUE—One of the main reasons advanced by the hon. gentleman was that the route adopted in this Bill, was not the proper route ; that the road should be located more to the north and not follow the height of land. That was the argument, and it is the argument which I am answering by reading the description of the route as it appears in the contract and showing that it will not be necessarily located as shown on the map which has been used in discussing this point, but after the proper surveys have been made, it will be open to the government to adopt, as no doubt will be done, the best route in the interest of the country and the Grand Trunk Pacific.

Hon. Mr. OWENS—If the hon. gentleman had been in the House and had listened to the remarks of the hon. Secretary of State in opening the discussion, and the gentlemen on the other side who supported him, he would admit I was fully justified in the remarks which I made as to the location of the road.

Hon. Mr. BEIQUE—I remained in this House most of the time, during the discussion of this measure, and have paid a great deal of attention not only to the remarks made by gentlemen on this side of the House, but to the remarks made by gentlemen on the other side, and I am sure the hon. Secretary of State has not stated anything which is not consistent with what I have just said. The hon. Speaker has made it a point and it is a very important point, that if the government instead of proceeding as they have proceeded in making and entering into a contract with the Grand Trunk Pacific, if they had waited to make surveys as is suggested—I am quite sure that in this case as occurred at the time of the building of the Canadian Pacific Railway, surveys would be made by the government at very large expense which would not finally be adopted by the company, that the Grand Trunk Railway management would suggest and find a better location.

Hon. Mr. LANDRY—Why ?

Hon. Mr. BEIQUE—Because of their own experience as railway men ; because of their interest in having the proper location. Under any government, whether it be Liberal or Conservative, have we the same guarantee with them as we have in this case that the company, who will make the enterprise its own business, who will be saddled with the payment of the interest on the outlay, will see that the best surveys are made to ensure the most advantageous location.

Hon. Mr. LANDRY—Does the hon. gentleman contend that because the government will make the survey, if the survey is found convenient, that they will not build the road ? That is the argument the hon. gentleman is making.

Hon. Mr. BEIQUE—Will the hon. gentleman please put the question again ?

Hon. Mr. LANDRY—Does the hon. gentleman contend that because the government makes a survey that they are bound to accept it ? That is the argument the hon. gentleman is using.

Hon. Mr. BEIQUE—I must be very stupid or the hon. gentleman can not have followed my remarks. I have been arguing nothing of the kind. I have been arguing, I repeat it for the benefit of the hon. gentleman from Stadacona, that if the government had proceeded with this measure in this case, as the government proceeded at

the time of the building of the Canadian Pacific Railway, the government would have spent a year or two in making surveys, and after the surveys had been made, after the road had been located, so to speak, then the government would have opened negotiations with the Grand Trunk Railway or with the Grand Trunk Pacific or with the Canadian Northern, for the purpose of entering into a contract with them either to build the road or take it under lease, or deal with it in some other way, and what would have happened then ? It would have happened very likely, as happened in the case of the Canadian Pacific Railway, that the railway company dealing with the government, having more experience and being better able to judge as to the best route, would have ignored the route or the location adopted by the government and have adopted another location.

Hon. Mr. LANDRY—Even if it was a good one ?

Hon. Mr. BEIQUE—Because very likely they would have found a better location.

Hon. Mr. LANDRY—It does not follow.

Hon. Mr. BEIQUE—It follows that the proper way to deal with an important measure of this kind is for the government to associate itself with men of experience, with a well-managed company, and to obtain their assistance and the advantage of their experience for the purpose of deciding what is the best location. In dealing with the question as I do at present, I am leaving aside, for the purpose of the argument, the fact that the government has the proper information in a general way—that the government has in this instance much better information than their predecessors had when the Canadian Pacific Railway was built, and much better information than is possessed in most cases when railway enterprises are decided upon. I ask hon. gentleman when any promoter comes before parliament with a railway scheme has he got in most cases the information that is possessed by the government in this instance ? I say no. It is only information of a very general character and not in any way as complete as the information possessed by the government on which they have leased this great project. The other objection is that this road extending from Winnipeg to Quebec and from Quebec to Moncton will not be able to compete as to rates with the water-ways. I do not propose to go lengthily into this branch of the question. I would be ready, for the sake of argument, to concede in this case this point to the parties who have criticised the measure, but I desire merely to draw attention to a few salient facts on the question. I have in my hand the report which was made by the commission on the Erie Canal in 1900. I find this in the report :

> The claim for the railways has been put forward at great length and with ability by the 'Engineer News,' whose editorial articles on the subject are printed at length in the volume of minutes and correspondence. In brief, they are to the effect that while the average rates charged in recent years on the railways of New York State have been about six miles per ton mile, yet a lower rate has prevailed on grain, lumber and similar articles, which have hitherto formed the bulk of the goods transported over the canal. The grain rates fixed in April, 1899, from Buffalo to New York, were as follows, per bushel :—
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> | | |
> |---|---|
> | Wheat | 3½ cts. |
> | Rye | 3½ " |
> | Corn | 2¾ " |
> | Oats | 2½ " |
>
> The rate of 3½ cents per bushel on wheat is about $1.17 per ton, or 2¾ mills per ton mile. It is further argued in these articles that the Chesapeake and Ohio Railway is carrying coal at a profit on a rate of 2¾ mills per ton mile, and on the completion of the locomotives now under construction by the New York Central and other railways designed to haul trains with 2,000 to 2,400 tons of paying freight, the rate of such articles as grain, coal, ore, &c., will be reduced to about 1 mill per ton mile. In other words, the argument in favour of the railways is that private enterprise and private capital will at an early date produce on the railways as low a freight rate as can be produced on the canals by the expenditure of large sums of public money.

Then the commission goes on to express the opinion that the railways in the near future are not expected to be able to compete with the water routes ; but this was an expression of opinion on their part, and since 1900 we have had reports which tend to show that this opinion is not to be adopted as conclusive.

Hon. Mr. OWENS—That comparison is in connection with the Erie Canal where there is a shallow draft of water, whereas the canal proposed here would be a canal of either 14 or 20 feet.

Hon. Mr. BEIQUE—The hon. gentleman is mistaken. The report is not confined to the

Erie Canal alone, but the commission was dealing in a general way with water routes.

Hon. Mr. OWENS—That would depend entirely upon the draft of water the vessels would have.

Hon. Mr. BEIQUE—I repeat that this is not confined to the Erie Canal ; but the point I wish to make is that the tendency, especially of late years, has been a constant diminution in railway rates.

Hon. Mr. OWENS—Canals also.

Hon. Mr. BEIQUE—Not to such an extent as the railway rates. The rates which are doubted here as being possible are according to this report, rates that are being obtained or will very likely be obtained in the near future. I have here the report which was made a few months ago by Mr. James J. Hill, as president of the Great Northern Railway Company to the shareholders, and I find in this report the progress which has been made by that company. I find the same thing with all other companies. I am quoting from the 'Commercial and Financial Chronicle' of the 10th October, page 977, the report made by Mr. James J. Hill :

The following table shows the reductions in the average revenue per ton mile for each five years during the last 20 years, and the growth of the company's freight traffic :—

	No. of tons hauled one mile.	Average revenue per ton per mile.
Year ended June 30, 1883....	341,539,997	1·968
" " 1888....	562,531,432	1·306
" " 1893....	1,093,692,312	1·190
" " 1898....	1,937,955,894	·932
" " 1903....	3,606,835,176	·857

A simple computation will show the saving to shippers from these rate reductions. Had the company collected the same average rate this year as during the year ending June 30, 1883, its freight earning would have been $40,071,938.81 greater than the sum shown in this report as freight earning for the past year.

The gross receipts of the Great Northern Railway Company for the last twelve months amounted to $42,000,000, and this shows that those gross receipts would actually have been double if the same rates had been charged in the last year as were charged in 1883, and therefore it shows to what great extent the rates have been reduced during that period. I, therefore, claim that with the reduction which has taken place in the railway rates with improved road-bed, with increased tonnage, increased capacity of locomotives and cars, the railway companies are much better able to compete with water routes than they were a few years ago, and it is not unlikely they will be much better able to do so in the near future. Hon. gentlemen criticising the present measure have ignored the fact that the main freight on this route, as on any other route will not be grain. If we refer to statistics we find that the amount of grain and other kinds of freight carried by both the Canadian Pacific Railway and Grand Trunk Railway—I refer to the Statistical Year-Book of Canada, 1902, page 357, the Canadian Pacific Railway system carried 492,000 tons of flour ; 1,435,000 tons of grain, and the total weight of freight carried in that year was 8,755,000 tons. If I refer to the report of the Grand Trunk Railway, I find they carried 548,000 tons of flour ; 1,920,000 tons of grain, and they carried a total weight of 10,080,000 tons, therefore it shows that grain forms a comparatively small portion of the total amount of freight carried. It is well known that in the western states the railway companies—and I am referring to the Northern Pacific to Chicago, Milwaukee and St. Paul Railway, to the Great Northern Railway Company, and all those western roads that ten years ago were altogether dependent on the wheat and corn crop. Ten years ago grain represented 75 per cent and more of their trade ; but the proportion has changed within that period and it is now reduced to less than 25 per cent of the total freight. By referring to the report of the Chicago, Milwaukee and St. Paul road for 1902 I find that the produce of agriculture, which comprises flour and other mill products, wheat, rye, barley, corn, hay, fruit, vegetables and other things, amounted to only 23 per cent of the total freight carried by that road ; the products of animals amounted to 7 per cent ; the products of mines a little over 24 per cent ; the products of forest to 18½ per cent ; and manufactures to 17½ per cent ; and I know that the experience of the Chicago, Milwaukee and St. Paul Railway has been the experience of other

roads, that the proportion has been entirely changed. I think we may expect the same thing will take place in Canada, that all kinds of freight will be developed and this road will carry not only grain but cattle, mining products, and products of all kinds, and therefore the road will not be dependent upon the competition which it will be able to make against water routes for the grain trade. On this point again we should rely on the Grand Trunk Railway management who are better judges than we are. Is it to be believed that if Mr. Hays doubted for an instant that he could make that road pay he would have signed the contract which we have before us and undertaken to take a lease of that road and pay 3 per cent per annum for forty-three years on the total outlay.

I desire to say a few words as to the section of the road in question extending from Quebec to Moncton, and I may say at the outset that I am surprised that this measure should receive on the part of any one of the hon. members from the maritime provinces the criticism to which it has been subjected. It may be difficult to ensure that the western freight be carried to maritime ports, but surely it is the duty of the government to do all in their power towards that end, and I ask can any better measure be suggested to obtain that result than the Bill which has been presented by the government. It has been suggested that instead of building the new line from Quebec to Moncton the Intercolonial Railway should be used. Is the government interested in duplicating, as it is called by hon. gentlemen opposite the Intercolonial Railway? Is the Grand Trunk Railway Company interested in having another road built if the Intercolonial Railway is the best route? It seems to me that we cannot suppose there will be any such desire on the part of either the one or the other, unless it is in the interest of trade, unless it is exacted by the Grand Trunk Railway Pacific as lessees of the road. After proper surveys are made, is it not to be expected that both the government and the Grand Trunk Pacific will adopt the very best road under the circumstances? The route adopted in this Bill was suggested because it is supposed to be the best, from information obtained; but if after careful study and mature consideration it is found that better location can be made, may we not expect that the government and the Grand Trunk Pacific Company will agree to adopt that better location? Therefore, I say that the maritime provinces have in this Bill the best guarantee that all proper efforts will be made to carry western traffic to their ports. It is well known that shortness of route and easy grades are necessary for a competing line. I have in mind an instance which is very striking. The Union Pacific, for the purpose of shortening their line at Salt Lake City, are actually building a bridge some thirty miles in length, with water in places thirty feet deep, at an expenditure of some twelve million dollars. They have been over a year building that bridge. The same company have been employing four or five thousand men during the last five years to renew almost the entire line, changing curves, lowering grades, and perfecting their road, so as to be able to operate it at less cost. The experience of the Union Pacific is the experience of the other roads in the United States. All of them have been spending a large amount of capital towards the same end.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman inform me where that forty miles is to be saved by the building of a bridge at Salt Lake? Is it to connect with the Union Pacific or the road that runs in the other direction?

Hon. Mr. BEIQUE—I read the information several months ago in the 'Commercial and Financial Chronicle' of New York, and am speaking from memory. The bridge crosses a portion of the lake, and is for the purpose of shortening the route. The line at present makes a long detour round the lake, and the object of crossing the lake is to shorten it some forty miles. The point which I desire to make is this, that as far as the maritime provinces are concerned, they have in this association with the Grand Trunk Pacific Company the best guarantee that proper efforts will be made to carry all the western freight possible to maritime ports. The Grand Trunk Pacific Railway Company will be interested to do so from the fact that they will be lessees of the road; on which they will have to pay interest on the outlay, and the revenues of the road will be theirs. In the clause in

the contract binding them not to charge any higher rates to Canadian ports than to foreign ports, it seems to me we have the best guarantee that the Grand Trunk Pacific Company will not be interested in favouring an American port, to the prejudice to the Moncton route. Anyway if they make an attempt to do so, the government will have in this contract the right to prevent them from doing so. I would not like to impose too much on hon. members, but I am tempted to make a very summary review of the clauses contained in the contract for the purpose of showing that it contains proper guarantees, as far as the responsibility of the government is concerned. One of the first clauses which deserves the attention of this House is the provision that this railway is to be built, not by the government, so to speak, but by a commission, and that the Grand Trunk Pacific Company is to control the building of the road. There is, therefore, a guarantee in that part of the contract that the building of this road will not be taken advantage of for the advancement of a political party. The commissioners will be obliged to advertise for tenders and to accept the lowest offer, and all contracts exceeding the sum of ten thousand dollars, will have to be sanctioned by the government.

We have further the fact that the government will not be obliged to incur any responsibility, either by way of endorsing the bonds of the Grand Trunk Pacific or otherwise until a sum of five million dollars has been deposited with the government, and until the Grand Trunk Railway has subscribed out of the forty-five millions of capital, twenty-four million nine hundred thousand dollars stock, which stock the Grand Trunk Railway is obliged to hold until the bonds endorsed by the company have been paid. And further that the government will not be obliged to incur any responsibility before the Grand Trunk Railway has agreed to guarantee the payment of the balance of the cost of the road. This is the main clause in the contract, and it is there that I find that the government is stipulating not only with the Grand Trunk Pacific but really with the Grand Trunk Railway of Canada, because under this contract, before the government is obliged to incur any liability, the Grand Trunk Railway Company of Canada has to agree to guarantee the bonds as a second mortgage on the road, to the extent of the balance of the cost of the road, the guarantee of the company to rank after the government, as far as their respective responsibility is concerned. Therefore, it is perfectly plain that the Grand Trunk Railway Company becomes a party interested, and much more interested than the government itself, because the government is guaranteeing only seventy-five per cent of the cost of the western section, and takes the first mortgage, and the Grand Trunk Railway guarantees the other twenty-five per cent or more, because the responsibility of the government is limited in one case to $13,000 per mile, and in the other case to $30,000 per mile, and the Grand Trunk Pacific guarantees the balance of the full cost of the road. In the clause providing for the subscription of four million nine hundred thousand dollars of stock and their being obliged to hold that stock, we have the assurance that they will not be interested only at the outset of the enterprise, but that they will remain morally and financially interested for fifty years to come and until the responsibility of the government has been entirely discharged.

Hon. Mr. FERGUSON—Will my hon. friend point out the clause of the Bill by which the Grand Trunk Railway Company subscribes for the stock of the company? He used the word 'subscribe,' and I want to know where that is to be found.

Hon. Mr. BEIQUE—It is to be found in clause 7, subsection 2 of the Bill itself, which reads as follows:

2. Notwithstanding anything in this Act or in the agreement contained, His Majesty the King, acting in respect of the Dominion of Canada, shall not be bound or obliged to perform, carry out or fulfil any of the covenants, undertakings, conditions or stipulations in the agreement contained on behalf of His Majesty, acting as aforesaid, unless and until the Grand Trunk Railway Company of Canada covenants and agrees as follows with His Majesty, acting as aforesaid:—

(a) That it will guarantee the bonds of the Grand Trunk Pacific Railway Company for the balance required for the complete construction of the Western Division in the agreement mentioned as provided in clause 34 of the agreement;

(b) That it will acquire and take the common stock of the Grand Trunk Pacific Railway Company to the amount of not less than $24,-

900,000, as in clause 37 of the agreement provided.

Hon. Mr. FERGUSON—The hon. gentleman used the 'subscribe.' I do not find it in the agreement. It says they shall 'acquire and take.'

Hon. Sir MACKENZIE BOWELL—It does not say they shall pay for it.

Hon. Mr. BEIQUE—They will have to comply with the law.

Hon. Mr. SCOTT—The word 'take' is there.

Hon. Mr. FERGUSON—What is the law ?

Hon. Mr. BEIQUE—The hon. gentleman is familar with the Railway Act, and the Railway Act prevents stock being taken up in railway companies unless for value. I do not say that the Grand Trunk Railway will eventually pay a hundred cents on the dollar for that stock, but the Grand Trunk Railway Company will have to pay the value of the stock when it is subscribed, and whether it is paid in money or paid in rolling stock, or the equivalent of money, makes no difference. But I am not drawing the attention of the hon. gentleman so much to the amount of money involved in the clause, as to the moral responsibility of the Grand Trunk Railway Company of Canada. As holding the majority of the stock, and being obliged to hold that stock the Grand Trunk Railway will remain morally and financially interested in the enterprise.

Hon. Mr. LANDRY—Does the hon. gentleman say that the Grand Trunk Railway is obliged to pay for the stock ?

Hon. Mr. SCOTT—The contract does not go into effect unless they do.

Hon. Mr. LANDRY—If they think proper not to accept, they will not accept.

Hon. Mr. SCOTT—Then the contract falls to the ground.

Hon. Mr. BEIQUE—The contract falls to the ground in that case, and therefore the hon. gentleman need not be afraid. The government will be committed to this contract only if and when the Grand Trunk Railway Company accepts this clause of the contract. It is signed by the manager of the company, it is signed by the president of the company, it is signed by several parties interested in the company, and there is no question it was signed after mature deliberation and with the knowledge that the contract is going to be ratified by the shareholders of the company.

Hon. Mr. McMILLAN—Does the hon. gentleman mean to say that the signatures of these men bind the Grand Trunk Railway, or are they signing it as officers of the Grand Trunk ?

Hon. Mr. BEIQUE—No, they are not signing it as officers of the Grand Trunk.

Hon. Mr. McMILLAN—They are of the Grand Trunk Pacific. They are connected with the Grand Trunk Pacific and have nothing at all to do with the Grand Trunk Railway proper.

Hon. Mr. BEIQUE—I desire to know if the hon. gentleman suggests that he has any doubts as to whether this contract is to go into effect—is to be accepted by the Grand Trunk Railway ? I have been inferring, from the remarks which have been made in this House by hon. gentlemen opposite, that what was claimed was that this contract was too favourable to the Grand Trunk Pacific, that the government could have made a better bargain, that they should have imposed on the Grand Trunk Pacific, or on the Grand Trunk Railway of Canada, conditions which have not been imposed by this Bill, but I never heard it suggested in this House or in speeches that I have read in the other House, that this contract is not acceptable to the Grand Trunk Railway Company of Canada as well as to the promoters of the Grand Trunk Pacific Company. As a matter of fact, the contract bears the signature of Sir Charles Rivers Wilson, who is the president of the Grand Trunk Railway of Canada. It is true he did not sign in his capacity as president. It bears the signature of Mr. Welby, of Mr. John Clutton-Brock, Mr. Joseph Price, and Mr. Alfred W. Smithers.

Hon. Mr. SCOTT—All directors.

Hon. Mr. BEIQUE—All interested in the company.

Hon. Mr. McMILLAN—Read the whole of them.

Hon. Mr. BEIQUE—It bears the signatures of Mr. Charles M. Hays, manager of

the Grand Trunk Railway of Canada, and of other employees of the company.

Hon. Mr. McMILLAN—On behalf of what?

Hon. Mr. BEIQUE—On behalf of the Grand Trunk Pacific Company, and not of the Grand Trunk Company of Canada. But it is for the very good reason that the contract is not made with two companies, but with one company.

Hon. Mr. McMILLAN—What company ?

Hon. Mr. BEIQUE—It is made with the Grand Trunk Pacific Company, but a condition of the contract is that the Grand Trunk Company fulfils such and such conditions, and the contract is not to go into operation unless that is done.

Hon. Mr. SCOTT—It takes the stock and guarantees the second mortgage bond.

Hon. Mr. BEIQUE—I also call the attention of hon. gentlemen to clause 22 of the contract where it is stipulated that the company shall equip both divisions of the road with rolling stock of the value of twenty million dollars and of those twenty million dollars, five million are to be specially marked as pertaining to the eastern division, and this again is a condition which is to be fulfilled before the government become responsible on the bonds. Under section 29 it is stated when the bonds are to be endorsed by the government. They are to be dated, endorsed and issued after all these conditions have been fulfilled, and after the road has been completed. It is true another section provides for the issue of interim bonds. Clause 36 provides for that, but 'subject to all the limitations and conditions imposed by this agreement,' and in these limitations are comprised the conditions which have to be fulfilled before the government is called upon finally to endorse the bonds. I refer to the permanent bonds. I will not deal further with this contract. There are other important clauses, but I am sure hon. gentlemen are familiar with all of them. I desire to call special attention to the fact that in building the eastern division the country has the guarantee that this division will be built at the lowest possible cost. It will be under the control of the Grand Trunk Pacific.

The plans and specifications will have to be approved by their chief engineer; the chief engineer of both the government and the company will have to supervise the carrying out of the contract and the acceptance of the works, and therefore as the Grand Trunk Pacific Railway will be very largely interested as lessees and obliged to pay the rent on the whole cost they will, no doubt, see that the road is built at the lowest cost possible. The hon. leader of the opposition has expressed a very important opinion to which I for my part entirely assent. He very properly stated that it is not advisable that the government should operate any railway in this country, that a railway operated by the government would necessarily cost much more than if operated by a private company. I entirely agree in that and it is one of the strongest reasons why I am in favour of this Bill. I am in favour of government ownership and government operation as soon as we are prepared in this country to operate government railways in an economical manner, but it will take the best part of the fifty years of the lease to educate our people and our governments, Liberal or Conservative, how to operate economically government railways. We have the advantage in this project of getting the association of a strong, well-managed company for the purpose of developing this government railway. The eastern section will remain the property of the government, and at the expiration of the lease it will no doubt represent a very large value. During this long lease the government will have the advantage of the co-operation of the Grand Trunk Railway and of the Grand Trunk Pacific Railway for the purpose of developing the road, of making it a great road and a paying road, and the company will be obliged to maintain it in first-class order, and at the expiration of the lease to deliver it over to the government in first-class order, and it will, no doubt represent a much larger value at the end of the fifty years than will be represented by the outlay. I desire to close my remarks on this Bill by referring to one or two paragraphs contained in the pamphlet issued by Sir Sandford Fleming from which a number of quotations have been made. It is his opinion, condensed, as expressed on the 6th October last. He says :

You have asked me to speak unreservedly, and I have acceded to your request. I again

express the great satisfaction I have in knowing that the policy of the government is to establish a great national railway, and to open up for settlement and human industry the untilled and unoccupied habitable lands of the Dominion.

I have the utmost faith in the wisdom of the policy. I have faith in an-all rail means of conveying the products of the farm to the seaboard. This policy is the true and only satisfactory solution of the great problem of transportation in the more northern latitudes of Canada. If asked what course should be followed, I would answer: Make haste, but 'make haste slowly and wisely.' Do not lose a day in proceeding with the location of such a railway as that specified by Mr. Charlton in his speech on the subject, on the 12th of August last, a railway that would carry grain from the distant prairie fields to Quebec cheaper than by any other route whatever. Having secured such a location, and not till then, employ every man, bend every back, strain every nerve, to complete the middle section of the line. This done, and not till then, proceed as it may seem best to complete from sea to sea the National Grand Trunk Trans-Continental Railway.

Two things should be noticed—(1) That I deprecate commencing construction on any section before full and exact information be obtained respecting the physical features of the country; the object being to secure the very best location for the railway, which can possibly be had, having in view economy in transportation.

Hon. gentlemen, I hear say hear! hear! when I read the advice of Sir Sandford Fleming, that he deprecates commencing construction before full and exact information is obtained respecting the principal features of the country, I agree entirely with Sir Sandford Fleming, and nobody can suppose that the government is to act in any other way. It is one of the arguments that have been advanced that after this contract is signed and becomes effective the very next thing which will be done will be to make a very close survey for the purpose of choosing the best route which can be found, and therefore I say that effect is intended to be given to the advice of Sir Sandford Fleming. Sir Sandford adds that he considers the middle section should be constructed before the other section. Why? It is because he thinks too many labourers might be brought into this country. Well, we need not be engineers to form an opinion on that point. For my part I am not afraid of anything of the kind taking place. The labourers who will be brought into this country to work on the construction of this road, most of them, will remain citizens of Canada; they will settle either on the western or on the eastern section or on the New Brunswick section, and instead of being a disadvantage in that respect this road will be an advantage. It seems to me there is nothing to fear on that account. Then I have a valuable opinion here, that of a man of considerable experience on these matters. It is the opinion of Mr. Robert Reford, who is well known to be a large shipper and a man of experience on these trade and transportation questions. I am quoting from an interview of his in the Montreal 'Daily Witness' of the 6th August, 1903, and I will give but a few short extracts of the interview:—

Asked in reference to the charge of duplicating the Intercolonial, Mr. Redford said that he took no account of that at all. The Intercolonial was not built as a commercial road, but largely as a military railway, and as such it had served its purpose, besides proving of the greatest benefit to all the towns, cities and country through which it runs. It is doing a good work in the development of the country through which it runs, and will lose nothing by the building of the line to Moncton, which will open up an entirely new country of exceedingly great value, and especially giving to St. John and Halifax better and greater facilities which they absolutely require for the purpose of perfecting their communication with the west and increasing their ocean trade.

* * * * *

People forget that the portion of country between Quebec and the Atlantic is almost as large as Great Britain, that it possesses forests of immense extent, that much of it, as a dairying and fruit-growing country is equal to the best parts of Canada, and so able to maintain a moderate shipping trade even in summer and draw to itself in winter the shipping that uses Montreal and Quebec in summer, much of which has in the past been deflected to American ports in winter.

'How about through freight in winter as compared with Portland?'

'I do not see any reason why St. John and Halifax cannot be made as favourable shipping ports as Portland or Boston, if the route to them is shortened, so that they can complete with Boston and New York. Canada has, in my opinion, long enough allowed her winter business to go to the United States, and I feel quite sure that the business may just as well be done via Canadian ports. If Canada cannot show that she has faith in herself, and that she has ample resources, she can never hope to become a great country. Were Canada a portion of the United States there is little doubt but that our magnificent harbours would long since have been utilized to a far greater extent than they have been, and that the large extent of country between Quebec and the Atlantic would not have been left, as it has been, in a state of nature.

* * * * *

'I think as to that that Canada owes a great debt of gratitude to the Grand Trunk and its English shareholders, who spent their money freely in the past in the building of this road, which has been of immense service to Canada, and but for which Canada would not be the country which she is to-day. As to the working of the interest problem between the

government and the Grand Trunk, there are other considerations involved besides those of dollars. I do not know whether the Grand Trunk has or has not got the best end of the stick in the premises, but if it has it deserves it, when we consider the obligations which the country is under to that company.

* * * * *

I cannot speak positively as to the procedure in other countries, but it seems to me that the Russian government has built its enormous line from Europe to the Pacific without any hope of profitable return, and for the benefit and opening up of the country which does not promise one half of the possibilities which will accrue to this country through the carrying out of the contract between our government and the Grand Trunk. Anyhow, the government's action in subsidizing the Canadian Pacific Railway has proven a first rate investment, and there is no reason to doubt but that the arrangement with the Grand Trunk will prove equally profitable.

* * * * *

There is another side to this case,' said Mr. Reford, in conclusion: One of the objects which the United States has in building the Panama canal is doubtless to draw through it the great trade which is sure to arise between the opening markets of Australia, China, Japan, Asiatic Russia and Europe. To that trade, in my opinion, Canada can also lay claim, seeing that Canadian ports on the Pacific approach nearest to Asia, as Canadian ports on the Atlantic approach nearest to Europe, thereby making Canada, if taken advantage of, the great national highway between Europe and Asia. The advantage of such a highway through Canada has not been properly considered by Canadians or Canadian governments in the past.

This is a very important consideration and attention was properly drawn to it by the Hon. Secretary of State in his opening remarks when he said that the country was interested in getting the co-operation of the Grand Trunk Railway of Canada in establishing shipping facilities for the eastern trade. It is well known what progress Japan has made in late years. It is to be expected that China, in the near future, is to be very largely opened to European and to American trade, and it is the ambition to-day of every great railway company to establish their own shipping facilities for sharing in that trade, and the Grand Trunk Pacific Railway Company in building this line and in operating it will establish these shipping facilities not only on the Pacific ocean, but on the Atlantic ocean as well. Another point to which I wish to draw the attention of this House is one which I find in the report of Mr. Hill. It is that in the western states all the lands have now been taken. Companies are now reclaiming, by irrigation process lands in the western states for the purpose of attracting more settlers. While we have our lands in the North-west, in the northern part of Ontario and Quebec and our maritime provinces ready for settlement if railway facilities are provided,—I say our maritime provinces advisedly, because when the Grand Trunk Pacific Railway is constructed to Moncton, it is not to be expected that it will remain at Moncton, —the Grand Trunk Pacific Railway will be extended no doubt to Halifax and to other maritime ports.

Hon. Mr. LANDRY—Where is the proof of that?

Hon. Mr. BEIQUE—The proof is in the natural condition of things. The proof is in the expectation that the Grand Trunk Railway will continue to be a progressive company and that when they reach Moncton they will avail themselves of all the trade possibilities, that they will be interested in developing the other parts of New Brunswick and of the other maritime provinces as feeders of their railway.

Hon. Mr. LANDRY: Will they construct a tunnel for the island?

Hon. Mr. BEIQUE—As far as the general proposition is concerned, I intended to say but one word in reference to one of the points made by the hon. leader of the opposition. I refer to that part of his remarks where he attempted to ridicule the point made by Sir Wilfrid Laurier, when he referred to the bonding privileges. The hon. leader of the opposition has stated that the bonding privileges was guaranteed under the Washington Treaty and that the Washington Treaty would have to be abrogated to deprive Canada of the bonding privilege. I will draw the attention of the hon. gentleman to article 29 of that treaty as made in 1871. The article reads:

It is agreed that for the term of years mentioned in article 33 of this treaty, goods, wares or merchandise arriving at the ports of New York, Boston and Portland or any other ports in the United States, &c., may be entered at the proper customs houses and conveyed in transit, &c.

It is the bonding in transit clause of the treaty. But as can be seen by the portion of that article which I have read, it was made only for the term of years mentioned in article 33. If we refer to article 33 we find that it had reference to fisheries, and that it was ter-

minated on the first July, 1885; therefore, since that date; since the first July, 1885, Canada has enjoyed and the United States has enjoyed the bonding privileges merely by sufferance. Without repealing the Washington Treaty, the bonding privilege may be brought to an end at any time by either government.

Hon. Sir MACKENZIE BOWELL—By denouncing the treaty. Certainly clauses of that treaty have already been denounced.

Hon. Mr. BEIQUE—But I am calling attention to the fact that the clause providing for the bonding privilege terminated on the 1st of July, 1885. I am not aware that it was renewed for any specific time since the 1st of July, 1885. I am speaking, subject to correction, but the hon. gentleman based his remarks on the compilation which I have now in my hands. From that compilation of treaties I infer that the bonding privilege clause came to an end on the 1st of July, 1885, and that it was never renewed since; that it was continued from year to year by mutual consent by both governments. The hon. gentleman said that it would be absurd to suppose that the United States government who are getting the benefit of the bonding privilege from this country to the extent of forty-five million dollars a year would denounce that treaty. I do not know what is the extent of the benefit, but it seems to me that if the United States government thought they had some other interest to serve, denouncing the bonding privilege would not very seriously weigh with them. We all know that they were deriving very great benefits from the reciprocity treaty with Canada, and that in 1866 they did not hesitate, for political reason or other considerations to denounce the treaty and terminate it. It seems, therefore, that the point made by the hon. prime minister is not as absurd as the hon. leader of the opposition suggested. I desire to close my remarks by quoting from the Montreal 'Daily Herald' a very short article giving a fair comparison of the two schemes which have been presented to this parliament, to wit: The present scheme and the scheme formulated by the hon. leader of the opposition in the other House. The article reads as follows:—

THE TWO PROPOSALS.

It is the line from Quebec to Winnipeg that is the fundamental proposition in the government's transcontinental railway policy, and it is in regard to it that the widest divergence presents itself between the proposals of Sir Wilfrid Laurier and Mr. Borden. If an analysis of the two policies, so far as they relate to the linking of Quebec—the sea port—and Winnipeg—the distributing point for North-west products—results in favour of the government's plan, then there should be little difficulty in arriving at a common agreement regarding the other questions at issue between the parties.

Broadly stated, Sir Wilfrid proposes that the government build and own a trunk line from Winnipeg to Quebec, constructed so as to secure the slightest gradients, the easiest curves and the shortest mileage. Such a road will of necessity develop a vast territory, much of it known to possess great potential wealth in forests, lands and minerals. It will give Canada a new line of communication between the Western lands and the sea-board, thus relieving the growing congestion of freight traffic, and providing for the tremendous demands of the future. It will provide a route open every day in the year. It will be in competition with all other routes, and it will link the Grand Trunk system to the West. This road is to be leased to the Grand Trunk Pacific Company for fifty years, when it will revert to the government. During forty of these fifty years the company will pay to the government interest on the investment and will furnish running and haulage privileges to the other railway companies.

Over against this clear-cut, straight-forward, easily understood proposition, what have we from the mouth of the Conservative leader? A proposal that, of course, has its merits, or it would not have been advanced, but that cannot stand comparison in point of utility or of adaptability of means to ends with Sir Wilfrid's policy. Mr. Borden, with supreme disregard of what most Canadians will feel, is one of the most valuable features of the government's proposal, and one that should be sought whenever a railway is built on Canadian soil, abandons all pretense of developing new territory. With millions of acres of land in Northern Quebec and Northern Ontario awaiting the railway lines that will open them for settlement, he proposes a scheme that will leave these acres in their primeval condition. Disregarding a hinterland that will, when peopled give the Dominion breadth where it is now narrow, he proposes to utilize existing roads. Instead of spending pubilc money to open the public domain for settlement, he would buy from the Canadian Pacific and the Canada Atlantic roads built in large part with public money. He would give millions to the stockholders in these roads, and in return the country would possess not one mile more of railways than are now built. Sir Wilfrid proposes that the millions shall go into construction work, giving employment to thousands of labourers on the road and of mechanics in our shops, and in the final result give us a magnificent new territory for development. Mr. Borden proposes to put these same millions into the pockets of certain capitalists, scattered the world over and in the final result add not one acre of new territory to Canada's available domain.

Between the two proposals no comparison is possible. Sir Wilfrid's is instinct with hope and confidence in Canada's future. Mr. Borden's is the policy of a man who wanted something to say.

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

The Senate adjourned till eleven a.m. tomorrow.

THE SENATE.

Ottawa, Tuesday, October 20, 1903.

The SPEAKER took the Chair at Eleven o'clock.

Prayers and routine proceedings.

MUNICIPAL FRANCHISES.

Hon. Mr. POIRIER—Before the Orders of the Day are called I ask permission to anticipate a coming debate, as I have to leave this afternoon for home. I received yesterday, from the mayor of the city of Moncton, N.B., the following telegram :

The city council of Moncton strongly objects to any legislation giving to companies control over municipal franchises without the consent of municipalities and approves of Senate amendments in this respect.

I beg leave to place myself on record as wholly concurring with this telegram, as being opposed to any encroachments by the federal power over provincial and especially municipal rights. I do not believe that it is in the interests of good government that we should sanction here the overriding of municipalities by a commission appointed by this House. We must remember that the source of our liberties sprung from the municipalities ; from municipal rights were derived political rights. Municipalities in England, municipalities in Germany, those free cities, and in France during the medieval ages municipal rights were the seed from which has sprung the beautiful tree of liberty. To me any encroachment upon municipal rights is a grave mistake, a grave error and a grave danger.

Hon. Mr. DEVER—Where do the municipalities get their rights ?

Hon. Mr. POIRIER—From the people, I suppose.

Hon. Mr. BEIQUE.

Hon. Mr. BAKER—From the scource of all power, the people.

Hon. Mr. POIRIER—I do not see from whom else the municipalities could get their rights unless we go to Darwinism, before the creation of man, a subject on which I am not prepared to follow my hon. colleague from St. John.

ALASKAN BOUNDARY DECISION.

Hon. Mr. POIRIER—I should like also to be permitted to call the attention of the Senate, before we part, to another question, which I believe is of most momentous importance. That question is the conclusions that can be arrived at from the reported decision of the Alaskan Boundary Commission. It is officially known now what the decision is. That decision, all those who have paid attention to international relations of late could anticipate. The commission, as we all know, virtually, practically and actually ceded the whole of the coast in dispute to the United States. That is no surprise to us. It could have been anticipated, and very likely it is the best thing that could be done. A bad arrangement is often better than a successful lawsuit, and in this case it might have been even worse than a lawsuit. I find no fault with the tribunal ; we can afford, for the sake of peace and harmony with our neighbours, to give up a third slice of our territory, but I think it is time we called a halt and looked forward to see how many other slices we may be called upon to part with, and see if we cannot avert this process of dismembering of our beautiful Dominion. Here we are with our friends to the south and to west of us, and now to the north-west also. Shall we wait until we are entirely encircled by them before opening our eyes to coming dangers. I would say imminent dangers, which are staring us in the face ? The next possible arbitration may be concerning Hudson bay. Supposing at that time Greenland should be a possession of the United States, just see how the iron circle would inclose us and how our chances would be increased of losing another slice, as occurred in this last arbitration here, in any arbitration concerning Hudson bay ? The United States have already put forward claims to that territory and we cannot but feel, no matter how un-

founded their claims may be, if they get them before a tribunal what the result would be. We would have again to cede, in the best interests of the empire, more of our territory. But so far we have them only to the south and to the west and to the north-west of us. I believe it behooves the Senate to wake up, and direct the attention of the government to the fact that it will be a mistake, a great mistake if we allow our friends the United States—because we have only the best feelings towards our friends to the south, though we must not forget our duty towards our own Dominion—to get possession say of the North Pole. To-day they have two expeditions to the North Pole, the Ziegler expedition which is somewhere to-day in San Josef's land, and the Peary expedition which is being prepared and subsidized by the American government and the Arctic club. I believe they got from the Arctic club something like $150,000. Just consider what our position will be if the Americans discover the North Pole and take possession of it. Although possibly there is no economic value attached to it at present; what is now just an academic and geographical point would become a political factor of great importance. Who in the wide world is interested as we are in the discovery of the North Pole? None, except England or the United States. England had been the pioneer towards discovering the North Pole. John Cabot was the first Arctic explorer. He died in the Hudson bay in 1498. From that time since England has sent geographical expedition after expedition, her hardiest mariners—and they are the finest in the world excepting possibly our Canadians—on expedition after expedition, I won't say successfully except to the extent of bringing those barren ice-bound islands of the north into her geographical sphere of influence as parts of her possessions. Now, hon. gentlemen, it behooves us to wake up and do something towards helping those of our sons that are willing to explore the northern limits of this continent. It is of vital interest to us. Let us not wait till our friends to the south get there and then claim an arbitration to perhaps scoop in the whole of the Arctic regions and so encircle us on all sides, south, west, north-west, north, and possibly, as I said before, acquire Greenland. I would like if my voice was powerful enough to call the attention of those who have the direction of the government at Tomsk that we should not be preceded in the acquisition of those places, if they are to be sold, as possibly Denmark would let that immense island go, but especially that we are not preceded towards the North Pole, which would be a calamity, the consequences of which we have no idea. There is Newfoundland to the east of us. I perfectly well understand that no effort has been made so far towards negotiating the annexation of Newfoundland, but, if, as I understand, the French shore difficulties are going to be settled, that is another point to which I would call the attention of our statesmen to see that we are not forced off there. Hon. gentlemen will excuse me for calling this question to their attention, but I consider it is a momentous one. I consider it even of more importance than the guarantee of the 3 per cent on the bonds of the Quebec bridge, because the future independence of our country may depend upon this question.

THE QUEBEC BRIDGE CONTRACT.

Hon. Mr. LANDRY—Before the Orders of the Day are called I would ask the hon. leader of the government if he will be kind enough to have laid on the Table of this House the contract which has been entered into on the subject of the Quebec bridge. I see by the morning paper that an agreement was entered into between the Finance Minister on the one side and the Quebec premier on the other, and that certain conditions have been accepted or agreed to by the parties interested. We would like to have a copy of such agreement at the earliest possible date laid on the Table of the House, and I would ask the hon. gentleman if he will have a copy prepared.

Hon. Mr. SCOTT—It has not been printed, I have not seen the copy as last revised, but I shall have a copy prepared. It is a pretty long paper but I will give orders to have a copy made so that we may get it as early as possible. It may take some time.

NATIONAL TRANSCONTINENTAL RAILWAY BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of (Bill 235) 'An Act respecting the construction of a national transcontinental railway.'

(In Committee.)

On clause 2.

Hon. Mr. FERGUSON—My hon. friend the leader of the opposition will not be in his place in the House for a few minutes, and with his consent I intend just to take up two or three moments in dealing with a point which was presented to us last evening by my hon. friend from de Salaberry. My hon. friend in expounding this agreement to the House stated several times that the Grand Trunk Railway Company were required under this contract to subscribe for $24,900,000 of the stock of the Grand Trunk Pacific Compnay. I asked my hon. friend at the time if he would be kind enough to tell us what part of the Bill before us made that provision, and he referred me to subsection 3 of section 7. He might also have referred me to section 27 of the agreement itself, but on turning up these provisions I find not one word about the Grand Trunk Railway of Canada subscribing for this stock. We know what the word 'subscribe' means in such a case as that. A new company is being formed and you subscribe for shares, which means that you will pay par value for the stock. That is the only meaning the word 'subscription' could have in that connection. The word is not used in section 27 of the agreement or the Bill itself. Hon. gentlemen will remember that subsection 2 of section 7 was one that was added at the instance of the opposition in the House of Commons, and subsection 'b' of section 2 says that the Grand Trunk Railway must enter into an agreement to do certain things. The Grand Trunk Railway were not called upon to agree, but the Grand Trunk Pacific Company was agreeing that the Grand Trunk Railway was to do something, which hon. gentlemen know would not bind the Grand Trunk Railway. But it has been provided, through the efforts of the opposition, that this agreement shall not have any effect until the Grand Trunk Railway agrees to do something, and one of the things which they shall agree to do is to guarantee the bonds of the Grand Trunk Pacific to the extent of twenty-five per cent. or the remaining one-fourth of the cost of the prairie and the mountain sections. But subsection 'b' of section 2, says further that the Grand Trunk Railway will acquire and take the common stock of the Grand Trunk Pacific Railway to an amount of not less than $24,900,000 as provided by clause 27 of the agreement. There is nothing about subscribing to it there. It is simply that the Grand Trunk Company will acquire and take, but the conditions on which it shall acquire and take are not set forth, leaving that to be arranged between the two companies, if they can be fairly regarded as two companies, and certainly, they are for certain purposes two companies, the Grand Trunk Pacific and the Grand Trunk Railway. We turn to section 27 of the agreement, and we find that it reads as follows:

> 27. The company undertakes that the Grand Trunk Railway Company of Canada shall acquire and take the said common stock to the amount of twenty-five million dollars, except shares held by directors, not exceeding one thousand shares, and shall hold the same during the term of the said lease, and so long as any of the bonds guaranteed by the government under the terms of this agreement shall remain outstanding unpaid.

I asked my hon. friend to point out where, and in what respect the old Grand Trunk Railway is to subscribe for any stock of the new Grand Trunk Pacific, and he referred me to these clauses which, do not show anything of the kind. But my hon. friend went on to explain that in these dealings between the Grand Trunk Pacific and the Grand Trunk Railway Company the whole thing was regulated by the Railway Act, and we know that in this respect the Railway Act as it is now going through the two Houses of parliament, eliminates some of the old provisions which enabled any railway company to dispose of its stock in payment for claims, imaginary or otherwise. That clause was eliminated from the Railway Act and a much better clause was inserted. But I want to refer the hon. gentleman from de Salaberry to the Act which we have passed this session, incorporating the Grand Trunk Pacific, and we find that in section 11 of that Act a new

provision is inserted which revives all the provisions of the Railway Act which we thought we had done away with, with regard to all railway companies, and which will enable the Grand Trunk Pacific to dispose of its stock almost in any way it pleases. This clause shows precisely what the Grand Trunk Pacific may do in passing over this stock to the Grand Trunk Railway and on what consideration they may pass it over. Turning to section 11 of the Act of incorporation of the Grand Trunk Pacific, we find the following words :—

11. The directors of the company elected by the shareholders may make and issue as paid-up stock, shares in the company, whether subscribed for or not, and may allot and hand over in payment for plant, rolling stock, docks, elevators, wharfs, warehouses, vessels, or materials of any kind, or as consideration for rights, powers and privileges acquired and also for the bona fide claims of contractors and engineers, such an amount of such common stock as shall be a fair and bona fide value for the property purchased, or for the rights, powers and privileges acquired, or services rendered, as aforesaid, other than promotion services, due regard being had to the then market value of the stock; and such issue and allotment of stock shall be binding on the company, and such stock shall not be assessable for calls.

Here is a provision which enables the Grand Trunk Pacific Company to pass this stock over to the Grand Trunk Railway Company, for what ?

Hon. Mr. BEIQUE—For value.

Hon. Mr. FERGUSON—The market value is what is stated. My hon. friend from Wellington (Hon. Mr. McMullen), speaking the other evening upon this question, congratulated himself that there was to be no old rolling stock handed over to the government. Does not this clause permit a transaction between these companies by which old rolling stock belonging to the Grand Trunk Railway Company may be handed over in payment for this $24,900,000 stock ? It is as plain as possible, that we are giving under the Bill before us, power to the Grand Trunk Railway Company to hold this stock and the Grand Trunk Pacific Company can pass it over to them, and we have provided already in clause 11 of the Act of incorporation how it is to be disposed of. It is to be at market value and that value to be ascertained by these two companies, the two companies which Mr. Blair described as the 'one red headed boy' and which Mr. Fielding admitted was quite a fair and reasonable description.

Hon. Mr. EDWARDS—Will the hon. gentleman kindly point out wherein the danger and harm can occur from what he points out ?

Hon. Mr. FERGUSON—I have pointed it out, and the hon. gentleman cannot fail to observe it whether he agrees with me or not. Here we have two companies, which are admitted by the Minister of Finance to be 'the one red headed boy,' and we have a provision inserted in this Act of incorporation, a provision which we have removed from the Railway Act of this year, which enables the Grand Trunk Pacific Company to pass over this stock to the Grand Trunk Railway Company, taking in exchange for it, rolling stock, wharfs, warehouses, docks, elevators, or anything of that kind at a value that may be ascertained between them for both the dock and plant. My objection is that the old Grand Trunk Railway Company that is absolutely doing nothing in this enterprise except to guarantee the bonds for one-fourth the cost of the prairie and mountain sections, are to hold this stock, and if it should earn dividends they are to receive dividends, while it is not provided that they shall pay par value for it. That is my complaint, and I think it is a complaint to which a great deal of force should be attached. In connection with clause 11 of the Act to incorporate the Grand Trunk Pacific Company, which we passed this session, the two companies are enabled to come together, and find a value for this $24,900,000 stock. They are not bound to put it at par at all. They may ascertain between themselves that it is worth only thirty cents on the dollar, and then the Grand Trunk Railway Company may hand over to the Grand Trunk Pacific Company, rolling stock and other property at a value to be ascertained between them and not necessarily one single dollar in cash. What I want to impress on the House is that the contract leaves it absolutely open, as between those two companies, to do something which we have considered it not right or proper other railway companies should be allowed to do, and which we have guarded against in the new

railway Act. I want to add another word with regard to the route of the railway. I found yesterday a map—a most valuable map it is, I think hon. gentlemen will agree with me—showing the barren grounds, the arable, wooded and pastoral lands, the northern limit of trees and possible cultivation of wheat and others cereals, prepared by Dr. Bell, assistant director of the Geological Survey of Canada. The map was prepared in connection with the committee of this House appointed in 1888 to investigate the resources of the Mackenzie basin. This map shows in red the arable and wooded lands of the Dominion. The map is appended to the report of the committee of this House, to which I have referred. Here is a map prepared, not like this pamphlet that has been placed in our hands compiled by an officer of the Geological Survey under the instructions of the Minister of the Interior for the purpose of bolstering up an argument in favour of the Bill that is now before the House, and on which the government was staking its existence, but a map prepared by Dr. Bell, an eminent authority, without any regard to a question of policy before the country. I find by this map that every statement which has been made by hon. gentlemen on this side of the House with regard to the character of the country through which this projected railway is to pass, is amply sustained. Drawing a line from the city of Quebec to the city of Winnipeg, it is found that it will only cross a very short stretch perhaps, not more than thirty or forty miles of land that is marked red, and thus designated as arable, pastoral or wooded, until we reach Lake Nipegon. Not a single mile on that long stretch is marked arable or wooded after it crosses the height of land west of Quebec, with the exception of the thirty or forty miles I have mentioned, until you reach Lake Nipegon. That one exception is the Temiscamingue country where it crosses that point of arable land, it is very narrow, not exceeding at the utmost fifty miles. When we get to Lake Nipegon we find there is a fertile tract west of that point. I learn somewhat from an engineer who has been in communication with a Grand Trunk engineer—though the government has no information on this part of the subject—and I am pleased to tell the House I have received on what I regard as excellent authority, information that for eighty miles west of Lake Nipegon there is an excellent tract of land which this line will traverse. By following this land marked 'red' on the map, it will be found that the Lake St. John district is so marked. There is a comparatively barren stretch between the Lake St. John district and the James bay district, but once you pass the height of land and reach the Nottaway river in the James bay basin, the map is marked red as being arable and wooded.

Hon. Mr. TEMPLEMAN—I cannot find Lake Temiscamingue marked on the map.

Hon. Mr. FERGUSON—It is not marked, but we know where it is.

Hon. Mr. KERR (Toronto)—Is the tract or arable land west of Lake Nipegon marked red on the map?

Hon. Mr. FERGUSON—Yes, it closely confirms the statement of the engineer to whom I have referred. It is a very level tract of country.

Hon. Sir MACKENZIE BOWELL—Will the projected line pass through that tract of country.

Hon. Mr. FERGUSON—Yes, and a line has been run for that eighty miles. The hon. gentlemen will find immediately north of Sudbury the fertile land projects southward from the James bay and the line will cross the southern part of that tract, and that seems to be the only tract of arable and wooded land that this road will touch from the time it gets well out of the valley of the St. Lawrence at Quebec until it reaches Lake Nipegon. My hon. friend from Vancouver will find that the Lake St. John country is marked arable and wooded as we all know it is, but that is north of this route. At the very start he will find after leaving the Lake St. John district, going north-westerly, following the O'Sullivan survey, there is a territory marked red. I am following the line where the Trans-Canada was proposed to go, and which Sir Sandford Fleming advocates through the whole course of his pamphlet as the proper route for a transcontinental railway. The line passes north of Lake Winnipeg, forming, as he says, a new gateway to the fertile country of the North-west. If my hon. friend

will draw a pencil line in the same general direction westward from Lake St. John to the Peace river country, it will pass through Dunvegan to the point where the Peace river pass penetrates the Rocky mountains, and he will find how fully this map corroborates any reliable information we have from recent surveys. We have information with regard to the mountain section. If my hon. friend will do as I have done, and go through reports of the Department of Railways and Canals, for 1900 and 1901, he will find that there have been surveys through the mountains. Mr. Dupont, who was head of the party that surveyed the country from Fort St. John to the junction of the Finlay and the Parsnip rivers, reports that there is a good arable country there, and it was so marked on this map, is amply sustained in every particular where it has been tested by recent explorations. It proves this, that while the Trans-Canada route, passing through the Lake St. John district and over the height of land, and descending into the James bay basin, following the course of the river Nottaway, and thence proceeding in a north-westerly direction through this clay belt, would traverse a valuable country until the line enters the Rocky mountains at Fort St. John, where this railway proposes to penetrate the mountains, and where Sir Sandford Fleming says the Transcontinental Railway should point to when it leaves Quebec. Sir Sandford says it should make a direct route and he says the shortest route is none too short, any route is long enough, and therefore it should take the shortest possible route. Any hon. gentleman can get this map from the library; there are numbers of them there; they were published in the Journals of the Senate for 1888, and if hon. gentlemen will take the trouble of looking at them they will find they entirely disprove the statements made to us in so many forms with regard to the proposed route of this railway. The hon. gentleman from de Salaberry contended last evening that this road might take a more northerly direction, that it was not bound to follow absolutely a direct line to Winnipeg and that consequently if a better country is found further north that it might go through that country. I ask hon. gentlemen to reflect if that is done what becomes of this story that we have been told with such great persistency about this route on the height of land being as smooth as a billiard table, with a gentle incline to the east so that, as one of the advocates of the Bill put it, you could start a car from Winnipeg and it would run down the hill nearly all the way to Quebec of its own momentum.

Hon Sir MACKENZIE BOWELL—How would it be going up hill?

Hon. Mr. FERGUSON—It would be empty and would be easily hauled. What has become of the story we have been told about the beautiful piece of table country on the height of land? There can be no mistake about the way the route had been proposed, because this pamphlet of Dr. Ami's which has been paraded before us, says that this railway would cross the height of land nine times, so that it was following the general contour of the height of land, and which this map shows to be no good for arable purposes or anything else. Then if that northern route to Winnipeg is to be adopted in preference to the direct route, all the claims that have been put forward that the shortest possible route has been found between Winnipeg and Quebec goes for nothing; if a long detour of this kind is to be followed up into the basin of the Hudson bay. Instead of it being a 1,400 miles line from Winnipeg, it will be more likely to be 1,700 miles, if you take that course which requires to be taken in order to get into the fertile country. Hon. gentlemen will see for a moment that the point that was very ingeniously made by the hon. gentleman from de Salaberry and his Honour the Speaker—that it was possible for the government to take in this northern country if it was found to be better than the direct route—flies in the face of two claims put forward in favour of the scheme, first that a very short route was to be taken from Quebec to Winnipeg, and secondly that the height of land was to be followed, and would admit of easy gradients. I think the evidence found here is very important and although it is too late perhaps to change the views of the government, but nevertheless it shows the folly of proceeding with such a stupendous enter-

prise as this without getting the best possible information and I submit that this information as contained in this map has the earmarks of credibility about it, as it was not got up to bolster any theory or any scheme. It was no doubt the best information that was available to geologists and there is nothing shown that any information has been obtained since then to upset any part of this map. Furthermore we find that in every part of the country of which we do know anything, this report confirms our knowledge. Where we have information that we know is reliable we find this map corroborates and sustains the knowledge we have on the subject.

Hon. Mr. YOUNG—I was going to ask the hon. gentleman if the evidence adduced before that commission bears out his contention with regard to the matter ?

Hon. Mr. FERGUSON—I am glad the hon. gentleman asked the question. The evidence which came before the commission was not in regard to the eastern country. It was the Mackenzie river basin that was being investigated, and that does not cover this eastern part of the country. But this map, showing the character of the country and other matters was submitted and attached to the report of the committee.

Hon. Mr. YOUNG—With special attention to the Mackenzie river basin.

Hon. Sir MACKENZIE BOWELL—I intimated in the few remarks I made last night that I should not return to this subject except probably in committee when discussing some details. I also stated when I spoke in the first place that I intended to deal with the general subject, leaving the details to those who would follow. Now that my statement with reference to the bonding system has been called in question I feel it incumbent upon me to set myself right upon that point. I have been misunderstood by the hon. gentleman who now occupies the Chair, and also by his colleague from Queen's (Hon. Mr. King), I am quite sure not intentionally, but upon that question I shall endeavour to set myself right also, as I should be very sorry to have either of those hon. gentlemen misunderstand me. I know that the hon. gentleman from Queen's stated to hon. gentlemen in the House before he left for home that he intended to make use of the remarks I made in reference to the carrying of all the western trade to United States ports instead of St. John. I shall refer to that presently. There is in connection with this debate something which to my mind has been very interesting, something which, if it were not of so serious a character, we might sit down and laugh at.

When we hear of gentlemen like the hon. senator from Wellington, the hon. gentleman from Portage la Prairie, and I think my hon. friend from Perth indulge in the same levity in accusing others who dared to differ from them upon this subject, of being actuated by partisanship—and my hon. friend to my right (Hon. Mr. Ferguson) taken to task for having talked too much, and taunted with having been defeated at his last election, if it did not strike others it did strike me, as somewhat incongruous coming from the lips of a gentleman who owes his seat in this House to the fact of having been defeated in the last election. I do not mean to say that is any disgrace, the best statesmen in England and in the Empire have on occasion been rejected by their constituents. I never look upon that as any particular disgrace, particularly as people's minds change, in all countries that have free institutions, but when the hon. gentleman talked about my hon. friend from Marshfield being a sort of political talking machine, 'a talker, a talker, a talker,' he brought back to my mind, and the hon. gentleman will excuse me if I refer to it, because he appealed to my memory on which I shall have occasion to call when we reach another Bill—that no gentleman who has occupied a seat in the House of Commons for eighteen or twenty years, did more talking than the hon. gentleman himself. I know upon one occasion, and my memory is tolerably good, that the hon. gentleman was on his feet for thirty or forty times in one night—that is not much; but if my friend from Marshfield was guilty of an act of that kind he might very well be called a talking machine. I remember the hon. gentleman wasting a half an hour talking on an item of thirty dollars in the estimates, that had been spent

for washing towels in the Customs Department. When one considers there were about thirty employees in that department, and that the bill was for a year's washing of towels with which these gentlemen, for such they are, could wipe their hands, I could only retort somewhat in this fashion, that if the hon. gentleman liked to use dirty towels himself I did not, as I thought it due to the officers of the department, as they were gentlemen and desired to be clean, to see that they had clean towels. For the hon. gentleman to speak of one of his colleagues in this Chamber as a talking machine—I do not desire to say anything discourteous, but it certainly caused me to smile, as it did some other hon. gentlemen who had been in the House of Commons in years gone by. Before I touch on the other questions to be considered in this Bill, I wish to refer to some sudden conversions that have taken place since this Bill was introduced. The conversion of St. Paul on his way to Damascus to persecute the Christians is nothing to be compared to it. When they first discussed the question, even from the Speaker down, we all know what their views were as expressed in the lobbies of the House. My hon. friend from Wellington (Hon. Mr. McMullen) is smiling, I am glad to see him smile, because as a rule he looks as sour as a pickle. I am glad my remarks are tickling his fancy and that he is feeling well over it, but unless he is grossly misrepresented he wrote a violent article to the 'Globe' protesting against this project as being most iniquitous and villainous—I think that is his language, but the editor of the 'Globe' being a good party man, not an independent like the hon. gentleman himself, refused to publish it. It is also said, I don't know whether true or not——

Hon. Mr. McMULLEN—Will my hon. friend allow me; my hon. friend is misinformed about my addressing a letter to the 'Globe' in opposition to the whole scheme; I think he will accept my word for it.

Hon. Sir MACKENZIE BOWELL—Certainly, but did not the gentleman state he had written or intended to write one stronger than ever he had written before?

Hon. Mr. McMULLEN—I never wrote to the 'Globe' on the subject at all.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman did not answer my question. I asked whether the hon. gentleman did not tell a member of the House of Commons that he intended to write such a letter?

Hon. Mr. McMULLEN—I have no recollection of saying anything about it.

Hon. Sir MACKENZIE BOWELL—We will dismiss that part of the subject as his memory fails him.

Hon. Mr. LANDRY—Did the hon. gentleman write such a letter to the Prime Minister?

Hon. Sir MACKENZIE BOWELL—My hon. friend tried to get that letter some time ago, but I do not desire to waste time on this subject.

Hon. Mr. LANDRY—I was told it was confidential.

Hon. Sir MACKENZIE BOWELL—If it were confidential we cannot expect to get it, although some confidential and private letters do appear, and one did a short time ago, and was laid before the House. My hon. friend from Victoria does not seem to enjoy this little diversion. I shall now deal with the principles of the Bill as to some of which I think I have been misunderstood. The hon. gentleman from Queen's stated distinctly that I had advocated routes to the American frontier and the American ports rather than those of Canada. My hon. friend the present chairman (Hon. Mr. Ellis) in his speech last evening did not go so far as that, but he understood the tendency of my remarks to be in favour of those routes. Neither one nor the other is correct. If you will refer to my remarks as reported by the official reporters, you will see I said there were certain avenues which might be taken advantage of by the Grand Trunk Railway in order to reach the American ports, and I pointed out that one of them was from Winnipeg to Emerson on the border, connecting there with the northern Pacific Railway, with which the Grand Trunk Railway could make arrangements for carrying traffic down to Duluth or other routes to Chicago. While I pointed out that fact, there is not a word in anything I said that would indicate I ap-

proved of it. I then pointed out they might upon reaching Quebec, instead of going over the new line to Moncton, if it is ever built, or passing over the Intercolonial Railway, that it was easier to reach Portland over their own lines, having a line from Quebec to Richmond and from Richmond to Portland. Those are the facts which I pointed out, not advocated, and I hope this explanation will be satisfactory to my friend who sits in front of me. My hon. friend from de Salaberry, I must candidly confess, surprised me when he made his speech last night and called my attention to what he supposed or asserted to be, a wrong impression that I had left upon the minds of the Senate in reference to the bonding system. Though not a lawyer, I was under the impression I knew something of that question, but when he told me that the bonding system had been abrogated by the repeal of a certain clause in the Washington treaty, and that now we enjoyed the bonding privilege through United States territory through courtesy, rather staggered me. Then when I began to brush up my memory, to which my hon. friend appealed the other night, I found he was mistaken, and he will excuse me when I say that I approach a subject of this kind with some little delicacy when combatting a question raised by an eminent legal gentleman like himself. What did I say ? I stated that the Washington treaty guaranteed the bonding system to Canada, and that to abrogate that privilege they would have to denounce the Washington treaty. My hon. friend took exception to that, and he told the House last night that a certain clause of the treaty which secured to Canada the bonding privileges had been repealed. He referred to clause 33 of the Washington treaty and stated that that gave the United States government authority and power to repeal the clause granting the privileges to which I have alluded, and which are contained in article 29. Article 29 says :

It is agreed that for the term of years mentioned in article 33——

In order to understand what article 33 means, you must go back to the original treaty and find article 33, which is as follows :

The foregoing articles XVIII. to XXV., inclusive, and article XXX. of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the imperial parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edward Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation ; and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same ; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years, or at any time afterwards.

Turn again to the amended treaty as it stands upon the statute-book and you will find this article says—it does not copy the amended treaty, the clause that is repealed, but it says—the article referring to the fisheries was terminated July 1, 1885. It does not say one word about the bonding system. Let me refer to article 30 in the original treaty and we will learn what it means, and I want to draw the attention of the House to this fact, that it does not mention from beginning to end the question of the bonding system. It is somewhat long but it is of importance, and as I have no desire that the House should suppose for a moment I was trying to mislead them upon a question affecting our intercourse with the United States, I will read it. The original article 30 referred to as having been repealed, reads as follows :

It is agreed that, for the terms of years mentioned in article XXXIII. of this treaty, subjects of Her Britannic Majesty my carry in British vessels, without payment of duty, goods, wares or merchandise from one port or place within the territory of the United States upon the St. Lawrence, the great lakes, and the rivers connecting the same to another port or place within the territory of the United Saes as aforesaid: Provided, that a portion of such transportation is made through the Dominion of Canada by land carriage and in bond under such rules and regulations as may be agreed upon between the government of Her Britannic Majesty and the government of the United States.

Citizens of the United States may for the like period carry in the United States vessels, without payment of duty, goods, wares, or merchandise from one port or place within the possessions of Her Britannic Majesty in North America to another port or place within the said possessions : Provided, that a portion of such transportation is made through the territory of the United States by land carriage and in bond under such rules and regulations as may be agreed upon between the government of the United States and the government of Her Britannic Majesty.

The government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this article through the territory of the United

States ; and Her Majesty's government engages to urge the parliament of the Dominion of Canada and the legislatures of the other colonies not to impose any export duties on goods, wares, or merchandise carried under this article ; and the government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this article in favour of the subjects of Her Britannic Majesty.

The government of the United States may suspend the right of carrying granted in favour of the subjects of Her Britannic Majesty under this article in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals of the said Dominion on the terms of equality with the inhabitants of the Dominion, as provided in article XXVII.

Now, hon. gentlemen will see that that clause does not repeal the bonding privilege, and those who have not given this question study will excuse me if I point out what that clause means—that is a concession toward the United States on the part of Her Britannic Majesty, and to Canada on the part of the government of the United States of the right to carry goods from one American port to another in a British vessel provided it passes through a portion of Canada en route to its destination. Let me give an illustration : A British vessel could take on a cargo at Chicago, pass through Lake Michigan, Lake St. Clair, Lake Erie, down to the Welland canal, and the moment it reaches the Welland canal, then it would have to pass through a portion of Canada. That vessel could continue her route down to an American port and there discharge her cargo. That is what is repealed, and not the bonding system. Let me give you another illustration : After the repeal of this law the Canadian Pacific Railway purchased a locomotive in St. Paul and took it over the St. Paul, Minneapolis and Manitoba Railway to Emerson ; then crossed into Manitoba, took it through the North-west Territories into British Columbia to New Westminster, then when they got it there the American customs officials would not permit them to take that locomotive from New Westminster to a port on the Pacific in the United States, in a British vessel, contending that it would be a violation of the coasting laws. That was a right granted under the clause to which I have called the attention of the House. Under the Washington treaty that has been repealed, and nothing more. That is not the clause which gives the right of bonding to the whole of Canada.

Hon. Mr. BEIQUE—Will the hon. gentleman permit me to ask him if clause 33 is not repealed ?

Hon. Sir MACKENZIE BOWELL—Yes, clause 33 is repealed, but that does not affect this bonding privilege.

Hon. Mr. BEIQUE—Clause 29, providing for the bonding privilege, says that this bonding privilege shall exist only during the term mentioned in clause 33, and when clause 33 lapses by expiration of the term of ten years, mentioned in that clause, then the bonding privilege lapses in the same way. I beg to correct the hon. leader of the opposition. I don't think I used the expression, that it was repealed, but that it had lapsed.

Hon. Sir MACKENZIE BOWELL—Yes, the hon. gentleman is quite right.

Hon. Mr. BEIQUE—It did not require to be repealed, because it lapsed by expiration of time.

Hon. Sir MACKENZIE BOWELL—Let us see what clause 33 says, and see whether it has to do with the bonding question.

Hon. Mr. BEIQUE—It has nothing to do with the question of bonding, but it has something to do with fixing the term.

Hon. Sir MACKENZIE BOWELL—It is very singular if clause 33, to which my hon. friend referred, was repealed that the Attorney General of the United States should hold that it is still in force. The clause to which my hon. friend refers deals with the question of extending the term for another ten years. I read that before. That has nothing whatever to do with the question to which I have called the attention of the hon. gentleman. If his contention be correct, I should like to ask him how he accounts for the decision to which I called the attention of the House when I was discussing the question of the decision of the Attorney General of the United States in 1895 ? I have that here and can quote it again if it be necessary. The Attorney General of the United States points out to the Treasury Department that goods which were brought from Japan to San Francisco,

and which passed through Canada to a port in the United States, could be so taken under the Washington treaty. Is it possible that the Attorney General of the United States did not know that the bonding system privileges still existed when he wrote that letter to the Treasury Department, giving a decision upon this very question? If my hon. friend will take the treaty, as it is on the statutes, he will come to a different conclusion from that at which he arrived last night, namely, to use his own language, that these treaties had lapsed. They have been recognized and acted upon, and the Attorney General of the United States has placed his opinion on record in the document to which I have referred, that goods could be carried from a port in the United States through Canada to another port in the United States under the provisions of the Washingston treaty. These are the only two subjects on which I felt sensitive when I saw the position taken by the hon. gentleman. I propose now for a moment, since so many quotations have been made, to refer to the question of route. Sir Sandford Fleming has been quoted so often by each hon. gentleman who has addressed the House, that I may be excused if I refer to his pamphlet for a moment. There are two points in particular to which no attention has been called. The Speaker, in his remarks, called attention to a statement made by Sir Sandford Fleming, and, referring to myself, said he was sure that I would place considerable weight on Sir Sandford Fleming's opinion, since I had spoken so highly of that gentleman. My intercourse with Sir Sandford Fleming for some time led me to the conclusion that he was a gentleman of a great deal more than ordinary ability, and that when he wrote upon any question, he generally knew what he was writing about. He advocated the northern route. There is not a word in this pamphlet to show that he is in favour of the scheme called the Transcontinental Railway, which is before us to-day. He is strongly in favour of another transcontinental line, leading from Quebec north of Lake Winnipeg thence to Edmonton and the Peace river district, and thence to the Pacific. That is the position which I took, as the House will remember, when I spoke on this question before. Sir Sandford Fleming, in speaking of this subject, used the words 'it is a captivating project.' Then he goes on to point out, on page 5:

> On other occasions I have pointed out that there is a choice of gateways for railways to enter the prairie region from the east. There is one to the south, and another to the north of Lake Winnipeg. The grain grown in the southern half of the prairie region, tributary to the city of Winnipeg, will find its readiest outlet by the southern gateway.

That is by the southern route, the Canadian Pacific Railway and the Canadian Northern Railway to the head of Lake Superior. Then he says, on page 8:

> I have already expressed my doubts as to the wisdom or expediency of proceeding in a haphazard way to establish a new transcontinental railway.

That verifies the position taken by the hon. gentleman from Marshfield in the resolution which he moved, asking for delay. Then Sir Sandford Fleming makes a remark, which, strange to say, has been overlooked by hon. gentlemen who have discussed the question. After referring to this haphazard way of commencing an enterprise of this magnitude, he refers the reader to the pages of his report of 1878 in reference to his explorations in the west, and adds:

> In the general interest I sincerely hope that Mr. Blair will distinguish himself in following up his idea of a new transcontinental railway in continuation of the line under his care, and that the government and parliament will lose no time in inaugurating a work which must prove of incalculable gain to Canada and in many ways tend to advance and strengthen the whole empire.

There is another portion of this letter in which he advocates the policy of continuing the Intercolonial Railway to Depot Harbour, and making it a government road. Now, this portion of his remarks is strictly in accord with the policy which has been so much condemned, when proposed by the leader of the opposition in the other House. Let me venture a prediction. I have indicated my own individual opinion as to government ownership, but government management can be accomplished to a very great extent without government ownership. What is to prevent the Canada Atlantic Railway, with its connections, with what is called the Great Northern, with the junction at Hawkesbury, playing the same part in connection with the transportation of grain

from Manitoba by steamboat from Port Arthur down to Depot Harbour and then eastward, while owned by a private company? Depend upon it, although this may be a little prophecy, the Canadian Northern and Mackenzie & Mann systems, having a road built into the centre of Manitoba and into the North-west, and with a guarantee of 3 per cent on $13,000 per mile for an extension westward as far as Edmonton, would make their connections with Winnipeg, and would ship via the southern route down to Port Arthur, and by steamers from there to Depot Harbour. I shall not be surprised if the Canada Atlantic Railway becomes a part and parcel of that route. The Mackenzie & Mann Company have the route from Quebec to Hawkesbury by what is called the Great Northern, and all they will have to do now in order to complete their through line will be to secure from Mr. Booth the Canada Atlantic Railway running from that eastern point to Depot Harbour. That would give a direct communication beween Port Arthur by vessel to Depot Harbour, and thence to a Canadian port. They have also secured lines and are building others now in Nova Scotia, with which they will connect, and you will find before many years roll around, if my predictions are verified, that the Mackenzie-Mann system will extend from Edmonton down to the Atlantic over the roads to which I have called attention. You may call that imaginary, but watch the current of events, see what these two enterprising men are doing. See how they are getting possession of every road that would lead to the completion of their through line. That will be a line as direct to the west as the Canadian Pacific Railway, and then if you have another line running from Quebec, as was intended by the Grand Trunk Railway people themselves to go north of Lake Winnipeg, north of the Saskatchewan, through that fertile belt of land which lies to the northern part of Manitoba and towards Edmonton, we would have another outlet of which Canada might be proud. The great objection that I have, and the great objection of those who have opposed this Bill in the other House, and in this House, is to the section from Quebec to Moncton, and for this reason: We are told you can go to Moncton by a shorter line than by the Intercolonial Railway. Supposing you do, where are you when you get to Moncton? The answer would be, you are at Moncton.

Hon. Mr. DEVER—No, you are at Newcastle to get coal.

Hon. Sir MACKENZIE BOWELL—When you reach Moncton you are just as far from a shipping port to Europe as you would be if you went over the Intercolonial Railway. But granting that the contention as to the survey of distance is correct, it would only be a saving of sixty miles, and that saving is to cost ten millions of dollars, and then you have to go from Moncton to Halifax to reach a seaport, or you have to come westward again some ninety miles before you can reach the shipping port of St. John. That is the position. I do not desire to use too strong language, but to my mind it is a species of madness on the part of our statesmen to adopt such a policy; and as has been indicated by the hon. Secretary of State and others who have spoken on this question, they never intended to take up that part of the project until they were forced by the representatives of the maritime provinces to do so, or they would reject the whole scheme. What they should do, if they want to reach a port, is to do precisely what the government of which I was a member did when they established a winter port at St. John. If you are bound to get from Quebec to a seaport, adopt the nearest possible route. When the Canadian Pacific Railway short line was built, the maritime province people insisted on having a short line from Harvey to Salisbury. It is a cut off in order to reach Halifax, but it was not at all necessary, in the interest of a nearer shipping port, that that should be built, so after the Canadian Pacific Railway had built their two other sections they declined to go on with it, because the Senate, in their wisdom, rejected the appropriation which was asked from parliament to build the road. The premier, in his speech, in referring to this point, intimated—he did not say positively, but he intimated by insinuation, that the government was at the bottom of it, or that the government used its large majority in the Senate to defeat that appropriation to prevent the construction of the road. I am speaking from personal knowledge in connection with that matter,

that was an unwarrantable insinuation which was made by the right hon. gentleman. I know that Sir John A. Macdonald went so far as to ask me to canvass members of this Senate who were my personal, intimate friends, whom I had known from boyhood up—I refer particularly to Hon. Robert Read—to see if their opinions could not be changed, and they refused positively to recede from the position they took. The hon. gentleman from Richmond (Hon. Mr. Miller) was the gentleman who moved the rejection of the measure in the Senate, and it was carried by a large majority, although the Conservative majority in the Senate ranged from 40 to 50 at that time. So that the statement that has been made that the government of that day connived at the defeat of this Bill is not correct, nor is it justifiable, and it is a reflection upon a departed statesman that I think should not be repeated. We have had a great many quotations about the land of this northern section, which is represented to be of such admirable quality, along the route of this railway. As the hon. gentleman from Marshfield has pointed out, that good land is to the north of the proposed line, and if hon. gentlemen will look at the subsidies that are in the resolutions before us, they will find that a large appropriation has been given to the Trans-Canada Company to build a line right into that country.

Hon. Mr. SCOTT—I think it is towards James bay.

Hon. Sir MACKENZIE BOWELL—Yes, that is where the land lies, not where the government propose to run this road. It is an extension from Roberval, the northern terminus of the Lake St. John Railway. It reads as follows :

For a line of railway from Roberval westward towards James bay, not exceeding sixty miles, in lieu of the subsidy granted by chapter 7, 1901, item 25.

That is a subsidy for a line into that very section of the country which the hon. Secretary of State is claiming that he is going to have settled by means of this transcontinental railway. This transcontinental railway does not go near it. It is a long way to the south of it. Every hon. gentleman knows that the roads through that north country will cost more than $15,000 a mile, and the consequence is that the subsidy to that road will amount to over $384,000, and if it is built and that section of country is developed, then we will have a demand for another subsidy to continue it further, and the probabilities are that once they reach that point they may receive aid to go further and further into that belt indicated on that map as being arable land and fit for settlement. My hon. friend opposite ridiculed the estimate made by Mr. Osler as to the wealth that would be acquired by the sale of the charter of the Yukon railway if the Mackenzie & Mann scheme had been carried out towards Teslin lake. His language was, I think, that his last estimate was of such a character as to receive no attention. To those who consider for a moment the wealth of that country, the fifteen million, the twenty million and the other millions of gold brought out from the Yukon country every year, the calculation made by Mr. Osler will not seem so absurd as the hon. gentleman indicated. I think if he will reflect a moment, he will come to that conclusion himself. It is not necessary that I should enter into an argument now defending the action of the Senate in reference to that question ; but if anything would surprise me, it would be the remarks of the hon. gentleman from Wellington, when he condemned this House in the strongest terms for rejecting a measure which was, he said, going to give us possession of a road without going through United States territory. Does he not know, if not he ought to read and find out, that the machinery which was carried over from the inlet to Teslin lake is still lying upon the shores of Hootalinqua river which was to be taken down the river to Dawson. If he can find in Dawson, or in any other part of that western country, a man who can approve of or justify the scheme that was then proposed, I shall be glad to beg his pardon most humbly for having referred to it. Anybody who has studied the question can scarcely conceive it possible that an intelligent man would give utterance to the sentiments which my hon. friend indulged in the other day on this question. By the route that was proposed you would have to go up the Stikeen river and cross from it on a tramway 150 miles to reach Teslin lake,

and then by water routes, shallow and dangerous rapids, and when you get to Teslin lake you are not as near Dawson as you are when you reach the head of the Lynn canal and strike the railway that runs through that pass. I do not think it is necessary to go beyond that, because it is a subject that is susceptible of a good deal of discussion. Take the geographical position of the country from one end to the other, and no man who has one grain of common sense and a knowledge of the country, would advocate a scheme of that kind. I speak from some little personal knowledge of what has taken place. Now, with reference to the statements made by the hon. Secretary of State, my hon. friend from Perth and others, that they know more of the north-western country and the route by which you would reach the Pacific than when the Canadian Pacific Railway was first projected, it was rather a startling statement for hon. gentlemen to make. Is it possible that they knew so little about the North-west Territories? I remember as a boy reading—and I never forgot its contents—the first book I think I ever read in connection with the North-west Territories, by Sir George Simpson, Overland Route, leaving Montreal, going by the waterways, until he reached Russia. That made a strong impression on my mind as to the character of the country. Since that time we have had very important works published by Pelliser, Ballintine, Milton, Chediale, Dawson Report, Fleming's Report, Hudson Bay Reports and other information on this subject, indicating clearly that a good deal was known about the capabilities of that country when the Canadian Pacific Railway was projected and built. My hon. friend from Toronto (Hon. Mr. Cox), in his explanations, frankly confessed that the Liberals had committed a great error in denouncing that policy, and that they had had twenty years to repent; but he did not stop there. He said the Conservative party were following in their wake and making precisely the same mistake now. I challenge the hon. gentleman to point to a single remark by any of us who have opposed this Bill denunciatory of the country. The Liberals who opposed the construction of the Canadian Pacific Railway were so violent in their denunciations of the Canadian North-west, that extracts from the speeches of Mr. Blake, accompanied by his portrait, were posted at the railway stations in the neighbouring country to show emigrants what an uninviting country Manitoba was. You can not point to any such utterances from any one who opposes this Bill. We say there is land to the north; we say you are not running your road where that good land exists, and you should not go on with the work until you know more about that northern country. If there is any force in the position which we take, it is sustained by the remarks made by the hon. Secretary of State in reference to the Canadian Pacific Railway. In a long and very interesting, and, to the historian, a very instructive speech, my hon. friend said, in 1880-81:

> We have spent over three and a half million dollars in ascertaining what that will cost. Year after year blue-books have been submitted to us giving the result of the labours of that vast army of engineers and surveyors that have flooded the country between Lake Nipissing and the Pacific coast and this House has often commented on the extraordinary expense that has been incurred on these surveys. Up to a recent period that land was a terra incognita. No one was prepared to speak confidently of its resources up to the time we took it over from the Hudson Bay Company. Very few explorers had traversed that country; it was known only to the Hudson Bay Company's people.

Notwithstanding all these authorities I have given him in reference to that country, a number of them written long before Canada acquired the Hudson Bay territory——

Hon. Mr. SCOTT—The reference to the three million dollars spent on surveys, applies to surveys made between 1874 and 1878.

Hon. Sir MACKENZIE BOWELL—I hope I did not say anything to the contrary.

Hon. Mr. SCOTT—I thought my hon. friend was applying it to other years.

Hon. Sir MACKENZIE BOWELL—We all know that certain attempts were made to get a contract signed for the building of a road by the Mackenzie government before they went out of power. In these attempts they spent about three millions of dollars, and the hon. gentleman said, after spending that amount, they knew nothing about the country, and now he is trying to enforce on us a railway

with the same want of knowledge in reference to this northern country. I notice, in looking at the hon. gentleman's speech when he moved the second reading of this Bill, he made certain calculations as to the cost of constructing the road. He puts it at $65,000,000. He will find, if he looks at the figures, that he has made a mistake of about $13,000,000; not much in connection with a project of this kind. The Toronto newspapers in commenting on the Bill, have quoted his figures. You will find them in his speech of the 12th of October. They are as follows:

If you total up these figures you will find that they come to $78,700,000, instead of $65,000,000.

Hon. Mr. SCOTT—I did not include the prairie section, because we do not propose to pay anything for that.

Hon. Sir MACKENZIE BOWELL—I am giving the hon. gentleman's own figures. I am not responsible for them. I do not propose to deal with what the hon. gentleman may have meant by them.

Hon. Mr. SCOTT—My estimate was $65,000,000.

Hon. Sir MACKENZIE BOWELL—Instead of it being $65,000,000, according to the figures furnished by the hon. gentleman, it is $78,700,000, and that does not include about seventeen millions of other expenditure. We had an interesting description of the character of the land up the Gatineau. The hon. gentleman who furnished it is not present to-day, and I shall not indulge in badinage on the subject, but when he talked about good farming lands away to the north of us, I had a recollection of hearing a certain gentleman who is interested in that part of the country, delivering speeches condemning the subsidies which were to be granted for the construction of roads into a country which he declared to be comparatively unfit for settlement, and that the result would be the burning up of the forests and the destruction of millions of feet of lumber; yet we have a senator in this debate, depicting in couleur de rose language the very region which was formerly condemned, making it out as almost a paradise in which people ought to live. I could have told precisely the same story that he did of the country 150 miles north of Belleville. In my electioneering tours, I tramped through the country bordering on the Madawaska, and my experience shows me the absurdity of using such arguments as that hon. gentleman presented to us. I can take him to places where a portion of a township is level land, but it does not extend very far. The hon. gentleman from Russell (Hon. Mr. Edwards) will be able to give us information on that point. The information given by the senator is calculated to mislead, and people who furnish it either do not know what they are talking about, or it is done for effect.

This question, I repeat, is a very important one, and when our successors read the speeches made by our hon. friends from Lauzon (Hon. Mr. Bolduc), Stadacona (Hon. Mr. Landry), and Marshfield (Hon. Mr. Ferguson)—three exhaustive speeches which will be historical in their character, it will teach those who study the history of Canada what we to-day are attempting to do for this country. I hope, as a Canadian, and a well-wisher of the country, that we may all be disappointed, and that we may succeed in developing a country fit for settlement near the shores of James bay. But, unless we are very much mistaken we will never be able to accomplish that which we have nearest at heart, the carrying of the output of the great North-west country to the seaboard by a long all-railway route. That, again is a question into which I shall not now enter.

Hon. Mr. EDWARDS—Does the hon. gentleman approve of the map produced by the hon. gentleman from Marshfield as being at all correct in representing this country? Does he endorse the map?

Hon. Sir MACKENZIE BOWELL—I know nothing at all of the map; I have not read the report; I have only looked at it as my hon. friend gave it to me. I therefore cannot endorse it.

Hon. Mr. EDWARDS—The map indicates the province of New Brunswick as being absolutely arable from one end to the other; the province of Nova Scotia as being valueless except for wooded land, the older parts of Ontario and Quebec almost valueless for agricultural purposes, and a great portion of the province of Quebec and the province of Ontario through which this road is to run, all good land—first-class, arable land.

Hon. Mr. FERGUSON—My hon. friend is entirely misrepresenting the map—I do not say intentionally. He says it represents all New Brunswick, excepting a small part, to be absolutely arable land; 'arable, grazing and wooded land' is what it says, and that description is absolutely correct.

The motion was agreed to.

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

BILLS INTRODUCED.

Bill (259) An Act to amend the North-west Territories Act.—(Hon. Mr. Scott.)

Bill (265) An Act respecting the Revised Statutes of Canada.—(Hon. Mr. Scott.)

Bill (266) An Act further to amend the General Inspection Act.—(Hon. Mr. Templeman.)

Bill (267) An Act respecting the Librarians of Parliament.—(Hon. Mr. Templeman)

RAILWAYS LAW CONSOLIDATION BILL.

SENATE AMENDMENTS RETURNED FROM THE HOUSE OF COMMONS.

Hon. Mr. SCOTT—It will be within the memory of hon. gentlemen that the House of Commons have concurred in some of our amendments to Bill (21) An Act to amend and consolidate the law respecting railways, and dissented from other amendments. I should like at once, at three o'clock, that we should agree upon the line of action that we propose to take in reference to the latter. I think there was a fairly unanimous opinion in this Chamber that we should insist on some of the amendments to which the House of Commons have dissented, more especially those relating to municipal rights, and as some hon. gentlemen are leaving for home, we should agree upon what we propose to do to-day in order that the Bill may be returned promptly to the House of Commons.

Hon. Sir MACKENZIE BOWELL—The suggestion is a very good one, and while the Senate has very little to complain of in the way their labours have been treated in the other House, perhaps, we should adhere to three or four of the amendments to which the House of Commons have taken exception. Those to which my hon. friend has referred are important from a provincial standpoint, and there is also the amendment with respect to the right of appeal, which is a very serious matter. I am very glad the hon. gentleman has indicated the course he intends to take. No action is required on concurrence in the amendments to the Provincial Judges Bill. The House of Commons have accepted the decision of this House. I can only say I am very glad they have done so, although hon. gentlemen know my views on the constitutional question, because it opens the door in the Senate to further opportunities. I am only sorry that I objected to the hon. gentleman's motion from a constitutional standpoint when he wanted to add others, because if that had been done, and our amendment had been concurred in it would have still further widened the powers of the Senate.

The Senate adjourned until three o'clock this afternoon.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

RAILWAYS LAW CONSOLIDATION BILL.

COMMONS AMENDMENTS CONSIDERED.

The Order of the Day being called:

Consideration of the amendments made by the House of Commons to the amendments made by the Senate to (Bill 21) An Act to amend and consolidate the Law respecting Railways.—(Hon. Mr. Scott).

Hon. Mr. SCOTT—In this chamber we made no less than seventy amendments to this measure. Some, of course, were very unimportant verbal amendments. The House of Commons has agreed to some fifty-seven, leaving about thirteen which they dissented from. I think the Senate would be disposed to yield to many of those, but there are others, which, if I gauge the opinion of the Senate generally, there was a determination to adhere to, which we thought were important. The first amendment hon. gentlemen will find at page 929, of the Votes and Proceedings of the Senate, was an amendment of the clause relating to the pooling, clause 252. It was not very important. The amendment was in adding these words 'without leave therefor.' That is, that the company should not have the

right of pooling without leave therefor, having been first obtained from the board. The board shall not grant such leave unless satisfied that granting the same is not contrary to public interest. The House of Commons first amendment was to leave out the word 'first.' Then they struck out the words 'the board shall not grant such leave unless satisfied that granting the same is not contrary to public interest.' I move that the Senate concur in the amendments made by the House of Commons to the Senate amendment to this Bill.

The motion was agreed to.

On clauses 5, 6 and 7,

Hon. Mr. SCOTT—The next amendment is somewhat more important. It is in connection with the clauses that have excited the public very much in reference to provincial and municipal rights. I do not know that I need read the clauses in the original Bill. It relates to clauses 5, 6 and 7 of the Bill. They practically gave absolute control to the Board of Railways that were chartered by the provinces, and also in certain instances of electric railways and street railways. The Senate had very decided opinions upon that, and after a good deal of discussion the amendment was adopted unanimously. I may say the reasons urged by the House of Commons against our amendment were that it was impracticable to declare that any work might be brought within the jurisdiction of the parliament of Canada only for certain purposes; that under the British North America Act, if you declare a work for the special benefit of Canada, that it embraced all the incidents connected with it. In answer to that we urged that it was an important matter of administration, that we could practically place in the hands of the board incidents that were important, such as crossings or through traffic or making returns. Clause 7, as amended, reads as follows:

7. Every railway, steam or electric street railway or tramway, the construction or operation of which is authorized by a special Act passed by the legislature of any province, now or hereafter connecting with or crossing a railway which, at the time of such connection or crossing, is subject to the legislative authority of the parliament of Canada, is hereby declared to be a work for the general advantage of Canada in respect only to such connection or crossing or to through traffic thereon or anything appertaining thereto, and also to the provisions set forth in this Act relating to offences, and penalties, navigable waters and criminal matters, and this Act shall apply to that extent only.

2. This section shall not, however, operate as regards through traffic on railways owned by any provincial government, without the consent of such government.

The reasons urged by the House of Commons were as follows:—

(a.) Because the amendment made by the Senate refers to all railways, the construction and operation of which are authorized by special Acts of the legislature of any province, whether the said railways have subsequently been declared to be works for the general advantage of Canada by this parliament, or not.

(b.) That the said amendment is ultra vires, as declaring a railway to be a work for the general advantage of Canada only with respect of certain matters, instead of declaring the whole railway to be such a work.

(c.) That all subject matters within the jurisdiction of this parliament should be made applicable.

(d.) Because it declares a railway to be a work for the general advantage of Canada in respect to provisions of an Act.

(e.) That the second subsection of their amendment depends upon the first.

The answer I propose that the Senate should give to that is that the Senate doth insist on the amendments made by the Senate to numbers 2, 3 and 4. Those are the numbers of the amendments in the House of Commons paper—for the reasons that clauses 5, 6 and 7 of the Bill are an interference with provincial and municipal rights which the Senate amendments minimized, while giving at the same time jurisdiction to the board on all subject-matters essential to the satisfactory working of the purposes set forth in the original sections 5, 6 and 7 of the Bill.

Which the Senate amendments minimized, while giving at the same time jurisdiction to the board on all subject-matters essential to the satisfactory working of the purpose set forth in the original sections 5, 6 and 7 of the Bill.

I move, seconded by Hon. Mr. David, that the Senate doth insist on its amendments made to sections 5, 6 and 7, which were numbers 2, 3 and 4.

The motion was agreed to.

Hon. Mr. SCOTT—I move that the Senate also insist on its amendment No. 11. No. 11 is clause 44 of the Bill. Our amendment reads as follows:

That an appeal shall also lie from the board to such court upon any question of law upon

leave therefor having been first obtained from the board, or in the event of their refusal of two judges of such court.

It was recognized here that the individual was just as likely to desire an appeal to a higher tribunal against the decision of the Railway Committee, and the policy of the Act was to give as large powers as possible to the board, and the House of Commons took the view that it should be an absolute tribunal without any appeal whatever. Their decisions were to be final on all matters of fact, but their decision was also to be final on all questions of law, which was an extraordinary power to vest in any court. There is only one court in the empire, from which there is no appeal, the Judicial Committee of the Privy Council in England. From all other courts in the empire there are appeals, and therefore it did not seem quite proper that this arbitrary power should be placed in the hands of the board. Besides you are much more likely to get a fair decision from men who recognize that their judgments are open to criticism, that they cannot capriciously give a decision without being based on a sound principle, on something which would be recognized as a basis for decisions of that kind. The House of Commons objection to the amendment was this, because their amendment is inconsistent with the other provision of the Bill and with the spirit in which the Bill is framed. It does not give very strong reason—because a conflict of opinion between the Governor in Council and the Supreme Court might result. I do not quite see the conclusion. However, our reasons are briefly stated as follows :

The Senate doth also insist on its amendment No. 11, for the reason that in all tribunals there should be an appeal on points of law. It is equally in the interests of the individual and the company, especially when the appeal can only be granted by leave of the Board or of two judges of the Appelate Court.

If any gentleman who takes an interest in that would move the concurrence of the Senate.

The motion was agreed to.

Hon. Mr. SCOTT—The next one which I think we should insist upon adhering to is our amendment No. 31 to section 195 of the Bill. I move that :

The Senate doth insist on its amendment No. 31, for the reason that the clause in its original form involves an interference with municipal rights.

The motion was agreed to.

Hon. Mr. SCOTT—The next amendment to which they dissent is amendment No. 40, which is a change in section 211. It will be within the recollection of hon. gentlemen that the Grand Trunk Railway Company have a fund to provide for employees who may be injured in their service. The clause as it came from the House of Commons contained this singular provision, that no matter what contract the employee had made with the company, he should not be precluded on that account from bringing an action against the company. It was thought that was a very extreme provision to make, particularly if there were large benefit funds invested in trustees for the benefit of the employees; and therefore it was provided in our amendment that this contracting out, as it is familiarly called, should not be a barrier unless the agreement had first been approved by the board. The law of Ontario, and I think of some other provinces on that subject is this : if on a trial of an employee against a railway company who has signed an agreement not to bring an action, in case of injury, against the company, it rests with the judge to say whether the agreement itself made between the company and the employee was fair and just. In the event of his doing so, the employee could not avail himself of the law which affects the contracting out. In dissenting from that, I propose that we should submit for the consideration of the House of Commons an amendment in the direction of leaving it to the law of the several provinces on that subject. They all have laws on the subject, I believe, and as it is purely a matter of civil rights, it is a question whether any legislation on our part would be ultra vires, and we ought not to interfere with it. I offer this suggestion to the House of Commons, instead of leaving it to the board to approve of the agreement :

The Senate suggests, as an alternative to the words proposed to be inserted, the following amendment :—' unless such agreement is conformable to the law of the province in which it is made, and authorized by the board.'

I believe in the province of Quebec a man cannot be contracted out. The courts, if I

am properly advised, will not recognize such a contract.

Hon. Mr. BEIQUE—I think the wording of our amendment was defective, and it is for that reason it has not been accepted. We say 'unless such contract shall have been approved by regulation or order of the board.' In the House of Commons they gave this interpretation, that it would require proof on the action of each individual contract. That was not the intention. I am perfectly agreeable to the suggestion made by the hon. Secretary of State, and we might add 'and authorized by the board,' so that it would have to conform to the provincial law and be authorized by the board.

Hon. Sir MACKENZIE BOWELL—As in all probability there will be a conference between a committee from each House, would it not be better just to adhere to the amendment and then have the amendment made when the committee meets, and come to an arrangement on what the amendment shall be ?

Hon. Mr. BEIQUE—There may not be any conference.

Hon. Mr. SCOTT—This is only a suggestion. We are merely putting this as an alternative that we would be glad to accept.

Hon. Mr. ELLIS—If there is no provincial law touching it, what would be the result ? I am not quite sure how this is in New Brunswick.

Hon. Mr. YOUNG—We do not understand how it is going to work out with a company traversing two or more provinces. The men affected by the operation of this Act might be brought under the law of one or the other.

Hon. Mr. BEIQUE—The contract cannot be in two provinces ; it must be in one province, and the law of that province will govern the contract.

Hon. Mr. YOUNG—If you have different laws in the different provinces governing these matters, a railway company would of necessity have to get these contracts signed in conformity with the laws of each. Therefore, take a railway like the Canadian Pacific Railway or the Grand Trunk Railway, they would require to have different contracts signed in the different provinces if the law varied.

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—Wherever a man was engaged and the contract made, the law concerning that province would prevail.

Hon. Mr. YOUNG—They might have in a province no law covering the point.

Hon. Mr. McMULLEN—With all due regard to my hon. friend from Montreal (Hon. Mr. Beique), for whom I entertain a high opinion on points of this kind, I do not think it is right that we should make a provincial law subject to the decision of the board. For instance, if a provincial law exists that a party can contract with a railway company that he will not bring action for damages, if injured, in certain cases, I do not think we should override that provincial law by declaring the contract must be sanctioned by the board before it became binding. The law in any province which provides that a man has the right, if he chooses to do so, to make a contract with a company, that he will not bring any action for damages in case of accident, should not be subject to the approval of the board. It should not be left for the board to say whether the Act should come into force or not. It is overriding the provincial law by the board.

Hon. Mr. YOUNG—Is it a good principle anyway to permit a man to enter into such a contract ? He comes under the influence of a large corporation and possibly may be forced to sign a contract which is against his interest and contrary to common sense.

Hon. Mr. CLORAN—I quite agree with the hon. gentleman. As I understand, the people most interested in this clause are railway employees, and people who travel on passes or otherwise. I understand all that they require from parliament is to strike out line 44 and half of line 45 :

Unless such agreement shall have been first approved by order or regulation of the board.

The railway employees to the number of twenty-five or thirty thousand do not want those words in the clause.

Hon. Mr. YOUNG—Why ?

Hon. Mr. CLORAN—Because it leaves them free to take action, no matter what the c ntract may be. If I am a railway employee and enter into a contract of this kind with a company, if I get injured, my family, will be free to take action against the com-

pany. As I understand, that is all these people ask for—that they will not be bound by a decision of the board. They are prepared to be bound by the civil laws of the country.

Hon. Sir MACKENZIE BOWELL—If it is changed so as to bring it within the provincial law, what is the objection ?

Hon. Mr. CLORAN—It will remain under the provincial law without saying so, and that is all they ask.

Hon. Mr. BEIQUE—I desire to call the attention of the hon. gentleman from Killarney (Hon. Mr. Young) to the fact that the clause, as adopted by the House of Commons, would operate in an opposite manner to what he wants. The clause adopted by the House of Commons prohibits any such contract being made. These contracts are made in the interests of the employees, because they provide for an indemnity whether injury results from the fault of the employee or not. If it happens to be the fault of the company, then the employee has his recourse, but if the company is not guilty of negligence, then the employee has no recourse at all. Taking into consideration the fact that the law of Ontario and other provinces and the law in England, authorize the entering into contracts whereby the company is made responsible in all cases, to a limited amount, and this subsection 4 of clause 211, as amended by the House of Commons would prevent that being done, it is to open the door to this being done that we amended the clause, changing the wording. I suggest making the amendment subject to the law of the province where the contract is made and also to the railway board. It is for the purpose of giving an adequate guarantee to the railway employees. If the railway board deem it inadvisable to authorize the contract, or if the railway board after examining the form of contract finds that the employee is not sufficiently protected, then it would be expected that the railway board refuse authorization. The suggestion I make is in the interest of the employees as well as of the company.

Hon. Mr. SCOTT—This is only a suggestion. While we insist upon our amendment we at the same time suggest we would be willing to receive an amendment because we cannot very well make it here in the amendment to our own amendment; it would be for the House of Commons to take that action :

Unless such agreement is conformable to the law of the province in which it is made and authorized by the board.

Hon. Mr. CLORAN—Supposing it was not conformable to the law of the province and authorized by the board, what then ?

Hon. Mr. SCOTT—It would be no use.

Hon. Sir MACKENZIE BOWELL—I will move, seconded by Hon. Mr. Beique :

That the Senate doth insist upon their fortieth amendment to the said Bill, for the following reason :—

'That cases may arise where the agreement was fair and just to the employee.'

The Senate suggests, as an alternative to the words proposed to be inserted, the following amendment :—'unless such agreement is conformable to the law of the province in which it is made, and authorized by the board.'

The motion was agreed to.

Hon. Mr. SCOTT—The next is No. 70, which would have to be changed in consequence of our amending clauses 2, 3 and 4. That would make all the railways that touch them work for the general advantage of Canada. In our amendments to sections 2, 3 and 4 we provide that they should only come under the jurisdiction of the board in so far as the junction was concerned and its through freight and statistical returns were concerned. So that our amendment is that we insist on the amendment to No. 70 for the reasons set forth in 2, 3 and 4. We struck out from clause 310 the words: 'Except section 306', that was the repealing clause.

Hon. Mr. BEIQUE moved :

That the Senate do insist upon their seventieth amendment for the reason :—

'That Clauses 5, 6 and 7 of the Bill are an interference with provincial and municipal rights which the Senate amendments minimized, while giving at the same time jurisdiction to the board on all subject-matters essential to the satisfactory working of the purposes set forth in the original sections 5, 6 and 7 of the Bill.

Hon. Mr. LANDRY—It is just restoring those words.

The motion was agreed to.

Hon. Mr. SCOTT—I will take up the amendments now which I think we may accept, which are not so important, because usually, in matters of this kind, it is a give and take arrangement. We adhere to some and gracefully give way with reference to others; and the first that I propose to give way on would be No. 6 amendment to clause 11, which the House dissented from:

3. Any member of the board accepting any gift or favour for himself or for any other person, or exercising his influence on behalf of any person with any railway company or officer for any position or favour, shall thereby forfeit his seat as a member of the board.

The Commons objected to it for the following reasons:

Because the amendment is inconsistent with the provisions of the Bill as to tenure of office, and because such acts as in the amendments stated would be cause for removal.

I think we might forego that.

Hon. Mr. McMULLEN—I think it is exceedingly to be regretted that the House of Commons has asked us to forgo our amendment. My reason for asking the amendment was the experience in dealing with commissions on the other side. There the railways neutralized the good effect of the commission by giving positions to relatives and friends of the commissioners. In the state of Texas there is no appeal or redress, and the different railway companies had softened the heart of the commissioner by installing eight relations of his own. They were put into the different railway companies, unfortunately, and received large salaries, and the result was that the railways got what they asked almost. The people blamed the general condition which allowed the railways to neutralize the good effect which the commission might have, by granting to the commissioners certain favours for friends. That is the reason, and I may say I submitted my amendment to Mr. Blair, who was virtually looked upon as the father of this measure in the other House, and he quite endorsed my view, and said he thought it would be a good thing to have a provision of that kind in the law. However, I do not wish to press it, though I must express my regret that they have asked us to forego the adoption of the clause.

Hon. Sir MACKENZIE BOWELL—The principal objection that is taken to this clause in the Commons was that they thought it went too far. For instance, the Minister of Justice stated that the giving of a cigar or a cigarette might be considered as a gift or a favour, and would thereby render the holder of the office disqualified. But I understood from reading the discussion that the clause was considered a good provision, but it should be modified in some way. It seems to me if we decline to accept that we might come to terms as to a more moderate, or rather more carefully worded clause, by which the evils to which the hon. senator from Wellington has called attention might be averted. That is the view I have. I am not going to insist upon it, but I think it would be better. If we are to have a conference, we might just as well have something in it that we can agree upon.

Hon. Mr. BEIQUE—I entirely agree with the hon. leader of the opposition. I think the principle is a good one, but I think the clause should be worded differently, and as it is uncertain whether it would be necessary to have a conference, I think we might drop our amendment for this session and cover this point by a Bill next session.

Hon. Mr. LANDRY—We will never have it again.

Hon. Mr. SCOTT—I move that the Senate do not insist upon the amendment made by the Senate to the said Bill, No. 6 amendment to clause 11.

The motion was agreed to.

On clause 198,

Hon. Mr. SCOTT—We added a subsection to this clause, as follows:

Having regard as to whether the right to one or more crossings or to take away or withhold rights of crossing formed part of the consideration paid by the company to the landowner, or of the bargain by which the company acquired the land.

The House of Commons have disagreed with this amendment, for the following reasons:

Because their amendment unduly limits the discretion of the board.

Clause 198 reads as follows:

198. Every company shall make crossings for persons across whose lands the railway is carried, convenient and proper for the crossing of the railway for farm purposes. In crossing with live stock, the same shall be in charge of some

competent person, who shall use all reasonable care and precaution to avoid accidents. 51 V., c. 29, s. 191 Am.

2. The board may, upon the application of any landowner, order the company to provide and construct a suitable farm crossing across the railway, wherever in any case the board deems it necessary for the proper enjoyment of his land, on either side of the railway, and safe in the public interest; and may order and direct how, when, where, by whom, and upon what terms and conditions, such farm crossing shall be constructed and maintained.

We added the subsection which I have just read. I presume we can acquiesce in that, inasmuch as it will be for the board to say what is reasonable and fair.

Hon. Sir MACKENZIE BOWELL—That is done at the expense of the party claiming the crossing.

Hon. Mr. SCOTT—It will be for the board to say on what condition it will be made. I move that we do not insist on the 33rd amendment.

The motion was agreed to.

On clause 237,

Hon. Mr. SCOTT—The next one is amendment 145, which was very much discussed and on which the House of Commons has taken, I will not say the bit in its teeth, because that would be too vulgar an expression. It was the very much debated clause in reference to cattle being killed on the railway. We substituted a clause for their clause and they object for the reason: 'Because their amendment does not remedy the evil existing under the present law.' That is a point on which the House of Commons will not give way, and it is idle for us to proceed. I move that we do not insist upon amendment 145. It will carry the other amendment more readily if we give way.

Hon. Mr. DeBOUCHERVILLE—What is the effect of it?

Hon. Sir MACKENZIE BOWELL—The effect is that if an animal gets on the railway track and is killed, the railway company has to pay for it unless they can prove that the animal got there through the carelessness of the owner. That was the provision as it came to us, and our amendment was throwing responsibility upon the owner of the animal to show that it was not through his negligence that the animal was killed. Or in other words, it is simply affirming the principle that if an injury is done to property, no matter how it is done, you throw the responsibility upon the railway company to prove that it was through the negligence of the owner. That was the law, and we amended that so as to leave it as provided in the provincial law. It is for the owner to show that it was through the negligence or the misconduct or mismanagement of the railway that the animal got upon the road. It does seem to me to be a vicious principle, that if a man comes behind me and knocks me down, and I prosecute him for it, I have first of all to prove that it was not an accident. The fact that I was knocked down is not evidence that I was assaulted, unless it is proved so. I quite agree with the hon. Secretary of State as to what the feeling in the House of Commons was, I was going to say, the socialistic feeling that is growing so strong in this country, and is becoming so great that if a railway kills an animal the company have to prove it is the owner's fault or they will have to pay for it. That is an amendment I would insist upon.

Hon. Mr. SCOTT—I do not know that the amendment is as extreme as it would look at first blush. The law in the past has been that where an animal got on the railway track within half a mile of a crossing and was killed, the company was not liable, for the reason that the owner of the animal was guilty of negligence in the first instance in allowing an animal to stray within half a mile of the railway crossing. The law was first introduced in 1853. It was not in the Railway Act, but in an Act for the protection of persons travelling, under the presumption that an animal allowed to loiter at a crossing might be struck by a train and the train thrown off the track. So farmers who lost animals by allowing them to stray half a mile from the crossing, with no one in charge of them, and the animal having got on the railway owing to the defective fence or defective cattle-guard, the farmer who lost cattle in that way could not recover, for the reason that he was guilty of negligence in allowing an animal to stray within the prohibited area.

Now, the effect of the clause as prepared in the House of Commons is this, that notwithstanding the animal was at large with-

out any one in charge and within half a mile of the railway crossing, and that it got on the railway property through a defective fence or crossing, the railway company shall be liable unless the company are able to prove that there was direct negligence on the part of the owner of the animal, that the mere fact of its straying within the half mile is not to be taken as evidence against the owner. That is the effect of the clause as the House of Commons has prepared it, and that is what they desire to accomplish. There is this to be remembered about it, that if the animal was killed directly on the crossing the owner could not recover. The animal must have got from the highway on the crossing across a defective cattle-guard.

Hon. Mr. McMULLEN—Supposing it is not defective ?

Hon. Mr. SCOTT—If the cattle got over it, it is defective. There is no standard recognized by the courts, because the law has always been that the cattle-guard should be sufficient to prevent cattle getting on the track.

Hon. Sir MACKENZIE BOWELL—That is the presumption of law ?

Hon. Mr. SCOTT—Yes, and therefore it is found that up to the present time a cattle-guard that would prevent animals from getting over it, has not yet been invented, and there is a fortune for the person who invents such a cattle-guard.

Hon. Mr. McMULLEN—Take the case of a vicious animal that the owner has very great difficulty in keeping inclosed, and he gets on the track, and is killed, the railway company has to pay for him. I know a case in a township near where I live, where a man was leading a bull and intended to cross the track to another part of his farm. Unfortunately, while the old man was leading the animal down the lane, the bull struck him and killed him. He was free then and he went down and ripped the gate off and got on to the railway track. He wanted to cross to where the rest of the cattle were. A train came along and the engineer had to stop it in order to get that animal out of the way. If he had not seen the animal in time and had killed him, under the clause of this Bill the railway would have had to pay for him.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. McMULLEN—Is it at all reasonable to pass a law of this kind ? I cannot understand the necessity of passing such a law. It seems to me absurd. However, at the suggestion of the Secretary of State, seeing we are at a little conflict with the other House, I do not want to press my view, but I think it is a very arbitrary enactment.

Hon. Sir MACKENZIE BOWELL—It opens the door for a man that wants to get rid of an old animal to let him out. However, I am not going to fight over it.

Hon. Mr. SCOTT moved that the Senate do not insist on their amendment.

The SPEAKER—Would the House allow me to make a suggestion for a compromise ?

Hon. Mr. SCOTT—There is no use compromising on this, you cannot say a word about it.

The SPEAKER—If the House does not wish to hear what I have to say, I shall not say it, but this clause, as hon. gentlemen will remember, was discussed at very considerable length in this House. As it stands now, it reads as follows :

237. No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail level, unless such cattle are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection, or straying upon the railway.

Clause 3 provides :

3. If the cattle of any person, which are at large contrary to the provisions of this section, are killed or injured by any train, at such point of intersection, he shall not have any right of action against any company in respect of the same being so killed or injured.

These provisions are, I suppose, to protect the travelling public. Then clause 4 provides :

4. Except as provided in the first and third subsections of this section, whenever an animal is killed or injured upon the property of the company, the fact that such animal got upon such property from land other than that of the owner of the animal or that such animal was not then in charge of some competent person shall not deprive such owner of the right to

recover from the company the amount of the loss.

My impression is that if the owner violated the first and third clauses, he could still recover under the fourth, and the compromise which I was going to suggest was this, and we should put it in just before the beginning of the 4th clause, 'subject to the foregoing provisions of this section,' so that there would be some protection to the travelling public.

Hon. Mr. BEIQUE—The amendment now under discussion was adopted at my suggestion. I have not changed my opinion in any shape or form, but I think it is not of such importance as to imperil the passage of the Bill, which is one of great importance and I am willing to acquiesce in the motion which has been made, and with the intention of trying to cover at the next session the point by separate amendments.

Hon. Mr. WATSON—The fears expressed by the leader of the opposition and some other gentlemen in this House are groundless, because clause 201 of this same Bill provides very severe penalties for any person allowing cattle to get on the railway track. The clause is as follows :—

201. Every person who wilfully leaves any such gate open without some person being at or near it to prevent animals from passing through it on to the railway, or who takes down any part of a railway fence, or turns any horse, cattle or other animal, upon or within the inclosure of such railway, except for the purpose of, and while, taking the same across the railway in the manner provided by section 198 of this Act, or who without the consent of the company, or except as authorized by this Act, rides, leads or drives any horse or other animal, or suffers any such horse or animal to enter, upon such railway and within the fences and guards, is liable, on summary conviction, to a penalty of twenty dollars for each offence, and is also liable to the railway company for any damage to the property of the company or for which the company may be responsible by reason of such gate being so left open, or by reason of such fence being so taken down, or by the turning, riding, leading, driving or suffering to enter, upon or within the inclosure of such railway in violation of this section of any horse, cattle or other animal ; and no person, any of whose cattle are killed or injured by any train owing to the non-observance of this section shall have any right of action against any company in respect to the same being so killed or injured. Every person violating the provisions of this section shall in addition to the penalty herein provided be liable to pay any person injured by reason of such violation all damages sustained thereby.

He is not only liable for the loss of his cattle, because he cannot collect if he allows them to get on the track, but he is liable for a fine of $20 for each offence, even if no damage is done ; and he is liable to any individual who might sue the railway company for damages. Any one who takes chances of allowing his cattle to stray on the track for the sake of getting paid for them if they should get killed, takes very great chances of being practically ruined. I do not think there is any danger of any one allowing his cattle to go at large for the chance of getting paid if they should get killed on a railway track.

The motion was agreed to.

Hon. Mr. SCOTT—The 46th amendment was to clause 242. With reference to the disallowance and amending of tariffs. It read in this way :

In all actions under this section where a judgment shall be obtained where the judgment thereof does not exceed $200, there shall be no appeal from a court of competent jurisdiction.

The objection made by the House of Commons is that the amendment is ultra vires of this parliament. It is a matter affecting civil rights, and is governed by the laws of the province. I presume they are right, and I therefore move that the Senate do not insist on the amendment No. 46.

Hon. Mr. WATSON—Has the hon. gentleman looked into the matter and found that this is ultra vires.

Hon. Mr. SCOTT—Yes.

Hon. Mr. WATSON—I am not a lawyer, but I know it is a very fair provision, because if a farmer gets an animal killed on a railway and the railway company have the right of appeal, as in the past, no ordinary individual can afford to defend. Two hundred dollars is a reasonable limit, and the railway companies could not suffer very much, but of course if the Minister of Justice declares that it is ultra vires, I have to submit, though I am sorry that such is the case.

Hon. Mr. SCOTT—In many of the provinces there is a provision that no appeal shall lie from certain courts where the amount recovered is not above a certain sum. They fix the amount. This would be rather a disturbance of that principle, which obtains in the provinces.

Hon. Mr. WATSON—Will the provision mentioned by the Secretary of State apply to actions for damages? Will the statute of the province apply?

Hon. Mr. SCOTT—Yes, where there is such a law, and it depends on the amount. In Ontario, I believe, the limit is $100.

Hon. Mr. WATSON—Could it not be amended in such a way that the provincial law could apply?

Hon. Mr. SCOTT—It does apply.

The motion was agreed to.

Hon. Mr. SCOTT—The last amendment is No. 60, to clause 275. The clause read:

275. No contract, condition, by-law, regulation, declaration or notice made or given by the company impairing, restricting or limiting its liability in respect of the carriage of any traffic to which this Act applies, shall relieve the company from such liability, except as hereinafter provided, unless such class of contract, condition, by-law, regulation, declaration or notice shall have been first authorized or approved by order or regulation of the board.

2. The board may, in any case, or by regulation, determine the extent to which the liability of the company may be so impaired, restricted or limited; and may by regulation prescribe the terms and conditions under which any traffic may be carried by the company.

The House of Commons objects to our amendment, which was to add these words: 'to which this Act applies,' because the amendment either limits the meaning of the word 'traffic,' or is unnecessary. It is not an important point, and I move that the Senate do not insist upon this amendment.

The motion was agreed to.

Hon. Mr. SCOTT moved that a message be sent to the House of Commons to inform that House of the action which the Senate have taken on their message.

The motion was agreed to.

NATIONAL TRANSCONTINENTAL RAILWAY BILL.

HOUSE AGAIN IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (No. 235) 'An Act respecting the construction of a National Transcontinental Railway.'

On the last clause,

33. Nothing in this Act shall be construed to entitle any person to exemption from the payment of customs duties on any goods imported into Canada; and it is hereby declared that the expression 'direct importations of material or supplies by the government,' in clause 17 of the agreement has reference only to such importations by the government for the purposes of betterments of the eastern division for which money is expended by the government upon capital account under clause 16 of the agreement. Material or supplies otherwise required for or entering into the construction or betterment of the said railway were not intended to be, and shall not be exempt from the customs duties ordinarily payable upon imported material or supplies of the same class; and the customs duties thereon when they are imported shall be included in estimating the cost of construction or the capital of construction account under the agreement.

Hon. Sir MACKENZIE BOWELL—Under this clause do I understand that though these articles may be imported by the government, the duty shall be added to the cost? It only applies, if I read it correctly, to importations of material or supplies for the betterment of the line after its construction.

Hon. Mr. SCOTT—Yes, after the road is finished.

Hon. Sir MACKENZIE BOWELL—This road is to be built by a commission appointed by the government, and all articles imported by that commission may be considered as imported by the government.

Hon. Mr. SCOTT—Oh no, they pay customs duty.

Hon. Sir MACKENZIE BOWELL—Under the Tariff Act, any article imported by the government is admitted free. Then I take it for granted in the construction of the section from Winnipeg to Moncton, whatever is imported after the original construction of the road, would come in free?

Hon. Mr. SCOTT—The clause was altered at the instance of the opposition of the House of Commons who thought the language was not clear. The object is in giving out contracts that the contractor shall not be permitted to import his material free of duty. It is to encourage the manufacture in Canada of all articles that enter into the construction of the road. It is only after the road has been absolutely completed and handed over that anything imported for the betterment of the road would be treated like all other government importations, and admitted free, but only after the completion of the road. All material used in the construction of the road, will pay duty if purchased abroad.

Hon. Sir MACKENZIE BOWELL—I do not understand it that way.

Hon. Mr. SCOTT—That is the intention; we tried to make it as strong as possible.

Hon. Sir MACKENZIE BOWELL—As I understand it, whatever duties are paid, whether by the government or by an individual, those duties will be added to the value of the property upon which the Grand Trunk Pacific would have to pay 3 per cent.

Hon. Mr. SCOTT—Yes.

Hon Sir MACKENZIE BOWELL—Is that the intention?

Hon. Mr. McMULLEN—Yes, that is quite clear.

Hon. Sir MACKENZIE BOWELL—I am not so sure that it is quite clear. We know under the Tariff Act anything the government imports is admitted free. Whether this is in contravention of the Tariff Act, it is for the government to say. I had a good many difficulties when I was administering the Customs Department, with government employees. I remember a case in British Columbia where the chief engineer, Mr. Schreiber, took upon himself the responsibility of ordering certain things to be admitted free—rails, I think. When it came under my notice I asked him by what authority he did that? Mark you, the articles were for public works, but they were imported by the contractor ostensibly for the government. He was very indignant when I set his decision aside, and told him it was not in his department. Now, how far does this clause contradict the general law? I have very grave doubts about it myself; however, the government are responsible.

Hon. Mr. SCOTT—The intention was, as I have explained, that all articles entering into the construction of the line, if purchased abroad, should pay customs duty. When the Bill was before the other Chamber, there was a good deal of discussion there as to whether the language of this clause was clear, and it was altered to meet the views of the opposition, and to remove any possible doubt—to make it as clear as the English language can make it.

Hon. Sir MACKENZIE BOWELL—I remember the discussion, but the amendment did not meet the approval of the opposition. However, I remember very well that the Minister of Justice declared that it did meet his objections.

The clause was adopted.

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

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

Hon. Sir. MACKENZIE BOWELL—On a division.

Hon. Mr. McMULLEN—I wish to say a word in reply to the remarks of the hon. leader of the opposition, in which he spoke of my hostility to the Bill when it was first before us. I might frankly say that I was opposed to that portion of the line from Moncton to Quebec.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. McMULLEN—I freely admit that that portion of the line should not have been built. I did not see that it was necessary. After carefully reading over all the information I could gather, and could find in the library with regard to northern Quebec and northern Ontario, I came to the conclusion that there is ample room there for the construction of another line. Then, after studying over our position as a Dominion in the event of a conflict between us and the United States, and the exposed condition we are in, a long string of provinces, united only by one line, the Canadian Pacific Railway, along the north shore of Lake Superior, I did think as a matter of justice to ourselves and to the empire to which we belong, we should construct another line of railway, an interior line, removed from the dangers of interruption to which the present Canadian Pacific Railway line is subjected. I came to that conclusion conscientiously believing that it was, from that standpoint, an absolute necessity. I remonstrated, I confess, with regard to the Quebec and Moncton section, but I would accept that section rather than sacrifice the whole line. I stated so when I addressed the House on that question. That was my attitude with regard to the railway that is now under discussion. With regard to other matters to which the leader of the opposition referred, I have no desire at the close of a long and weary session to leave this Chamber, with any personal feeling to-

wards anybody, nor do I desire that any should exist against me. In open discussion, I usually speak very plainly. If there is any question that has ever irritated me more than anything else it is the gerrymander Act of 1882. I was under the harrow of that Act for eighteen years. My hon. friend the leader of the opposition was largely blamed for it. I do not know whether he was or not for that Act, but it was a matter of very severe and expensive experience to me and I am glad now in bidding it adieu. We have got past the consequences and I myself am past it. I looked upon it as a very vicious Act. The hon. member who sat to the right of my hon. friend the leader of the opposition made some reference to that Act as being unobjectionable and that he never heard a word against it in the province from which he came, and so on, which irritated me a little, and if I did use some strong expressions perhaps, I hope the hon. gentleman will charge my doing so to the irritating experiences I had under the gerrymander Act rather than any desire on my part to say an offensive word to any person in this Chamber. We cannot afford to leave here without having towards each other that kind and cordial feeling that should exist amongst us. We may very strongly discuss public questions, we may sometimes utter things that are not perhaps as complimentary as they ought to be, but after all when it comes down to saying adieu when we leave this Chamber, I earnestly hope we shall do it with that spirit of Christain kindness that will not carry with it any bitterness, and if we are spared to meet here again we can shake hands and be friends.

Hon. Sir MACKENZIE BOWELL—I can congratulate the hon. gentleman on what we have often heard, that open confession is good for the soul, and in his case it is hoped it may be so. I exceedingly regret that in this case he spoke apologetically, if I may so call it, for the language he used the other day, that he should have used an expression or attributed to me an expression I never used, because if I had I should not have been telling the truth. The hon. gentleman said that I stated I never heard any objections to the Bill in my own province.

Hon. Mr. McMULLEN.

Hon. Mr. McMULLEN—My hon. friend misunderstood me, I was referring to the Hon. Mr. Ferguson.

Hon. Sir MACKENZIE BOWELL—However, I shall have something to say about that when we reach the Representation Bill.

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

REDISTRIBUTION BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (66) An Act to readjust the representation in the House of Commons.

(In the Committee.)

On clause 1,

Hon. Sir MACKENZIE BOWELL—I must crave the indulgence of the House in order to make a few remarks in reply to the hon. gentleman from Wellington, and I feel reluctant to do so after the speech that he has made, desiring as he does to part in peace and harmony, so that we can declare in the language of Scripture: 'How good and pleasant it is for brethren to dwell together in unity.' But the statements made by him will justify a few remarks which I have to make. I find my hon. friend in discussing this question, used strong language. He termed the Bill itself a villainous Act, a flagrant Act, a villainous Act, a villainous Act, choking, throttling, and killing the Reformers. Then he spoke of the readjustment of Bruce as being one of the most vicious Bills that ever blackened the pages of a legislature of any civilized country; a vicious and contemptible Bill. My hon. friend from Cobourg not being present, I shall refrain from making reference to his remarks. Now, in what I said in reply to the hon. gentleman from de Salaberry, when he asked the question whether I considered the Bill that was introduced and passed by the Conservative party in the Commons a fair one, my answer to that was I thought it was, based as it was not upon county boundaries, but upon population, the principle advocated so strongly by the Liberal party when in power. I would like to call the attention of the hon. gentleman from Wellington, particularly, to

a speech that I had the honour of making in the House of Commons in 1882, in reply to an attack made upon that Bill by the Hon. E. Blake. I do not know that I shall inflict upon the House at present the whole of my remarks, because they contain a review of the whole Bill on redistribution, and they occupy some eight or ten columns of this book; but if my hon. friend, who is smiling so benignly before me, would like to hear it, I have no objection to going on with it. Shall I dispense with it?

Hon. Mr. TEMPLEMAN—Yes.

Hon. Sir MACKENZIE BOWELL—All right. The most vicious utterances by the hon. gentleman from Wellington were in reference to that Bill. I took the trouble, so that I might not be misunderstood, of getting the proof sheets. He said:

I ask my hon. friend, though his memory may not be good enough, if it is not good enough it is a good thing for him, just to cite a single instance in which a suggestion from the Reform side was ever accepted and carried out in the Bill they introduced in 1882, or in the one introduced in 1892.

To those who are not acquainted with the fact, I can tell hon. gentlemen no such committee was ever appointed by the House, and consequently not having been appointed I could not have been chairman.

Hon. Mr. McMULLEN—I might say if it was taken down 'appointed by the House,' it was a mistake either on my part or the part of the shorthand reporter, because I know better than to make a statement that a committee of the Conservative party would be appointed by the House. I may have said by the members of the Conservative party of the House.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman went on to say: 'He sat with a grim countenance, quietly enjoying the manner in which he was placing his opponents in the hole.' I might have sat with grim countenance; I don't know how I should look under those circumstances, but whenever he sees me in that position again, if he will kindly let me know I shall go and get a mirror to see how I look, whether it is vicious or pleasant. Then he referred to Huron, and we had the same story in connection with the redistribution of Huron, which he said affected Sir Richard Cartwright. The principal change in Huron was to divide it into the three ridings, that is all, and I read to the House before and will now repeat it, that there is not a thousand difference in population in fact in the three ridings. At the convention held afterwards, it was not because the riding was less Radical or Liberal than it was previous to the redistribution, but because the electors thought there was a better man than Sir Richard Cartwright that they selected the late Mr. McMillan, and a more straightforward, honest, upright old Scotchman of Liberal principles than that gentleman, I believe never sat in the House of Commons. I sat with him for a long time. He was a man of strong convictions, firm opinions, but Radical to the backbone, but he was just as honest in those opinions, and he uttered them as fearlessly as any man in the House. He was the man selected by the electors at that convention instead of Sir Richard Cartwright; it was not because of the gerrymander. Any one who knows anything about the facts knows that to be the case. Then the hon. gentleman appeals to me and says:

Take the county of Bruce, as another case. My hon. friend knows that North Bruce elected a friend of his own, Mr. McNeil, but it got so tight for him that he was afraid of his election, and what did the government do? They took the village of Port Elgin out of the township of Saugeen though it was about the middle of the township and while Saugeen was in West Bruce the village of Port Elgin was put into North Bruce though there was not an inch of the village of Port Elgin within three or four miles of North Bruce. But why was it taken off? Because it gave 64 or 65 majority to the Conservatives, and they attached it to North Bruce to elect Mr. McNeil. There never was a more scandalous piece of political trickery practiced than putting the village of Port Elgin into North Bruce. Will my hon. friend deny that it is in the centre of Saugeen township? Will he dare to say that it is connected with North Bruce at all?

Hon. Sir MACKENZIE BOWELL—No, he will not.

Hon. Mr. McMULLEN—There is not an acre of it that touches North Bruce in any shape or form. It is away from the coast of Lake Huron and was taken out of the centre of the township of Saugeen and put in there to elect Mr. McNeil.

My memory is tolerably good. I do not take the same view on that point that my hon. friend does. He says it would be a good thing for me if my memory was not so good as it is. I have a tolerably good memory, and I remember very well he is wrong in that case as he was in the others. In speaking of the division of Huron, he said

it was one of the most vicious Bills that has ever blackened the pages of a legislature in a civilized country. Then he goes on to attack the adding of Port Elgin to the county of Bruce, and he declared that to be the most villainous thing that ever was perpetrated by a legislative body. What are the facts ? The facts are as you will find them in the Votes and Proceedings of the House of Commons, of 1882. When this Bill was under consideration, Sir John A. Macdonald moved that the Bill (No. 158) to readjust the representation of the House of Commons, and for other purposes, be now read a third time. Then Mr. Paterson, of Brant, not the Mr. Patterson, of Essex, as I have heard intimated, has been reported in the rotunda of the hotel—Mr. Patterson, of Essex, was not then a member of the House of Commons, so that he could not very well have made any such motion—moved the following resolution:

Mr. Paterson (Brant) moved in amendment, that the Bill be recommitted to a Committee of the Whole, with instructions that they have power to amend the same by providing that the village of Port Elgin shall form a part of the electoral district of the north riding of the county of Bruce ; which was agreed to on the following division.

I may repeat what I stated before, that when that motion was moved by Mr. Paterson, I was sitting immediately behind Sir John Macdonald and I intimated to him the impropriety of accepting the amendment. His answer was, ' Oh they want it, let them have it.' That is one instance in which the Conservative leader acceded to the request of the Liberal party. Whom do hon. gentlemen suppose voted for that motion ? No less than 124 members voted for it, and only 15 against it, and among the 15 nays was my hon. friend sitting to my left (Hon. Mr. Landry), and another hon. gentleman sitting on the other side of the House (Hon. Mr. Bolduc), and the others who voted against it were Mr. Bell, of Nova Scotia, Mr. Cimon of Charlebois, Mr. Costigan, Mr. Gigault, Mr. Landry, Mr. Lane, Mr. McCallum, our former colleague, Mr. McRory, of Addington, Mr. Hodgins of Nova Scotia, Mr. Ross of Dundas, Mr. Rykert of Lincoln, Mr. Sproule of Grey, Mr. Vallee and Mr. Vanasse. The gentlemen who voted for this amendment that was of so villainous a character and which induced me to sit and look grimly at the opposition—not my hon. friend, because he was not then in parliament—were Mr. Anglin, the late Speaker Bain, Mr. Bechard, Mr. Edward Blake, Mr. Borden, present Minister of Militia and Defence, Mr. Burpee, of St. John, who was in the Mackenzie cabinet, and Mr. Burpee, of Sunbury, and no less a person than Sir Richard Cartwright himself, and then Mr. Flynn and Mr. Gilmore who was formerly in this House, and Mr. Gunn, of Kingston, Mr. Guthrie, of one of the Wellingtons, Mr. Luther Houlton, who most of you well knew, and Mr. Huntingdon a member of the Blake cabinet, Mr. King, the gentleman who is a member of this House, Sir Wilfrid Laurier, the present premier, and I can go through the whole list, but I will not read all the names. Among them was Mr. Casgrain, not the gentleman who is here, but the elder Mr. Casgrain, and Mr. Fiset, Mr. Fleming, and whom do you suppose comes next, the Hon. Alexander Mackenzie, Mr. McDougall, Mr. David Mills, Mr. Thompson, Mr. Trow, and Mr. Wheeler. Every man in the opposition in the House voted for what the Senator for Wellington denounces as an iniquitous proposition and denounced in language more fitting for the stump, or a pothouse, than for a dignified Chamber of this kind.

Hon. Mr. McMULLEN—I will tell the rest of it when my hon. friend is through.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman can tell what he likes.

Hon. Mr. McMULLEN—I know the explanation and so does the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—There is the record and it is for the country to decide who is correct and who is telling the truth. I know the hon. gentleman will say that it was done as a joke. I have heard of a man stealing a buck-saw and a saw-horse, and the excuse given in court was, that he took it as a joke. A judge and jury thought he had carried the joke too far, and it is just possible that in this case the joke was carried too far. I have pointed out this fact to show how far in vituperation and condemnation of an act of which he thought me the author, the hon. gentleman can go in order to condemn and throw slurs and accusations against a political op-

ponent. I admit there may have been some incongruities in connection with the original redistribution. I do not dispute that, but you cannot find in the whole of that redistribution any other principle involved than that of dividing the country as nearly as possible by population, particularly Ontario—I speak of Ontario particularly, because there are some very great disproportions in the province of Quebec on the basis of population. It was denied at that time in the House of Commons that anything like a division of municipalities took place, or should take place. I refer to the county of Huron where the Ontario government had actually cut municipalities in two. I daresay my hon. friend knows that. If he does not he can easily find out by looking at the Redistribution Bill—going down a concession line, putting one part of the municipality in one riding and putting another part in another, so that there was no principle that guided the Liberal party where they had the power of making the redistribution. I am not going to discuss the propriety or impropriety of dividing the country by counties. I advocated when I was in the Commons in 1882—that the principle on which to base the representation in the House of Commons county boundaries need not necessarily be the division of the municipalities. I was forcibly impressed with the impropriety and the length to which the hon. gentleman would go if he wanted to make a point against a political opponent and it strongly brought to my mind a couplet from Shakespeare, and it suits my hon. friend exactly. Shakespeare says :

> Get thee glass eyes,
> And, like a scurvey politician, seem
> To see things thou dost not.

My hon. friend saw a great many things that were not, and while I do not apply the language of Shakespeare to the hon. gentleman personally, he has taken the position of a man described by that great poet, and having made this explanation I do not propose to pursue it any further. I have made up my mind in future, after my long parliamentary experience, having battled a great deal pro and con with foes and friends, to take all the vituperation he can spew from his mouth from this time henceforth without notice, because it flows from his throttle as slush from the gutter and just about as savory.

Hon. Mr. McMULLEN—I am not going to detain the committee at any very great length in reply to my hon. friend. He and I stood in different relations to the gerrymander Act of 1882. That gerrymander Act was aimed to defeat me, amongst others, and at the same time it gave my hon. friend the leader of the opposition an easy and good seat. I do not retract a word of what I have said with regard to that Bill, because it has been pronounced, by others as well as by myself, one of the most vicious and contemptible enactments ever introduced and passed through the House of Commons of Canada, or any House of parliament. It was done clearly and distinctly for the purpose of beheading Reformers politically, and it answered that purpose admirably well. There is no question about that. Now I have given a history of my own case. My hon. friend says it was done to adjust population in each riding. In my own riding when I was nominated the population was as near to the unit as it could well be. It was a little in excess in Centre Wellington and a little under in South Wellington. To show the object of the change that was made in my riding, there was a village taken out of the township of Perth and put into the north riding of the county of Wellington and another township with nineteen less votes taken out of North Wellington and put into Centre Wellington. All the difference that it made in the whole riding was 129, and that 129 virtually was in the wrong direction because the number already was as near the unit as it could possibly be; but it was done in the expectation and the hope that it would defeat me at the election that was pending. My hon. friend has told us his story with regard to North Bruce. At the time the Bill was before the House of Commons unquestionably I was told—and he has admitted himself—that he sat behind Sir John Macdonald, who had charge of the Bill, and my hon. friend sat behind him to coach him upon the change, if any, that was to be made, or the proposed changes that were to be persistently adhered to. When it came to the Bruces Sir John Macdonald asked across the floor where would my hon. friend make the boundary. Mr. Paterson suggested : 'You should add the village of Elgin to North Bruce' and he looked at

the list and into the political complexion of Elgin and when Sir John saw that it gave thirty or thirty-nine majority for the Conservatives he consented.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is drawing upon his inventive imagination now.

Hon. Mr. McMULLEN—Permit me. He saw that the village of Elgin had the political complexion of his party and he consented, and after he consented, Mr. Paterson says 'You will have to put on the township because the village and North Bruce are five or six miles apart and when you put in the village of Elgin you must also put in the township of Saugeen.' But Sir John turned up the complexion of Saugeen and saw that it had 90 or 100 of a Reform majority and he said 'No, I will not do it; that would never do,' and the result was that the matter remained as it was. He accepted Elgin because he saw it was in the right direction, but when he was asked to put in Saugeen and he saw the political complexion of Saugeen, he refused. The result was the village of Elgin belonged to North Bruce, although five or six miles out of the county. Now we have come to the funeral of the gerrymander of 1882, and I am glad that we are going to bury the hideous old monster. It is time that it was out of existence. My hon. friend has sounded the funeral dirge for an Act that has so hampered and shackled the Reform party from the time it was passed in 1882 down to the present time. I am not going to say any harassing things; I have uttered all that I have had to say with regard to it. My hon. friend knows perfectly well that in using the word 'pitchfork' in reference to municipalities I was perfectly justified in doing it. What was the effect? In the readjustment that took place, forty-one counties were changed. Forty-one ridings were changed backward and forward. Twenty-five county boundaries were actually broken up for political purposes. I read from my hon. friend's speech when he replied to the Hon. Edward Blake, who had analysed the whole Bill from beginning to end. He showed the vicious and unfair features of the Bill very clearly and distinctly, and the reason why my hon. friend rose to reply, I suppose, was that he knew more about it than any other member in the House. I have no doubt he did. I have no doubt he knew everything about it. But now we will bury it, and forget it. I will bury the harrowing feelings that I have against those who took part in placing the law on the statutes because we are now repealing it, and I think my hon. friend should endeavour to forget it also, because I have heard Conservatives admit that it was a most objectionable Bill—a dishonest Bill. Mr. Bennett, who is a member of the other House, drew attention to one of the Simcoes, and declared that it bore evidence that it was designed to hive the Grits, and that the constituency should be readjusted. I am glad to think we are at the funeral of that scandalous Act, and I hope that when it is once interred a fac simile of it will never be placed on the statutes of Canada, either by Tories or Grits.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman kindly tell us where he got the information to which he refers in reference to the tactics of Sir John Macdonald?

Hon. Mr. McMULLEN—I have a very reliable authority for the statement I made. I think it is quite accurate.

Hon. Sir MACKENZIE BOWELL—I am quite sure the hon. gentleman's information is not accurate. That is all I wish to say. I did intend to refer to the remarks made by my esteemed friend from West Northumberland by way of explanation, but, as he is not here, I shall not refer to his utterances beyond the fact that it was the second time he resurrected a letter that was written by Mr. Hague, in which he makes certain charges. I have always understood that Mr. Hague was in the employment of Sir David Macpherson, as his book-keeper and financial manager. I do know, however, that Mr. Hague wrote a letter to me declaring that the government or Sir David Macpherson was owing him a sum of money for work that he had done in connection with the Redistribution Bill. My answer to him was that I knew of no employment of him by the government, and that if Sir David had employed him for any purpose he was quite able to pay him, and if he refused to pay him that he could sue him in court and collect it. I knew nothing of the transaction, and knew nothing of his em-

ployment, and am sure I was not a party to it in any way. Sir David is not here now to answer for himself, but I do know that Mr. Hague never prosecuted Sir David Macpherson for the claim which he made, and I hesitate not to say that it was an attempt at blackmail on the part of that gentleman, thinking Sir David would pay him a large sum of money, I think it was $2,000, rather than have him publish any letters in connection with it. Sir David Macpherson treated his threat with the contempt it deserved. That is all I know about Hague. I am neither responsible for his letter or for his employment. I know the government did not employ him or pay him, and if Sir David had work for him to do, he was quite able to pay him. I am going to repeat what I said before, simply to place myself right. Taking the divisions of the Hurons, the populations were as follows :—

West Riding..	23,512
East Riding..	21,720
South Riding..	21,000

Now, without dividing a village, without dividing a township or a parish, I should like very much to know how you could arrange three constituencies in one county upon more equitable terms, when you consider the question of population, and in dividing a county the county boundaries in this case were not interfered with, but the whole county was divided into three constituencies, just as the county in which I live was. Yet in the county in which I live I was defeated in the election in 1863, like many an honest man, for reasons that I am not going to give. In 1867, when the county was given three representatives instead of two, the strongest Conservative township in the riding that I represented so long afterwards was taken out and added to the east. Was that done for the purpose of weakening the Conservative party in the north riding of Hastings ? It was in the redistribution upon the basis of population that that was done. Notwithstanding the fact that though I was beaten by 224 the first time I ran, with that strong Conservative township taken out, I carried it at the next election, continued to represent it for twenty-five years, until I had the honour of being called to the Senate. I give that to show the utter absurdity of the statements which are constantly made that the redistribution of a constituency has any material effect upon the riding. The hon. gentleman was not in parliament at the time of the redistribution of which he complains, and which he says was of a villainous character. It did not affect him. They elected him at every election until he was defeated and called to the Senate. Where was the iniquity as far as he was concerned ? He may say the people were so disgusted that they voted for him. Evidently they had sufficient confidence in him to elect him until they got tired of him. It is no disgrace to be defeated. The best men in Europe have been defeated. Gladstone was defeated. The greatest statesmen have met the same fate. I do not consider that any great harm, but I do want to impress upon the minds of senators that notwithstanding that redistribution the hon. gentleman was elected the first time he ran, and he was re-elected continuously afterwards until he was defeated last election. What complaint has he to make, other than condemnation in strong language against those whom he does not like politically ?

The clause was adopted.

On the second clause,

2. The House of Commons shall consist of two hundred and fourteen members, of whom eighty-six shall be elected for Ontario, sixty-five for Quebec, eighteen for Nova Scotia, thirteen for New Brunswick, ten for Manitoba, seven for British Columbia, four for Prince Edward Island, ten for the North-west Territories, and one for the Yukon Territory.

Hon. Sir MACKENZIE BOWELL—This clause reduces the representation of Ontario by six. I was very much impressed by the utterances of the hon. member from St. John (Hon. Mr. Ellis) last night, when he called attention to the movable character of the population, speaking of the province of New Brunswick. There is no doubt through the manipulation of the census, and I use the word advisedly, Ontario has been deprived of some of its representation. That is one cause. The other is the large number of people who have moved from Ontario to the North-west. When I first visited that part of Canada, almost every man I met was an Ontario man. It was an overflow, and instead of the father securing farms for his sons in Ontario and the other eastern provinces, he gave them money and sent them

to the prairie country, and that is a reason advanced by some one in discussing this question why it is not likely that this back country to the north is going to be settled up for some time to come, owing to the advantages presented in the Territories. I hesitate not to say, that if I were a young man and had a little money and wanted a farm, I would go to the North-west, and if I were a young man and had no money and wanted a farm, I would surely go to the North-west, because all I would have to do is to take up a homestead and borrow a plough and break the sod, and I could get enough to eat for one year. Those are the inducements which have driven thousands out of our older provinces, and especially Ontario, to the prairie country. The chairman of this committee (Hon. Mr. Young) is one illustration of it, and so is the hon. gentleman from Portage la Prairie (Hon. Mr. Watson). You do not find so many French Canadians from the province of Quebec in Manitoba and the North-west, because there seems to be an objection on their part to settle there, but you find large numbers from Ontario and the maritime provinces, and I am glad to see now that a large number of English, Irish and Scotch are flowing into that part of the Dominion. I am equally glad that many Canadians and their sons who left Manitoba during the years of frosts and droughts which occurred there years ago, and went to the Dakotas, are returning and seeking homes in their own country. They have learned to till the soil in such a manner as almost to ensure a crop. I have given utterance to these expressions in order to show why Ontario has been deprived of six representatives. I dare say the same reasons would apply to New Brunswick, Prince Edward Island and Nova Scotia. What I am pleased to know, however, is, that instead of our people going to Michigan, which is half settled by Canadians, to Illinois, Iowa and other western states, they are settling in our own territories, and find them as good as any to the south of Canada, and they are sure of better crops and grain of a better quality.

Hon. Mr. LANDRY—Will the hon. Secretary of State be kind enough to tell us if the representation in the House of Commons is based on the population of the different provinces ?

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. SCOTT—Yes, under the British North America Act the standard for establishing the representation is the population of the province of Quebec.

Hon. Mr. LANDRY—What is the number given by the province of Quebec ?

Hon. Mr. SCOTT—The representation of Quebec is fixed at 65 by the British North America Act, and the unit of representation of the other provinces is the population of the province of Quebec divided by 65.

Hon. Mr. LANDRY—And what is the unit?

Hon. Mr. SCOTT—This year it is about 25,360. That would be the unit for all the other provinces, and they are given representation based upon that.

Hon. Mr. LANDRY—According to that unit the territories should have now over 250,000 of a population since we are giving them ten representatives.

Hon. Mr. SCOTT—Yes. The census was taken in 1901, and we all recognize that at least a couple of hundred thousand have gone into the Territories since that time. We have added, however, only 100,000 to the population shown by the census. The Territories are rapidly increasing in population, and therefore it seemed only fair to give them the representation provided for in this Bill.

Hon. Mr. LANDRY—That is the point I wanted to get to. Is the number of representatives given to the North-west Territories to-day based on the population as it exists or as it will be ?

Hon. Mr. SCOTT—We have given them a margin of 100,000.

Hon. Mr. LANDRY—Have we a right to give them that margin ?

Hon. Mr. SCOTT—We have a right if we think it proper.

Hon. Mr. LANDRY—If we have a right to do that for the Territories, why not do it for the provinces in the east ?

Hon. Mr. SCOTT—Because we fully recognize that the Territories have increased in population and are increasing rapidly. Everybody recognizes that.

Hon. Mr. FORGET—The province of Quebec has also increased in population since

1901. The basis of representation is the population of Quebec. If the unit of 1901 was 25,378, it may now be 26,000 or 27,000.

Hon. Mr. SCOTT—But the British North America Act says the preceding census shall be taken as the basis.

Hon. Mr. FORGET—But you may add to that for some of the provinces.

Hon. Mr. SCOTT—Yes, if it is recognized that there is a very considerable addition to the population, but there is no province which has had such a considerable increase as the North-west Territories.

Hon. Sir MACKENZIE BOWELL—The representation in parliament is controlled by the Confederation Act, except as applied to Manitoba, the Territories and British Columbia. Unfortunately for Prince Edward Island when they entered the confederation they were placed on the same footing as Ontario, Quebec, Nova Scotia and New Brunswick, and the basis of representation is the same for Prince Edward Island as for the other older provinces of the Dominion. The government have the power to give any number of representatives they please to the North-west Territories under the constitution.

Hon. Mr. FORGET—Without adding population.

Hon. Sir MACKENZIE BOWELL—Without adding population or anything else. The power is there, but predicated upon the fact of the increased population there they have given them ten members. I do not think they have given the Territories too much. It was just on the same principle that we gave representation in 1882 to the district of Muskoka, which at that time had only about 8,000 inhabitants. The representative was given that district based upon this fact, they knew that it was a rapidly growing district, and that before ten years rolled round they would have more than the unit of population to justify it, and such was the case. Now it is more than that, and so it will be with New Ontario, as it is termed. By this redistribution they have deprived the older constituencies of Ontario of certain members, by doubling up some constituencies to increase the population and have given the additional representation to the west. In justification of the redistribution with which I had something to do in 1882, in every case where a constituency was deprived of representation it was united with another, and in every instance a Conservative was deprived of his constituency. Cornwall used to have a separate representation and elected a Conservative. Cornwall was joined to the county of Stormont. Niagara was always represented by a Conservative, but it was attached to the county of Lincoln, and at the redistribution of 1892, in order to give representation to the newer portions of the province of Ontario, the Niagara peninsula was, as my hon. friend from Wellington would say, gerrymandered, and it deprived a Conservative of a constituency, but notwithstanding the fact the former representative was defeated, showing that public opinion does not always run in the same direction, and it is well that there should be a change. Under this Redistribution Bill the constituencies are so arranged as to deprive no less than nine Conservatives in different ridings of their seats. One Liberal loses his county, Durham, which was a very small constituency. It is added to the east riding, and with a strong Conservative majority, the probabilities are that the new constituency will return a Conservative. That will deprive us of Mr. Beith, a very respectable Liberal, in the other House ; but take it on the whole Ontario is so gerrymandered, to use an offensive term in imitation of the hon. gentleman from Wellington, as to have the effect that I have pointed out if the electors vote in the future as they voted in the past. I intend to ask my hon. friend when he reaches the constituency which my hon. friend opposite (Hon. Mr. Edwards) represented so well in the years gone by, except with his votes (for he always voted wrong), why he has failed to carry out this sacred principle of county boundaries ? Why has it been departed from ? There is but one good reason. I think with the influence of my hon. friend we could manage to carry it, even if the Carleton townships were taken out. When we reach that clause I shall ask my hon. friend to give an explanation of why that was done.

Hon. Mr. LANDRY—The information given by the hon. leader of the opposition leads to the belief that the population of the

province of Quebec, divided by 65, gives the unit for all the other provinces.

Hon. Sir MACKENZIE BOWELL—For the older provinces.

Hon. Mr. LANDRY—I understand that the representation is based on the population in that way, but when you go the North-west you assume a population which really does not exist. On what basis do you found your representation for those territories ?

Hon. Mr. SCOTT—The same.

Hon. Mr. LANDRY—It is not on the population.

Hon. Mr. SCOTT—It has fully 250,000 now.

Hon. Mr. LANDRY—Who told the hon. gentleman that ? It is not in the census. It was only presumption, nothing else.

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—Only an estimate. I understand that they take a census in the territories every five years. It has been done in the past, and I do see that an injustice is being done to the older provinces in the way the representation is being increased in the North-west.

Hon. Mr. FORGET—I was under the impression that the government had a fair estimate of the immigration into the North-west Territories every year.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FORGET—Can the hon. gentleman tell us what the immigration is ?

Hon. Mr. SCOTT—I am safe in saying that over 150,000 people have gone into the North-west since the last census was taken.

Hon. Mr. FORGET—In two years ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—What is the population now ?

Hon. Mr. SCOTT—Over 250,000 certainly. You can tell only approximately by the emigration returns. They are published every little while. The calculation is that over 100.000 have gone in during the last year.

Hon. Mr. POWER—The representation of the Territories is not fixed by the British North America Act, or any other Act which binds parliament, and as in the past, parliament now proceeds to give what is considered a fair representation to the Territories. This government and parliament are simply following the example set them in 1892.

Hon. Mr. LANDRY—But we have a right to know on what basis the government gives that representation. Is it on population, or on presumption, or what ?

Hon. Mr. POWER—I have not the census before me. but the hon. Secretary of State has said it is estimated that the population of the North-west Territories at the present time is about 250,000, and that would entitle them to ten members, which this Bill gives them. I notice that in the House of Commons the complaint was not that the Territories were getting too much representation but that this Bill did not give them sufficient representation.

Hon. Mr. LANDRY—Who complained ? It was not anybody from Ontario or Quebec or the maritime provinces.

Hon. Mr. POWER—It was not a member from Quebec.

The clause was adopted.

On clause 3,

3. The said provinces and territories respectively shall, for the purposes of the election of members to serve in the House of Commons, be divided into electoral districts, and be represented, as provided in the schedule to this Act.

Hon. Mr. POWER—I wish to say a few words with respect to the provisions of this Bill which deal with Nova Scotia. Before doing so, I may be permitted to say just a word or two with respect to certain calculations which have been submitted to the House by the hon. leader of the opposition. The hon. gentleman gave us very elaborate calculations to show the justice of the redistribution of 1882, and then, in order to emphasize his speech, the hon. gentleman pointed to the fact that in a great many cases where a Conservative had been elected in 1878, a Liberal had been returned at the election in 1882. To any very young man who knew nothing about the circumstances of those two elections, that comparison might present the appearance of an argument of some strength, but all the older members of this House know that we had a perfect landslide in 1878. The Liberal party

was simply overwhelmed, and to take the results of the election of 1878 as a normal expression of the sentiment of the province is unfair and unreasonable in itself. That is the first criticism which I think must suggest itself to every one as to the statement of the hon. gentleman. Then there is another fact: undoubtedly the Act of 1882 was the first Act which did very serious violation to county boundaries throughout the province of Ontario. I do not say anything now about the fairness of the redistribution, or the motives which governed the gentlemen who arranged it, but I say there was a natural feeling of indignation throughout the various constituencies which were torn asunder; and every one recognizes what the result was; that this natural indignation made itself felt in the first election after the redistribution, and the consequence was that the gain to the Conservative party in 1882 was not at all such as had been expected. But when you come to the election of 1887 and the election of 1901, then the gerrymander of 1882 got in its work. It is only fair to make these observations on the statement of the hon. gentleman the other day. I should not have risen for the purpose of making these remarks, but there has been some discussion with respect to the readjustment made by this Bill as to the province of Nova Scotia. If the House will permit me, I shall give a very brief history of redistribution in the province of Nova Scotia. The British North America Act, section 40, made this provision as to Nova Scotia:

> Each of the eighteen counties of Nova Scotia shall be an electoral district. The county of Halifax shall be entitled to return two members, and each of the other counties one member.

So there were nineteen members for Nova Scotia. The population of the province between 1861 and 1871 increased more rapidly than the population of the province of Quebec; and the consequence was that in 1872 the province of Nova Scotia was entitled to 21 members. There were two additional members to be given to the province of Nova Scotia. The hon. gentleman said that in 1882 they were guided altogether by population. According to the census of 1871 the population of the county of Halifax was 56,963; the population of Cape Breton, 26,454; the population of Pictou, 32,114; and I may remark that the county of Halifax had been before the union divided into two constituencies, East Halifax and West Halifax. In 1871 west Halifax had a population of 37,008 and East Halifax had a population in round numbers of 20,000. The total population of the county I have said was nearly 57,000. If the government of that day had been guided by population they should have given one additional member for the county of Halifax. If Halifax had been given 3 members, each member would have represented a population of 19,000. Instead of that the Bill of that year gave an additional member for the county of Cape Breton which at that time had a population of only 26,454, and Pictou which had 32,000; Cape Breton should not at that time have got the additional member; the third member should have gone to the county of Halifax. That is, had the population been regarded. As it stood under the Act of 1872 in the county of Halifax each member represented over 22,000; in the county of Cape Breton each member represented 13,000; in the county of Pictou each member represented 16,000; so that it will be seen that at that time, at any rate, the Conservative party paid no heed to representation by population. They did not make that the criterion. The truth was this, it was so long ago that one can speak freely about it—in the House of Commons which sat from 1867—the county of Halifax was a close county, and during the first parliament it was represented by two Liberals. If it had been otherwise it should have got the third member and Cape Breton should not have got the second member. In 1882 the census did not call for any change in the province of Nova Scotia. In 1892, Nova Scotia, having fallen behind Quebec in population lost one member, and the counties of Shelburne and Queen's were united. These were both small counties and there was not perhaps any strong objection to the course that was taken then. Pictou at that time had a population of something over 34,000, and Cape Breton had the same. The new constituency of Shelburne and Queen's had a population of 25,566. I do not think any serious fault was found by the Liberals with the action taken in 1892 as to Nova Scotia. My attention is directed here to the fact that an Act was passed in 1893 which considerably altered the Redistribution Act

of 1892; and I simply mention that to direct attention to a circumstance to which some reference was made the other day. It was plain that the reason why the Senate refused to pass the eminently fair Bill which the present government introduced in the session of 1898 or 1899, providing that the redistribution should be made by a commission composed of judges was that the Conservative party would lose the benefit of the gerrymander in Ontario. It was said by the hon. leader of the opposition that the reason the Senate rejected that proposal was that they thought it was contrary to the constitution to do anything in the way of redistribution except immediately after the decennial census. Now, you see, they did not live up to their doctrine, because in 1893 they very considerably amended the Act passed in 1892. However, there is not much object in going over these things.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. POWER—I wish the hon. gentleman from Stadacona would be guided as a rule by the principles which he seems to be guided by now. We would of course lose a great deal of the hon. gentleman's eloquence. but perhaps the business would advance more rapidly.

Hon. Mr. LANDRY—It would advance if the hon. gentleman would keep his position also.

Hon. Mr. POWER—I think that remark is worthy of the hon. gentleman.

Hon. Mr. LANDRY—And worthy of yourself.

Hon. Mr. POWER—I was going to speak of the present Bill. Under this Bill Nova Scotia loses two members. The unit, as has been stated by the hon. Secretary of State and other gentlemen, was somewhere between 25,000 and 26,000. The population of the county of Pictou was 32.000 and certainly it is not entitled to a second member. The population of the county or Halifax by the last census is 74,662, that is just about three times the unit. I am not undertaking to find fault with this Bill, but I say that in strict justice the county of Halifax ought to get this time the third member which she was clearly entitled to in 1871. But clearly the county of Pictou had to lose one member ; and then the question was where the other member was to be taken from. The decision was that the county of Victoria and the county of Cape Breton should be put together, and that the united counties should then be divided into two constituencies ; the total population of the present county of Cape Breton is 49,166, the population of Victoria is 10,571 making altogether nearly 60,000, and that makes two constituencies with an average of something more than the unit. It was contended by hon. gentlemen in this House, and the contention was also put forward in the House of Commons, that the proper course would have been to unite the county of Victoria to the county of Richmond. By doing that you would have got a constituency with a population somewhat below the unit. But hon. gentlemen who look at the map of Cape Breton Island would see that that would have been a preposterous thing ; it would be very like what was done in the county of Bruce when the village of Port Elgin. which was five miles away from the borders of that county. was put into that constituency. The county of Victoria is the north-east county in the island of Cape Breton. It is bounded on the west and the south-west by the county of Inverness. It is bounded on the east by the Atlantic ocean and on the south-east by the county of Cape Breton. It does not touch the county of Richmond anywhere. It is south and separated from the county of Richmond, if you go by land, by Inverness on one side and Cape Breton on the other ; and south-west of the county of Cape Breton lies the Bras d'Or lake; and the county of Richmond and the county of Victoria are not less than twenty miles apart at any point, and they are connected with one another by this large lake which is practically almost an inland sea. There are almost no social or commercial intercourse between Victoria and Richmond. There is no ground for uniting these two constituencies into one. On the other hand the county of Victoria is bounded on the south by the county of Cape Breton. The relations social, political and commercial between Victoria and the county of Cape Breton are of the most intimate character and the reasonable thing to do was just what the government have done. It does not seem to me there is any political gain or loss in it, and I think the action of the

government although it has been found fault with because a gentleman likes to find fault with what the government of his opponents does. I felt that way myself when I was in opposition, and other hon. gentlemen feel that way now.

Hon. Mr. LANDRY—Mr. Chairman, I think we should be congratulated on the able, exhaustive and most eloquent speech just delivered to us on the gerrymander of 1882, of 1892, and of 1893, as it is stated.

Hon. Mr. McKAY (Truro)—And of 1872.

Hon. Mr. LANDRY—1872; as the hon. member for—I don't know which name to give him—though he is actually the Speaker of this House, but I suppose when he leaves the Chair, when he steps down from the high position he occupies to fight in the political arena the battles of a party that he should not be required to be addressed by the name of Mr. Speaker. Leaving all distinction aside why should he not leave also his robe in the Chair, and if he wants to come and combat with us in the field, let him endure what is said to him. I do not see that he had any reason to object to what I said to him just now, and when he comes here and tells us of the gerrymander of 1893 he tells us of a thing which he knows well has been discussed before, which was discussed in 1900 and which was approved then; the legislation of 1893 was only for the correction of some clerical errors that had been found in the law of 1892. It was discussed in this House in 1900 and it was shown there that the only question in that gerrymander of 1893 was to correct those errors. On the 16th February, 1893, when that Bill was presented in the House of Commons, Sir John Thompson said these words:

> This is a short Bill which I introduce for the purpose of amending the representation Act of last session, in certain particulars, which are of a clerical character and which merely relate to the correction of the boundaries without making any change in any of the principles upon which the Act was founded. The first section is more accurately to define the boundary lines of the electoral district of Nipissing. It enumerates the boundaries, it enumerates the parishes, and gives the boundaries with more technical accuracy. The second section is to correct an error in respect to the city of Ottawa. While the Bill was in committee the committee adopted a section stating that the electoral district of the city of Ottawa should consist of the city of Ottawa, &c., &c., the limits of which had been changed since the passage of the previous redistribution Act, but the law clerk in placing the section placed it as a paragraph to a section which provided that the places thereinafter mentioned should return one representative. This would have had the effect of depriving the city of Ottawa of one of its members. . . . Then there is an amendment substituting the word 'east' for the word 'west,' in order to correct an error in respect of one of the new districts of the county of Ottawa.

Where is the great principle which has been violated, according to the utterances of the late speaker? I hope that when the hon. gentleman condescends to step down from his high position in this House he will give us the real truth and not come in this way trying to convince this House that the gerrymander of 1893 was against the principle, which we advocated in the past.

The clause was agreed to.

Schedule (Ontario),

Section 2,

Hon. Sir MACKENZIE BOWELL—Will the hon. Secretary of State look at the city of Ottawa. Ottawa, exclusive of Rideau ward shall constitute the electoral district of Ottawa, and shall return two members. Why is Rideau ward left out? Where is Rideau ward? Is it in the township of Gloucester on the other side of the Rideau river? It has been part of the township of Gloucester and was added to the city. I do not know at whose instance it was transferred.

Hon. Mr. WATSON—It has always been there.

Hon. Mr. SCOTT—Gloucester and Osgoode go with the county of Russell, Rideau ward is the village of New Edinburgh, which is in the township of Gloucester. It was always called the village of New Edinburgh, forming part of the township of Gloucester, and forming part of the electoral district of Russell.

Hon. Sir MACKENZIE BOWELL—I do not think that is quite an answer to my question. I want to know why a different principle was applied to Ottawa in this respect than is applied to the city of Ottawa? There are some of the outlying wards of Toronto used to be called suburbs, Parkdale for instance, the larger portion of which belonged to West York.

Hon. Mr. KERR (Toronto)—Because it belonged to West York before it was in Toronto at all.

Hon. Sir MACKENZIE BOWELL—I am aware of that, and so did Rideau ward, the village of New Edinburgh to the county of Russell for electoral purposes before it came a part of Ottawa, though it is actually a portion of the county of Carleton. The question I ask is, why is not the same principle applied to Ottawa as is applied to the city of Toronto ? The hon. gentleman (Hon. Mr. Kerr) is quite correct. I think in the east what is called Leslieville was part of the county of York for electoral purposes, but this is added to Toronto now and taken from the other. Then I might ask still further, in this connection, why is Toronto cut up into five divisions and Ottawa left with a double vote as formerly.

Hon. Mr. SCOTT—I am told that was at the request of both the present members, both advocated it. I do not know why, but I presume they were anxious no division should take place, and the Commons had no objection to gratify their wish.

Hon. Sir MACKENZIE BOWELL—I must confess that is a very intelligible answer.

Hon. Mr. SCOTT— It was the only answer that could be given. I did hear in addition the answer given by one of the members was, he thought it was not wise or proper to divide the constituency, that the population was widely different—take the population of the two wards, By and Ottawa—they are entirely of a different character and different nationality from those resident in Wellington ward or Victoria ward, and therefore it was thought it was in the interests of good feeling in the city that there should not be that division. I heard it urged in the House of Commons.

Hon. Sir MACKENZIE BOWELL—Then we have this lucid explanation, that the principle upon which this Bill is based or supposed to be based is departed from because a member representing the city of Ottawa wanted it. Why did you not do the same thing in Toronto ?

Hon. Mr. SCOTT—Toronto had been divided before and Ottawa had not.

Hon. Sir MACKENZIE BOWELL—I beg the hon. gentleman's pardon ; I know Toronto had been divided into four constituencies and West Toronto had two. Why did you not allow them to remain as they were ? I do not know about Hamilton. I have not had an opportunity of looking at that.

Hon. Mr. SCOTT—Hamilton is divided into two.

Hon. Sir MACKENZIE BOWELL—Why is it divided ? Is it because there is no French population there ?

Hon. Mr. KERR (Toronto)—There is no French population.

Hon. Sir MACKENZIE BOWELL—That is the question I ask, if that was the reason because there was no French population in Hamilton.

Hon. Mr. KERR (Toronto)—No, because it is being divided in the local.

Hon. Sir MACKENZIE BOWELL—With regard to Ottawa it appears that one of the representatives desired it to remain as it is, and that representative is a supporter of the government. The city of Toronto is represented by opponents of the government and though they made a joint demand that Toronto in its division should be based upon the same principle as formerly you would not allow it, and the reason was because you thought by cutting it up into five the government could carry one or two seats.

Hon. Mr. KERR (Toronto)—I know we can.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has let the cat out of the bag. It is divided into five different constituencies because he says that he knows the government can carry one or two of the representatives. He knows a large majority in that constituency are Conservatives.

Hon. Mr. KERR (Toronto)—No ; there are not three-fifths of the voters in Toronto that are Conservatives.

Hon. Sir MACKENZIE BOWELL—I did not say there was. Three-fifths is a very good majority. It is all I would require in any constituency I was running in. If there are three-fifths in it why not leave it as it is ? The hon. gentleman has told the truth ; it has been manipulated and carved up in order to accomplish just what the hon. gen-

tleman says they are going to accomplish. Perhaps they will and perhaps they will not. There is no reason to my mind why Hamilton should be cut into two constituencies any more than Ottawa, and there is no more reason why Rideau ward should be left out of the city of Ottawa than there is for including the outlying municipalities in Toronto because they were separated at the time and formerly in the county of York. The whole thing is doing precisely what we know gentlemen are alleging the Conservatives did; they are outdoing altogether and without principle the redistribution in this Bill, and if the hon. gentleman has no better answer to give me for Ottawa being left a double constituency than that, that one of the members wanted it, I will have to be satisfied with it, but I think if they are fair and desire to do what is right and proper they will apply the same principle to the others.

Hon. Mr. KERR (Toronto)—The hon. gentleman has taken up an observation made in jest.

Hon. Sir MACKENZIE BOWELL—If it was made in jest I withdraw what I said.

Hon. Mr. KERR (Toronto)—While apparently serious I was really only speaking in jest. The hon. gentleman knows perfectly well that as far as the vote of the city of Toronto is concerned it is nearly equally divided, and he knows perfectly well the present divisions are perfectly fair divisions; if he does not I can tell him it is so, and I can tell him they are evenly divided as far as possible with reference to population as well; therefore it was entirely unfair to take advantage of a jocular observation made in answer to one of his which I cannot help thinking was jocular also, although it was said in a serious way.

It being six o'clock, the committee rose for recess.

After Recess.

The committee resumed.

On clause 34,

Hon. Sir MACKENZIE BOWELL—In what respect is the county of Elgin changed from what it was in the old district?

Hon. Mr. KERR (Toronto)—The city of St. Thomas is transferred from one riding to the other, for one thing.

Hon. Sir MACKENZIE BOWELL—Is that put in the east or in the west?

Hon. Mr. KERR (Toronto)—It is put in the west riding.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman who is acting for the Secretary of State, spokesman of the cabinet, kindly inform us what the population of each riding is as it now stands?

Hon. Mr. KERR (Toronto)—The township of Dorchester South is taken from East Middlesex and it is put in the east riding, and St. Thomas is transferred to the west.

Hon. Mr. SCOTT—West Elgin in the Bill has 17,901 and East Elgin 25,685.

Hon. Sir MACKENZIE BOWELL—And you have removed the city of St. Thomas and placed it in the west instead of the east. What have you taken from the west and added to the east, that makes a difference of 8,000?

Hon. Mr. KERR (Toronto)—The townships of Bayham and Dorchester South are added to that which were in Middlesex. By the old gerrymander they were put in another county.

Hon. Sir MACKENZIE BOWELL—Added to the east?

Hon. Mr. KERR (Toronto)—Yes.

Hon. Sir MACKENZIE BOWELL—How does the government justify making two ridings in one county so unequal in population? They maintain county boundaries without going outside, but how do they justify making one riding 8,000 more than the other riding? What reason is there for that?

Hon. Mr. McMULLEN—That was the old division.

Hon. Mr. SCOTT—In the present division there is a difference of 8,000.

Hon. Sir MACKENZIE BOWELL—I am asking why a disproportion of that character is made?

Hon. Mr. SCOTT—Unless you divide townships you could not arrive at it in

any other way. Hon. gentlemen will see that where there is a prominent town like St. Thomas whichever way you throw it you disturb the population.

Hon. Sir MACKENZIE BOWELL—I am not prepared to give that a contradiction for the simple reason that I do not know sufficiently the population of each township. I am sorry that we have not the census here. Can the hon. gentleman give me the population of the townships that are in the east riding ?

Hon. Mr. SCOTT—Before the present Bill ?

Hon. Sir MACKENZIE BOWELL—No, I want it now, as proposed by this Bill.

Hon. Mr. SCOTT—I do not think I have it here.

Hon. Sir MACKENZIE BOWELL—Because it must be an exceedingly large and populous township. They must all be exceedingly large or one of the townships could have been taken out of the east and added to the west to equalize the west. There are very few townships that are eight or ten thousand.

Hon. Mr. SCOTT—The township of Yarmouth is 5,000.

Hon. Sir MACKENZIE BOWELL—That is in the east.

Hon. M. KERR (Toronto)—Yes, and St. Thomas is in Yarmouth.

Hon. Mr. SCOTT—That would disturb it and make the difference.

The clause was adopted.

On clause 35—Essex,

Hon. Sir MACKENZIE BOWELL—I should like to see what the disproportion of population is. I believe in the doctrine of dividing these constituencies as nearly as possible by population, because in some cases I know there is a difference of 7,000 or 8,000 in population between the ridings in one county. I would not ask for a division of townships, but there should be an attempt at something like an equality of population.

Hon. Mr. SCOTT—North Essex has 28,000 and South Essex 29,000.

The clause was adopted.

On clause 37—Hastings,

Hon. Mr. SCOTT—The population of the two ridings in this county is east 26,000 and west 32,000.

Hon. Sir MACKENZIE BOWELL—It is not so bad as it was.

Hon. Mr. KERR (Toronto)—It is disgraceful now.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman tell us why ?

Hon. Mr. KERR (Toronto)—Both in conformation, population, intelligence and everything else, it is all wrong.

Hon. Sir MACKENZIE BOWELL—It is all right in intelligence, considering the gentlemen who come from there ; but the other part of the hon. gentleman's statement I would dispute. He should not judge the electors of the county by their representatives. I am willing to take anything you like as applicable to myself, but do not depreciate the intelligence of the electors.

Hon. Mr. KERR (Toronto)—It ought to be all changed.

The clause was adopted.

On clause 42—Middlesex,

Hon. Sir MACKENZIE BOWELL—There is good reason to complain of the division of this county. There should be some explanation why it is given three representatives. Compare it with Hastings. Middlesex has about 55,000, Hastings nearly 60,000. You give Middlesex three representatives while Hastings is given only two. Perhaps the hon. Secretary of State can explain why a county with less population than Hastings is given one more representative than Hastings.

Hon. Mr. McMULLEN—They are a very intelligent people in Middlesex.

Hon. Mr. SCOTT—London and the Middlesexes contain about 92,000 people.

Hon. Sir MACKENZIE BOWELL—We are not talking about London.

Hon. Mr. SCOTT—London is given only one representative though it has 37,000 of a population.

Hon. Sir MACKENZIE BOWELL—That is no reason why the rural population of the

county should be given three representatives while other rural populations of equal number should be given only two representatives. If you had given it two representatives and two to the city of London there would have been some equality in the division, and that should have been done unless there is some other object in view than a fair representation of the people.

Hon. Mr. McKAY (Truro)—No doubt there is.

Hon. Mr. KERR (Toronto)—The population of London is 37,000.

Hon. Sir MACKENZIE BOWELL—Then give London two. The same reason given by the Secretary of State would apply to Toronto and county of York. If Middlesex is entitled to three representatives then the county of York ought to have more; but the fact is, there is no principle underlying this Bill. It seems to be a haphazard thing; either that or it has been divided for the purpose, as the hon. gentleman from Wellington said in speaking of the Redistribution Bill of 1882 and 1892, to gerrymander Conservatives out of parliament.

The clause was adopted.

On clause 43—Northumberland.

Hon. Sir MACKENZIE BOWELL—Here is another, using the language of the hon. member from Wellington, most iniquitous and outrageous division. It disgraces the statute-book. The east riding has 20,495. That returns a Conservative. The west riding is retained and it has the enormous number of 13,055 population.

Hon. Mr. SCOTT—That is the same population as you gave it in 1882.

Hon. Sir MACKENZIE BOWELL—Yes, but the hon. gentleman's party are the Reformers, the pure party. You are the people who are now attending the obsequies of 'that infamous Bill' which you are now remodelling. How does the hon. gentleman reconcile that? The hon. gentleman from Toronto deals in a little sarcasm, and he is a jocular sort of gentleman, and an admirable assistant to the Secretary of State, but I would suggest to the hon. Secretary of State that unless he can give better reasons he had better tell him to keep as quiet and demure as his colleague to his left (Hon. Mr. Templeman), who does not say a word.

Hon. Mr. TEMPLEMAN—I know how to please the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has an admirable quality which I, among others, have not; he knows how to hold his tongue.

Hon. Mr. TEMPLEMAN—Yes, to keep out of trouble.

Hon. Sir MACKENZIE BOWELL—Has the hon. gentleman any other reason for this disproportion of population than that which has been given—that is the old one? If that is a good reason, then it is a justification for our act if you are right.

Hon. Mr. KERR (Toronto)—The only good one I have seen for a while.

Hon. Mr. SCOTT—The hon. gentleman recognizes that on no rearrangement can you equalize population. The counties of Durham and Northumberland from time immemorial have been united judicially. They have the same county council. There were four representatives for Northumberland and Durham, two from Durham and two from Northumberland. Now we are taking one from the four. Durham had 14,000 and 13,000 and Durham necessarily should lose one. It did not seem fair to take from that block a township, and therefore the fairest thing was to give one representative for Durham and leave the Northumberlands as they were before. That seems the fairest and most reasonable proposition. The principle has been followed as in other localities because practically Northumberland and Durham have been municipally united, the same county council, and so on.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman is slightly in error. Northumberland consists of East and West Northumberland. They have their own municipalities. Durham consisted of East and West Durham also.

Hon. Mr. KERR—They were united.

Hon. Sir MACKENZIE BOWELL—The whole four?

Hon. Mr. KERR—Yes, forming one judicial district.

Hon. Sir MACKENZIE BOWELL—For judicial purposes.

Hon. Mr. KERR—Yes.

Hon. Mr. SCOTT—And municipal purposes.

Hon. Sir MACKENZIE BOWELL—I was not under that impression, but I will not dispute that. You take one from Durham. That is the west riding. That is the only case in which you have deprived a Liberal —I do not like to use the word Liberal because it is a misnomer—of a seat, and the larger riding, the east riding, returns a Conservative. They are united in one and if they adhere to their former mode of voting they will secure a Conservative majority in the riding. I do not think there is any doubt about that. It is a question of the inequality of the Conservatives and this change can ouly be for the reason I have indicated—political purposes. Certainly the county could be divided more equally than it has been.

Hon. Mr. SCOTT—Was there any object in dividing it differently ? Where a county division existed for a long time it does not seem right to disturb it unless there was some strong reason for it, because the interests of the two Northumberlands are practically the same. There is no difference and it is idle to place it on any other ground. Wherever it was possible to leave the county with the natural boundaries that policy has been followed.

Hon. Sir MACKENZIE BOWELL—That is no reason. If the interests be the same in the one county then there should be an equality of votes unless you want to give to a smaller riding an advantage over the candidate that the other does not possess, and if the smaller number of inhabitants are Liberals and the other Conservatives then I can see the party advantage of giving the smaller population to the man who contests the Liberal constituency. That is clear enough and if the hon. gentleman says that is the principle I shall be satisfied. Let us know the truth.

The clause was adopted.

On clause 46—Perth,

Hon. Mr. McMULLEN—The county of Perth is divided by a very large swamp which separates the north from the south. Listowel is the centre of the north riding which includes Stratford, and the south riding centres around the town of St. Mary's. I know the county of Perth very well. I do not see how you could possibly divide it better than in the way proposed in this Bill.

Hon. Sir MACKENZIE BOWELL—If hon. gentlemen look at the map they will find the Perths are almost square as they are now. Whether they have changed it or not I cannot say.

Hon. Mr. SCOTT—On the present division there is a difference of 10,000, 17,000 and 27,000.

Hon. Sir MACKENZIE BOWELL—And now you have 29,000 and 20,000—not much improvement.

The clause was adopted.

On clause 47—Peterboro,

Hon. Sir MACKENZIE BOWELL—I do not think there is much change here.

Hon. Mr. SCOTT—I think West Peterborough had some townships from Haliburton.

Hon. Sir MACKENZIE BOWELL—I think one of the Monaghans has been attached to it, but I do not know.

Hon. Mr. KERR (Cobourg)—South Monaghan belonged to West Northumberland long years ago, but it is on the north side of Rice lake and geographically it should be in the west riding of Peterboro, and it has been that way for the last twenty or thirty years.

Hon. Sir MACKENZIE BOWELL—Have there been no changes ?

Hon. Mr. KERR (Cobourg)—No.

The clause was adopted.

On section 1—Quebec.

The parishes of St. Guillaume d'Upton and St. Bonaventure d'Upton shall be transferred from the electoral district of Drummond and Arthabaska to the electoral district of Yamaska ; and that part of the parish of La Visitation de la Bienheureuse Vierge Marie which was detached from the parish of Ste. Monique in the county of Nicolet, and that part of the parish of St. Cyrille de Wendover annexed to the parish of St. Joachim de Courval, shall also be annexed to the electoral district of Yamaska.

Hon. Mr. LANDRY—Could the hon. Secretary of State tell us if there is any change here, and on what it is based ?

Hon. Mr. SCOTT—I am afraid I am not equal to the task.

Hon. Mr. LANDRY—Who could give us the information ?

Hon. Mr. KERR (Toronto)—It was agreed on by the committee, I understand unanimously.

Hon. Mr. LANDRY : What committee ?

Hon. Mr. KERR (Toronto)—The committee appointed for redistribution.

Hon. Mr. LANDRY—Is that to guide us ?

Hon. Mr. ROBERTSON—It was agreed to unanimously.

Hon. Mr. LANDRY—We want to know on what basis ?

Hon. Mr. SCOTT—The hon. gentleman knows more about it than any other gentleman in this Chamber. I should like him to give the information.

Hon. Mr. LANDRY—Are they the same divisions as in the local House ?

Hon. Mr. SCOTT—I could not say anything about it.

Hon. Mr. LANDRY—Are they different ?

Hon. Mr. SCOTT—I am not up in my catechism.

The clause was adopted.

On clause *l*,

The parish of Ste. Flore shall be transferred from the electoral district of Champlain to the electoral district of Three River sand St. Maurice.

Hon. Mr. LANDRY—Is this the same as for the local ? In the provincial representation there is a member for Champlain and another for Three Rivers, and another for St. Maurice, but I am speaking of Champlain.

Hon. Mr. CASGRAIN (de Lanaudière)—I believe St. Flore is in the county of St. Maurice. St. Maurice and Three Rivers are united. For the local legislature St. Maurice and Three Rivers are divided, and I understand—in fact I am almost sure—St. Flore is in the county of St. Maurice and represented by Dr. Fiset.

Hon. Mr. LANDRY—Before the third reading I should like to know about these other ridings.

Hon. Mr. CASGRAIN—I do not know anything about the others.

Hon. Mr. LANDRY—The one the hon. gentleman referred to is on the billiard table plateau he was recently describing to us.

Hon. Sir MACKENZIE BOWELL—I want to call attention to some discrepancies in the population of these constituencies. We find that Brome, which is a Rouge constituency, has only 13,000, and Chateauguay has been a Rouge constituency from time immemorial, and it has only 13,000, and Two Mountains has 14,000. L'Islet has 14,000 ; then we get down to Montcalm, 13,000 ; Montmagny, 14,000 ; Montmorency only 12,000, and then you get down to Quebec West, the city is divided into three constituencies. Quebec Centre has 20,000, Quebec East has 39,325——

Hon. Mr. WATSON—Is that Rouge too ?

Hon. Sir MACKENZIE BOWELL—Yes, I was going to say that is the only one of the constituencies with a large population that I know of that returns a Rouge. It returns the premier of the country. That has 39,000 ; but how comes it that Quebec West has only 9,149. There is a city that is divided into three constituencies, one with 9,000, another with 39,000 and the other with 20,000.

Hon. Mr. SCOTT—There has been no change there.

Hon. Sir MACKENZIE BOWELL—It is then left as we left it, unless the eastern division has increased in population more rapidly than the others. It is another evidence of the fairness of our distribution. I am very glad the hon. gentleman pays us that compliment. I suppose Soulanges is the same ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—That is another evidence of the fairness of our division. Yamaska has no population according to this. It is a constituency that some of us would like to run for ; it would not involve much trouble.

Hon. Mr. CASGRAIN (de Lanaudière)—As to Quebec West with a population of 9,149, I may say it was the unanimous desire of all parties concerned in the city of Quebec to leave one constituency where our friends from old Ireland could have a repre-

sentative. We could easily have taken some from Quebec and drowned out the English speaking vote in Quebec West. One of the reasons why no change was made is that there are some English speaking voters in the twenty-two counties of the Quebec district, and it was thought advisable to leave Quebec West, which contains the lower part of the city, and has large commercial interests, without change. There has been no change in either of the other Quebec city constituencies. With regard to counties with large populations returning Liberals, I might instance Rimouski, with some forty thousand people, Drummond and Arthabaska, Beauce and others. I may say that the redistribution of the counties in the province of Quebec met with the approval of the leader of the Conservative party in the House of Commons, Mr. Monk. In Mr. Monk's case, Jacques Cartier has nothing like the population of the constituency represented by the Minister of Marine and Fisheries. However, it was thought advisable that there should be some representation for those who are in such a minority in Quebec, and Jacques Cartier was left untouched. It was suggested to add to it the town of St. Louis de Mile End, which gives a majority of about six hundred for the Liberal candidate, which would, certainly make Jacques Cartier a Liberal constituency. It would be easy to add also a portion of Maisonneuve and make Jacques Cartier a Liberal hive. We could by adding a portion of Montreal to Lavalle wipe out the Conservative majority, but that was not done. It was an understanding between the Conservative members and the Liberal members representing Quebec, and Mr. Monk was satisfied with the arrangement. I do not think it would be advisable to go beyond what was apparently an amicable settlement of the redistribution of the province of Quebec.

Hon. Mr. LANDRY—The hon. member is only re-echoing what was said in the House of Commons and published in the press some time ago. A threat was made by the premier that if Mr. Monk did not behave himself in a certain way, he would cause him to be defeated at the next general election by putting the parish of St. Louis de Mile End into his county. We, of Quebec, must be very grateful to the hon. member for allowing us to live. In fact if you take the province of Quebec to-day the hon. members on the ministerial side would find it difficult to make any change which would better their position, because they have almost the whole province to-day. But at the next general election we shall see if the people themselves will not make a change, notwithstanding the threats made by the prime minister in the other House, we will show this government——

Hon. Mr. KERR (Toronto)—Do not make a threat.

Hon. Mr. LANDRY—We will show that threats of that kind have only one result, and that is to change the sentiment of the people and turn it against the government.

Hon. Mr. FORGET—My hon. friend might tell us that the Liberal party have done the next best thing to adding St. Louis de Mile End to Jacques Cartier; if I am directly informed some of the hon. gentleman's friends bought a four-hundred acre farm and divided it into lots and sold them to a number of Liberals for the purpose of increasing the Liberal vote in the county.

Hon. Mr. CASGRAIN (De Lanaudière)—That farm was in St. Vincent de Paul, and the purchaser was the Hon. P. E. Leblanc, who was speaker of the local House. It has had the effect of sending a Conservative member to the local legislature to represent the county of Laval.

Hon. Sir MACKENZIE BOWELL—I am sorry that the theory or doctrine of creed or race in a British country like ours should be any reason for dividing a constituency. I have no objection if a man is English, Irish, Scotch, or French so long as he is a Canadian, either by adoption or by birth, and when the hon. gentleman says that Quebec West is allowed to send a representative though having a population of only 9,000 because the population was largely Irish, I looked around to see if our hon. friend the senator from Montreal (Hon. Mr. Cloran) was here, so that he could give it his approval. But that does not apply to Soulanges which has only 9,000. The premier, as my hon. friend to my left says, told the people how very virtuous his party were in not destroying Jacques Cartier and defeating Mr. Monk. It was referred to the other day by the hon.

gentleman opposite from de Lorimier. These hon. gentlemen have one virtue. Every one of the leaders and not the least among the number the hon. gentleman who has just spoken has anonunced the virtue of the party. I hope they will keep it before us for fear we forget. If the hon. gentlemen will look at Jacques Cartier, it has a larger population than the unit now, and why should it be interfered with? Under the redistribution of 1901 it had only 13,832 and now it has 26,168. We can understand why; it is a manufacturing centre, and its population has increased since then.

Hon. Mr. CASGRAIN (de Lanaudière)—If the hon. gentleman would allow me to put him right we might save some time, by explaining that when that last redistribution was made by the government of which my hon. friend was a member, several large communities were added to Jacques Cartier. That was in 1892 at the time the redistribution was made by my hon. friend himself. That increased the population to 26,000.

Hon. Sir MACKENZIE BOWELL—I find no fault at all with the province of Quebec, because the province of Quebec never advocated representation by population, and you have adhered to it, and by adhering to it you have approved of the actions of those you have beeen condemning. I was not in the Chamber when the Speaker made his speech, but I was told that he joined with them in the general condemnation so that he could add his influence to the degredation of that party which had come in power.

Hon. Mr. LANDRY—Referring to Quebec West, I would call the attention of my hon. friend to this fact; in Quebec West there are 2,722 Irish of Irish decent, 907 of English descent, 317 of Scotch descent, of French 4,911; German 35.

Hon. Mr. CASGRAIN—Is there an English speaking majority in that county?

Hon. Mr. LANDRY—No, there is a French speaking majority.

The clause was adopted.

On clause C—Prince Edward Island,

Hon. Sir MACKENZIE BOWELL—Queen's has two representatives, has it not?

The CHAIRMAN—Yes.

Hon. Sir MACKENZIE BOWELL—Is it divided?

The CHAIRMAN—No.

Hon. Mr. ROBERTSON—The reason of that is the town of Charlottetown is in the county, and you could not make an even division without dividing the town in half, and the town objected to that and thought it better to have the two members, as in former times.

Hon. Mr. LANDRY—What is the population of the town?

Hon. Mr. ROBERTSON—Between 11,000 and 12,000.

Hon. Sir MACKENZIE BOWELL—The whole county would be about 43,000?

Hon. Mr. ROBERTSON—Yes.

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

SHIPPING CASUALTIES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (263) An Act to amend the Shipping Causalties Act, 1901. He said, this is a Bill making only some minor amendments. There is the amendment to the first section which adds the stranding of a vessel to the matters that may be investigated. Under the law as it now stands I think the stranding of a vessel could not be investigated. It also provides for the appointment of a Stranding Commissioner. According to precis I have in my hand, in the Act passed in 1901 the department left out the word 'stranded,' as it was then not the practice to go to the expense of investigating the case of the stranding of a vessel. Now it is proposed by the department to add stranding to these matters that may be investigated by the department where a casualty to a ship takes place. The next amendment is appointing a Stranding Commissioner for the investigation into accidents as to shipping. Under section 8 of the Act as it stands the appointment of a commissioner was contingent on the happening of an accident, and the minister could not appoint a commissioner until the accident had taken place. Now it is proposed to appoint a Stranding Commissioner so that when an accident takes place he can at once investigate it, and I think it is intended to have Captain

Salmon appointed, the Chairman of the Board of Examiners.

Hon. Mr. LANDRY—What is the salary ?

Hon. Mr. TEMPLEMAN—There will be no additional salary for the standing commissioner. As I understand, Capt. Salmon, the chairman of the Board of Examiners of Masters and Mates, will be appointed, and he is a government official under salary, and will receive no additional amount for fulfilling those duties. The duties are not very onerous, and it is simply adding this to his work. The other proposed amendments to the Bill are very trivial in character, and if my hon. friend will permit the second reading, explanations can be gone into in committee. I move the second reading of the Bill.

Hon. Sir MACKENZIE BOWELL—I notice by the second subsection you have power to appoint almost any body as commissioner; it does not follow he must be an officer of the department, if I read it correctly. The minister may appoint any officer of the government of Canada, or any judge of the Superior Court of the province of Quebec, or any judge of the county court or any local judge in admiralty of the Exchequer Court in Canada, or any stipendiary magistrate to be a commissioner. However, if necessary, we can get further information in committee.

Hon. Mr. ELLIS—I might say, without having any official information at all on the subject, that Captain Salmon is a pretty good officer of the government and I think my hon. friend, the leader of the opposition will remember that Captain Smith, who is now dead, performed a great deal of that work. I learned along the shores of the province that Captain Salmon is really filling the late Captain Smith's place, and he will be the principal person—of course if he is not available somebody else will be, to make these investigations.

Hon. Sir MACKENZIE BOWELL—However we can get information in committee.

The Bill was read the second time.

MANITOBA GRAIN ACT AMENDMENT BILL.

Consideration of Commons amendment,

The Order of the Day being called :

Consideration of the amendments made by the House of Commons to the amendments made by the Senate to (Bill 232) An Act to amend the Manitoba grain Act 1900.

Hon. Mr. TEMPLEMAN moved that the amendments be now concurred in.

Hon. Mr. YOUNG—I would like to say a word or two before these amendments are concurred in, because I have, since the Senate amended this Grain Act, been a subject of some criticism in certain quarters, and I think a large part of that criticism is due to a want of knowledge of the circumstances under which I moved the amendments in the Senate. It so happened it was late at night when the Bill was being considered by the Senate, and I did not like to take up the time of the House by any lengthy explanation, and as I had given notice of the amendment and every one had an opportunity of examining it I did not take up the time of the House in making explanations. As a consequence, there has been a misunderstanding as to the course I took in reference to it. I may say that in 1900 and 1902 I took the position that this legislation should be considered from the producers' standpoint, and in 1903 I took the very same position. Many hon. gentleman may not be familiar with the history of this legislation, but the history of the Act of this year is simply this briefly : a delegation of the Grain Growers' Association of Manitoba and the North-west Territories was sent down here in the early part of the session to prepare the amendments submitted to the House of Commons to amend the Act of 1902. These delegates, very intelligently discussed the various difficulties under which they laboured during the past year in a very frank and manly way. I met them on various occasions, and we discussed the amendments they proposed, and I agreed with them in their amendments with the exception of one clause. On that we had some difference of opinion. When the Bill came over from the Commons my attention was called to subsection 4 of section 59 that it was not clear in one respect and it did not represent the views that I understood were expressed by the delegates at the time they were here. I said in speaking on the Bill and moving my amendment, that the delegates were clear on one point, and that was any one delaying unnecessarily the loading of cars should, in their opinion, be penalized to

some extent, because in that way they lessened the usefulness of the rolling stock to the other shippers who were waiting for their turn to ship their grain. However, in examining subsection 4, as you will see in the original Bill, that came from the Commons, I found that, unintentionally no doubt on the part of those who drew it, they provided for a penalty of 25 cents an hour for any applicant—I will quote the Bill :

> Any applicant who fails to load a car so ordered by him within twenty-four hours from the time the car is furnished by the railway company, shall lose his right so far as concerns that car ; and the railway agent shall thereupon cancel the order, by writing the word 'cancelled' in the remarks column of the car or order book, and award the car to the next applicant entitled to it. If the applicant fails or is unable to commence loading a car awarded to him within the twenty-four hours specified herein, he shall, personally or by agent duly appointed in writing, so notify the railway agent in writing, who shall thereupon cancel the order in like manner as aforesaid, and award the car to the next applicant entitled to it. Any applicant who fails to so notify the agent as herein directed shall pay car rental at the rate of twenty-five cents per hour for each hour that the car is held for him by the railway agent, and the railway company may decline to furnish further cars to such applicant until such car rental is paid to the railway agent.

In reading that over carefully, it struck me that an applicant might be fined 25 cents an hour for twenty-four hours, and yet not know the car was furnished him by the railway company because no provision was made for notification of the applicant, by the railway company and therefore he might be fined for the whole twenty-four hours, because the fine would start, as you can see by the wording of the clause, from the time the car was set to one side for him at a loading station. However, an amendment was prepared and submitted to a gentleman in the House of Commons who was entrusted with this Bill, as I understood, by the Grain Growers' delegation who came down from the west, and we discussed the matter, and he in turn submitted it to one who—at least the gentleman in the House of Commons thought, and I thought—was entitled to speak for the grain growers of the west. The amendment that I afterwards submitted to the Senate was approved of, and concurred in by this official to whom I have reference, and also concurred in so far as my information went—and I think my information was positive—concurred in by these who represent the interests of the producers in the other House. On the strength of that I moved the amendment in the Senate, which they desired feeling that I was merely carrying out the wishes of those who represented the interests of the grain-growers. Hon. gentlemen will observe that the Senate amendments secured for every applicant for cars either to himself or his agent a notification from the railway agent when the car was furnished him and only after his receiving that notification could he be penalized at all. Upon getting that notification he had to say whether he would load the car or not. After saying he would load, if he failed to do so, we provided he should be fined 25 cents an hour every hour the car was detained, and, further, if he took longer than the twenty-four hours to load he would be fined 25 cents an hour for the additional time over and above the twenty-four hours, but in my judgment we made this important difference in the hours : The twenty-four hours started from the time he got this notice, and therefore—and I think it is fairly so—the applicant had a longer time to load his car by whatever time there would be between the car being set to one side for him and the time it would come to his knowledge that the car was there at his disposal ; so that the amendments were all in the direction first, of notification to the applicant or his agent, and then another amendment was made at the suggestion largely of the hon. gentleman from Wolseley, that an applicant would not lose his turn for the car if the car was not in good order and condition, which was thought again to be a very desirable thing for the applicant ; and with this clear understanding, and with no other motive or reasons than to make the clause a more reasonable one and more favourable to those who were loading cars under the provisions of that clause in the Senate. The clause, however, did not meet the approval through misunderstanding, as I say, of some people in the west, and I could read an extract from a letter approving of the Senate amendments which has been repeated since by the very same official of the Grain Growers' Association and in which he still holds to his view approving of the amendment to the gentleman referred to in the House of Commons for whom I was merely acting as

agent. The House of Commons did not see fit, however, to accept our amendments in so far as the penalty was concerned. With that I have no fault to find, because if the cars can be loaded without it nobody would be better pleased than myself. But we felt we had made this much improvement in the legislature. They have retained the clause which deals with the notification, and which, I think, is a very valuable addition to the legislation. They have retained the clause which deals with the good order and condition of the cars, and they have struck out the amendment with reference to the penalty, but they have gone further than that; bearing out the contention that I was making a moment ago that in the first instance the clause was not satisfactory because on their reviewing their own work they struck out part of the clause which they sent to us here after having passed its third reading in the Commons, and suggested altogether a new clause relieving the applicant of any penalty whatever as will be seen by the amendment and adopting the other portions of our amendment that I have mentioned. The effect of that clause is that if a man wants a car, and a car is allotted to him, he is asked to say yes or no, and if he says yes, which he will no doubt, and does not load the car for twenty-four hours, the whole penalty is that the railway company cannot force him to load. He can simply say within the twenty-four hours: 'No, I do not want it,' and he pays no penalty. Then the next man who is standing waiting for a car has to wait the other man's leisure for twenty-four hours without that man having the slightest responsibility, except he is not forced to take a car he does not need. I think that is going too far. They have swung the pendulum to the other side. The grain-growers' delegation were clear and distinct in saying that those who delay the cars unnecessarily should suffer. They wished to give them reasonable opportunities to load, but any man who causes unreasonable delay of the rolling stock, they felt was doing an injury to the man who was next to him on the order-book waiting for his turn, and they said repeatedly that that man should be penalized, and the penalty they thought reasonable was fixed at 25 cents an hour. I said that I had not agreed to clause 59 of the Bill when we discussed it with the delegates. I had excepted that one but considering afterwards that this Bill, was entirely of their own framing and that we have been trying to get a Bill such as would meet the views of those who require it in the west, I thought it better to leave the matter as they had left it with the single entire exception in which I acted in strict accordance with views of the men who represented the grain-growers of the west, and I kept perfect good faith with them and not as has been charged against me, trying to steal the clause in some way in the Senate. I thought it was due to the Senate and to myself to make this explanation that I had acted in perfect good faith and with no other object in view than to further the interests of those who are the producers of the grain. I think they should have the first and every consideration in legislation of this kind, which has for its object the minimizing of the loss which must necessarily arise in times of congestion of traffic which we have had for the last few years in the west, and which I trust we will not be troubled with again.

The motion was agreed to.

CONTINGENT ACCOUNTS OF THE SENATE.

FOURTH REPORT OF THE COMMITTEE ADOPTED.

Hon. Mr. WATSON moved the adoption of the fourth report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

Hon. Mr. FROST—Before the motion is put, I have an amendment to move to the report. I move, seconded by the Hon. Sir Mackenzie Bowell, that the report be not now adopted, but that it be amended by adding the following paragraph thereto as paragraph 12:

> The salary of the clerk of the Senate be increased to the same amount as that of deputy heads of departments, as provided by Bill 257 amending the Civil Service Act, now before parliament, the said increase to have effect during the present fiscal year.

The SPEAKER—Before putting the resolution, I think in order to remove any doubt as to the meaning, that something ought to be said as to what kind of deputy heads. There are certain deputy heads who are selected to receive larger salaries.

Hon. Mr. PERLEY—Take the six thousand dollar one.

The SPEAKER—The deputy ministers of Finance and Railways receive larger salaries.

Hon. Mr. FROST—That is the minimum salary of the deputy heads.

Hon. Mr. PERLEY—What would the salary be then ?

Hon. Mr. FROST—$3,500.

The amendement was agreed to and the report as amended was adopted.

CIVIL SERVICE ACT AMENDMENT BILL.

SECOND READING

Hon. Mr. TEMPLEMAN moved the second reading of Bill (257) 'An Act to amend the Civil Service Act.' He said : This is rather an important Bill. It increases the salaries of the civil servants generally. We can discuss this measure in committee where I shall be able to give fuller explanations.

Hon. Sir MACKENZIE BOWELL—Before the Bill is read the second time, I should like to call the attention of the hon. Secretary of State to the 8th clause. The intention of the Bill is to give certain powers to the deputy heads to make promotions, the power still remaining in the government to decide as to whether they will pass the appropriations necessary to meet the increased salaries necessitated by the promotions. There is no doubt that that power exists in this Bill as well as the others, so far as the deputy heads are concerned. The 8th clause refers to the Auditor General. I understand that the intention of the Bill was to place the Auditor General in this respect in the same position as a deputy head, but a doubt has arisen as to whether the wording of the Bill is sufficient to cover that case. I think I am speaking from the authority of the deputy minister of Justice, who thinks it does not, although the Postmaster General, at the time it was passed, informed the House that it did. Under those circumstances it seemed to me the Secretary of State had better consider this point so as not to leave any doubt upon the question. I call attention to it, so that when we go into committee of the whole he can consider the propriety of adding a few words, so as to place him in a position that there will be no doubt about it.

Hon. Mr. SCOTT—That is quite proper. Under the Act of 1891, the Auditor General is an official who makes his own promotions, and in order to make it clear we can add just a line.

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

PILOTAGE DISTRICTS OF MONTREAL AND QUEBEC BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (261) 'An Act respecting the Pilotage district of Montreal, and the port and pilotage district of Quebec.' He said : This Bill is removing the jurisdiction of the pilotage authority from the Harbour Commissioners to the Department of Marine and Fisheries. The second clause removes the pilotage district of the River Saguenay from the pilotage district of the city of Quebec.

Hon. Mr. LANDRY—Why is it done ?

Hon. Mr. SCOTT—Because Quebec pilots do not understand the Saguenay river. This year there was a serious accident occurred to a vessel, resulting in great loss and damage to the company, and therefore it was made necessary that pilots on the Quebec end should not necessarily be qualified as pilots on the Saguenay.

Hon. Mr. LANDRY—Where do we get the pilots for the Saguenay ?

Hon. Mr. FORGET—All the pilots for the St. Lawrence come from Quebec, and the pilots on the river Saguenay have been there for years and years, the pilot who met with the accident on the 'Victoria' has acted as pilot for fifteen years.

Hon. Mr. TESSIER—They do not belong to the corporation of pilots.

Hon. Mr. TEMPLEMAN—An explanation has been furnished me to this effect : At present the river Saguenay is within the pilotage district of the port of Quebec and the anomaly exists that while the Quebec pilots have no practical knowledge of the river Saguenay they can prosecute any local pilot who is thoroughly conversant with the pilotage of that river, if he attempts to pilot a ship up or down the river. It is therefore

deemed expedient in the interests of the Saguenay river to withdraw it from control of the Quebec pilotage authorities. It will then come under the control of the Governor in Council under the authority of the General Pilotage Act. The government can then establish the pilotage system for that river and appoint commissioners to control the pilotage matters of that district. It is simply separating it from Quebec and constituting it a pilotage district in itself.

Hon. Mr. FORGET—Does the hon. gentleman mean that these pilots would be under the authority of the Governor in Council ?

Hon. Mr. TEMPLEMAN—Under the authority of the Minister of Marine and Fisheries.

Hon. Mr. FORGET—Will they be required to pass examination ?

Hon. Mr. TEMPLEMAN—I expect so. They will stand in the same position as all pilots.

Hon. Mr. FORGET—Under the harbour of the port of Montreal ?

Hon. Mr. LANDRY—No.

Hon. Mr. TESSIER—There are two kinds of pilots in Quebec. There are the pilots who are piloting from Quebec to the lower ports, and those belonging to separate corporations, called the corporation of pilots. There are also the pilots who do the business between Montreal and Quebec and these are not incorporated, but they have been for years under the control of the Montreal Harbour Commissioners. If I understand this Bill properly, it is taking the pilots from the jurisdiction of the Montreal Harbour Commissioners, and placing them under the jurisdiction of the Minister of Marine and Fisheries and of the government. Those are the pilots from Quebec to Montreal, who are not incorporated. They cease to be under the jurisdiction of the Montreal Harbour Commissioners and will fall under the orders of the department here. I suppose they will be put on the same footing as the pilots of Quebec and Montreal.

Hon. Mr. FORGET—The pilots between Montreal and Quebec on the Richelieu and Ontario boats are not incorporated. They do not belong to any corporation and the pilots between Quebec and Chicoutimi do not belong to any corporation. They are men engaged by the company. They came in when they were young men and have remained with the company ever since.

Hon. Mr. SCOTT—They will now be placed under the Minister of Marine and Fisheries.

Hon. Mr. TEMPLEMAN—I had better read the entire statement I received from the department with reference to this Bill. I read the last paragraph to the House a few minutes ago because I was asked a question with respect to the Saguenay river. The first part of the statement reads as follows :

> Throughout the Dominion the Governor in Council has power to defame, enlarge and increase pilotage limits ; and to appoint not less than three and not more than 5 pilotage commissioners to control the different districts, with the exception of four ports, viz. : Montreal, Quebec, St. John and Halifax. In the districts of Montreal and Quebec the general Pilotage Act and the Act relating to the harbours of Montreal and Quebec, places the control of the pilots absolutely in the hands of the harbour commissioners for these two prts.
>
> At the ports of St. John and Halifax the Governor in Council appoints a certain number of persons ; the city council another certain number, to be the commissioners to control the pilotage matters of the respective ports. Outside of these four ports, the appointment of commissioners to control matters relating to pilotage all over the Dominion rests with the Governor in Council.
>
> With the exception of the ports of Montreal and Quebec, pilotage commissioners do not receive any remuneration whatever, and are subject to dismissal by the Governor in Council at any time.
>
> For the last thirty years the department has had no complants in regard to the efficiency of pilots throughout the Dominion, with the exception of the pilots in the district of Quebec and Montreal, and it is the opinion of the department that the complete control of the pilots, that is to say, the appointment of apprentice pilots and the permanent appointment of pilots, their examination as to efficiency in seamanship, navigation, and in regard to vision, and colour tests were placed within the control of the Minister of Marine and Fisheries on somewhat similar lines. In regard to efficiency as is exercised now in regard to applicants for masters' and mates' certificates, it would have a beneficial effect on the pilotage system of the River St. Lawrence.

And then follows what I have already read.

Hon. Mr. LANDRY—I do not say that the hon. minister is wrong in that measure but I think I should protest against the manner in which it is brought before us in the last days of the session. We have had no means of communicating with the parties interested, the pilots or the Harbour Com-

missioners. We do not know their views on the question and are left entirely in the dark. These are matters of which we have no knowledge.

Hon. Mr. TEMPLEMAN—It is not a new question. It is as old as the hills.

Hon. Mr. LANDRY—This is a new question. The hon. gentleman introduced the Bill yesterday and we had not a minute to study it to see what the Bill meant, or time to obtain the opinions of the parties interested. I think it is not fair. Measures of this kind should be introduced earlier in the session so that we would be enabled to consult the parties interested. I protest against that mode of procedure.

Hon. Mr. TESSIER—I know that the Minister of Marine and Fisheries, before presenting his Bill, called before him the pilots who work between Quebec and Montreal and had several interviews with them. I was present at those interviews and know that the president of the pilots, of whom I am speaking, came here and declared to the Minister of Marine and Fisheries that the pilots were willing to pass under the control of the department, that they preferred it to being under the control of the Montreal Harbour Commissioners. They said the commissioners were not a permanent body. There were frequent changes, and the commissioners were not qualified to direct the pilotage between Montreal and Quebec.

Hon. Mr. LANDRY—What is the opinion of the pilots below Quebec ?

Hon. Mr. TESSIER—I do not know.

Hon. Mir. LANDRY—The Bill says that the pilots should be taken from under the jurisdiction of the Montreal Harbour Commissioners and the Quebec Harbour Commissioners.

Hon. Mr. TEMPLEMAN—No.

Hon. Mr. LANDRY—How does the 2nd clause read ?

Hon. Mr. TEMPLEMAN—The jurisdiction of the Harbour Commissioners over the pilots of the River Saguenay will be taken from them, but the Bill does not enact that the jurisdiction of the Quebec Commissioners over the other pilots under them shall be disturbed.

Hon. Mr. LANDRY—All those pilots connected with the navigation of the River Saguenay are to be withdrawn from the jurisdiction of the Quebec Harbour Commissioners.

Hon. Mr. TEMPLEMAN—Yes.

Hon. Mr. LANDRY—Have the Quebec Harbour Commissioners been consulted on that point ? Have the pilots connected with the navigation to the River Saguenay been consulted ? My hon. friend from la Durantaye (Hon. Mr. Tessier) speaks of the pilots between Montreal and Quebec who are under the jurisdiction of the Montreal Harbour Commissioners, but that is only half the question.

Hon. Mr. YOUNG—This is a Bill which evidently could be better discussed in committee, and I would suggest that it be read the second time now, and referred to the Committee of the Whole to facilitate discussion.

Hon. Mr. LANDRY—If we assent to the second reading, we accept the principle of the Bill. I should like to know if the interested parties have been consulted before voting for the second reading ?

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

Hon. Mr. TEMPLEMAN—As there are hon. gentlemen present who take an interest in this Bill and know a great deal about the subject, if there is no objection I shall move that it be referred to a Committee of the Whole House presently.

Hon. Mr. LANDRY—I object. I hope the hon. minister will get information from the department as to whether the parties to whom I have been referring have been consulted.

The committee stage was allowed to stand until to-morrow.

NORTH-WEST TERRITORIES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (259) 'An Act to amend the North-west Territories Act.' He said : The first clause provides that the Supreme Court shall consist of a chief justice and not less than five puisne judges. The next clause pro-

vides for the mode of appeal, and in the third clause power is given to the legislative assembly in certain matters. I shall get further information from the Department of Justice and give explanations of details in committee.

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

REVISED STATUTES OF CANADA BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (265) 'An Act respecting the Revised Statutes of Canada.' He said: Hon. gentlemen are aware that a revision of the statutes is now going on, and this legislation they considered was necessary to facilitate their proceedings. It is simply a matter of regulating the mode in which the consolidation is taking place. I shall ascertain to-morrow from the department what is the object to be accomplished, because it is a rather unusual proceeding.

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

GENERAL INSPECTION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (266) 'An Act further to amend the General Inspection Act.' He said: This Bill makes provision for the appointment of a weighmaster for the weighing of grain for the eastern inspection district. His certificate will be the official measurement of the grain so weighed. I shall be able to give more information as to the details of the Bill in committee.

Hon. Mr. YOUNG—The Bill provides for a weighmaster at terminal elevators. He is to be a government official who shall weigh the grain. These terminal elevators are owned by companies or individuals—generally railway companies—and we have had an official of this kind acting in the western division for some time, and with a great deal of satisfaction. Previously, the man who weighed the grain was generally an official of the railway company, and it was felt that he might not always be an independent arbitrator as between the elevator company and the shipper. This official, when appointed, will be independent of any interest, and will see that the quantity received is properly weighed, and when the grain is delivered, that the quantity is correct, which I think is a very good principle to adopt, as the wheat shipping interests are growing more important constantly.

Hon. Mr. LANDRY—Does the hon. gentleman approve of the measure?

Hon. Mr. YOUNG—Yes.

Hon. Mr. LANDRY—Carried.

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

LIBRARIANS OF PARLIAMENT BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (267) An Act respecting the Librarians of Parliament. He said: This Bill provides in clause 1, which is the essence of the entire Bill, that the general librarian and parliamentary librarian shall, each have the rank of a deputy head of a department, with a salary of $3,500 per annum and an annual increase of $100 up to a maximum of $4,000.

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

REGISTRAR OF SUPREME COURT BILL.

FIRST AND SECOND READINGS.

A Message was received from the House of Commons with Bill (268) An Act respecting the Registrar of the Supreme Court.

The Bill was read the first time.

Hon. Mr. SCOTT—This Bill fixes the salary of the registrar of the court, who also acts in a judicial capacity, at $3,500 per annum, to be increased by $100 a year up to $4,000.

Hon. Sir MACKENZIE BOWELL—This puts him on a par with the deputy heads of the departments?

Hon. Mr. SCOTT—Yes.

The Bill was read the second time under a suspension of the rules.

The Senate adjourned until eleven o'clock to-morrow morning.

THE SENATE.

Ottawa, Wednesday, October 21, 1903.

MORNING SITTING.

The SPEAKER took the Chair at 11 o'clock a.m.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

Hon. Mr. PERLEY—Before the Orders of the Day are called, I desire to bring to the notice of the Chamber a matter which perhaps is not of very great importance, but still I think of some importance, and I do it in consequence of the charge which was made against my hon. colleague from Calgary in the early days of the session. It will be remembered that my hon. friend from Calgary made a speech in reference to the Barr colonists. He found some considerable fault with the way they were treated, and made some remarks which might be considered as reflecting upon the Barr colonists as immigrants, and no doubt after seeing the report of his speech the hon. gentleman felt it would be better to eliminate from his speech that portion which had reflected upon those people, who might be good settlers. The hon. member from Marquette also thought it was a very proper thing to do to alter a speech which he had made in the House. I do not agree with that. I think when an hon. member makes a speech with any haste or feeling, and afterwards desires to change it, it would be very commendable on his part to so correct it as to make it less grating on the feelings of any hon. member. I did not expect that I would be called upon to make any remarks in reference to matter of this kind. Now, I have before me the official report of the speech made by the hon. gentleman from Toronto (Hon. Mr. Cox) in which he took very great exception to the statement made by Hon. Mr. Blair, when he said 'Cox can't wait.' I do not think it was a very grievous offence that the Minister of Railways committed when he said that. I think it was rather a commendable thing.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. PERLEY—I have always noticed in reference to the men I have had in my employment that the man who waited was the man least thought of. My idea is that it is commendable to have a man that can't wait—a man that is ready for his work. The man who is waiting is generally looked upon as being an incapable man and I think it rather indicates great business ability, business tact, when you say of a man he cannot wait. It shows the business is in the hands of a good man and he wants to rush forward and do his work. Therefore, I think the remarks made by Mr. Blair, when he said 'Cox can't wait,' was no reflection upon the business capacity of that gentleman at all. I think it is rather a remark of commendation on his fitness for business. The hon. gentleman felt very much aggrieved over that remark made by the hon. Minster of Railways. I am not here to apologize for Mr. Blair at all, because I have no particular relations with him in any way, never received a dollar from him or never gave him a dollar. Now, on that occasion Mr. Cox said he had not one dollar in this enterprise. That is not in the report of his speech as it appears in the debates. He said he only lent his name. Now if there is one thing that would reflect upon the character and standing of the hon. gentleman from Toronto it is the fact that he lent his name to any enterprise that he had not a dollar of capital invested in. It was misleading the public, to say the very least, because while his name would not remove a shovelful of earth, or cut down a spruce tree or remove a rock from the line it gave the impression to the public that he was interested in this great enterprise.

Hon. Mr. FULFORD—Does not the hon. gentleman know that the provisional directors of any company seeking incorporation have no stock in the company? In this country the provisional directors are not expected to have any interest; but to be permanent directors they must be stockholders.

Hon. Mr. PERLEY—If the hon. gentleman will possess his soul in patience I shall try and make myself clear. If he is in the habit of lending his name to enterprises in which he has no interest, he is misleading the public. Now, the hon. gentleman from Toronto said he had no stock in this enterprise. If not, his name was leading the public to suppose that this great commercial un-

dertaking had good financial backing, and it enables the company to float its stock and get its bonds subscribed by using the name of a man who has no interest in the enterprise. I say it was wrong. There is another part of the hon. gentleman's speech which has been omitted in the official report. I refer to the part of the speech in which he said the statement that Cox could not wait was no better than the source from which it came. It was casting a reflection on Mr. Blair. I am glad those words have been omitted from the report, because the hon. gentleman had no right to make such a statement. It was not made under excitement; the hon. gentleman had that part of his speech written out, and he read it to the House. No doubt, he was wisely advised and omitted that part of his remarks from the official report. I was surprised that the members from New Brunswick who heard the hon. gentleman from Toronto (Hon. Mr. Cox) reflect on Mr. Blair on that occasion listened in silence and cheered the hon. gentleman when he sat down. I have known Mr. Blair for forty years, as a law student, as a young lawyer, and in every capacity he has filled.

Hon. Mr. DEVER—I did not hear anything said in this House reflecting on Mr. Blair. No member of this House made an attack on Mr. Blair in my presence.

Hon. Mr. PERLEY—Then I exonerate the hon. gentleman.

Hon. Mr. KERR (Toronto)—It is very interesting for the Senate to know that the hon. genfleman from Wolseley has been acquainted with Mr. Blair since his boyhood. I have heard a great deal from the hon. gentleman on this matter already, and more than the Senate ought to be called upon to listen to.

Hon. Mr. PERLEY—The hon. gentleman does not want to hear the facts. I want to exonerate Mr. Blair from the charge that he was guilty of discreditable conduct.

Hon. Mr. CLORAN—Who made the charge?

Hon. Mr. PERLEY—Senator Cox.

Hon. Mr. CLORAN—No.

Hon. Mr. PERLEY—It would be found in the report of his speech if he had not withdrawn the objectionable words. I heard him make the speech and my hearing is as good as the hon. gentleman's (Hon. Mr. Cloran), and I know that what I say is strictly true. While I condemn Mr. Cox for using such language, I quite approve of his having omitted it from the published report of his speech, because it was not justifiable, and I am satisfied the hon. gentleman thought so himself when he saw it in print and withdraw it from the report.

Hon. Mr. EDWARDS—I think it is exceedingly unfortunate that my hon. friend should make this reference to Mr. Cox when he is not present.

Hon. Mr. PERLEY—Why is he not here? He never comes only when he comes at the call of a telegram.

Hon. Mr. EDWARDS—In so far as this matter of provisional directors of a company is concerned, every one acquainted with the subject at all knows that a provisional director has not necessarily to become a stockholder; that becomes a subsequent question, and if, later, Mr. Cox desires to become a stockholder in that company he is entitled to do so. That will be a matter of consideration for him. As to his explanation of the phrase that 'Cox cannot wait' it was an unfortunate statement anyway and it was meant to reflect upon the Hon. Mr. Cox; there is no question at all about it. As to the further question of a reference here to the source from which it emanated, that does not involve Hon. Mr. Blair at all. Following the statement made by Mr. Blair, an immense amount of campaign literature was sent afloat in this country, and statements were made which reflected seriously upon Mr. Cox, and it was those statements that he referred to with indignation as to the source from which they emanated, and not Mr. Blair at all.

Hon. Mr. PERLEY—The hon. gentleman is all wrong.

Hon. Mr. EDWARDS—I have nothing more to say upon the subject, but I am very sorry indeed that my hon. friend should on this occasion raise the question when the hon. senator from Toronto is not here. He is absent, no doubt for reasons that most senators are absent; no senator is here constantly.

THIRD READING.

Bill (66) An Act to readjust the representation in the House of Commons (Hon. Mr. Scott) was read the third time, on a division, and passed.

GASPE AND WESTERN RAILWAY COMPANY BILL.

REJECTED.

The Order of the Day being called :

Consideration of the report of the Standing Committee on Railways, Telegraphs and Harbours Bill (166) An Act to incorporate the Gaspé and Western Railway Company.—(Hon. Mr. Fiset.)

Hon. Mr. CLORAN said : I am requested by the parties interested in this Bill, in the absence of Mr. Fiset, to move that the report be referred back to the committee for further consideration.

Hon. Mr. LANDRY—I rise to a point of order ; this is a private Bill, and I do not think the hon. gentleman has any right to assume the position of the promoter of the Bill.

Hon. Mr. CLORAN—It is exactly on behalf of the promoters of the Bill that I have made this motion.

Hon. Mr. LANDRY—It cannot be done without the unanimous consent of the House.

The SPEAKER—The hon. gentleman, I think, has a perfect right to explain.

Hon. Mr. CLORAN—The only explanation I have to offer to the honourable House is that the people interested in this Bill want the report referred back to the committe, and in the unavoidable absence of the hon. gentleman in whose name the motion stands (Hon. Mr. Fiset) I was asked to move that it be referred back. Of course, if hon. gentlemen do not wish to allow one of their colleagues to be represented in his absence it is for the honourable House to say so.

The SPEAKER—I must say I do not think the point of order is well taken. The uniform practice in this House has been rather easy in this matter. The hon. gentleman from Hawkesbury states that he is representing the same parties who are represented by the hon. gentleman from the Gulf division, and that hon. gentleman being unavoidably absent. it would seem a defeatiog of the ends of justice if no action could be taken on this matter; so I declare the point of order is not well taken.

Hon. Mr. DeBOUCHERVILLE—I think there is no precedent to refer a report of this kind back to the committee without sufficient reason given for it.

The SPEAKER—What the committee has to do with the Bill when it gets back to them, I have nothing to do with. We have referred back Bills of this class to the committees who have reported on them.

Hon. Sir MACKENZIE BOWELL—What possible object can the hon. gentleman have in referring the Bill back at this stage of the session ? Is there the slightest possibility of the Committee on Railways and Canals meeting this session again in order to reconsider a Bill that was discussed for hours and objected to by the committee ? I am not objecting to the hon. gentleman's motion.

Hon. Mr. CLORAN—Hon. gentlemen will use any reason they please to vote against a Bill ; any hon. gentleman has that right.

The SPEAKER—Strictly speaking, I think the report of the committee should be read.

Hon. Mr. LANDRY—Has the Speaker a motion in his hands.

The SPEAKER—The motion which I put was the motion made by the hon. gentleman from Hawkesbury (Hon. Mr. Cloran) and seconded by the Hon. Mr. Kerr from Toronto, that this report be referred back to the Standing Committee on Railways, Telegraphs and Harbours, for further consideration. I have just ruled that to be regular. I think the report should have been read for the information of the House. The Clerk is about to read the report.

Hon. Mr. LANDRY—The motion before the House is the one the Speaker has put, and I rise to a point of order and say this motion is not in order ; I want the decision of the Chair on that.

The SPEAKER—I have already given the decision that the motion is in order.

Hon. Mr. SCOTT—Read the report and let us know what it is.

The report was read at the Table.

Hon. Mr. LANDRY—I rise to a point of order.

The SPEAKER—What is the point of order ?

Hon. Mr. LANDRY—That motion has been disposed of. The hon. Speaker has declared it out of order.

The SPEAKER. Nothing of the kind; but I do declare the hon. gentleman from Stadacona out of order.

Hon. Mr. LANDRY—I rise to another point of order.

The SPEAKER—I think the hon. gentleman must sit down.

Hon. Mr. LANDRY—I have a right to state my point of order.

The SPEAKER—The hon. gentleman has no right——

Hon. Mr. LANDRY—I have a right to state my point of order, and the hon. Speaker has no right to make me sit down.

The SPEAKER—The hon. gentleman has already stated his point of order.

Hon. Mr. LANDRY—No, I rise to another point of order. I protest against that way of carrying on business in this House. I am a member of this House, and whenever a question is put by the Chair or otherwise, I have a right to stand up and say that that motion is not in order. The hon. Speaker has ruled that the first motion presented by my hon. friend was not in order.

Hon. Mr. SCOTT—Oh no, my hon. friend is under a misapprehension. The Speaker decided it was in order.

Hon. Sir MACKENZIE BOWELL—The Speaker ruled the other way.

Hon. Mr. LANDRY—When I rose I raised a point of order and the hon. Speaker told me that point of order was well taken.

Hon. Mr. SCOTT—Oh, no.

The SPEAKER—I said it was not well taken.

Hon. Mr. LANDRY—That was the first time, but I am speaking of the last time.

The SPEAKER—The hon. gentleman insisted on talking, and I sat down to let him talk.

Hon. Mr. LANDRY—I raised this point of order : I asked the hon. Speaker what was the motion before the Chair, and he said that the motion before the Chair was that the report be referred back to the Committee on Railways. I said we had decided not to do that, and if I understood well, the Speaker said that the first thing to do was to read the report of the committee, and the report was read. After the report was read what was the motion ? If there is a motion what is the motion ?

The SPEAKER—I have already decided the question of order, and the hon. gentleman has been discussing my decision. I am not going to make any further decision.

Hon. Mr. LANDRY—I ask the hon. Speaker to read the motion.

The SPEAKER—I have read it three times already.

Hon. Mr. LANDRY—That will make the fourth.

The SPEAKER—The motion is that the report be referred back to the Committee on Railways, Telegraphs and Harbours for further consideration.

Hon. Mr. MACDONALD (P.E.I.)—Before that motion is put I move an amendment that when the motion to refer the report back to the committee is made, that the committee shall receive instructions in this House as to the purpose for which it is referred back.

The SPEAKER—If the hon. gentleman will put his motion in writing I shall put it to the House.

Hon. Mr. DeBOUCHERVILLE—I would call attention to this fact : the Speaker ordered the report to be read and it has not been read.

The SPEAKER—The hon. gentleman will excuse me, it has been read.

Hon. Mr. YOUNG—Without discussing the merits or demerits of the case, the facts are these : we have the report of the Railway Committee on the Bill, and they report to the House here that the preamble has not been proven. While the committee may not have had all the information before them, and while information may have been furnished

in the meantime which would render it desirable in the wisdom of the House that the report should be sent back for further consideration, I have not been able to gather any reasons why that course should be taken at this hour of the session. It seems to me that it is a frivolous motion to refer it back to the committee, which in the very nature of things cannot give it consideration, because it is not likely they will meet again this session.

Hon. Mr. LANDRY—There is no quorum.

Hon. Mr. YOUNG—No reasons have been advanced why they should change their minds. I am not going into the merits of the question. I am simply dealing with the proposition to refer the Bill back for further consideration. Many members of the committee who considered the question in the first instance have gone away. If it were possible to hold the meeting at this late stage of the session. I question whether we could get a quorum of the Committee on Railways, Telegraphs and Harbours, and even if it was desirable I do not think it would be possible to have this matter considered by the committee, and afterwards by the House. We may as well save the time of the House by accepting the report of the committee. I therefore move that the report of the committee be concurred in. I think it would be better to decide the question on its merits.

Hon. Mr. MACDONALD (P.E.I.)—I withdraw my motion.

Hon. Mr. CLORAN—Perhaps the House is not acquainted with the circumstances of this case. No doubt the committee reported unfavourably on this Bill, but it was a tie vote.

Hon. Mr. LANDRY—I rise to a question of order; the hon. gentleman has no right to state here what took place in the committee.

Hon. Mr. KERR (Toronto)—The report of the Railway Committee is before this House for consideration, and the hon. gentleman from Hawkesbury (Hon. Mr. Cloran) has moved that it be referred back to the committee for further consideration. That is perfectly in order, and the issue may as well be taken on that motion as well as on any other.

The SPEAKER—I have already ruled that the hon. gentleman's motion is perfectly in order. There was no motion to adopt the report. Therefore the motion of the hon. gentleman from Killarney (Hon. Mr. Young) is in order as an amendment. The question before the House is on the amendment.

The amendment was agreed to, and the report was adopted.

SHIPPING CASUALTIES ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (263) 'An Act to amend the Shipping Casualties Act, 1901.'

(In the Committee.)

Hon. Mr. TEMPLEMAN—The only addition this makes to the present law is adding the word 'stranding' to the present shipping casualties which may be inspected.

On clause 8,

Hon. Mr. SCOTT—The only addition to this clause is the words 'or any local judge in admiralty of the Exchequer Court of Canada.'

It is just for the purpose of giving additional jurisdiction. The clause is very properly re-enacted. It is a much safer way to introduce these words.

Hon. Mr. MACDONALD (P.E.I.)—But the judges in admiralty are not generally residing in the vicinity of the place where there are wrecks. It would be an extraordinary thing if you had to send to Ottawa for a judge to take cognizance of a casualty which has taken place at Gaspé or near Labrador.

Hon. Mr. TEMPLEMAN—It will not be necessary.

Hon. Mr. POWER—There are judges who were formerly called judges of the Court of Vice Admiralty at St. John and Halifax. I was under the impression that there was one at Charlottetown too. Before confederation these were inferior judges of the English Court of Admiralty. Under the Dominion Admiralty Act, the Chief Justice of Nova Scotia is the Admiralty judge in that province, and Judge McLeod is the Admi-

ralty judge in New Brunswick. So it would not be necessary to come to Ottawa for a judge.

Hon. Mr. TEMPLEMAN—We have a judge in admiralty on the Pacific coast, who, under this amendment, would be able to officiate at such investigations. The clause before us makes a little greater change in the law than has been stated. The first six lines of the clause 8 in the Act as it stands is struck out and the clause reads as follows :

8. The minister may appoint any officer of the government of Canada, or any judge of the Superior Court of the province of Quebec, or any judge of a county court, or any local judge in Admiralty of the Exchequer Court of Canada, or any stipendiary magistrate, to be a commissioner to hold formal investigations, and a commissioner shall for such purpose be a court.

The following words have been added to the original Act :

Or any local judge in Admiralty of the Exchequer Court of Canada, or any stipendiary magistrate.

The meaning of that is that the Minister of Marine may appoint any officer of the department a permanent or standing commissioner ; and the minister has explained in the other House that he proposes appointing Captain Salmon, who is chairman of the board of examiners of masters and mates, to be that standing commissioner, so that when an accident happens on the Atlantic coast or anywhere it will not be necessary in the majority of intances to appoint a local judge in admiralty; but the standing commissioner Captain Salmon can visit the scene and make an investigation, and the investigation by this means will be expedited and less time will elapse from the occurrence of the casualty and the examination into the cause of it than under the former law.

Hon. Mr. MACDONALD (P.E.I.)—I had not an opportunity of seeing this Bill until it was under consideration by the committee and the first clause had been read by the chairman. Looking over it I observe that it is of much wider significance than I understood it to be from hearing the first clause read. It appears that it is for the purpose of holding investigations into all casualties that occur, the reasons that those casualties occurred, and as to the conduct of the master, mate or officer in charge of the ship at the time. I have understood that we had officers appointed for that purpose. I think that Captain Spain and Captain Salmon were a commission appointed by the government for the purpose of carrying on these investigations, and it is very important that such investigations should be carried on by men acquainted with the shipping interests and who have been shipmasters themselves. I do not know whether a judge of the county court or stipendiary magistrate or commissioner, such as would likely be appointed under this Bill, would have any experience of that kind. I think it was much better to have left the matter to be investigated by men who had served their time in the British service and afterwards had experience in the Canadian marine, and afterwards had charge of some of our own ships. I think they were more competent to hold investigations of this kind than men who have had no experience whatevr. They have to hold an investigation respecting any shipping casualty, or :

(b.) Where a master, mate, or engineer has been charged with incompetency, misconduct, or default while serving as an officer of any British ship on or near the coasts of Canada, or on or near any of the inland waters of Canada, or in the course of a voyage to a port in Canada ;

(c.) Where the incompetency, misconduct, or default has occurred while serving as an officer on a British ship registered in Canada ;

(d.) Where a master, mate, or engineer who is charged with incompetency, misconduct or default while serving on board a British ship is found in Canada.

These are, however, wide circumstances under which these people are to hold an investigation. It is very essential that they should be men acquainted with the navigation laws and with everything pertaining to the management of a vessel at sea or under circumstances where a casualty happens. Cases of collision are very important matters and may involve tens of thousands of dollars one way or the other, and it would be rather difficult to find even a judge of the county court or a stipendiary magistrate who would be competent to hold an investigation of that kind. I think it is putting a power into the hands of persons who are perhaps not as competent to hold those investigations as the persons who are at present authorized to hold them are.

Hon. Mr. ELLIS—I do not think the practice will be much different from what it has been hitherto. I agree in all the hon. gentleman says generally, but the practice was that Captain Smith in the maritime provinces, who was for a long time an officer in the service and really a capable man, did the work, and he sometimes called upon Captain Douglas or some other man to assist. But, unfortunately, both those men are dead. Captain Smith was not absolutely appointed to do the work, but he was usually called upon when the minister decided to hold an investigation.

Hon. Mr. MACDONALD (P.E.I.)—Captain Spain is the gentleman I referred to.

Hon. Mr. ELLIS—Both the captains to whom I refer are dead and we now have Captain Spain. This Bill states that the minister may appoint any officer of the government of Canada to perform the work. The idea is to appoint a judge in case Captain Salmon is not available. I quite agree that there should be close investigation and a competent man should be employed. But, after all, if you have an officer of the department regularly selected to do that particular work in time his experience and judgment in all these matters will tell so much that the wish expressed by my hon. friend will be realized.

Hon. Mr. TEMPLEMAN—Captain Salmon is the official of the department who is now appointed to make an investigation when an accident occurs. It is the intention to issue a commission to Captain Salmon to make him a standing commissioner so that it will not be necessary to make an appointment when an accident occurs.

Hon. Mr. LANDRY—What is the salary ?

Hon. Mr. TEMPLEMAN—No additional salary to what he already receives.

Hon. Mr. LANDRY—And what is that ?

Hon. Mr. TEMPLEMAN—I do not know. It is not relevant to this question.

Hon. Mr. SCOTT—All those powers mentioned in the sub-clauses are exactly the same in the original statute as in the Bill.

The clause was adopted.

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

The Bill was then read the third time and passed.

CIVIL SERVICE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (257) An Act to amend the Civil Service Act.

(In the Committee.)

On first clause,

Hon. Sir MACKENZIE BOWELL—What object is there in this clause ?

Hon. Mr. SCOTT—The Privy Council is not a department at all and therefore Mr. McGee will not be a deputy head.

Hon. Sir MACKENZIE BOWELL—It is to give him the same salary as the others ?

Hon. Mr. SCOTT—Yes, he has always had it. Whatever changes were made the Clerk of the Privy Council shared in them.

The clause was adopted.

On clause 2,

Hon. Mr. POWER—Before clause 2 is passed, I notice at the beginning of line 20, with respect to the Deputy Minister of Finance and Receiver General, it is stated he is to get this additional $1,000, if at the time of his appointment he has been at least ten years in the service of one or more of the chartered banks of Canada, as general manager, or as a manager of a branch of such bank, or in both capacities. While no doubt service in a bank tends to qualify a gentleman for the position of Deputy Minister of Finance, still there are other positions which I think should qualify him, probably just as well. The manager of a large insurance company or other large business corporation should be just as well qualified. I do not undertake to find fault with this provision, but I do no see why the bank manager should have been selected. You cannot get a bank manager of an important bank to take this position at the salary which the country gives, and if we were to deal simply with managers of inferior banks, I do not think they are likely to be any better than the officers of an insurance company, or other business corporations of that kind.

Hon. Mr. SCOTT—An officer might be selected who would get the fixed salary; it is only the officer who has had the experience of a bank manager who would be entitled to the extra $1,000.

Hon. Sir MACKENZIE BOWELL—Still, there are gentlemen connected with the insurance companies, both life and fire, who would be equally qualified—I do not know whether they would be as available—as the manager of a branch bank. The manager of a branch bank might not stand very high in the financial world, because there is no distinction as to banks. He might have been manager of one of those small banks in the country, which do not handle as much money or have as large accounts as any ordinary mercantile establishment. There is that point in it, and you confine it to gentlemen of that class. I suppose before they are given charge of even a country bank, however small, they are required to have experience in the head office or some office where they are supposed to qualify.

Hon. Mr. SCOTT—If it is found impossible to get men who would fill the position Mr. Courtney fills now, it may be necessary to come back to parliament for an increase. A gentleman was selected about a year and a half ago to be Mr. Courtney's successor, but, after remaining in the department for six or eight months, he was offered a very much more attractive position, at a higher salary, and he prefered to accept it.

The clause was adopted.

On clause 3,

Hon. Mr. POWER—There is one expression in this third clause which I should like to have some explanation of from the hon. gentleman in charge of the Bill. Dealing with the present deputy heads, it says:

3. For the purpose of determining the salaries of the present deputy heads, and of persons having by statute the rank of a deputy head, such deputy heads and persons shall be credited their period of service, either as deputy or in some other capacity in the public service.

The words I wish to have explained are, 'or in some other capacity in the public service.' If a gentleman has been in the public service for twenty years, he has been a second-class clerk for five or six years, and a first-class clerk for a while, and the chief clerk for a time, and finally has become a deputy head, why should he be allowed to count the time he served in the subordinate capacity in deciding seniority as a deputy. I suppose there must be some reason for it?

Hon. Mr. SCOTT—There may be cases where the individual having been advanced to a deputy headship has been in some important service before in the government, and his time ought fairly to count. I do not know of any particular case in view, but such might arise.

Hon. Sir MACKENZIE BOWELL—What is the object of continuing it.

Hon. Mr. SCOTT—The increase is up to $3,500, and then there would be an increase of $100 a year up to the $4,000, and I presume the object of that clause is to allow, if the case so happens, service rendered before in some other capacity in the civil service to be counted.

Hon. Mr. POWER—It would mean then that any deputy head who has been in the public service before he became a deputy head, no matter in what capacity, instead of counting the time he has been deputy head for his increase of salary, he will be allowed to count the time he has spent in the subordinate capacity. This is only as to those gentlemen who are now deputies; but suppose you adopt it as to the future, the very moment he came under this rule he would be entitled to count the service he had served in the lower capacity, which would entitle him to the maximum salary at once.

Hon. Mr. TEMPLEMAN—The lower capacity means the position having by statute the rank of a deputy head. It is an equivalent position.

Hon. Mr. POWER—It says either as deputy or in some other capacity in the public service.

Hon. Sir MACKENZIE BOWELL—He might have been a landing waiter.

Hon. Mr. SCOTT—You must trust the discretion of the government. I do not know of any object in view.

Hon. Mr. TEMPLEMAN—The point is rather a fine one, but I am prepared to dispute my hon. friend's interpretation of the clause. It says :

For the purpose of determining the salaries of the present deputy heads and of persons having by statute the rank of a deputy head,—

These are the only two classes that are mentioned.

—such deputy heads and persons shall be credited their period of service.

That is, the deputy heads and persons having by statute the rank of deputy heads. A person who is in some other capacity in the public service must have the rank of deputy to be included.

Hon. Sir MACKENZIE BOWELL—I do not think so.

Hon. Mr. MACDONALD (P.E.I.)—This is a very peculiar clause. As it is worded a person might be in the civil service, we will say, a customs officer, in an out of the way port at some distance from the capital, or at a very small place where he would be entitled to rank as a member of the civil service. Supposing he had been twenty years in that outside position, if he were appointed a deputy head he would be as entitled to the full pay and to his superannuation as if he had been receiving the salary during the whole of the time. It is, to say the least of it, a very peculiar provision.

The clause was adopted.

On the 6th clause,

6. This Act shall not apply to the present deputy of the Minister of Justice until the conclusion of his present engagement as one of the commissioners for the revision of the statutes of Canada.

Hon. Mr. POWER—I am not an advocate of large salaries, as a rule, but I feel rather sorry to see this clause in the Bill. I think it was when Mr. Mills was Minister of Justice that the practice was adopted of having legal business in court, which had formerly been performed by counsel outside who were paid handsomely for their services, done by the deputy minister. The present Deputy Minister of Justice has rendered very valuable service to the country, in important cases in court. He has saved the country large sums of money, and I have some reason to think that when Mr. Mills was Minister of Justice there was a sort of understanding that this work was not to be done without compensation. That practice has continued up to the present time. As far as I am aware, no compensation has been made for that valuable work which the deputy minister has done, aside from his duties as deputy, and here we have this provision, which I think is rather a small one, that while the Deputy Minister of Justice is acting as one of the commissioners for the revision of the statutes, he shall not be entitled to the small amount which he would get under this Bill when it becomes law. There is a Latin saying that the law does not care for small things, but in this case it does.

Hon. Sir MACKENZIE BOWELL—I fully concur in what His Honour the Speaker has said as to the value of the services rendered by the present Deputy Minister of Justice, but he is not strictly correct in saying that the system to which he referred was inaugurated by the late Mr. Mills. It had prevailed under the preceding government, and was vehemently condemned by the then opposition, but Mr. Mills carried it it to a much greater extent than any of his predecessors. The only reason I can conceive for this paragraph, is that the present deputy head is being paid extra for his work in connection with the revision of the statutes.

Hon. Mr. SCOTT—Yes, he is getting $1,500 a year extra.

Hon. Sir MACKENZIE BOWELL—Prior to the change of government, when a commission was to be appointed to perform a similar service, it was to be composed of the deputy head of the Department of Justice, the law clerks of the Senate and House of Commons, and one of the Supreme Court judges, and it was then understood that these gentlemen should receive some small—I say small, when I speak of paying lawyers—some additional salary to that which they were receiving for the reason that most of their time would be occupied at it, and that is the only reason I can conceive of why this paragraph is here. If he gives most of his time to the revision of the statutes, he cannot very well attend to his duties in the Department of Justice. I will add this, that to secure a deputy head with sufficient legal knowledge to perform his duties properly, the salary which is paid

is very small. When you reflect upon what such a man might earn at the bar the salary is ridiculously small.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Take the case of Mr. Lash. He was appointed as Deputy Minister of Justice under Mr. Blake. At that time he was allowed to plead in the courts, for which he received extra pay, bringing his income up to about five or six thousand dollars a year. He was allowed to collect his fees for that, but after he had been there a number of years he found that the work of the department occupied his whole time. Very few except those who have been members of a government and have paid some attention to the labour performed by the deputy head of the Department of Justice have any conception of what he has to do. Mr. Lash, one of the most brilliant legal intellects we have in Ontario, resigned his position, and he told me, that the first year after leaving the department, his income was between ten and twelve thousand dollars, earned in the practice of his profession, and I think it is more than double that now. For that reason, while to the public five or six thousand dollars looks like a very large salary, those who have had any experience and who know the labour that the deputy head has to perform and the training and ability he must possess in order to do it properly, the salary ought to be one-third or two-thirds more than it is at present.

The clause was adopted.

On clause 7,

Hon. Mr. TEMPLEMAN—This clause is the same as the present law, except the last sentence, which simply requires :

> He shall give his full time to the public service and shall discharge all duties required by the head of the department, or by the Governor in Council, whether such duty is in his own department or not ; and no deputy head shall receive any pay, fee or allowance in any form in excess of the amount provided for him in section 12 of this Act.

Hon. Sir MACKENZIE BOWELL—This would prevent your employing him in any other capacity. How would this affect the present deputy head acting as one of the commissioners for the revision of the statutes ?

Hon. Mr. TEMPLEMAN—The clause we have just passed would cover the point. The Deputy Minister of Justice does not get any addition to his salary under this Bill, because he is getting $1,500 a year for his work on the commission.

Hon. Mr. POWER—This is an improvement on the present law. It is a great deal better that the remuneration which the deputy head is to receive should be all as salary, and that it should be clear on the face of the law. As it is now, certain deputy heads who are put down as receiving $3,200 a year, get $800 or $1,000 in some other capacity. It is better to have it all set out in one place.

Hon. Mr. MACDONALD (P.E.I.)—This clause refers to the duties of the deputy head of a department. He is to have control over all the officers of the department and assign their duties to them. He is to perform also any such other duties as are assigned to him by the Governor in Council. This Bill, in my opinion, should have gone considerably further than we go under the present law. The deputy head, who is the active officer of the department, and the man really in charge of the affairs of the department, of course, under the direction of the minister, should be required to report to the government, or say, to a committee of the government composed of four ministers, on the efficiency, qualifications and duties of every officer in the department. It is not sufficient that he should report to the minister himself, because that is placing a duty on him which should be exercised in conjunction with others besides himself. If the deputy head were to report to a committee of four ministers as to the qualifications, duties and efficiency and the number of clerks in the department, it would be a great improvement on the present system. These four ministers would be responsible to parliament for all the appointments made in that department. As it is at present, the minister has political and other friends who exercise a certain influence over him individually in his recommendation, and it frequently happens that the minister feels compelled to make an appointment of some friend or connexion for whom, perhaps, there is no very great necessity in the department, but for whom he may find some

little occupation with a view to his getting afterwards, in the course of time, a better position. If it were the case that the deputy head of a department were required to report to a committee of say four members of the government——

Hon. Mr. TEMPLEMAN—Four ex-ministers would be better.

Hon. Mr. MACDONALD (P.E.I.)—I do not think four ex-ministers would meet the requirements of the case. They would probably have very little influence in the matter.

Hon. Sir MACKENZIE BOWELL—We will take the responsibility if we get the power.

Hon. Mr. MACDONALD (P.E.I.)—They would in the end be responsible to parliament for the appointments made and it would not only be an advantage to the public service, but would relieve the head of each department of a very great deal of trouble which they now experience in endeavouring to find positions for those who are recommended to them. I am sorry that this Bill did not go as far as to make a provision of that kind. I believe also that when a Civil Service Bill of this kind is under consideration, or when it is introduced by the government it should be a perfect Bill. It should be a Bill that would not require to be amended or renewed for years to come. The first Civil Service Bill that was introduced in this Dominion—I think it was in the time of Sir John Macdonald. I then held a position in the Civil Service and was for some twelve or fifteen years an officer under that Act. I was then pretty well acquainted with the provisions of the Act and I believe if the views entertained by Sir John Macdonald when he introduced it had been carried out in their entirety it would be a perfect Act at the present day and would not require very much improvement; but at that time there was just the same influence at work as there is at the present and as will ever be the case with this or any other government. The different ministers who were in power at that time had each some special friends whom they did not wish to see excluded from the provisions of the Act. As it was originally drafted and intended to be passed it was intended to apply to all persons who were appointed to the civil service after the date at which that Bill was drawn up, but the influence of those who had been in the civil service for years previous, and who probably had some influence themselves with the different ministers made it impossible for them to pass that Bill in the form it was first intended, for it would have cut out from the benefit of superannuation many persons who had then been a long time in the civil service. If it had been introduced in the first instance to apply only to those persons who were appointed after the Act came into force it would have had this effect; that the amount they were paying each year into the superannuation fund would after they had gone out of office have borne a much greater proportion to the amount that they would receive as superannuation to pay under that Act than it possibly could when it took in all those who have been years in the civil service or who had entered the civil service before that period. If it had been carried out as originally proposed I believe it would not have been subject to the criticisms and the amendments which were afterwards made. I believe it would have been much preferable to the Act as it was passed when it embraced all those people who were not originally intended to have been embraced by the Civil Service Act. I am sorry this Act did not make some provision for the purpose of leaving the appointments to the civil service and the changes to be made in the different department under the control of a committee of the ministers.

The clause was adopted.

On clause 8,

Hon. Sir MACKENZIE BOWELL—Why is that class created.

Hon. Mr. SCOTT—The object is to give some deserving officers in a higher grade some advance. It will apply to a very few men, I fancy.

Hon. Mr. ELLIS—I do not intend to oppose it but I protest against the injustice done to clerks in the civil service outside of the city of Ottawa as compared with the treatment of the clerks in the city of Ottawa.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is quite right.

Hon. Mr. ELLIS—I am not so well acquainted with the other provinces, but I know something of their condition in the maritime provinces. Men who have lived in the large cities, who have served the country in their various departments—I am not referring to politics at all—discharging their duties faithfully with zeal and responsibility, and whose duties are as great as are the duties of officers here, perhaps requiring greater originality than the routine officers, are treated unfairly and unjustly as compared with the way these officers are treated in Ottawa. I am willing to give good salaries to competent men, but I say that a very sharp and unfair line is drawn against the outside civil service in favour of the inside civil service by just a proposition as that.

Hon. Mr. POWER—I must say that I do not think the reason given by the hon. Secretary of State is altogether satisfactory. Clause 15, which is overridden by this provision, reads as follows :

A chief clerkship in any department shall only be created by order in council passed after the deputy head has first reported that such an officer is necessary for the performance of the public business in the department, staing the reasons on which he has arrived at that conclusion.

I think that should be the only reason for creating a highly-paid office, that the office is necessary for the public service, and I hope there is some better reason for making the provision for these additional chief clerks than that which has just been given to the committee. It is all very well to be considerate for servants of the country ; but there is no justification for creating offices which the public service does not call for, and I hope that as the minister says the cases to which this provision is intended to apply are very few; but the difficulty is that if you apply it in one case you create dissatisfaction and discontent in the minds of other clerks who occupy about the same position as the one who is promoted. I think the less discretion is given to the administration in dealing with the civil service is better, and I object to this provision because it is increasing the discretion of the administration.

Hon. Mr. ELLIS.

Hon. Sir MACKENZIE BOWELL—I just desire to add my expression of approval of the remarks of the hon. gentleman from St. John. While I find no fault with the salaries paid to the civil service in the city, I will only refer to one department, the clerks in the post offices, and even in the town post offices, there is no class of employees in the whole civil service of the government that works longer hours than in the post office. The experience in one place, I dare say, will be experienced in another. Take the city in which I live, the office has been reduced. I do not want to introduce politics. I know it was reduced for political reasons. The constant errors that are occurring in that office are unbearable. The postmaster's attention is called to it every day, and every week, to the manner in which the business is transacted. What is the cause of it ? The miserable pittance they give to the clerks. A clerk will come in there pretty young, he remains a year or two, and then he goes off to better his position, and the result is it is a constant renewal of clerks. In reference to the remarks made by the Speaker, I should like to ask the minister whether this clause does not give power to the minister to appoint this class—chief clerks, grade A—without reference to the Treasury Board or the government by order in council ? I notice the 3rd paragraph says : 'A chief clerk in any department may, without being required to undergo any special or other examination, be promoted to grade A by an order in council passed after the deputy head has done so and so' ; but that only applies to a chief clerk in the department. Then if the deputy head reports he can be appointed to grade A by order in council ; but does that apply to the first part : 'In addition to the class of chief clerkships referred to in sections 15 and 16 of the said Act, another class, to be known as that of chief clerkship, grade A, is hereby created.' Then the minimum salary paid to the chief clerk, grade A, shall be $2,400, with an annual increase of $100 up to the maximum of $2,800 per annum, and then it says : 'A chief clerk in any department'—would this clause, as it is framed, confine the promotions in the department from a chief clerk to grade A, or could any one be brought from the outside and fill that place?

Hon. Mr. SCOTT—No. As my hon. friend very well knows, there are many chief

clerks who have been in the department for a great many years and who cannot get any higher, because the deputy headships do not often become vacant, and it is to give some additional advantage for long service to deserving men who may be raised to a higher grade, not making it applicable to all chief clerks. Instead of giving it to all chief clerks, a particularly higher grade is named, somewhere between a chief clerkship and a deputy headship, but it would not be only on the report required here—it would have to go to the Treasury Board. All appointments must go to the Treasury Board, and they are scanned there pretty closely, and then there must be parliamentary appropriation and order in council.

Hon. Sir MACKENZIE BOWELL—Then I understand it is only chief clerks that can be promoted to grade A ?

Hon. Mr. SCOTT—Yes. Hon. gentlemen speak very freely when promotions and advancement come forward, but my experience is it is difficult to get on ; there is only a limited number in each class, and the appointment requires the approval of the Treasury Board, which is composed of at least four ministers, in addition to the order in council. Speaking from my experience, I do not think I have had two promotions in the Secretary of State's office.

Hon. Sir MACKENZIE BOWELL—No vacancies ?

Hon. Mr. SCOTT—This year there are some appointments going in, but before that I do not think I have had a single appointment except my own secretary.

Hon. Sir MACKENZIE BOWELL—I sometimes disagree with the Speaker, but I must say I am heartily in accord with his declaration that as little power as possible should be put in the hands of any minister in reference to the appointment of clerks.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Seventeen years' experience taught me that the less power a minister has in the appointment of officials in his department the better for his peace of mind.

The clause was adopted.

On subclause (d) of clause 8,

Hon. Mr. MACDONALD (P.E.I.)—How could a person who is not a chief clerk have a greater salary than that which is provided by statute ?

Hon. Mr. SCOTT—For a great many years there have been certain officers in the government who have got something extra. For instance, in the Department of Trade and Commerce there is a man there who gets something for collecting the Chinese commission tax, and there are other instances of that kind.

Hon. Sir MACKENZIE BOWELL—He receives $800 over and above the $3,200 ?

Hon. Mr. SCOTT—Yes.

The clause was adopted.

On subclause 4.

Hon. Mr. SCOTT—The Minister of Justice has expressed some doubt whether that is full enough. Under the Audit Act the Auditor General has all the powers of a minister in connection with his own branch. He has the promotions and appointments, and in order to make this clear I propose adding to that subclause 4 : ' He shall also have in respect of such promotions the powers hereby vested in the Governor in Council.'

Hon. Mr. LANDRY—Has there been a message from His Excellency accepting this Bill ?

Hon. Mr. SCOTT—There is no money vote involved in it.

Hon. Mr. LANDRY—I am speaking of the Bill in general.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—This Bill is founded on resolutions ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—It is a money Bill ; and if it is a money Bill, I object to that clause.

Hon. Sir MACKENZIE BOWELL—Do not do that, because the Bill as now framed places the Auditor General in a position inferior to any of the other heads. I think my hon. friend had better not insist upon the point of order. We had better get all the power we can ; we have advanced one step, and by-and-by we will be able to tackle the Supply Bill.

Hon. Mr. LANDRY—My objection was merely for the purpose of calling the atten-

tion of the hon. minister to the fact that this was done knowingly.

The subclause, as amended, was adopted.

On clause 15,

Hon. Mr. MACDONALD (P.E.I.)—There are throughout the country a number of young men taking the civil service examination and paying a certain fee for the purpose of providing for the expense of the officer who has made the examination, and it was expected that those persons who passed would be selected when there was a vacancy in the civil service. In every province of this Dominion quite a number of young men who have received collegiate training have taken that examination, and I will venture to say not one out of one hundred of them has ever been called on for appointment to any position vacant in the civil service of the Dominion at Ottawa. Every province has quite a number of young men who have passed that examination, some of them ten or fifteen years ago, and some of them have taken it a second time, and perhaps a third time for anything I know, but still whenever there is a vacancy it is some one near the seat of government, some relatives of the ministers or some person who has influence with the ministers who is called on to fill these positions, and these people who have passed the examinations have paid their fees for nothing.

Hon. Mr. SCOTT—Does the hon. gentleman pretend to say men are appointed in the civil service who have not passed the qualifying examinations ?

Hon. Mr. MACDONALD (P.E.I.)—Yes.

Hon. Mr. SCOTT—The hon. gentleman is entirely wrong ; the Auditor General will not pay the salary of any such appointment. It has been tried over and over again in indirect ways, and they cannot be paid. There are over 2,000 persons who have passed the examinations, but there have been very few vacancies to be filled. I have told them : 'Your chances are infinitely small of getting an appointment, the vacancies are very rare.'

Hon. Mr. MACDONALD (P.E.I.)—It may not be possible for men to be appointed without passing this examination, but have all these men who have been appointed to these positions, from the deputy head down to third-class clerks, passed the examination, or are there any clerks who have been appointed without examination ?

Hon. Mr. SCOTT—Yes, they have passed the examinations, or else have been graduates. The law states that if a man is a graduate of a recognized university in Canada, he is exempt from the civil service examination, but apart from that, he cannot be appointed.

Hon. Mr. MACDONALD (P.E.I.)—It may be very true, in Ottawa here people who have passed that examination are called upon when there is a vacancy, but I venture to say when there is a vacancy that the person who has passed the best civil service examination in the Dominion is probably passed over and some person who has merely squeezed through gets the appointment.

Hon. Mr. ELLIS—I agree that the civil servants are not apportioned fairly, as among the different provinces. I think there ought to be some other system—I know hon. gentlemen do not like to have the United States system referred to here, but the plan of appointment to the civil service in the United States, so far as there is a civil service, is to assign to each of the states a certain number, and they come in turn, or in rotation, as the case may be. There is no doubt whatever there is no system at all in appointments to the Canadian civil service, and the persons around Ottawa get nine-tenths, if not more, of all these appointments. I would be glad to see some system introduced by which each province in the Dominion would get a fair representation in the civil service. There is no doubt there is a large amount of personal influence used, and the fact that a man stands at the head of an examination does not get him an appointment. I do not dispute what the Secretary of State says ; still the system is very bad. It does not work justly all round.

The clause was adopted.

Hon. Mr. THIBADEAU, from the committee, reported that they had made some progress, and asked leave to sit again at the next sititng of the House.

The Senate adjourned till Three p.m.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

CIVIL SERVICE ACT AMENDMENT BILL.

THIRD READING.

The House resumed in Committee of the Whole consideration of Bill (257) An Act to amend the Civil Service Act.

(In the Committee.)

On clause 20,

20. Any person who either before the passing of this Act was or thereafter may be writer, clerk, packer, sorter or messenger, temporary or otherwise, in the service of the government of Canada, employed in one of the departments at Ottawa, or in the office of the Auditor General, under order in council, be appointed a third-class clerk at a salary not less than the salary of which he was in receipt or to which he would be entitled at the time of such appointment (but limited always to a sum not exceeding the maximum salary of the third-class) : provided always that any such person, who in the capacity aforesaid, or in any other capacity, has been continuously in the said service for two years prior to the passing of this Act, may be so appointed without regard to his age and without passing the qualifying examination, and the said order in council shall be held to create the third-class clerkship in respect of which such appointment is made, and the Governor in Council may, in the case of any such person whose salary is at the time of his appointment as third-class clerk less than five hundred dollars a year, increase such salary to five hundred dollars a year, on the report of the deputy head of the department, concurred in by the head of the department, that such clerk is deserving thereof.

Hon. Sir MACKENZIE BOWELL—This is giving the head of the department a good deal of power. It gives him power to fix the maximum salary of a third-class clerk and it gives him power also, if the clerk has served two years, to give him a third-class clerkship at the maximum salary without having passed the qualifying examination. The appointment of such clerk by an order in council creates, in itself, a third-class clerkship and it also gives other powers in reference to salary. I cannot understand why this power is sought by the minister except it be to give him almost unlimited power in the appointment of these officers, and it is a clause certainly that may be very much abused in the appointment of persons who are totally unfit for the positions that they are to occupy. I am sure that experience would have taught the hon. Secretary of State this fact; a man may have been in the employment of a department for two years, but it is no evidence of his being well qualified to perform the duties. He might be a favourite of the minister or of some other who desired his promotion and through political or other influence he could be promoted without any qualification. It is opening the door to a good deal of abuse.

Hon. Mr. SCOTT—Hon. gentlemen will be able to recall the fact that there are men who passed a preliminary training as sorters and messengers, who gradually worked up to higher duties and they remained in the service for many many years, and they cannot get an increase in salaries, and it is to meet those cases. The government of which my hon. friend was a member did the very same thing. It is done periodically every ten or fifteen years. Cases of the kind I have referred to continually crop up. In 1885 a somewhat similar Act was passed, permitting persons who had been in the employ of the government to be appointed to any position in the public service without being required to pass the qualifying examination provided by an Act, subject to such regulations as might be from time to time made by the Governor in Council or the department and permitting such persons to be temporarily continued in the public service notwithstanding anything in the Civil Service Act. This clasue struck me as a peculiar one, and I asked some of my colleagues what it was intended to meet, because it was a departure from the rules, and it was explained in that way that there were some men who were a long time in the service getting small salaries who were worthy of some advance. It was made to meet those cases, and a similar principle has been extended to the Customs and Inland Revenue, where the hon. gentleman will remember, particularly in the Customs Department, there are a number of men employed outside, some of them ten or fifteen years in the service, who cannot get any advancement on account of their not having passed the qualifying examination and provision is made for them at a later stage, to meet any cases of hardship of that kind.

Hon. Sir MACKENZIE BOWELL—I remember distinctly the passage of the sec-

tion to which my hon. friend refers, and that was to meet a number of cases in the city of Montreal in which there were very worthy officers in the employment of the government as tide-waiters and lockers who without having passed an examination could not be promoted to landing waiters, although they were utilized in those different positions. The law was amended to meet those cases. But according to this clause all one has to do is to be in the service for two years and then he can, by the recommendation of the minister, be promoted to that class.

The clause was adopted.

On clause 21,

Hon. Sir MACKENZIE BOWELL—Will the Secretary of State inform us what changes were made in this clause ?

Hon. Mr. SCOTT—They take the special examination in the civil service examination.

Hon. Sir MACKENZIE BOWELL—No, that is in the old law. But my impression is, in the old law you only had this power in case there is no officer in the department fit for the position or having the special qualifications necessary to perform the duties of the office. In this amendment you can appoint them irrespective of that fact, whether in the department or not. I remember a difficulty arose that while there were members in the department who could fill the position, outsiders were brought in, contrary to the provisions of the law, and this clause seems to be for the purpose of removing that safe provision.

Hon. Mr. SCOTT—In regard to the clause under consideration it was inserted at the instance of the Minister of Customs, who states there are many of his officials who are excellent officers, well qualified to discharge their duties and at the same time, would never be able to pass the civil service examination. The civil service examination, as hon. gentlemen who have given it any thought well know, in many of its features, is entirely outside the qualifications and duties of an official for the civil service, it is rather an examination on geography, history, and subject matters with which the civil service officials have little to do, and therefore Mr. Paterson, for a long time has been anxious to have the power to frame a series of questions for the officials whom he desires to promote and appoint, and based on the duties they would have to perform, and it did seem to me a very reasonable proposition, because I know very many excellent persons who would otherwise be good officials having been plucked in the civil service examinations. A young lad from school just fresh from his geography and history, gets through, and a man who has been a little while in the world, and who knows a good deal more of practical business than would be necessary, is often rejected. I cannot but feel it does not really meet the conditions as they exist.

Hon. Sir MACKENZIE BOWELL—I quite concur in the remark made by the hon. gentleman, but he has not met the point I raised. This gives power to appoint without any examination other than that which may be prescribed by the head of a department, to a position requiring professional and technical skill. It does not meet the case suggested by the hon. gentleman. In addition to the class of officers to whom he has referred, this gives power to appoint any one from outside, over the heads of those in the department who may be qualified to fill the position. He is not limited to the officers in the department. There are many persons, as the Secretary of State has properly said, who are admirable officers, but if sent before the civil service examiners they would not pass. I will give you an illustration. I once discussed with the late Sir Alexander Campbell this very point with reference to an officer of the department. I asked him the question what had the correctness or incorrectness of an answer as to where the Chignecto canal was, to do with a man's fitness for appointment ; yet that was one of the questions to be answered, and strange to say there was only one member of the board who discussed this question, who knew where it was. I frankly admit I did not know until I studied the question of the Chignecto canal. That illustrates the absurdity of these examinations. This clause gives power to appoint persons from the outside. I am not objecting to it, but it is giving power which is not contained in the present Act.

Hon. Mr. MACDONALD (P. E. I.)—Subclause 2 says :

2. City postmasters and post office inspectors, inspectors, collectors and preventive officers in the Customs Department, inspectors of weights and measures, and deputy collectors and preventive officers in the Inland Revenue Department, may be appointed without examination and without reference to the rules for promotion herein prescribed.

I think this should include assistant post office inspectors as well as deputy inspectors in other departments named in this clause.

Hon. Mr. TEMPLEMAN—That is the law as it stands. There is no change in that paragraph.

Hon. Sir MACKENZIE BOWELL—Consequently it must be right.

The clause was adopted.

On clause. 22,

22. Subsection 2 of section 39 of the said Act, as that section is enacted by section 8 of chapter 12 of the statutes of 1888, is amended by striking out the word 'only' in the second line, and by inserting after the word 'May' in that line the words 'and at such other time as is from time to time fixed by the Governor in Council.

Hon. Sir MACKENZIE BOWELL—What is the provision in the Act referred to in this clause ?

Hon. Mr. SCOTT—It reads : 'excepting as hereinafter provided, such examination shall be held only once, during the month of May.' By this amendment it may be held oftener.

Hon. Sir MACKENZIE BOWELL—This gives them power to hold the examinations when they please?

Hon. Mr. SCOTT—Yes.

The clause was adopted.

Hon. Sir MACKENZIE BOWELL—Before the committee rises I thought I would suggest the propriety of adding a clause as to the time this Act should come into force, if the hon. Secretary of State has no objection. It was understood it was to come into force on the 1st of July last, at the beginning of this financial year. These clerks who are to have their salaries increased, and if the increases are justifiable, why not put a short clause declaring the Act to come into force on July 1st last.

Hon. Mr. SCOTT—I brought the subject before my colleagues and the conclusion was it could not be accomplished.

Hon. Sir MACKENZIE BOWELL—Is it not policy to do it.

Hon. Mr. SCOTT—We would be adding practically so many months' salary as a charge on the revenue.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman is right, but I don't see why we should not do so in this case as well as in the other.

Hon. Mr. SCOTT—I should personally be glad to see it done.

Hon. Sir MACKENZIE BOWELL—Having disposed of that, would it not be well to add a clause of this kind, and make it the last clause :

Notwithstanding anything in the Civil Service Act the minister presiding over any department shall have the power and authority to appoint whom he pleases to office in his department and to pay him such salary as he deems advisable.

The reason I suggest that to him in all seriousness is, I hold in my hand evidence of the manner in which the Civil Service Act has been violated in the past. In 1900 you will find that out of 66 items in the estimates, contains the words : 'Nothwithstanding anything in the Civil Service Act.' and in 1901 you will find out of 51 items, 22 of the same character, and in 1902 you will find out of 58 items, 29 containing the words : 'Notwithstanding anything in the Civil Service Act.' If you look at the estimates that have been laid before parliament during this session you will find there are no less than 70 items in which the words occur. Increases of salary are given notwithstanding anything in the Civil Service Act to the contrary. The main estimates, as I have said, contain 70 items. The supplementary estimates No. 1 contain 12 items of the same character. Supplementary estimates No. 2 contain 9 items of the same character and supplementary estimates No. 3 contain 31 of the same character. A small supplementary estimate was laid before the House a short time ago, which we have not passed yet, in which there are none at all. So that if you take the items during this session, in the main items and the supplementary estimates, 1, 2, and 3, there are no less than 122 items containing the words : 'Notwithstanding anything in the Civil Service

Act.' If that is to be the practice in the future I should like to ask in all sincerity, what is the use of a Civil Service Act at all ? Why not leave it open to the ministers to appoint whom they please ? I know there were a few cases during the the late administration in which the same thing occurred. But is this not an evidence of a total abnegation of the principles laid down in the Civil Service Act? What surprises me is that the ghost of the former member for Wellington (Mr. McMullen) who now has the honour of a seat in this House, does not haunt him every night since these estimates have been laid before parliament. Of course they would not have the same effect upon me, but they are in such gross violation of the principles the hon. gentleman from Wellington used to advocate when an occasional item of this kind occurred during the reign of the old government that this clause must cause him trouble of mind. Might I ask the hon. Secretary of State whether he would accept the proposition I have made.

Hon. Mr. TEMPLEMAN—Does my hon. friend make the motion ?

Hon. Sir MACKENZIE BOWELL—I have suggested it. If the hon. gentleman will accept it I will move it. There is no use giving the clerk the trouble of engrossing it if the hon. gentleman does not accept it. I have looked through this Bill to ascertain how the departments themselves have been administered during the last few years. Is it the intention, under the Civil Service Act, to adhere to the principles laid down in it ?

Hon. Mr. SCOTT—I hope it will supersede to a very great degree the cases which the hon. gentleman quoted.

Hon. Sir MACKENZIE BOWELL—I have no recollection of seeing any case where the hon. Secretary of State has violated the principle, but there is no other department in which it has not occurred four or five times. I say it is a gross violation of the law, and parliament in sanctioning it, are just as bad as the minister in whose department the case occurs.

Hon. Mr. SCOTT—Honest confession is good for the soul, and I must plead guilty notwithstanding that my hon. friend exonerated me. Only in one instance during the present year, in consequence of the accumulation of the work in the matter of incorporating companies, which are incorporated at the rate of about one a day, and the addition of the duties in the department in connection with the Naturalization Act, I was obliged to appoint an additional clerk, who required to be above the ordinary standard of intelligence, and I could only pay him $400 a year under the law, as it stands. He was a college graduate. That is the only instance in which I have been a sinner—and I was obliged to make provision to give him a larger sum, because he would not remain at $400 a year. He could earn much more elsewhere.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is not a great sinner in that respect.

Hon. Mr. McMULLEN—It is quite true I found fault with overriding the Civil Service Act when I was in opposition. My candid opinion is that our Civil Service Act is nothing short of a farce and should be abolished. I should like to see the government introduce a different system. Some years ago I went into a thorough and exhaustive investigation of the working of our Civil Service Act, and I was strongly in favour of carrying out the recommendation that was made by a commission at the time my hon. friend was in power. That commission recommended a recast of the Civil Service Act altogether.

Hon. Sir MACKENZIE BOWELL—That is before I was in office.

Hon. Mr. McMULLEN—The government of Sir John Macdonald appointed the commission to investigate the working and application of the present system. They brought in a very extensive and able report upon the whole question. If the recommendations in that report had been adopted there would have been a great improvement, in my opinion, in the civil service system. They were not adopted by my hon. friend when he was in the government, and they lay there as a dead letter from year to year. The government took no notice of them, and went on overriding the provisions of the Civil Service Act from year to year until they went out of office and left the thing just as it was. There was a considerable amount of money spent in that investigation, which never amounted to anything, be-

cause the government never took any action based on the recommendation of that commission. The civil service has been going on in the same way from that time up to the present. I should like to see a system adopted whereby our civil servants could be put under the direction of civil service supervisors and that merit and nothing else should be the basis of promotion. If we had service of that kind, it would relieve the department enormously. I have no doubt each minister has one-third of his time taken up with answering applications from all parts of the country, and pressure is brought to bear upon him by officers, and as long as our civil service is conducted in that way we will never have any better condition of things than we have to-day. I would make a change in that respect, and when a minister wanted a clerk to fill a position he would have to apply to the civil service board and let the man be chosen simply and solely on the grounds of proficiency, after having gone through the examination. The matter should be removed altogether from the deputy head and the head of the department and control of the staff of officers in his department. Let the board of civil service supervisors conduct the whole thing. Until that is adopted you will never have it any better than it is now.

The clause was adopted.

Hon. Mr. THIBAUDEAU (de la Vallière), from the committee, reported the Bill with an amendment which was concurred in.

Hon. Mr. TEMPLEMAN moved that the Bill be read a third time.

Hon. Mr. LANDRY—I object. I do not see that that amendment is constitutional ; it is a money Bill, and the government has brought in an amendment to a money Bill, and we are asked to suspend the rule to allow the government to have that unconstitutional amendment approved of in the House of Commons. If the hon. gentleman has no intention to find fault with me for my objection I will withdraw it.

Hon. Mr. TEMPLEMAN—I will be very complacent and very courteous sometimes.

The motion was agreed to.

The Bill was read a third time under a suspension of the rules, and passed.

PILOTAGE DISTRICTS OF MONTREAL AND QUEBEC BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (261) 'An Act respecting the pilotage district of Montreal, and the port and pilotage district of Quebec.'

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—Might I ask the government if this diverting of the power from the harbour commissioners to the minister is with the approval of the harbour commissioners, and if so, what are the reasons that can be given for the change ?

Hon. Mr. CASGRAIN (de Lanaudière)—May I answer the hon. leader of the opposition ? I have some special information on this subject.

Hon. Mr. LANDRY—I think the hon. gentleman should answer only if the government is not able to answer.

Hon. Mr. CASGRAIN (de Lanaudière)—The hon. minister who has charge of this Bill has asked me to get some information on it, and having taken a good deal of interest in this very measure personally, I ask as a favour to be allowed to explain. I may say the pilots have been good enough to look to me to champion their cause in this House, and at the last annual meeting they were good enough to pass a resolution thanking me for my humble efforts in their behalf. Therefore, I may explain at once to the hon. leader of the opposition, this Act has been brought in not only with the full consent and at the request of the Harbour Commissioners of Montreal, but also at the request of the Chambre de Commerce of Montreal, and the Board of Trade of Montreal have also petitioned in the same way. I may say also the shipping interest. I have authority to say that the gentlemen representing the Allan Line, have spoken to me on the subject. They have seen this Bill and are entirely in favour of it. The first clause applies simply to the pilots of the Montreal district. There is no objection on the part of the shipping interests ; on the contrary they have actually asked that these pilots be placed under government

control. As far back as 1900 I showed, I think, to the satisfaction of this hon. Senate, because the measure then under discussion passed immediately afterwards, that it was intended to divest the harbour commissioners of the duty, the trying of pilots when accidents took place. A special court was instituted, of which Mr. Guerin is the legal chairman, and two nautical experts are members. This system has given satisfaction, and now this is a further step in the same direction, placing the pilots under the absolute control of the Department of Marine and Fisheries. This clause does not affect in any way the corporation of pilots at Quebec and below Quebec.

Hon. Mr. LANDRY—Is the hon. Minister of Marine and Fisheries aware of all the negotiations which took place between the hon. member and the pilots and the harbour commissioners ?

Hon. Mr. CASGRAIN—In conversation with the hon. minister I informed him of what had taken place, and if the hon. gentleman will inquire from his neighbour on his right (Hon. Mr. Forget) he will corroborate a good deal of what I have said.

Hon. Mr. LANDRY—My hon. neighbour on my right does not boast of having communication with the Montreal Harbour Commissioners, the Montreal Board of Trade, and the pilots. I want to know if this arrangement is with the cognizance of the Minister of Marine and Fisheries ?

Hon. Mr. CASGRAIN—Precisely, the Minister of Marine and Fisheries is acquainted with all that I have mentioned.

The clause was adopted.

On the second clause.

Hon. Mr. LANDRY—I would ask the government or the hon. gentleman from de Lanaudière if we can have some additional explanations of this clause. It applies to the pilots of the River Saguenay. The clause provides that 'the River Saguenay shall not be included in the pilotage district of Quebec.'

This removes entirely all the River Saguenay from the jurisdiction of the Quebec Harbour Commissioners, and of the pilotage district of Quebec, so no more pilots of the district of Quebec can, after this, pilot in the River Saguenay. Was this asked for by the Quebec Harbour Commissioners, by the Board of Trade of Quebec, or the pilots of that district ?

Hon. Mr. SCOTT—The explanation given me by the department is this, it has become absolutely necessary in the interest of navigation on the Saguenay river to take control of the pilotage service. The pilots below Quebec have no knowledge whatever of the river. They annoy the local pilots when they undertake to do outside pilotage work. It has become necessary for the department to take it out of the hands of the Quebec Harbour Commissioners, and erect a special pilotage district for the River Saguenay. That particular district will come under the operation of the Pilotage Act so that the department can immediately control the service.

Hon. Mr. LANDRY—I understand that perfectly well. I know the change was made for an object, but was that change brought to the notice of the Quebec Harbour Commissioners and the corporation of the pilots in Quebec ?

Hon. Mr. SCOTT—I am not aware.

Hon. Mr. TESSIER—I am aware that there was a conference in the premier's room. I happened to be there, and the Minister of Marine and Fisheries was present. The Bill was discussed in the presence of the Montreal and Quebec pilots, and in the presence also of the shipping interests. The government's intention was explained at that time, and the Bill was the result of it. There will be now three classes of pilots : the pilots between Quebec and Montreal, under the control of the Minister of Marine and Fisheries, the corporation of Quebec pilots, who are not affected by this Bill, and the Saguenay river pilots who will be made a special class under the control of the Department of Marine and Fisheries.

Hon. Mr. LANDRY—I suppose the Saguenay pilots will be governed by the regulations of the department, or is it by law ? If it is by law, where is the law ?

Hon. Mr. TEMPLEMAN—Under the Pilotage Act.

Hon. Mr. CASGRAIN (de Lanaudière)—As far as the Saguenay river is concerned,

my hon. friend has often been down there in his yacht, and we know that for many years past it has been the habit of some captains to pilot ships. It was difficult when a ship arrived at the entrance of the Saguenay river, to procure a pilot. My hon. friend knows the difficulty of entering that river if the wind is high and the tide is running out. It is difficult to pass the bar. The ship could not very well wait to get a pilot down from Quebec, and some local captain would act as pilot, but in doing so he would incur a penalty, because he had no right to pilot a ship. This Bill is to obviate that difficulty. It is proposed, and the Quebec pilots agreed to it, that a suitable building shall be erected at the mouth of the Saguenay river, at which a certain number of pilots of the Quebec district will be detailed for the service of the Saguenay river. They will be under the direction of the Minister of Marine and Fisheries, and constantly going up and down the Saguenay river. We know the difficulty of finding anchorage in that river. When looking for suitable anchorage they will become familiar with the currents. This district covers only some 120 miles. This Bill fills a very long felt want. I may say a sufficient number of pilots will be specially licensed for that district. It will not prevent them also from using their license to pilot at other places, but the work will be divided, and those attending, more especially to the Saguenay, will be located as I have described. We know that a vessel can come without a pilot to the mouth of the Saguenay and from that point the ship will be taken charge of by men whose whole business will be to pilot on the Saguenay river.

Hon. Mr. LANDRY—In view of the explanations given by my hon. friend from de Lanaudière (Hon. Mr. Casgrain), supplemented by the explanations of my hon. friend from la Durantaye (Hon. Mr. Tessier). I call the attention of the government to the fact that it is becoming more and more necessary to reform the Senate, and I would point out to the government the necessity of having one of those two gentlemen, either with a portfolio or not, attached to the cabinet, so that when we want any explanations in this House, they may be given by a member of the cabinet.

The clause was adopted.

Hon. Mr. KERR (Toronto), from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

NORTH-WEST TERRITORIES ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (259) 'An Act to amend the North-west Territories Act.'

(In the Committee.)

Hon. Mr. SCOTT—The first clause authorizes the court to consist of five instead of four judges, as at present. At present the court consists of a chief justice and four puisne judges. This authorizes the appointment of another judge. The North-west Territories is spreading out so very much and increasing in population to such an extent it will be necessary in the near future to appoint another judge.

On clause 2,

Hon. Sir MACKENZIE BOWELL—What additional powers does this clause give the court ?

Hon. Mr. SCOTT—The provision is that applying the rule a judge shall not sit on a case that has been appealed from his own decision unless his presence is actually necessary to form a quorum.

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

The Bill was read the third time, and passed.

THE REVISED STATUTES OF CANADA BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (265) 'An Act respecting the Revised Statutes of Canada.'

(In the Committee.)

Hon. Mr. SCOTT—It will be within your recollection that about a year and a half ago a commission was named to revise the statutes of Canada. The previous revision had taken place in 1886. The practice intended to be followed would be that our statutory

law should be revised every tenth or twelfth year, as it is now extremely inconvenient to overhaul a great many volumes before you can get at really what the law is. A vote was taken for $20,000 and the commission was appointed, but no statutory action was taken to confirm the action that had been commenced, and this Bill is for the purpose of giving form and shape to the commission and making the ordinary provisions necessary where the statutes are revised, and providing that when they are revised and finally completed they shall have force and effect. The commission consists of the Right Hon. Sir Henry Strong, ex-Chief Justice of Canada; Wentworth Roscoe, of Kentville, N.S.; Henry Robertson, Collingwood, Ontario; Thomas Metcalfe, of Winnipeg; Horace St. Louis, of Montreal, the secretary; and then there are three gentlemen who are in the service of the government, the Deputy Minister of Justice, Mr. Newcombe, Mr. Power, of the Department of Justice and Mr. E. R. Cameron, the registrar of the Supreme Court of Canada. Those gentlemen form the commission. I am happy to say that they have made very considerable progress and that already a considerable number of the Acts have been revised and others are now under consideration, so that within a year or two at all events we shall have probably the whole of our statutory law fully consolidated.

Hon. Sir MACKENZIE BOWELL—How long did the hon. gentleman say?

Hon. Mr. SCOTT—Probably within 18 months.

On clause 2,

Hon. Sir MACKENZIE BOWELL—That clause is giving the power almost of parliament.

Hon Mr. SCOTT—Yes, they would enact the law.

Hon. Sir MACKENZIE BOWELL—This gives them the power to change and to alter.

Hon. Mr. SCOTT—Not to alter the meaning. There may be phrases and sentences which may be altered but the intention is not to alter the meaning.

Hon. Sir MACKENZIE BOWELL—I know the commission that had the same power not only changed the reading but changed the meaning, leaving out very important parts of the law. I am speaking now in reference to the Customs Act, and when I called the attention of one of the commissioners afterwards to it, and asked why he left out such words, his answer was he did not think they were necessary. If he had been administering the Customs Act for a few years he would have found they were necessary for the absolute enforcement of the law. That case came under my own observation. It is true the consolidation has to be approved by parliament afterwards, but I question whether there is any one except perhaps a legal gentleman who would give the time necessary to investigate all the Acts which are placed in the large volume of consolidated statutes. I know in one case, much to the annoyance of the department, whole sentences were left out, which changed the meaning and intention of the law altogether and for no other reason than that the commissioners thought they were not necessary.

Hon. Mr. SCOTT—The plan adopted in this instance has been that adopted in Ontario. The statutes when completed would not be submitted to parliament, so that it requires extra care in the preparation of them. That was the plan adopted in Ontario and it seemed to work very well.

Hon. Sir MACKENZIE BOWELL—That has not been the practice in the past.

Hon. Mr. SCOTT—No, I think not. But when it is all there nobody can undertake to digest it. It requires much more careful preparation.

Hon. Mr. POWER—The course adopted in 1886 was that the draft report of the commissioners was submitted to a joint committee of the two Houses of parliament, which devoted a good deal of time and care to the consideration of the report, and suggested a great many changes.

Hon. Sir MACKENZIE BOWELL—The proclamation which was issued contained the following expression: 'But without changing the legal effect.' The same instructions were given in the old Act.

Hon. Mr. SCOTT—The same rule prevails here, but the interpretation is not always a true one.

The clause was adopted.

On clause 5,

Hon. Mr. BEIQUE—If changes are made by the commissioners they will have full effect, the same as if they had power to change the law.

The clause was adopted,

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

The Bill was read the third time and passed.

GENERAL INSPECTION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (266) 'An Act further to amend the General Inspection Act.'

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—What is the purport of this Bill ?

Hon. Mr. YOUNG—The Bill provides for weighmasters at terminal elevators. That is an official of the Dominion government who will weigh in and weigh out grain at terminal points, so that there will be an independent arbitrator who determines the quantities both received in and shipped out.

Hon. Sir MACKENZIE BOWELL—Is that the full purport of the Bill ?

Hon. Mr. YOUNG—There is also an additional clause making standard boards permanent, but in Manitoba we have had this system enforced for some time and also in the west. They are now adopting it in the east, providing an independent person, whose weight must be taken. The board of trade of Toronto and some others have petitioned for this change in the east and the consequence is that the Act is being amended accordingly.

Hon. Mr. DeBOUCHERVILLE—Who pays this man ?

Hon. Mr. YOUNG—The Dominion government.

Hon. Sir MACKENZIE BOWELL—By fees.

Hon. Mr. YOUNG—There is a fee provided for in the Grain Inspection Act.

Hon. Mr. SCOTT—It is either paid by fees or by compensation. I understand the man in the west is making $8,000 or $10,000 a year.

Hon. Mr. LANDRY—The clause as to the fees reads as follows :

117. The fees for the weighing of grain shall be such as are determined by the Governor in Council, who may from time to time increase or reduce them.

Hon. Mr. YOUNG—In the western division they are now paid by salary.

Hon. Mr. MACDONALD (P.E.I.)—I was under the impression that at the larger elevators grain was weighted mechanically as it went out and in, and that there could not be any difference in the weight. There could not be anything wrong about the weight ; it was weighted by the process which they could not affect.

Hon. Mr. YOUNG—The quantity would have to be taken and the proper quantity allotted to each shipper or exporter, as the case might be. If five or six cars came along belonging to different persons, some official has to be there to see the weight is properly taken.

The clause was adopted.

Hon. Mr. THIBAUDEAU (Rigaud), from the committee, reported the Bill without amendment.

The Bill was then read a third time, and passed.

LIBRARIANS OF PARLIAMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (267) 'An Act respecting the Librarians of Parliament.'

(In the Committee.)

On clause 1,

Hon. Mr. LANDRY—What is the difference between the general librarian and the parliamentary librarian ?

Hon. Mr. TEMPLEMAN—As far as my knowledge goes, there is very little difference. I understand we have two librarians, joint librarians.

Hon. Mr. LANDRY—I suppose they are joined together, and the one on the right is the general librarian, and the one on the left is the parliamentary librarian.

Hon. Mr. TEMPLEMAN—I think the hon. gentleman has just about stated the distinction, and the whole effect of this Bill, as I understand it, is to place the general librarian and the parliamentary librarian on the footing of deputy ministers, and to provide a minimum salary of $3,000 and a maximum of $4,000.

Hon. Mr. LANDRY—Who is now the general librarian, and who is the parliamentary one ?

Hon. Mr. SCOTT—I presume it arises in this way. Formerly we had only one. My recollection is that it was Dr. Adamson, the father of Mr. Adamson, who was at one time one of our clerks. Then he was succeeded by Mr. Todd, and before Mr. Todd's death another one was appointed, and I suppose he may at the time have been called the parliamentary librarian. He may have been appointed for only a limited time, but it naturally grew to his being continued, and they became practically equal, but the original names have continued.

Hon. Mr. LANDRY—I am asking who is the general librarian, and who is the parliamentary librarian ?

Hon. Mr. POWER—These gentlemen were appointed joint librarians, about 1885, after the death of Dr. Todd. It was necessary to distinguish them in some way, so Mr. DeCelles, now Dr. DeCelles, was called general librarian, and Mr. Griffin, who is now also Dr. Griffin, was called parliamentary librarian, and, from the time of their appointment, these gentlemen were recognized as deputy heads, although I don't think there was any statutory recognition in the Act respecting heads of departments. The Act which it is proposed to amend, did not describe them as deputy heads, but said each should receive a salary not exceeding $3,000 ; subsequently that was increased to $3,200, and they have always been dealt with as deputy heads, so that this Bill simply recognizes and continues the practice of the past ; and I think hon. gentlemen will admit that these two gentlemen, as a rule, have discharged their duties in such a way as to give satisfaction to any one who has had do with them.

The clause was adopted.

On the second clause,

Hon. Mr. POWER—This clause shows that the present government are not prejudiced nor one-sided, because these two gentlemen will get the maximum salary, and both of them are Conservatives and were appointed by a Conservative government.

Hon. Mr. LANDRY—It is a pity that the same principle did not extend to the Judges Pension Bill. That is a black spot for the government.

Hon. Sir MACKENZIE BOWELL—That was not a very happy remark which the Speaker made. It might open the door for an expression of opinions adverse to his view as to the conduct of the government since they came into power. I should be very sorry to see the government decide against a good officer, no matter by whom appointed on account of his politics. It is their duty to treat an officer on his merits. During my term of office I do not know that partisan feeling was allowed to interfere with the treatment of permanent officers. Under our system, when a man was appointed to office he was supposed to cease interfering in political matters, and whatever his political views may be, unless he becomes offensive, he was treated on his merits. If you look at the different departments, you will find that those who were appointed by the Mackenzie government and who proved themselves to be good officers, were never asked what their political opinions were, but were promoted to the highest positions they were fit to occupy. I know I can say that for my own department, and for the other departments that I know anything about. I have the reputation of being a strong politician, but I repudiate the imputation that any one in the department over which I presided was ever discriminated against on account of his politics. The British system, unlike the United States system, is to keep men in office as long as they conduct themselves properly and perform their duties, without regard to politics, and so far as the inside service is concerned, I am not aware that that principle has been departed from. I do not know that there is any particular merit on the part of the present government in placing these men in the positions that they have always been supposed to

occupy, that is, to rank as deputy heads. The difficulty was that when you came to consider the question of precedence they were not deputy heads, and consequently did not occupy the position they thought they should occupy, and which I think they should fill, because certainly by education and other requirements they were entitled to as high a position at social or public functions as any deputy head. These two men are exceptionally talented gentlemen, and I question very much whether you could find in the whole Dominion men better fitted for the position they occupy.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. LANDRY—It is a pity that such a remark should have been made, not by an ordinary senator, but by the Speaker of this House. He should not import into the discussion a spirit of aggressiveness, which prompts us to rise and reply to him. On the contrary, he should cast oil on the troubled waters, and not be the cause of political feeling in the Senate.

Hon. Mr. POWER—I do not think either the hon. gentleman from Stadacona or the hon. leader of the opposition has any Irish blood in him.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is mistaken, my stepmother was Irish.

Hon. Mr. POWER—That is one redeeming trait, but there is a good deal of the Donnybrook spirit about my hon. friends; they are always trailing their coats through the Senate and wanting some one to tread on them. My observation, I thought, was a particularly harmless one, I did not make any charge or insinuation against any one. I simply intimated that I thought the government deserved some credit because they were dealing fairly with these two officers, both of whom are Conservatives. It shows that the government are not actuated by partisan feelings. I did not intimate that any other government was actuated by partisan feeling, but both hon. gentlemen contrived to manufacture my harmless remark into an attack on the Conservative party, which I did not dream of making.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is in the habit of using expressions which, when you read between the lines, can be easily understood. The hon. gentleman gave the government credit for having done justice to these two officers regardless of the fact that they had been Conservatives, and appointed by a Conservative government. The government are not entitled to one iota of credit for doing what they have done. These officers are admirably qualified for their position. There is not a man in Canada who would speak more highly of their ability and their assiduity in attending to their business than the Speaker himself. I do not intend to manufacture anything. I thought the hon. Speaker's remark was an unnecessary expression of opinion, and an unnecessary compliment to gentlemen who certainly did not require it.

The clause was adopted.

Hon. Mr. MACDONALD (P.E.I.), from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

REGISTRAR OF SUPREME COURT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (No. 268) 'An Act respecting the Registrar of the Supreme Court.'

(In the Committee.)

Hon. Mr. SCOTT—This Bill is very much on the lines of the one we have just passed. It is giving to the registrar of the Supreme Court, who acts as a judge in some cases, the rank of a deputy head and the same salary as the other deputy heads.

Hon. Sir MACKENZIE BOWELL—What is his present salary?

Hon. Mr. SCOTT—He receives $2,300.

Hon. Mr. FORGET—Is he a Conservative?

Hon. Mr. SCOTT—I do not know, I never inquired.

Hon. Mr. FORGET—The hon. Speaker could perhaps tell us.

Hon. Mr. POWER—Inasmuch as he has been appointed by the present government, I presume he is not.

On clause 2,

Hon. Mr. MACDONALD (P.E.I.)—This clause reads as follows :

For the purpose of determining the salary of the officer at present occupying the said position, he shall be credited with his period of service and be paid here after such salary as he would by length of service become entitled to had the provision of the next preceding section been in force at the time of his appointment.

That I suppose gives him $4,000.

Hon. Mr. SCOTT—I am not sure. I think he has been there three years; he would come very near it at all events.

Hon. Mr. LANDRY—This is not retroactive.

Hon. Mr. SCOTT—No.

Hon. Mr. MACDONALD (P.E.I.)—This makes it retroactive.

Hon. Mr. SCOTT—Not at all.

Hon. Sir MACKENZIE BOWELL—If he has been in office three years and was receiving $3,200 he would at once get $3,500.

Hon. Mr. SCOTT—Yes.

Hon. Mr. MACDONALD—And the next clause says he shall be in the same position after the passing of this Act as if he had $3,500 when he was first appointed. Is that not the purport of this clause ?

Hon. Mr. SCOTT—The law as it reads is that a deputy would get $100 increase each year, but if he has served two or three years antecedent to the passing of the law then those two or three years would count and he would get the increased amount.

Hon. Mr. MACDONALD—If he had been ten years in office he would get his $4,000 at once ?

Hon. Mr. SCOTT—Oh, yes.

The clause was adopted.

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

The Bill was then read the third time, and passed.

Hon. Mr. LANDRY—Could the hon. gentleman inform us if it is the intention to adjourn this House for a week ? There is nothing at all for to-night and nothing at all for to-morrow.

Hon. Mr. SCOTT—We will adjourn till 11 o'clock to-morrow. We need not meet to-night.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State might try and ascertain, if possible, what progress they are making in the lower House in the moving of the mail bags, because I have heard it stated that unless those mail bags are moved by the Postmaster General, or he permits them to be moved, they intend to keep the House in session indefinitely, and if that is the case the suggestion made by my hon. friend is a good one.

Hon. Mr. SCOTT—The Postmaster General told me he was making arrangements to move them as promptly as possible, and certainly it will be done within a few days.

Hon. Sir MACKENZIE BOWELL—I am glad to hear that, because he threatened in the lower House that he would not move them.

Hon. Mr. TEMPLEMAN—It would be unfortunate for the poor electors if they were not moved.

Hon. Sir MACKENZIE BOWELL—Yes, they would be deprived of information they would not otherwise receive. They have been satiated with Grit literature and they should have an antidote.

SUPERANNUATION OF W. L. LAMBKIN.

MOTION.

Hon. Mr. WATSON moved that :

Whereas leave of absence for two months was granted on the 12th May, 1902, to Mr. W. L. Lambkin, on account of illness contracted by him while on active service in South Africa, and

Whereas Mr. Lambkin is still unable to resume his duties and has signified his desire to be placed on the retired list.

Resolved, That the clerk of the Senate be instructed to take forthwith the proper steps to obtain for Mr. W. L. Lambkin, reading room keeper, such superannuation allowance as he may be entitled to under the provisions of the Civil Service Superannuation Act.

He said : Mr. Lambkin has been in the service of the Senate for nineteen years, and he will be entitled to $205 a year superannuation. He has desired to be relieved because he has not been able to work for some time on account of illness contracted in South Africa.

Hon. Sir MACKENZIE BOWELL—There is no objection to that, but the wording of the resolution is perhaps peculiar. This is a simple resolution, not a report from committee. It is a resolution of the House.

Hon. Mr. WATSON—It is a resolution of the House. I suppose the committee could have reported. This is a copy of a resolution passed by the Senate on a former occasion.

Hon. Sir MACKENZIE BOWELL—Was that in the same wording, 'that the clerk of the Senate be instructed to take steps forthwith'? Because I fancy that would have to be sent to the Treasury Board.

Hon. Mr. SCOTT—Yes, they fixed the amount.

Hon. Sir MACKENZIE BOWELL—I think there are some other civil servants in whose cases a similar course should be pursued.

The motion was agreed to.

The Senate adjourned until Eleven a.m. to-morrow.

THE SENATE.

Ottawa, Thursday, October 22, 1903.

The SPEAKER took the Chair at Eleven o'clock.

Prayers and routine proceedings.

ALASKAN BOUNDARY AWARD.

Hon. Sir MACKENZIE BOWELL—I desire to ask the hon. Secretary of State if he has any information that he could lay before the House in reference to the Alaskan Boundary Award? I notice that in the papers this morning the premier, Sir Wilfrid Laurier, read a cable despatch from Hon. Mr. Sifton, announcing the fact that the award had been signed. The telegram informs him that an award had been made on a certain date, signed by Lord Alverstone and the United States Commissioners, but it does not indicate whether it was signed by the two Canadians. I shall infer from the reading of the cablegram it was not. Could not the hon. Secretary of State lay the same cablegram before the Senate?

Hon. Mr. SCOTT—I think it has been printed in the public press.

Hon. Sir MACKENZIE BOWELL—That is correct, but it ought to be laid on the Table of the House so as to be of record, and that we could have the same information as the Commons.

Hon. Mr. SCOTT—That is the only document I have seen, I have not seen my colleagues to-day. It has probably escaped my hon. friend's attention that Mr. Aylesworth and Sir Louis Jetté signed a justification, giving the reasons why they did not approve of the award; that they did not considered it a judicial decision. I think the most important reason was that Lord Alverstone had, in the first instance, agreed that the centre of the Portland canal should form the boundary line. There were four islands on the south side of the channel, and, in the discussion and argument no claim had been made by the American commissioners to any one of the islands. The four islands should go to one country or to the other, depending on the position of the line through the channel. They would all lie either on the north or the south side as the line might be drawn. Subsequently Lord Adverstone had deflected the line, so as to throw two of the islands into the United States and two into Canada. That is Wales and Pierce islands to Canada and the two smaller ones, to the United States.

Hon. Sir MACKENZIE BOWELL—That is as we understand it from the meagre information we have had, but it does strike me as singularly unfortunate that in every case where negotiations have taken place between United States and England, where Canada was affected, that the United States diplomats have succeeded in securing islands which command most important ports in our Dominion. Take the island right opposite the harbour of Port Arthur. In case of difficulty that island will have to be secured by the British people and fortified to command the entrance to that harbour. Unless that were done the United States could seize it and with their guns would be enabled to destroy the whole connection between the east and the west. It is precisely the same on the Pacific coast

with the islands of San Juan. That island was in some way or other secured by treaty negotiations by the United States. It appears that by the diversion of the line in the Portland channel they have now secured two islands which command the harbour of Port Simpson. I cannot help expressing my very great regret that in every instance where we have had these negotiations with the United States they have resulted in a sacrifice of Canadian interests. I have no doubt my hon. friend has been interviewed, as I have been, and I have steadily refused to give an opinion because I do not think it well for any public man to express opinions upon the meagre information he may have received through the newspapers. Until we get the full text of the award certified, and the map which Mr. Sifton indicates has been sent to this government marked, we are not in a position to give an intelligent opinion of the results of this decision; but from all that we can learn we have got, to use a familar expression, the worst of it.

Hon. Mr. McMULLEN—I agree with the suggestion of the leader of the opposition, that we should defer entering into an extended debate upon this award until we have all the papers before us. It is rather unfortunate that it should come at this particular juncture when parliament is about rising, after being in session for over seven months. Seeing that the documents are not yet before us, it is better that we should postpone discussion until next session, which will, in all probability, be in the course of three or four months, and then all the facts will be before us. I entirely agree with the hon. gentleman in his comments upon the advantage which has been secured by the United States in every case where there has been an arbitration with regard to Canadian territory. I have read very carefully the reports in the public press of the opinions expressed by the Canadian Commissioners. I cannot permit myself to doubt their accuracy, and I greatly regret what has occurred, if their statement is absolutely true. However, I shall not further express myself on the subject until we have all the reports laid before us. I may add that England has had her troubles in Ireland, and she has had her troubles in South Africa, and I honestly believe that the feeling of indignation that will exist in Canada will be as great, if not greater, than the indignation that exists in either of these sections of her empire. I regret exceedingly that I am forced to say that, but I apprehend, from the expressions of the press in Canada, that the feeling here is going to be most intense, if the official document when produced, will verify all that we have seen in the public press.

RAILWAYS LAW CONSOLIDATION BILL.

CONFERENCE BETWEEN SENATE AND HOUSE OF COMMONS.

Hon. Mr. SCOTT—There are no orders, and there is really no object in the Senate continuing to sit this morning. The House of Commons last night, I notice, adopted the following resolution:

Mr. Fielding from a Select Standing Committee appointed to draw up reasons to be offered to the Senate at a conference for disagreeing to certain amendments made by the Senate to Bill No. 21, intituled: 'An Act to amend and consolidate the law respecting Railways,' reported that the committee had drawn up reasons accordingly, which were read, as followeth:—

That clauses 5, 6 and 7 of the Bill do not constitute an interference with either provincial or municipal rights. The said clauses have been on the statute-book for many years and are necessary for the effective operation of railways under Dominion control.

That the Senate amendment is unconstitutional.

Your committee suggest that clauses 5 and 6 of the Bill remain in their present form, and that for clause 7, as passed by the Commons, the following be substituted:—

'7. Street railways and tramways shall be subject to the provisions of this Act only so far as such provisions relate to crossings of navigable waters, to crossings of and junctions with railways under the jurisdiction of the parliament of Canada, and to offences, penalties and statistics, and street railways and tramways which carry freight traffic and charge tolls therefor shall be also subject to such provisions as relate to through-traffic.'

With respect to amendment No. 11 of the Senate, your committee allege that the general effect of the Bill will be seriously interfered with if appeals on points of law are allowed.

Your committee suggest that amendment No. 31 be concurred in, and also amendment No. 40.

The said reasons were then read the first and second time, and agreed to.

Resolved, that a conference be desired with the Senate, for the purpose of communicating to them the reasons which induced this House not to concur in the amendments made by the Senate to Bill No. 21, intituled: 'An Act to amend and consolidate the law respecting Railways.'

Ordered, that a message be sent to the Senate to acquaint their Honours therewith.

Ordered, that the Clerk of the House do carry the said message to the Senate.

The clerk has not so far carried that message to the Senate, but I suppose we do not need to wait for the clerk. We know what action they have taken and, as they are ready for the conference, the common sense way would be to appoint our committee.

Hon. Sir MACKENZIE BOWELL—You cannot do so.

Hon. Mr. DeBOUCHERVILLE—We cannot, because the conference must be asked by the House in whose possession the Bill is, and moreover we cannot accept the reading of an unofficial report as an announcement to the Senate. We must have this document here before we take it into consideration.

Hon. Mr. SCOTT—Does this House propose to sit here silently until one or three o'clock, I do not think we ought to do so when there is no business before us.

Hon. Sir MACKENZIE BOWELL—No, I do not think we ought to sit here till one o'clock. We can adjourn. It seems to me the position taken by the hon. gentleman who has just spoken (Hon. Mr. DeBoucherville) is the correct one. When we get the Commons' message we can act upon it.

The SPEAKER—The following message has been received from the House of Commons.

Resolved, that a message be sent to the Senate to acquaint their Honours, that a conference is desired with the Senate, for the purpose of communicating to them the reasons which induced the House not to concur in certain amendments made by their Honours to the Bill intituled : 'An Act to amend and consolidate the Law respecting Railways.'

The reasons are not here.

Hon. Mr. SCOTT—I presume hon. gentlemen will now recognize what I read was official.

Hon. Mr. LANDRY—I beg the hon. gentleman's pardon ; the document is not contained in that slip.

Hon. Mr. SCOTT—I do not propose to sit here and do nothing.

The SPEAKER—If the hon. gentleman would permit me to make a suggestion : I think we might adopt the course which has been often adopted in this House, to adjourn during pleasure, with the understanding that we shall meet at some fixed time.

Hon. Mr. BEIQUE—It seems that the House of Commons ask for a conference, and therefore it is for this House to appoint a committee and send an answer that we are ready for the conference.

Hon. Mr. LANDRY—We have not the document yet.

The SPEAKER—This is a message to the effect that a conference was desired with the Senate, and when the conference meets then the gentlemen who manage the conference on behalf of the Commons will present reasons. The reasons are not given here.

Hon. Sir MACKENZIE BOWELL—The course that is being pursued at the present time is, I think in accordance with precedent. On the 21st of May 1885 the following message came from the Legislative Assembly, dated 19th May 1885, to the Legislative Council :

Resolved that a conference be desired with the Legislative Council for the purpose of communicating to them the reasons which induced this House not to concur in the amendments made by their Honours to the Bill intituled : An Act to incorporate the L'Assomption River and Railway Company.

The Legislative Council having received that message acted upon the motion. This is of a similar character. I suppose, as the hon. Speaker says, when the committee meet the Commons' representatives will give their reasons, and then it will be for the committee of the Senate to concur or disapprove.

Hon. Mr. SCOTT—I suppose the way is now clear for me to move the committee. My object was to save time and by our adopting it promptly we may be able to make an arrangement to meet that committee some time this morning. I therefore move :

That a message be sent to the House of Commons by one of the Masters in Chancery to acquaint that House, that the Senate hath agreed to a conference desired with the Senate, for the purpose of communicating the reasons which induced the Commons not to concur in the amendments made by the Senate to the Bill No. 21, intituled : 'An Act to amend and consolidate the Law respecting Railways,' and hath appointed the Honourable Sir Mackenzie Bowell, K.C.M.G., and the Honourable Messieurs Scott, Béique, McMullen, De Boucherville and David as managers on their part at the said conference.

THE SENATE DEBATES.

MOTION.

Hon. Mr. BEIQUE from the Committee on Debates and Reporting, presented their fourth report, as follows :

The Standing Committee on Debates and Reporting have the honour to make the following report :—

Your committee recommend that Mr. H. R. Holmden be again appointed for the next session of parliament, upon the reporting staff of the Senate, to be paid at the rate of thirty dollars ($30) per week, with the understanding, however, that his services may be dispensed with at any time during the session upon one week's notice given to him.

His services to be : To attend Standing and Special Committees of the Senate, and prepare a synoptical report of the discussion and proceedings in each of them ; and have the same placed in the hands of the press reporters (newspaper correspondents) for early use.

Also, to prepare a synopsis of the debates of the Senate, during the progress of the debate, and have the same ready to be handed to the press reporters not later than nine o'clock in the evening for the proceedings of any afternoon sitting. In case the Senate should sit in the evening, then the synopsis of the evening debate shall be deliverel to the press reporters not later than one hour after the rising of the Senate.

All of which is respectfully submitted.

F. L. BEIQUE,
Chairman.

He said : The report is made in the usual form except that it used to be incumbent on the press reporter to hand his synopsis to the press one hour after the rising of the House, which meant by seven o'clock in the evening. On inquiry I found that it would be in time if handed over at nine o'clock and would give him a better opportunity to prepare his synopsis. In fact, he has followed this practice for the last two or three weeks to the improvement of the synopsis furnished to the press.

Hon. Sir MACKENZIE BOWELL—Some years ago I was one of the committee that urged the appointment of a reporter to make a synopsis of the proceedings of this House for the press, in order that the country might know what we were doing or at least, that they should know we had an existence. While I do not find fault with the reporter himself. I should like to ask whether the Senate think the notice we receive in the press, is worth the money we are paying. Half the time, the reports made by our press reporter and filed with one of the clerks, are mutilated in such a way as to make the speakers appear ridiculous. I have had cause to complain two or three times. I have complained to the reporter, but on examining the reports in the Clerk's room, found that he was not to blame. The press reports have been of such a character that I feel we should dispense with them in the future. All we have asked the press to do is to publish a synopsis, and this is prepared at the expense of the Senate. One would have supposed that the newspaper people might publish this synopsis as furnished to them. The paper that has given the Senate more notice than any other has been the Montreal 'Star.' When important debates have taken place, we have been given one or two columns of a report. With the Toronto papers, the 'Globe' and 'Mail,' and others, it has been different. The Ottawa papers are infinitely worse. We should just rest upon our dignity, and if the newspapers proprietors do not consider the proceedings of this House sufficiently imporant to publish the synopsis which we furnish them free of expense, it is better to discontinue the appropriation, and let the newspapers at their own expense provide reports of the Senate as they do of the proceedings of the House of Commons. No matter how accurately the synopsis may be made by our reporter, it is of no use, unless it is published without mutilation. Some errors occur in the report, but I attribute that as much to the speakers as to the reporter. Sometimes there is confusion and he does not exactly catch the point. Under the circumstances I should be opposed to a continuance of keeping up what we might term an official press reporter at the expense of the country for the reasons I have given.

Hon. Mr. SCOTT—While I agree with the hon. gentleman's strictures on the press generally for the manner in which they mutilate the reports furnished to them, there is just this about it—the Senate is kept before the public, which is important. We have in the past, in fits of indignation, dispensed with the preparation of these synoptical reports, and then have resumed them. It is much better that the country should know that there is a Senate sitting, even though the press do sometimes mutilate our reports. Occasionally we get fair reports and I should prefer to have a system continued that has given satisfaction to members generally, notwithstanding the

unfortunate mutilation of the report at times by the press.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman had said the system was to the dissatisfaction of the members, he would have been nearer correct.

Hon. Mr. BEIQUE—At the request of the committee, I impressed upon our press reporter the necessity of making his synopsis in the future in such a condensed form, that newspapers would either take them as he furnished them or omit them altogether. Make it a real synopsis of the proceedings of the Senate. For reasons which have been given to me, there were obstacles, especially the time fixed for handing in the report, which stood in the way of the special reporter. He promised to try and meet the views of the members of the committee, and I think that he has since done his best in that direction. In any event the engagement can be put an end to at a week's notice, and the committee came to the conclusion that it would be better to continue the engagement for next session, subject to the matter being taken up at any time and the engagement cancelled.

Hon. Mr. YOUNG—There is another matter in connection with this to which I should like to call attention, and it is the fact that the official reports of our debates are somewhat behind in the issue of the days sittings. We are practically about a week behind in the printing of the reports, and therefore the work done by the special reporter may now be worth more than it otherwise would.

Hon. Sir MACKENZIE BOWELL—Not worth a cent.

Hon. Mr. YOUNG—During the heavy debates which occurred here very recently, no one could criticise the speaker who preceded him unless he happened to have taken notes at the time. He could not as in the other Chamber, take up the 'Hansard' of the day before, and read the remarks of the previous speaker. I am not familiar with the arrangement here. I am not familiar with the methods which prevail, but I am satisfied that they are very slow in that respect. Older members may have a reasonable explanation, but if the debates are got out so promptly in one Chamber why is it they are not distributed more promptly here?

Hon. Mr. DeBOUCHERVILLE—It is impossible to have them next day.

Hon. Sir MACKENZIE BOWELL—All that would be avoided if we insisted upon having the reports of our proceedings laid on the Table the next day, and why should it not be done? As the government has now taken power to go outside the Printing Bureau to have this work done, why should we not do it in this case?

Hon. Mr. DeBOUCHERVILLE—They do not require the reports to be laid on the Table the next day in the Commons.

Hon. Sir MACKENZIE BOWELL—Oh, yes.

Hon. Mr. BEIQUE—It is rather exceptional for this House to sit till twelve o'clock, as it has done several times in the last two or three weeks, and when it sits that late it is impossible to expect that our small staff are able to have the proceedings prepared for the next day. It would demand a very large increase in their staff and therefore would make it very expensive. Perhaps the delay could be shortened; but I think we can hardly expect when we are in sessions from 11 a.m. till twelve o'clock at night continuously that two or three reporters can have the report ready for the next morning.

Hon. Mr. YOUNG—I did not wish to reflect in any way on our reporters, because I think they do their work promptly and well, but I should like to call attention to the fact that the last debates which have been distributed are those of Wednesday, October 14, a week ago yesterday. I have not the least doubt that our reporters have their work ready long before this.

Hon. Mr. CLORAN—They furnish the proofs next day.

Hon. Mr. YOUNG—And there are sittings so late at night that it is not reasonable to expect the reporters to be able to keep up with the days work. But let our sittings be short or long, we will have the same delay between the discussion in the House and the printing of the 'Debates.'

Hon. Mr. DeBOUCHERVILLE—We cannot criticise a speech made by a former speaker, because we do not receive the report in time. It is impossible to have that

report the same day or the next day. There must be revision. The reporters have to send their first proofs to the member. This member revises them and sends them back. They have then to go to the printer for correction. This takes at least two days, and another thing, which perhaps would be against prompt issue, is the fact that some of those members, if I am correctly informed, do not return their revised proofs promptly.

Hon. Mr. MILLER—Why not proceed with the printing without the corrections ?

Hon. Mr. DeBOUCHERVILLE—I do not object to that. Delay is often due to the negligence of the senators who have spoken, not revising and returning the proofs with corrections immediately. Of course, if we had no revision the report could be ready next day.

Hon. Mr. CLORAN—I quite agree with the hon. gentleman in regard to that. I know as far as I am concerned, the proofs of the speeches of hon. senators are in the hands of the members the afternoon or next morning, so that it is not the reporter's fault. The obstacle in the way of proper service is the senators themselves. Supposing I receive a proof and leave it in my desk two or three days, the 'Debates' reporters should have instructions to go on with the production of the report.

Hon. Mr. LANDRY—So they do.

Hon. Mr. YOUNG—Our 'Debates' reporters do their work well.

Hon. Mr. LANDRY—I think a resolution was passed a year ago, which provided that a certain time should be given to the members to return the corrected proofs, and if they were not returned within the time fixed, then the reporters were authorized to make corrections themselves, and to send them to the printer. That is my recollection.

Hon. Mr. BEIQUE—The time limit is twenty-four hours.

Hon. Mr. LANDRY—That confirms the view I take upon the subject.

Hon. Mr. CLORAN—That is not two days.

Hon. Mr. LANDRY—It is only a day in this country ; I take occasion to protest in the name of the French element in this Senate to the systematic conduct of the press reporters in ignoring us entirely.

Hon. Mr. TEMPLEMAN—The French press ?

Hon. Mr. LANDRY—Yes, from beginning to end. The other day my hon. friend from de Lanaudière (Hon. Mr. Casgrain) made a speech in the House, and it was not mentioned in the press. Then my hon. friend from Rigaud (Hon. Mr. J. R. Thibaudeau), and my hon. friend from de la Vallière (Hon. Mr. A. A. Thibaudeau), made a speech, and neither of them was referred to in the press. The same way with my hon. friend from Lauzon (Hon. Mr. Bolduc). He spoke for a couple of hours, but he was not even mentioned. I do not complain myself, because I seldom speak, so that I have no complaint that I am not reported, but I refer to persons who enlighten this House with their speeches, and that light is never shown to the public. Then my hon. friend (Hon. Mr. Montplaisir) was never reported.

Hon. Sir MACKENZIE BOWELL—It is an outrage.

Hon. Mr. LANDRY—Yes, and we resent it. I must apologize to the hon. gentleman from de Salaberry (Hon. Mr. Béique). He is always reported, but I understand he is president of the Debates Committee.

Hon. Mr. CLORAN—I do not think it is fair to make such a general onslaught on the French press. I understand the hon. gentleman controls half a dozen papers, if I am well informed—he controls some anyway—and when he sees no notice is taken of what is done in this honourable House, he should blame himself. If he is not actually the proprietor he has considerable control over certain papers, leading organs of French public opinion in the country, and I do not see why he should blame the newspaper reporters. If he has that control why should he not see that reports are published in those papers. He speaks of the hon. gentleman from de Lanaudière not being mentioned in the press. His speech was referred to in the press, and it was stated that he should go from this House to the House of Commons, and the Hon. Mr. Tessier's speech was also mentioned. If the Conservative members do not bring the usefulness of the

House before the public, they should not blame the press.

Hon. Mr. LANDRY—The hon. gentleman is quite unable to view the question as it is presented to the House. I spoke of the English press. They ignore completely what we French Canadians say in this House. The hon. gentleman says I am proprietor of a newspaper and control half a dozen others. He knows that is not correct but his Irish imagination brings him to the front, and as usual he likes to be aggressive at the expense of others. Well, I may say his imagination——

Hon. Mr. CLORAN—Illuminates.

Hon. Mr. LANDRY—No, I do not mean that, but it shines at the expense of his memory and at the expense of his reason. I deny being the proprietor of any paper, or controlling half a dozen as the hon. gentleman asserts, and it is not my business to send to the reporters of the press what takes place in this House. I never do it in a paper which he says I control, but of which I am not the proprietor—not even a paper in which I have an interest. I might control in part one paper, and I do it for the benefit of the party, notwithstanding what my hon. friend might think. I do not even send reports to that paper. We have paid people here to do the work, and I think it should be done in such a way that the French papers would have their share of the reports.

Hon. Mr. MILLER—Have they not ?

Hon. Mr. LANDRY—No. What I complain of is that even in the English press we do not get our share. Take the Ottawa 'Citizen,' which publishes every morning what passes the day before in the Senate, you will not find in their report of the debate in this House on the Transcontinental Railway Bill, one sentence of what was said by the French members. Even when the French members speak in English, their speeches are not reported.

The motion was agreed to.

RAILWAYS LAW CONSOLIDATION BILL.

A QUESTION OF PROCEDURE.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns, I should like to call attention to a question of procedure in connection with the meeting of the committee of both Houses. When a committee is appointed by the Senate to confer with reference to any disagreement that may have occurred between the two Houses, there is a certain practice laid down in the House of Lords, and when we have no positive rule to guide us in this Senate, the rules which govern the House of Lords are the ones we should follow. When joint committees of this kind are appointed by the Lords when they meet the House of Commons committee, they are to sit with their hats on. I do not think there is anything laid down as to what the character of the hat should be, but I would take it for granted that it should be a 'plug' hat, and the commoners are to sit with their hats off. That is the rule in the House of Lords in England. Hon. gentlemen smile, but it is a very, very serious matter.

Hon. Mr. LANDRY—Certainly.

Hon. Sir MACKENZIE BOWELL—What I wanted to point out was that in case any one of us should go without our hat, we might be in an awkward position, and I would suggest the propriety of every member taking the best hat he has, because if any question is raised of want of respect for the Commons committee, we should be able to conform to the rule. I may not have studied this question very closely, but I am indebted to an hon. friend for calling attention to that fact, and I thought it my duty to mention the matter.

Hon. Mr. CLORAN—The hon. gentleman might arrange for the commoners to secure pegs for the commoners to hang their hats on.

Hon. Mr. DeBOUCHERVILLE—If any one were to bring up the question that we had not followed the rule, we might be blamed. It might be arranged now that we shall not be obliged to follow that rule of the House of Lords. I ask His Honour the Speaker if it would not be safer to adopt that course, and take the risk of being blamed ?

The SPEAKER—I think it will be the unanimous feeling of the House to go without hats.

Hon. Mr. MACDONALD (P.E.I.)—I think we should not depart from a proceeding of

time immemorial. We should go with our hats on.

The Senate adjourned till 3 p.m. to-day.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

TRANSCONTINENTAL RAILWAY BILL. INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I wish to ask the Secretary of State if there is any truth in the rumour that the government have advised His Excellency the Governor General to disallow the Transcontinental Railway Bill ?

Hon. Mr. SCOTT—I have not heard anything of it.

Hon. Mr. CLORAN—It was swamped by the big debate.

ALASKAN BOUNDARY QUESTION.

Hon. Mr. SCOTT—I was asked to lay on the Table a copy of the cable received from Mr. Sifton, who is now in London, to Sir Wilfrid Laurier. The telegram reads as follows :—

London, October 20, 1903.

Laurier,
Ottawa.

Award signed to-day by chief justice and Commissioners Root, Lodge and Turner, being under the treaty a binding majority. The line commences at Cape Muzon, goes directly to south entrance of channel between Wales and Sitklan islands, proceeding northward between said island to Portland channel, thence along middle of Portland channel to its head ; from there the line is formed by going from peak to peak of mountains, the distance from tidal water varying from ten to thirty miles, speaking generally. When opposite Thomas Bay the line stops and is undefined from there to a point about fifteen miles north of the head of Yukon inlet. Thence it follows peaks of mountains about north-west to White Pass, follows the summits of White and Chilcoot Passes, and thence by peaks of mountains to Mount Fairweather. It seems close to the police post situated near Klehini river. On this course the line will be from eight to twenty miles north of the provisional boundary line ; from Fairweather a short distance northward, and then on a fairly direct course to the rear of Yakutat Bay, thence from peak to peak by a somewhat circuitous route to Mount St. Elias. Marked map follows to-morrow.

(Sgd.) SIFTON.

I have a map before me, and if hon. gentlemen will come to the Table, I will point out the boundary line as described in the despatch, and they can see for themselves. Hon. gentlemen will observe that there is an absolute gap that has not been delimited. There has been no expression in the award of any line between these two points on the map which I am now showing to hon. members.

Hon. Mr. CLORAN—They have left an undetermined limit of 120 miles, which leaves room for another arbitration, but I guess we had better not have one.

RAILWAYS LAW CONSOLIDATION BILL.

Hon. Mr. SCOTT—I do not think there is anything to come down from the other House, and therefore I do not see that the Senate need remain in session till the evening, and those hon. gentlemen who have been named on the committee to hold a conference with the other House, might meet at half-past five in the Chamber here. I arranged for a conference in Mr. Fielding's room, which is back of the reading room of the House of Commons.

Hon. Mr. DeBOUCHERVILEE—There is only one way of doing that, and that is to wait until we hear from the other House, and further, according to the rules, the Senate shall appoint the time and place of meeting.

Hon. Mr. SCOTT—They asked for a conference and we answered we were ready for the conference and named the members.

Hon. Mr. LANDRY—We must also indicate where they shall meet.

Hon. Sir MACKENZIE BOWELL—The rule provides that no matter which House asked for the conference, the House of Lords, in this case the Senate, must select the place where they shall meet or give notice where they shall meet. I was told by one of the members of the House of Commons that they had selected their committee of twelve, and that is according to the rule laid down in May and Bourinot. They are entitled to double the number of the committee appointed by the Senate.

Hon. Mr. SCOTT—It does not go as a matter of votes ; it does not matter what number there are, because it is quite competent for the Senate to adhere to their decision.

Hon. Sir MACKENZIE BOWELL—I am not arguing on the question at all; it is laid down in May and Bourinot that the House of Commons are entitled to twelve and the Senate to six members on a conference.

Hon. Mr. LANDRY—May says it is the peculiar privilege of the Lords to name both the time and place of meeting, whether the conference be desired by themselves or by the Commons, and when they give the conference they at the same time appoint when and where it shall be held.

Hon. Mr. SCOTT—I think we should give them notice of that.

Hon. Sir MACKENZIE BOWELL—We can not give the notice until we get a message from the other House saying they have appointed their committee.

Hon. Mr. SCOTT—Are we going to wait all afternoon for that announcement?

Hon. Sir MACKENZIE BOWELL—I suppose so; we cannot help ourselves; unfortunately, hon. gentlemen have the majority, so we can not dictate to you what to do.

Hon. Mr. SCOTT—I thought we were going to adopt some common-sense rule, I did not propose to follow rules that were made centuries ago, but proposed following rules which would be most reasonable and convenient for the House of Commons and Senate, and I was applying my own common sense as to what should be done. I do not believe in following rules made centuries and centuries ago; we may lose several days if we wish to do it.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman speaks of common sense. The good sense of the hon. gentleman in this case happens to be quite contrary to the rules of the House, which say we shall follow the procedure of the House of Lords, and it is a rather difficult point to settle. Shall the good sense of the hon. gentleman prevail against the good sense of the Senate in adopting such a rule?

Hon. Mr. SCOTT—In order to facilitate our meeting, we are anxious to close this thing as early as possible. I consulted the members of the committee, represented by the Hon. Mr. Fielding, and after considering what hour would be most convenient, he said the Commons probably could not get through their work before six o'clock. I said we did not wish to wait quite so long; if they could really get away from the House at 5.30 we would prefer meeting them then, but if not we would have to meet at six o'clock. I said it would be more convenient to meet at 5.30 and they said they would try and get away at 5.30, and if not they would meet us at six o'clock in Mr. Fielding's room. If that can not be agreed upon I shall drop all action with it.

Hon. Sir MACKENZIE BOWELL—The rules go further than that; they say as soon as a conference meets the deliberations of both Houses are suspended until the conference reports. I can understand the common sense view of it taken by the leader of the House, but it is a question whether we should act, under these circumstances, contrary to the rules which governed the legislative bodies in England for so many years; whether we are to go on in this slipshod, hap-hazard manner or whether we shall adhere strictly to the rules. It is more in accordance with the dignity of this House that we should adhere strictly to the rules laid down by the parliamentary authorities. When I say that, I wish it to be distinctly understood that I am finding no fault with the Secretary of State for trying to urge on or precipitate the conference, because I do not suppose we desire to remain here any longer than we can help. If the Commons will not send down a message informing the Senate they have appointed their committee, we are powerless. We can not go any further. If they send down other Bills and the estimates we can go on with them and the Commons can wait till next session to settle this question.

Hon. Mr. SCOTT—I am very sorry I interfered. I will direct Mr. Fielding that it is the feeling of the House that I must cancel the arrangement made and it must go according to the ceremonial.

Hon. GENTLEMEN—No, no.

Hon. Mr. SCOTT—It is the decision of the House, apparently, and I shall certainly do so.

Hon. Mr. LANDRY—I think it is imperative. We have one article of our regulations which says that wherever our rules are sil-

ent as to procedure the usages of the British parliament prevail ; and we are bound by that article.

Hon. Mr. SCOTT—I discussed that question. I was quite aware what the rule in England is, that the two Houses should suspend business, but at this stage of the session it would be an absolute waste of time, for two important bodies, on a mere question of this kind, an amendment which has been reduced down to a mere phrase, should suspend business. I did not think it was within the dignity of the House that such a course should be taken, and I said to Mr. Fielding : 'I do not suppose we shall adhere to that ridiculous ceremonial, but at the proper time we will be prepared to meet.' He said they would be prepared to meet us at half-past five if they could conveniently do so, and if not, at six o'clock. However, I will cancel the arrangement.

Hon. Mr. DeBOUCHERVILLE—I do not see how we can lose time by adjourning during pleasure. We can meet the House of Commons at any time they are ready. If they send to us at half-past five we can meet then ; if not, we can meet at six by the Speaker having the bells rung. I have been chosen one of the members of this committee, and I shall refuse to sit on that committee unless we follow the rule.

Hon. Mr. BEIQUE—As I understand the rule followed in England it is to this effect : the conference takes place by merely exchanging papers. There are no discussions, and after two conferences of that kind have taken place without result, then there may be what is called an open conference, which, I think is held in the House of Lords, the members of the House of Commons being represented by the members of the conference behind the bar. Are we to understand that we are going to insist on those formalities, especially at the end of the session and stand as an obstacle in the attempt which is being made to close the business of the session as soon as possible ?

The SPEAKER—I might state for the information of hon. gentlemen that the message is just about coming from the House of Commons giving the names of the members whom they have appointed to meet our members, and if the House will permit me I shall read an extract from Bourinot. At page 464 Bourinot says :

> When the time has come for holding the conference the clerk will call over the names of the managers, who will proceed forthwith to the place of meeting. The duty of the managers on the part of the House proposing the conference is confined to the delivery to the managers of the other of the communication, whatever it may be, and the duty of the managers of the other House is merely to receive such communication. They are not at liberty to speak, &c.

Further on Bourinot says :

> When the conference is over the managers return to their respective Houses and report. Such reports should always be made in accordance with correct parliamentary practice.

He also states :

> The report of the managers for the House at whose request the conference has taken place is in substance that they have met the managers for the other House and have delivered to them the communication with which they were charged. The report of the managers for the other House is substantially that they have met the managers for the former and that the purpose of the conference was to make a certain communication which they have received, and which they then proceed to lay before the House. The report of the managers is then to be considered and disposed of by the House to which it is sent, which may take place immediately or be postponed to a future time. The result will be communicated to the other House by a message.

And the rule stated by one hon. gentleman is that the Houses are supposed to be sitting although not actually doing business, while the conference is going on, and, inasmuch as it will last only about five minutes, I fail to see any serious grievance in the matter referred to. In the meantime the correct thing would be, after we receive the message from the House of Commons, to adjourn during pleasure, with the understanding that we meet about the time when the other House would be ready for the conference.

Hon. Sir MACKENZIE BOWELL—I hope the hon. Secretary of State does not for a moment propose that the remarks I made were with any intention of delay. The objection I took first of all was that we have no message from the other House. We have no official knowledge that they have appointed a committee, and until that is done, there is no time to be lost. I think we should select our own room and notify them where to come.

Hon. Mr. DAVID—The only question will be one of time and place. I think that the members of the Commons and the members of the government have a right to suggest

a time and place that suits them, and I do not see why we should object to that suggestion. We have a right to say that we accept and acquiesce.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is in error. May and Bourinot say distinctly that it is the duty of the Senate, no matter which House demands the conference, to name the time and select the place. The hon. gentleman says no, no. Well, that is all right if we are to go at hap-hazard without any rules of order at all.

The SPEAKER—I have just ascertained from the Sergeant-at-Arms, who has been in communication with the other House, that the time which may be occupied may be a couple of hours. Under these circumstances we might adjourn during pleasure.

Hon. Mr. SCOTT—Then I move that the House adjourn during pleasure with the understanding that we meet at half-past five.

The motion was agreed to.

The Senate adjourned during pleasure.

After some time, House resumed.

RAILWAYS LAW CONSOLIDATION BILL.

A message was received from the House of Commons in the following words :

Resolved, that a message be sent to the Senate, to acquaint their Honours that this House has appointed Sir William Mulock and Messieurs Fielding, Fitzpatrick, Haggart, Blair, Borden (Halifax), Monk, Barker, Emmerson, Clarke, Demers (St. John and Iberville), and Wade as managers on the part of the House of Commons to the conference with the Senate, for the purpose of communicating the reasons which induced the Commons not to concur in the amendments made by the Senate to the Bill No. 21, intituled : 'An Act to amend and consolidate the Law respecting Railways.

Hon. Mr. TEMPLEMAN—I beg to move, seconded by Hon. Mr. Ellis, that a message be sent to the House of Commons by one of the masters in Chancery to inform that House that the managers of the conference on the part of the Senate will meet in the Senate Committee Room No. 8 at 8.30 this evening.

Hon. Mr. SCOTT—The House of Commons has adjourned under the impression that 5.30 was the hour to meet. Perhaps we could meet the House, and dispense with some of these formalities.

Hon. Sir MACKENZIE BOWELL—It seems to me if we are to act in accordance with the rules of the House, we cannot meet until we send back our mesage to the Commons. The very moment they meet our Clerk will send the message to them, and they will meet us then.

The motion was carried.

Hon. Mr. KERR (Toronto)—Can we not waive a little bit of ceremony about this ?

The SPEAKER—I have declared the motion carried.

Hon. Sir MACKENZIE BOWELL—Would it not be better to call it 6 o'clock, and if it is necessary to do anything more, we can meet immediately after the conference. The clerk will at once send a message to the other House, and we can adjourn during pleasure, and, if it is necessary to meet after the conference, we can meet and adjourn ; I take it for granted it will not be for long.

Hon. Mr. SCOTT—That will be at eight o'clock.

It being six o'clock, the Speaker left the Chair.

After Recess.

The SPEAKER—The rule is that the managers on behalf of the Commons, having arrived at the place indicated for the meeting, then the managers on behalf of the Senate join them, and one of the officers told me that he would let me know when the managers on behalf of the Commons were in Room No. 8.

After some time,

The SPEAKER—I have the honour to inform the House that the managers on behalf of the Commons in the conference which has been agreed upon are now in Room No. 8 of the Senate. The clerk will read the names of the managers on behalf of the Senate, who will proceed to join the managers on behalf of the Commons.

The clerk then read the names as follows :

Hon. Messrs. Bowell, Scott, Béique, McMullen, DeBoucherville and David.

The hon. members whose names were read then proceeded to Room No. 8.

The House adjourned during pleasure.

After some time, the House was resumed.

Hon. Sir MACKENZIE BOWELL—I have the honour to present the report of the managers who have just met in Room No. 8.

The report was read at the Table, as follows :

The managers for the Senate have the honour to report that they have met the managers on the part of the House of Commons at the conference which on their part was managed by Honourable Mr. Fitzpatrick and others, who delivered the Bill No. 21, intituled : 'An Act to amend and consolidate the Law respecting Railways,' with the amendments thereto, and also, a paper which is herewith appended, containing the reasons offered by the House of Commons for disagreeing to certain amendments made to said Bill by the Senate.

MACKENZIE BOWELL,
Manager.

Hon. Sir MACKENZIE BOWELL moved that the Senate proceed to the consideration of the report of the managers.

The motion was agreed to.

Hon. Mr. BEIQUE—The reasons which have been assigned by the House of Commons for refusing to agree to the Senate amendments, should not, in my mind, be accepted by this honourable House. The answer which I would suggest to give to the House of Commons is as follows :—

Reasons which shall be offered to the House of Commons at a conference to insist on the amendments made by the Senate to the Bill sent up from the House of Commons intituled : 'An Act to amend and consolidate the law respecting Railways.'

The Senate doth insist on its amendments numbered 2, 3, 4 and 70 for the reasons already assigned, and also for the following reasons :—

1st. Under section 3 of the Bill as passed by both Houses the Act is made to apply to all persons, companies and railways (other than government railways) within the legislative authority of the parliament of Canada.

2nd. Under section 4 as passed by the Commons and adopted by the Senate as section 6, the Act is also made to apply to all local railways which may be declared works for the general advantage of Canada.

3rd. The above two sections cover the whole field of the jurisdiction of the parliament of Canada on the subject matter at issue.

4th. Section 7, as passed by the Senate, applies to all local railways the principle applied to street railways and tramways by the Commons under section 7 of the original Bill.

5th. Section 6 of the Bill, as passed by the Commons, is objectionable on the ground that it seeks to make once for all as applying to all local railways happening to cross or connect with federal railways, the declaration which under section 2, subsection 10 of the British North America Act, 1867, should be made only as to individual cases as they arise.

6th. The same section is also objectionable on the ground that it brings under the jurisdiction of the parliament of Canada, works owned and operated by corporations which remain the creatures of provincial legislatures.

7th. The same section is objectionable on the further ground that the declaration in question would take permanent effect, although the crossing might be only temporary.

The Senate doth also insist on its amendment numbered 11 for the reasons already assigned, and also for the following reasons :—

1st. That the decisions of the board of railway commissioners will from their nature apply to a multitude of cases and involve important interests.

2nd. Because instead of being inconsistent with the spirit and with other provisions of the Bill, it merely extends the right of appeal provided for in the latter paragraph of subclause 3 of clause 44 of the original Bill to cases where leave is obtained from two judges of the Supreme Court of Canada, which right of appeal was limited in such original Bill to cases where leave was obtained from the board.

These several reasons have reference to that part of the amendment which refers to the removing of clauses 5, 6 and 7 of the Bill as passed by the House of Commons, and substituting therefor sections 6 and 7 as passed by the Senate. The whole difficulty lies in this : under the British North America Act power is given to this parliament to declare a local work, a work for the general advantage of Canada, and thereby to bring it under the jurisdiction of this parliament; but until that declaration is made the work is exclusively under the jurisdiction of the provincial parliaments, and it seems to me that all local railways cannot be brought by a stroke of a pen under the jurisdiction of the Dominion parliament because they would happen to cross a federal railway. It is claimed in the reason assigned by the House of Commons that our amendment is unconstitutional; nevertheless, they are willing to accept the principle, as embodied in our amendment, in excepting street railways and tramways from the operation of section 6, as contained in the original Bill. If it is constitutional to apply the principle to street railways, surely it is not unconstitutional to apply it to all provincial railways. The constitution would not be violated any more in one case than in the other. Section 6, as adopted by the House of Commons, reads as follows :—

6. Subject to the provisions of section seven of this Act, every railway, the construction or operation of which is authorized by a special Act passed by the legislature of any province, now or hereafter connecting with or crossing a rail-

The SPEAKER.

way which, at the time of such connection or crossing, is subject to the legislative authority of the parliament of Canada, is hereby declared to be a work for the general advantage of Canada.

Therefore, it is only because a local railway happens to cross a federal railway that it is declared ipso facto to come under the jurisdiction of the parliament of Canada. I submit that the constitutional Act does not authorize anything of that kind being done. It is open to this parliament to deal with any local railway individually and bring it under its jurisdiction, but in making the declaration quo ad such a railway, but not to deal in that way with all local railways before they have even been organized under the provincial law, as stated in one of the reasons I have read. The connection or the crossing might be only temporary, nevertheless this local railway would ipso facto immediately be brought under the jurisdiction of this parliament. The works would be brought under the jurisdiction of this parliament, and nevertheless the company would remain a creature of the local legislature. The question arose in 1876 or 1878, I forget exactly—it is some time since I referred to 'Hansard' on this matter. A Bill was introduced in the House dealing with a railway incorporated either by the legislature of Quebec or the legislature of Ontario, and merely declaring that the work was a work for the general advantage of Canada. Mr. Blake objected, and took the ground that the Bill did not go far enough, that the Bill should declare that the company was a body politic within the jurisdiction of the parliament of Canada, and I believe Sir John Macdonald and also Sir John Thompson agreed to his contention, and the Bill was accordingly amended. On inquiry as to the practice which had been followed since that time, I have ascertained that until about 1896 the practice was invariably followed, in dealing with local Bills of that nature, to make not only the declaration that the work would be considered as a work for the general advantage of Canada, but also that the company was a body politic within the jurisdiction of the parliament of Canada. It was only in 1896 or 1897 that in certain cases this parliament departed from that rule and limited itself, in certain cases, to making only the latter declaration. For my part, I believe that when we come to deal with individual cases we should adopt a wide principle, recognizing the power of this parliament as far as reasonable, but I think it is of the utmost importance that we limit ourselves within the four corners and within the spirit of the constitution, and being clearly of the opinion that the constitution does not authorize the declaration which I have mentioned, I cannot, for my part, assent to the position taken by the Commons. If this parliament, under the power given by subsection 10, of section 92, of the British North America Act, is enabled to make the declaration in question quo ad all local railways, this parliament might equally declare that all local works in any province shall be considered works for the general advantage of Canada. It would be dealing with classes of local works entirely in violation of the constitution. Subsection 92 assigns to the local legislature all local works, with certain exceptions, which exceptions are found in subsection 10, which provides that:

Local works and undertakings other than such as are of the following classes.

What are the following clauses? Among them are:

(c.) Such works as, although wholly situate within the province are before or after their execution, declared by the parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces.

It seems to me that the declaration must be made in respect to works treated individually, not collectively—not by declaring now, as is done by this clause, that all railway works shall be considered as being for the general advantage of Canada.

Hon. Mr. YOUNG—How does the hon. gentleman explain the words 'are before or after their execution'?

Hon. Mr. BEIQUE—It contemplates works or undertakings for which a company is being incorporated. The moment the company has been created by the local legislature, or the work has taken shape or form, then this parliament can deal with it, and declare it a work for the general advantage of Canada, and then the jurisdiction takes effect.

Hon. Mr. YOUNG—As a matter of information, can my hon. friend state where,

in the British North America Act, he gets support for that contention ?

Hon. Mr. BEIQUE—I base that contention on the paragraph to which I have referred. I find it also in the decision rendered by Mr. Justice Killam in the case of the Canadian Pacific Railway vs. the Northern Pacific and Manitoba Railway Company, reported in 5 Manitoba Law Reports, page 301 :

The Act incorporating the Northern Pacific and Manitoba Railway Company does not of itself supersede the power given to the railway commissioner by 51 Victoria, chapter 5, with reference to the building of the extension of the Red River Valley Railway to Portage la Prairie.

The Dominion parliament has power to provide that no provincial railway shall cross a Dominion railway without making application to the Railway Committee of the Privy Council for Canada.

Under 51 Victoria, chapter 5, the railway commissioner of the province of Manitoba was authorized to build the railway in question. This railway happened to cross the Canadian Pacific Railway, and the Canadian Pacific Railway Company, relying on section 306 of the Railway Act of Canada, 1888, raised the contention that the whole work and undertaking were under the jurisdiction of the parliament of Canada. Nevertheless, Mr. Justice Killam, after having heard the parties, refused to maintain that contention, and decided that the provincial Act should have its effect except that the crossing should be made under the operation of the Railway Act. Therefore, he gave effect to section 306 of the present Railway Act only as to the crossing. This decision was confirmed by the Supreme Court. A reserved case was submitted to the Supreme Court, and the unanimous opinion of the Supreme Court was as follows :

Under chapter 5 of the statutes of Manitoba (passed on the thirtieth day of April, 1888) the railway commissioner of that province is constructing a railway known as the Portage extension of the Red River Valley Railway from Winnipeg to Portage la Prairie, both places being within the province of Manitoba, and he has made application to the Railway Committee of the Privy Council of Canada under section 173 of the Railway Act of 1888 (Canada) for the approval of the place at which and the mode by which it is proposed that the said Portage extension shall cross the Pembina Mountain branch of the Canadian Pacific Railway (the said branch being part of the Canadian Pacific Railway) at a point within the said province, whereupon the following question is submitted :

Is the said statute of Manitoba, in view of the provision of chapter 109 R.S.C., particularly section 121 thereof, and in view of the Railway Act of 1888, particularly subsections 306 and 307, valid and effectual so as to confer authority on the railway commissioner in said statute of Manitoba mentioned to construct such a railway as the said Portage extension of the Red River Valley Railway crossing the Canadian Pacific Railway, the Railway Committee first approving of the mode and place of crossing, and first giving their directions as to the matters mentioned in sections 174, 175 and 176 of the said Railway Act?

In answer to the said question, this court having heard counsel for the province of Manitoba and also for the Canadian Pacific Railway Company is unanimously of opinion that the said statute of Manitoba is valid and effectual so as to confer authority on the railway commissioner in the said statute of Manitoba mentioned to construct such a railway as the Portage extension of the Red River Valley crossing the Canadian Pacific Railway Company, the Railway Committee first approving of the mode and place of crossing and first giving their directions as to the matters mentioned in sections 174, 175 and 176 of the said Railway Act.

Hon. Mr. WATSON—No doubt that decision of Mr. Justice Killam, sustained by the Supreme Court on appeal, held good in the case of the Manitoba government's contention that they had the power to build a railway in the province across the Canadian Pacific Railway, which was a road in the general interest of Canada : that being the case, how can the province suffer by having the clause passed as it is in the Bill ? I think the hon. gentleman's argument is in favour of the right of the province, notwithstanding the fact that the Canadian Pacific Railway is a road for the general interest of Canada, because in the case of that province it was held that the provincial road had a right to cross there. I was connected with the politics of Manitoba at that time. It was a very live question and it appears to me by the argument the hon. gentleman advanced, provincial rights can not suffer by giving this railway commission power over those roads which are declared for the general advantage of Canada.

Hon. Mr. DeBOUCHERVILLE—Would the hon. gentleman cite particularly that part of the judgment of the Supreme Court which says that the crossing of a local road by a federal road, or vice versa, does not give to the federal road the right to interfere except as to the crossing ?

Hon. Mr. BEIQUE—That is the effect of the decision which I have read. To answer the hon. gentleman from Portage la Prairie (Hon. Mr. Watson), I cite this decision to show that our action is perfectly constitutional, and if the Supreme Court, and the

court in Manitoba refused to apply section 306 of the present Railway Act, according to its terms, when we are consolidating that Act surely it is right for us to follow the principle adopted by the courts, and to keep within that principle. It would be only challenging litigation to the prejudice of parties connected with railway companies, and creating confusion in practice and in legislation by re-enacting that provision. To show how that provision was unreasonable, I shall read it. It provides :

306. The Intercolonial Railway, the Grand Trunk Railway, the North Shore Railway, the Northern Railway, the Hamilton and Northwestern Railway, the Canada Southern Railway, the Great Western Railway, the Credit Valley Railway, the Ontario & Quebec Railway, and the Canadian Pacific Railway, are hereby declared to be works for the general advantage of Canada, and each and every branch line or railway now or hereafter connecting with or crossing the said lines of railway, or any of them, is a work for the general advantage of Canada.

If applied to the letter, it meant that a provincial railway having a branch of its railway, which branch crossed the Canadian Pacific Railway, that branch would be placed under the jurisdiction of the parliament of Canada, while the railway itself remained under the jurisdiction of the local legislature. Applying the principle which the House of Commons want to enact in the Bill now before the House, it would embrace, for instance, the railway which is now being built by the province of Ontario, the Temiscamingue Railway. That railway crosses, as a matter of fact, or will cross the Canadian Pacific Railway, and because of its crossing the Canadian Pacific Railway it will be declared to be a railway coming within the jurisdiction of the parliament of Canada, to the exclusion of the jurisdiction of the local legislature.

Hon. Mr. EDWARDS—In general terms.

Hon. Mr. BEIQUE—In general terms. Our amendment is limited to the crossing or to the connection and to all works appertaining to the crossing and connection ; but the House of Commons want to extend it not only to those matters, but to the whole railway, and I have only to read the clause on which they insist to show that. Clause 6 of the Bill reads as follows :

6. Subject to the provisions of section seven of this Act, every railway, the construction or operation of which is authorized by a special Act passed by the legislature of any province, now or hereafter conecting with or crossing a railway which, at the time of such connection or crossing, is subject to the legislative authority of the parliament of Canada, is hereby declared to be a work for the general advantage of Canada.

(2) This Act shall apply to the railway so connecting or crossing, and to the company constructing or operating the same, to the exclusion of any provisions of the Special Act, or any general railway Act, of the provincial legislature inconsistent with the provisions of this Act.

So that by a stroke of the pen, and merely because a local railway happens to cross a federal railway, the Canadian Pacific Railway, the Grand Trunk Railway, or any other railway under the jurisdiction of this parliament, it is removed from the jurisdiction of the local legislature, and placed under the jurisdiction of the federal parliament. To show what confusion this would be likely to bring about, I will suppose that proceedings in expropriation are being taken at the time of the crossing. Notices have been given under the operation of the local Act, and say on the first of November, before the proceedings in expropriation are completed, a crossing is made, and from the moment a crossing is made, then the railway being governed, not by the provincial Railway Act, but by the Dominion Railway Act, the expropriation proceedings would have to be commenced over again. It seems to me, for a good many reasons of the same nature that I could assign, it is causing unnecessary confusion, and that this parliament has neither the right, nor is it prudent to go to that extent. I agree that any works connected with the crossing or the connection, or the through traffic should come within the jurisdiction of this parliament, but it does not follow that all the work of the railway, before it is even declared a corporation under the jurisdiction of this parliament, should be——

Hon. Mr. LANDRY—I would like to ask the hon. gentleman a question. Do the Commons contend that a road crossing a federal road, by that fact becomes under federal jurisdiction ?

Hon. Mr. BEIQUE—Yes.

Hon. Mr. LANDRY—If it should be a subway crossing twenty feet below ?

Hon. Mr. CLORAN—By tunnel or overhead.

Hon. Mr. LANDRY—By a tunnel ?

Hon. Mr. BEIQUE—I think it would take effect. It would be a crossing whether level or overhead or an underground crossing.

Hon. Mr. CLORAN—That would not be a crossing.

Hon. Mr. BEIQUE—It is a crossing.

Hon. Mr. CLORAN—There are three kinds of crossings, level, overhead, and by tunnel. A road which runs under does not cross it.

Hon. Mr. BEIQUE—There are three ways, overhead, underground and level crossings, and section 6 does not distinguish between them, but simply uses the word crossing, which would apply to all three kinds of crossings.

Hon. Mr. DAVID—When I spoke some time ago I said that I hoped that the House of Commons would accept the amendments which the Senate adopted. I congratulated the Senate and the Commons in advance upon the result of the amendments. I have been a bad prophet. I did not foresee what has happened, but I have not changed my opinion. I am confident that the amendments which the Senate has adopted are good and sound, that the effect of those amendments will be favourable to the proper working of the constitution, and will avoid a source of danger of friction and of conflict. The reason given by the House of Commons does not convince me. It is said the amendments passed by the Senate are unconstitutional. I am of the opinion that the amendments passed by the Senate are more constitutional than the clauses we have amended. The amendments which have been adopted by the Senate make those clauses more constitutional than they were. I think there is a point upon which everybody will agree, that when a railway company has been organized under a provincial statute and is subjected to certain stipulations, that when such a railway runs between two cities in a province, say between Toronto and Hamilton, or between Montreal and Quebec, it is essentially a provincial work within the jurisdiction of the local legislature.

To declare, as it is declared in clause 5, passed by the House of Commons, in a general way, that every such provincial railway which crosses a federal railway, becomes thereby a federal railway, is certainly contrary to the spirit of the constitution, and constitutes an abuse of the federal power. I am sure that the fathers of confederation had not that in view when they framed our constitution, that they never anticipated such an abuse would take place under this clause, by virtue of which the parliament of Canada has a right to declare that a work should be in the general interest of Canada. That clause should be interpreted in the light of the other clause, which says that a railway connecting two provinces must be considered a federal railway. The constitution of the United States contains a clause of the same kind. That clause may be applied very easily and practically, but to declare in a general way that the mere crossing of a federal railway by a provincial railway makes that provincial line a federal work, seems to me to be preposterous. I say that the jurisdiction in such a case belongs to the provincial legislature, and that if the federal parliament wants to encroach upon the jurisdiction of the provincial legislature—and it may be necessary in certain cases—it must be considered as incidental, as accidental, as exceptional, and only (I call your attention to this point) to the extent of the interest of the federal parliament. Now, what is the interest of the federal parliament in such a case ? The sole interest is in connection with the crossings and the through traffic. Then, provided we give them, as we have done by the amendment which we have adopted, what they want to that extent, they have no right to ask more. After having given them that power we must leave to the provincial legislatures what belongs to them.

Hon. Mr. THIBAUDEAU (Rigaud)—Hear, hear.

Hon. Mr. DAVID—I call the attention of hon. gentlemen to a point which has not been touched. It is this : what will be the effect of that legislation ? A company has been organized by provincial statute for the construction of a provincial railway, say between Montreal and Quebec or between Toronto and Hamilton. The company is subject to certain conditions, as to the issuing of bonds, the giving of mortgages and other things. It is to operate under its charter and also under the Gene-

ral Railway Act of the province, because, as you know, there are in all the provinces, and especially in Ontario and Quebec, besides special statutes incorporating local companies, general railway Acts, and those general railway Acts provide that all companies incorporated under local charters shall be subject to their provisions. After the company has commenced to operate, has issued bonds and expropriated right of way and taken advantage of the powers it possesses under its charter, suddenly, because it happens to cross a federal railway, it becomes a federal work. What is the consequence ? It is said that in all cases where there is a conflict between the provisions of a special statute and of the provincial Railway Act and the provisions of the federal Railway Act, that the latter shall prevail. All members of this House who are lawyers know what the word 'inconsistency' means. One does not need to be a lawyer to see the difficulties which may arise under that word 'inconsistency.' A good lawyer, or even a bad lawyer, can find perhaps fifty cases of inconsistency, and as a matter of fact, if you compare the Railway Acts of Ontario and Quebec with the General Railway Act of the Dominion, and also with the special charters incorporating companies in those two provinces, you will find discrepancies and inconsistencies, and what will be the effect of rejecting our amendment ? By virtue of the clause I have cited, the jurisdiction will belong to the federal parliament. So far there has not been much abuse of that power. It is said in the report that it is an old law. Everything which is old is not necessarily good, however. If it has not been abused so far, it is because up to the present time there have not been so many railways as there are now, and as there are likely to be. When the new Grand Trunk Pacific and the Intercolonial Railway will be in operation ten or twenty years hence, how many railways will there be in all parts of the country which will connect with or cross those federal lines ? Probably before fifteen years we will have fifty or more provincial railways, which will become federal railways simply because of crossing or connecting with those great federal lines. This clause is full of litigation, of difficulties and inconveniences. The hon. gentleman from de Salaberry (Hon. Mr. Béique) has cited the case of expropriation. I do not want to repeat what he has said, but there are many other cases. I shall only point out this difficulty : when a provincial company has been organized under a local charter, it is subject to the jurisdiction of the local legislature and the provincial committee on railways, which has the right to make rules and regulations for the administration of such railways. When the provincial railway becomes a federal railway simply because of its crossing a federal railway, to what laws will it be subject ? Will it be subject to the rules of the provincial authority, or the rules of the federal railway authority ? It must be seen that this clause is full of inconveniences which we cannot foresee. The effect of the amendments will be to remove those difficulties, conflicts and frictions, which may be very disastrous to the country. As I stated on a former occasion, we should take warning by the experience of the United States. They had the same difficulty, and we know what was the result ; we know the struggle which took place between the north and south, arising out of quarrels over federal and state rights. A young nation like ours ought to profit by the experience of older nations, and avoid such causes of danger, friction and difficulty.

Hon. Mr. BEIQUE—With the permission of the House, I wish to add one word in connection with the amendment to clause 44, one of the amendments not accepted by the House of Commons. The House of Commons claim that our amendment is inconsistent with the Act. I ask hon. gentlemen to follow the reading of the amendment. The clause in the Bill as passed by the Senate is as follows :—

An appeal shall also lie from the board to such court upon any question of law upon leave therefor having first been obtained from the board, or in the event of their refusal, from two judges of such court.

Their own amendment reads this way :

An appeal shall also lie from the board to such court upon any question which in the opinion of the board is a question of law, upon leave therefor having been first obtained from the board. The granting of such leave shall be in the discretion, &c.

You will notice that they provide for an appeal on questions of law, if the board are of opinion that it is a question of law and

if the board authorizes the appeal. We go a step further, and we say if the board does not authorize the appeal, provided it be a question of law, if two judges of the Supreme Court authorize the appeal, then the appeal will lie. It is plain that it is consistent with the very section itself and with the other provisions of the Bill. Let me add this in support of the amendment of the Senate to that clause. The decisions rendered by the board will not cover the question of damages for the killing of animals and the like. These questions will come up before the ordinary courts on suits brought by the owner of the animal against the railway company, but the decisions will be rendered on matters of much larger interest, and these decisions, although rendered between the company and one owner of land adjoining the company, may have the effect of deciding a dozen or hundred other cases, and it will be taken as a precedent for future decisions of the board, and will govern the board in the future. Therefore, it will unquestionably be decisions of very large importance involving large interests, and it seems to me it is but fair that we should provide for an appeal, provided this appeal be authorized by two judges of the Supreme Court. I therefore beg leave to move, seconded by Sir Mackenzie Bowell :

Resolved, that the Senate doth insist on its amendments Nos. 2, 3 and 4 to sections 5, 6 and 7, also to its amendment No. 11 to section 44 and to its amendment No. 70 to section 310, for the reasons already given in the Senate's message of the 20th instant, and for the further following reasons, to wit :

1st. Under section 3 of the Bill passed by both Houses the Act is made to apply to all persons, companies and railways (other than government railways) within the legislative authority of the parliament of Canada.

2nd. Under section 4 as passed by the Commons and adopted by the Senate as section 6, the Act is also made to apply to all local railways which may be declared works for the general advantage of Canada.

3rd. The above two sections cover the whole field of the jurisdiction of the parliament of Canada on the subject matter at issue.

4th. Section 7, as passed by the Senate, applies to all local railways the principle applied to street railways and tramways by the Commons under section 7 of the original Bill.

5th. Section 6 of the Bill, as passed by the Commons, is objectionable on the ground that it seeks to make once for all, as applying to all local railways happening to cross or connect with federal railways, the declaration which under section 92, subsection 10 of the British North America Act, 1867, should be made only as to individual cases as they arise.

6th. The same section is also objectionable on the ground that it brings under the jurisdiction of the parliament of Canada works owned and operated by corporations which remain the creatures of provincial legislatures.

7th. The same section is objectionable on the further ground that the declaration in question would take permanent effect, although the crossing might be only temporary.

The Senate doth insist on its amendment numbered 11, for the reasons already assigned, and also for the following reasons :—

First : That the decisions of the board of Railway Commissioners will from their nature apply to a multitude of cases and involve important interests.

Second : Because instead of being inconsistent with the spirit and with other provisions of the Bill, it merely extends the right of appeal provided for in the latter paragraph of subclause 3 of clause 44 of the original Bill to cases where leave is obtained from two judges of the Supreme Court of Canada, which right of appeal was limited in such original Bill to cases where leave was obtained from the board.

Hon. Sir MACKENZIE BOWELL—I have great pleasure in seconding that motion. It is not my intention to enter into the general discussion, because that has been so full and elaborately done by the hon. mover of the resolution. I feel very strongly, particularly on the last question, where it denies the right of appeal. I think in all countries under the British constitution the right of appeal should exist to the fullest possible extent to every subject, no matter how humble he may be or how high he may stand.

Hon. Mr. DeBOUCHERVILLE—For my part, I had grave doubts that we should interfere with the law as declared :

Such works as, although wholly situate within the province, are before or after their execution declared by the parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces.

But I must admit my doubts have been dispelled by what the hon. gentleman has just cited, that is, the decision of the Supreme Court. Since the Supreme Court decided this would only apply to that part of the road where one road passes over the other it is an interpretation I must accept, and therefore I declare myself a convert ; but would not it be better to amend this before putting a motion by citing that the Supreme Court had decided in such a way in such a case ?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. KERR (Toronto)—This legislation is very important legislation, and it would be a pity if, through any conflict be-

tween the two Houses, there should be trouble about this Bill becoming law. Many other provisions of it are, I think, important, and they are probably required for the good government of the country. I venture, therefore, to make a suggestion, and I confess to you that I make it now on the spur of the moment, and without having an opportunity of considering this matter as closely as I would like to have done otherwise. The provision that we are dealing with is section 5, as I understand.

Hon. Mr. SCOTT—Sections 5, 6 and 7.

Hon. Mr. KERR (Toronto)—So far as section 7 is concerned, that is the one in which we have the provision :

Every railway, steam or electric street railway or tramway, the construction or operation of which is authorized by a special Act passed by the legislature of any province, now or hereafter connecting with or crossing a railway which, at the time of such connection or crossing, is subject to the legislative authority of the parliament of Canada, is hereby declared to be a work for the general advantage of Canada in respect only to such connection or crossing or to through traffic thereon.

The question which occurs to me is this : Is the provision not open to the objection that if the work has been declared to be for the general advantage of Canada, then do not the words 'British North America Act' operate immediately upon it, and is not the subsequent qualification which is put in : 'In respect only to such connection, or crossing, or to through traffic thereon,' an attempted qualification of the effect of the British North America Act, and is so ultra vires ? It seems to me that that can perhaps be overcome, and that amendment might be made in the section which would be acceptable probably to the Commons, which at the same time would carry out all that the Senate is desirous of accomplishing by the amendment. Let me suggest an amendment, and see whether I am not right about that. Section 7 reads :

Every railway, steam or electric street railway or tramway, the construction or operation of which is authorized by a special Act passed by the legislature of any province, now or hereafter connecting with or crossing a railway which, at the time of such connection or crossing, is subject to the legislative authority of the parliament of Canada, is hereby declared to be a work for the general advantage of Canada.

My suggestion is to substitute the following as section 7 :

Every such railway shall not by reason only of the fact of crossing or conecting with any such railway be taken or considered to be works for the general advantage of Canada, but the provisions of this Act shall apply to such crossing or connection, and to through-traffic thereon, or anything appertaining thereto.

It seems to me that overcomes the question of ultra vires ; and if so, I do not see any reason why that line of phraseology should not be adopted. Therefore, it appears to me that it would be wise and considerate on the part of the Senate to offer that suggestion as an amendment probably to meet their views. To illustrate what I mean, I shall put it in this way : The Grand Trunk Railway is a work already declared to be and is one for the general advantage of Canada. A local road in one of the provinces is incorporated to run on a line which brings it across that line of railway. No matter how the crossing may be, the crossing is over land which is already within a part of the line of railway which has been declared to be and which is one within federal jurisdiction. The mere fact that another road runs over that land does not make it any more or less within the control of Canada ; but on the other hand, there should be no conflict of legislative authority with reference to that particular crossing. Is that not accomplished by an enactment such as I have put here ; that, in other words, to put it shortly, every such railway shall not, by reason only of the fact of crossing or connecting with any such railway, be taken or be considered to be works for the general advantage of Canada. It appears to me that that meets the point, and that it would probably get rid of the complication which has arisen between the two Houses.

Hon. Mr. BEIQUE—I would draw the attention of the hon. member to the fact that in order to take as broad a position as possible, the Senate has adopted clause 3 of the original Act. Clause 3 is very wide. It reads as follows :

This clause shall apply to all persons, companies and railways, within the legislative authority of the parliament of Canada.

Therefore this clause covers all the ground, declares that the Act shall apply to all railway companies which are within the original authority of the parliament of Canada. The object of the Commons is to bring within the legislative authority of the par-

liament of Canada, railways which are not within the legislative authority of Canada and for the purpose that all local railways which happen to cross a federal railway shall ipso facto become a railway under the jurisdiction of the parliament of Canada. At first sight I see no objection to the suggestion of the hon. member from Toronto, but I think it would be more objectionable to the Commons, because it is denying a proposition which we are not called upon to deny. There is nothing so far in the Act, apart from section 6, as adopted by the Commons, tending to declare that a work by reason of the fact that it crosses a federal road, becomes a federal work, and therefore it seems to me there is no occasion to deny that principle, and the suggestion of the hon. gentleman, if I understand it, is to that effect—'shall not by reason only of the fact of crossing or connecting with any such railway, be works for the general advantage of Canada.' I fail to see the reason of making that declaration when there is nothing in the Bill which tends to imply that.

Hon. Mr. KERR (Toronto)—Clause 3 implies it.

Hon. Mr. BEIQUE—I am agreeable to clause 3, and I think we should be agreeable to section 3. I think we should be jealous of asserting the full power of the federal parliament, and section 3 says that the Act shall apply to all railways under the jurisdiction of the federal parliament, whether it be for one reason or the other. I do not see that it would tend to conciliate the House of Commons. Therefore, I suggest that we retain the clause as drafted.

Hon. Mr. CLORAN—I should like to make an explanation in regard to another interpretation which may be placed on this clause. Clause 7 reads:

> Every railway, steam or electric street railway or tramway, that crosses a federal road thereby becomes a federal road.

I ask this question. There is a railway in existence, a tramway or street railway: Does the federal road that crosses the local road, whether steam, street or tramway, make it a federal road? There is a point for a Philadelphia lawyer, and I raise it in this House, and I say this clause does not cover such a case. We have a tramway, say from Montreal to Sault au Recollet, which traverses the entire island, and the Canada Atlantic Railway comes in there and traverses the electric road, does that tramway become a federal road?

Hon. Mr. SCOTT—Yes.

Hon. Mr. THIBAUDEAU (Rigaud)—It does under the Bill.

Hon. Mr. CLORAN—I thoroughly agree with the hon. gentlemen who have advocated our municipal and our provincial rights in this House, and I hope that they will see in this conference that those rights are properly asserted, and if the amendment proposed by the hon. gentleman from Toronto will make the matter easy of acceptance by the Commons, I am prepared to accept it.

Hon. Mr. DAVID—I think there is not enough change in it to make any difference.

Hon. Sir MACKENZIE BOWELL—I notice that in the objections given by the Commons, particularly to one of the clauses that we proposed to adhere to, they make a suggestion of amendment in clause 7. It is partially covered by the suggestion made by the hon. senator from Toronto. Would it not be better to allow the question of amendments to any of these clauses be decided by an open conference, which will perforce follow our action here? I have no doubt what the action of the Commons will be, because from a few words I had with the Finance Minister, I am quite satisfied they will adopt this course. If we do not accept their amendments, but adhere to our own amendments, they will ask for an open conference and then when we meet again all these questions can be considered, and I have not the slightest doubt that the Commons will give way to some extent to meet the views of the Senate. If we can accomplish an amicable arrangement by that means we can afford to give way so long as we do not abrogate any of the principles which we have adopted. I think that is the most practical way of doing it.

Hon. Mr. SCOTT—We had better agree on the form of our amendment. The objection made by the hon. gentleman from Toronto to the amendment proposed by the hon. gentleman from de Salaberry——

Hon. Mr. BEIQUE—I did not propose any amendment.

Hon. Mr. SCOTT—But the original amendment. The hon. senator from Toronto contends that the language there practically places the local road under the jurisdiction of the federal power, inasmuch as it goes on to state that it becomes a work for the general advantage of Canada, subject only to the crossing, and that having gone that far in the first instance we cannot afterwards qualify it. There may be some force in the point, and if there is, it would be embarrassing if we adopted a clause which might be afterwards declared ultra vires. If we can shape the same idea in different words, it would be our duty to do it. The hon. senator from Toronto (Hon. Mr. Kerr) contends that the courts would hold that once having declared a local railway a work for the general advantage of Canada, and going on afterwards to qualify it, that would destroy what we have ourselves created. I do not know that I agree altogether with what he said.

Hon. Mr. BEIQUE—Perhaps the House had better adjourn during pleasure to see what can be done.

Hon. Sir MACKENZIE BOWELL—That would be accomplished by accepting what I said. Let us adhere to this resolution, and the Commons will demand an open conference. There is a great deal of force in what the hon. Secretary of State says, and we can give way if it is found that we are trespassing on the rights of the province, or placing on the statutes a clause which is not constitutional. With an open conference those amendments can be suggested, and I have no doubt we shall come to an amicable arrangement.

Hon. Mr. SCOTT—Their amendment would not suit us, because they persist in continuing in force clauses 5 and 6. Six is the most objectionable of all their propositions. They substitute another amendment for the 7th, which is good as far as it goes, but 6 completely nullifies it. We had better try to arrange for just such an amendment as we think ought to prevail. I move that the House adjourn during pleaseure.

The motion was agreed to.

After some time the House was resumed.

Hon. Mr. BEIQUE moved, seconded by Hon. Sir Mackenzie Bowell :

Ordered, that a message be sent to the House of Commons to acquaint that House that another conference is desired with the House of Commons for the purpose of communicating to them the further reasons which induced the Senate to insist on their amendments to Bill (21) intituled : 'An Act to amend and consolidate the Law respecting Railways,' and that the managers on the part of the Senate will be the same as at the first conference and that they will meet in Room No. 8 of the Senate at eleven o'clock to-night.

Hon. Mr. WATSON—I suppose that that will be taken as a direction to the managers of the conference ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. WATSON—As a member of the Senate I certainly do not concur in the idea of the managers taking the strong stand suggested in the reasons given. These are the dying hours of the session. This is an important Bill that has been asked for by the people of Canada, a Bill which has been discussed by different governments for a number of years, and I should very much regret to see any difference of opinion arise between the Senate and House of Commons that would endanger the passage of the Bill this session. If all the reasons advanced are adhered to by our managers, who are to meet the managers of the House of Commons, there may be a deadlock and we may lose the Bill. The Senate and the House of Commons have given this Bill careful consideration. We have made a great many amendments which, no doubt, may help the working of the Act. I am inclined to think that all the reasons advanced by the gentlemen who are on this conference committee are strong reasons why we should not do anything to interfere with provincial rights. So far as railways are concerned, however, we can overdo this. If the powers granted in this Bill to the commission are good for railways which are at present declared for the general interest of Canada, so far as traffic is concerned, they cannot be injurious to railways that are not declared for the general interest of Canada. Moreover, the exceptions sought to be made are so small that they will not affect the operation of the Act so far as steam railways are concerned. The House of Commons, I understand, are quite willing to exempt tramways and elec-

tric railways, which are peculiarly under the jurisdiction not only of the province, but of the municipality. The House of Commons are willing to exempt these altogether from the operation of the Bill except where a railway has to cross, and then they control them only so far as the crossing is concerned. I venture to say that very few miles of railway to-day in Canada have not already been declared to be in the general interest of Canada.

Hon. Mr. BEIQUE—We do not interfere with those.

Hon. Mr. WATSON—If there are only a few miles that have not already been declared in the general interest of Canada, we should not endanger this Bill for the sake of protecting those few miles of railway simply because it is a matter of principle.

Hon. Mr. LANDRY—Hear, hear, a matter of principle.

Hon. Mr. WATSON—I mean the principle of the right of the provinces to control their own affairs. In almost every case where a railway corporation is incorporated by the province, at the very first session afterwards they come to us to have their powers ratified by the federal parliament.

Hon. Mr. BEIQUE—They can do so in the future.

Hon. Mr. WATSON—Certainly. The tendency is to have the powers they obtain from the local legislature ratified by this parliament, and therefore I do not like to see our managers hold out on that point and endanger the Bill. It is a very serious matter to hold out on that point. The suggestion is that these crossings are only temporary.

I would be in favour of adopting the suggestion of the hon. gentleman from Toronto, where he clearly exempts these railways with the exception of dealing with them for through traffic, and I trust that our representatives on that delegation will not hold out to such an extent as to endanger the passage of the Bill.

Hon. Mr. BEIQUE—The suggestion made by the hon. gentleman from Toronto would be quite acceptable upon the occasion of the open conference which will likely take place. If it should meet their views I have no doubt it will be agreeable to everybody. The managers I take it for granted will not stand on special wording. There are lines on which we should agree, and the moment the principle is protected, then we may accept the clause which may be amended one way or the other in accordance with the principle.

Hon. Mr. WATSON—I would not have ventured to make the remarks I have made if it had not been for the fact that I am a little afraid that our managers are like the people who went to England, that they were so strongly imbued with the ideas of carrying out provincial rights that they would not yield. Therefore I am urging my views.

Hon. Mr. LANDRY—Better remove them all and have one or two gentlemen like the hon. member appointed.

Hon. Mr. DAVID—I have twenty or twenty-five telegrams in my pocket from towns all the way from Halifax to Vancouver with reference to the matter, recommending the adoption of the Senate amendments without making any distinction.

The SPEAKER—I wish to suggest to the House that the resolution which has been offered is not one that is according to precedent. I think this House should adopt these as their reasons, and they can ask for a further conference. We do not send a message saying that we adhere. There must be another conference.

Hon. Sir MACKENZIE BOWELL—The practice laid down in May and Bourinot is that if we adhere to our amendments, that the Commons is informed of our insistence upon them, and then they ask for a further conference. We do not. We are not to assume that they will not accept our decision. They may conclude that the Senate has determined to adhere to their amendments and that the Commons should accept them rather than lose the Bill ; or they may say if we meet together there is a possibility of an understanding.

The SPEAKER—The case in 1855 was on all fours with the present case. The Legislative Council amended a Bill which came up from the House of Assembly and the subsequent proceedings were just as in this case. I wish to read from page 417 of the 6th edition of May to show that the Can-

adian Legislature followed the English practice. It is as follows :

In order to make the subsequent proceedings upon a Bill perfectly intelligible let it be supposed that a Bill sent up from the Commons has been amended by the Lords and returned : that the Commons disagree to their amendments, draw up reasons, and desire a conference ; that the conference is held and the Bill and reasons are in possession of the House of Lords. If the Lords should be satisfied with the reasons offered them they do not desire another conference, but send a message to acquaint the Commons that they do not insist upon their amendments ; but if they insist upon the whole or part of their amendments they desire another conference and indicate the reasons of their perseverance. If the Commons should be still dissatisfied with these reasons and persist in their disagreement to the Lords' amendments they were formerly precluded, by the usage of parliament, from desiring a third conference, and unless they allowed the bill to drop, laid it aside, or deferred consideration of the reasons and amendments they desire a free conference.

We can get over the difficulty in this way. The Senate can decide that it will insist on these amendments and the motion for a free conference can come after. I have read the motion made by Hon. Mr Beique seconded by Hon. Sir Mackenzie Bowell that the Senate insist on amendments 2, 3, 4 and 7 for the reasons assigned, and for the following additional reasons which I have read to the House, and also that the Senate insist on the 11th amendment for the reasons which have been read.

Hon. Mr. WATSON—I for one do not wish to insist on all these amendments. According to the case cited that we can insist on a part of the amendments, not necessarily all of them.

Hon. Mr. LANDRY—The hon. gentleman is not in order.

The SPEAKER—He is in order. If the Senate insists, then there will be afterwards a free conference and the Senate will have a chance to give way.

Hon. Sir MACKENZIE BOWELL—I read from the 10th edition of May the following extracts :

If the Commons persisted in their disagreement to the Lords' amendment they were formerly precluded by the usages of parliament from inserting a third conference, and unless they allowed the Bill to drop, laid it aside, or deferred the consideration of the reasons and amendments they desired a free conference.

Supposing we reverse that and substitute the word 'Senate' for the word 'Commons,' you have our position exactly.

That would be, in this case the Lords would require the free conference. In our case we adhere to our amendments and it does not follow, by changing the words, that the Commons should ask for the conference ?

Hon. Mr. LANDRY—Certainly, the free conference is asked by the Commons.

Hon. Sir MACKENZIE BOWELL—I am not ready to give a positive answer. I am reading from the 10th edition of May.

The SPEAKER—The practice has been altered. In 1851, the practice of asking for conferences was discontinued ; but I should be glad to look at the authority. On looking at the 10th edition, I find it is exactly the same as that which I have read. The House, in whose possession the Bill is, always asks the conference.

The motion was agreed to.

Hon. Mr. BEIQUE—I move that the Bill be sent back to the Commons with these reasons and they be asked for a conference.

The motion was agreed to.

Hon. Mr. BEIQUE—I move that the said reasons be communicated to the House of Commons at a further conference.

Hon. Mr. WATSON—Before that motion is carried, as one who not was at that conference, there is another amendment that the House has agreed to stand by, and that is on the appeal. I just want to add one word on that. I think if there is any one question this Bill was to provide against it was the right of appeal. Arguments used in this Chamber and the other Chamber were that the weak point in the Railway Commission of the United States was the right to appeal. There is a right to appeal from the board to the Governor General in Council, and that is where the appeal has been in the past. I understand they always allow cases to be argued on points of law, and we must admit that that is at least a fair court for final appeal, and I should hope, when this conference meets, the Senate will not insist on the right of appeal as set forth in the clause as amended by the Senate.

Hon. Mr. LANDRY—Ontario has contrary.

Hon. Mr. WATSON—That will allow the contention of the House of Commons, which

does not provide for any appeal from the decision of the board, except to the Governor in Council.

Hon. Mr. BEIQUE—I move, seconded by Sir Mackenzie Bowell, that the master in Chancery go down to the House of Commons with the following message :

Resolved, That the Senate doth insist on its amendments Nos. 2, 3 and 4 to sections 5, 6 and 7, also to its amendment No. 11 to section 44 and to its amendment No. 70 to section 310 for the reasons already given in the Senate's Message of the 20th instant, and for the further following reasons, to wit :

1st. Under section 3 of the Bill as passed by both Houses the Act is made to apply to all persons, companies and railways (other than government railways) within the legislative authority of Canada.

2nd. Under section 4 as passed by the Commons and adopted by the Senate as section 6, the Act is also made to apply to all local railways which may be declared works for the general advantage of Canada.

3rd. The above two sections cover the whole field of the jurisdiction of the parliament of Canada on the subject-matter at issue.

4th. Section 7, as passed by the Senate, applies to all local railways the principle applied to street railways and tramways by the Commons under section 7 of the original Bill.

5th. Section 6 of the Bill, as passed by the Commons, is objectionable on the ground that it seeks to make once for all, as applying to all local railways happening to cross or connect with federal railways, the declaration which under section 92, subsection 10 of the British North America Act, 1867, should be made only as to individual cases as they arise.

6th. The same section is also objectionable on the ground that it brings under the jurisdiction of the parliament of Canada works owned and operated by corporations which remain the creatures of provincial legislatures.

7th. The same section is objectionable on the further ground that the declaration in question would take permanent effect, although the crossing might be only temporary.

The Senate doth also insist on its amendment numbered 11 for the reasons already assigned, and also for the following reasons :—

First : That the decisions of the Board of Railway Commissioners will from their nature apply to a multitude of cases and involve important interests.

Second : Because instead of being inconsistent with the spirit and with other provisions of the Bill, it merely extends the right of appeal provided for in the latter paragraph of sub-clause 3 of clause 44 of the original Bill to cases where leave is obtained from two judges of the Supreme Court of Canada, which right of appeal was limited in such original Bill to cases where leave was obtained from the board.

The motion was agreed to.

Hon. Mr. BEIQUE, seconded by Sir Mackenzie Bowell, moved :

That a conference with the House of Commons be desired, to communicate to that House the reasons given by the Senate for insisting on their amendments.

Hon. Mr. WATSON.

The SPEAKER—I have the honour to inform the House that a message has been received from the House of Comomns asking for a free conference with respect to the amendments made by the Senate to Bill No. 21, 'An Act to amend and consolidate the law respecting railways,' and that the managers at the free conference on behalf of the Commons will be the same gentlemen who have been managers during the past two conferences.

Hon. Mr. TEMPLEMAN—I move, seconded by Hon. Mr. Macdonald (P.E.I.), that the Senate agree to a free conference, and that the managers at that conference on behalf of the Senate be the same hon. gentlemen who have acted as managers during the last two conferences.

The motion was agreed to.

Hon. Mr. TEMPLEMAN—I move, seconded by Hon. Mr. Edwards, that a message be sent to the House of Commons informing that House of the fact that the Senate agree to a free conference, and the managers will be the same hon. gentleman who have acted as managers during the last two conferences.

The motion was agreed to.

The House was adjourned during pleasure.

The House was resumed.

Hon. Sir MACKENZIE BOWELL, from the Free Conference, reported as follows :

The Senate,
Committee Room, No. 8,
Friday, Octobeir 23, 1903.

The managers for the Senate have the honour to report that they have met the managers for the House of Commons at a second (open) conference, which on their part was managed by the Honourable Mr. Fitzpatrick and others, that they delivered to them the reasons of the Senate for insisting on their amendments to the Bill intituled : 'An Act to amend and consolidate the Law respecting Railways.'

MACKENZIE BOWELL,
Chairman.

He said : After a good deal of discussion and consideration the Commons managers accepted our amendments, but added to clause 5 the following :

All the provisions of this Act relating to railway crossings and junctions, through traffic, offences, penalties and statistics, shall apply to all persons, companies and railways,

whether authorized within the legislative authority of the parliament of Canada or not.

That is a portion of the Bill as introduced in the House of Commons. They accept the amendment made by the Senate with this addition, which will be added to the clause as 5a. They accept all the other amendments except that with reference to the question of appeal, which I might say, is under consideration, although it will depend in a great measure on the action of the Commons what course we shall take. If they insist, we are in a position, after what has taken place, to accept it. I might state that the hon. senator who drafted number 5 came to the conclusion that it could do no possible harm, as it was thought it was already provided for, and we did not object.

Hon. Mr. BEIQUE—I drew their attention, when they asked that, to the fact that it was already provided for in the same words and to the same effect in clause 7. But they seemed to prefer it.

Hon. Mr. LANDRY—If I understand the amendment which has been accepted, the clause as amended will apply to every railway, whether under our jurisdiction or not.

Hon. Mr. WATSON—For certain purposes.

The Senate adjourned till 11 am..

THE SENATE.

Ottawa, Friday, October 23, 1903.

First sitting.

The SPEAKER took the Chair at Eleven o'clock a.m.

Prayers and routine proceedings.

SUSPENSION OF RULES.

MOTION.

Hon. Mr. TEMPLEMAN—As the session is drawing to a close and we may have prorogation to-morrow, I move that the 41st rule of this House be suspended for the remainder of the session. This rule provides that no Bill shall be read twice the same day.

Hon. Mr. MACDONALD (P.E.I.)—I think it is usual to move the suspension of that rule specially for each Bill.

Hon. Mr. TEMPLEMAN—It is simply to avoid the necessity of moving it for each Bill that I desire to move its suspension now for the remainder of the session. It cannot have reference to more than two or three measures.

Hon. Sir MACKENZIE BOWELL—I object. We cannot tell what is coming up that it may be necessary to discuss.

The SPEAKER—It is the rule which prohibits Bills being read twice the same day.

Hon. Sir MACKENZIE BOWELL—I understand the rule. It is a vicious practice suspending the rule in the way proposed. The hon. gentleman knows that when a matter comes up that does not involve much consideration that the Senate always gives way. I do not approve of a general suspension of the rule.

The SPEAKER—There being an objection the motion cannot be carried.

Hon. Mr. TEMPLEMAN—I understand that if any hon. gentleman objects, the motion cannot be put and cannot be carried, and my hon. friend is sustained; but I might point out that the session will in all probability close to-morrow. My hon. friend says he does not know what Bills may be brought down, hence he does not want to commit the house to the proposal to suspend the rule. My hon. friend must know—we all know—that there are now but one or two measures to come before the Senate. There cannot be anything else.

Hon. Mr. LANDRY—We do not know.

Hon. Mr. TEMPLEMAN—My hon. friends must know. They may not know officially, but they must know from the press and from what business has taken place in the Commons, it would be impossible to bring any measures to the Senate that they are not familiar with. As my hon. friend objects, I suppose we will have to deal with each measure as it comes before us.

Hon. Mr. LANDRY—Hear, hear. That is the best way.

Hon. Mr. TEMPLEMAN—It was only to avoid doing so that the motion to suspend the rule was moved.

Hon. Sir MACKENZIE BOWELL—It seems to me the hon. gentleman is assuming too much to say we must know what the

government intends to do. There was scarcely a week during the last month that there was not an extra supplementary brought down, and there is no telling what is coming. I have heard it whispered that there are some large items that may be laid before the House yet, in reference to some unsettled claims. It is impossible for us to say. If the hon. gentleman will take this side of the House into his confidence and tell us there is to be nothing but what is now before the House it may change my opinion.

Hon. Mr. LANDRY—It will not change mine.

Hon. Sir MACKENZIE BOWELL—Only the other day the government brought down the agreement respecting the Quebec bridge, involving six or seven million dollars. We have to consider that yet, and there are the estimates, and the railway subsidies also. Unless it is understood we are just to gulp them down without consideration, we should have an opportunity to consider them.

Hon. Mr. WATSON—We shall have another conference.

Hon. Sir MACKENZIE BOWELL—No, it will be a long time before I shall have anything to do with another conference.

Hon. Mr. YOUNG—No more pow-wows.

Hon. Sir MACKENZIE BOWELL—I do not want to play the part of a manager appointed to surrender everything.

The Senate was adjourned during pleasure.

After some time the House resumed.

MANAGEMENT AND CONTROL OF PUBLIC WORKS BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (269): 'An Act respecting the management and control of public and other works.'

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be now read the second time. He said: There are certain works that have been carried on by the Department of Public Works, and also by the Department of Marine and Fisheries. They relate chiefly to the St. Lawrence river and to the harbours. It is ascertained that both practically exercise certain jurisdiction and employ staffs. For instance, the sweeping of the channel, and keeping the harbours clear and a variety of subjects of that kind, and the object of this Bill is to transfer the control of certain works now under the jurisdiction of the Public Works to the Department of Marine and Fisheries.

Hon. Sir MACKENZIE BOWELL—This is, I suppose, for the purpose of carrying out the agreement entered into between the present Minister of Marine and Fisheries and the government when he consented to accept a portfolio. At the time we all know there were very strong objections taken by the representatives of the province of Quebec to the removal of the Public Works department from a minister from that province, to one from another province. I do not think that objection was well taken, for the reason that no one province has a right to any particular department of government; but it is quite evident that that feeling was so strong at the time, that the government were obliged to yield to the demands of the hon. gentleman who now occupies the position of Minister of Marine and Fisheries before he would accept that portfolio, on the ground that it was depriving the province of Quebec of patronage which it had previously enjoyed. I find that this Bill goes altogether beyond that. It takes power, not only to transfer the business pertaining to one department to another department, but applies to all the departments of government, so that if it be considered advisable to transfer the business connected with immigration to any particular department, it can be done, and so in reference to the Mounted Police, or any other branch of the service. I am not so sure that there is any particular objection to the government taking that power, but I must confess that I see no reason why certain public works should be taken from the Public Works department, and transferred to the Department of Marine and Fisheries, such, for instance, as dredging, or works in the navigable waters of the country, or the construction of dry docks, any more than we should transfer from the Public Works Department to the Customs Department the supervision and control of the building of Cus-

tom houses, unless it can be shown that the work is too much for the Public Works Department. Why, I should like to know, should not the same principle be applied to the construction of drill sheds, which appertain exclusively to the Militia Department, why should it not be transferred to the Minister of Militia ? If there is any reason for the one, it is equally applicable to the other. I know that it very oftens occurs in the construction of these public works, that the Minister of Public Works has to apply to that branch of the service which is to be accommodated by the construction of them, for plans and specifications or other information as to the manner in which the work shall be done. That is natural. The Public Works Department would not be in as good a position to know what was required by the Customs, or the Inland Revenue, as the heads of those two departments, and, I repeat, if there is any reason, except it be for political purposes, for transferring a portion of the work that has in the past been carried on under the authority and supervision of the Public Works Department, to the Minister of Marine and Fisheries, I see no reason why you should not go still further and transfer the construction of works which are for the exclusive use of any other department, to that department, I know that friction has arisen in reference to the internal arrangement of those works, the Public Works officials arrogating to themselves more knowledge than those who were to use them, and the argument is just as strong in favour of one as the other. We can only come to this conclusion, that for political reasons this course has been adopted, and not for the convenience of the Public Works Department. I know no particular objection to it, providing it is done according to business principles, and it is not so in this case. It is done for no other reason than to meet the demand on the part of the present Minister of Marine and Fisheries, who demands more power and patronage, so as to enable him to sway the electors to a greater extent whenever it is necessary to do so. Nobody who has taken half an hour to consider this question can fail to come to the same conclusion that I have reached, and more particularly if the trend of public opinion in the province that the Minister of Marine and Fisheries now represents is observed. I do not know that there is any use wasting time over a Bill of this character. Simple as it appears to be, it may have the effect of placing more political power with one minister than he would otherwise have had. Having given my explanation I do not propose to raise any further objection. I know the government have certain powers under statute, which enable them to transfer certain duties from one department to the other, and I was under the impression that the clauses in the Bill that constitute and form and establish these different departments already gave that power to a certain extent, and if I am correct in my recollections upon that point, it only shows that there is no necessity for this Bill, unless for the special purposes that I have indicated.

Hon. Mr. SCOTT—On looking over the jurisdiction given to these two departments it is quite easy to understand how, after a series of years, they have fallen into the path of performing the works that they considered were germane to the powers given to the two departments. The schedule attached to the Act respecting the Department of Marine and Fisheries reads :

1. Pilots and pilotage and decayed pilots funds ;
2. Beacons, buoys, lights and lighthouses and the maintenance.
3. Harbours, ports, piers and wharfs, steamers and vessels belonging to the government of Canada, except gun-boats or other vessels of war ;
4. Harbour commissioners and harbour masters.

This is from the Act respecting the Public Works of Canada :

The minister shall have the management, charge and direction of the dams, the hydraulic works, the construction and repair of harbours, piers and works for improving the navigation of any water, slides, dams, piers, booms, &c.

So it is easily understood how, after a number of years, the two departments have been following on the lines that they deemed parliament, under those two Acts, gave them authority to carry out, and it has been discovered that there were staffs of two departments performing works of the same class and character, and sometimes going over the same ground and adding materially to the cost. The hon. gentleman is quite right in saying that there has been a general power to transfer duties in many departments. In the constitution of several

departments power is given by the Act organizing the department to authorize the Governor in Council to transfer the duties to any other department. Take the Department of the Secretary of State :

> The Governor in Council may at any time assign any of the duties and powers hereby assigned to, and vested in the Secretary of State, to any other member of the Queen's Privy Council for Canada, and his department, and from the period appointed for that purpose by any Order in Council such duties and powers shall be transferred to and vested in such other member of the Queen's Privy Council for Canada and his department.

That point was duly considered, and it was thought it would be the infinitely better and more convenient way to call the attention of parliament to the fact that there was an overlapping in the discharge of many duties, adding materially to the expense.

Hon. Mr. MACDONALD (P.E.I.)—That overlapping frequently leads to a good deal of friction and difficulty in carrying out some of the duties of the government. For instance, in the province of Prince Edward Island where the Post Office Department has to make application for a train to carry the mail between the winter steamer and the post office, they have in the first place to get authority from the Post Office Department to make that application. They have to apply to the Railway Department then before a train would be given, and the Department of Marine and Fisheries has to authorize the connection between the railway and the steamer that crosses the straits for the winter service. So far as Prince Edward Island is concerned, if the postmaster at Charlottetown, or the post office inspector, were given power to make the whole of that arrangement, without detaining the business of the island, as has been done every year since we went into confederation, in order to make the connection between the different branches of the public service, it would avoid delay such as we have always experienced in getting the simplest thing accomplished.

Hon. Mr. ELLIS—The hon. leader of the opposition favours the principle of the Bill, as I understand, but he thinks the purpose may not be good, and the change may be made for political reasons. I do not very much favour a Bill of this kind, although perhaps it may be well to leave some such powers to the government. If the principle were carried out to the full extent, the logical result would be to do away with the Public Works Department altogether. All of the public works of Canada are done for some department, and if the principle be sound, that a department can do its own work, the Minister of Militia would build his own drill sheds, the Minister of Marine and Fisheries his own wharfs, and the Department of Public Works might well be abolished. There could be a sort of supplementary staff of architects to whom these ministers would go and get designs drawn, and thus you would remove the objections which the hon. gentleman seems to fear might arise, and really a better system would be provided, because one can imagine that, nothwithstanding all the amenities which are supposed to exist between members of a cabinet, it is not always the case, and you can imagine 14 or 15 gentlemen who control the government among themselves struggling to see who shall get this, that and the other work. The legislation does not commend itself favourably to my mind.

The motion was agreed to, and the Bill was read the second and third times under a suspension of the rules.

CUSTOMS TARIFF AMENDMENT BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (273) 'An Act to amend the Customs Tariff, 1897.'

The Bill was read the first time.

Hon. Mr. SCOTT—I move the second reading of this Bill. It will be within the recollection of hon. members that as far back as four or five months ago, perhaps longer, an announcement was made that as soon as steel rails could be made in Canada, the government was prepared to submit for the approval of parliament the imposition of a duty of $7 a ton on rails imported from abroad, with the hope of aiding the steel industries that have, in the last two or three years, been started in Canada. The first clause of this Bill gives effect to that promise. It is a policy that has met with pretty general approval, and it was hoped the

announcement of it would have saved one industry particularly from closing its works. It also provides that machinery and appliances not made in Canada, for use exclusively in alluvial gold mining—that has reference more particularly to the Yukon—shall be admitted free of duty till June 30, 1904. Then, as hon. gentlemen are aware, authority was taken to impose what is known as the surtax, that is compelling parties buying goods in Germany to pay an additional tax of one-third of the ordinary customs duties, inasmuch as Germany had compelled Canada to pay on the exports to that country an additional rate over and above their ordinary tariff. They have two tariffs, a higher and a lower tariff, and the higher tariff applied to Canadian imports into Germany, and hon. gentlemen know the policy of this country which was announced some time ago. I do not know whether there was any legislation last June, but this is to define it in clearer terms, and to exempt from its operation contracts made before importers could have knowledge of the passage of the law. That is, it was not considered fair, if a person had contracted for articles in Germany in ignorance of the proposition, that he should be subject to the surtax clause. The Minister of Customs has been acting upon that, but it is necessary to obtain the approval of parliament to the action of the Minister of Customs. It has been brought to the attention of the Minister of Customs that flaming pictures which have not a tendency in the direction of improved morality, particularly in the minds of young men, are being imported into Canada, and it is with a view to confiscating them and excluding them from importation that clause 6 is inserted.

Hon. Sir MACKENZIE BOWELL—I would ask the hon. Secretary of State whether he does not think it is expecting a little too much to ask the House to approve of a Bill involving very important principles, without having seen or known anything of its contents? It may contain clauses to which we would not object, and it may contain clauses to which there may be a serious objection. From the casual knowledge that I have of the Bill itself, and the remarks made by the hon. Secretary of State, I cannot help thinking that there are very important clauses, clauses giving the government discretionary powers in administering the surtax. I question very much whether they should have or exercise such powers, and until I could have an opportunity of reading the Bill, it would be impossible to come to a conclusion as to the effect it would have upon trade generally. As for the powers given to the Governor in Council, which are very extensive and very important, they are unprecedented in all our legislation, and I should like very much to see the Bill before consenting to its being advanced further.

Hon. Mr. SCOTT—We can have the second reading at the next meeting of the House.

Hon. Sir MACKENZIE BOWELL—Will that Bill be circulated after recess? I would not object to the second reading now if the hon. gentleman intends to refer it to a committee of the Whole, so that we can consider each clause on its merits. I know the argument would be that it is a money Bill and we cannot help ourselves, but we have the privilege of discussing it, and the right of rejecting it, although I am rather inclined to think, from the complexion of the House, that they would not reject it or any other Bill for the expenditure of money. I am giving this expression of opinion from my knowledge of gentlemen who hold strong views one way and vote another way. That is one of the exigencies of party.

Hon. Mr. SCOTT—I thought the clauses in this Bill were about in accordance with public opinion which has been widely expressed. The imposition of $7 a ton on steel rails has been discussed largely in the press, and the admission of machinery for alluvial mining in the Yukon country——

Hon. Sir MACKENZIE BOWELL—That is an old law, unless it extends the power.

Hon. Mr. SCOTT—It extends the privilege to June 1904, and the German surtax was a good deal discussed. I shall endeavour to have copies distributed before the second reading.

Hon. Mr. LANDRY—Does the hon. gentleman think it is sufficient for us to accept what has been discussed in the public press and permit the Bill to pass?

Hon. Sir MACKENZIE BOWELL—We have had no conference with the newspapers.

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

SUBSIDIES TO RAILWAYS BILL.

FIRST READING.

A message was received from the House of Commons with Bill (270) '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. SCOTT—I move that this Bill be read the second time at the next meeting of the House. A Bill of this character usually comes down on the last day of the sitting of parliament, perhaps not every year, but every second or third year, granting subsidies to various railway enterprises, and it is generally met with universal approval. On the present occasion, the justification for it is perhaps greater than at any former time, inasmuch as we have had a very much increased revenue and one that seems to be growing month by month over the corresponding months of former years. I have not totalled up the amount appropriated by this Bill. I have seen it stated, I do not know with what truth, that it comes to about twelve or thirteen millions.

Hon. Mr. BAKER—A million or so does not signify.

Hon. Mr. SCOTT—A portion of it is revoted. Hon. gentlemen who have followed these subsidies will remember that they are very often granted to railways that have no prospective probabilities of being carried out.

Hon. Sir MACKENZIE BOWELL—Just on the eve of an election.

The motion was agreed to.

QUEBEC BRIDGE AND RAILWAY COMPANY AID BILL.

FIRST READING.

A message was received from the House of Commons with Bill (272) 'An Act to authorize Aid to the Quebec Bridge and Railway Company towards the completion of its undertaking and to confirm an agreement between His Majesty and the said company with respect to such aid.'

The Bill was read the first time.

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

Hon. Mr. LANDRY—I object.

Hon. Mr. THIBAUDEAU—Oh, nonsense, nonsense.

Hon. Mr. LANDRY—If the hon. gentleman makes that remark, I will have it written down.

Hon. Mr. THIBAUDEAU (Rigaud)—Keep quiet.

Hon. Mr. LANDRY—The hon. gentleman had better keep quiet himself.

Hon. Mr. THIBAUDEAU (Rigaud)—It would be a good thing for the hon. gentleman to keep quiet.

Hon. Mr. LANDRY—I want to speak on that question.

The SPEAKER—That is all right, but I must say that I think there is some respect due to the hon. gentleman who leads this House, and I am surprised at the tone and attitude of the hon. gentleman from Stadacona.

Hon. Mr. LANDRY—The hon. Speaker has no right to talk like that.

The SPEAKER—The hon. gentleman will please sit down when I am standing.

Hon. Mr. LANDRY—The hon. Speaker should sit down when I rise to speak.

The SPEAKER—Will the hon. gentleman sit down when I begin to speak ?

Hon. Mr. DeBOUCHERVILLE—We have a rule which provides that when the Speaker wishes to speak he must leave the Chair and take another seat. Nobody has asked the Speaker to decide anything.

Hon. Mr. LANDRY—I desire to say that when the hon. Speaker wants to take part in a discussion, he has a right to leave the Chair and come down on the floor of the House.

Hon. Mr. SCOTT—He is not taking part in any discussion.

Hon. Mr. LANDRY—What was the point of order the Speaker was settling ? No point of order has been raised, and the Speaker rises and rules without being asked for a ruling. Has he a right to do that ? No. If he wants to make any remark he can step down from his place and do so.

Hon. Mr. SCOTT—I move that the Bill be read the second time at the next meeting of the House.

Hon. Mr. WATSON—The Speaker was making no remarks that I heard with reference to the matter under discussion. The hon. Secretary of State moved that this Bill have a second reading at the next sitting of the House, and the hon. gentleman insisted on interrupting the leader of the House while he was making that motion, and the Speaker called him to order.

Hon. Mr. LANDRY—He has no right to do that. There was no point of order raised.

The motion was agreed to.

Senate adjourned till three p.m. to-day.

SECOND SITTING.

CUSTOMS TARIFF AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (273) ' An Act to amend the Customs Tariff Act, 1897.'

(In the Committee.)

On clause 1,

Hon. Mr. SCOTT—This Bill is with reference to the remission of the duty on a variety of articles and the imposition of a duty on steel rails.

Hon. Sir MACKENZIE BOWELL—The tendency of our legislation at present appears to be to concentrate the whole power of collecting taxes and changing the tariff and altering the custom-house regulations by an Order in Council. It used to be the great objection urged against former administrations when they asked for limited powers in this connection, but of late years, since the present government have been in power, they have been passing laws which places the changing of the tariff, the imposition of duties or the removal of duties, within the power and under the control of the government itself. This principle, when extended in the manner in which it is at present being extended, has relieved parliament of any consideration as to the time and manner in which these duties shall be imposed or the people shall be relieved of the taxation. This is directly contrary to fundamental principles of our whole constitution. The opposition in the House of Commons have agreed to the demand for this power simply because they were voted down. What the Senate will do I cannot say, but when we look around and see the empty benches, or the empty chairs I might say, it is very doubtful whether our legislation is in accordance with the laws that govern to-day. It is a question whether we have a quorum present to justify our going on with this business. On counting them now, I find that we have a bare quorum. And yet, at this period of the session we are dealing with estimates running from sixty to seventy millions of dollars of direct taxes for the year, and between one hundred and two hundred millions in addition for which we are becoming responsible. I ask hon. gentlemen who are present whether they are prepared to sanction and confirm legislation of that kind ? Just look at the first clause of the Bill and see the power put in the hands of the administration of the day. They can use it for any purpose. They can use it for electioneering purposes, they can use it for the purpose of aiding and assisting in the manufacture of steel rails, they can use it for the purpose of putting a damper upon such an industry and prevent their being manufactured in the country if it happens to be to their political interest to do so. That is the power you are putting in the hands of the government. I question whether that there is any senator who is listening to me who, if his private opinions were asked, and who would bring his better judgment to bear, would say that this kind of legislation is right and proper. Under this clause we find that the Governor in Council, by an Order in Council, is taking power to impose a duty of $7 a ton upon steel bars or rails in any form for railways, imported into Canada from and after the publication of such order, such duty shall be levied, collected and paid on all such rails, and thereafter

item 238 in the said schedule and item 585 in the schedule of such Act shall be repealed. I presume these clauses which are repealed, the one item 585, must be in the free list, that would refer to rails, and the other clause, I am under the impression, applies to a lower rate of duty in other parts of the tariff, but we are giving them the power when they think proper to declare by Order in Council that these clauses are repealed, and then they impose a duty of $7 per ton; but they make this proviso:

Provided, however, that such order should not be passed until the Governor in Council is satisfied that steel rails of the best quality——

Who is to be the judge as to the quality of these rails? The Governor in Council. Is there a single member, from the premier down, who is competent to judge whether rails are of the best quality or the poorest quality? I suppose they will have to rely on the opinion of experts. It continues:

—suitable for the use of Canadian railways are being manufactured in Canada, from steel made in Canada, in sufficient quantity to meet the ordinary requirements of the market.

Not only are they to be satisfied that the steel rails are of the best quality, but they must be satisfied that they are made in sufficient quantities in Canada to justify the passing of an Order in Council. I venture to say that just in proportion to the influence brought to bear on the government by railway contractors and railway builders, will they consider the rails of best quality. Then comes the next point: Are they manufactured in sufficient quantities in Canada to meet the requirements of the Act? We are at this moment subsidizing the construction of some three or four thousand miles of railways, and pledging the credit of the country to the extent of millions for the payment of interest on the bonds which are to be issued for the construction of a line from Winnipeg to the Pacific coast and the Canadian Northern. Can anybody of ordinary common sense tell this House that there is the slightest probability of steel rails being manufactured in this country of the best quality and in sufficient quantities to meet the requirements of that extensive system of railways which we are subsidizing and to which we are pledging our credit? Why do not the government, if they desire to adopt the principle of protection, which I think they ought to do, impose a duty of $7, or double that amount if necessary, upon all rails imported into Canada? I do not expect to have my ideas approved of by the hon. gentleman from Russell (Hon. Mr. Edwards), who shakes his head. He is a free trader and honest in his convictions, and I have no fault to find with him. I have no feelings against a man whose opinions differ from mine, if he holds them honestly. All that I ask of him is to vote in accordance with his principles when the opportunity offers. What I object to is the placing of such enormous powers in the hands of any government, I care not what government it may be. Passing from that, I find that the third clause repeals a number of items. Will the Secretary of State kindly inform me what those items are? Is it simply extending the principle of bounties from 1903 to 1904? The clause is as follows:

3. Item 555a, inserted in the said schedule B by section 1 of chapter 22 of the statutes of 1901, as amended by section 1 of chapter 33 of the statutes of 1902, is further amended by striking out '1903' at the end of the said item and substituting therefor '1904.'

Hon. Mr. SCOTT—The material one is item 409, relating to ships coming in under British registry. It was found that ships could be built anywhere and taken to Newfoundland and registered there, and they could come in free. That is being repealed. Item 238 refers to iron and steel bars, &c., for railways.

Hon. Sir MACKENZIE BOWELL—I am referring to 555a.

Hon. Mr. SCOTT—That clause refers to a number of articles that are on the free list, machinery imported exclusively for mining, &c.

Hon. Sir MACKENZIE BOWELL—That is extending certain privileges which exist now. Then turn to clause 5, which is as follows:—

5. Articles which are the growth, produce, or manufacture of any foreign country which treats imports from Canada less favourably than those from other countries may be subject to a surtax over and above the duties specified in the said schedule A, such surtax in every case to be one-third of the duty specified in the said schedule A, such surtax in every case to be one-third of the duty specified in the said schedule.

2. Such surtax shall apply to any articles the chief value of which was produced in such foreign country, although it may have been improved or advanced in value by the labour of another country, notwithstanding the pro-

visions of the British preferential tariff and regulations thereunder.

3. Any question arising as to any foreign country or goods coming under the operation of this section shall be decided by the Minister of Customs, whose decisions shall be final.

4. The Minister of Customs, with the approval of the Governor in Council, may make regulations for carrying out the purposes of this section.

5. Such surtax shall not apply to any goods actually purchased on or before the sixteenth day of April, one thousand nine hundred and three, by any corporation, firm, or person in Canada, if imported into Canada on or before the thirtieth day of September following.

The intention I have no doubt was to strike at importations from Germany on account of the discrimination which Germany enacts against us. But this surtax is to be imposed on all goods, no matter where manufactured if imported from any country that legislates against Canada on account of her tariff. We hear a very great deal about the preferential tariff and the concessions which are made by that law to Great Britain. If any one will look at the law they will find that it applies to all countries, and what I have objected to in the past has been the concessions that have been made to German goods that are partially manufactured, taken into England, and there completed and exported to this country as British goods. If the principle of protection should exist at all, and if there is any intention of punishing Germany for her actions towards Canada, goods wholly or partialy manufactured and completed in any other country should come within the meaning of this surtax. This clause however does limit the amount of improvements that may be put upon it in order to bring it within the meaning of the law, because it says: 'Such surtax shall apply to any articles the chief value of which was produced in such foreign country, although it may have been improved or advanced in value by the labour of another country notwithstanding the provisions of the British preferential tariff and regulations thereunder.' That repeals to that extent the regulations which have been promulgated by the Minister of Customs in the past by which goods partially manufactured in Germany and taken to England and there completed and sent to this country are admitted under the preferential tariff as the products of England and not of Germany. That is a concession which, looking at this matter from the practical experience I had in the Customs, I have always contended was carrying the principle too far. If you desire to give a bona fide preference to Great Britain, the preference should be confined to the actual bona fide products of that country. Then you would give a preference over other countries that they do not possess to-day.

Hon. Mr. BEIQUE—Am I to understand that the hon. gentleman objects to that change as embodied in section 5, subsection 2? Is he not of the opinion that it is an improvement?

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman refer to subsection 2 of section 5?

Hon. Mr. BEIQUE—Yes.

Hon. Sir MACKENZIE BOWELL—I intended to say, and I think I did say, that I thought this was an improvement upon the regulations which had been promulgated by the Minister of Customs, but I went further and expressed the opinion that the preferential advantages under our tariff to countries—because it is not confined to Great Britain as my hon. friend knows—that give us the same tariff that we give them should be confined to the actual bona fide products of such countries. But under the old regulation it gives to the foreign producer a greater advantage than this does, hence I consider this an improvement over the old Act. I am speaking, as the hon. gentleman knows, strictly from a protectionist standpoint. Then the fourth subsection gives to the Minister of Customs with the approval of the Governor in Council the power to make regulations for carrying out this section. There can be no objection to that, and the objections would not be so great to that clause from the fact that the foreign goods completed in Great Britain which have the advantage of the preferential tariff, the addition in value of the article must constitute the chief value of the article imported.

Those who are listening to me know that if an article is worth five marks in Germany, and there is a value of four marks added to that in England or any other country, that has a preference, it could not be admitted under the preferential tariff. That is really what that means. The 5th section,

which relieves goods purchased in Germany before the 16th of April and imported before the 30th of September, is, I have no doubt, equitable from one standpoint, that a man may have made his purchases in Germany prior to the placing upon the statute-book of this Act, and therefore it is argued they should not come within its meaning. That is equitable to a certain extent, and to a certain extent only. If the importer in Canada made a purchase prior to the 16th of April last in Germany, say to the extent of one thousand pounds, and he has sold those goods upon the basis of the price he paid for them prior to April 16th, plus duty, then it would be equitable and fair that he should be relieved of a surtax ; but if he had purchased a thousand pounds' worth of goods, and those goods had not been sold prior to the 16th of the month when that surtax was to come into operation, or having been received by him in Canada prior to that time, then he is in precisely the same position as the man who purchased the goods after the 16th of April. In other words, if a man has made a bargain for a thousand pounds' worth of goods on the 15th of April and another merchant has made a purchase on the 17th of April, and both consignments arrive in Canada at the same time, the man who purchased on the 15th would have the advantage of the one-third extra duty paid by his neighbour, and consequently he would be able to sell at a price less than his neighbour by one-third the duty paid and would still make the same amount of profit. It will work in different ways under different circumstances. If the clause had read 'goods purchased and not sold on the 15th,' then it would put every merchant and every importer upon an equal footing, but as it is now, it does not. I have known perhaps thousands of cases during my thirteen years in the customs of the importation of goods under such circumstances to which I have alluded. What the 7th clause is intended to cover I am somewhat at a loss to know—'Also posters and hand-bills depicting scenes of crime or violence.'

That is a very good provision, but how would it affect a poster of some drama, or of a tragedy, where there was a picture of throwing some woman into the water ? That is an act of violence. Or in cases of tragedy or melodrama, where you find scenes of stabbing or killing ? That is an act of violence. Would those be prohibited under this clause ? Where you find posters that are of an obscene character, then I can understand the necessity for some such provision, but I scarcely think that the cases to which I have alluded would be considered of that character. It is legislating, however, in the right direction, and it is better to go perhaps a little too far than not far enough, and so far as that is concerned, I approve of it. I have not had time to read all the debates in the other House. Time is too short for one who is busy watching the legislation of the country ; consequently I have not given to this Bill that particular and close examination that a measure of this character should have, but I have pointed out in what particulars I think the danger of a Bill of this kind might be, particularly the first clause. I object in toto to the placing of so much power in the hands of the government. That which purports to be in the interest of the manufacture of iron and steel rails is not worth the paper it is written on ; it would be years and years before it was possible to establish industries large enough to meet the requirements of that clause. If the government had come down bodily and put a good round duty upon iron and steel so that manufacturers would know what they were doing when they were investing their money, there would probably be works erected to produce these articles, and that is the course I think they should have taken. I do not think it would meet the approval of one hon. senator in this House—I am glad to know that he stands almost alone in the views which he holds, and I am still further pleased to see that the party to which he belongs, who have for long years advocated free trade and denounced protection as legalized robbery (and I have no doubt that my hon. friend who bobs his head (Hon. Mr. Edwards) would do the very same thing to-day, being honest in his opinions) have adopted, to a certain extent, the principles which they denounced for such a long time, and so long as they go increasing the protection to articles which can be produced in this country, they will be legislating in the right direction. But this sort of hybrid system means neither one thing nor the other ; it simply gives power to the

government to ruin men who have invested their money in these industries just as they please, or they can aid them when it is in the interest of the party to do it. It is a principle which should not be recognized by parliament, and more particularly by a Senate which is supposed to act upon principles apart from party considerations.

Hon. Mr. SCOTT—I do not take the same views the hon. leader of the opposition does as to the effect of this legislation. Referring now to the first clause, it has already been pretty well ascertained that the announcement of the fact that the government would put a duty of $7 a ton on steel rails as soon as manufacturers are prepared to turn them out, has already stimulated the investment of a great deal of capital. I think the standing of the government of Canada, is such that any government making that announcement is assumed to have an honest intention to carry it out whenever the occasion arises. There was no other way of meeting the present difficulty. The hon. gentleman would not expect that we would put a duty now of $7 a ton on rails at the same time we are voting $15,000,000 towards building railways, taking the money away with one hand and giving it back with the other. This is to stimulate an industry in Canada, and it is very important, that we should prove to the world we can manufacture iron and steel—we have the ore and we have the facilities for manufacturing, and we can probably turn them out at a lower price than they can on the other side of the line. I therefore think it is a very fair and proper thing for the government to encourage the establishment of rolling mills. I have personal knowledge that already several capitalists are putting their money into works of that kind, depending entirely on the good faith of the government of Canada in carrying out the announcement they made five or six months ago. There is no other way of our being able to do it. We have announced to the world that until we have steel rails in Canada they must be free ; if we can manufacture steel rails in Canada we are prepared to impose a reasonable duty to encourage the industry. That seems a reasonable proposition which ought to meet with universal approval. I do not know that there is anything calling for further comments on my hon. friend's criticism of the Bill. The last clause to which he alluded is the one prohibiting a certain class of placards. The clause in the Act as it stands, is more limited perhaps than it should have been. It did not cover those exciting hair breadth scenes of life and death that we notice on the walls in the various cities of Canada. These are placed on the prohibited list. In reference to the surtax, I am glad to hear that it meets somewhat the approval of my hon. friend, because we are minimizing the advantage given to the British manufacturer. We are narrowing down his privileges somewhat. In Great Britain large quantities of half-manufactured articles are imported, to be completed in England. We establish a standard of value that must be given by the British workman to make it a finished product in order to come within the preference, and this really reduces it considerably.

Hon. Sir MACKENZIE BOWELL—I compliment the hon. gentleman on his declaration that it is in the interest of this country to encourage those industries. That is an advance in the doctrine of protection that he would not have uttered seven years ago. It would be very interesting to turn up the debates of seven or eight years ago and quote for the benefit of the House, the views that the hon. gentleman then expressed. As he grows older he grows wiser.

Hon. Mr. SCOTT—Following Chamberlain.

Hon. Sir MACKENZIE BOWELL—It would be a very good thing for him if he would follow Chamberlain. There are hon. gentlemen here who think Mr. Chamberlain's policy would be the destruction of this country. I was very glad to have given the hon. gentleman an opportunity of supplementing a remark which he made in the discussion on the Transcontinental Railway Bill, that the trade of the country would be so enormously enhanced by the adoption of Chamberlain's policy that another railway to carry the food supply of the west to the British market was necessary, even at an expenditure to the country of fifty or a hundred million dollars. While I am not strictly in accord with that view, I fully approve of Chamberlain's policy, and regret exceedingly that Canada has not

taken a more decided stand, to help to strengthen his hands in England. However, I shall reserve further remarks on the subject until the Supply Bill comes up. I can only regret the expressions of some British statesmen, particularly Mr. Ritchie, who fears that the carrying out of Chamberlain's policy and giving a preference to the trade of the empire might possibly offend the tender sensibilities of our neighbours on this continent. I shall not refer further to that subject just now. Before prorogation, unless something occurs to prevent it, I shall deal more extensively with that subject than I could just now. I am fully in accord with the policy of fostering the manufacture of steel rails, but, I repeat, it would have been better to place a duty on rails now, with a promise that it would be done. It would be an incentive to the establishment of steel rail factories, but the government have left it to themselves to say when the rails manufactured in this country are of the best quality and are made in sufficient quantities to supply the demand. When is that time to arrive ? Who is to be the judge of that outside of the ministers themselves ? As I intimated before, in view of their past record, their judgment would be in accord with the necessities and advantages of their party and what policy would return, in the elections, the largest number of their supporters. That is the objection I have to this clause, and if I were in the government to-morrow, I would not ask such power. I think it is a dangerous power to be placed in the hands of men more particularly men who rule the destinies of this country just now, where politics are altogether above patriotism. In the way of building up industries it is carried to this extent, and this extent only, that wherever they think it to their advantage, they do it, and I predict that if we have another session of parliament before an election, we shall find an attempt to revise the tariff in order to meet the demands of the class of manufacturers whose support they will seek at the next election. I may be in error, but everything indicates that, and if they do not have another session of parliament before an election, they will make promises, as they did in 1896, to secure and continue the advantage to the manufacturers that they now possess. These are my predictions arrived at from past experience of the leaders of the party in power, and we have no evidence of any reformation or reform in the parties who have acted in the past as I predict they will in the future.

Hon. Mr. EDWARDS—I do not rise to make a speech, but simply to record my disapproval of the protectionist principles involved in this Bill.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman approves of it ?

Hon. Mr. EDWARDS—No, I disapprove of it, but I further desire to say that I do not agree with the hon. gentleman who has just resumed his seat as to the danger involved in the action of the government in imposing the duties that they are empowered by this Bill to impose. Supposing an Act were passed to-day and placed upon the statute-books, it might at the next session of parliament be repealed, so that I do not think, as long as we have responsible government, there is any difference at all in the application of the bounty system and protection by duties. As to the patriotism of parties, my opinion is that all parties in Canada are patriotic. All parties desire the best interests and the building up of Canada, and that it is no more a dangerous power to place in the hands of the present government than it would be if the party to which he adheres were in power, and from his point of view I dissent entirely. If there ever was a man in Canada who desires more than another the good of Canada, it is the premier who is now at the head of affairs.

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

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

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

RAILWAY SUBSIDIES BILL.

SECOND READING.

The Order of the Day being called,

Second reading Bill (270) 'An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.'

Hon. Mr. SCOTT moved the suspension of rule 41.

Hon. Mr. LANDRY—I object.

The SPEAKER—Objection being taken the motion cannot be put.

Hon. Mr. SCOTT—Then I move the second reading of the Bill.

Hon. Mr. LANDRY—Before proceeding with the discussion of this important measure I ask the hon. Secretary of State if we are in possession of the document he wants us to approve of. He asks us to sanction an appropriation of about twelve or thirteen millions of dollars and we have no Bill before us.

Hon. Mr. TEMPLEMAN—I have a copy of the Bill here which I will send to the hon. gentleman.

Hon. Mr. LANDRY—The hon. gentleman knows that the copy he has sent me is a Bill of the House of Commons and is not the form printed for use in this House.

Hon. Sir MACKENZIE BOWELL—That may have been changed a dozen times.

Hon. Mr. LANDRY—We do not know what happened to that Bill between the first and the third reading.

Hon. Mr. SCOTT. It is the same.

Hon. Mr. LANDRY—We do not know.

Hon. Mr. TEMPLEMAN—I saw it distributed and I assumed it was the Bill that passed the House of Commons.

Hon. Mr. LANDRY—The hon. gentleman is not serious when he says that this printed copy is the Bill as passed in the Commons. This is a copy of the Bill introduced in the House of Commons, but the House of Commons had the right to amend that Bill in committee and even at the third reading. It might have been changed at the second reading in committee, or on the third reading, and sent back to committee. The hon. gentleman cannot induce me to believe that this is the Bill as it came from the House of Commons. He might ask me in the interest of goodwill to try to accept it as the same Bill that was adopted in the House of Commons, but it would be merely goodwill on my part to do so. He does not pretend to say that is the Bill. I am ready to suspend all the rules of the House, on the other hand I should like at any rate that we should be put in possession, if not of the thirteen million dollars, at least of the paper that provides for the expenditure of that thirteen millions, I am now handed another document. I suppose it is the original Bill? No, this is not signed.

Hon. Mr. SCOTT—It is a copy of the Bill in the third reading form. It is struck off when they send up the blue print.

Hon. Sir MACKENZIE BOWELL—It is an advance copy.

Hon. Mr. LANDRY—I suppose the government will owe us a debt of gratitude if we give them the thirteen millions without a word more. I say thirteen millions, but that is within the mark, because if we take the real amount of indebtedness which is created by this Bill, it is far more than thirteen millions. The Bill reads as follows:

2. The Governor in Council may grant a subsidy of $3,200 per mile towards the construction of each of the undermentioned lines of railway (not exceeding in any case the number of miles hereinafter respectively stated) which shall not cost more on the average than $15,000 per mile for the mileage subsidized, and towards the construction of each of the said lines of railway not exceeding the mileage hereinafter stated, which shall cost more on the average than $15,000 per mile for the mileage subsidized, a further subsidy beyond the sum of $3,200 per mile of fifty per cent on so much of the average cost of the mileage subsidized as is in excess of $15,000 per mile, such subsidy not exceeding in the whole the sum of $6,400 per mile.

By this enactment I understand the government is bound to give $3,200 for each mile of railway that is constructed, provided the railway does not cost more than $15,000 a mile. If the railway should cost more than $15,000 a mile, if it cost $20,000 a mile for instance, then you take half of the amount in excess and that half represents the additional subsidy given by the government to the railway, if I understand it correctly.

Hon. Mr. SCOTT—That is correct, I think.

Hon. Mr. LANDRY—Well, to obtain $6,400 a mile as granted by this Bill, a railway that costs $20,000 a mile——

Hon. Mr. SCOTT—At $20,000 a mile it would be $5,700 of a bonus.

Hon. Mr. LANDRY—If it was $20,000 it would be $2,500 in excess of $3,200 a mile?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—But what price should a mile of railway cost to be entitled to the highest subsidy, under this Bill?

Hon. Mr. TEMPLEMAN—It is $21,400.

Hon. Mr. LANDRY—If a railway cost $21,400 it has a claim to the whole subsidy, $6,400. Now, how many miles of railway are subsdized by this Bill ?

Hon. Mr. SCOTT—I cannot tell. I never made the calculation.

Hon. Mr. LANDRY—The hon. gentleman says he cannot tell, yet he comes to this House and asks us to vote—how much ? He should be able to tell us how many miles, and then we could calculate the amount of the subsidy for ourselves. I know he is well able to make the calculation, but I want to ascertain the number of miles, and I am astounded to hear the hon. gentleman say he cannot tell.

Hon. Mr. SCOTT—I will make it up.

Hon. Mr. LANDRY—The hon. gentleman need not worry, I have made the calculation and shall give it to him.

Hon. Mr. BAKER—The hon. gentleman from Stadacona is easily astounded when that astonishes him, after what has been proposed already.

Hon. Mr. LANDRY—If I am not mistaken, the number of miles subsidized under this Bill is three thousand nine hundred and seventy-eight and a quarter miles.

Hon. Sir MACKENZIE BOWELL—Oh, leave off the quarter.

Hon. Mr. LANDRY—Multiplied by $3,200 it will give $12,730,400. That is the amount we are asked to vote at the lowest calculation, but who will say that any of the railways subsidized under this Bill will not cost $21,400 per mile ? The government is constructing a transcontinental railway from Moncton to Winnipeg, through a country where there is no need to purchase right of way, and for 700 miles it is to be located over that magnificent billiard table plateau of which we were told, yet under those circumstances, the estimated cost of the road is $28,000 per mile. We must therefore come to the conclusion that any of the railways mentioned in this Bill will cost at least that amount. But let us say the cost is only $25,000 per mile, that will entitle the company to the subsidy of $6,400 per mile. What does that amount to ? We enter into a liability amounting to $25,460,800 in connection with the railway companies mentioned in this Bill.

Hon. Sir MACKENZIE BOWELL—Does that include the bridges ?

Hon. Mr. LANDRY—Besides that, we find at the end of this Bill that the Governor in Council may grant the following subsidies towards the construction of the bridges hereinafter mentioned :

1. Towards the construction and completion of a railway bridge and approaches over the Nicolet river at Nicolet, in lieu of the grant under item 39 of section 2 of chapter 8 of 1900, $15,000.

2. Towards the construction of the steel superstructure of a railway bridge on the St. Francis river, in the county of Yamaska, in lieu of the grant under item 38 of section 2 of chapter 8 of 1900, but subject to the same conditions as expressed therein, payable to the Canadian Bridge Company of Walkerville, as their claim may appear for work already done on the said bridge, $50,000.

3. To the Canadian Bridge Company of Walkerville, to strengthen and complete the foundation and approaches to the bridge over the St. Francis river subsidized in favour of the South Shore Railway Company by section 3 of chapter 7 of 1899, $35,000, which amount shall remain the first charge on the road, and shall be recouped to the treasury out of subsidies earned or to be earned, $35,000.

4. To the Chateauguay and Northern Railway Company, in addition to the subsidy for the Bout de L'Ile bridge granted by item 33 of section 2 of chapter 8 of 1900, $50,000.

In all $150,000. Adding $150,000 to the $25,460,800 we have a total of $25,610,800. This is the amount of liability we are now asked to assume. We know that we are on the eve of a general election. If the hon. minister would be kind enough to take us into his confidence, it would afford us great pleasure if he would tell us when the elections are to be held. Is it in the month of December, or January or February ?

Hon. Mr. BAKER—Perhaps the beginning of Lent.

Hon. Sir MACKENZIE BOWELL—It is not a Lenten affair at all, it is too fat.

Hon. Mr. TEMPLEMAN—Perhaps the 29th February.

Hon. Mr. LANDRY—There are some clauses in this Bill that are intended to affect elections which are now going on. I would ask the hon. Secretary of State, who knows very little of those corrupt practices resorted to by his colleagues—he takes no stock in anything of that kind—to let me direct his attention to a speech made by one of his colleagues not very long ago,

in the election now going on in the county of Brome. On the 15th of the present month, 'Mr. Fisher was the first to come to the front, and was received with cheers,' says the paper. In order that my hon. friend may not think I am imposing upon him the report of some newspaper opposed to the government, I may state that the report I am about to read is fully corroborated by the report of Mr. Fisher's speech in the Montreal 'Herald,' and he will see what the hon. Minister of Agriculture was aiming at—

Hon. Sydney Fisher was the first to come to the front and was received with cheers. The Minister of Agriculture spoke of the object of the meeting, viz., the ratification of Mr. McCorkill's acceptance of the nomination. He deplored the sad loss the province had sustained in the death of the Hon. Mr. Duffy and called the late provincial treasurer 'one of the best men that Quebec ever had.' In the course of a tribute to the worth and honesty of Mr. Duffy, the speaker spoke of the honour that had been done to the Eastern Townships by the premier of the province, in selecting another son of the eastern townships to fill the vacant chair in the provincial cabinet. 'I am confident of the election of Mr. McCorkill,' said Mr. Fisher, 'and I believe that the best men in the Conservative party in the county of Brome are satisfied with the selection of Mr. McCorkill to fill the vacancy. I believe that the majority of the Conservatives in this county are well content, and although the exigencies of party may necessitate a fight, I do not think the demand for a contest comes from the Conservatives of Brome, but is brought about by pressure from the outside.'

The Minister of Agriculture, in spite of his professed faith in the victory of Mr. McCorkill at the polls, sounded a note of warning to the Liberals, to be up and doing and to leave no stone unturned in the way of perfect organization and hard campaign work. If a fight were forced upon them they would show as they had shown in the past that the Liberals of the county of Brome were invincible.

New Railway for County.

At this juncture of his speech, Mr. Fisher dangled a political plan before his audience. He referred to the lack of railway facilities from Eastman south to the boundary line, and said he was divulging a secret——

What about his oath as a member of the cabinet ?

Hon. Mr. TEMPLEMAN—The word 'not' is omitted from the report.

Hon. Mr. LANDRY—It says :

He was divulging a secret when he told the audience that he had at length succeeded in inducing his colleagues at Ottawa to grant a subsidy for the new line that would tap a territory in dire need of railway facilities. Mr. T. W. Foster, president of the Orford Mountain Railway, was to undertake the work, and he could assure them that the extension would be pushed forward without delay. He was very pleased to have been the instrument in bringing about this radical improvement in the railway facilities of the district and he could assure them of the speedy completion of the undertaking.

What is that called in plain English ?

Hon. Mr. BAKER—Wholesale bribery.

Hon. Mr. LANDRY—Wholesale bribery and corruption. In an answer which I gave to my hon. friend from de Lorimier (Hon. Mr. Dandurand) on a former occasion, I told this House that when I was running in the county of Montmagny for the local House in 1875, I promised, as a candidate merely, that should I be elected, I would do all I possibly could to secure money for a colonization road in one of the back parts of the county of Montmagny. I thought it was my duty to do so, and that in saying so, I was only telling the people that I would do my duty. What happened ? My election was contested, I was unseated and disqualified.

Hon. Mr. TEMPLEMAN—Disqualified ?

Hon. Mr. LANDRY—Yes, disqualified for that sole reason by two judges—the tribunal was not unanimous—forming the majority of the tribunal in which were included such distinguished gentlemen as the Hon. Justice Plamondon, and the Hon. Justice Wilfrid Dorion. Have the ministry to-day no fear as to what will happen the Hon. Mr. Fisher, their colleague, if he is brought before a tribunal to answer to the charge of wholesale bribery ? Do they fear ? Fear not ?

Hon. Mr. TEMPLEMAN—Fear not.

Hon. Mr. LANDRY—That shows that the morals of this country have gone down very much ; the moral sense of the government is blunted. Why does the hon. gentleman fear not. He cannot say why. He had better say why. No ? While we protest against that wholesale bribery announced by a member of the cabinet—remember it is a local election going on, and a member of the federal cabinet takes the trouble of leaving his parliamentary duties here and runs down to that county where the election is taking place, and there promises the electorate of that division that they will get a railway and that he has succeeded in getting it. He divulges a cabinet secret, and he dangles it before the whole electorate. Is that the purity of election which the Re-

form party promised they would bring with them when they came to power? I think the electors of that division will resent the insult which the federal cabinet is trying to inflict upon them to-day. The railway subsidies granted at Ottawa have nothing to do with the party dealings in local politics and I am sure that the electors of that county are too intelligent to be captured by this little railway subsidy. Will it be $3,200 or $6,400 a mile, or is there a special provision when it comes on the eve of a general or a by-election and in a county which is subjected to the turmoils of an electoral contest that the subsidy could be raised? Why have the government forgotten to put that clause into the Bill? Why did not they put in the Bill a clause saying if the railway runs through a county represented in the federal government by a Grit member that in that case the subsidy should be doubled or trebled. Why did they not include that? They dare not answer. I pause for a reply. I pause again.

Hon. Mr. TEMPLEMAN—I wish the hon. gentleman would pause for a long time; could he not pause for an hour or two?

Hon. Mr. LANDRY—I could move that the House do adjourn during pleasure so that perhaps the hon. minister might find an answer in the meantime; he would have time for reflection; he might go to the other end of the building and see Mr. Fisher who would perhaps tell him a little more about it, but I am not sure that Mr. Fisher may not at this moment be dangling that proposition of the cabinet before the eyes of the electors of the county of Brome. We should protest with all our power against this abuse of the confidence that the ministers have in their majority to carry out such measures as that, and I do protest. Could the hon. gentleman tell me what is the length of that railway? Does not the hon. gentleman know? I will hand him over the Bill he sent to me just now which he found was so similar to the one that was passed in the House of Commons, so that he may be able to tell me where we could find that little railway. I suppose that little railway will be the first one that will be constructed—it might be constructed this fall. Why not commence the surveys, immediately? They might have an engineering party out buying the ties and laying the ties, perhaps going through the fields and buying the votes. There is something to be done. Could the hon. gentleman tell me where we can find that little railway? I pause again. I am astonished. The hon. Secretary of State when he began his speech told us he did not know the total length of the railways to be subsidized. I am now addressing myself to him in relation to that little railway that runs through the county of Brome, where an election is coming on. I am asking what is the length of that little railway. From what point does it start and where does it finish? Will the hon. gentleman tell me? Let him look at clause No. 50. I think I am better posted than any one in the ministry. They should resign and give us a chance. We would respond better, and answer the public demands more satisfactorily. We cannot get a single item of information from the hon. gentlemen. It is none of their business; they know nothing at all about the subsidies or the location of the railway. They know one thing: They are asking us to vote subsidies to the amount of $25.000,-000, and upwards. That is all they know, and they want us to vote that without information. I think it is too much.

Hon. Mr. SCOTT—No. 50 gives the distances of the various points. There may be a number of branches. I do not know enough about the country to give an explanation. No. 50 reads as follows:

50. To the Orford Mountain Railway Company, for a line of railway from a point on its main line between Lawrenceville and Eastman to Lake Bonella, five miles; from Kingsbury to Windsor Mills, ten miles; and from Eastman to the town line between the township of Bolton, east part, and the township of Potton, twelve miles—not exceeding in the whole twenty-seven miles.

That is pretty clear. My hon. friend knows the geography of the country.

Hon. Mr. LANDRY—I am glad the hon. gentleman has located that railway. Does he knows if that railway has complied with the regulations yet?

Hon. Mr. SCOTT—I do not know that it has. I am not aware that it has.

Hon. Mr. LANDRY—Does the hon. gentleman think any of that money will be spent before next spring?

Hon. Mr. SCOTT—I do not know, but I do not think so.

Hon. Mr. LANDRY—It is refreshing to learn that the hon. gentleman does not think so. If a member of the cabinet thinks the money will not be spent by next spring, it is refreshing for us to know that he does not think so, and it will also be refreshing for the electors. I see in that Bill there is something for the Gaspé and Western Railway, a line from River du Loup to Metapedia, on the Intercolonial Railway, not exceeding 260 miles. Is this a federal railway? I should like to know if that railway is a federal railway or not. I should like to know if the hon. gentleman can tell me that?

Hon. Mr. SCOTT—I really do not know.

Hon. Mr. LANDRY—The hon. gentleman does not know if it is a federal or local railway. Who knows it? I will tell the hon. gentleman that it is not a federal railway. It is a local railway. It is just the railway for which a Bill came here the other day and was thrown out in the Railway Committee. A conference back to the committee was asked the day before yesterday by the hon. gentleman from Victoria. Why was that Bill thrown out by our Railway Committee? Because there was a local railway already chartered by the province of Quebec, and that railway is the Gaspé and Western Railway. This local railway is now subsidized by this federal parliament to the amount of 362 miles.

If the hon. gentleman will look at clause 11 he will find that a railway from Roberval westward towards James bay, not exceeding 60 miles, is one to which a subsidy is granted; but if you look at clause 52 you will see the following provision:

52. For a line of railway, in addition to and in extension of the line mentioned in item 11 of this section, from Roberval towards James bay, not exceeding forty miles.

That makes 100 miles from Roberval in the direction of James bay. I suppose that is a part of the Trans-Canada proposition. It starts at Roberval and runs in a direction north-west to James bay. I suppose this will be the beginning of the Trans-Canada which will run in the direction of Port Simpson. I am glad the hon. gentleman has thought fit to provide a subsidy for 100 miles —60 in one place and 40 in another—for the construction of a railway from Roberval towards Port Simpson via James bay. If the government had only continued that subsidy of $3,200 a mile or $6,400, because in the end it will amount to that, they would have constructed the whole of that railway from Quebec or Roberval to Winnipeg, without being obliged to vote those $41,000,000 that we are asked to give the government for the construction of the road from Quebec to Winnipeg. That private enterprise came to the government and asked them to give them the ordinary railway subsidy and they would engage themselves to build the road from Quebec to Winnipeg for that subsidy. The government refused to take up itself the construction of a railway from Quebec to Winnipeg, which, according to the estimate given by the hon. Secretary of State himself when he made his speech on the Transcontinental Railway Bill, would cost $41,000,000 in place of the usual subsidy for a railway running in the same direction, to be built by a private company. If the government thought that railway could not be built why do they give the subsidy to-day to a portion of it? Why, they pledge themselves to give $6,400 a mile towards that railway from Roberval, running 100 miles north and north-west, in the direction of the Hudson's bay, and they refused the Trans-Canada's proposition to construct such a railway from Roberval to Winnipeg! What they are doing to-day is only the beginning. They are building 100 miles to-day, but next year, if they are in earnest, they will continue the subsidy, and so it will be extended on to Winnipeg. It might kill the government road. I do not know what policy the government is advocating to-day when they are subsidizing a railway which will parallel their own, and as one of the hon. gentlemen remarks, it will not only parallel the government railway, but it will paralyze it and kill it. The government has no explanation to give? Why does the hon. gentleman not try to explain it? But we know what happened. We know that the Trans-Canada, which had a claim to build that road from Quebec to Winnipeg, was put aside entirely. By whom? By a man whom the government is utilizing in Quebec. The hon. gentleman is amazed. Does he not believe that the Trans-Canada was

bought out by the premier of Quebec and put aside ?

Hon. Mr. SCOTT—I did not hear of it.

Hon. Mr. LANDRY—There are many things the hon. gentleman does not hear of. The hon. gentleman almost every day comes in with a new Bill and never knows what is in it. Is it astonishing he does not know what took place about 300 miles from here ? That Trans-Canada Railway scheme was set aside and to quiet the people who were promoting the Trans-Canada, parliament is asked this year to vote a subsidy of $6,400 per mile for a section of 100 miles. That is the beginning.

I think when we are in committee we should take these items road by road, because we can not travel 3,900 miles in five minutes. We shall have a station at each item, and at some items we might have ten or fifteen minutes for refreshments. Does the hon. Secretary of State intend to press this Bill ?

Hon. Mr. SCOTT—Oh, I think so.

Hon. Mr. LANDRY—Is he seriously asking for $25,000,000 ?

Hon. Mr. SCOTT—I don't know. Nobody can tell the amount of money that will be required, because it altogether depends on the cost of building the road.

Hon. Mr. LANDRY—Does the hon. gentleman want this Bill to go through ?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. LANDRY—I thought he only introduced it for fun. I could not believe he was serious in asking $25,000,000 at this stage of the session, when he is not in a position to tell us anything about it. We will discuss it in committee.

Hon. Mr. SCOTT—It has never been the practice to go into committee on a Bill of this kind in the Senate.

Hon. Mr. LANDRY—Our rules do not dispense with the committee stage. That question was discussed on the money Bill respecting the judges.

Hon. Mr. SCOTT—I have before me the Senate journals of 1894, and I find the following entry on the 21st July :

A message was brought from the House of Commons by their clerk, with a Bill (169) intituled : 'An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned,' to which they desire the concurrence of this House.

The said Bill was read a first time.

On motion of the Hon. Mr. Bowell, seconded by the Hon. Mr. Angers, it was

Ordered, that the forty-first rule of this House be dispensed with in so far as it relates to the said Bill.

On motion of the Hon. Mr. Bowell, seconded by the Hon. Mr. Angers, it was

Ordered, that the said Bill be now read a second time.

The said Bill was then read a second time accordingly.

On motion of the Hon. Mr. Bowell, seconded by the Hon. Mr. Angers, it was

Ordered, that said Bill be now read a third time.

The said Bill was then read a third time accordingly.

The question was put whether this Bill pass ? It was resolved in the affirmative.

Ordered, that the Clerk go down to the House of Commons, and acquaint that House, that the Senate have passed this Bill without any amendment.

A similar course was followed with the very next Bill (170) 'An Act to provide for the payment of bounties on iron and steel manufactured from Canadian ore.' On the same day the Supply Bill also received its three readings, the same procedure being followed.

Hon. Mr. DeBOUCHERVILLE—That was in the time when money Bills could not be amended in the Senate.

Hon. Mr. LANDRY—It is now conceded that we may discuss and amend money Bills.

Hon. Mr. SCOTT—A Bill which the Senate has any power to amend can be more freely discussed in committee, but we had better not depart from the rule and practice of the past.

Hon. Mr. LANDRY—The rule says that all Bills, without distinction, must be referred to committee.

Hon. Mr. SCOTT—On the same day, the 21st July, 1894, a number of Bills were passed through the House without being referred to committee, two of them granting subsidies. The Supply Bill is generally introduced and passes through all its stages a few minutes before the Governor enters the Chamber to prorogue parliament.

Hon. Mr. TEMPLEMAN—In his speech just now, the hon. gentleman from Stadacona treated the Minister of Agriculture, I think, very unfairly, and very improperly. Sometimes in discussing public questions

in the House, my hon. friend assumes an attitude of badinage or semi-humour, and we are not quite sure whether he means everything he says or not. My hon. friend, however, was evidently serious in charging Hon. Mr. Fisher with having gone to the county of Brome, and having made a speech at the town of Knowlton in which he said he was divulging a cabinet secret. My hon. friend must have known that the newspaper in reporting the remarks of Mr. Fisher, omitted the word 'not.' It is quite clear from the context that he said he was not divulging a cabinet secret in stating that he had induced his colleagues to vote a subsidy for a certain railway. Mr. Fisher was speaking to the people of Knowlton on the 16th October, whereas the notice of the subsidy resolutions, had been placed on the journals of the House of Commons on the 6th of October, or ten days before he was speaking to the people in Brome, so that publicity had already been given to the fact that the subsidy was to be granted. My hon. friend instituted a comparison between Mr. Fisher's statement at Knowlton and the statement which the hon. gentleman from Stadacona had made in Montmagny, and which he has described to us to-day. The positions are entirely different. Mr. Fisher stated what had been accomplished and what had been publicly announced in parliament, that a subsidy would be given to a railway, and he took credit to himself and his political party for having done this justice to that county. That is a very different position from that which my hon. friend occupied, when, according to his own statement, he was disqualified for having attempted to bribe the electors of Montmagny. The facts in the two cases are totally different. In Mr. Fisher's case the subsidy had actually been promised. So while no doubt my hon. friend did not mean all he said, nevertheless it is unfair that a senator, speaking from his place in parliament, should make such a savage attack on a minister of the Crown when that minister was guilty of no culpable act whatever in stating to the electors that he had succeeded in getting for them a railway subsidy. I assume that when we return to our respective constituencies, particularly the supporters of the government who have secured something for their constituents, we will not fail to say so, and no doubt our political opponents will endeavour to belittle the efforts of the government supporters in performing their duty to their constituencies. I think it is only right and fair that I should thus briefly call attention to the very unfair and I think unparliamentary attack which has been made on the Minister of Agriculture, grossly and flagrantly misrepresenting the attitude of a minister of the Crown on a matter of this kind and stating that he was as guilty of bribery and corruption as the hon. gentleman admits he was himself in the case which he described to the House. It is most unparliamentary and unfair, and I feel it my duty thus publicly to call attention to the matter.

Hon. Sir MACKENZIE BOWELL—I should judge that my hon. friend, in his defence of Mr. Fisher, fancies himself in the editorial chair of the Victoria 'Times' instead of representing the government in this House, because that is just about the argument I would expect in his newspaper, but not from a minister of the Crown. My hon. friend says that the subsidy resolutions were laid before parliament ten days before Mr. Fisher spoke to the electors. The fact that they were before parliament in the shape of resolutions before Mr. Fisher addressed the electors may be quite true, but the fact that he advised his colleagues in council to grant the subsidy, when he is sworn not to divulge what is done in council, was not before the country, and that is the point made by my hon. friend. What Mr. Fisher said was——

Hon. Mr. TEMPLEMAN—What newspaper is my hon. friend reading from ?

Hon. Sir MACKENZIE BOWELL—I am reading from a report of the meeting.

Hon. Mr. TEMPLEMAN—In what newspaper ?

Hon. Sir MACKENZIE BOWELL—I shall tell the hon. gentleman when I come to it.

Hon. Mr. TEMPLEMAN—I have already called attention to the fact that in the Montreal 'Star' report there is clearly a mistake.

Hon. Sir MACKENZIE BOWELL—How does the hon. gentleman know it is a mistake ?

Hon. Mr. TEMPLEMAN—Because——

Hon. Sir MACKENZIE BOWELL—That is a woman's argument. Because why? Just because—that is the hon. gentleman's argument. Now, just because he thinks it is in the Montreal 'Star,' therefore it cannot be true. Is that the inference?

Hon. Mr. TEMPLEMAN—The hon. gentleman does not want me to reply.

Hon. Sir MACKENZIE BOWELL—It is very interesting to address a large and respectable audience; and in this House, if the audience is small, it is very select, and I will add to that, very intelligent, only I would submit to the hon. gentleman that when he defends his colleagues he had better try, in analysing what the duties of a minister are, to keep before him the position which he really occupies and not imagine that he is in the editorial chair of a party newspaper. Mr. Fisher says that he induced his colleagues to do so and so.

Hon. Mr. TEMPLEMAN—Was there any harm in that?

Hon. Sir MACKENZIE BOWELL—That is, telling the electors of Brome that he had advised his colleagues in council—because that is where these things are done—to grant this subsidy, and, in consideration of this subsidy being granted, that they should vote for the election of the treasurer of the province of Quebec. The length to which the hon. gentleman went in that case would not have been as bad, perhaps, if it was for a member of parliament, but it shows that there is a unity of action between this government and the local government in all political matters, a principle that they condemned in the strongest possible language when the Hon. John Sandfield Macdonald's government was in power in Ontario and when the province of Quebec was governed by a Conservative administration. Then it was a heinous crime for the federal government to interfere in a local election at all, but now we find the ministers, both of the federal parliament and the local legislatures, acting in unison and using the money and the power of the Dominion to carry elections. The hon. gentleman from Victoria tried to draw a parallel between members of parliament and ministers of the Crown. A member of parliament who induces the government to make an appropriation——

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. TEMPLEMAN—I did not draw such a parallel.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman to say that when members of parliament returned to their constituents they boasted of what they had accomplished. That is quite true and quite proper. They are not sworn not to divulge what advice they gave to the Governor in Council. There is a difference between a statement of a minister of the Crown, like Mr. Fisher, who takes a solemn oath not to divulge anything that takes place in the cabinet, and an independent member of parliament who are elected to do certain things for his constituency, telling his constituents what he has done when he comes home. I hope the hon. gentleman will never advance an argument of that kind in the future, and how much worse and how much more culpable is a minister of the Crown in taking that position than an independent member running for a constituency. Who among us, when we are running in a constituency, do not say to our constituents: I shall do what I can in aid of this constituency. Taking a long colonization road that runs through a constituency, as it does through mine, I should not consider it any breach of the law if I were to say to them: 'If I am elected I shall do what I can to have this road improved by the government.' That is the position of my hon. friend. He ran for a county that had extensive colonization roads. He says: 'If I am elected I will do what I can to have these roads so improved as to induce settlers to go into that section of the country,' and two judges disqualified him for it. I understand that was the extent of his offending in that regard.

Hon. Mr. LANDRY—That is all.

Hon. Sir MACKENZIE BOWELL—We have a minister of the Crown who is sworn not to divulge what takes place in the council, going to his constituency and telling them: 'I persuaded my colleagues to do such and such a thing for you, and to-day you should vote for this local man.' That is the position of Mr. Fisher. You may gloss it over as much as you please. Should we not draw a distinction between an independent member of parliament and a man who occupies the position of sworn adviser

of the Crown with the responsibilities attaching to it? I am surprised to hear my hon. friend. If he had thought for one moment he never would have advanced the argument which he did. The Secretary of State is quite correct in saying what the practice in the past has been in relation to such Bills as we now have before us. We have either to accept the 3,900 miles of subsidies for railways involving between $300,000 and $400,000, that is taking the full estimates, for I take it for granted there are very few roads even in the prairie section that do not cost more than $15,000 a mile, and we are quite safe to make the calculations in the manner in which they have been made at $6,400 per mile. Here is another instance in which the principles formerly advocated—I won't say principles, because I don't think the party opposite ever had any—the doctrines they used to preach in the past have been violated. Granting such subsidies was condemned by them as bribery to the constituency. There are many of these subsidies which are defensible, and one reason why I think we ought to go into committee on these resolutions is the fact that there are so many of them that are indefensible that we ought to know the reason why they have been placed here and why the money is voted. I think we ought to have some little information so that when we speak in public, defending or condemning these large appropriations, we shall know what we are doing. What reason is there for a subsidy for one mile of railway running from the terminus of a wharf where there is no business of any consequence done except of a very local character? How can the government justify a subsidy to a line like that? Then there are other lines—I have not looked through them all, but I quote one running through the province of Ontario up through the Niagara district, or a little north of the Niagara district through the best settled portions of Canada, not only the best settled, but richest portion of Canada so far as lands and the farmers and the residents along that section of the country are concerned. It never was the intention in granting railway subsidies to grant them for such lines as that. There are subsidies here which are to open out the northern portions of the country, giving access to the untilled lands, making connections with the main lines running from the north or running through the great west. Those are defensible, and that is one reason why we should go into committee to discuss these, to get some little information why the different subsidies are voted. According to my hon. friend's description of the Orford Mountain Railway, which the Hon. Mr. Fisher has been dangling before the eyes of the electors of Brome, in order to induce them to vote for the new treasurer of the province of Quebec, where does that run? What new country is that to open, and why is the subsidy granted except it be for the purpose indicated by Mr. Fisher himself, that is to assist in carrying the election in that section of the country. Then we have a line here, the Atlantic, Quebec and Western Railway, from Quebec to a point near Causapscal on the Intercolonial Railway, only 362 miles. In all conscience and in all sincerity, have we not had enough of the Baie des Chaleurs and Gaspé Railway—I was going to say swindle—and I don't think I would be using too strong words if I did, taking it from its inception up to the present time? Every session we have somebody pop up like a popinjay from a box with the expectation of and actually succeeding in getting their hands into the public exchequer of the country for schemes of this kind. If we are not to go into committee we will have to claim the right of speaking a dozen or two times in order to get explanations as to the character of these appropriations. Here is a subsidy for a line of two and a half miles in our own neighbourhood; yet Sir Richard Cartwright used to denounce the other government for subsidizing lines that ran back into the country for the purpose of bringing out ore and marl for the manufacture of cement. Not satisfied, after the road had been built through subsidies that had been received from the old government, they actually continue the road to the terminus in the village to the smelter a couple of miles away, as complete a private enterprise as any could possibly be. I am not going through these different items, because I intend to ask the hon. gentleman to move the House into committee in order that we may consider them, and we will deviate from the old practice to which he called attention, although I admit that the cases that he cited are quite correct—but then there was this

difference, at that time the appropriations and subsidies were for legitimate purposes, for developing the country where it was impossible otherwise to get into the country——

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I am glad my hon. friend the member for Victoria approves of that. You cannot take the action of one parliament as a precedent altogether for the others, because you may ask for a suspension of the rules to do a legitimate thing, and that thing may be in the interest of the country, while at another time to cite that as a precedent for ostensibly the same purpose when it is for doing an absolute wrong. There is the difference. There is another road of four and a half miles, and so on through the whole thing, and here is one for——

Hon. Mr. LANDRY—One-quarter of a mile.

Hon. Sir MACKENZIE BOWELL—I think my hon. friend opposite knows where that is, that is in connection with the railway across the bridge here, the most settled and populated place in the country—the Ottawa, Northern and Western Railway Company.

Hon. Mr. LANDRY—There are two portions of the railway.

Hon. Mr. SCOTT—I understand that is some subsidy that was voted many years ago, I do not recollect when, and it was allowed to lapse, and the Auditor General would not pay it unless a new vote was taken. It was brought to the attention of the government, and they said the company were entitled to it. It had not been drawn; it had to be revoted.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman's statement be correct, it must have lapsed, the work was done afterwards and you are now paying the subsidy.

To the Ottawa, Northern and Western Railway Company for that portion of its line from a point to the east end of the Hull station yard of the Canadian Pacific Railway to a point of junction with the Interprovincial bridge approach in the city of Hull, not exceeding one mile; and for a line of railway to the boundary line of the city of Hull from a point on the Ottawa and Gatineau Railway, now the Ottawa, Northern and Western Railway, not exceeding one-quarter of a mile.

This belongs to the Canadian Pacific Railway. Is it possible that the government are subsidizing a quarter of a mile of railway, with the city of Ottawa on one side and a city of 10,000 or 15,000 people on the other side? That, I am afraid, is the character of very many of these subsidies. I am not going to take up your time longer. I should not have spoken if it had not been for the extraordinary defence set up by my hon. friend from Victoria of his colleague. I do not blame him for coming to the defence of his colleague; that is very natural, but I would suggest the next time to have a better defence than that which he gave to this large and select audience. There is only one consolation we can possibly have, and that is that though the audience is not very numerous it is very intelligent and can appreciate what we say. The question whether they will utilize it or not is another thing; I frankly admit that we are bound to accept this Bill, but I do not think we should accept all these items without knowing at least what we are doing. I would like to ask the Secretary of State whether he does not think, under the precedent set a short time ago, we might move to drop out this quarter of a mile road and one-half mile road and one mile road from the terminus of the Lake St. John Railway at Roberval?

Hon. Mr. TEMPLEMAN—We might have a conference.

Hon. Sir MACKENZIE BOWELL—I do not want another conference. In a short life like mine, one conference is quite enough. I propose, as far as I am concerned, to allow this Bill to take its second reading, and then we can go into committee where we can discuss each item. I will give my approval, however, for one or two items. As I have nothing to do with advising them, I suppose I shall not be accused of divulging any secrets. There is the extension of the Bay of Quinte Railway, which runs through my old constituency into the north. I think that is a very good appropriation, because it will open up a new country, and there is another road which I think might meet the approval of parliament, and that is the road running from a place near Bancroft toward the Ottawa, and for the Central Canada road running from Bancroft back to tap the Canada Atlantic Railway near Whitney. That opens up new un-

developed country, and aid to roads of that character I believe is money well spent. There are other parts of the country, both in Ontario, and I daresay in Quebec and other provinces, that are equally praiseworthy, and as long as we have a large surplus, I don't know that we can spend the money better if it is spent in aiding the development of new country. But that does not apply to roads running in the Niagara peninsula and up above Tilsonburg and that section of the country. I think my hon. friend will not object to our getting a little information in reference to these items when we get into committee. Let us depart from the old system where we used to swallow things holus bolus, and with our experience in this House and in the other, I know my hon. friend will accept the suggestion which I make, knowing how anxious he was in time past to receive information. I am sure he has not forgotten an occasion when he and the hon. gentleman from Halifax sat on this side and kept the Governor-General in his uniform all the afternoon; then he had to take it off, get his dinner, go to bed, and wait until the next morning till these gentlemen would surrender. However, they did surrender. All I want is information; I have no intention of prolonging the discussion longer than is necessary. The Speaker read a message from the secretary of the Governor General a short time ago announcing that His Excellency was coming here to prorogue at 11 o'clock to-morrow. I should like to know who it was made that arrangement in view of the large amount of important business before us? I suppose the Secretary of State must have taken it for granted there would be no difficulty in getting $50,000,000 or $60,000,000 through this House in a few moments, and that the Governor could come down at any moment. Does not the Secretary of State think it would be much better that we should keep the Governor till Monday? These are very important resolutions, and we will have a good deal of discussion. I don't think I shall occupy over two hours in criticising and analysing the Supply Bill when it comes down. I want to give the hon. gentlemen credit for the economy they have displayed in the estimates and in the sparing manner in which they propose to dispense the people's money during the year. The Supply Bill and endorsations amount to between two or three hundred millions. That is not a large sum in a country growing like we are, and we are growing, so you say, and we are growing not only in population and in wealth, but we are growing in debt more rapidly than in any other way.

Hon. Mr. SCOTT—Hon. gentlemen, in the last eighteen years in which I sat on the opposite side as leader of the opposition I never, except on one occasion, offered any obstruction, and those gentlemen who were acting in concert with me always took my advice and allowed the government business to go through at the end of the session in a manner which was conformable to the usage that always prevailed. The one occasion was the one to which he alludes. That was the building of a railway to Hudson bay to which a large grant of land and money was attached and that was absolutely justifiable.

Hon. Sir MACKENZIE BOWELL—It was not the Hudson Bay Railway.

Hon. Mr. SCOTT—Yes, it was.

Hon. Sir MACKENZIE BOWELL—It might be called a portion of the Hudson Bay road, but a grant of land had been given to aid in the construction of a road running from Winnipeg into the Dauphin country, and the Bill was for the purpose of changing that subsidy from that company to the Mackenzie & Mann Railway, which now forms part of their transcontinental road.

Hon. Mr. WATSON—If the House will permit me, I know something of that particular occasion when the House was held for some two days——

Hon. Mr. SCOTT—One afternoon to the following morning.

Hon. Mr. WATSON—If I remember aright, the Governor was to come here at four o'clock on Saturday. Then it was put off till six and then till nine, and then prorogation was put off till the following Tuesday.

Hon. Mr. SCOTT—No, only one day.

Hon. Sir MACKENZIE BOWELL—Why?

Hon. Mr. WATSON—There had been a lively discussion in the House of Commons

in reference to a large grant of land and money on account of a mail contract to the Hudson Bay Company. I was here and took a lively interest in what was going on, because that country had been held up for years. The Dauphin country required railway accommodation, and the Hudson Bay Company claimed they had a right to retain that land and mail subsidy though they had done nothing for years, and the question that was being discussed at that time was the arrangement that was passed in the House of Commons, that in the event of the Hudson Bay Company not constructing so many miles of railway within two years, the government should have the power to transfer the mail service to the Lake Manitoba Railway and Canal Company.

Hon. Sir MACKENZIE BOWELL—It was the mail and the land subsidy.

Hon. Mr. WATSON—It was the mail subsidy. That was passed by the House of Commons and the Hudson Bay Company was exercising its powers in the Senate to try and have that part of the arrangement made in the House of Commons thrown out, and that was the cause of the debate, Certainly the views of parties who wished to advance the Hudson Bay Company at that time did not prevail, and the Conservative government's contention at that time, which stated that at the end of two years they would have the right to transfer the cash mail subsidy to the Lake Manitoba Railway and Canal Company, prevailed. That was the subject which held the House here, and it was really the views of the government expressed by a majority in the House that prevailed in the Senate. The other side was really trying to veto the action of the House of Commons.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman give us the reasons why the hon. Secretary of State and the hon. gentleman from Halifax took such an active part and tried to defeat it? They should have had good reasons for doing so. As the hon. gentleman is speaking for the government he had better give us the rest of the story.

Hon. Mr. WATSON—As far as the Hudson Bay was concerned——

Hon. Mr. YOUNG—The Winnipeg and Hudson Bay Railway Company.

Hon. Mr. WATSON.

Hon. Mr. WATSON—Yes, they had laid some forty miles of track which was never used, and had also received from Manitoba $25,000 on account of laying that track, and it had never been used, and the Canadian Northern, having purchased the Hudson Bay charter in the meantime, were trying to put that forty miles in operation this fall. It was in 1886 that the Manitoba government gave $256,000 to the Hudson Bay Railway Company. Mr. Hugh Sutherland was president, and they never got an acre of land as security. I think the hon. gentleman will remember there were some very nice expressions used between some of the members of the government and a gentleman who has now a seat in the House of Commons. I think one said the other was a liar, and the other said that he was a scoundrel and he could not believe him. But the province of Manitoba handed over $256,000 of bonds and the government have never received one dollar of security in lands or anything else for that amount. As far as Manitoba is concerned we wanted to have that mail subsidy transferred, and it was transferred by the Conservative government to the Lake Manitoba Railway and Canal Company.

Hon. Sir MACKENZIE BOWELL—That is a very interesting story, but what has that to do with this Bill?

Hon. Mr. WATSON—But the hon. gentleman brought it up.

Hon. Mr. SCOTT—With the exception of that one instance you cannot point to a period in the eighteen years that I was in opposition that I did not treat the government as it should be treated.

Hon. Sir MACKENZIE BOWELL—Once was enough.

Hon. Mr. SCOTT—The hon. gentleman speaks of subsidies to sections of country where the population is wealthy enough to build its own railways. It has been the custom of this government and of the preceding government to grant subsidies to railways wholly irrespective of the ability of the section to pay for them. Here I find, for a line between Woodstock and Hamilton, a vote of $158,000.

Hon. Sir MACKENZIE BOWELL—When was that?

Hon. Mr. SCOTT—1891. Montreal, Hawkesbury and Ottawa, another subsidy, and that is one of the oldest settled districts in the country. Then Kingston and Smith's Falls, Brockville and Westport, another part of Ontario which has been long settled; also the Newbury and Westport. Then in reference to the proposal the hon. gentleman makes that we shall go into committee, I must protest against any such proposition. It has never been done in this Chamber, and I hope my hon. friend will not press it. I say that in no session has the business of the country been as well up on the eve of prorogation as it is now. Look over the records for the last 25 years, and you will not find an instance where the work was so well advanced on the day previous to prorogation. When I was on the opposition we would meet at 11 and before 12 there would be a dozen Bills down. You could not do more than read the titles. It was absolutely impossible to discuss them. I will give the House an illustration of that. I have not selected any particular year, but simply asked for one of the former journals of the House. Here is the list of Bills introduced on the 17th of May 1882: Chignecto Marine Transportation Bill; Bill increasing during a certain time the yearly subsidy to the province of Manitoba, an Act to authorize the annual grant for the development of the sea fisheries and encouraging the building of fishing vessels, an Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, an Act to encourage the construction of dry docks, an act to further amend the several Acts imposing duties of customs now in force; an Act to provide for the payment of salaries of judges of the Supreme Court of Judicature of Ontario and certain judges in the province of New Brunswick; an Act to provide for the payment of subsidies for the construction of certain lines of railways therein mentioned —a Bill similar to the one now before us. There are more of them. An Act to increase the amount placed at the disposal of the Governor in Council for paying off claims against the Bank of Upper Canada; an Act respecting the Windsor Branch of the Intercolonial Railway.

Hon. Sir MACKENZIE BOWELL—All in one day?

Hon. Mr. SCOTT—Yes. And at three o'clock in the afternoon of the same day His Excellency appeared and gave his assent to the Bills which only came before us an hour or two before prorogation.

Hon. Mr. DeBOUCHERVILLE—Any important Bills?

Hon. Mr. SCOTT—Most of them money Bills.

Hon. Mr. LANDRY—Were they all money Bills?

Hon. Mr. SCOTT—A number of money Bills.

Hon. Mr. TEMPLEMAN—The majority of them.

Hon. Mr. SCOTT—Subsidy Bills and other Bills.

Hon. Mr. LANDRY—Could the hon. gentleman tell us if there were any money Bills where they dispensed with the committee stage?

Hon. Mr. SCOTT—An Act to authorize the granting and encouraging the building of fishing vessels; an Act increasing during a certain time the subsidy to encourage the building of dry docks. Here is a Bill imposing duties of customs.

Hon. Mr. LANDRY—It is a tax Bill.

Hon. Mr. SCOTT—Then an Act to fix and provide for the payment of judges. An Act to amend the Inland Revenue Act.

Hon. Mr. LANDRY—That is imposing a tax upon the people.

Hon. Mr. SCOTT—I am merely calling attention to what the practice has been in the past and, I should hope the same courtesy which I extended to members of the government at that time will be extended to me on this occasion; because, I felt that the Bills ought to have been brought down earlier, and I have been constantly pressing on my colleagues to send forward the Bills from the House of Commons. I think a very much larger proportion of Bills have come down at an early period this year than ever before, because there is nothing now left except the Subsidy Bill, and a couple of Bills to be returned, so that the business is well up.

Hon. Sir MACKENZIE BOWELL—I am glad to be able to congratulate the hon. Secretary of State on his confession of want of attention to the business of the country displayed when he was in the opposition. I must frankly confess I did not think so at the time, and if a large amount of business has been transacted during the present session, he may attribute it to the aid he has received from hon. gentlemen on this side of the House, who have not attempted to obstruct Bills in any way.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman knows that a few years ago, when a number of my own friends were strongly opposed to government measures, and had the means of giving them effective opposition, those Bills were passed with the influence of myself and one or two others; but as my hon. friend has made such a pathetic appeal in this case and such a confession of lack of duty in the past in allowing so many money Bills to go, we must accede to his request. All I ask him is to give us some explanation, if he can do so, of some extraordinary appropriations. If he frankly tells me that he does not know anything about them, I shall not ask him. I cannot make a better offer. I think I have the concurrence of my friends around me in the proposition I am making. If they are few, they are influential and intelligent; not that I want to throw any reflection on the intellect, ability, genius and geniality of the hon. gentlemen opposite; but with the consent of my friends, I may say we shall not ask the hon. gentleman to go into committee, but for this time, allow the items to go as they have gone in the past, entering my strong protest against the manner in which the amounts of these subsidies are being extended, continually, and that too in portions of the provinces where I know they are not urgently needed. I may as well be frank in making a little confession myself: I think we, when in power, carried the policy of aiding railways too far. I am not at liberty to say—I should be following in the footsteps of the Minister of Agriculture if I did—what position I took on these questions in the past, but I will state my opinion to-day—we are carrying it too far. We are becoming too lavish. The condemnation which was heaped on our heads for appropriating not one half, probably one quarter as much as is being appropriated now, may prove a boomerang to those who condemned us, and if I could get at the honest opinion of hon. gentlemen opposite I think they would not far disagree with me. The only possible justification—and I am saying this in all sincerity and honesty—for these lavish expenditures is the fact that the revenue is booming. But a time is coming—it always does—when there will be depression of trade. We may thank fortune that the statesmen of the past, not of one party alone, because I remember that the late Hon. George Brown and Alexander Mackenzie, and my hon. friend opposite (Hon. Mr. Scott) worked in full harmony with us, had the forethought to secure the great North-west, and we are indebted to that part of the Dominion for the prosperity which prevails to-day.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—If it were not for the influx of population and the large importations to supply that population, Canada would to-day be as depressed and perhaps more so than she was in the period from 1874 to 1878. Any one who watches the current of events in the country will come to the same conclusion that I have reached, that what is making this country what it is, and will become in the future is the development of the North-west, hence we can vote and spend a little of the surplus in providing railway facilities. For thirty years, the settlers in the county of Hastings had to travel seventy-five to a hundred miles by wagon to take out the products of their farms, except when the lumbering operations furnished them a market nearer home. When that market began to fail they had to travel over colonization roads and were without railways. We are now getting railway facilities, and while I have spoken so favourably of the appropriations for railway construction in the North-west, I say without fear of contradiction that there is not in the whole world a country so recently settled, that has so large a mileage of railways and facilities for getting out the products of the soil as Manitoba and the North-west. It is money well

spent. I could enter into a defence of the policy of the late government, but it is not necessary. It was that policy which tended to develop the country, but what did more was the two good harvests that Providence gave them. That was better than any legislation of parliament, for opening up and settling our great prairie country.

The motion was agreed to on a division.

The Bill was then read a third time, and passed.

THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (271) 'An Act for granting to His Majesty certain sums of money for the public service for the financial year ending 30th June, 1904.'

The Bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the Bill. He said: In the main estimate there is taken from the consolidated fund $50,680,224, and on capital account $6,429,750, making together in the main estimates $57,109,974.

Hon. Sir MACKENZIE BOWELL—Is that all?

Hon. Mr. SCOTT—There are supplementary estimates. The first supplementaries were $5,861,884 on consolidated fund account, and $4,728,978 on capital account, being together $10,590,863. The further supplementaries were $111,198, on consolidated fund account, and $660,167 on capital account, making a total of $771,365. Then there is a further small supplementary in connection with Judge Henry's payment of $1,333.34 from consolidated fund. The total on consolidated fund account is $56,655,640, and on capital account $11,818,895, making a total of capital and consolidated fund of $68,473,536. Then there were supplemental estimates for the year past which we had in the early part of the year, estimates for 1902-3, to pay expenses incurred that year. They may have been included in the other. I have the comparative estimates which include the total consolidated fund, $51,194,000, and on capital account, $7,867,000, making a total for the year 1902-3 voted by parliament of $59,061,934. The difference between last year and this year, is the difference between fifty-nine million and sixty-eight million, an increase of $9,411,601. That is the whole secret of the figures there boiled down.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has boiled it down too low.

Hon. Mr. SCOTT—The revenue up to the 30th June, 1903, was $66,034,108, an improvement on the former year of eight million dollars, the difference between fifty-eight million and sixty-six million.

At six o'clock, the Speaker left the Chair.

After Recess.

The debate was resumed.

Hon. Sir MACKENZIE BOWELL—If it were not for the desire I have to place myself on record I never would attempt to address the House with less than a quorum present. I have notes here to make a speech of an hour in length, but I do not think anything I would say would make the slightest difference to hon. gentlemen present, if a vote were taken. The expenditure for the year is certainly appalling when we consider the past records of those who are now asking parliament to vote between seventy and eighty million dollars on the ordinary and capital account. A few years ago the financial critic in the House of Commons moved a resolution condemning the government because their estimates amounted to about twenty-nine million dollars. The annual expenditure was also the stock in trade of the agitators in the Liberal party a few years ago, and when they went to the people to ask for support in 1896 they declared that thirty-eight millions of dollars was a burden upon the people from which they could scarcely recover. When we remember how rapidly the annual expenditure has increased since the present government came into power, we can fully realize what their former professions of economy really meant. They either had no conception of the growth of the country or they deliberately misled the people in discussing the financial standing of the Dominion. The present premier told the people in London and at other places that if his party obtained power they would reduce the annual expenditure by between three or four million dollars. That also was

reiterated by our late colleague the Hon. Mr. Mills, Minister of Justice.

The record of to-day without elaborating will show very clearly what the result has been, without going into the figures to show what the actual annual increase per capita has been from 1896 to the present time, and I must confine myself to the estimates now before the House. I should certainly deal with the whole question if I were in the other House, where I had to appeal to the people, and where we could put on record our votes against the extravagant expenditure which has characterized the present government. Without elaborating further I might point out that in 1901 the annual expenditure was about $40,793,208. In 1902 the latest official returns we have make the expenditure about $63,970,000; in 1903-4, the estimates before us at present, a part of which we have voted, and a part of which we are asked to vote, amount to $73,864,504. That is for the ordinary and capital account for the year, without taking into consideration the $9,000,000 for which we have pledged the country in guaranteeing the debentures of the Canadian Northern Railway, nor does it include the expenditure we are asked to-night to confirm of six or seven millions for the Quebec bridge. Nor does it include the larger amount of about $120,000,000, that is Mr. Blair's calculation and he ought to know, being the late Minister of Railways and Canals, for the transcontinental railway. We are pledging the country for that sum by direct taxation and by the guaranteeing of the bonds of the Grand Trunk Railway. Those are a few items, speaking generally, showing the financial state of the country at the present moment. It would be interesting to show how that increase has occurred. Making the comparison to which I have just alluded, you will find that in examining the Auditor General's Report for the current year, and the years that have elapsed, that the increase in the interest account on the public debt was $473,000, that is a 5 per cent increase. The expenditure on the administration of justice has increased $191,960, or an increase of 25 per cent. The civil government has increased $100,741, or an increase of 7 per cent over and above the former year. Miscellaneous and contingencies, $973,757, or 566 per cent. The public works and capital account, $2,921,948, or an increase of 225 per cent. Inspection of staples, $10,933, or 420 per cent, and on immigration, $374,643. I remember well when we used to expend from $50,000 to $100,000 on immigration, it was the cause of constant complaint and denunciation on the part of the opposition, both in the Contingent Accounts Committee and in the House of Commons. Now, however, they have nearly quadrupled that expenditure, and the result is looked upon as a valuable asset. I know it has been charged, and with some degree of truth, before the North-west Territories were opened by the construction of the Canadian Pacific Railway, that many immigrants that were brought to this country landing in Quebec and going westward went over the border into the United States and settled there; particularly when they had to pass through the western states, the fascination of the prairies and the inducements which were held out to them when the agents met them on the trains and exhibited to them the portraits of the then opposition, and read to them the utterances of such men as the Hon. E. Blake and the Hon. A. Mackenzie, denouncing the Canadian North-west as being infinitely inferior to that of Kansas, and some other of the western states, we can easily understand how it was that the immigrants were diverted from their original intention and remained in the States. That difficulty does not exist to the same degree now, because we have the Canadian Pacific Railway running direct through the North-west country, and through the good crops with which we have been blessed for the last three years immigrants have been attracted to that country to a very large extent. Then we find the ocean and river service amounted to $314,739, or 174 per cent. The Public Works Department have spent out of revenue $339,053, or 213 per cent. These are a few instances in these departments of the manner in which the money has been spent. I shall give one or two more illustrations of the manner in which the money has been expended. The government has been guilty of some of the most unjustifiable expenditures. Look at the wharfs at Grand Vallée, in the province of Quebec, which cost $50,000, built for a private individual, not for the public benefit——

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And not for the public service. At present $50,000 or more to a supporter in the House of Commons does not appear to be much when you have a surplus of some $13,000,000 or $14,000,000. Then take another amazing expenditure of $50,000 covering up or what might be termed plugging up a hole in the Yukon which never should have been dug and without any rhyme or reason for the expenditure. In Ontario it is no better. I am only giving you one or two instances in each province. We have just as bad an illustration of the manner in which money has been spent in that province. Take the construction of a wharf at a cost of $12,000 where there is no population and no necessity for such a work, somewhere up in the west, but it was necessary in order to strengthen the representative of that constituency, that this money should be expended. I should like hon. gentlemen to turn to the estimates of this session, and you will find indications that an election is very near, if not immediately after this session, within a very short time. We find money appropriated for public works in every direction. Coupled with that we have $25,460,400 of railway subsidies based upon a calculation of $6,400 per mile. I have taken the trouble to make a synopsis of the amounts appropriated for what are termed public works in the different provinces. It is rather an interesting study, particularly for politicians. I propose to give you the number of items for public buildings, river and harbour improvements, &c., to be voted this year, on capital and income as they appear in the estimates laid before us, which we are now asked to approve. They are as follows :

—	Ontario.	Quebec.	Nova Scotia.	New Brunswick.	P. E. Island.	Manitoba.	Territories.	British Columbia.	Yukon.	Generally.	Totals.
Public Buildings—											
Capital.....	8	...	...	...	...	...	...	...	2	...	10
Income.....	75	42	15	16	2	8	17	19	1	9	204
Rivers—											
Capital.	6	3	...	...	...	1	...	...	...	...	10
Income.....	107	152	157	47	27	11	1	26	1	3	532
Totals.....	196	197	172	63	29	20	18	45	4	12	756

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I seriously advise gentlemen who take any interest in the expenditure of the public money to examine these items and see what they are for. I think they will come to the same conclusion as I did after reading them, that there is scarcely an inlet around the whole province of Nova Scotia that some provision has not been made for the expenditure of public money, particularly in those constituencies which are represented by government supporters. The total expenditure in the different provinces for improvements consists of 756 items, ostensibly for harbours and wharfs, many of which are in sections of the country where they are certainly not required; where the expenditure should be made either by the local authorities, or by the parties who are to profit by them. Going back to what I said a few moments ago in reference to these expenditures as indicative of what we think is to take place, and what must take place in a very short time, it is pretty good evidence that there is very little regard paid to the professions of economy made so often by the hon. gentlemen and of which we have heard so much while they were in opposition. If you turn to the estimates before parliament you will find this result :

1. Supplementary estimates, 1903 ..$	300,000 00
2. Further supplementary estimates, 1903..	5,090,968 27
3. Estimates, 1904..	57,109,974 35
4. Supplementary estimates, 1904 ..	10,590,863 12
5. Further supplementary estimates, 1904..	771,365 55
6. Other further supplementary estimates, 1904..	1,333 34
	$73,864,504 63

These do not cover the railway subsidies for which the government has pledged its credit. Calculated at $3,200 a mile, they amount to $12,730,400, but if you calculate the sum which will no doubt be paid, at $6,400 per mile, it comes to $25,460,800. Every one who has paid any attention to the construction of railways, knows very well that the $15,000 per mile will be exceeded, and consequently we may fairly calculate the subsidy at $6,400 per mile. In addition to that, $150,000 is appropriated for bridges. We shall be asked to vote to-night in connection with the Quebec bridge, a guarantee of bonds to the amount of $6,678,200. I have not yet had an opportunity of reading the Bill to ascertain what the provisions are in connection with that guarantee. I merely

take the figures as they appear upon the face of the Bill. It will be interesting to know how much the stockholders, who, if we are to judge by the statements which have been made have put very little money into this enterprise, are to make out of this speculation. The premier of the province of Quebec, I understand, is not only a stockholder but is the president of the company.

Hon. Mr. LANDRY—Yes.

Hon. Sir MACKENZIE BOWELL—And some others occupy equally high positions, gentlemen in the legislature, who have in the past voted money for the construction of that work, will receive a portion of this $6,678,200. We have in the past, in buying these railways, given for them their full value—I am speaking particularly of the Drummond County deal. Those who were connected with that road received very large sums from the Dominion government, the local government and the municipalities. They did not deduct these amounts from the price paid for the road by the government. It was contended at that time that it would not be equitable or fair to deduct that amount from the value of the road at the time it was purchased. Perhaps that might be asserted with some degree of fairness of the amounts given to them by municipalities and by the local government, over which the Dominion government had no control; that these amounts might with propriety be allowed to go to the profits of the promoters and others connected with the enterprise; but why we should give hundreds of thousands of dollars in aid of the construction of the road and then buy it from the parties to whom we had given the subsidy, allowing them the full value of the property, which was tantamount to giving them a double subsidy, is a question for the advocates of the purchase of that Drummond County Railway on those terms, to answer. I never could understand the equity or justice of that transaction. Large sums have been given in aid of this Quebec bridge, $1,000,000 by the Dominion government, $250,000 by the local government and $300,000 by the city of Quebec. I should like to know whether, in guaranteeing the bonds of this company to the extent of $6,678,200, these sums are included or are to be deducted from what might properly be called the purchase of the bridge, because it is little less than a purchase? I suppose we will get that information when we reach the Bill dealing with the bridge. Then, in addition to the sums to which I have called the attention of the Senate, there are the Grand Trunk Pacific subsidy, the iron bounties, the lead bounties and the guarantee to the Canadian Northern, together with many other expenditures of a minor character, the particulars of which I shall not enter into. There are not only the iron and lead bounties, the binder twine bounties and other expenditures of that character, but expenditures which do not appear on the face of these estimates. For instance, there has been an increase in the number of judges, and the salaries and increases taking place in the civil service. If you take all these sums and capitalize them at about three per cent, you will find that we are adding to the annual charge upon the revenue a sum which is equal to an additional debt of some millions of dollars. I have run rapidly over these figures, not as minutely as I should like to have done under other circumstances, and perhaps may in the future, but in order to put myself on record I have called attention to what I consider to be not only large but extravagant expenditures.

Before resuming my seat, as I shall not have another opportunity of dealing with this subject, I desire to say a few words in reference to our position in connection with the mother country in relation to preferential trade. It may be said that that has nothing whatever to do with the estimates, but I think I am correct in saying that in dealing with Supply you can refer to almost any other question you desire to discuss. I know that in the Commons, when going into Supply, you can make a motion which gives you the right to talk on any conceivable subject. I listened with a great deal of attention to the declaration made by the hon. Secretary of State, when we were discussing the construction of the Transcontinental Railway, in reference to the attitude which Mr. Chamberlain was taking in leaving the imperial government in order to test the question with the British public of giving a preference to the colonies in the British market. We all know that in the earlier history of that hon. gentleman he started out in political life as an extreme Radical. When I say an extreme

Radical I mean verging on Republicanism. So strong were his convictions and so urgent was he in enforcing them that he was looked upon as a dangerous politician. When Mr. Gladstone first took him into the cabinet it was thought then that he had gone altogether beyond discretion in selecting a man of such extreme views. The strong position he took in opposition to home rule led him gradually to a milder temperament.

Hon. Mr. CLORAN—That was not the best thing he did.

Hon. Sir MACKENZIE BOWELL—I thought that would start the hon. gentleman from Victoria. The words 'home rule' is like putting a bombshell into a powder magazine when mentioned pro or con. I have not said a word for or against home rule, but if the hon. gentleman wanted my opinion he would not be long in getting it. These views brought him before the English people long before he secured the office of Colonial Secretary, and I do not hesitate to say that he has been the best, the most enlightened and progressive Colonial Secretary that has occupied that important position since I have had any knowledge or recollection of politics. It has also taught him that the policy of the home government in years gone by is not a policy which will tend to the cementing of the union between the outlying portions of the empire that we desire to see affected. His connection with the colonies at the intercolonial conference, and his visit to South Africa have taught him this—and I believe he has come to it from a conscientious conviction—that if the empire is to be cemented, if the union is to continue, if we are to be one of the empire indivisible and not separate colonies, that some step must be taken in advance in order to cement the different countries and elements which constitute that great empire. We do not know what did take place at the colonial conference. We know, however, from the public press, that the colonies other than Canada were quite willing and anxious to have the proceedings of that conference published to the world. Canada alone objected to it. Mr. Seddon, of New Zealand, expressed his approval and was anxious that it should be published. The Australian colonies did precisely the same thing. Mr. Chamberlain stated that he was anxious that the whole proceeding should be made public. He said, in a letter written by him to the secretary of the Imperial Federation Defence Committee not long ago, as follows:

> I can only reiterate my great regret that a wider publication of the report of the deliberations of the conference of Colonial Prime Ministers in London last year was not carried out.

Why the Canadian government objected to the publication of the details of the part that they took in that conference is incomprehensible. I cannot understand it. Perhaps the Secretary of State might give us that information, but I question very much that he will. However, let me ask this question: Are not the people of Canada, who are deeply interested in what took place at that conference, being an integral part of the British empire, justified and entitled to all the information that can be given them in connection with that conference? Why, in the name of common sense, should the proceedings of that conference be kept secret? The conference which took place in Canada with representatives from all the principal self-governing colonies of the empire was open to the public, and everything that was done was published to the world. Let me ask the hon. Secretary of State why were these proceedings kept secret? Why does the representative of the government of Canada refuse to give that information to the people that we may know what took place at that conference? If they opposed preferential trade, let us know it, and let us know the reason If they opposed granting aid to the navy or making our contribution for the security which we have for our commerce upon the seas and in foreign waters, why should we not know it. If there are any good reasons why it should not be done, let the people of Canada know it. I do not desire just now to be understood as expressing strong opinions upon that question, as has been done by many others. And this leads me to a little digression with which I shall not occupy the time to any great extent. We are contributing, to a larger extent for the defence of this portion of the empire, which is in defence of the whole empire, a great deal more than we get credit for. I hold that in the construction of our great public works which give an avenue for transportation for

troops and munitions of war from one continent to another in case of difficulty with Russia or any power on the Pacific coast, is just so much added to the defences of the country. I shall not elaborate that question now, but shall do so publicly at another time. I do not think Canada should lie under the imputation that has been cast upon her for not doing anything in that line. She has spent millions of money in the defence of this country in the construction of public works and in other ways. That is to all intents and purposes a military expenditure, and, as I have already pointed out, we all know the value of means of transport in any country in any part of the world. Where there are difficulties between nations, or internal difficulties, safe and rapid transport contributes in a very great measure to the success of the armies when they can be moved rapidly through the country. However, that is going a little outside of what I intended to discuss. In talking of this preferential trade it is a very great surprise that one would hear a gentleman like Mr. Ritchie, who occupied the position of, not financial critique, but Chancellor of the Exchequer in England, uttering language of this kind. In discussing Mr. Chamberlain's position he said :

> This country must try to guard against giving the United States any cause for resentment which would result in her punishing Canada.

That is laying down a principle that no matter what our needs and necessities may be, no matter what out interests may be in fostering trade and in encouraging industries, if it is going to offend the United States, we must remain in statu quo and not move one step. For an English statesman to take that position is somewhat surprising to a British people living in this part of the world. It seems to be indicative of the feelings of certain politicians and certain statesmen in England, that no matter how it may affect any portion of the empire, whether it be the mother country or whether it be the colonies, we must make no move to advance our own interests if it is going to affect the tender sensibilities of the United States. Is it not astonishing to every person who watches the trend of events to see that the moment England takes any position other than that which is in the interest of some foreign nation that there is a howl through the whole world about it. Germany has been opposing in the strongest possible way and in the most effective way the theory and doctrine laid down by Mr. Chamberlain of preferential trade, because forsooth it is going to interfere with her trade and because we thought proper as Canadians to adopt a fiscal policy and a commercial policy that we believed to be in our own interests. Because we make a concession to Great Britain Germany steps forward to punish us for doing so. They say that if imperial statesmen like Mr. Chamberlain advocate a preferential treatment of the colonies in the British markets, it is going to affect the feelings of Germany and the republic to the south of Canada ; that, forsooth, the United States is to punish Canada should Britain do so. I do not think the United States will do anything of the kind. The United States pays as little attention to England and Germany or any other country as she does to Canada in adopting her policy. Does any one blame her for that. She legislates in the interests of her own country. Why should she grumble and howl and threaten dire calamities to England and her colonies if they adopt a policy which will bring them closer together than they have been in the past ? I noticed the other day in an interview with Mr. Goschen, the late Chancellor of the Exchequer, that he made the following statement : 'England takes four-fifths of her foods supplies from foreigners.'

When he makes that statement, he does it in opposition to a small tax or any tax being placed upon the food which is imported into the country. It is a strong position for any man in England to take. But when you turn to the countries that are governed under protection, you find that Germany—I am giving his figures now—Germany imports from foreign nations her food supply to the extent of only one-third per cent, and the reason for that is that she protects her own industries, she puts a heavy duty upon the articles which she imports, and in that way encourages home industries. France also, which is a highly protected country, takes from foreign countries only two per cent of the whole food supply to feed her enormous population. Then he says that there is no guarantee that the colonies would be satisfied with the small tax proposed.

Well, that is an inference I suppose from his limited knowledge of the people of Canada. In adopting Mr. Chamberlain's policy, a small tax is all that could possibly be expected at the beginning. Let us illustrate it by our own country. Does anybody suppose that if the high tariff of 25 or 30 per cent had been exacted at the time of confederation we should ever have the union of the provinces? Nova Scotia had a tax at that time of from 10 to 12½ per cent; New Brunswick, I think, about 15, if my recollection serves me right. Ours at that time was only about 17 1-12 or thereabouts. They entered confederation with a tariff of about 15 per cent. Then when the revenue became depleted and the deficits occurred in 1873, 1874, 1875 and 1876 the government of the day, of which my hon. friend opposite was a member, raised the tariff all round from 15 to 17 1-12 per cent. The country required it and the people submitted to the tax. Then it went on until 1878, when the depression justified putting on a higher tax, and at that time the national policy, or rather, as I like to call it, the protective policy, was inaugurated by Sir John A. Macdonald, in 1879, and it grew. Such will be the result in carrying out the policy of Mr. Chamberlain by uniting the colonies and the mother country closer together, and as the output of the colonies increase and they can supply the market more readily and completely than they can at the present, the duties will be increased until the waste lands in the mother country to-day, which remain uncultivated and are scarcely used except for pasturage, and very little of that, will again be brought under cultivation, and the increased production of food at home, together with the imports from Australia, Egypt, South Africa and Canada will be ample to supply the full demands of that country. Such changes in the fiscal policy of a great country are not brought about rapidly. It takes years to convince the people of the soundness of any policy, but once it is inaugurated, and its beneficial effects are seen, it gradually wins the confidence of the people. It would be just the same as it is with Canada to-day with the high protective tariff; she would soon enjoy a prosperity that she has not experienced for many years past. I find that even our late Governor General seemed to have taken a gloomy view of this question. On October 16, a cablegram reads as follows:

> London, October 16.—The Earl of Aberdeen, formerly Governor General of Canada, addressing a Liberal meeting at Skipton, said Mr. Chamberlain's scheme would seriously impair the fraternity and friendliness of the colonies.

If I may be permitted to refer to an ordinary conversation—not a private talk at all—with an hon. friend opposite, he expressed precisely the same view. How it is going to impair the fraternity of the colonies is something I have not been able to discover. How the bringing together of two parts of the empire in which their mutual interests are subserved, is going to impair the fraternity of the colonies I shall leave to the Earl of Aberdeen to answer. I confess I could not explain it, but he adds a rider to that which is very reasonable. He says:

> He would rather remove the embargo on Canadian cattle, which is a species of protection.

So it is. The imposition of the embargo upon Canadian cattle, particularly when they know that no such thing as disease exists among our herds, is nothing more nor less than a species of protection. I remember when in England having a discussion with Mr. Long, who was then chairman of the Board of Trade, together with our late Governor General, the present Duke of Argyle, upon this very question, and he defended the imposition of that embargo upon the grounds of disease. My answer to that was: 'You have no evidence that disease in cattle exists in Canada. Your regulations are, though you deny it, a species of protection to the breeders of cattle in your own country.' He replied: 'Nothing of the kind.' I said: 'You may call it any name you like, but that is the result that flows from it. Your cattle sell for a higher price and your food is higher, if your theory of free trade be correct, by keeping out stock cattle from Canada, and allow the farmers of your own country to fatten them in their fields and in their barns.'

There is another point that struck me in connection with this question of trade between England and Canada. Mr. Sifton, in a speech at the Pilgrims banquet in London recently, from which I propose to read a few sentences, connecting his remarks with the utterances of public men in Canada from the premier down, indicated the trend of sentiment in the Liberal party. The pre-

mier has on various occasions indicated his desire for the severance of Canada from the British empire. He declared on more than one occasion that it was the dream of his life to see this country an independent nation. Is it any wonder, therefore, that eminent English statesmen arrive at the conclusion that there is an element in this country that desires separation from the old land? What otherwise do such statements mean? The premier qualifies his declaration. He made it in Boston when addressing a meeting of his countrymen there, and uttered similar sentiments in the House of Commons. Mr. Sifton, on the occasion to which I have referred, said:

> He regarded the tribunal as an unique attempt to settle the differences between three great English-speaking nations. It marked an epoch in international proceedings. Canada was proud to be an integral part of the empire yet,——

What does that mean? If it means anything it is that Canada is not to be an integral part of the British empire in the future—that or nothing. He continues:

> —but the existence of Canada should not in the slightest cause friction between England and the United States.

With that declaration I fully agree. I can not understand why closer relations between Canada and England should cause friction between the United States and ourselves, unless, forsooth, our neighbours lay down the doctrine that we have no right to be on this continent except as part of the great republic. With such remarks as I have quoted, coupled with the strong opinions of Monet and Bourassa, on our connection with the empire, is it any wonder that British statesmen, who do not know what the sentiment of the whole country is, are led to believe that this country is dissatisfied and anxious to become an independent nation? My own hope—I say it sincerely, and it grows stronger with me as I advance in years—is that Canada will always remain an integral part of the British empire.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Not only that, but the time must arrive—has almost arrived, when the English people will cease to call us colonists. It should be sufficient for every Canadian to know that while he has every reason to love his native land, there is greater glory in the fact that he is a British-Canadian and belongs to one of the greatest empires that ever existed.

Hon. Mr. BAKER—A Canadian Britisher.

Hon. Sir MACKENZIE BOWELL—I do not like the word 'Britisher.' It is of Yankee origin, and I do not care to use it. It is time that English statesmen began to study the history of this country and the United States, and to reflect that it was a policy such as Ritchie and men of his class, little Englanders, advocate to-day, that led to the loss of the thirteen colonies and half of North America to the British Crown. Had the same policy been pursued a century ago towards the United States that is now advocated by Chamberlain, the whole of the neighbouring country would have been under the British flag to-day; but it was through the stupidity, narrowness and ignorance of the statesmen of that day, which led them to treat the thirteen colonies as the little Englanders would treat Canada to-day, that led to the revolution which separated half this continent from the empire. The same class of little Englanders, men of pessimistic ideas, who fancy that everything good is concentrated in themselves, would sever this part of the empire from England if they had their way. It is just such men as Lord Salisbury, Lord Rosebery, Chamberlain and Balfour, whose policy is to knit together more closely than ever, the different parts of the empire, who are holding the empire together.

Hon. Mr. CLORAN—Not Lord Rosebery.

Hon. Sir MACKENZIE BOWELL—Yes, Lord Rosebery.

Hon. Mr. CLORAN—He is against Chamberlain's policy.

Hon. Sir MACKENZIE BOWELL—He is partially opposed to preferential trade within the empire, but his foreign policy is precisely the same as that of Lord Salisbury.

Hon. Mr. CLORAN—That is another thing.

Hon. Sir MACKENZIE BOWELL—There is very little difference between them. When Lord Rosebery was Minister of Foreign Affairs his policy was substantially the same as Lord Salisbury's. In the hands and un-

der the guidance of those statesmen to whom I have referred, there is very little danger of friction between this portion of the empire and the mother country. What I should like to see is a stronger expression of opinion on the part of Canada endorsing the views that ninety-one out of every hundred Canadians entertain to-day. I should like to have an open and fearless expression of opinion upon the subject. Those who, like my hon. friend from Russell (Hon. Mr. Edwards) hold different views, have a perfect right in a free country like ours to give expression to them. As a British subject he has a right to express his opinions, and in doing so he gives those who hold different views an opportunity of combatting them. However, these are questions that I shall not deal with any further at present. I have as rapidly as I could, given a short resume of the expenses which we have incurred in the past and which we are asked to incur in the future. I have taken advantage of this opportunity, although there is barely a quorum in the House, of putting myself on record on the great questions which are agitating the empire at the present time. I find no fault with those who differ from me : I am too much of a British subject, loving the freedom we enjoy, of thinking, speaking, and worshipping as we please without interference, to hold a different view, and I want no greater inheritance and no greater glory to hand down to my children than the fact that we are British subjects.

Hon. Mr. EDWARDS—My hon. friend the member for Hastings has covered a great deal of ground, and dealt with numerous subjects. I cannot hope to answer him on all the subjects to which he has referred, but I desire to say a few words in reply to some of them. In so far as the possibility of a separation of Canada from the empire is concerned, I do not think that that question is at all involved. The hon. gentleman referred to two members of the House of Commons, Mr. Bourassa and Mr. Monet, who entertain and express views from which very many of their colleagues dissent. While making no defence for any statements which those gentlemen have made, I for one have not known anything they have said which involves in any respect the separation of Canada from Great Britain, or any disloyal statement, so far as they are concerned, as British subjects. They entertain ideas which are held by half the British people, and have a right to express them. I agree most thoroughly with my hon. friend that this is a free country, and every Canadian is proud of the freedom we enjoy under the British flag. Why is that so ? Because we are a self-governing people and therefore happy in the position we occupy. I for one do not desire to see that position disturbed ; but my fear is that the gentleman, my hon. friend has so lauded to-night, is the only statesman who is a menace to that position, and the only source of danger in so far as the relations of Britain and her colonies are concerned.

Hon. Mr. CLORAN—Hear, hear.

Hon. Mr. EDWARDS—A great many look upon Chamberlain as an empire-builder. I look upon him as an empire-wrecker, and if the policy which he advocates is carried out there is danger that some of the British possessions may separate from the mother country. Coming to the first subject upon which my hon. friend addressed this House, it is a case of history repeating itself. You have but to look at the speeches made by the opposition when the Mackenzie government administered the affairs of Canada. What were the conditions then ? They were deplorable, in the opinion of the opposition of that day, from the fact that the expenditure under that economical government was far too great. The expenditure in those days was about twenty-two or twenty-three million dollars per annum. The opposition of that day said : 'Return us to power and we will largely reduce the expenditure.' In 1878 they were returned to power. Did they reduce the expenditure ? Not by any manner of means. The expenditure gradually increased until it reached the sum of forty million dollars per annum. There were some Liberals who complained of this increased expenditure, but Canada was making some development all these years, and as a natural consequence the expenditure involved in carrying on the affairs of the country grew in proportion. Unfortunately for the Liberal party during those years, some of them advocated exactly what had been advocated by the Conservative opposition from 1874 to 1878, that if they were returned to power they would reduce the annual expenditure.

But they did not foresee one thing, the tremendous development that Canada was to make. Since the present administration came into power it is true that expenditure has largely increased, but the population and the business of Canada generally has increased, and developed to a far greater degree. The position is exactly the same as that of a poor business man doing a small and starving business, who necessarily makes a small expenditure, while a business man with a large capital and doing a large expanding and developing business, having as a consequence a large expenditure.

During the period the Conservative administration governed the affairs of Canada some development took place, in so far as the augmentation of business is concerned, but in the seven years since the present administration have been in power, the development has been threefold greater than it was during the whole time the Conservative administration was in office. Now, what is economy? Economy is the wise and judicious expenditure of money, and when an opposition is finding fault with the public expenditure it should be able to show where the expenditure is wrong, state the items and vote against them. In another place no such thing has occurred, but the general talk is kept up 'you are simply wasting the public money and robbing the people by lavish expenditure.' I am not one of those who advocate an improper expenditure of one cent of the public money. I do not justify that, but I do say that if the seven years we have just passed through are to be succeeded by seven more of the same kind of development, then the expenditure of Canada must necessarily grow in proportion from year to year. Is there any Canadian who hopes that the expenditure for Canada shall remain stationary? I do not think there is. I am one of those Canadians who hope to see, in years not far distant in the future, a much larger expenditure of money not for the mere sake of expending public money, but because the great development of the country will justify that expenditure. In so far as the various items to which the hon. member from Hastings referred, I have not the date to enable me to deal specifically with them. I am dealing simply with the general principle. He referred, however, to a question which in my judgment is the most important one which engages the attention of the empire to-day—important to the British empire, because of what may be done. Chamberlain has separated himself from the British cabinet and has entered upon a campaign to carry out his pet idea. I have endeavoured, since that gentleman began his campaign, to ascertain what his policy really is. He delivered a speech a few days ago, in which he at last has come to the point and has laid down his policy. He has the mistaken idea, in my opinion, that Great Britain and her colonies are to be united in one great compact empire for defence, and every other incident which pertains to the empire. I am an admirer of Great Britain. I love Canada and desire nothing but good for the empire, but I am a Canadian who believes that in order that the best conditions shall prevail between Canada and Great Britain, present conditions must remain unchanged. Let well enough alone. I am a Canadian who believes that if there is any greater measure of freedom that can be given to us in the negotiation of our commercial treaties or in other respects, it will be the means by which Canada will be drawn closer to the British empire. I am a Canadian who believes, and firmly believes, that if the imperialistic idea of Chamberlain should ever be put into effect, it would mean the breaking up of the British empire in so far as the colonies are concerned. Some gentlemen in Great Britain, in the advocacy of this question lately have referred to the United States as an example, but the United States is a self contained, conpact republic, the States adjoining each other. Great Britain and her colonies cannot be so united in one compact empire. The conditions are entirely different. The colonies are far removed from the mother country, the general interests so far as the good of the whole empire is concerned, are not identical and cannot be identical and it is perfectly impossible to bring about a condition whereby a central parliament in England can rule and govern the whole empire. The interests are of such a different and conflicting nature that to attempt such a thing would be disastrous.

Hon. Sir MACKENZIE BOWELL—Nobody ever suggested or advocated such a thing.

Hon. Mr. CLORAN—That is Chamberlain's idea.

Hon. Mr. EDWARDS—There is a further consideration. I am desirous, if England requires our services, that we shall give our aid, but it should be voluntary on our part. There should be no compulsion about it. Any arrangement whereby Canada would be involved in a tax for the general defence of the empire, would be unpopular in Canada. My hon. friend says that is not involved at all. What sort of a condition would it be, if the people of Canada were taxed for the general defence and involved in all the troubles that Britain might get into, without representation so far as Canada is concerned? Taxation without representation is too well understood in Canada to be entertained for a moment. My hon. friend referred to Chamberlain as a progressive colonial secretary. I readily admit that Chamberlain is the strongest character in British public life to-day, but I repeat that he is a great danger to the British empire, in advocating the policy he has put before the people of the mother country at the present time. He has simply thrown out this idea of imperialism, and he has been fishing, in so far as the various colonies are concerned, to ascertain what their price is.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. EDWARDS—So far as Canada is concerned, he is talking of giving the Dominion a preference in the British market for her products. My hon. friend very properly said I would differ from him on that subject, and I do differ from him absolutely. England can make no greater mistake than to enhance the cost of her production in that respect by taxing the food of the people who produce those manufactures, and it is not in the best interests of Canada that England should so weaken her purchasing power by adopting such a suicidal policy, alluring as it may be to some small Canadians. I am not one of those Canadians who will ever take the position of wanting to see the labouring man of England, the mechanics of England, taxed for the benefit of the wealthy people of Canada.

Hon. Mr. CLORAN—Hear, hear. That is it; little Canadian; the hon. gentleman is on the right track.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman speaks strongly he will have the approbation of my hon. friend to my left. Give him a little home rule and you will bring him out.

Hon. Mr. LANDRY—Try to weaken him.

Hon. Mr. EDWARDS—I do not know that that question is involved at the moment, except in so far as home rule in Canada is concerned, and we who enjoy home rule in Canada—I don't know that one should be sorry to see our friends on the other side of the water having the same advantage. I for one would not be sorry, for I have always adhered, and do adhere, to the principle of home rule.

Hon. Mr. DEVER—I wish the hon. gentleman would speak for a week on the same lines.

Hon. Mr. EDWARDS—The hon. gentleman wishes I would speak for a week. Unfortunately for myself, I cannot speak otherwise than forcibly. I am sorry for it. I should like to speak in moderate terms, but if I spoke for a week I would only make one speech. I am glad, however, to have the opportunity of expressing myself upon this question, because I think the hon. gentleman from Hastings will find that perhaps recent events will make this question a more live question in Canada than it has been even in the past.

Hon. Sir MACKENZIE BOWELL—I am surprised to see the hon. Secretary of State applauding the member for Rideau, because he is one of the little Canadians the hon. gentleman referred to.

Hon. Mr. LANDRY—If the epithet given by my hon. friend who has just—I won't say taken his seat—but who has just run away from the arena, is true, I shall ask the hon. minister who conducts this House what he has to say in response? Is he one of those small Canadians denounced by the hon. senator from Rideau? Is he one of those little Canadians, so-called by my hon. friend to my left, the senator from Victoria? In rising just now, the hon. senator from Rideau said that he admired Britain and he loved Canada. But there is one thing that is above his admiration for Great Britain and his love for Canada. He may add with all truthfulness that he

adores the prime minister of this Dominion more than he admires Great Britain or than he loves Canada, and this adoration goes so far as to render him perfectly blind.

If the Hon. Joseph Chamberlain is a danger to the empire, I should like to know in what way. Why didn't the hon. gentleman tell us in what way he was a danger to the empire? He has not told us. Is it because he is advocating a preference for the colonies? If advocating a preference is a danger to the empire, what should we think of the prime minister of this Dominion, who went to England some years ago and who gave to England a preference in our own market without asking anything in return? Wherein was the danger to the empire? The danger was to us. No danger to the empire, and the danger was so great that our woollen manufacturers now are getting into trouble on account of that preferential treatment extended to the manufacturers of Great Britain. And what have we received in return? The hon. gentleman who loves Canada so much, who admires Great Britain and who adores Sir Wilfrid, should tell us what we get in return. No, it is pure declamation that the hon. gentleman has made just now. He does not believe in that danger which he described to us a moment ago; and, more than that, the hon. gentleman said that we never realized the great advance which the country has made since the present government came into power, which is twofold greater now than it was in days gone by. But the hon. gentleman should not forget that the grandeur of the country today is only the result of the policy inaugurated by the Conservative party in 1878, when they came into power after the dark days from 1874 to 1878. One thing the hon. gentleman never saw our party do. He never saw pamphlets distributed by the Conservative party advising colonists to go to Kansas, not to come to this country, but to run over to Kansas. He never saw that done by the Conservative party, but he saw it done by his own friends, and for that reason a photograph of Mr. Blake was published in every United States pamphlet that was distributed over Great Britain and Europe to induce emigrants to go to Kansas in preference to Canada. There is another thing the hon. gentleman did not see. Where is that fast Atlantic service that was to have been inaugurated in 1896? At that time the Allans had a contract with the government that went out of power, and it was awaiting only the signature of the Governor General to become a contract between the country and the company, and the first act of the new prime minister on coming to power was to refuse, or to cause the Governor General to refuse, his signature to that contract. Since that time where has the fast line achieved any success? When and where? The question is still in abeyance, and the hon. prime minister, who cannot wait, like a senator of this House, who cannot wait when the National Transcontinental Railway is under consideration, finds three, or four, or five, or six, or seven years not too long to wait to solve that question of the fast Atlantic line.

The hon. member should tell us also what is the cause of those delays and why the prime minister is delaying us every day. We had the bottle-necked steamers at one time, specimens of the fast steamers the hon. prime minister intended to have on the line between England and Canada. Where have they gone? I know there is a sample of them with the Quebec Harbour Commissioners. That is the only place we can find them to-day. But where is the policy of the prime minister on that question? Referring to what the hon. gentleman from Rideau said about Mr. Chamberlain, I will ask him if Mr. Chamberlain has ever made any proposition to deprive us of our autonomy? I suppose the hon. gentleman cannot answer that question. He will never be able to answer that question as long as Mr. Chamberlain does not propose anything of the kind. When we are not threatened with losing our autonomy, I do not see why we should pronounce ourselves against the policy Chamberlain is advocating now. That policy, I think, would be beneficial to Canada. The preference which the hon. ex-Secretary of the Colonies advocates would be a benefit to all the colonies of the empire, and especially to Canada. We are now giving a preference to England, and why should we not receive some kind of preference in return? The hon. gentleman stands up against that policy. The people of the country will have

to decide that question in the very near future. We have before us a Bill—I beg the hon. minister's pardon, we have not the Bill.

Hon. Mr. SCOTT—Which Bill ?

Hon. Mr. LANDRY—The one the hon. gentleman is asking us to approve of.

Hon. Mr. SCOTT—That Bill was never printed. It is a small contribution, $68,000,000 or $69,000,000, I think.

Hon. Mr. LANDRY—The hon. minister does not know the amount.

Hon. Mr. SCOTT—$68,000,000.

Hon. Mr. LANDRY—We are asked to approve by our vote of the expenditure of those $68,000,000 in the way indicated in the Bill itself, we do not know how. Why should we not have the Bill and know what we are doing ?

Hon. Mr. DAVID—It is not necessary to speak of Mr. Chamberlain in discussing this measure.

Hon. Mr. LANDRY—The hon. gentleman ignores the fact that on the Supply Bill we have a right to speak on all subjects. When the government ask us to vote away 68 or 70 millions of dollars, we have a right to speak on all questions, and it is proper for any one to make known his grievances against the government of the day. Perhaps the hon. gentleman will concede that we have that right ? Does he refuse us that right ?

Hon. Mr. DAVID—No.

Hon. Mr. LANDRY—If he concedes this right, then we may exercise it. I do not know what he should have to say, and I do not understand the reason of his interruption. If I am performing my duty and saying what I have a right to say, I do not know why the hon. gentleman should challenge my right to refer to Chamberlain. I speak of him because I wish to do so, and have a right to do so.

Hon. Mr. DAVID—I withdraw.

Hon. Mr. LANDRY—So much the better. What can I do when the hon. gentleman withdraws.

Hon. Mr. CLORAN—Sit down.

Hon. Mr. LANDRY—We will leave Mr. Chamberlain alone and speak of another subject. We do not know what is in the Bill.

Hon. Mr. DEVER—There is money in it, anyway.

Hon. Mr. LANDRY—I want to know if there is any money in that Bill to pay for that wireless telegraphy invented by Marconi? The ministers ought to know Marconi. He came here and they received him and he dined with them. They ought to know him.

Hon. Mr. SCOTT—I do not think there is any money for that purpose.

Hon. Mr. LANDRY—The hon. gentleman should know.

Hon. Mr. SCOTT—I do not think there is. We made a grant a year or two ago, but there is nothing in this Bill that I know of.

Hon. Mr. LANDRY—Does the hon. gentleman say there is nothing in the Bill to pay Marconi ?

Hon. Mr. SCOTT—I will not say positively. I am not aware of it.

Hon. Mr. LANDRY—Since the leader of the government in this House does not know what is in the Bill, how are we to know? He brings in a Bill for $68,000,000 or $70,000,000 and asks us to pass it. I am asking if there is $100,000 or $80,000 or $70,000 for the wireless telegraphy. He does not know. Is there anything for Mr. Bernier for the expedition to the North Pole in that little Bill for $68,000,000 ?

Hon. Mr. SCOTT—I think not.

Hon. Mr. LANDRY—Not sure?

Hon. Mr. SCOTT—I think not.

Hon. Mr. LANDRY—Capt. Bernier is one of those Canadians so much loved by my hon. friend who spoke lately, the hon. gentleman who admires Great Britain and who loves Canada. Well, if he loves Canada, I think he should take a little care of the Canadians, and in place of spending $70,000 for Marconi—because Mr. Marconi goes and has a lunch with the minister—I do not see why they should not spend a little money for a Canadian, and I think Canada would profit more by the expedition to the North

Pole than by the wireless telegraphy of Marconi. I suppose the hon. gentleman who leads this House will tell us what progress has been made in that wireless telegraphy. Does the government receive their communications now by wireless telegraph ?

Hon. Mr. SCOTT—No, I think not. They are still in——.

Hon. Mr. LANDRY—Still in embryo.

Hon. Mr. SCOTT—The experimental stage.

Hon. Mr. LANDRY—Embryo situation.

Hon. Mr. TEMPLEMAN—That is a good word.

Hon. Mr. LANDRY—I cannot tell what is in that Bill, but the hon. gentleman has it in his hand, and I ask him to tell me if there is anything in that Bill for the expedition to Hudson's bay. I think there is an expedition on the way to Hudson's bay.

Hon. Mr. SCOTT—I think so. I think there is something in it.

Hon. Mr. LANDRY—I think there should be about $100,000 for that, perhaps a little more. At all events it might startle my hon. friend if he knows now—perhaps he did not know it before—that that expedition is commanded—by whom would the hon. gentleman suppose ? Is it by a Canadian ?

Hon. Mr. SCOTT—I think so.

Hon. Mr. LANDRY—The hon. gentleman thinks so.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—A Canadian from Newfoundland.

Hon. Mr. CLORAN—He is a Britisher.

Hon. Mr. LANDRY—Is he a Canadian ? The hon. gentleman says he is a Britisher.

Hon. Mr. DEVER—An English colonist.

Hon. Mr. LANDRY—I think we should be able to find in Canada some Canadian who could make the exploration of Hudson's bay. How many Canadians are there engaged in the crew ?

Hon. Mr. SCOTT—I could not tell you now.

Hon. Mr. LANDRY—What is the number of the crew altogether ?

Hon. Mr. SCOTT—I am not an encyclopedia.

Hon. Mr. LANDRY—I never said the hon. gentleman was an encyclopedia. When he is coming here with a little Bill of $68,000,000, with an item of $100,000 for the Hudson's bay expedition, I want to ask him if that money will benefit the Canadians, and I want to ask him if that expedition is composed of Canadians.

Hon. Mr. SCOTT—I could not tell the hon. gentleman.

Hon. Mr. LANDRY—There are thirty-five of a crew and out of thirty-five there are three Canadians.

Hon. Mr. SCOTT—I am sorry that is so. I should prefer that it was different.

Hon. Mr. LANDRY—All the others are from Newfoundland.

Hon. Mr. TEMPLEMAN—My hon. friend must know that the captain selected for the command of that ship is a famous Arctic navigator. I think he was the commander in charge of the ship with Captain Peary.

Hon. Mr. LANDRY—What is the name ?

Hon. Mr. TEMPLEMAN—I do not know. He is the captain who was in command of the ship in which Captain Peary sailed on his Arctic expedition. I think he was given some latitude in selecting the crew as it is a very important voyage going into the northern waters. My hon. friend says there are only three Canadians in the crew. I know that there is a contingent from the North-west Mounted Police under the command of one of the North-west Mounted Police inspectors or captains, and several scientific men on board that ship from the departments. There must be a great many more than three Canadians on the ship.

Hon. Mr. LANDRY—It is a pity the hon. gentleman does not know the name of the renowned captain of such a renowned expedition. Is it Bartlett?

Hon. Mr. TEMPLEMAN—I submit that it is very ridiculous catechising the minister across the floor of the House. I do not know the name of the man. The hon. gentleman is making the debate ridiculous.

Hon. Mr. LANDRY—If I had not named the man he might have forgotten, but when

I give the name he might remember it. If he did not know it, that is quite different.

Hon. Mr. TEMPLEMAN—Has the hon. gentleman the name before him ?

Hon. Mr. LANDRY—I protest against this measure being carried. The government will not give us a single item of information. We ask the government questions in reference to public policy and receive no answer. We are asked to expend $68,000,000. I take two or three of the items and ask some details of that expenditure and neither of the ministers is able to give me a single detail, not even the name of the captain who will be gone over nearly two years, who is taking a crew of thirty-five men with him, and he is not giving me the name of the captain who is going to spend the $100,000 voted for the expedition. I claim that we have in this country men who explored the Hudson's Bay country before, who passed the winter there, who had made previous voyages there and they were Canadians. Now the government put them aside. I do protest against the method adopted by the government to secure our vote on such an important question, and I hope that next year, if we come back—and I suppose we may come back very early, that is if the government do not bring the elections on in January or February—at this period of the session next year, the government will be in a position to give us the details we are asking for, and that the minister will respond to any question put to him on the subjects which form the basis of that Bill which is brought before us now. The hon. gentleman will not be surprised if, under these circumstances, we are obliged to differ from him in the vote we are going to give. I suppose he is going to vote for the Bill, but he should not be surprised if we vote against it because we cannot afford to take the responsibility of such an expenditure without having any details at all.

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

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

Hon. Sir MACKENZIE BOWELL—Before the Bill is read the third time, I should like to ask the Secretary of State if he can explain this item :

To compensate the following municipalities for loss sustained in consequence of the amalgamation of the Canada Central Railway Company with the Brockville and Ottawa Railway Company, and also owing to the change in the route of the Canada Central Railway, Renfrew, $22,500, Horton, $5,625, Admaston, $3,750 a total of $31,875.

I think the hon. gentleman had something to do with that railway. I do not know whether he had at the time of its transfer, but prior to it, I am convinced he had. I have a recollection that while the late government was in power they paid the town of Pembroke.

Hon. Mr. SCOTT—They paid Pembroke, they paid North Renfrew. Pembroke was the principal part.

Hon. Sir MACKENZIE BOWELL—They paid Pembroke for what was supposed to be a loss to them at the time of some $25,000. This claim has been lingering for how long? For some twenty-five years ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—How is it that old accounts which have been refused over and over again by the different governments are trumped up now ? Large appropriations were made last year for a claim made by New Brunswick which had been refused over and over again by the late government, and particularly by Sir L. Tilley, who had as much interest in that province as any one. The Nova Scotian claim, what is termed the compensation on the eastern section, was payed to the tune of some $600,000, I think it was, and it was based solely upon the ground that the Nova Scotia government had contributed that amount on account of the construction of that road, and though that claim had been refused, for they had no more claim to it than any municipality in the whole Dominion which granted aid in the construction of any railroad. Since the present Finance Minister assumed office he has taken out of the treasury some five or six hundred thousand dollars to pay back to the province of Nova Scotia money which it had given in aid of that road, and now we have some 25 or 30 odd claims trumped up to the extent of some $30,000 or $40,000 to pay municipalities which have no more right to

be paid than any other country that grant-aid in the construction of roads. I think I can understand it. The representatives from that county are strong supporters of the government, therefore the government must be mulct to the tune of some $30,000 to pacify them, and make it easier at the next election. My hon. friend who spoke of 'little Canadians' will permit me to congratulate him on the estimate he has of the leaders of his own party. I like to see a man with sufficient honesty to tell the Senate and consequently the public, through his speech, what he thinks of his leaders. Sir Wilfrid advocated this preferential trade very strongly during the election campaign of 1896. If you want proof of it read the speech he delivered in London, Ontario. The hon. Secretary of State also spoke in favour of it and depicted in glowing terms the benefits to be derived by this country if Chamberlain's policy was only carried out. He is one of those whom the hon. senator for Rideau (Mr. Edwards) terms the 'little Canadians' together with his chief. I suppose the hon. gentleman knows who Premier Ross is—George Washington Ross, of Ontario. No man in Canada has uttered stronger language in favour of Chamberlain's policy than Mr. Ross. Is he also one of the 'little Canadians?' He is a little fellow, I know, but while I admit his ability, his oratorical powers and the influence of his public position, I have no confidence in the gentleman politically. I have also in my mind at this moment one of the most brilliant orators in the Ontario legislature who is a supporter of the Ontario government, Mr. Patullo, who is going over to England shortly to stump England in defence of the policy of preferential trade, believing, as his political friends do, that Chamberlain's policy, if adopted, is going to unite the outlying portions of the empire more closely than ever. These are 'little Canadians,' though not of the gigantic intellect and character of my hon. friend who denounced them. If he had denounced them as 'little Canadians' holding different views from himself, I should have thought nothing of it. I should have thought that was characteristic of the party, but when he attacks these prominent men, men like Sir Wilfrid Laurier, and the hon. Secretary of State, and Premier Ross and Mr. Patullo, and others who are advocating with all the ability and oratorical power they possess as 'little Canadians' because of their sympathy with the policy of Mr. Chamberlain, I must differ from him altogether in considering these gentlemen 'little Canadians.' Apart from their political complexion they are men of undoubted ability who are a credit to the country, and they should not be designated either 'little Englishmen' or 'little Canadians.' Their expansion of intellect is much beyond the antiquated and contracted ideas of my hon. friend. The utterances that are continually made, that the policy of Mr. Chamberlain as it has been announced by the gentleman to whom I called attention a short time ago, has no reference in the remotest degree to any interference with the autonomy of the self-governing parts of the empire. It is the merest nonsense—I cannot use a stronger parliamentary expression than that—to suppose that because we are to have reciprocal relations between England and the colonies, so far as tariffs are concerned, that we must give up our provincial autonomy. If we give a preference, we shall give it of our own free will. That freedom of action Canada has, and if the same autonomy had been given to the United States before the severance of that colony from the empire took place, it never would have occurred. I just wanted to know from the Secretary of State why this old claim of the municipality of Renfrew has been resurrected, and to congratulate my hon. friend from Rockland on the opinions he entertained of his leader who sits before him, and of the other great lights of the Liberal party in Canada.

Hon. Mr. SCOTT—Some thirty years ago the county of Renfrew had taken stock in the Central Canada Railway, which afterwards became part of the Canadian Pacific Railway, and the late Sir John Macdonald, on one occasion, over twenty years ago, recouped part of that to some of the municipalities. He did not repay the whole of them at the time.

Hon. Sir MACKENZIE BOWELL—That was during the time I was in the government, some fifteen or twenty years ago.

Hon. Mr. SCOTT—The other portions of the county which had contributed in the

same way—had taken stock in the road—complained that they were not recouped also, and have been pressing their claims from time to time. Finally, they produced a letter from Sir John Macdonald which Sir Wilfrid Laurier now has in his possession, stating that they were entitled to payment, and promising that at some time their claim would be considered. This has been brought up periodically, and under the circumstances, the gtvernment thought the amount should be recouped, as part of the county had been paid. The other portions of the county considered it was a great grievance that they also had not been recouped. I quite agree with the hon. gentleman that those old claims ought not to be resurrected even if there is some foundation for them.

Hon. Sir MACKENZIE BOWELL—I have a distinct recollection of it now, and I recollect also that just on the eve of an election, when this question came up, Mr. Blake telegraphed to the municipalities of that section of the country, that if his party came into power they would pay this claim. Of course that could not be considered a bribe.

Hon. Mr. SCOTT—Was that in 1876 or 1878 ?

Hon. Sir MACKENZIE BOWELL—I do not remember the year; I have the telegram in my scrap-book, and remember reading it myself in the House of Commons and stating that it was a bribe offered to those municipalities if they would only support the Liberal party. It was reported then that the Conservative government intended to pay the claim, and he went one better, to use a popular expression. They telegraphed what they would do if they only succeeded in getting into power. It is refreshing to see that my hon. friend's government is prepared to carry out the promise that his old colleague made, even if it is twenty or thirty years old, and if the bribe was not paid then, it should be paid now, and may help the present government in the coming elections.

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

QUEBEC BRIDGE BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (272) 'An Act to authorize aid to the Quebec Bridge and Railway Company towards the completion of its undertaking and to confirm an agreement between His Majesty and the said company with respect to such aid.' He said : Some years ago when this bridge was first undertaken by a company, the government of Canada contributed one million dollars towards the enterprise, the province of Quebec $250,000, the city of Quebec $300,000, and the shareholders, chiefly people in the city of Quebec, some $65,585. Of the contribution promised by the government of Canada, $376,000 has been paid. Under the terms of this contract the balance of the $1,000,000 contributed by the Dominion is to be remitted in consideration of the government guaranteeing the bonds. The amount already expended on the bridge is made up as follows :

Contributed by the Dominion of Canada	$376,000
Contributed by the province of Quebec	250,000
Contributed by the city of Quebec	300,000
Contributed by the shareholders	65,585
Total	$991,585

They have at present an indebtedness of $779,000. It is estimated that to make the connections, that is to carry a line down to the city of Quebec, which I think is some six or eight miles, and erect stations there for the several railways, and also to make connections on the south side with the Grand Trunk Railway and the Intercolonial Railway, would involve an outlay of $6,866,000. Now, it is proposed to guarantee the bonds of the company to the amount of $6,866,000 for fifty years at three per cent, the terms being that the government of Canada shall at any time have the right to take over the bridge and the connecting railways on either side. If they do so, then the parties, the province, the city, and the shareholders will be entitled to be recouped by the government of Canada, and ten per cent added to the amount.

Hon. Mr. LANDRY—As a premium.

Hon. Mr. SCOTT—On their shares.

Hon. Sir MACKENZIE BOWELL—That will mean the paid up shares.

Hon. Mr. SCOTT—Oh, yes ; they must be paid up. They get no more than the cash actually paid. In the meantime they get

any dividends that may be declared on the profits of the bridge, if the government do not take it over. The government may not take it over for five or ten years, but they have a right to take it over at any time they think proper. The calculation is that the bridge will not only pay a fair dividend on its cost, but that there will be a margin in addition to the cost of keeping the bridge in good repair.

Hon. Sir MACKENZIE BOWELL—That is a mere presumption.

Hon. Mr. SCOTT—I shall give the estimate made by one of the engineers ; it is calculated that there will be in addition to the National Transcontinental Railway, on the south side the Grand Trunk Railway, the Quebec Central and the Intercolonial. Whether the Canadian Pacific Railway on the north side may make connections with lines on the south shore, I do not know, but it is estimated that the number of cars that will cross that bridge daily will be ninety passenger, and one hundred and eighty freight, making two hundred and seventy cars daily. Taking three hundred days as a basis of calculation, that is eighty-one thousand cars, at five dollars a car per annum, yielding a revenue of over four hundred thousand dollars, which will be sufficient to pay the three per cent on the bonds, and all the expenses of maintaining the bridge. Under those circumstances, it is not thought that there will be any risk whatever of the country losing by their guaranteeing the payment of the bonds.

Hon. Mr. LANDRY—It is a pity that the government should come down with a Bill of this character asking us to vote about seven million dollars, at this late hour of the session. It is only now that we have been put in possession of the contract passed between the premier of the province of Quebec, the Hon. Mr. Parent and the Minister of Finance, in the name of the federal government. We also have before us, but since a few hours only, what are called the papers in connection with the Quebec bridge, comprising a few letters from Mr. Parent, and certificate of payment and estimate of the total cost of the undertaking and a statement of the chief engineer of the Department of Railways and Canals here in Ottawa. I would call the attention of the hon. Secretary of State to some grave facts which arise from that contract and those statements as soon as the one is compared with the others. The figures given by the hon. member are perfectly correct, but he cannot give them all, for the simple reason that some remain still concealed. If we look at the contract and the first letter written by Mr. Parent, we find that the total receipts amount to $1,273,217.70—that is the amount the company has received. Am I mistaken in the figures ?

Hon. Mr. SCOTT—The amount I have here is $1.170,000.

Hon. Mr. LANDRY—I shall give the details :

Dominion subsidy..	$374,353
Provincial subsidy..	250,000
Municipal subsidy..	300,000
Total subsidies..	$934,353

The paid up stock is $65,585.70.

Hon. Mr. SCOTT—That is correct.

Hon. Mr. LANDRY—Then they have issued debentures to the amount of $472,000, on which they have received $283,279, which, added to the above receipts, makes a total of $1,273,217.70.

Hon. Mr. SCOTT—The only difference is, I had put the bonds—I understood they were interim bonds—as indebtedness, as they had not been paid. I put the indebtedness at $779,000.

Hon. Mr. LANDRY—The company holds the full amount of the bonds, $472,000, but they paid the contractor on those bonds $283,000, which is really a receipt since they took that money to pay the contractor. Now, the expenditure is this : We find at page 4 the following estimate of Mr. Schreiber, I believe :

First payment in cash..	$747,654
Second payment in cash..	167,209
Total..	$ 914,862

To which we must add the $283,279, the product of the debentures issued, to the amount of $472,000. That money was paid on account and these items make a total of $1,198,141. That is the amount shown in Mr. Schreiber's statement at page 4 of the return, so that we have the folowing :

Total receipts of the company.. ..	$1,273,217 70
We have proof of expenditure.. ..	1,198,141 00
Giving a surplus of..	$ 75,076 70

Where has that surplus gone ? Nothing in the statements given by the Hon. Mr. Parent to the Minister of Finance shows what has become of that money. It must be found somewhere. That is the surplus if we take as receipts the money Mr. Parent acknowledges he has received and if we put as expenditures the sums that the statement of Mr. Schreiber shows to have been really expended. What has become of that surplus ? The government will understand that their duty is to find it. They can not be deceived to such an extent. Here is another feature of the Bill. if you read the contract you will find that clause 4 provides :

4. The company will procure subscriptions for additional stock to the amount of $200,000, such new stock to be issued at a price not below par and to be immediately paid up in full, the proceeds to be applied in the first place in the payment of the discount at which the bonds of the company were issued as aforesaid, to wit, the sum of $188,721.

This is what took place. The company having subscribed $200,000, paid twenty-five per cent of it in two instalments, making a payment of $50,000. As the figures given by Mr. Parent puts the paid up capital to $65,585, the difference is made up by a few paid up shares, allotted to the directors for services rendered and also by a certain amount, the remnant of an old account with the Quebec government. This amount of $65,585.70 was applied to the building of the bridge together with the subsidies I have mentioned from the Dominion government, the local government and the city of Quebec. As they had not enough to cover the expenditure, they issued bonds to the amount of $472,000, and disposed of them at a discount of forty per cent, making $283,279. This left a margin of $188,721. Who is the proprietor of the bonds ? The contractor. But he was paid for his work by those bonds, but only for an amount of $283,279. There is a clause in the contract which provides that the contractor shall be paid with bonds of the company at sixty per cent of their face value. The government steps in now and guarantees the bonds, so that immediately they are brought up to par, but the government say : ' We will not pay that increase in the value of the bonds out of the public money, we shall make a condition that the company shall subscribe an additional amount of $200,000. But who will profit by this $200,000 ? Not the works, but the contractor. It will go to pay the difference between the $283,000 and the face value of the bonds, $472,000. That is not paying anything towards the work, but paying a loss that the company has sustained, and this is being paid by the government. Why ? Because the government in clause 18 stipulate :

18. The company agrees that the government may exercise and the government hereby reserves the right to take over the whole of the undertaking, assets, property and franchises of the company, at any time, on paying the shareholders the amount of their stock at the par value thereof, not exceeding the amount of $265,585.70 with simple interest at five per centum per annum upon such amount as from the date or dates of the payment or payments upon the original or any substituted stock ; such interest however, to be charged with and reduced by the amount of the dividends (if any) which shall have accrued and been paid to the said shareholders respectively, so that no more interest than five per centum per annum after deducting all dividends shall in any case be paid to the said shareholders. The government, in addition to interest ascertained in manner aforesaid shall pay to the shareholders a premium of ten per centum upon the par value of the fully paid shares.

So the government pay the new stock and the old stock.

Hon. Mr. SCOTT—If they ever take it over.

Hon. Mr. LANDRY—The Minister of Finance said in the House of Commons that most likely the government will take it over, and in the near future, as soon as the work will be completed. In the contract there is that clause which will oblige the government, in taking up that old stock and the new stock, to pay the face value of it and ten per cent premium besides what they have paid out of their shares, and interest at 5 per cent per annum since the date of payment. So, by this contract the government are to pay a loss that has been sustained by the company, and it goes into the pocket of the contractor, a bonus of $200,000. Now who is going to share with the contractor, because the contractor will not keep all that for himself ?

Hon. Mr. SCOTT—I understood the bonds were held by one of the banks.

Hon. Mr. LANDRY—Not quite sure. The Bank of Montreal furnished the money on the bonds of the city at a fair discount also. But these debentures of the company negociated at a loss of 40 per cent are the property of the contractor. Their value has now been raised to par.

Hon. Sir MACKENZIE BOWELL—That is a good rate of interest.

Hon. Mr. LANDRY—And the government steps in now and pays the difference to the contractor.

Hon. Mr. SCOTT—The government pays nothing now. If the bridge is not the success that they expect it to be, they may never take it over.

Hon. Mr. LANDRY—The statement of the Finance Minister leaves no doubt that the government will become the proprietor of that bridge, and it is to the interest of the country that the government should. If that bridge is a success, why should not the government profit by the success? It is a necessary link between the railways on the north shore and the system on the south shore, and I do not think that any company should be proprietor of a bridge of that kind. The government should own it and make such regulations that every company using it would be on an equal footing.

Hon. Mr. SCOTT—I think that is a condition. I heard that spoken of as a well understood condition, that all roads were to be on an equal footing by paying equal rates.

Hon. Mr. LANDRY—I think that is the proper way also. If it were to go to one company and that company used the bridge for its own benefit and profit, the other companies and Quebec city would suffer as the result of the monopoly. From that point of view the government should become the proprietor of the bridge. I am not against the proposition of the government, and I do not intend to vote against the Bill, because the government assures the construction of the bridge, and in proper time the taking of it over and managing it themselves. But I call the attention of the government to this fact, that by these two clauses the government's good faith has been taken by surprise. Some one will get the $200,000. It is going to pay a loss that has been sustained, and is not going into the works at all. It is going to pay the loss of the company that issued the bonds at 60 per cent. There is a secret agreement by which the contractor will receive that amount. We shall probably learn the facts a little later on—but I call the attention of the government to the fact, and it is their duty to have their eyes opened. If they want this money properly spent they must see that not a cent of it goes to people who may make any sort of account to suit them, and who are well known to the public as people who can give figures any meaning they please. The government engineer in Quebec at the outset made a calculation of the cost of that bridge. It was to cost $3,619,450.

Hon. Mr. SCOTT—But has it not been extended very much since that time? Did that include the extension down to Quebec and the station grounds there?

Hon. Mr. LANDRY—No, that is the bridge.

Hon. Mr. SCOTT—It is extended now on both sides. I understand that the land damages are pretty high. The road runs along the front.

Hon. Sir MACKENZIE BOWELL—There is no doubt they will be high.

Hon. Mr. LANDRY—These extensions will certainly cost more than $15,000 a mile and if bonused like the other railways, in the Bill which we passed this afternoon, would receive $6,400 per mile. I call the attention of the government to the fact that at the outset an estimate was made by the government engineer, and he estimated the substructure would cost $819,450 and the superstructure $2,800,000, making a total of $3,619,450.

Hon. Mr. SCOTT—I understand that after going down the depth originally contemplated the contractors discovered a quicksand and had to go still further down with the caisson, which is a very expensive and dangerous operation, until they got to a solid basis. That rather upset their calculations.

Hon. Mr. LANDRY—That was done on the south shore and I think they were obliged to sink thirty or forty feet more.

Hon. Mr. SCOTT—It was very expensive.

Hon. Mr. LANDRY—They were warned at the beginning that there was no good bottom on that side of the river. They knew that before commencing the work, but they wanted to impress the government when they came here for a subsidy of a million dollars. They represented in the beginning

that they could build that bridge for three and a half million dollars. Now it is calculated that it will cost $7,503,725, according to the calculations made by Mr. Schreiber, the government engineer; so it will cost with the approaches $3,619,000 more than was anticipated at the outset, and a million more than the original estimate for the bridge alone. To show you how the scheme was managed in connection with the Quebec government's subsidy, take the money that was voted by the Quebec legislature, $250,000. It was voted on certain considerations, first that not more than twenty per cent of the value of the work done should be paid, and in any case not more than $30,000 per annum, and secondly, that the bridge should be built to accommodate foot passengers and vehicles as well as railway trains. I suppose the government will insist on that condition.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—The conditions of the building the bridge having been agreed upon between the bridge company and the government, in July, 1900, Mr. Duffy, Secretary-Treasurer of the province of Quebec instructed Mr. Vallée engineer in Quebec, to ascertain the total cost of construction, and his estimate is the one I have just mentioned, $3,619,450, for the total cost. In making that report Mr. Vallée said that the province would have to pay of its bonus of $250,000, for substructure $56,600, and for superstructure $193,400. On the 21st September, an order in council was passed by the Quebec government adopting the conclusion of that report. Notwithstanding that, the province has paid the whole amount.

Hon. Mr. SCOTT—So I understand. So has the city.

Hon. Mr. LANDRY—There were no such conditions attached to the grant from the city, but conditions were attached in the government agreement dividing the substructure from the superstructure. According to that proportion the government should have paid only $56,000, and yet the full amount of the subsidy, $250,000, has been paid notwithstanding the order in council accepting the report of Mr. Vallée. That shows how the money has been spent. No one should be astonished at that fact, because the prime minister in Quebec is the president of the bridge company; he is the man who decides whether the company, of which he is president, has fulfiller the conditions or not, and he is the man who makes the payment of the money. Besides that, he is a shareholder for $10,000, on which he has paid only twenty-five per cent. He is also the proprietor of 75 shares of paid up stock, for which he did not give a cent, but which became his, God alone knows how. All that works very smoothly; the president of the company asks the prime minister for the money and assures him that it is all right. He holds all these different offices.

Hon. Sir MACKENZIE BOWELL—He is the Pooh Bah of Quebec.

Hon. Mr. LANDRY—No doubt he is, grasping and holding all he can take. The Quebec government paid $90,000 in money and $160,000 in discount obtained from the Bank of Montreal, discounted by that bank on the promissory note of the company. In the contract with the contractor who is building the bridge, Mr. Davis, there is a clause to the effect that everything that is not payable in subsidies is to be paid in debentures reduced to 60 cents on the dollar. That is by special arrangement. It is to that arrangement I call the attention of the government. If these debentures had not been discounted at that figure by a special arrangement between the contractor and the company, everybody might run his chance, but it is by a special arrangement, so that this arrangement must carry its consequence. There must be something that the contractor or the president of the company would not like to have brought before the public, but one thing certain is, that the contractor will gain $200,000 by the fact that the government is guaranteeing the debentures. The interested parties take a roundabout way to have the transaction put in good form. They do not want to acknowledge the fact that they are obtaining $200,000 more to pay up the difference.

Hon. Mr. SCOTT—Bonds issued on a private undertaking, with no work done, could not be sold at all.

Hon. Mr. LANDRY—The government could have said: 'We will pay for those debentures only what they are worth.'

Hon. Mr. SCOTT—They should have guaranteed them.

Hon. Mr. LANDRY—They should have guaranteed only the future debentures and not the interim debentures.

Hon. Mr. SCOTT—Those are interim debentures.

Hon. Mr. LANDRY—They guaranteed those debentures and the interest upon them, and the people who will furnish the $200,000 to make good the deficiency in the debentures on account of the discount are sure that they will be paid in the future, because the government in one clause of this contract says that it will secure their shares at par, give them 5 per cent for interest and, more than that, a premium of 10 per cent when the bridge is taken over by the government. These are the interesting features of the Bill, and I ask the hon. minister, with the details I have placed before him, to keep his eyes open and to have his colleagues keep their crooked eyes open on the future developments of that policy.

Hon. Sir MACKENZIE BOWELL—I have only just had an opportunity of looking at the Bill, but it appears to me there is $200,000 in it for somebody. There is something in this transaction for the boy or the boys. On looking at the Bill as rapidly as I could during the time my hon. friend was speaking, I find the shareholders have paid only $65,585.07. These are the figures set forth in the Bill.

Hon. Mr. SCOTT—It is a condition that they have to pay $200,000 more.

Hon. Sir MACKENZIE BOWELL—I am talking of what they have paid. The province of Quebec has paid them $250,000. The city of Quebec has paid $300,000, and the Dominion of Canada has paid out of the million-dollar subsidies which were voted by parliament $374,353, making the total cash receipts that these gentlemen connected with it have obtained from shareholders, from the province of Quebec and the city of Quebec and the Dominion, $989,938, and I find that the expenditure so far, as set forth in this Bill, has been $914,862. Those figures show a difference between the cash receipts and the expenditure of $75,076, but there is nothing in the Bill to show where that has gone to or to whom it has gone. It shows they are indebted, in addition to that amount, which they say they have expended, of $914,822, an indebtedness against the company of $779,550. Is that indebtedness to be deducted from the amount of the expenditure which they say they have made of $914,000 ? If so, it shows they have very little cash paid to them. They have had very little cash with which to have carried on the works. Then they have issued bonds to the extent of $472,000, upon which they realized, carrying out the declaration made by the hon. gentleman from Stadacona, that $283,279, the proceeds resulting from the sale of the bonds at 60 cents on the dollar. If you pursue the provisions of this contract a little further, you will find that the government are to guarantee these bonds and take them at par. That is, you are to give to the bondholders, or directors, or the bank, whoever it may be, $108,922 more than the bonds realized. I could understand a transaction of this kind, that if you pay the actual amount received by the company or the parties who hold the bonds, it would be something like a legitimate transaction ; but here we have a company entering into an extensive speculation, for such it was, issuing the bonds and paying for a little stock themselves, finding there was to be an absolute failure and that they were likely to lose what they have put in, you are buying the bridge off their hands and taking bonds at par which were sold at from 50 to 60 per cent discount. I do not thoroughly understand how it is that you consider that a good bargain. There may be some other explanation that is not on the face of the Bill, and that is one of the difficulties we have in dealing with a subject involving a sum of $6,700,000 in about half an hour. The papers are thrown into our hands and we have to take it holus bolus, completely ignorant of what we are doing. When you come to look into the figures of this one transaction, you find somebody is going to make a haul out of it, if the figures are correct, of some $200,000, because the 4th section reads as follows :

> 4. The company will procure subscriptions for additional stock to the amount of $200,000, such new stock to be issued at a price not below par and to be immediately paid up in full, the proceeds to be applied in the first place in the payment of the discount at which the bonds of the company were issued as aforesaid, to wit, the sum of $188,721.

Then we come to the power to issue $200,000 more stock. We guarantee their bonds to the extent of $6,679,000 odd for fifty

years at three per cent per annum, the interest is payable half-yearly and the principal $6,679,000, is to run over fifty years and then the government pays the whole of it. It says that the government shall guarantee the payment of the principal and interest of the bonds and debentures and other securities to the amount of $6,679,000, to which I have already called attention. That is from the figures as they present themselves in the Bill itself, and after only about fifteen or twenty minutes' examination we find it shows clearly that somebody is going to make $200,000 out of a bankrupt concern. The calculation made by the hon. Secretary of State as to the earnings of this road reminds me very much of the prospectus issued when the Grand Trunk Railway was first built. The prospectus was issued and placed upon the English market with the guarantee of the Inspector General of Canada, who occupied a position analogous to that of the Minister of Finance, that the road would have an earning power of thirteen per cent. The calculations of the hon. gentleman in reference to this bridge are about on the same par. That it may cost a great deal of money for right of way for the approaches, I doubt not, when we bear in mind what they have had to pay for the right of way of the St. Charles branch below Quebec. I do not know that the property is any more valuable above it than below it, but there is no doubt they will have to pay the highest possible price for it. It seems to me, from the short time I have had to look at this paper, that is about the state of affairs in reference to the promoters There are a great many promoters of these enterprises who would like very much to make just such a bargain with the government. That it should be a Dominion undertaking, I am not prepared to give an opinion just now, but when the hon. gentleman said that each of these railways, that is, the Transcontinental, the Intercolonial Railway and the Grand Trunk Railway and the Quebec Central Railway, were to pay equal proportion, I scarcely think he will find that these railways will accept any such proposition or make any such bargains. If the proposition were that they were to pay a sum in proportion to the cars and engines that ran over it, I could understand it.

Hon. Mr. SCOTT—In the calculation I gave the House it was assumed they were to pay $5 on each car.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentlemen to say, an equal proportion. I would be surprised if that were the bargain. That is precisely the bargain that was made with the Grand Trunk Railway, on the road running from Montreal to St. Rosalie, no matter if the Grand Trunk Railway ran twenty cars to the Intercolonial Railway's one the government had to pay 50 per cent of the total amount of the repairs to the road. That is not all. You guaranteed to pay them 5 per cent while the Grand Trunk Railway could borrow the money for the keeping of these roads in repair at about 3 per cent with the guarantee of the government, and then you gave them permission further than that to make arrangements with all other railway companies to run over the road without one single provision in the contract to make them pay their proportion, and I would not be at all surprised if some railway expert would get hold of the government and make just such an arrangement as this one. That is why I made the remark, because I understood the hon. gentleman to say they were to pay equal proportions. I do not suppose there is any use of fighting this or going into committee to examine it, or to analyse it. There are the facts as they present themselves, and the evidence of the deep interest that is taken by this august body in the expenditure of so large a sum of money We have about nine senators present to dispose of six or seven million of dollars. We ought to add two million more. It would be just a million apiece as three of us will vote against this Bill, and the government members could take the whole nine million and divide it amongst six, which would give each member a more substantial sum. I would advise speculators to get themselves into just such a scheme as this and then come to this prodigal government or this economical government and ask them to relieve them of it. I hope none of our great lumbermen or the men of great enterprise will get into this difficulty, but I would suggest to them, when they get into trouble of this kind, to ask

the government to relieve them of their difficulties and hand over the properties as well. That is about this case. I do not know upon what basis the hon. gentleman makes his calculation as to the revenue from this bridge, but I fancy it is of the character to which I have alluded when the Grand Trunk Railway was floated on the English market. It must not be forgotten that a few years afterwards the Conservative party were turned out of power because they advanced them £100,000 on bonds, in advance, for postal services. So sure was the country at that time that the advance of £100,000 was a gift to the company that they actually turned out the whole government. Six or seven million does not amount to anything in the glorious time to which my hon. friend from Rideau alluded. It is highly interesting discussing a vote of sixty or seventy million of dollars, with less than a dozen senators present; but when we have in the country taxpayers who understand what money means, it is just as well to put ourselves upon record, if we can do nothing more, and we can do that just as well with half a dozen members present as we can with fifty. I do not know that I shall delay the passage of the Bill by asking the House to go into committee, unless the hon. gentleman from Victoria (Hon. Mr. Cloran) is anxious to make a lucid explanation of this great enterprise. He might come to the relief of the hon. Secretary of State.

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

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

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

RAILWAYS LAW CONSOLIDATION BILL.

CONFERENCE REPORT CONCURRED IN.

Hon. Mr. SCOTT—In the conference on the amendments made by the Senate in Bill (21) An Act to amend and consolidate the law respecting railways, the Commons have agreed to one amendment and disagreed to the other.

The SPEAKER—The Commons refer to the report of the managers as being recognized by both Houses and then they send a message based on that understanding, and I think therefore we should adopt the report.

Hon. Sir MACKENZIE BOWELL—We have not any report from the Commons. I gave Mr. Fitzpatrick a copy of the report which I presented here, and he just changed the word 'Senate' to 'Commons,' submitted his own name for mine, and said he was going to present it. If we have a report from the Commons why is it not read?

The SPEAKER—The report by the managers reads as follows:

> Resolved, that a message be sent to the Senate to acquaint their Honours, that this House hath agreed to the amendments Nos. 2, 3, 4, 31 and 70 made by the Senate to the Bill No. 21, intituled: 'An Act to amend and consolidate the law respecting Railways,' and that this House hath also agreed to the amendment made by the Senate to section 211 of the said Bill by the insertion after the word 'person' in the 8th line of the words 'unless such agreement is conformable to the law of the province in which it is made and is authorized by regulation of the board.'
>
> Ordered, that the Clerk of the House do carry the said message to the Senate.

It is for us to adopt their report.

Hon. Mr. BEIQUE—No reference is made by the Commons to section 5.

Hon. Sir MACKENZIE BOWELL—Nor there is any reference made to the 11th amendment.

The SPEAKER—As they do not say anything about that, they are supposed to insist on their previous action, and in the letter from the Clerk of the Commons, he stated that they regarded the report of the conference as settling that question.

Hon. Sir MACKENZIE BOWELL—If there is any letter, we should have it.

The SPEAKER—It is a private letter.

Hon. Sir MACKENZIE BOWELL—The report from the House of Commons does not seem to be complete at all.

Hon. Mr. BEIQUE—It will be complete if we receive the report dropping clause 5a.

Hon. Sir MACKENZIE BOWELL—And the 11th amendment.

Hon. Mr. BEIQUE—Yes, we do not insist on that.

Hon. Sir MACKENZIE BOWELL—They set forth in this message that they accept

the amendments of the Senate to Nos. 2, 3, 4, 31 and 70, made by the Senate to Bill 21, and that they also agree to the amendment made by the Senate to section 211. What was that?

Hon. Mr. BEIQUE—It is the contracting with the employees.

Hon. Sir MACKENZIE BOWELL—We are in this position: We have the report here of the proceedings of the conference in which we report an amendment. They say they do not insist on that, and we report further that we agreed to their amendment No. 11. That was the result of the conference, and here while we have set forth in our report the whole facts, they only deal with half of them.

Hon. Mr. YOUNG—If I understand the matter rightly from the report which was read to this House, the amendment known as 5a was rather a concession that our managers thought they were giving to the managers of the conference for the House of Commons. Apparently they were satisfied with the view of our managers, who held, I understand, that the amendment 5a was already embodied in section 7, and possibly on looking over the Act they came to the very same conclusion as our managers. Therefore, we are not surrendering anything by dropping 5a.

Hon. Mr. SCOTT—That is correct.

Hon. Mr. YOUNG—And there will be no hesitation in accepting the amendment of the Commons.

Hon. Mr. BEIQUE—I would renew the suggestion that the report be adopted less the portion referred to 5a, which is dropped.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman makes that motion, there will have to be a complete record on the Journals to that effect, because it is not a true report without that. It is not what the effect will be as it stands. Mr. Fielding went away with the impression that that was not adopted, and suggested to me leaving it out. I said no, that it was adopted, but afterwards we discussed the matter and came to the conclusion that the hon. gentleman from de Salaberry was right in his contention, and Mr. Borden took the same view, that it was not necessary. I said it is all very well for you to think that. I could not report truthfully to the Senate the proceedings of that conference without putting it in and I refused to eliminate it, and explained that afterwards to Mr. Fitzpatrick. I do not know what hon. gentlemen may think of it, but these are the facts and that was what was done at the conference. If the hon. gentleman will make that motion he must give a reason for it—not to move an amendment to the report but give a reason why it was left out.

Hon. Mr. BEIQUE—It is suggested now that we do not act on the report, but merely deal with the message.

The SPEAKER—The message is incomplete without the report.

Hon. Mr. BEIQUE—I move that the report of the managers be adopted to the exclusion of the reference made to section 5a, which section 5a was mentioned in said report as a concession to the House of Commons, on which concession the House of Commons do not insist as by their message.

Hon. Sir MACKENZIE BOWELL—I move:

That the report of the managers of the open conference be adopted, less the reference made to section 5a, which was offered as a concession to the House of Commons, and of which they have not availed themselves.

The motion was agreed to.

Hon. Mr. BEIQUE—I move:

That the Senate agree to the amendment made by the House of Commons to the amendment No. 40 of the Senate to section 211 of the Bill (21) intituled: 'An Act to amend and consolidate the law respecting Railways,' that the Senate does not insist on their amendment No. 11 to section 44 of the said Bill.

Hon. Sir MACKENZIE BOWELL—No, I shall not vote for that. Call in the members.

Hon. Mr. LANDRY—Call in the members.

The House divided on the motion, which was carried on the following division:

CONTENTS:

Hon. Messieurs

Béique,	Templeman,
Cloran,	Thibaudeau
David,	(de la Vallière),
Ellis,	Watson,
Power (Speaker),	Young.—10.
Scott,	

NON-CONTENT.

Hon. Sir Mackenzie Bowell.—1.

Hon. Mr. CLORAN—Where are the two members who called for the division ?

Hon. Mr. LANDRY—I paired with the hon. gentleman from Rigaud (Hon. Mr. Thibaudeau).

Mr. BAKER—I paired with Mr. Kerr (Toronto).

Hon. Mr. MACKAY (Alma)—I paired with Hon. Mr. McKeen.

The motion was agreed to.

The Senate adjourned till 10.30 a.m. tomorrow.

THE SENATE.

Ottawa, Saturday, October 24, 1903.

The SPEAKER took the Chair at 10.30 a.m.

Prayers.

THE PROROGATION.

This day at eleven o'clock a.m., His Excellency the Governor General proceeded in state to the Senate Chamber, in the parliament buildings, 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 His Majesty's name, by His Excellency the Governor General, viz. :

An Act further to amend the Act respecting Public and Reformatory Prisons.

An Act respecting the Manufacture of Binder Twine in Canada.

An Act to enable the City of Winnipeg to utilize the Assiniboine River water power.

An Act to incorporate the Stewart River Development Company.

An Act for the relief of Ellen McDermid.

An Act for the relief of Stephen Wilson.

An Act to incorporate the Alliance Bank of Canada.

An Act to incorporate the Imperial Agency.

An Act to incorporate the Canadian Telephone and Telegraph Company.

An Act to incorporate the Southern Central Pacific Railway Company.

An Act to incorporate the St. Chrysostôme Railway Company.

An Act to confer on the Commissioner of Patents certain powers for the relief of the Keller Heater Company of Canada, Limited.

An Act to incorporate the Quebec, New Brunswick and Nova Scotia Railway Company.

An Act to incorporate the Ontario and Quebec Power Company.

An Act to amend the Act respecting Certificates to Masters and Mates of Ships.

An Act to incorporate the Grand Trunk Pacific Railway Company.

An Act to incorporate the Toronto and Hamilton Railway Company.

An Act for the relief of Harford Ashley.

An Act respecting Penny Banks.

An Act to amend chapter 8 of the Statutes of 1899, respecting the Bounties on Steel and Iron, and to provide for the payment of Bounties on certain articles manufactured from Steel.

An Act to provide for the payment of Bounties on Lead contained in lead-bearing ores mined in Canada.

An Act to assist in establishing and maintaining an independent and efficient Service of Telegraphic News from Great Britain for publication in the Canadian Press.

An Act to amend the Mounted Police Act, 1894.

An Act to amend the Act respecting the Judges of Provincial Courts.

An Act to incorporate the Canadian Transportation and Storage Company.

An Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company.

An Act further to amend the Yukon Territory Act.

An Act to increase the Representation of the North-weset Territories in the Senate.

An Act to incorporate the Brockville, Westport and North-western Railway Company.

An Act further to amend the Steamboat Inspection Act, 1898.

An Act respecting the Western Assurance Company.

An Act to amend the Act relating to Ocean Steamship Subsidies.

An Act to amend the Act respecting the Department of Railways and Canals.

An Act to incorporate the Ottawa River Railway Company.

An Act further to amend the Act respecting the Judges of Provincial Courts.

An Act to provide for Advances to the Government of the North-west Territories.

An Act to amend the Act respecting the Harbour of North Sydney in Nova Scotia.

An Act to amend the Supreme and Exchequer Courts Act, the Exchequer Court Act, and the Act respecting the Judges of Provincial Courts.

An Act respecting the construction of a National Transcontinental Railway.

An Act to amend the Manitoba Grain Act, 1900.

An Act to readjust the Representation in the House of Commons.

An Act to amend the Shipping Casualties Act, 1901.

An Act respecting the Pilotage District of Montreal, and the Port and Pilotage District of Quebec.

An Act to amend the North-west Territories Act.

An Act respecting the Revised Statutes of Canada.

An Act further to amend the General Inspection Act.

An Act respecting the Librarians of Parliament.

An Act respecting the Registrar of the Supreme Court.

An Act respecting the management and control of Public and other Works.

An Act to amend the Customs Tariff, 1897.

An Act to authorize the granting of Subsidies in aid of the construction of the Lines of Railway therein mentioned.

An Act to authorize aid to the Quebec Bridge and Railway Company towards the completion of its undertaking and to confirm an Agreement between His Majesty and the said Company.

An Act to amend the Civil Service Act.

An Act to amend and consolidate the law respecting Railways.

An Act respecting the jurisdiction of the Exchequer Court as to Railway Debts.

To these Bills the Royal assent was pronounced by the Clerk of the Senate in the following words :

In His Majesty's name, His Excellency the Governor General doth assent to these Bills.

Then the Honourable 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 His Majesty certain sums of money for the public service of the financial year ending the 30th June, 1904,' to which Bill I humbly request Your Excellency's assent.

To this Bill the Clerk of the Senate, by His Excellency's command, did thereupon say :

In His Majesty's name, His Excellency the Governor General thanks His Loyal Subjects, accepts their benevolence, and assents to this Bill.

After which His Excellency the Governor General was pleased to close the Third Session of the Ninth Parliament of the Dominion with the following Speech :

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

In relieving you from further attendance after an unusually long and laborious session of parliament, I desire to convey to you my best thanks for the assiduity you have shown in the discharge of onerous duties.

The session now closing will be long remembered, not only for its great length, but also for the many useful and important measures that have been enacted, all tending to advance the prosperity of the country.

The unprecedented number of private and public Bills that have been passed during the present session may be taken as an evidence of the great industrial development that is going on throughout the Dominion.

A steadily expanding revenue has enabled my government not only to materially reduce the debt of the Dominion, but also to submit for your approval numerous grants for useful public works, in addition to liberal subsidies for the extension of our railway system, which contributes so largely to the development of our country.

In view of the flow of immigrants now seeking homes in Manitoba and the North-west Territories and of the rapid increase of products requiring facilities to reach the markets of Europe via Canadian ports, and in order to promote the settlement of the great areas of agricultural, mineral and forest lands still untouched in the older provinces, my ministers considered it essential to obtain authority from parliament for the construction of a second transcontinental railawy, the eastern division of which should serve as a common railway highway from Winnipeg to the maritimes ports of Canada. It will be the duty of my ministers to proceed immediately with the necessary surveys so that the work of construction of that portion of the line which extends from Moncton to Winnipeg, may be prosecuted with all possible speed.

The Act authorizing the transfer of the powers heretofore exercised by the Railway Committe of the Privy Council to a permanent Board of Commissioners who will have supreme control over the administration of the railways of Canada, will, I have no doubt, be hailed with much satisfaction.

The difficult task of readjusting the representation of the people in the House of Commons, in accordance with the British North America Act on a basis not open to fair criticism has been accomplished in a manner that I trust will prove satisfactory to the electorate.

The subsidy granted by parliament for the establishment of a line of steamers affording direct connection with France will, I have every reason to believe, result in a largely increased trade with that country.

The amendments to the law relating to the naturalization of aliens will have the effect of removing the disadvantages under which Canadians desirous of returning to their na-

tive land have hitherto laboured, and will also materially facilitate the naturalization of the many settlers seeking homes in Manitoba and the Territories.

Gentlemen of the House of Commons :

I thank you for the liberal provision you have made for the public service.

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

In taking leave of you may I express the hope that the sacrifices you have been called on to make by an attendance on this protracted session may be rewarded by the reflection that your labours have been productive of great benefit to the Dominion.

The SPEAKER of the Senate then said :

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

It is His Excellency the Governor General's will and pleasure, that this parliament be prorogued until Thursday, the third day of December next, to be here holden, and this Parliament is accordingly prorogued until the third day of December next.

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The following abbreviations are used: 1st R., 2nd R., 3rd R., 1st, 2nd and 3rd Readings; *without remark or debate; Accts., Accounts; Adjn., Adjourn; Adjd., Adjourned; Amt., Amendment; Amts., Amendments; B., Bill; B.C., British Columbia; Can., Canada or Canadian; Com., Committee; Co., Company; Consdn., Consideration; Cor., Correspondence; Dept., Department; Govt., Government; His Ex., His Excellency the Governor General; H. of C., House of Commons; Incorp., Incorporation; Inq., Inquiry; Man., Manitoba; Mess., Message; M., Motion; *m.*, moved; N.B., New Brunswick; N.W.T., North-west Territories; N.S., Nova Scotia; Ont., Ontario; Parlt., Parliament; P.E.I., Prince Edward Island; P.O., Post Office; Ques., Question; Rem., Remarks; Rep., Reported; Ret., Returned; Ry. Railway; Sel., Select; 6 m. h., Six Months' Hoist; Withdn., Withdrawn.

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Resignation of the Minister of Rys. and Canals : on inq. (Sir M. Bowell) rem., 583.

Retirement of Judges B. : on M. (Mr. Scott) to fix date for 2nd R., rem., 751.

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Royal Trust Co. B. : int., 169 ; 2nd R., 209.

Rules of the Senate, The : on M. (Mr. Béique) rem., 232.

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Sault St. Louis Light and Power Co. B. : int., 187 ; 2nd R.*, 245.

Shipping Federation of Canada B. : int., 169 ; 2nd R., 209 ; 3rd R.*, 254.

Striking Com., The : on M. (Mr. Scott) to appoint Com., rem., 36.

Subsidies to Provincial governments : on inq. (Mr. Macdonald, B.C.) and reply (Mr. Scott) rem., 220-223.

Toronto and Hamilton Ry. Co. B. : on M. (Mr. Kerr, Toronto) for 2nd R., rem., 1021.

Transportation of Grain from the North-west : on inq. (Mr. Perley) rem., 578, 579.

Treadgold Commission, The : on inq. (Mr. Ferguson) rem., 876.

Woolf Valve Gear Co. Relief B. : 3rd R.*, 625.

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Bounties on Steel and Iron B. : on M. (Mr. Scott) for 2nd R., rem., 1084.

Fire Insurance Premiums paid in Montreal : M. for return, 1293.

Freedom of Labour B. : on M. (Mr. Béique) for 2nd R., rem., 500 ; in Com., rem., 627.

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Offences Connected with Trade and Breaches of Contract B. : on M. (Mr. Lougheed) for 3rd R., rem., 691.

Ottawa Valley Ry. Co. B. : on M. (Mr. Domville) to concur in House of Commons amts., rem., 1309.

Rys. Law Consolidation B. : in Com., rem. on subcl. 2 of 186th cl., 845 ; on subcl. 8, 846 ; on 184th cl., M. to amd., 905 ; on subcl. g of 195th cl., M. to amd., 906 ; rem., 916 ; on 5th cl., 949 ; on subcl. 2 of 239th cl. and amt. (Mr. Scott) 1057, 1060. On Com. of Conference, rem., 1756, 1762.

Toronto and Hamilton Ry. Co. B. : on M. (Mr. Kerr, Toronto) for 2nd R., rem., 1021.

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Animal Contagious Diseases B. : in Com. rem., on 18th cl., 591.

Custody of Juvenile Offenders in New Brunswick B. : on M. (Mr. Scott) for 2nd R., rem., 86.

Dickey, the late Senator : rem. on his decease, 605.

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Encouragement of Dry Docks Construction B. : on M. (Mr. Scott) for 2nd R., rem., 560, 561.

Inland Revenue Act Amt. B. : in Com., rem. on 3rd cl., 365.

Labour Union Label B. : on M. (Mr. Watson) for 2nd R., rem., 462-464.

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Mr. Young's salary : on M. (Mr. Watson) to adopt 4th cl. of 2nd rep. of Com. on I. E. & C. A. and amt. (Mr. Miller) and amt. to amt. (Mr. Béique) rem., 102.

National Transcontinental Ry. B. : on M. (Mr. Scott) for 2nd R., rem., 1398, 1458, 1541-1543 ; in Com., rem., on 2nd cl., 1648.

North-west Territories Act Amt. B. : rep. from Com., 1735.

Ocean SS. Subsidies B. : in Com., rem., 1283.

Resignation of the Minister of Rys. and Canals : on inq. (Sir M. Bowell) rem., 583.

Subsidies to Provincial governments : on inq. (Mr. Macdonald, B.C.) and reply (Mr. Scott) rem., 226.

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Ashley Divorce B. : int., 176.

Lindsay, Bobcaygeon and Pontypool Ry. Co. B. : int., 187 ; 2nd R.*, 245 ; 3rd R.*, 289.

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Alliance Bank of Canada B. : int., 736 ; 2nd R.*, 742 ; 3rd R.*, 807.

Canadian Policy-holders in Mutual Reserve Life Insurance Co., Relief B. : int., 1309.

Canadian Transportation and Storage Co. B. : Rep. from Com. on B. & C., 989.

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Fisheries Act Amt. B. : in Com., rem., 720.

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Mutual Reserve Life Insurance Co. of New York : Motions for returns, 1179, 1234 ; inq., 1291 ; rem., 1292 ; M. withdrawn, rem., 1365.

Ottawa Valley Ry. Co. B. : int., 952 ; 2nd R.*, 1078 ; 3rd R.*, 1119 ; M. to concur in House of Commons amts., 1309.

Rys. Law Consolidation B. : in Com. on 3rd cl., 898.

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Chinese Immigration Restriction B. : in Com., rem. on 6th cl., 432.

Crowded Com. Rooms : rem., 248.

Imperial Agency B. : rep. from Com. on B. & C., 437.

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Ry Labour Disputes B. : in Com., rem., 382 ; on 6th cl., 386.

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Rys. Law Consolidation B. : in Com., rem., on subcl., 5 of 275th cl., 869 ; on 195th cl. and M. (Mr. Béique) to amd., 920 ; on subcl. 4 of 202nd cl., 923 ; on subcl. 4 of 275th cl. and M. (Mr. Watson) to amd., 937 ; on 43rd cl., 959 ; on subcl. g of 195th cl. and M. (Mr. Béique) to amd., 961, 963 ; on 197th cl. and M. (Mr. Ferguson) to amd., 972 ; on 198th cl., 976 ; on subcl. 2 of 211th cl., 979 ; on subcl. 4 of 237th cl., 981 ; on 239th cl., 983 ; on subcl., 3 of 275th cl., 987 ; on 276th cl., 988.

Woodmen of the World Act Amt. B. : rep. from Com. on B. & C., 288.

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Animals Contagious Diseases B. : in Com., rem. on 2nd cl., 570.

Binder Twine Bounty B. : on M. (Mr. Scott) for 2nd R., rem., 760, 762, 767.

Bounties on Steel and Iron B. : in Com., rem., 1105, 1107.

Canada Atlantic Ry. Co. B. : int., 187 ; 2nd R.*, 245 ; 3rd R.*, 371.

Customs Tariff Amt. B. : on M. (Mr. Scott) for 2nd R., rem., 1776.

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National Transcontinental Ry. B. : in Com., rem. on 2nd cl., 1676.

Ottawa Electric Ry. Co. B. : int., 187 ; 2nd R.*, 245 ; 3rd R.*, 289.

Rys. Law Consolidation B. : in Com., rem. on subcl. 3 of 214th cl., 858, 860, 863.

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Binder Twine Bounty B. : rep. from Com. 775.

Bounties on Steel and Iron B. : on M. (Mr. Scott) for 2nd R., rem., 1082 ; in Com., rem., 1102.

Canadian Cable News B. : on M. (Mr. Templeman) for 2nd R., rem., 1029.

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Canadian Northern Ry. Extension Aid B. : on M. (Mr. Scott) to ref. B. to Com., rem., 550.

Certificates to Masters and Mates of Ships B. : in Com., rem., 774.

Chinese Immigration Restriction B. : in Com., rem. on 6th cl., 431 ; on 24th cl., 436.

Civil Service Act Amt. B. : in Com., rem. on 8th cl., 1725 ; on 15th cl., 1728.

Companies Act Amt. B. : rep. from Com., 364.

Criminal Code, 1892, amt. B. : on M. (Mr. Scott) for 2nd R., rem., 91.

Custody of Juvenile Offenders in New-Brunswick B. : in Com., rem. on 1st cl., 133, 135, 138.

Dominion Elections Act, 1900, Amt. B. : rep. from Com., 259.

Dominion Notes B. : on M. (Mr. Scott) for 2nd R., rem., 699.

Encouragement of Dry Docks Construction B.: on M. (Mr. Scott) for 2nd R., rem., 559, 562.

Expropriation Act Amt. B. : rep. from Com., 132.

Fisheries Act Amt. B. : on M. (Mr. Templeman) for 2nd R., rem., 706 ; in Com., rem., 720.

Freedom of Labour B. : on M. (Mr. Béique) to ref. back to Com., rem., 553 ; in Com., rem., 553, 626, 627 ; on 3rd R. and amt. (Mr. Béique) rem., 733, 791.

Good Shepherd Reformatory of St. John, B.: on M. (Mr. Scott) for 2nd R., rem., 455.

Government Post Office and Savings Banks B.: rep. from Com., 715.

Grand Trunk Pacific Ry. Co. Incorporation B.: on M. (Mr. Dandurand) for 2nd R., rem., 777, 780.

Inland Revenue Act Amt. B. : rep. from Com., 448.

Judges of Provincial Courts Act Amt. B. : in Com., rem., 1122.

Jurisdiction of Exchequer Court as to Ry. Debts B. : on M. (Mr. Béique) for 2nd R., rem., 811.

Library of Parliament, The : on M. (Mr. Baker) to adopt 2nd rep. of Joint Com. on Library, rem., 530.

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Management and Control of Public Works B.: on M. (Mr. Scott) for 2nd R., rem., 1768.

Missionary Society of the Church of England in Canada B. : int., 165 ; 2nd R.*, 169 ; 3rd R.*, 324.

Mr. Young's salary : on M. (Mr. Watson) to adopt 4th cl. of 2nd rep. of Com. on I. E. & C. A. and amt. (Mr. Miller) and amt. to amt. (Mr. Béique) rem., 99.

Montreal Harbour Commissioners B. : on M. (Mr. Scott) for 2nd R., rem., 533.

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Naturalization of Aliens B. : in Com., rem. on 1st cl., 272.

New Canadian Co. B. : on M. (Mr. Dandurand) for 3rd R., and amt. (Mr. Ferguson) rem., 353.

Offences Connected with Trade and Breaches of Contract B. : on M. (Mr. Lougheed) for 3rd R., rem., 677.

Pacific Cable, The : on M. (Sir M. Bowell) for return, rem., 114.

Parliamentary Guide, Errors in : on complaint (Mr. Macdonald, P.E.I.) rem., 1597.

Patent Act Amt. B. : rep. from Com., 743.

Pensions to Judges B. : in Com., rem., 1238 ; rep. from Com., 1249 ; rem., 1270, 1272 ; rep. from Com., 1280.

Petitions for Private Bills: on M. (Sir A. Pelletier) to adopt rep. of Select Com. changing rules, rem., 1073.

Post Office Act Amt. B. : in Com., rem., on 9th cl., 649, 653 ; on 6th cl., 712.

Public Printing Act Amt. B. : on M. (Mr. Scott) for 2nd R., rem., 332-334.

Public Works Act Amt. B. : rep. from Com., 353.

Ry. Labour Disputes B. : in Com., rem. on 7th cl., 388.

Rys. Law Consolidation B. : in Com., rem. on subcl. 2 of 23rd cl., 821 ; on subcl. 2 of 186th cl., 845 ; on 241st cl., 867 ; on subcl. 5 of 275th cl., 872 ; on 303rd cl., 880 ; rep. from Com., 880 ; in Com., rem. on subcl. b. of 2nd cl., 892 ; on subcl. g of 195th cl., 917 ; on 5th cl. and amt. (Mr. Béique) 950 ; on subcl. 2 of 211th cl., 976-978 ; on subcl. 2 of 186th cl., 1039 ; on subcl. 4 of 211th cl., 1041 ; on amt. to 211th cl., rem., 1680.

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Striking Com., The : on M. (Mr. Templeman) to adopt 1st paragraph of 2nd rep., rem., 53.

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Weights and Measures Act Amt. B. : in Com , rem. on 2nd cl., 367, 368 ; rep. from Com., 371.

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Butter Act, 1903, B. : on M. (Mr. Scott) for 2nd R., rem., 597.

Canadian Northern Extension Aid B. : on M. (Mr. Scott) for 2nd R., rem., 536 ; on M. (Mr. Scott) to ref. back to Com., rem., 546-548 ; in Com., rem., on 6th cl., 551 ; on 8th cl., 551.

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Companies Act Amt. B. : in Com., rem., 357, 359, 360.

Custody of Juvenile Offenders in New Brunswick B. : on M. (Mr. Scott) for 2nd R., rem., 85 ; in Com., rem. on 1st cl., 132, 137.

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Dominion Elections Act, 1900, Amt. B. : int., 186 ; 2nd R. and rem., 250 ; in Com., rem. on 2nd cl., 258.

Dominion Notes B. : on M. (Mr. Scott) for 2nd R., rem., 698 ; in Com., rem., 715.

Encouragement of Dry Docks Construction B. : on M. (Mr. Scott) for 2nd R., rem., 560, 561.

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Expropriation Act Amt. B. : on M. (Mr. Scott) for 2nd R., rem., 72 ; in Com., rem. on 2nd cl., 122, 127.

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Fisheries Act Amt. B. : on M. (Mr. Templeman& for 2nd R., rem., 702, 703 ; in Com., rem., 718.

Freedom of Labour B. : on M. (Mr. Béique) for 2nd R., rem., 496, 499 ; in Com., rem., on 1st cl., 554, 629.

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Inland Revenue Act Amt. B. : on M. (Mr. Scott) for 2nd R., rem., 353, 354 ; in Com., rem. on 3rd cl., 364, 366 ; on 5th cl., 366 ; on 6th cl., 367 ; on 3rd cl., 445, 446 ; on 4th cl., 447 ; on 5th cl., 447.

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Keller Heater Co.'s B. : on M. (Mr. Watson) for 2nd R., rem., 807, 808.

Labour Union Label B. : on M. (Mr. Watson) for 2nd R. and amt. (Mr. McMullen) 6 m. h., rem., 466.

Library of Parliament, The: on M. (Mr. Baker) to concur in 2nd rep. of Joint Com. on Library, rem., 531.

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Maritime Ry. and Transportation Co.'s B. : on M. (Mr. Frost) for 2nd R., M. to adjourn debate, 888 ; rem., 1143-1146 ; M. 6 m. h., 1146 ; rem., 1155-1157.

Mexican Light and Power Co. B. : on M. (Mr. Kerr, Toronto) to ref. back to Com., rem., 252.

Montreal Harbour Commissioners B. : on M. (Mr. Scott) for 2nd R., rem., 534 ; in Com., rem. on 3rd cl., 552.

Mowat, The late Sir Oliver : on M. (Mr. Scott) rem., 77-78.

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National Transcontinental Ry. B. : on M. (Mr. Scott) for 2nd R., rem., 1460, 1486-1522 ; M. to postpone 2nd R., 1522 ; in Com., rem. on 2nd cl., 1599, 1637, 1664-1668, 1677.

Naturalization of Aliens B. : in Com., rem. on 1st cl., 272.

New Canadian Co. B. : on M. (Mr. Dandurand) for 3rd R., rem., 348 ; M. in amt. to ref. back to Com. on R. T. & H., 350.

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Post Office Act Amt. B. : on M. (Mr. Templeman) for 2nd R., rem., 602 ; in Com., rem. on 6th cl., 648 ; on 9th cl., 652, 653 ; on 6th cl., 709, 710, 712.

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Readjustment of Representation B. : on M. (Mr. Scott) for 2nd R., rem., 1300-1308 ; 1329-1337, 1343, 1347.

Resignation of the Minister of Rys. and Canals : on inq. (Sir M. Bowell) rem., 624.

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Safety of Ships Act Amt. B. : in Com., rem., 714.

Sault St. Louis Light and Power Co. B. : on M. (Mr. Landerkin) for 3rd R., rem., 326.

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Steamboat Inspection Act Amt. B. : on M. (Mr. Templeman) for 2nd R., rem., 707, 708.

Steele Divorce B. : on M. (Mr. Landerkin) to adopt rep. of Com., rem., 173.

Striking Com, The : on M. (Mr. Templeman) to adopt 1st paragraph of 2nd rep., rem., 54.

Subsidies to Provincial governments : on inq. (Mr. Macdonald, B.C.) and reply (Mr. Scott) rem., 227.

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Gaspé and Western Ry. Co. B. : int., 580.

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Canadian Transportation and Storage Co. B. : on M. (Mr. Drummond) to adopt rep. of Com. on B. & C., rem., 989.

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Rys. Law Consolidation B. : on M. (Mr. Scott) for 2nd R., rem., 798 ; in Com., rem. on subcl. 5 of 309th cl., 880 ; on subcl. g of 195th cl. and M. (Mr. Béique) to amd., 961.

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Binder Twine Bounty B. : on M. (Mr. Scott) for 2nd R., rem., 761.

Brockville, Westport and North Western Ry. Co. B. : int., 747 ; 2nd R., 759.

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Contingent Accounts of the Senate : on M. (Mr. Watson) to adopt 4th rep. of Com., M. to amd. 12th paragraph., 1710.

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Maritime Ry. and Transportation Co. B. : int., 759 ; M. for 2nd R., 885 ; rem., 887.

National Transcontinental Ry. B. : on M. (Mr. Scott) for 2nd R., rem., 1421-1430, 1514.

Rys. Law Consolidation B. : in Com., rem. on 44th cl. and M. (Mr. Lougheed) to amd., 1007.

Readjustment of Representation B. : on M. (Mr. Scott) for 2nd R., rem., 1217.

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Butter Act B. : rep. from Com., 641.

Chinese Immigration Restriction B. :rep. from Com., 436.

Customs Act Amt. B. : rep. from Com., 512.

Department of Public Printing and Stationery B. : rep. from Com., 445.

Dominion Notes B. : rep. from Com., 715.

Imperial Agency B. : rep. from Com., 527.

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(L) An Act to amend the Act relating to Naturalization and Aliens (Mr. Scott). Int., 167 ; 2nd R., 180 ; in Com., rem., Mr. Scott, 264 ; Mr. Landerkin, Sir M. Bowell, 265 ; Mr. Scott, Mr. Lougheed, Mr. Power, 266 ; Mr. Lougheed, Mr. Landerkin, Sir M. Bowell, 267 ; Mr. Lougheed, Mr. Dandurand, Mr. Power, 268 ; Mr. Landerkin, Mr. Lougheed, Mr. Power, Mr. Scott, 269 ; Mr. Lougheed, Mr. Young, 270 ; Mr. Lougheed, Mr. Young, Mr. Dandurand, 271 ; 1st cl. adopted, 271 ; on subcl., Mr. Scott, Mr. Wood, 271 ; Mr. Ellis, Mr. Wood, Mr. Ferguson, Mr. Scott, subcl. allowed to stand, 272 ; on 2nd cl., Mr. Scott, 272 ; Mr. Dandurand, Mr. Scott, Mr. Lougheed, Mr. Power, cl. adopted, progress reported (Mr. McKeen) 273 ; rep. from Com. (Mr. Lougheed) 290 ; 3rd R.*, 324 ; M. (Mr. Scott) to concur in Com's aments., rem., Mr. Scott, M. postponed, 539; 1st and 2nd amts. agreed to, 632 ; on 3rd amt., rem., Mr. Scott, 632 ; Mr. Lougheed, Mr. Scott, Mr. Bernier, 633 ; amt. agreed to, 634 ; on 4th amt. rem., Mr. Scott, Mr. Lougheed, amt. agreed to, on 5th amt., rem., Mr. Speaker, Mr. Scott, Mr. Lougheed, 634 ; Mr. Scott, amt. agreed to, 635 ; R. A., 756, (c. 38).

(M) An Act for the Relief of Harford Ashley (Mr. Dobson). Int., 176 ; 2nd R.*, 356 ; 3rd R.*, 736 ; R. A., 1816, (c. 80).

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(N) An Act for the relief of Stephen Wilson (Mr. Young). Int., 213 ; 2nd R.*, 479 ; 3rd R.*, 654 ; R. A., 1816 (c. 202).

(O) An Act to incorporate the Citizens' Bank of Canada (Mr. Landerkin). Int., 263 ; 2nd R.*, 290 ; 3rd R.*, 449 ; R. A., 756 (c. 106).

(P) An Act respecting the Western Alberta Railway Company (Mr. Lougheed). Int., 263 ; 2nd R.*, 290 ; 3rd R.*, 438 ; R. A., 756 (c. 200).

(Q) An Act respecting the Nipissing and Ottawa Railway Company (Mr. Kerr, Toronto). Int., 263 ; 2nd R.*, 290 ; 3rd R.*, 475.

(R) An Act respecting the Midway and Vernon Ry. Co. (Mr. Macdonald, B.C.). Int., 336; 2nd R.*, 356 ; 3rd R.*, 501 ; R. A., 756 (c. 154).

(S) An Act to amend the Criminal Code, 1892, respecting Free Labour (Mr. Béique). Int., 355 ; M. for 2nd R., rem., Mr. Béique, 495 ; Mr. Landry, Mr. Ferguson, 496 ; Mr. Scott, Mr. McMullen. 497 ; Sir M. Bowell, Mr. Béique, 498 ; Mr. Ferguson, Mr. Béique, Mr. DeBoucherville, 499 ; Mr. David, Mr. McHugh, M. agreed to, 500 ; M. (Mr. Béique) to ref. B. to Com. of the Whole, rem., Mr. Ellis, 553 ; M. agreed to : in Com., on 1st cl., M. (Mr. Béique) to amd. cl., rem., Mr. Béique, Mr. Ellis, 553 ; Mr. Ferguson, Mr. Béique, 554 ; Mr. Ferguson, Mr. Kerr (Toronto) Mr. Poirier, 555 ; Mr. Poirier, Mr. Béique, 556 ; Mr. Templeman, Mr. McMullen, 557 ; Mr. Cloran, Mr. Béique, Mr. Poirier, 558 ; prog. reported (Mr. Coffey) 559 ; Mr. Béique, Mr. DeBoucherville, Mr. Lougheed, 625 ; Mr. Ellis, 626 ; Mr. Scott, Mr. David, Mr. Ellis, Mr. Lougheed, Mr. DeBoucherville, Mr. Power, 627 ; Mr. McHugh, 628 ; Mr. Sullivan, Mr. Béique, Mr. Ferguson, 629 ; Mr. Béique, Mr. McHugh, 630 ; Mr. Béique, Mr. Poirier, 631 ; M. agreed to and cl. adopted ; M. (Mr. DeBoucherville) that Com. rise, rejected c. 13, n. c. 30 ; M. (Mr. Cloran) to add cl. 4 declared not in order, rep. from Com. (Mr. Macdonald, B.C.) M. (Mr. Béique) to concur in amts. postponed, 632 ; on M. to concur in amts. ; M. (Mr. Béique) to amd 4th cl., 732 ; rem., Mr. Ellis, amt. agreed to, 733 ; M. (Mr. Cloran) to amd., rem., Mr. Cloran, 732 ; Mr. McMullen, 733 ; Mr. Béique, Mr. DeBoucherville, Mr. Dandurand, 735 ; Mr. Béique, amt. rejected, 736 ; M. (Mr. Béique) for 3rd R., rem., Mr. Dandurand, 753 ; Mr. Béique, Mr. Scott, 754 ; Mr. Béique, 756-758 ; Mr. Casgrain (de Lanaudière) 758 ; Mr. Speaker, M. (Mr. Dandurand) to adjn., deb., 759 ; Deb. resumed, rem., Mr. Dandurand, 782 ; Mr. Cloran, 783-788 ; Mr. Béique, 788 ; Mr. Bernier, 789 ; Mr. DeBoucherville, Mr. Béique, Mr. McHugh, 790 ; Mr. Ellis, Mr. McMullen, 791 ; M. agreed to, c. 31, n. c. 20 ; 3rd R., 792.

(T) An Act to amd. the Crim. Code, 1892, respecting the punishment of Fraudulent Debtors (Mr. Béique). Int., 371 ; M. (Mr. Béique) for 2nd R., rem., Mr. Béique, 492 ; Mr. Ferguson, 493 ; Mr. McMullen, Sir M. Bowell, 494 ; M. agreed to, 495 ; in Com., rem., Mr. Béique, Mr. Macdonald (P.E.I.) 528 ; Mr. Dandurand, Mr. Ferguson, Mr. Power, Mr. Béique, 539 ; rep. from Com. (Mr. Gibson) and 3rd R., 530.

(U) An Act respecting the Extra-Judicial Employment of Judges (Mr. Ferguson). Int., 398 ; rem., Mr. Ferguson 398-405 ; Mr. Béique, 405 ; Sir M. Bowell, 406 ; Mr. Lougheed, Mr. Béique, 407 ; Mr. Béique, Mr. Lougheed, 408 ; Mr. Scott, Sir M. Bowell, 409 ; Mr. Béique, Mr. Ferguson, 410 ; Mr. Dandurand, Mr. Kerr (Toronto) Sir M. Bowell, 411 ; Mr. Ferguson, Mr. Landry, 412; Mr. Speaker, on point of order (Mr. Béique) 413 ; Mr. Ferguson, 413 ; M. agreed to, 414 ; M. (Mr. Ferguson) to fix date for 2nd R., rem., Mr. Dandurand, 414 ; Mr. Speaker, 415 ; Mr. McMullen, 416-418 ; M. agreed to, 418 ; 2nd R. postponed, 486 ; M. for 2nd R., rem., Mr. Scott, Mr. Ferguson, Mr. Templeman, 608 ; Mr. Ferguson, 609-622 ; M. (McMullen) to adj. deb., 623, 632 ; Mr. Scott, Mr. Ferguson, Mr. Dandurand, 654-658 ; M. Mr. Dandurand, 6 m. h., 658 ; rem., Sir M. Bowell, 658 ; Mr. Dandurand, 659 ; Sir M. Bowell, 660-664; Mr. Dandurand, 659; Sir M. Bowell, 664 ; Mr. Scott, Sir M. Bowell, 665 ; Mr. Scott, 666 ; Mr. Frost, 667 ; Mr. Sullivan, 668-670 ; Mr. Poirier, 671-673 ; Mr. Sullivan, 673 ; Mr. Ferguson, 673-675 ; B. withdrawn, 675.

(V) An Act for the Relief of Ellen McDiarmid (Mr. Perley). Int., 485 ; 2nd R.*, 559; 3rd R.*, 654 ; R. A., 1816 (c. 150).

(W) An Act further to amd. the Steamboat Inspection Act, 1895 (Mr. Scott). Int., 736 ; M. to fix date for 2nd R., rem., Mr. Scott, Sir M. Bowell ; M. agreed to, 737 ; 2nd R., 743 ; 3rd R., 744 ; R. A., 1816 (c. 66).

(X) An Act to amend the Act respecting the incorporation of Boards of Trade (Mr. Béique). Int., 772 ; 2nd R., postponed, 781 ; 2nd R., 801 ; 3rd R.*, 807.

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(Y) An Act respecting the incorporation of Mining Co's. (Mr. Béique). Int., 775 ; M. to fix date for 2nd R., rem., Sir M. Bowell, Mr. Béique, 775 ; Sir M. Bowell, M. agreed to, 776 ; M. for 2nd R., rem., Mr. Béique, 792 ; Sir M. Bowell, Mr. Scott, Mr. Lougheed, 793 ; Mr. Béique, 794 ; Mr. Landry, Mr. Béique, Sir M. Bowell, 795 ; Mr. Béique, Mr. Lougheed, Mr. Scott, 796 ; M. agreed to, 797 ; in Com., rem., Mr. Power, Mr. Béique, 888 ; Mr. Lougheed, 889 ; Mr. Béique, Sir M. Bowell, M. (Mr. Béique) to add cl. agreed to, rep. from Com. (Mr. Ellis) 890 ; on 3rd R., M. (Mr. Béique) to amd., rem., Mr. Speaker, 913 ; Mr. Casgrain, de Lanaudière, M. agreed to and 3rd R., 914.

(Z) An Act respecting the Ottawa Valley Ry. Co. (Mr. Domville). Int., 952 ; M. (Mr. Watson) to postpone 2nd R., rem., Mr. Speaker, 1019 ; Mr. Young, Sir M. Bowell, M. agreed to, 1020; again postponed, 1027; 2nd R.*, 1078 ; 3rd R.*, 1149 ; M. to concur in H. of C. amts., 1309; rem., Mr. David, 1309 ; M. agreed to, 1310 ; R. A., 1816 (c. 172).

(AA) An Act for the relief of the Can. Policy holders in the Mutual Reserve Life Insurance Co. (Mr. Domville). Int., 1309.

(2) An Act to amend Chapter 8 of the Statutes of 1900, authorizing the granting of Railway subsidies (Mr. Scott). Int., 57 ; rem., Sir M. Bowell, Mr. Scott, the Speaker, 57 ; 2nd R., 74 ; in Com., rem., Mr. Scott, 87 ; rep. from Com. (Mr. Ellis) and 3rd R., 87 ; R. A., 487 (c. 56).

(8) An Act to amend the Expropriation Act (Mr. Scott). Int., 57 ; M. for 2nd R., 70 ; rem., Mr. Scott, 70 ; Mr. Macdonald (B.C.) Sir M. Bowell, 71; Mr. Macdonald (B.C.) Mr. Ferguson, 72; Mr. Scott, Mr. Lougheed, 73 ; M. agreed to, 74 ; in Com., rem. on cl. 2., Mr. Ferguson, 122 ; Mr. Scott, Sir M. Bowell, 123 ; Mr. Dandurand, Mr. Macdonald (B.C.) 124 ; Mr. Church, Mr. Lougheed, 125 ; Mr. Scott, 126 ; Mr. De-Boucherville, Mr. Ferguson, 127; Mr. Dandurand, Mr. Lougheed, Mr. McKeen, 128 ; Mr. Owens, Mr. McMullen, 129 ; Mr. Wood, 130; cl. adopter, c. 23, n.c. 21, 131 ; on cl. 4, Sir M. Bowell, 131 ; rep. from Com. (Mr. Ellis) 132 ; 3rd R.*, 164 ; R. A., 487 (c. 22).

(9) An Act to Amend the Yukon Territory Act (Mr. Templeman). Int., 57 ; 2nd R., 74 ; in Com., rem., Mr. Scott, 139 ; rep. from Com. (Mr. Young) and amts. concurred in, 139 ; 3rd R.*, 164 ; R. A., 487 (c. 73).

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(10) An Act to amend the Act relating to the Custody of Juvenile Offenders in the province of New Brunswick (Mr. Scott). int., 57 ; M. for 2nd R., 85 ; rem., Mr. Scott, Mr. Ferguson, 85 ; Mr. McMillan, Mr. Dever, Mr. Scott, 86 ; M. agreed to, 86 ; in Com., on 1st cl., rem., Mr. Ferguson, 132 ; Mr. Ellis, 133 ; Sir M. Bowell, Mr. Bernier, Mr. Dandurand, 134 ; Mr. Bernier, Mr. Wood, Mr. Ellis, 135; Mr. Wood, Mr. Scott, 136 ; Mr. Landry, Mr. Ferguson, 137 ; Mr. Ellis, Mr. Power, Mr. de Boucherville, 138 ; rep. from Com. (Mr. Lougheed) and 3rd R., 139 ; R. A., 487 (c. 30).

(11) An Act to amend the Act respecting the publication of the Statutes (Mr. Templeman). Int., 57 ; 2nd R., 86 ; in Com., rem. on 1st cl., Mr. Templeman, Sir M. Bowell, 93 ; rep. from Com. (Mr. Young) and 3rd R., 93 ; R. A., 487 (c. 65).

(12) An Act to amend Criminal Code, 1892 (Mr. Scott). Int., 57 ; M. for 2nd R., 89 ; rem., Mr. Scott, 89 ; Sir M. Bowell, Mr. Sullivan, Mr. Scott, 90 ; Mr. Lougheed, Mr. Sullivan, Mr. McSweeney, Mr. Ellis, 91 ; M. agreed to, 91 ; M. to postpone Com. stage (Mr. Scott) rem., Sir M. Bowell, Mr. Scott ; M. agreed to, 168 ; in Com., rem. on 1st cl., Mr. Scott, Sir M. Bowell, 176 ; rep. from Com. (Mr. Young) with amts. and amts. concurred in, 177 ; 3rd R.*, 254 ; R. A., 488 (c. 13).

(13) An Act further to amend the Dominion Controverted Elections Act (Mr. Scott). Int., 169 ; 2nd R., m., rem., Mr. Scott, Mr. Ferguson ; M. agreed to, 208 ; in Com., rem. on 2nd cl., Mr. Scott, Sir M. Bowell ; rep. from Com. (Mr. Lougheed), 245 ; 3rd R.*, 249 ; R. A., 487 (c. 12).

(15) An Act to amd. the Dom. Elections Act, 1900 (Mr. Ferguson). Int., 186 ; 2nd R., 250 ; in Com., rem., on 2nd cl., Mr. de Boucherville, Sir M. Bowell, Mr. Ferguson, Mr. Landerkin, 258 ; rep. from Com. (Mr. Ellis) 259 ; R. A., 488 (c. 19).

(17) An Act to aid in the Settlement of Ry. Labour Disputes (Mr. Scott). Int., 186 ; M. for 2nd R., rem., Mr. Scott, Mr. Ferguson, 255 ; Mr. Lougheed, Sir M. Bowell, 256 ; Mr. Macdonald (B.C.), Mr. Gibson, Mr. Scott, 257 ; M. agreed to, 258 ; in Com., rem., Mr. Scott, 371 ; on 2nd cl., Sir M. Bowell, 371-374 ; Mr. Scott, 374-5 ; Mr. McMullen, 375-376 ; Sir M. Bowell, 376 ; Mr. Dandurand, 377-379 ; Sir M. Bowell, cl. adopted, 380 ; on 3rd cl., Mr. McMullen, Mr. Scott, Sir M. Bowell, Mr. Béique, 380 ; cl. adopted, 381 ; on 6th cl., Mr. Power, Mr. Dandurand, Sir M. Bowell, 381 ; Mr.

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(21) An Act to amend and consolidate the law respecting railways (Mr. Scott). Int., 769 ; M. to postpone 2nd R., rem., Mr. Landry, Mr. Scott, Mr. Lougheed, M. agreed to, 781 ; M. for 2nd R., rem., Mr. Scott, 797 ; M. agreed to, 798 ; M. to fix date for Com. stage, rem., Sir M. Bowell, 799 ; Mr. Scott, Mr. Sullivan, Mr. Dandurand, Sir M. Bowell, 800 ; Mr. Bernier, M. agreed to, 801 ; in Com., rem., Mr. Scott, Mr. Landry, 812 ; on subcl. b of 2nd cl., Mr. Béique, Mr. Lougheed, Sir M. Bowell, Mr. Young, 813 ; on 3rd cl., Mr. Wood, 813 ; Mr. Scott, 814 ; subcl. allowed to stand; on 5th cl., Mr. Béique, Mr. Scott, Mr. Lougheed, 815 ; Mr. Scott, Mr. Lougheed, cls. 5, 6 and 7 allowed to stand ; on 8th cl. rem., Mr. Power, Mr. Scott, 816 ; on 10th cl., Mr. Ferguson, 816 ; Mr. Scott, Mr. Perley, Mr. Dandurand, Mr. Béique, Mr. Cloran, Mr. Lougheed, Mr. Macdonald (P.E.I.) cl. allowed to stand, 817 ; on 11th cl., Mr. Béique, Mr. Cloran, Mr. Scott ; on subcl. 2, Mr. Poirier, Mr. Perley, Mr. Young, cl. amended and allowed to stand ; on 12th cl., Mr. Dandurand, Mr. Power, Mr. Ferguson, 818 ; Mr. Landry, Mr. Cloran, 819 ; on 16th cl., Mr. Béique, Mr. Watson, Mr. Casgrain (de Lanaudière) Mr. Ferguson, Mr. Power, cl. allowed to stand ; on 17th cl., Mr. Landry, Mr. Scott, Mr. Macdonald (P.E.I.) Sir M. Bowell, Mr. Casgrain (deLanaudière) 819 ; Mr. Scott, 820 ; on 20th cl., Mr. Power, Sir M. Bowell, Mr. Watson, Mr. Scott, Mr. Ferguson, 820 ; on subcl. 2 of 23rd cl., Mr. Lougheed, Mr. Scott, Mr. Ferguson, Mr. Young, Mr. Power, Mr. Ellis, 821 ; on 24th cl., Casgrain (de Lanaudière) Mr. Scott, Sir M. Bowell, Mr. Dandurand, Mr. Young, Mr. Poirier, Mr. Frost, 822 ; on subcl. 3 of 25th cl., amt. (Mr. Béique) agreed to, 823 ; on subcl. 4, Mr. Power, Mr. Dandurand, Mr. Cloran, Mr. Watson ; on 28th cl., Mr. Power, Mr. Scott, Mr. Lougheed, Mr. Dandurand, cl. allowed to stand, 823 ; on 34th cl., Mr. Lougheed, Mr. Scott, Mr. Béique, Mr. Casgrain (de Lanaudière) Mr. Power, cl. allowed to stand; on 42nd cl., M. (Mr. Scott to amd. subcl. 3, remarks, Sir M. Bowell, Mr. Scott, Mr. Béique, 824 ; Mr. Scott, Mr. Béique, Mr. Lougheed, Mr. Power, Sir M. Bowell, Mr. Dandurand, 825; Mr. Young, Mr. Ferguson, Mr. Scott, Sir M. Bowell, Mr. Dandurand, Mr. Power, cl. allowed to stand ; on 48th cl., Mr. Power, Mr. Casgrain (de Lanaudière) Mr. Dandurand, Mr. Béique ; prog. reported (Mr. Fulford) 826 ; again in Com., rem., on 52nd cl., Mr. Power, Mr. Scott, Mr. Béique, Mr. Dandurand, M. (Mr. Béique) to amend, agreed to ; on 53rd cl., Mr. Lougheed ; on 58th cl., Mr. Scott, Mr. Power, Sir M. Bowell ; on 61st cl., Mr. Béique, 828 ; Mr. Kerr (Toronto) Mr. Power, Mr. Scott, Sir M. Bowell, Mr. Béique ; on 64th cl., Mr. Béique, Mr. Scott, Mr. Lougheed ; on 73rd cl., Mr. Lougheed, Mr. McMullen, Mr.

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on subcl. 3 of 275th cl., Mr. Power, Mr. Dandurand, Sir M. Bowell, Mr. Lougheed, cl. allowed to stand ; on subcl. 5, Mr. Dandurand, Sir M. Bowell, 869 ; Sir M. Bowell, Mr. Dandurand, 870 ; Mr. Drummond, Mr. McMullen, Mr. Sullivan, 871 ; Mr. Ellis, Mr. Scott, Mr. Power, Mr. Poirier, 872 ; Mr Watson, Mr. Sullivan, 873 ; progress reported (Mr. Fulford) 874 ; again in Com. on subcl. 5 of 275th cl., notice of amt. (Mr. McMillan) rem., Sir M. Bowell, cl. allowed to stand ; on 276th cl., Mr. Scott, Mr. Power, Mr. Lougheed, Sir M. Bowell, 878 ; Sir M. Bowell, cl. allowed to stand ; on subcl. 7 of 279th cl., Mr. Power, Mr. McMullen, Mr. Dandurand, Mr. Lougheed, Mr. Ferguson, on 303rd cl., Mr. Power, 879 ; Sir M. Bowell, Mr. Dandurand. Mr. Power, Mr. Ellis ; on subcl. 5 of 309th cl., Mr. Forget, Mr. Kerr (Toronto), Mr. Scott, Sir M. Bowell, Mr. Sullivan ; on 310th cl., Mr. Power, 880 ; Mr. Béique, Mr. Dandurand, Mr. Lougheed, Mr. Casgrain (de Lanaudière), Mr. David, Mr. Lougheed, 881 ; Sir M. Bowell, Mr. Dandurand, Mr. Lougheed, Mr. Casgrain (de Lanaudière), Mr. Kerr (Toronto), Mr. Béique, 882 ; on 5th cl., notice of M. (Mr. Béique) to amend, rem., Mr. Scott, Mr. Lougheed, Mr. Béique, Mr. McMullen, Sir M. Bowell, 883 ; Mr. Lougheed, Mr. Wood, Mr. Ferguson, Mr. Power ; notice of amt. to 11th cl., rem., Mr. Poirier, Mr. Béique, 884 ; Mr. Watson, Mr. Ferguson, Mr. Béique, Mr. Casgrain (de Lanaudière) Mr. Lougheed, progress reported, (Mr. Fulford) 885 ; Com. stage called and postponed, 888 ; again in Com. on 2nd cl., rem., Mr. Scott, Mr. Power, Mr. Béique, Sir M. Bowell, 891 ; Mr. Ellis, cl. amended ; on subcl. r, rem., Mr. Power, Sir M. Bowell ; on subcl. cc., Mr. Power, Mr. Ferguson ; on 3rd cl., M. (Mr. Wood) to amend, rem., Mr. Wood, 892 ; Mr. Scott, 893, Sir M. Bowell, Mr. Casgrain (de Lanaudière), Mr. Wood, 894 ; Mr. Casgrain (de Lanaudière), Mr. Ferguson, Sir M. Bowell, Mr. Landerkin, 895 ; Mr. Power, 896 ; Mr. Lougheed, 897 ; Mr. Domville, amt. rejected, 898 ; on 10th cl., Mr. Béique, Mr. Ferguson, Mr. Power, Mr. Kerr (Toronto) Mr. Lougheed, Sir M. Bowell, 899 ; Sir M. Bowell ; on 11th cl., Mr. Power, Mr. Dandurand, Mr. Lougheed, Mr. Béique, 900 ; Mr. Casgrain (de Lanaudière), Mr. Kerr (Toronto); on 16th cl., Mr. Béique, Mr. Scott., Mr. Kerr (Toronto); on 25th cl., Mr. Power, 901; on subcl. 4 of 11th cl., Mr. Béique, Mr. Scott, Mr. Kerr (Toronto) Mr. Lougheed, M. (Mr. Béique) to amend, adopted, Mr. Wood ; on 130th cl., Mr. Béique ; on 149th cl., Mr. Béique, 902 ; Mr. Lougheed, Mr. Power, Mr. Scott, cl. amended ; on 174th cl., M. (Mr. Béique) to amend, rem., Mr. Power, Mr. Béique, Mr. Lougheed, Mr. Dandurand, 903 ; Mr. Lougheed, Mr. Béique, Mr. Ferguson, 904 ; Mr. Dandurand, Mr. Béique, Mr. Kerr (Toronto) Mr. Lougheed, cl. allowed to stand ; on 184th cl., Mr. David, 905 ; rem., Mr. Lougheed, Sir M. Bowell, Mr. Watson ; on 193rd cl., M. (Mr. Béique) to amend, rem., Mr. Scott, Mr. Cloran, Mr. Kerr (Toronto) M. agreed to ; on subcl. g of 195 cl., M. (Mr. David) to amend, 906 ; rem., Mr. Scott, Mr. Cloran, Mr. Béique, Mr. Kerr (Toronto) Mr. Lougheed, 907 ; Mr. Lougheed, Mr. Béique, Mr. Scott, Mr. Dandurand, 908 ; Mr. Cloran, Mr. Sullivan, Mr. Scott, Mr. Power, Sir M. Bowell, Mr. Ferguson, Mr. Béique, Mr. Lougheed, 909 ; Mr. Béique, Mr. Lougheed, Mr. Cloran, Mr. Ferguson, 910 ; Mr. Béique, Sir M. Bowell, 911 ; cl. allowed to stand. progress reported (Mr. Fulford) 912 ; again in Com., on 11th cl., rem., Mr. McMullen, Mr. Power, Mr. Sullivan, M. (Mr. McMullen) to amend. rem., Mr. Power, Mr. Ferguson, 914 ; Mr. Poirier, Sir M. Bowell, Mr. McMullen, Mr. Scott, Mr. Young, amt. agreed to ; on subcl. g of 195th cl., M. (Mr. Béique) to amend, rem., Mr. Scott, 915 ; Mr. Lougheed, Mr. Cloran, Mr. Casgrain (de Lanaudière), Mr. Power, Mr. David, 916 ; Sir M. Bowell, Mr. Ellis, Mr. Cloran, Mr. Béique, 917 ; Mr. Cloran, 918 ; cl. allowed to stand ; on subcl. 2, Mr. Power, Mr. Lougheed, Mr. Béique, amt. rejected ; M. (Mr. Béique) to amend, rem., Mr. Kerr (Toronto) Mr. Béique, Mr. Scott, Mr. Ferguson. Mr. Drummond, 920 ; Mr. Ferguson, amt. agreed to; on subcl. 3 of 174th cl., M. (Mr. Béique) to amnd, agreed to ; on cl. 266 and 267, rem., Mr. Ferguson, M. to amend (Mr. Ferguson) rem., Mr. Scott, Sir M. Bowell, 921 ; amt. allowed to stand ; on 202nd cl., (Mr. Young) to amend, agreed to ; on subcl. 2, rem., Mr. Cloran, Mr. McMillan, Mr. Lougheed ; on subcl. 4, Mr. Power, 922 ; Sir M. Bowell, Mr. Drummond, Mr. Dandurand, Mr. Sullivan, Mr. Power, Mr. Lougheed, 923 ; Mr. McMullen, Sir M. Bowell, amt. agreed to ; on 224th cl., M. (Sir M. Bowell) to amend, agreed to ; on 230th cl., rem., Mr. Power, Mr. Watson, 924 ; Mr. Ferguson, cl. amended ; on subcl. 4 of 275th cl., M. (Mr. Watson) to amend, rem., Mr. Casgrain (de Lanaudière) Mr.

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Watson, Mr. Macdonald (P.E.I.) 925 ; Mr. Watson, Sir M. Bowell, 926 ; Mr. Power, 927 ; Sir M. Bowell, Mr. Sullivan 928-929 ; Mr. Poirier, Mr. Béique, 930 ; Sir M. Bowell, 931 ; Mr. Béique, Mr Kerr (Toronto) Sir M. Bowell, 932 ; Sir M. Bowell, Mr. Sullivan, Mr. Casgrain (de Lanaudière) Mr. Power, 933 ; Mr. Casgrain (de Lanaudière), Sir M. Bowell, Mr. Scott, amt. agreed to ; on subcl. 5 of 275th cl., M. (Mr. McMillan) to amend, rem., Mr. Cloran, Mr. DeBoucherville, Mr. Power, Sir M. Bowell, Mr. Poirier, Mr. McMullen, 934 ; Mr. Dandurand, Sir M. Bowell, Mr. Poirier, amt. rejected, rem., Sir M. Bowell, Mr. Cloran ; on subcl. 3 of 275th cl., Mr. Young, Mr. Power, Mr. Lougheed, 935 ; Sir M. Bowell, Mr. Kerr (Toronto) Mr. Lougheed, Mr. Power, M. (Mr. Power) to amend, agreed to ; on subcl. 4 of 275th cl., M. (Mr. Watson) to amend, rem., Mr. Macdonald (P.E.I) 936 ; Mr. Dandurand, Mr. Lougheed, Mr. Drummond, Mr. Watson, Mr. Scott, Mr. Béique, 937 ; Mr. Casgrain (de Lanaudière), Mr. Watson, Mr. Lougheed, Mr. Scott, Mr. Béique, Mr. Baker, Mr. Drummond, Mr. Power, Mr. Bernier, 938 ; Mr. Cloran, cl. allowed to stand ; on 284th cl., Mr. Scott, M. (Mr. Power) to amend, 939 ; rem., Mr. Scott, Sir M. Bowell, Mr. Power, cl. allowed to stand ; on 310th cl., Mr. Lougheed, Mr. Power, Mr. Béique, Sir M. Bowell, cl. allowed to stand ; on 5th cl. M. (Mr. Béique) to amend, 940 ; rem., Mr. Béique, 941-944 ; Mr. Casgrain (de Lanaudière) Mr. Kerr (Toronto) Mr. Béique, 944 ; Mr. Scott, Mr. Lougheed, Mr. Kerr (Toronto) Mr. Dandurand, 945 ; Mr. Lougheed, Mr. Dandurand, Mr. Béique, 946 ; Sir M. Bowell, 947 ; Mr. Scott, Sir M. Bowell, Mr. Ferguson, 948 ; Mr. Béique, Mr. David, 949; Mr. Power, Mr. Béique, Mr. Ellis, 950; Mr. Power, amt. rejected, rem., Mr. Casgrain (de Lanaudière), Mr. Scott, progress reported (Mr. Fulford) 951 ; again n Com. on clauses 5, 6 and 7, M. (Mr. Béique) to amend, rem., Mr. Scott, Sir M. Bowell, 953 ; Mr. Lougheed, Mr. Scott, Mr. Ferguson, 954 ; Mr. Power, Mr. Béique, 955 ; Mr. Ferguson, 956 ; Mr. Lougheed, Mr. Dandurand, 957 ; Mr. McMullen, 958, amt. agreed to ; on 43rd cl., Sir M. Bowell, Mr. Power, Mr. Drummond, Mr. Lougheed, Mr. Béique, Mr. Kerr (Toronto) Mr. Ferguson, 959 ; Mr. Kerr (Toronto) Sir M. Bowell, amt. agreed to ; M. (Mr. Béique) to amend, rem., Mr. Kerr (Toronto) amt. agreed to ; on subcl. g of 195th cl, M. (Mr. Béique) to amend, rem., Mr. Power,

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Mr. Béique, 960 ; Mr. Forget, Mr. Béique, Sir M. Bowell, Mr. Drummond, Mr. Kerr (Toronto) 961 ; Mr. Béique, Mr. Lougheed, Mr. Drummond, Mr. Power, 962 ; Mr. Ferguson, Mr. Béique, Mr. Power, Mr. Drummond, 963 ; Mr. Scott, Mr. Béique, amt. agreed to ; on 43rd cl., Mr. Béique, Mr. Kerr (Toronto) ; on subcl. 3 of 42nd cl., Mr. Lougheed, 964; Mr. Kerr (Toronto) Mr. Lougheed, Mr. Power; on 197th cl., Mr. Ferguson, 965 ; Mr. Power, Mr. Kerr (Toronto) 966 ; Mr. Ferguson, 967 ; M. (Mr. Ferguson) to amend, rem., Mr. Watson, 968 ; Mr. Wood, 969-971 ; Mr. McMullen, 971 ; Mr. Drummond, 972 ; Mr. Ferguson, Mr. Power, Mr. McMullen, 973 ; Mr. Kerr (Toronto) Mr. Lougheed, 974 ; Mr. Kerr (Toronto) Mr. Lougheed, Sir M. Bowell, Mr. Watson, amt. rejected ; on 198th cl., Mr. Ferguson, 975 ; Mr. Drummond, M. (Mr. Béique) to amend, agreed to ; on subcl. 2 of 211th cl., rem., Mr. Kerr (Toronto) Mr. Ellis, 976-978 ; Mr. Scott, Mr. Watson, Mr. McSweeney, 978 ; Mr. Watson, Mr. Drummond, Mr. Kerr (Toronto) 979 ; Mr. Cloran, 980 ; on subcl. 4 of 237th cl., Mr. Power, Mr. Drummond, 981; Mr. McMullen, Mr. Dandurand, 982 ; Mr. Cloran, Mr. Kerr (Toronto) cl. amd. and adopted ; on 239th cl., Mr. Young, Mr. Drummond, Mr. Perley, 983 ; Mr. Lougheed, Mr. Sullivan, Mr. Cloran, cl. amd. and adopted ; on subcl. 2, Sir M. Bowell, Mr. Béique, Mr. Scott, 984 ; Mr. Béique, sub-cl. adopted ; on 267th cl., M. (Mr. Ferguson) to amd., rem., Mr. Power, Mr. Béique, Mr. Ferguson, Mr. Kerr (Toronto) 985 ; Mr. Scott, Mr. Kerr (Toronto) Mr. Ferguson, 986 ; Mr. Scott, cl. amd. and adopted ; on subcl. 3 of 275th cl., M. (Mr. Watson to amend rem., Mr. Macdonald (P.E.I.) Mr. Drummond, Mr. Béique, cl. amd. and adopted, 987 ; on 276th cl. M. (Mr. Macdonald, P.E.I.) to amd. rem., Mr. Power, Mr. Macdonald (P.E.I.) Mr. Drummond, cl. amd. and adopted ; on 284th cl. M. (Mr. Power) to amd. rem., Mr. Young, Mr. Scott, 988 ; cl. amd. and adopted, progress reported (Mr. Fulford) 989 ; again in Com. on 44th cl., M. (Mr. Lougheed) to amd., 1002 ; rem., Mr. Lougheed, Mr. Watson, Mr. Power, Mr. Béique, 1003 ; Mr. Lougheed, Mr. Dandurand, Mr. Power, Mr. Béique, 1004 ; Mr. McMullen, Mr. Power, Mr. Dandurand, Mr. Béique, Mr. Lougheed, Mr. Watson, 1005 ; Mr. Béique, Mr. Scott, Mr. McMillan, 1006 ; Mr. Béique, Mr. Lougheed, Mr. McMillan, Mr. Frost, amt. agreed to ; on subcl. 2 of 202nd cl., M. (Mr. Lougheed)

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to amd. agreed to, 1007 ; on 224th cl., M. (Mr. Lougheed) to amd., rem., Mr. Watson, Mr. Lougheed, amt. agreed to ; on 252nd cl., M. (Mr. Lougheed) agreed to ; on 267th cl., rem., Sir M. Bowell, 1008 ; Mr. Scott, Mr. Béique, Sir M. Bowell, 1009 ; Mr. Power, Sir M. Bowell, Mr. Scott, progress reported (Mr. Fulford) 1010 ; again in Com., rem., Mr. Scott, M. (Mr. Scott) to reinstate subcl. b of 2nd cl., rem., Mr. Béique, 1032 ; Mr. Scott, Mr. Béique, Mr. Power, Mr. Lougheed, Sir M. Bowell, 1033; Mr. Scott, Mr. Power, Sir M. Bowell, Mr. Béique, Mr. Lougheed, 1034 ; Mr. Sullivan, Mr. Béique, M. agreed to ; on clauses 5, 6 and 7, M. (Mr. Scott) to amd., rem., Mr. Béique, 1035 ; Mr. Lougheed, Mr. Béique, Mr. Scott, Mr. Power, 1036 ; Mr. Scott, Mr. Béique, M. agreed to ; on subcl. 2 of 11th cl., rem., Mr. Scott, Mr. Lougheed, Mr. McMullen, 1037, Mr. Béique ; on 43rd cl., Mr. Scott ; on 122nd cl., Mr. Scott, Mr. Power, Sir M. Bowell, Mr. Landry, 1038, Mr. Scott, cl. allowed to stand ; on subcl. 2 of 186th cl., rem., Mr. Scott, Sir M. Bowell, Mr. Ellis, Mr. Béique, 1039 ; cl. amd. and adopted ; on subcl. 4 of 211th cl., M. (Sir M. Bowell) to amd., rem., Mr. Power, Sir M. Bowell, 1040 ; Mr. Power, Mr. Lougheed, Mr. Scott, Mr. Ellis, Sir M. Bowell, Mr. Béique, 1041 ; M. Lougheed, Sir M. Bowell, M. allowed to stand ; on 236th cl., M. (Mr. Scott) to amend, agreed to ; on 237th cl., rem., Mr. Scott, 1042 ; Mr. Béique, Mr. McMullen, 1043 ; Mr. Power, 1044 ; Mr. Béique, Mr. Lougheed ; on 239th cl., Mr. Scott, 1045; Mr. Lougheed, cl. amd. and adopted ; on 242nd cl., M. (Mr. Scott) to amd. agreed to ; on subcl. 2, rem., Mr. Scott, cl. allowed to stand ; on 258th cl. M. (Mr. Scott) to amd. agreed to ; on 284th cl., Mr. Scott, 1046 ; Mr. Béique, Mr. Scott, 1047 ; Mr. Béique, Mr. Scott, Mr. Power, cl. allowed to stand ; on 267th cl. M. (Sir M. Bowell) to amd., rem., Mr. Power, 1048 ; Mr. Scott, Sir M. Bowell ; on subcl. 2 of 239th cl. M. (Mr. Scott) to amd., 1049 ; rem., Sir M. Bowell, Mr. Scott, Mr. Watson, amt. allowed to stand ; progress reported (Mr. Fulford) rem., Sir M. Bowell, 1050 ; again in Com., (Mr. Scott) to amd. 122nd cl. agreed to ; M. (Mr. Scott) to amd. subcl. 2 of 239th cl., rem., Mr. Landry, Mr. Watson, 1056 ; Mr. David, Mr. Scott, 1057 ; Mr. Béique, Mr. Lougheed, 1058 ; Mr. Béique, 1059 ; Mr. David, Mr. Bernier, Mr. Scott, Mr. Watson, 1060 ; Mr. Power, 1061 ; Mr. Landry, Mr. McMullen, Mr. Béique, Mr. Lougheed, 1062 ; Mr. Béique, Mr. Sullivan, Mr. Lougheed, 1063 ; M. agreed to ; on 242nd cl. M. (Mr. Scott) to amd. agreed to ; on 310th cl., rem., Mr. Scott, Mr. Power, Mr. Lougheed, 1064, Mr. Power ; on subcl. b of 2nd cl. M. (Mr. Béique) to amd. agreed to ; an 8th cl M. (Mr. Power) to amd., 1065, Mr. Scott, Mr. Power, amt. rejected ; on 237th cl. M. (Mr. Watson) to amd., 1066, (M. (Mr. Béique) in amt. to amt., 1067, amt. to amt. adopted ; M. (Mr. Watson) to add subcl., rem., Mr. Lougheed, amt. adopted ; on 199th cl. M. (Mr. Lougheed) to amd., rem., Mr. Watson, Mr. Lougheed, Mr. Scott, 1068 ; Mr. Lougheed, Mr. Scott, amt. adopted ; on 211th cl. M. (Sir M. Bowell) to amd., 1069 ; rem., Mr. Béique, Mr. Poirier Mr. Lougheed, 1070 ; Mr. Béique, amt. adopted ; on 284th cl. M. (Mr. Béique) to amd., rem., Mr. Scott, amt. adopted ; on 5th cl. M. (M. Béique) to amd., rem., Mr. Scott, M. agreed to ; rep. from Com. (Mr. Fulford) 1071 ; M. (Mr. Scott) for 3rd R., M. (Mr. Macdonald, P.E.I.) to amd. subcl. 3 of 275th cl., rem., Mr. Miller, Sir M. Bowell, 1094-1096, amt. rejected ; M. (Mr. Watson) to amd. subcl. 4 of 237th cl., rem., Sir M. Bowell, Mr. Scott, 1096 ; Sir M. Bowell, Mr. Watson, 1097 ; Sir M. Bowell, Mr. Watson, Mr. McMullen, 1098 ; Mr. Béique, amt. rejected ; on sub-clauses 2 and 3 of 239th cl., M. (Mr. Béique) to amd. 1099 ; rem., Mr. Watson, Mr. Béique, 1100 ; Mr. Young, Sir M. Bowell, Mr. Watson, Mr. Scott, 1101 ; Mr. Speaker, Sir M. Bowell, amt. rejected ; on 284th cl. amt. (Mr. Béique) adopted ; B. read 3rd time and passed 1102 ; B. retd. from H. of C., rem., Mr. Scott, Sir M. Bowell, 1677 ; M. (Mr. Scott) to insist upon amt. to 252nd cl., 1677; M. agreed to, 1678 ; M. (Mr. Scott) to insist upon amt. to 5th, 6th and 7th clauses agreed to, 1678 ; M. (Mr. Scott) to insist upon amts. to 44th and 195th clauses, agreed to, 1679 ; on amt. to 211th cl., rem., Mr. Scott, 1679 ; Mr. Béique, Sir M. Bowell, Mr. Ellis, Mr. Young, Mr. McMullen, Mr. Cloran, 1680 ; Mr. Béique, Mr. Scott, M. (Sir M. Bowell) to insist on amt. agreed to ; on amt. to 2nd, 3rd and 4th cls., rem., M. Scott, M. (Mr. Béique) to insist on amt., agreed to, 1681 ; on amt. to 11th cl. rem., Mr. Scott, Mr. McMullen, Sir M. Bowell, Mr. Béique, M. (Mr. Scott) to recede from amt. agreed to, 1682 ; on amt. to 198th cl., rem., Mr. Scott, 1682 ; M. to recede from amt. agreed to, 1683 ; on amt. to 237th cl., M. (Mr. Scott) to recede from amt., rem., Sir

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M. Bowell, 1683 ; Mr. McMullen, Sir M. Bowell, Mr. Speaker, 1684 ; Mr. Béique, Mr. Watson, M. agreed to, 1685 ; on amt. to 242nd cl., M. (Mr. Scott) to recede from amt., rem., Mr. Watson, Mr. Scott, 1685 ; M. agreed to ; on amt. to 275th cl., M. (Mr. Scott) to recede from amt. agreed to, 1686 ; on proposal from H. of Co. for conference, rem., Mr. Scott, 1742 ; Mr. DeBoucherville, Mr. Scott, Sir M. Bowell, Mr. Speaker, Mr. Béique, M. (Mr. Scott) to send message to H. of C. agreed to, 1743 ; Question of procedure, rem., Sir M. Bowell, Mr. DeBoucherville, Mr. Macdonald (P.E.I.) 1747 ; Mr. Scott, Mr. De Boucherville, Sir M. Bowell, 1748 ; Mr. DeBoucherville, Mr. Scott, Sir M. Bowell, Mr. Landry, 1749 ; Mr. Scott, M. DeBoucherville, Mr. Béique, Mr. Speaker, Sir M. Bowell, Mr. David, 1750 ; Sir M. Bowell, Mr. Speaker, 1751 ; M. (Mr. Templeman) to send message to H. of C. to inform them of place of meeting, rem., Mr. Scott, Sir M. Bowell, M. agreed to, Mr. Speaker, 1751 ; rep. from Com. of conf. (Sir M. Bowell) 1752 ; rem., Mr. Béique, 1752 ; Mr. Young, 1753 ; Mr. Watson, Mr. DeBoucherville, Mr. Béique, 1754 ; Mr. Landry, 1755 ; Mr. Cloran, Mr. Béique, Mr. David, 1756 ; Mr. Béique, 1757 ; Sir M. Bowell, Mr. DeBoucherville, Mr. Kerr (Toronto) 1758 ; Mr. Béique, 1759 ; Mr. Cloran, Sir M. Bowell, Mr. Scott, 1760 ; Sir M. Bowell, Mr. Scott, M. (Mr. Béique) to send message to H. of C., rem., Mr. Watson, 1761 ; Mr. Béique, Mr. David, Sir M. Bowell, Mr. Speaker, 1762 ; Sir M. Bowell, Mr. Béique, Mr. Speaker, Mr. Watson, M. (Mr. Templeman) for free conference ; rep. from Com. of conference (Sir M. Bowell) 1764 ; rem., Mr. Béique, Mr. Landry, 1765 ; Mr. Scott, Sir M. Bowell, Mr. Speaker, 1814 ; Mr. Young, Sir M. Bowell, Mr. Béique, M. (Sir M. Bowell) to adopt portion of rep., amt. (Mr. Béique) amt. agreed to, c. 10, n. c. 1 ; R. A., 1816 ((c. 58).

(24) An Act to extend the power of Loan Companies (Mr. Scott). Int., 169 ; 2nd R., m., rem., Mr. Scott, Mr. Ferguson, M. agreed to, 209 ; in Com., rem., Mr. Scott, 245 ; Mr. Ferguson, Mr. Power, rep. from Com. (Mr. Young) 246 ; 3rd R.*, 249.

(25) An Act respecting the Eastern Tps. Bank (Mr. Baker). Int. 163 ; 2nd R.*, 172 ; 3rd R.*, 324 : R.A., 488 (c. 115).

(27) An Act respecting the Canadian National Ry. & Transport'n Co'y. (Mr. Landerkin). int., 57 ; 2nd R.*, 93 ; 3rd R.*, 168. R.A. 487 (c. 92).

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(28) An Act respecting the Atlantic, Que. & Western Ry. Co. Int., 143 ; 2nd R.*, 167 ; rep. from Com. on R. T. & H. (Sir A. Pelletier) 170 ; M. (Mr. Dandurand) to concur in amts., 171 ; rem., Mr. Landry, Mr. Dandurand, M. posponed, 171 ; M. to concur in amts. (Mr. Dandurand) rem., Mr. Landry, M. agreed to, 180 ; N. of M. (Mr. Landry) to re-commit B., 180 ; M. for 3rd R. and rem., Mr. Dandurand, Mr. Ferguson, Mr. Landry, 191 ; Mr. Dandurand, Mr. Landry, 192 ; M. to amend (Mr. Landry) 201 ; rem., Mr. Landry, 202 ; Mr. Dandurand, 202-205 ; M. (Mr. Bolduc) to adjn. debate, lost, 205 ; rem., Mr. de Boucherville, 205, Mr. Bolduc, Mr. Speaker, Mr. Ellis, 206, Mr. Speaker, Mr. Béique, Mr. de Boucherville, Mr. Landry, 207 ; amt. rejected, c. 14, n. c., 23 ; M. for 3rd R. agreed to, c. 22, n. c., 13 ; R. A., 488 (c. 81).

(29) An Act respecting the Grand Trunk Ry. Co. of Canada (Sir M. Bowell). Int., 169 ; 2nd R.*, 177 ; 3rd R.*, 249 ; R. A., 487 (c. 121).

(30) An Act to incorporate the Federal Oil Co. (Mr. Dandurand). Int., 169 ; 2nd R., called, 273 ; rem., Mr. Dandurand, Mr. Speaker, order postponed, 274 ; M. (Mr. Landerkin) for 2nd R., rem., Mr Poirier, Mr. Landerkin, M. agreed to, 326 ; 3rd R.*, 371 ; R. A., 488 (c. 120).

(31) An Act respecting the Canadian Order of the Woodmen of the World (Mr. Watson). Int., 163 ; 2nd R.*, 176 ; rep. from Com. on B. & C. (Mr. Drummond) 288 ; 3rd R.*, 324 ; R. A., 488 (c. 206).

(33) An Act to incorporate the Kootenay, Cariboo and Pacific Ry. Co. (Mr. Templeman). Int., 169 ; 2nd R.*, 180 ; 3rd R.*, 249 ; R. A., 487 (c. 141).

(35) An Act to incorporate the Coast Yukon Ry Co. (Mr. Young). Int., 169 ; 2nd R.*, 180 ; 3rd R.*, 249 ; R. A., 487 (c. 108).

(37) An Act respecting the Ottawa, Northern and Western Ry Co. Int., 120 ; M. (Mr. Dandurand) for 2nd R. objected to, Mr. Casgrain (de Lanaudière) 120 ; rem., Mr. Casgrain (de Lanaudière) Mr. Dandurand, Mr. Macdonald (P.E.I.) 121 ; 2nd R.*, 164 ; 3rd R.*, 176 ; R. A., 487 (c. 173).

(38) An Act respecting the Great Northwest-Central Ry. Co. (Mr. Kirchhoffer). Int. 169; 2nd R.*, 182 ; 3rd R.*, 249 ; R. A., 487 (c. 124).

(40) An Act to confer on the Commissioner of Patents certain powers for the relief of the International Railway Appliance Co.

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(Mr. Kirchhoffer). Int., 169 ; 2nd R.*, 244 ; 3rd R.*, 449 ; R. A., 488 (c. 133).

(41) An Act respecting the Kootenay Central Ry. Co. Int., 120 ; rem., Sir M. Bowell and Templeman, 120 ; 2nd R.*, 143 ; 3rd R.*, 168 ; R. A., 487 (c. 142).

(42) An Act respecting the Alberta Central Ry Co. (Mr. Young). Int. 187 ; 2nd R.*, 274 ; 3rd R.*, 371 ; R. A., 488 (c. 75).

(43) An Act to incorporate the Regina and Hudson's Bay Ry. Co. (Mr. Young). Int., 186 ; 2nd R.*, 244 ; 3rd R.*, 289 ; R. A., 488 (c. 182).

(45) An Act respecting the Calgary and Edmonton Ry. Co. (Mr. Lougheed). Int., 230 ; 2nd R.*, 254 ; 3rd R.*, 289 ; R. A., 488 (c. 89).

(46) An Act respecting the Kingston and Pembroke Ry. Co. (Mr. Sullivan). Int., 513 ; 2nd R.*, 559 ; 3rd R.*, 606 ; R. A., 755 (c. 139).

(47) An Act to incorporate the Nipissing and Pontiac Ry. Co. (Mr. Kerr, Toronto). Int., 230 ; 2nd R., 251 ; 3rd R.*, 289 ; R. A., 488 (c. 166).

(49) An Act to amend the Civil Service Superannuation Act (Mr. Scott). Int., 57 ; M. for 2nd R., 74 ; rem., Mr. Scott, Sir M. Bowell and M. agreed to, 74 ; 3rd R., 91 ; R. A., 487 (c. 10).

(50) An Act respecting the British Columbia Southern Ry. Co. Int., 121 ; rem., Mr. Lougheed, 121 ; 2nd R.*, 143 ; 3rd R.*, 168 ; R. A., 487 (c. 87).

(51) An Act to incorporate the Northern Bank (Mr. Young). Int., 169 ; 2nd R.*, 290 ; 3rd R.*, 419 ; R. A., 488 (c. 168).

(52) An Act to incorporate the Joliette and Lake Manuan Colonization Ry. Co. (Mr. Casgrain (de Lanaudière). Int., 169 ; 2nd R.*, 180 ; 3rd R.*, 249 ; R. A., 487 (c. 135).

(54) An Act respecting the Canada Permanent and Western Canada Mortgage Corporation, and to change its name to the Canada Permanent Mortgage Corporation (Mr. Kerr, Toronto). Int., 169 ; 2nd R.*, 180 ; 3nd R.*, 324 ; R. A., 488 (c. 94).

(56) An Act to incorporate the Quebec, Saguenay and Gulf of St. Lawrence Ry Co. (Mr. Béique). Int., 169 ; 2nd R.*, 182 ; 3rd R.*, 249 ; R. A., 487 (c. 179).

(57) An Act respecting the Niagara Grand Island Bridge Co. Int., 120 ; 2nd R.*, 164 ; 3rd R.*, 176 ; R. A., 487 (c. 161).

(60) An Act respecting the Huron and Ontario Ry. Co. Int., 120 ; rem., Mr. Landerkin, 120-121 ; 2nd R.*, 164 ; 3rd R.*, 176 ; R. A., 487 (c. 130).

(61) An Act respecting the Winnipeg Western Land Corporation. Ltd. (Mr. Kerr, Toronto). Int., 169 ; 2nd R.*, 183 ; 3rd R.*, 254 ; R. A., 487 (c. 204).

(62) An Act respecting the Ontario and Qu'Appelle Land Co., Ltd. (Mr. Kerr, Toronto). Int., 169 ; 2nd R.*, 183 ; 3rd R.*, 254 ; R. A., 487 (c. 169).

(63) An Act respecting the London and Port Stanley Ry. Co. (Mr. Vidal). Int., 437 ; 2nd R.*, 470 ; 3rd R., 501 ; R. A., 571 ; (c. 145.

(64) An Act to incorporate the Grand Trunk Pacific Ry. Co. (Mr. Dandurand). Int., 759 ; M. for 2nd R., rem., Mr. Dandurand, Mr. McMullen, 776-780 ; Sir M. Bowell, point of order (Mr. Landry) B. not printed in French, rem., Mr. Speaker, Mr. Landry, Mr. Ellis, Mr. Ferguson, 780 ; Mr. Speaker, Mr. Landry, M. agreed to on div., 781 ; N. of M. (Mr. Watson) rem., Sir M. Bowell, Mr. Dandurand, 912 ; M. for 3rd R., M. to amd. (Mr. Watson) agreed to, and 3rd R., 951 ; R. A., 1816 (c. 122).

(65) An Act respecting the Mutual Life Assurance Co. of Canada (Mr. Gibson). Int., 169 ; 2nd R., 180, 181 ; 3rd R.*, 254 ; R. A., 487 (c. 159).

(66) An Act to readjust the Representation of the H. of C. (Mr. Scott). Int., 1179 ; M. for 2nd R., rem., Mr. Scott, 1198-1203 ; Sir M. Bowell, 1203-1217 ; Mr. McDonald (C.B.) 1217-1219 ; Mr. McSweeney, Mr. McGregor, 1219 ; Mr. Macdonald (P.E.I.) 1220-1222; Mr. Dandurand, 1222-1223; debate adjourned (Mr. Ferguson) 1223 ; debate resumed, rem., Mr. Ferguson, 1300-1304, Mr. McGregor, Mr. McDonald (C.B.) Mr. Ferguson, 1305-1308; debate adjourned (Mr. Ferguson) 1308 ; debate resumed, Mr. Ferguson, 1329-1337 ; Mr. McHugh, 1337 ; Mr. McMullen, 1338-1345 ; Sir M. Bowell, 1345 ; Mr. Cloran, 1346 ; Mr. Ferguson, 1347 ; Mr. Kerr (Cobourg), 1347-1353; M. agreed to, rem., Mr. Speaker, Mr. Scott, Sir M. Bowell, 1353 ; Mr. Young, Mr. Landry, Mr. Scott, Sir M. Bowell, Mr. McMullen, Mr. Watson, 1354 ; Mr. Templeman, Mr. Landry, 1355 ; in Com., rem., on 1st cl., Sir M. Bowell, 1688-1692 ; Mr. McMullen, Sir M. Bowell, 1692 ; on 2nd cl., Sir M. Bowell, 1693 ; Mr. Landry, Mr. Scott, Mr. Forget, 1694 ; Mr. Scott, Sir M. Bowell, Mr. Landry, 1695 ; Mr. Forget, Mr. Scott, Mr. Landry, Mr. Power ; on 3rd cl., Mr.

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Power, 1696-1699, Mr. Landry ; on 2nd cl., Sir M. Bowell, Mr. Scott, 1699, 1700 ; Mr. Kerr, (Toronto) ; on 34th cl., Sir M. Bowell, Mr. Kerr (Toronto) Mr. Scott, 1701 ; on 35th, 37th and 42nd clauses, Sir M. Bowell, Mr. Scott, 1702 ; on 43rd cl., Sir M. Bowell, Mr. Scott, 1703 ; on 46th and 47th clauses, Mr. McMullen, Sir M. Bowell, Mr. Kerr (Cobourg) 1704 ; on cl. 1. (Que.) Mr. Landry, 1704; on subcl. 1, Mr. Landry, Sir M. Bowell, Mr. Casgrain, 1705; Mr. Landry, Mr. Forget, Mr. Casgrain, Sir M. Bowell, 1706 ; Mr. Casgrain (de Lanaudière), Sir M. Bowell, Mr. Landry ; on cl. c (P.E.I.) Mr. Robertson, rep. from Com. (Mr. Young) 1707 ; 3rd R.*, 1717 ; R. A., 1816 (c. 60).

(68) An Act to incorporate the Lumberman's Fire Insurance Co. (Mr. McHugh). Int., 163 ; 2nd R.*, 438 ; rep. from Com. on B. & C. (Mr. Drummond) 473 ; rem., Mr. Young, Sir M. Bowell, 473 ; M. (Mr. Young) to suspend rules agreed to, 492 ; 2nd R.*, 512 ; rep. from Com. on B. & C. (Mr. Drummond) rem., Mr. Ferguson, Mr. Macdonald (B.C.) Sir M. Bowell, Mr. Dandurand, 514 ; Mr. Béique, Mr. Ferguson, 515 ; M. (Mr. McHugh) to fix 3rd R., 515 ; 3rd R.*, 540 ; R. A., 571 (c. 146).

(69) An Act to incorporate the Northwestern Coal and Coke Ry. Co. (Mr. Perley). Int, 169 ; 2nd R.*, 274 ; 3rd R.*, 371 ; R. A., 488 (c. 167).

(70) An Act to incorporate the Macleod, Cardston and Montana Ry. Co. (Mr. Young) Int., 230 ; 2nd R.*, 254 ; 3rd R.*, 289 ; R. A., 488 (c. 147).

(71) An Act to incorporate the Imperial Co. (Mr. Owens). Int., 176; 2nd R.*, 230; M. (Mr. Bernier) to ref. B. to Com. on B. & C., agreed to, 234 ; rep. from Com. (Mr. Drummond) 437 ; M. (Mr. Owens) to concur in amts., agreed to, 470 ; rem., Mr. Kerr (Toronto) Mr. Owens, Sir M. Bowell, 470 ; Mr. Ferguson, Mr. Kerr (Toronto) Mr. Speaker, 471 ; Mr. Young, Mr. Macdonald (B.C.) 474 ; M. (Mr. Owens) for 3rd R., 516 ; M. (Mr. Kerr, Toronto) in amt. to ref. B. to Com. of the Whole for amt., rem., 516-518, amt., agreed to, 518 ; in Com., on M. (Mr. Kerr, Toronto) to amd. 5th cl. rem., Mr. Owens, Mr. McMullen, 518 ; Mr. Thibaudeau (de la Vallière) Sir M. Bowell, 519 ; Mr. Kerr (Toronto) 521, 522 ; Mr. Owens, Mr. Scott, 523 ; Sir M. Bowell, Mr. Scott, Mr. Kerr (Toronto) M. agreed to, 524 ; on M. (Mr. Kerr, Toronto) to amd. 8th cl., rem., Mr. Owens, Mr. Kerr, (Toronto) 524 ; Sir M. Bowell, Mr. Kerr (Toronto) Mr. Owens, the Chairman, 525 ; M. changed and adopted, 526 ; M. (Mr. Kerr, Toronto) to amd. 9th cl., rem., Mr. Kerr (Toronto) Sir M. Bowell, Mr. Owens, M. agreed to, 527 ; M. (Mr. Kerr, Toronto) to add cl. 10, rem., Sir M. Bowell, Mr. Kerr (Toronto) Mr. Owens, 526 ; M. agreed to, 527 ; M. (Mr. Kerr, Toronto) to add cl. 11, rem., Mr. Owens, Mr. Kerr (Toronto) M. agreed to, 527 ; M. (Mr. Kerr, Toronto) to add 12th cl. agreed to, rep. from Com. (Mr. Fulford) 527 ; M. (Mr. Owens) to concur in amts., rem., Mr. Speaker, Mr. Owens, M. agreed to and 3rd R., 584 ; R. A., 1816 (c. 132.

(72) An Act respecting the Bank of Montreal (Mr. Mackay, Alma). Int., 163 ; 2nd R.*, 176 ; M. for 3rd R., rem., Sir M. Bowell, Mr. Macdonald (B.C.) Mr. Gibson ; M. agreed to, 254 ; R. A., 487 (c. 82).

(73) An Act to incorporate the Ontario and Quebec Power Co. (Mr. Young). Int., 485 ; 2nd R.*, 501 ; 3rd R.*, 1016 ; R. A., 1816 (c. 170).

(75) An Act respecting the Canadian Pacific Ry. Co. (Mr. Dandurand). Int., 121 ; 2nd R.*, 143 ; 3rd R.*, 168 ; R. A., 487 (c. 98).

(78) An Act to amnd the Militia Pension Act, 1901 (Mr. Scott). Int., 169 ; 2nd R., 209 ; 3rd R.*, 249 ; R. A., 487 (c. 35).

(79) An Act to incorporate the Bank of Winnipeg (Mr. Watson). Int., 163 ; 2nd R.*, 274 ; 3rd R.*, 336 ; R. A., 488 (c. 83).

(80) An Act respecting the Canadian Northwestern Land Co., Ltd. (Mr. Kerr, Toronto). Int., 169 ; 2nd R.*, 183 ; 3rd R.*, 324 ; R. A., 488 (c. 93).

(81) An Act respecting the Brandon and Southwestern Ry. Co. (Mr. Young). Int., 513 ; 2nd R.*, 641 ; 3rd R.*, 677 ; R. A., 756 (c. 85).

(82) An Act respecting and restricting Chinese Immigration (Mr. Templeman). Int., 169 ; M. to fix 2nd R., rem., Mr. Templeman, 169 ; Sir M. Bowell, M. agreed to, 170 ; M. for 2nd R., 234 ; rem., Mr. Templeman, 234-244 ; M. (Sir M. Bowell) to adj., deb., 244 ; debate again adjd., 249 ; order called, rem., Sir M. Bowell, Mr. Templeman, 274 ; debate further adjd., 275 ; debate resumed, Sir M. Bowell, 290-297 ; Mr. Scott, 297-301 ; M. to adj. deb. (Mr. Macdonald, B.C.) rejected, 302 ; Mr. Macdonald (B.C.) 302-308 ; Mr. Kerr (Cobourg) 308-310 ; Mr. Vidal, 310-313 ; Mr. McGregor, 313 ; Mr. Sullivan, 314-316 ; Mr. Watson, 316 ; Mr. Poirier, 317 ; Mr. DeBoucherville, 318-320 ; Mr. Macdonald, P.E.I.,

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320-321 ; Mr. Sullivan ; M. agreed to, c. 23, n. c., 14, 321 ; M(Mr. Templeman) to ref. B. to Com. of the Whole, rem., Mr. Landry, Mr. Templeman, Mr. Macdonald (B. C.) 429 ; M. agreed to, 430 ; in Com., rem., Mr. Templeman ; on 6th cl., Mr. Landry, Sir M. Bowell, 430 ; Mr. Macdonald (B.C.) Mr. Landry, Sir M. Bowell, Mr. Templeman, Mr. Ellis, 431 ; M. (Mr. Landry) to amd. cl., rem., Mr. Templeman, Mr. Vidal, Mr. Drummond, Sir M. Bowell, 432 ; Mr. Templeman, Mr. Macdonald (B.C.) Sir M. Bowell, 433 ; Mr. Templeman, amt. rejected, c. 10, n. c. 20, M. (Mr. Vidal) to amd. cl., rem., Mr. Poirier, Mr. Macdonald (P.E.I.) 434 ; Mr. Landry, amt. rejected and cl. adopted, 435 ; M. (Mr. Templeman) to add subsec. d, rem., Sir M. Bowell, Mr. Templeman, Mr. Macdonald (B.C.) amt. agreed to, 435 ; on 8th cl., M. (Mr. Templeman) to amd. subsec. 2, 435 ; rem., Mr. Macdonald (B.C.) amt. agreed to and cl. adopted ; on 24th cl., Mr. Ellis, Mr. Templeman, cl. adopted, rep. from Com. (Mr. Fulford) 436 ; M. (Mr. Templeman) for 3rd R., rem., Mr. Macdonald (B.C.), Mr. Scott, M. agreed to on div., 461; R. A., 571 (c. 8).

(83) An Act to incorporate the New Canadian Co., Ltd. (Mr. Dandurand). Int., 187 ; M. for 2nd R., rem., Mr. Dandurand, Mr. Landry, Mr. Poirier, 280 ; Sir M. Bowell, Mr. Landry ; M. agreed to, 281 ; M. for 3rd R., rem., Mr. Landry, Mr. Dandurand, Mr. Poirier, 337 ; M. (Mr. Landry) in amt., 6 m. h., 337 ; rem., Mr. Landry, 337-344 ; Mr. McMillan, 344 ; Mr. Dandurand, 344-347 ; Mr. McMullen, Mr. Dandurand, 347 ; Mr. Macdonald (B.C.) Mr. Ferguson, 348 ; amt. (Mr. Ferguson) to ref. B. to Com. on R. T. & H., 350 ; rem., Mr. Béique, 350 ; Mr. Landry, 351 ; Mr. Scott, 352 ; Mr. Ellis, 353 ; amt. to amt. adopted, c. 20, n. c. 17, 353 ; M. (Mr. Dandurand) for 3rd R., 456 ; rem., Mr. Landry, 456-460 ; Mr. Dandurand, 460-461 ; M. agreed to on div., 461 ; R. A., 571 (c. 160.

(84) An Act respecting the Quebec and North Bay Ry. Co. Int., 121 ; rem., Mr. Poirier, 121 ; 2nd R.*, 143 ; 3rd R.*, 168 ; R. A., 487 (c. 176).

(85) An Act to incorporate the Berlin, Waterloo, Wellesley and Lake Huron Railway Co. (Mr. McMullen). Int., 418 ; 2nd R.*, 470 ; 3rd R.*, 745 ; R. A., 756 (c. 84).

(87) An Act respecting the Vancouver and Coast Kootenay Ry. Co. (Mr. Landerkin). Int., 418 ; 2nd R. called and postponed, 438 ; 2nd R.*, 455 ; 3rd R.*, 501 ; R. A., 571 (c. 199).

(88) An Act respecting the Mutual Fire Insurance Company of the City of Montreal, and to change its name to 'The Montreal-Quebec Fire Insurance Co.' (Mr. Béique). Int., 186 ; 2nd R.*, 245 ; 3rd R.*, 418 ; R. A., 488 (c. 158).

(90) An Act respecting the Niagara-Welland Power Co., Ltd., and to change its name to 'The Niagara-Welland Power Co.' (Mr. McMullen). Int., 186 ; 2nd R.*, 245 ; 3rd R.*, 371 ; R. A., 488 (c. 163).

(91) An Act to incorporate the Dominion Gas Improvement Co. (Mr. Kerr, Toronto). Int., 263 ; 2nd R.*, 356 ; 3rd R.*, 530 ; R. A., 756 (c. 114).

(92) An Act to incorporate the Dominion Burglary Guarantee Co., Ltd., and to change its name to 'The Dominion Guarantee Co., Ltd'. (Mr. Casgrain, de Lanaudière). Int., 186 ; 2nd R.*, 245 ; 3rd R.*, 336 ; R. A., 488 (c. 113).

(93) An Act to incorporate the Shipping Federation of Canada (Mr. Dandurand). Int., 169 ; 2nd R., 209 ; 3rd R.*, 254 ; R.A., 487 (c. 190).

(96) An Act respecting the Kettle River Valley Ry. Co. (Mr. Watson). Int., 448 ; rep. from Com. on S.O. & P.B. (Mr. Young) and M. to adopt rep., rem., Mr. Landry, Mr. Speaker, 486 ; Sir M. Bowell, Mr. Landry ; M. agreed to, 487 ; M. (Mr. Watson) to to suspend rule, rem., Mr. Landry, 489 ; Mr. Speaker, Mr. Landry, 490 ; Mr. Young, Mr. Macdonald (B.C.) Mr. Vidal, 491 ; Mr. Landry, M. agreed to, 492 ; 2nd R.*, 512 ; 3rd R.*, 606 ; R. A., 755 (c. 138).

(97) An Act respecting the Manitoulin and North Shore Ry. Co. (Mr. Dandurand). Int., 448 ; 2nd R.*, 479 ; 3rd R., 645 ; R.A., 756 (c. 148).

(99) An Act respecting the Canada Central Ry. Co. (Mr. Templeman). Int., 513 ; 2nd R., 580 ; 3rd R.*, 645 ; R. A., 756 (c. 91).

(100) An Act to incorporate the Colonial Bank of Canada (Mr. Landerkin). Int., 169 ; 2nd R.*, 250 ; 3rd R.*, 418 ; R. A., 1816 (c. 194).

(102) An Act respecting the Red Deer Valley Ry. and Coal Co. (Mr. Landerkin). Int., 564 ; 2nd R.*, 709 ; 3rd R.*, 745 ; R. A., 756 (c. 181).

(103) An Act respecting the Royal Trust Co. (Mr. Dandurand). Int., 169 ; 2nd R., 209 ; 3rd R.*, 254 ; R. A., 487 (c. 185).

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(104) An Act to incorporate the Brockville, Westport and Northwestern Ry. Co. (Mr. Frost). Int., 747 ; 2nd R., 759 ; 3rd R.*, 1102 ; R. A., 1816 (c. 88).

(105) An Act to confer on the Commissioner of Patents certain powers for the relief of the Standard Car Truck Co. (Mr. Owens). Int., 169 ; 2nd R., m. (Mr. Macdonald, B.C.) rem., Mr. McMullen, Mr. Ferguson, Mr. Kerr (Toronto) M. agreed to, 183 ; 3rd R.*, 449 ; R. A., 488 (c. 192).

(107) An Act to incorporate the Empire Accident and Surety Co. (Mr. Coffey). Int., 176 ; 2nd R.*, 244 ; 3rd R.*, 336 ; R. A., 488 (c. 118).

(108) An Act respecting the Ottawa Electric Ry. Co. (Mr. Edwards). Int., 187 ; 2nd R.*, 245 ; 3rd R.*, 289 ; R. A., 488 (c. 171).

(109) An Act to correct a clerical error in the Act to incorporate the Edmonton and Slave Lake Ry. Co. (Mr. Scott). Int., 169 ; M. for 1st R. and rem., Mr. Scott, Sir M. Bowell ; M. agreed to, 181 ; 2nd R. m., rem., Mr. Scott, Sir M. Bowell, 183 ; Mr. Scott, 184 ; M. agreed to, 184 ; 3rd R.*, 208 ; R. A., 487 (c. 18).

(110) An Act respecting the Canadian Northern Ry. Co. (Mr. McMullen). Int., 230 ; 2nd R.*, 250 ; 3rd R.*, 289 ; R. A., 488 (c. 97).

(111) An Act respecting the Edmonton, Yukon and Pacific Ry. Co. (Mr. Young). Int., 229 ; 2nd R.*, 250 ; 3rd R.*, 289 ; R. A., 488 (c. 116).

(112) An Act to incorporate the Canadian Industrial Corporation, Ltd. (Mr. Lougheed). Int., 276 ; 2nd R.*, 334 ; 3rd R.*, 371 ; R. A., 488 (c. 95).

(113) An Act to incorporate the Sault St. Louis Light and Power Co. (Mr. Dandurand). Int., 187 ; 2nd R.*, 245 ; M. (Mr. Landerkin) for 3rd R., M. in amt., 6 m. h. (Mr. Landry) 324 ; rem., Mr. Watson, Mr. Speaker rules M. must have seconder, M. seconded by Mr. Bolduc and rejected, 324 ; rem., Mr. Poirier, 324 ; Mr. Young, Sir M. Bowell, Mr. Speaker, 325 ; Mr. Scott, Mr. Ferguson ; B. read 3rd time, 326 ; R. A., 488 (c. 188).

(114) An Act respecting the Nipissing and James Bay Ry. Co. (Mr. McMullen). Int., 229 ; 2nd R.*, 250 ; 3rd R.*, 289 ; R. A., 488 (c. 165).

(115) An Act to incorporate the Richmond and Drummond Fire Ins. Co. (Mr. McHugh). Int., 176 ; 2nd R.*, 356 ; 3rd R.*, 449 ; R. A., 488 (c. 183).

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(117) An Act to incorporate the Hudson's Bay and Western Ry. Co. (Mr. Dandurand). Int., 229 ; 2nd R., 250 ; 3rd R.*, 289 ; R. A., 488 (c. 128).

(118) An Act respecting the Canada Atlantic Ry. Co. (Mr. Edwards). Int., 187 ; 2nd R.*, 245 ; 3rd R.*, 371 ; R. A., 488 (c. 90).

(119) An Act respecting the Alberta Railway and Coal Co. (Mr. Lougheed). Int., 230 ; 2nd R.*, 255 ; 3rd R.*, 289 ; R. A., 488 (c. 76).

(120) An Act respecting the Lake Erie and Detroit River Ry. Co. (Mr. Casgrain, Windsor). Int., 229 ; 2nd R., 250 ; 3rd R.*, 289 ; R. A., 488 (c. 143).

(121) An Act to incorporate the Consolidated Trusts Corporation (Mr. Kerr, Toronto). Int., 263 ; 2nd R.*, 356 ; 3rd R., 456 ; R. A., 488 (c. 110).

(122) An Act respecting the Rathbun Co. (Mr. Kerr, Toronto). Int., 456 ; 2nd R.*, 512 ; M. to concur in amt. (Mr. Ferguson) 584 ; 3rd R.*, 708 ; R. A., 756 (c. 180).

(123) An Act to incorporate the Huron, Erie and Buffalo Ry. Co. (Mr. McMullen). Int., 392 ; 2nd R.*, 438 ; 3rd R., 475 ; R. A., 488 (c. 131).

(125) An Act to incorporate the Guelph and Georgian Bay Ry. Co. (Mr. Watson). Int., 392 ; 2nd R.*, 438 ; 3rd R.*, 475 ; R. A., 755 (c. 125).

(124) An Act respecting the Hudson's Bay and Pacific Ry. Co. (Mr. Young). Int., 229 ; 2nd R.*, 250 ; 3rd R.*, 289 ; R. A., 488 (c. 129).

(126) An Act respecting the Mexican Light and Power Co., Ltd. (Mr. Casgrain, de Lanaudière). Int., 187 ; M. for 2nd R. (Mr. Kerr, Toronto) 252 ; rem., Mr. Scott, Mr. Lougheed, Sir M. Bowell, Mr. Ferguson, 252 ; M. agreed to, 252 ; 3rd R.*, 289 ; R. A., 488 (c. 153).

(127) An Act to confer on the Commissioner of Patents certain powers for the relief of George M. Depew (Mr. Perley). Int., 580 ; 2nd R.*, 608 ; 3rd R.*, 742 ; R. A., 756 (c. 112).

(129) An Act respecting the Crown Bank of Canada (Mr. McMillan). Int., 169 ; 2nd R.*, 244 ; 3rd R.*, 336 ; R. A., 488 (c. 111).

(131) An Act to incorporate the Marconi Wireless Telegraph Co., of Canada, Ltd. (Mr. Dandurand). Int., 513 ; 2nd R.*, 559 ; 3rd R.*, 606 ; R. A., 756 (c. 149).

(132) An Act to incorporate the Père Marquette International Bridge Co. (Mr. Lan-

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derkin). Int., 229 ; 2nd R.*, 250 ; 3rd R.*, 289 ; R. A., 488 (c. 175).

(134) On Act to incorporate the Erie Ontario Power Co. (Mr. Gibson). Int., 263 ; 2nd R.*, 289 ; 3rd R.*, 371 ; R. A., 488 (c. 119).

(135) An Act to incorporate the Quebec, New Brunswick and Nova Scotia Ry. Co. (Mr. McSweeny). Int., 623 ; 2nd R.*, 645 ; 3rd R.*, 812 ; R. A., 1816 (c. 178).

(139) An Act respecting the St. Mary's River Ry. Co. (Mr. Lougheed). Int., 392 ; 2nd R., 438 ; 3rd R.*, 475 ; R. A., 488 (c. 187).

(140) An Act to incorporate the Cardiff Ry. Co. (Mr. Watson). Int., 392 ; 2nd R.*, 438 ; 3rd R.*, 475 ; R. A., 488 (c. 103).

(141) An Act respecting the Medicine Hat and Northern Alberta Ry. Co. (Mr. Dandurand). Int., 559 ; 2nd R.*, 580 ; 3rd R.*, 745 ; R. A., 756 (c. 152).

(142) An Act respecting the Elgin and Havelock Ry. Co. (Mr. Wood). Int., 418 ; 2nd R.*, 438 ; 3rd R.*, 475 ; R. A., 488 (c. 117).

(144) An Act respecting the Interprovincial and James Bay Ry. Co. (Mr. Dandurand). Int., 392 ; 2nd R.*, 438 ; 3rd R.*, 475 ; R. A., 488 (c. 134).

(145) An Act respecting the Quebec Bridge Co., and to change its name to the Quebec Bridge and Ry. Co. (Mr. Casgrain, Windsor). Int., 418 ; 2nd R.*, 455 ; rep. from Com. on R. T. & H.. Sir A. Pelletier, rem., Mr. Landry, Sir A. Pelletier, 486 ; 3rd R.*, 501 ; R. A., 571 (c. 177).

(146) An Act respecting the Lindsay, Bobcaygeon and Pontypool Ry. Co. (Mr. Dobson). Int., 187 ; 2nd R.*, 245 ; 3rd R.*, 289 ; R. A., 488 (c. 144).

(147) An Act to incorporate the Toronto and Hamilton Ry. Co. (Mr. Kerr, Toronto). Int., 874 ; M. (Mr. Kerr, Toronto) for 2nd R., rem., Mr. McMullen, Sir M. Bowell, 1020 ; Mr. David, Mr. Sullivan, Mr. Dandurand, Mr. Béique, 1021 ; Sir M. Bowell. Mr. Béique, Mr. Kerr (Toronto) 1022 ; Mr. Béique, Mr. Sullivan, Mr. McMullen, 1023 ; Mr. Kerr (Toronto), Mr. McMullen, M. (Mr. Young) to postpone 3rd R., rem., Mr. Watson, 1024 ; M. agreed to, 1025 ; Mr. Scott, 1054 ; Sir M. Bowell, Mr. Watson, Mr. Vidal, Mr. Scott, Mr. Young, 1055 ; B. read 3rd time, 1056 ; R. A., 1816 (c. 196).

(148) An Act respecting certain Trust Funds of the Diocese of Moosonee (Mr. Lougheed). Int., 230 ; 2nd R., 255 ; 3rd R.*, 337 ; R. A., 488 (c. 157).

(149) An Act to incorporate the Hamilton, Galt and Berlin Ry. Co. (Mr. Kerr, Toronto). Int., 392 ; 2nd R.*, 438 ; 3rd R.*, 475 ; R. A., 488 (c. 126).

(150) An Act to incorporate the Columbia River Improvement Co., Ltd. (Mr. Watson). Int., 513 ; 2nd R.*, 559 ; 3rd R.*, 606 ; R. A., 756 (c. 109).

(152) An Act to incorporate the Southern Central Pacific Ry. Co. (Mr. Templeman). Int., 746 ; 2nd R., 760 ; 3rd R.*, 878 ; R.A., 1816 (c. 191).

(154) An Act to incorporate the Niagara, Queenston and St. Catharines Ry. Co. (Mr. Gibson). Int., 418 ; 2nd R.*, 438 ; M. for 3rd R. (Mr. Landerkin) rem., Mr. McMullen, 744 ; Mr. Dandurand, M. agreed to, 745 ; R. A., 756 (c. 162).

(155) An Act respecting the jurisdiction of the Exchequer Court as to railway debts (Mr. Béique). Int., 759 ; 2nd R. postponed, 781 ; M. for 2nd R., rem., Mr. Béique, 808 ; Mr. Casgrain, 808-810 ; Mr. Lougheed, Mr. Béique, 810 ; Mr. Ellis, Mr. Béique, Mr. Ferguson, 811 ; M. agreed to, 812 ; in Com., on subcl. a of 1st cl., M. (Mr. Béique) to amd. agreed to, 1010 ; on subcl. b, rem., Mr. Béique, Sir M. Bowell, Mr. Scott, 1011 ; Sir M. Bowell ; on 6th cl., M. (Mr. Casgrain, de Lanaudière) to amd. agreed to, rem., Mr. Scott, Mr. Béique, 1012 ; on 8th cl., M. (Mr. Kerr, Toronto) to amd., rem., Mr. Kerr (Toronto), Mr. Scott, Mr. Lougheed, Mr. Béique, 1013 ; Sir M. Bowell, Mr. Kerr (Toronto) 1014 ; Mr. Lougheed, Mr. Kerr (Toronto) Mr. DeBoucherville, 1015 ; Mr. Béique, Mr. Kerr (Toronto) Mr. Lougheed ; rep. from Com. (Mr. Yeo) 1016 ; 3rd R.*, 1017 ; R. A., 1816 (c. 21).

(156) An Act to incorporate the Montreal and Longueuil Bridge Co. (Mr. Béique). Int., 513 ; 2nd R.*, 559 ; 3rd R.*, 645 ; R. A., 756 (c. 156).

(157) An Act to incorporate the Brandon, Saskatchewan and Hudson Bay Ry. Co. (Mr. Perley). Int., 564 ; 2nd R.*, 585 ; 3rd R.*, 745 ; R. A., 756 (c. 86).

(159) An Act to incorporate the Canadian Yukon Western Ry. Co. (Mr. Landerkin). Int., 564 ; 2nd R.*, 641 ; 3rd R.*, 677 ; R. A., 756 (c. 102).

(158) An Act to incorporate the St. Chrysostome Ry. Co. (Mr. Young). Int., 747 ; 2nd R.*, 807 ; 3rd R.*, 888 ; R. A., 1816 (c. 186).

(160) An Act to incorporate the Stewart River Development Co. (Mr. Young). Int., 736 ; 2nd R.*, 742 ; 3rd R.*, 792 ; R. A., 1618 (c. 195).

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(161) An Act to confer on the commissioner of patents certain powers for the relief of the Woolf Valve Gear Co. (Mr. Edwards). Int., 513 ; 2nd R.*, 559 ; 3rd R.*, 625 ; R. A., 756 (c. 205).

(162) An Act respecting the Hamilton and Lake Erie Power Co., and to change its name to the 'Jordan Light, Heat and Power Co.' (Mr. Landerkin). Int., 229 ; 2nd R.*, 250 ; 3rd R.*, 289 ; R. A., 488 (c. 136).

(163) An Act respecting the United Empire Life Insurance Co. (Mr. Coffey). Int., 263 ; 2nd R.*, 356 ; 3rd R.*, 449 ; R. A., 488 (c. 198).

(164) An Act to incorporate the Pacific Bank of Canada (Mr. Templeman). Int., 229 ; 2nd R.*, 353 ; 3rd R.*, 419 ; R. A., 488 (c. 174).

(165) An Act to incorporate the Algonquin Lumber and Power Co., Ltd. (Mr. McHugh). Int., 513 ; 2nd R.*, 559 ; 3rd R.*, 606 ; R. A., 756 (c. 77).

(166) An Act to incorporate the Gaspé and Western Ry. Co. (Mr. Landerkin). Int., 559 ; 2nd R.*, 580 ; M. (Mr. Cloran) to ref. B. back to Com. on R. T. & H., rem., Mr. Landry, Mr. Cloran, Mr. Speaker, Mr. DeBoucherville, Sir M. Bowell, 1717 ; Mr. Landry, Mr. Speaker, Mr. Macdonald (P.E.I) Mr. DeBoucherville, Mr. Young, 1718 ; M. (Mr. Young) to concur in rep., 1719 ; rem., Mr. Cloran, Mr. Landry, Mr. Kerr (Toronto) Mr. Speaker, M. to adopt rep. agreed to, 1719.

(168) An Act to incorporate the Chicoutimi and Northeastern Ry. Co. (Mr. Dandurand). Int., 746 ; 2nd R.*, 760 ; 3rd R.*, 1172.

(169) An Act to confer on the Commissioner certain powers for the relief of James Sinclair MacDougall (Mr. Gibson). Int., 437 ; 2nd R.*, 470 ; 3rd R.*, 501 ; R. A., 571 (c. 151).

(171) An Act to incorporate the Chatham, Wallaceburg and Lake Erie Railway Co. (Mr. Landerkin). Int., 418 ; 2nd R.*, 455 ; 3rd R.*, 745 ; R. A., 756 (c. 105).

(172) An Act to incorporate the City and County Bank of Canada (Sir M. Bowell). Int., 263 ; 2nd R.*, 290 ; 3rd R.*, 418 ; R. A., 488 (c. 107).

(174) An Act to amend the Customs Act. Int., 418 ; M. (M. Scott) for 2nd R., rem., Sir M. Bowell, Mr. Scott, 480 ; Mr. Scott, Mr. McSweeney, Sir M. Bowell, 481 ; Sir M. Bowell, 482-484 ; Mr. McSweeney, Sir M. Bowell, Mr. Ferguson, 485 ; Mr. Dandurand, M. agreed to, 486 ; M. (Mr. Scott) to postpone 2nd R., rem., Sir M. Bowell, Mr. Scott, 500 ; M. agreed to, 501 ; in Com., rem., on 2nd cl., Sir M. Bowell, Mr. Scott, Mr. Power, 502 ; Sir M. Bowell, 503 ; on 4th cl., Mr. Scott, Sir M. Bowell, 503 ; on 5th cl., Mr. Power ; on 6th cl., Mr. Power, Sir M. Bowell, 504 ; Mr. Power, Mr. Scott, 505 ; Sir M. Bowell, Mr. Scott, 506 ; on 7th cl., Sir M. Bowell, Mr. Power, 506 ; on 11th cl., Sir M. Bowell, Mr. Power ; on 12th and 14th clauses, Sir M. Bowell, 507 ; on 15th cl., Mr. Power, Sir M. Bowell ; on 16th cl., Sir M. Bowell ; on 18th cl., Mr. Scott, Sir M. Bowell, 508 ; Mr. Power, Mr. Jones, Sir M. Bowell, 510 ; Mr. Scott, Sir M. Bowell, 511 ; on subsec. u, Mr. Scott, Sir M. Bowell, 511 ; Mr. Scott, Mr. Jones, Sir M. Bowell ; on 6th cl., Sir M. Bowell, rep. from Com. (Mr. Fulford) 512 ; M. (Mr. Scott) for 3rd R., rem., Sir M. Bowell, 527 ; Mr. Scott, Sir M. Bowell M. agreed to, 528 ; R. A., 571 (c. 14).

(175) An Act respecting the Century Life Insurance Co. (Mr. Macdonald, B.C.). Int., 580 ; 2nd R.*, 641 ; 3rd R.*, 708 ; R. A., 756 (c. 104).

(176) An Act to incorporate the Canadian Transportation and Storage Co. (Mr. Perley). Int., 564 ; 2nd R.*, 641 ; rep. from Com. (Mr. Drummond) rem., Mr. Forget, Mr. McMullen, Mr. Kerr (Toronto), 989 ; M. (Mr. Kerr, Toronto) to concur in rep. of Com., rem., Sir M. Bowell, 1017 ; Mr. Young, 1018-1019 ; Mr. Scott, Mr. Kerr, M. agreed to, 1019 ; M. (Mr. Casgrain, de Lanaudière) for 3rd R., 1031 ; rem., Mr. Young, Mr. Speaker, Sir M. Bowell, Mr. Robertson, order postponed, 1032 ; M. (Mr. Kerr, Toronto) to amd., rem., Mr. Speaker, M. agreed to and 3rd R., 1150 ; R. A., 1816 (c. 101).

(177) An Act respecting the Klondike Mines Ry Co. (Mr. Young). Int., 392 ; 2nd R.*, 438 ; 3rd R.*, 475 ; R. A., 488 (c. 140).

(178) An Act respecting the encouragement of the construction of dry docks (Mr. Scott). Int., 513 ; M. for 2nd R., rem., Mr. Scott, Sir M. Bowell, Mr. Ellis, 559 ; Sir M. Bowell, Mr. Dever, Mr. Ferguson, Mr. Scott, 560 ; Mr. Ferguson, Mr. DeBoucherville, Mr. Scott, Mr. Dever, 561 ; Mr. Ellis, Mr. Perley, Sir M. Bowell, Mr. Templeman, 562 ; M. agreed to, 563 ; in Com., rem., Mr. Scott, Mr. Power, 580 ; rep. from Com. (Mr. McKay, Alma) and 3rd R., 581 ; R. A., 755 (c. 17).

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(179) An Act to amend the Act respecting the Safety of Ships (Mr. Scott). Int., 675 ; M. for 2nd R., rem., Mr. Macdonald (P.E.I.) Mr. Wood, M. agreed to, 697 ; in Com., rem., Mr. Scott, Sir M. Bowell, 713 ; Mr. Scott, Mr. Ferguson, Mr. Power, rep. from Com. (Mr. Fulford) and 3rd R., 714 ; R. A., 756 (c. 63).

(180) An Act to incorporate the Maritime Railway and Transportation Co. (Mr. Frost). Int., 759 ; M. for 2nd R., rem., Mr. Yeo, 885-887 ; Mr. Frost, Mr. Scott, 887 ; Mr. Ferguson, debate adjd., 888 ; debate resumed, Mr. Ferguson, 1143-1146 ; M. (Mr. Ferguson) 6 m. h., rem., Mr. Robertson, 1146 ; Mr. Poirier, 1147 ; debate adjd., 1149 ; debate resumed, rem., Mr. Poirier, 1150-1154 ; Mr. Macdonald (P. E. I.) 1154 ; Mr. McMullen, Mr. Ferguson, 1155-1157 ; Mr. Poirier, Mr. McGregor, 1157 ; Mr. Robertson, Mr. Scott, 1158 ; amt. adopted, c. 28, n. c. 11, p. 1159.

(182) An Act to amend Chapter 27 of the Revised Statutes respecting the Department of Public Printing and Stationery (Mr. Scott). Int., 276 ; M. to fix date for 2nd R., rem., Mr. Scott, Sir M. Bowell, 276 ; M. agreed to, 277 ; M. for 2nd R., rem., Mr. Scott, 326 ; Mr. Ferguson, Mr. Scott, 327 ; Mr. Ferguson, Mr. Scott, Sir M. Bowell, 328 ; Mr. Scott, Sir M. Bowell, 331 ; Mr. McMullen, Mr. Ellis, 332 ; Sir M. Bowell, M. agreed to, 334 ; M. (Mr. Scott) to postpone Com. stage, rem., Sir M. Bowell, M. agreed to, 429 ; in Com., rem., Mr. Scott, Sir M. Bowell, 439 ; Sir M. Bowell, 440 ; Mr. Scott, 441 ; Sir M. Bowell, 442 ; Mr. Scott, Sir M. Bowell, 443 ; on subsec. 2 of 1st cl., Sir M. Bowell, Mr. Scott, 444 ; cl. amd. and adopted, rem., Sir M. Bowell, rep. from Com. (Mr. Fulford) and amts. concurred in, 445 ; M. (Mr. Scott) for 3rd R., rem., Sir M. Bowell, 449-452 ; Mr. Scott, 452 ; Mr. Ferguson, 453 ; Mr. McMullen, 454 ; M. agreed to, 455 ; R. A., 571 (c. 50).

(183) An Act respecting the Desjardins Canal (Mr. Scott). Int., 277 ; M. for 2nd R., rem., Mr. Scott, Sir M. Bowell, 334 ; M. agreed to, 335 ; 3rd R., 355 ; R. A., 488 (c. 16).

(184) An Act to amend the Patent Act (Mr. Scott). Int., 513 ; M. for 2nd R., rem., Mr. Scott, 574 ; M. agreed to, 575 ; M. to postpone Com. stage agreed to, 713 ; in Com., rem., on 1st cl., Mr. Scott, Sir M. Bowell, Mr. Lougheed, 721 ; Mr. Scott, Mr. Lougheed, Mr. McMullen, cl. adopted, 722 ; on 2nd cl., Mr. Béique, Mr. Lougheed, Mr. Scott, 722 ; Sir M. Bowell, Mr. Béique, 723 ; Mr. Béique, Mr. Lougheed, Mr. Owens, Mr. Scott, Sir M. Bowell, 724 ; Mr. Lougheed, Mr. Scott, cl. adopted, 725; on 3rd cl. Mr. Scott ; on 6th cl., Mr. Scott, Mr. Lougheed ; on 7th cl., Mr. Scott, Mr. Lougheed, 725 ; Mr. Lougheed, Mr. Kerr (Toronto) Mr. Dandurand, Mr. Béique, 726 ; Mr. Lougheed, Mr. Scott, Mr. Kerr (Toronto) Mr. Béique, 727 ; Mr. Dandurand, Mr. Lougheed. 728 ; on 12th cl., Mr. Scott ; on 13th cl., Mr. Scott, Sir M. Bowell, cl. amd. and adopted, 728 ; on 14th cl., Mr. Béique, Mr. Lougheed, 728 ; Mr. Power, Mr. Béique, Mr. Lougheed, Sir M. Bowell, 729 ; Mr. Kerr (Toronto) Mr. Béique, 730 ; Mr. Lougheed, Mr. Béique, Mr. Kerr (Toronto) Mr. Power, 731 ; Sir M. Bowell, Mr. Scott, Mr. Power, Mr. Dandurand, progress reported (Mr. Tessier) 732 ; again in Com., rem., on 2nd cl., Mr. Béique, cl. amd. and adopted ; on 13th cl., rem., Mr. Scott, 737 ; Mr. Power, Mr. Scott, cl. adopted, 738 ; on 14th cl., Mr. Scott, Mr. Béique, 738 ; Mr. Lougheed, Mr. Scott, 739 ; Mr. Béique, Mr. Lougheed, 740 ; Mr. Béique, Mr. Scott, Mr. Lougheed, Mr. McMullen, 741 ; Mr. Scott, cl. amd. and adopted, 742; on 15th cl., Mr. Power, cl. adopted, rep. from Com. (Mr. Ellis) and amts. concurred in, 742 ; 3rd R.*, 742 ; R. A., 756 (c. 46).

(185) An Act respecting the Canada Steel Co. (Mr. Gibson). Int., 437 ; 2nd R.*, 455 ; 3rd R.*, 456 ; R. A., 488 (c. 99).

(186) An Act to amend the Inland Revenue Act (Mr. Scott). Int., 288 ; M. to fix date for 2nd R. and rem., M. agreed to, 288 ; M. for 2nd R., rem., Mr. Scott, 353 ; Mr. Ferguson, Mr. Scott, M. agreed to, 354 ; in Com., rem., on 1st cl., Mr. Scott, 364 ; on 3rd cl., Mr. Scott, Mr. Ferguson, Sir M. Bowell, 364 ; Mr. Scott, Sir M. Bowell, Mr. Landry, 365 ; Sir M. Bowell, Mr. Béique, cl. adopted, 366 ; on 4th cl., Sir M. Bowell, Mr. Ferguson, Mr. Lougheed, cl. allowed to stand, 366 ; on 5th cl., Mr Ferguson, cl. allowed to stand, 367 ; on 6th cl., Mr. Power, Mr. Ferguson, cl. allowed to stand ; progress reported (Mr. Lougheed) 367 ; M. (Mr. Scott) to postpone Com. stage, rem., Sir M. Bowell, M. agreed to, 436 ; again in Com., rem., on 3rd cl., Mr. Scott, Sir M. Bowell, Mr. Ferguson, 445 ; Mr. Scott, Mr. Macdonald (P. E.I.) Sir M. Bowell, Mr. Ferguson, 446 ; Mr. Macdonald (P.E.I.) Sir M. Bowell, cl. adopted, 447 ; on 4th cl., Mr. Ferguson,

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Mr. Scott, cl. adopted ; on 5th cl., Mr. Scott, Mr. Ferguson, Sir M. Bowell, 447 ; Mr. Scott, Sir M. Bowell, cl. adopted on div. ; on 6th cl., Mr. Power, Mr. Scott, Sir M. Bowell, cl. adopted, rep. from Com. (Mr. Ellis) 448 ; 3rd R.*, 449 ; R. A., 488 (c. 26).

(187) An Act to amend the Electric Light Inspection Act (Mr. Scott). Int., 263 ; 2nd R.*, 335 ; in Com., rep. from Com. (Mr. Watson) 353 ; 3rd R.*, 356 ; R. A., 488 (c. 20).

(188) An Act to amend the Weights and Measures Act (Mr. Scott). Int., 288 ; 2nd R., 354 ; in Com., rem., on 2nd cl., Mr. De Boucherville, Sir M. Bowell, Mr. Ferguson, 367 ; Mr. Macdonald (P.E.I.) Mr. Power, Sir M. Bowell, Mr. Scott, Mr. Ferguson, Mr. Lougheed, Mr. Ellis, cl. adopted, 368 ; on 3rd cl., Mr. Scott, 368 ; on last cl., Mr. Ferguson, Mr. Scott, Sir M. Bowell, 368 ; Mr. Scott, Mr. Landry, Sir M. Bowell, 369 ; Mr. Young, Mr. Ferguson, Mr. Lougheed, cl. adopted, 370 ; on 2nd cl., Mr. Bernier, Mr. Power, Mr. Young, 370 ; Mr. Ferguson, progress reported (Mr. Ellis) 371 ; 3rd R.*, 371 ; R. A., 488 (c. 72).

(189) An Act to incorporate the Canadian Telephone and Telegraph Co. (Mr. McMullen). Int., 742 ; 2nd R.*, 746 ; 3rd R.*, 812 ; R. A., 1816 (c. 100).

(192) An Act to enable the city of Winnipeg to utilize the Assiniboine River water power (Mr. Gibson). Int., 676 ; 2nd R.*, 709 ; 3rd R.*, 792 ; R. A., 1816 (c. 203).

(193) An Act to amend the Public Works Act (Mr. Scott). Int., 277 ; M. to fix date for 2nd R., 277, rem., Mr. Scott, Sir M. Bowell, 278 ; M. agreed to, 278 ; M. for 2nd R., rem., Mr. Scott, Sir M. Bowell, M. agreed to, 335 ; in Com., rep. from Com. (Mr. Ellis) 353 ; 3rd R.*, 356 ; R. A., 488 (c. 52).

(194) An Act respecting Infectious or Contagious Diseases affecting Animals (Mr. Scott). Int., 448 ; M. (Mr. Scott) for 2nd R., rem., Mr. Ferguson, Mr. Scott, Sir M. Bowell, 479 ; Mr. Ferguson, Mr. Scott, M. postponed, 480 ; M. for 2nd R., rem., Mr. Scott, Sir M. Bowell, 501 ; M. agreed to, 502 ; in Com., rem., on 1st cl., Mr. Scott, Mr. Macdonald (B.C.), on 2nd cl., Mr. Scott, Mr. Ferguson, Mr. Perley, 564 ; on 7th cl., Mr. Scott, Mr. Ferguson ; on 10th cl., Mr. Scott, Mr. Ferguson ; on 12th cl., Mr. Scott, Mr. Ferguson ; on 18th cl., Mr. Ferguson, Mr. Scott, 565 ; Mr. Ferguson, Mr. Scott, 566 ; Mr. Ellis, 567 ; on 19th cl., Mr. Ferguson, Mr. Scott, 567 ; Mr. Macdonald (B.C.) ; on 22nd cl., Mr. Ferguson, Mr. Scott, Mr. Templeman, Mr. Power, 568 ; Mr. Ferguson, Mr. Power, Sir M. Bowell, Mr. Scott, 569 ; on 25th cl., Mr. Ferguson, Mr. Scott, Sir M. Bowell, 571 ; on 26th cl., Mr. Ferguson, 571, Mr. Scott, Mr. Power, Mr. Ferguson, Sir M. Bowell, 572 ; Mr. Power, Mr. Scott, Sir M. Bowell ; on 30th cl., Mr. Ferguson, Mr. Scott, Sir M. Bowell, 573 ; Mr. Ferguson, Mr. Scott, Sir M. Bowell, progress reported (Mr. Béique) 574 ; in Com., rem., on 22nd cl., Mr. Scott, Mr. Ferguson ; on 29th cl., Mr. Scott, Sir M. Bowell ; on 18th cl., Mr. Ferguson, 585, 586 ; Mr. Poirier, Mr. Lougheed, Mr. Scott, Mr. Ferguson, Sir M. Bowell, 587 ; Mr. Scott, Mr. Power, Mr. Ferguson, 588 ; Mr. Lougheed, M. (Mr. Ferguson) to amd. cl., 589 ; Mr. Landerkin, Mr. Ferguson, Mr. Power, Mr. McMullen, 590 ; Sir M. Bowell, Mr. Power, Mr. Ferguson, amt. rejected 591 ; M. (Mr. Power) to amd., rem., Mr. Dever, 591 ; amt. agreed to, 592 ; on 33rd cl., rem., Mr. Macdonald (P.E.I.) Mr. Scott, cl. amd. and adopted, 592 ; M. (Mr. Ferguson) to reconsider and amd. clauses 11 and 12, rem., Mr. Ferguson, Mr. Scott, Mr. Dandurand, 592 ; Mr. Lougheed, Mr. Ferguson, Mr. Dandurand, Mr. Power, Mr. Scott, 593 ; Mr. Lougheed, Mr. Dandurand, Mr. Scott, Mr. Ferguson, 594 ; Mr. Scott, Mr. McMullen, Sir M. Bowell, Mr. Power, Mr. Lougheed, amt. rejected, 595 ; on subcl., 6, rem., Mr. McMullen, 595 ; Mr. Power, Mr. Lougheed, Mr. McHugh, Mr. Scott, Sir M. Bowell, 596 ; M. (Mr. Ferguson) to reconsider 7th cl., rem., Mr. Scott, Mr. Ferguson, 596 ; Mr. Scott, Mr. Ferguson, Mr. Power, M. rejected, rep. from Com. (Mr. Béique) and amts. concurred in, 597 ; 3rd R.*, 677 ; R. A., 756 (c. 11).

(198) An Act Respecting Penny Banks (Mr. Scott). Int. and M. for 2nd R., 1027 ; rem., Mr. Scott, 1027 ; Sir M. Bowell, M. agreed to, 1028 ; 2nd R., 1079 ; in Com., rem., Mr. Scott, rep. from Com. (Mr. Young) and 3rd R., 1102 ; R. A., 1816 (c. 47).

(199) An Act respecting the Good Shepherd Reformatory in the city of St. John, N.B. (Mr. Scott). Int., 437 ; M. (Mr. Scott) for 2nd R., rem., Mr. Scott, Mr. Ferguson, Mr. Ellis, Mr. Speaker, M. agreed to, 455 ; 3rd R.*, 475 ; R. A., 488 (c. 25).

(201) An Act to provide for further advances to the Harbour Commissioners of

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Montreal (Mr. Scott). Int., 513 ; M. for 2nd R., rem., Mr. Scott, Sir M. Bowell, 531 ; Mr. Dandurand, Mr. Macdonald (P.E. I) Mr. Scott, Sir M. Bowell, 532 ; Mr. Macdonald (P.E.I.) Mr. Scott, Mr. Ellis, 533 ; Mr. McMullen, Mr. Ferguson, 534 ; Mr. McGregor, Sir M. Bowell, Mr. Scott, 535 ; M. agreed to, 536 ; in Com., rem., Mr. Scott, Sir M. Bowell, 552 ; on 3rd cl., Mr. Ferguson, Mr. Scott, 552 ; rep. from Com. (Sir A. Pelletier) and 3rd R., 553 ; R. A., 571 (c. 36).

(203) An Act respecting the Toronto, Hamilton and Buffalo Ry. Co. (Mr. Landerkin). Int., 580 ; 2nd R., 635 ; 3rd R.*, 677 ; R. A., 756 (c. 197).

(206) An Act for granting to H. M. certain sums of money for the pub. service for the financial year ending 30th June 1903 (Mr. Scott). Int., 471 ; M. (Mr. Scott) for 2nd R., rem., Sir M. Bowell, 471 ; Mr. Ferguson, 472 ; Sir M. Bowell, Mr. Scott, M. agreed to, 473 ; M. (Mr. Scott) for 3rd R., rem., Sir M. Bowell, 475 ; Mr. Scott, Sir M. Bowell, Mr. Watson, 476 ; Mr. Landry, Mr. Scott, Mr. Ferguson, 477 ; Mr. Scott, Sir M. Bowell, 478 ; Mr. Macdonald (B.C.) M. agreed to. 479 ; R. A., 489 (c. 1).

(207) An Act to prohibit the importation, manufacture or sale of adulterated, process or renovated butter, oleomargarine, butterine or other substitute for butter, and to prevent the improper marking of butter (Mr. Scott). Int., 513 ; M. (Mr. Scott) for 2nd R. and rem., 597 ; Mr. Ferguson, 598 ; Mr. Perley, 599 ; M. agreed to, 600 ; in Com., rem. on 2nd cl., Mr. Scott, 635 ; Sir M. Bowell, 636 ; Mr. Scott, 637 ; Mr. Scott, Mr. Sullivan, Mr. McGregor, Mr. Perley, 638 ; Mr. McMillan, Mr. Power, Mr. Macdonald (P.E.I) 639 ; Mr. Perley, Sir M. Bowell, Mr. Macdonald (P.E.I.) Mr. Sullivan, Mr. Power, Mr. Scott, Sir M. Bowell, cl. adopted, 640 ; on 3rd cl., Mr. Scott, 640 ; on 4th cl., Mr. Sullivan ; on 5th cl., Mr. McGregor, Mr. Scott, Sir M. Bowell, progress reported (Mr. Fulford) 641 ; again in Com., rem., on 9th cl., Mr. Perley, Mr. Power, Mr. Scott, 643 ; Mr. Perley, Mr. Power, Mr. McMullen, Mr. Scott, Mr. Landerkin, cl. am'd and agreed to, rep. from Com. and amts. concurred in 644 ; 3rd R.*, 645 ; R. A., 756 (c. 6).

(208) An Act to amend the P. O. Act (Mr. Templeman). Int., 537 ; M. (Mr. Templeman) for 2nd R. and rem., Sir M. Bowell, 600 ; Mr. Templeman, Sir M. Bowell, Mr. Macdonald (P.E.I) 601 ; Mr. Ferguson, 602 ; M. agreed to, 603 ; in Com., rem., Sir M. Bowell, 645 ; Mr. Templeman, Sir M. Bowell, Mr. Scott, 646 ; Sir M. Bowell, on cl. 4, Mr. Templeman, Sir M. Bowell ; on 6th cl., Sir M. Bowell, Mr. Templeman, 647 ; Mr. Ferguson, Mr. Templeman, Mr. Macdonald (P.E.I.) 648 ; Sir M. Bowell, Mr. Templeman ; on 9th cl., Mr. Ellis, 649 ; Mr. Templeman, Sir M. Bowell, 650 ; Mr. Templeman, Sir M. Bowell, 651 ; Mr. Templeman, Mr. Ferguson, 652 ; Mr. Ellis, Mr. Templeman, Sir M. Bowell, 653 ; progress reported (Mr. Tessier) 654 ;again in Com., rem., Mr. Templeman, Mr. Ferguson, 709 ; Mr. Templeman, Mr. Ferguson, 710 ; Mr. Scott, 711 ; Mr. Ferguson, Mr. Ellis, Mr. Macdonald (B.C.) Sir M. Bowell, 712 ; rep. from Com. (Mr. McKean) and 3rd R., 713 ; R. A., 756 (c. 49).

(209) An Act respecting certain aid for the extension of the Canadian Northern Ry. (Mr. Scott). Int. 513 ; M. for 2nd R., rem., Mr. Scott, Mr. Macdonald (P.E.I.) Mr. Ferguson, Sir M. Bowell, 536 ; M. agreed to, 537 ; M. (Mr. Scott) to ref. B. to Com. of the Whole, rem., Mr. Scott, 541 ; Sir M. Bowell, 542-544 ; Mr. Macdonald (B.C.) 544 ; Mr. McMullen, 545 ; Mr. Ferguson, 546-548 ; M. agreed to, in Com., rem., Sir M. Bowell, Mr. Macdonald (P.E.I) 548 ; Mr. Scott, 549 ; Mr. Ellis, Mr. Dandurand, Mr. Béique, 550 ; on 6th cl., Mr. Scott, 550 ; Mr. Ferguson, Mr. Scott, 551 ; on 8th cl., Mr. Scott, Mr. Ferguson, Mr. Béique, Sir M. Bowell, 551 ; rep. from Com. (Mr. Tessier) and 3rd R., 552 ; R. A., 488 (c. 7).

(211) An Act respecting the Nicola, Kamloops and Similkameen Coal and Ry. Co. (Mr. Templeman). Int., 623 ; 2nd R.*, 742 ; 3rd R.*, 1172 ; R. A., 1816 (c. 164).

(212) An Act to incorporate the Alliance Bank of Canada (Mr. Domville). Int., 736 ; 2nd R.*, 742 ; 3rd R.*, 807 ; R. A., 1816 (c. 79).

(218) An Act for granting to His Majesty certain sums of money for the public service for the financial years ending respectively 30th June, 1903, and the 30th June, 1904. Int., 538 ; M. (Mr. Scott) to suspend rule ; rem., Mr. Scott, Mr. Ferguson, 538 ; Mr. Ferguson, M. agreed to, 539 ; M. for 2nd R., rem., Sir M. Bowell, 563 ; M. agreed to and 3rd R., 564 ; R. A., 571 (c. 2).

(220) An Act respecting Government and Post Office Savings Banks (Mr. Scott). Int., 675 ; 2nd R., 697 ; in Com., rem., Mr. Fer-

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guson, Mr. Scott, 714 ; rep. from Com. (Mr. Ellis) and 3rd R., 715 ; R. A., 756 (c. 62).

(221) An Act further to amd. the Act respecting Public and Reformatory Prisons (Mr. Scott). Int., 746 ; 2nd R., 760 ; 3rd R.*, 775 ; R. A., 1816 (c. 51).

(222) An Act respecting Dominion Notes (Mr. Scott). Int., 675 ; M. to fix date for 2nd R., 675 ; rem., Sir M. Bowell, Mr. Scott, M. agreed to 676 ; M. for 2nd R., rem., Mr. Ferguson, Sir M. Bowell, 698 ; Mr. Scott, Sir M. Bowell, Mr. Ellis, Mr. Ferguson, M. agreed to, 699 ; in Com. rem., on 2nd cl., Mr. Macdonald (B.C.) Mr. Scott, Mr. Ferguson ; on 7th cl., Mr. Scott, Sir M. Bowell, Mr. Ferguson, rep. from Com. (Mr. Fulford) and 3rd R., 715 ; R. A., 756 (c. 43).

(223) An Act to amd. the Act of 1899 respecting the City of Ottawa (Mr. Scott). Int., 676 ; M. to fix date for 2nd R., rem., Mr. Scott, Mr. Ferguson, Sir M. Bowell, M. agreed to, 676 ; M. for 2nd R., rem., Mr. Scott, Sir M. Bowell, 699 ; Mr. Scott, Mr. Gibson, M. agreed to, 700 ; in Com., rem., on 1st cl., Mr. Scott, Sir M. Bowell, 716 ; Mr. Power, Mr. Macdonald (P.E.I.) rep. from Com. (Mr. Lougheed) and 3rd R., 717 ; R. A., 756 (c. 45).

(224) An Act to amend the Fisheries Act (Mr. Templeman). Int., 676 ; M. for 2nd R., rem., Mr. Templeman, Mr. Macdonald (B. C.) 700 ; Mr. Templeman, 701 ; Mr. Macdonald (B.C.) Mr. Ferguson, 702 ; Mr. Macdonald (B. C.) Mr. Ferguson,. Mr. Templeman, 703 ; Mr. Ferguson, Mr. Templeman, Sir M. Bowell, 704; Sir M. Bowell, 705 ; Mr. Ellis, Mr. Macdonald (P.E.I.) M. agreed to, 706 ; in Com., rem., on 1st cl., Mr. Templeman, 717 ; Mr. Power, Sir M. Bowell, Mr. Ferguson, 718 ; Mr. DeBoucherville, Mr. Macdonald (B.C.) Mr. Templeman, 719 ; Mr. Macdonald (P.E.I.) Mr. Ellis, Mr. Domville, Sir M. Bowell, Mr. Templeman, 720 ; rep. from Com. (Mr. Dandurand) and 3rd R., 721 ; R. A., 756 (c. 23).

(225) An Act to amend the Steamboat Inspection Act, 1898 (Mr. Templeman). Int., 676 ; M. for 2nd R., rem., Mr. Templeman, Mr. Macdonald (B.C.) 706 ; Mr. Ferguson, Sir M. Bowell, M. agreed to, 707 ; in Com., rem., Mr. Templeman, rep. from Com. (Mr. Ellis) and 3rd R. 736 ; R. A., 756 (c. 67).

(226) An Act to amend the Act respecting certificates to Masters and Mates of Ships (Mr. Templeman). Int., 676 ; M. for 2nd

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R., rem., Mr. Templeman, Sir M. Bowell, 707 ; Mr. Macdonald (P.E.I) Mr. Wood, Mr. Templeman, Mr. Ferguson, M. agreed to, 708 ; Com. stage postponed, 721 ; 746 ; in Com., rem., Mr. Templeman, 772 ; Sir M. Bowell, 773 ; Mr. Templeman, Mr. Power, Mr. Ellis, Sir M. Bowell, 774 ; rep. from Com. (Mr. Young) and amts. concurred in, 775 ; 3rd R.*, 807 ; R. A. (c. 34). curred in, 775 ; 3rd R.*, 807 ; R. A., 1816 (c. 34).

231) An Act to confer on the Commissioner of Patents certain powers for the relief of the Keller Heater Company of Canada (Mr. Dandurand). Int., 747 ; M. (Mr. Watson) for 2nd R., rem., Mr. Ferguson, Mr. Young, 807 ; Mr. Ferguson, M. agreed to, 808 ; 3rd R.*, 890 ; R. A., 1816 (c. 137).

(232) An Act to amend the Man. Grain Act, 1900 (Mr. Scott). Int., 951 ; M. (Mr. Scott) 2nd R., rem., Mr. Perley, Mr. Scott, 1026, M. agreed to, 1027 ; N. of amt. (Mr. Young) rem., Mr. Lougheed, Mr. Young, 1031 ; in Com., on 5th cl. M. (Mr. Young) to amd. agreed to ; on 62nd cl., rem., Mr. Watson, Mr. Scott, 1075 ; Mr. Young, Mr. Scott, Mr. Watson, Mr. Béique, cl. adopted ; on 58th cl. M. (Mr. Perley) to amd., rem., Mr. Scott, Mr. Perley, 1076 ; Mr. Scott, Mr. Young, Mr. Watson, Mr. Perley, 1077 ; Mr. Young, Mr. Perley, Mr. Scott, Mr. Sullivan, Mr. Watson, M. agreed to ; rep. from Com. (Mr. Tessier) and 3rd R., 1078 ; M. (Mr. Templeman) to concur in Commons amts., 1708 ; rem., Mr. Young, 1708-1710 ; R. A., 1816 (c. 33).

(233) An Act respecting the manufacture of Binder Twine in Canada (Mr. Scott). Int., 747 ; M. to fix date for 2nd R., rem., Mr. Scott, Sir M. Bowell, 747 ; Mr. Scott, Sir M. Bowell, 748; Mr. Watson, M. agreed to, 749; M. for 2nd R., rem., Mr. Scott, Sir M. Bowell, 760 ; Mr. Scott, Mr. Frost, Mr. McMullen, 761 ; Mr. Edwards, 762 ; Sir M. Bowell, 763-765 ; Mr. Watson, 765 ; Mr. McMullen, 766-767 ; Mr. Cloran, Mr, Béique, 768 ; M. agreed to, 769 ; in Com., rem., Mr. Perley, Mr. Scott, rep. from Com. (Mr. Ellis) and 3rd R.*, 775 ; R. A., 1816 (c. 5).

(235) An Act respecting the Construction of the National Transcontinental Ry. (Mr. Scott). Int., 1179 ; M. for 2nd R., rem., Mr. Scott, 1355-1365 ; debate adjd. (Mr. Scott) 1365 ; debate resumed, Mr. Scott, 1368-1374 ; Sir M. Bowell, 1374-1384 ; Mr. Casgrain (de Lanaudière) 1384-1394 ; Mr. Bolduc, 1394-1406 ; Mr. Cox, 1406-1408 ; Mr. Lougheed, 1408-1421 ; Mr. Frost, 1421-

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1430 ; Mr. Wood, 1430-1441 ; Mr. King, 1441-1454 ; Mr. Perley, 1454-1467 ; Mr. Scott, Sir M. Bowell, 1467 ; Mr. McSweeney, 1468-1472 ; Mr. Vidal, 1472-1478 ; Mr. McGregor, 1478-1484 ; deb. adjd. (Mr. Landry) 1484 ; deb. resumed, Mr. Ferguson, 1486-1522 ; M. to postpone 2nd R., 1522 ; rem., Mr. McMullen, 1522-1538 ; Mr. Baird, 1538-1541 ; Mr. Dever, 1541-1543 ; Mr. De Boucherville, 1543-1545 ; Mr. Dandurand, 1545-1550 ; deb. adjd. (Mr. Landry) 1550 ; deb. resumed, Mr. Tessier, 1551-1553 ; Mr. Landry, 1553-1583 ; Sir M. Bowell, 1583 ; Mr. Cloran, 1583-1590 ; Mr. Legris, 1590-1594 ; amt. rejectd, c. 14, n. c. 21, p. 1594 ; rem., Mr. Cox, Mr. McMullen, Mr. Watson, M. agreed to, 1595 ; in Com., rem., on 2nd cl., Mr. Ferguson, 1599 ; Mr. Macdonald (P.E.I.) 1599-1605 ; Mr. Watson, 1605-1623 ; Mr. Perley, 1623-1625 ; Mr. Power, 1625-1635 ; Mr. DeBoucherville, 1635 ; Mr. Ellis, 1635-1644; Mr. Owens, 1644-1648; Mr. Dever, 1648 ; Mr. Béique, 1649-1662 ; Mr. Ferguson, 1664-1668 ; Sir M. Bowell, 1668-1676 ; Mr. Edwards, 1676 ; Mr. Ferguson, progress reported (Mr. Ellis) 1677 ; again in Com., rem. on 33rd cl., Sir M. Bowell, Mr. Scott, 1686 ; rep. from Com. (Mr. Ellis) M. (Mr. Scott) for 3rd R., rem., Mr. McMullen, 1687 ; Sir M. Bowell, M. agreed to, 1688 ; R. A., 1816 (c. 71).

(238) An Act to amd. Chapter 8 of the Statutes of 1899 respecting bounties on steel and Iron and to provide for the payment of bounties on certain articles manufactured from steel (Mr. Scott). Int., 1028 ; M. (Mr. Scott) for 2nd R., rem., Sir M. Bowell, 1079-1081 ; Mr. Casgrain (de Lanaudière) 1081 ; Mr. McGregor, Sir M. Bowell, Mr. Scott, Mr. Ellis, 1082 ; Sir M. Bowell, Mr. Béique, 1083 ; Mr. David, 1084; M. agreed to, 1085 ; in Com., rem., Mr. Ellis, 1102-1103 ; Mr. Scott, Mr. McMullen, 1104 ; Mr. Edwards, 1105 ; Mr. McMullen, 1106; Mr. Edwards, Sir M. Bowell, 1107 ; Mr. Templeman, Sir M. Bowell, 1108 ; rep. from Com. (Mr. McKay, Truro) and 3rd R., 1109 ; R. A., 1816 (c. 68).

(239) An Act to provide for the payment of bounties on lead contained in lead-bearing ores mined in Canada (Mr. Templeman). Int., 1028 ; M. for 2nd R., rem., Mr. Templeman, 1085-1087 ; Sir M. Bowell, 1087 ; Mr. Templeman, Sir M. Bowell, 1088 ; M. agreed to, 1089 ; in Com., rem., Sir M. Bowell, 1109 ; Mr. Templeman, Sir M. Bowell, Mr. Macdonald (P.E.I.) 1110 ; Mr. Macdonald (P.E.I) Mr. Templeman, 1111 ; Sir M. Bowell, 1112-1114 ; Mr. Templeman, 1114 ; Sir M. Bowell, Mr. Templeman, 1115 ; Sir M. Bowell, 1116 ; Mr. Macdonald (P.E.I.) Mr. McSweeney, on 3rd cl., Sir M. Bowell, Mr. Templeman, 1017 ; on 4th cl., Mr. Templeman, Sir M. Bowell, Mr. Macdonald (P.E.I) 1119 ; rep. from Com. (Mr. Thompson) and 3rd R., 1119 ; R. A., 1816 (c. 31).

(240) An Act to assist in establishing and maintaining an independent foreign service of telegraphic news from G. B. for publication in the Canadian press (Mr. Templeman). Int., M. (Mr. Templeman) for 2nd R., rem., Mr. Templeman, 1028 ; Mr. Ellis, Sir M. Bowell, 1029 ; Mr. Templeman, 1030 ; 2nd R.*, 1089 ; in Com., rem., Mr. Templeman, Mr. Power, Sir M. Bowell, 1119 ; Mr. Ellis, 1120 ; Mr. Macdonald (P.E.I) rep. from Com. (Mr. Watson) and 3rd R., 1121 ; R. A., 1816 (c. 70).

(241) An Act for granting to H. M. certains sums of money for the public service for the financial year ending 30th June 1903 (Mr. Scott). Int. and M. to fix date for 2nd R., rem., Mr. Scott, Sir M. Bowell, 751 ; Mr. Scott, Sir M. Bowell, M. agreed to, 752 ; M. for 2nd R., rem., Mr. Scott, Sir M. Bowell, M. agreed to and 3rd R., 755 ; R. A., 756 (c. 3).

(242) An Act to amend the Mounted Police Act, 1894 (Mr. Scott). Int., 1030 ; 2nd R.*, 1089 ; 3rd R.*, 1122 ; R. A., 1816 (c. 37).

(243) An Act to amd. the Supreme and Exchequer Court Act and the Act respecting Judges of Provincial Courts (Mr. Scott). Int. and M. to fix date for 2nd R., rem., Mr. Scott, Mr. Sullivan, 749 ; Mr. Scott, Sir M. Bowell, 750 ; Mr. Dandurand, M. agreed to, 751 ; 2nd R. called and postponed, 1016, 1027 ; M. for 2nd R., rem., Mr. Scott, 1172 ; Sir M. Bowell, 1173-1175 ; Mr. Béique, 1175 ; Mr. Scott, Mr. Ferguson, 1176 ; M. agreed to, 1177 ; in Com. on 1st cl., rem., Mr. Power, Mr. Scott, 1234 ; M. (Mr. Scott) to strike out 2nd cl., rem., Sir M. Bowell, 1234-1236 ; Mr. Scott, 1236 ; Mr. Miller, 1237 ; Mr. Chairman (Mr. Ellis), Mr. Landry, Mr. Power, Sir M. Bowell, Mr. Dandurand, 1233 ; Mr. Landry, 1239-1241 ; Mr. Scott, Sir M. Bowell, 1241 ; Mr. Béique, 1242-1244 ; Mr. Bernier, Mr. Landry, 1244 ; Mr. Scott, Mr. Landry, 1245 ; Sir M. Bowell, 1246 ; Mr. Béique, Mr. Landry, 1247 ; Mr. Scott, 1248 ; Mr. Landry, rep. from Com. (Mr. Ellis) 1249 ; Mr. Speaker, 1249-1251 ; M. (Mr. Dandurand) that Spkr's. ruling be not concurred in, 1252 ; rem., Mr. Dandurand, Mr. Landry, Mr. Speaker, Mr. Lougheed, Sir M. Bowell, 1252 ; M. agreed to, c. 30, n.c. 20, rem., Mr. Speaker, Sir A. Pelletier, Mr. Lougheed, 1253; Sir M.

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(244) An Act respecting the Western Association Co. Int., 1031 ; 2nd R.*, 1102 ; 3rd R.*, 1198 ; R. A., 1816 (c. 201).

(250) An Act to amend the Act respecting the Judges of Provincial Courts (Mr. Scott). Int., M. for 2nd R., rem., Mr. Scott, Sir M. Bowell, 1031 ; Sir M. Bowell, 1089 ; M. agreed to, 1090 ; in Com., rem., Mr. Scott, Mr. Power, Mr. Ellis, 1122 ; Mr. McDonald (C.B.), Sir M. Bowell, 1123 ; on 2nd cl., Sir M. Bowell, 1124 ; Mr. Templeman, Mr. Scott, rep. from Com. (Mr. Young), 1125 ; M. for 3rd R., rem., Mr. Sullivan, 1132-1136 ; Mr. Miller, 1136 ; Sir M. Bowell, 1137-1142 ; Mr. Cloran, 1142 ; Mr. Landry, Mr. Cloran, M. agreed to on division and B. read 3rd time and passed, 1143 ; R. A., 1816 (c. 27).

(252) An Act to amend the Act relating to Ocean SS. subsidies (Mr. Scott). Int., 1172 ; M. for 2nd R., rem., Mr. Scott, Sir M. Bowell, 1177 ; Mr. Dandurand, 1178 ; M. agreed to, 1179 ; M. for 3rd R., rem., Mr. Scott, Mr. Landry, 1280 ; Mr. Scott, Sir M. Bowell, House in Com., rem. on 1st cl., Mr. Landry, Mr. Cloran, Mr. Scott, 1281 ; Mr. Landry, 1282-1284 ; Mr. Scott, Mr. Landry, 1234 ; Mr. Cloran, Mr. Landry, 1285-1288 ; Mr. Scott, Mr. Landry, 1288-1290 ; rep. from Com. (Mr. Young) and 3rd R., 1290 ; R. A., 1816 (c. 44).

(253) An Act to increase the representation of the North-west Territories in the Senate (Mr. Scott). Int., 1128 ; M. for 2nd R., rem., Mr. Scott, 1170 ; Sir M. Bowell, Mr. Lougheed, 1171 ; Mr. Landry, M. agreed to, 1172 ; 3rd R.*, 1177 ; R. A., 1816 (c. 42).

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(254) An Act further to amend the Yukon Territory Act (Mr. Scott). Int., 1128 ; 2nd R., 1159 ; 3rd R.*, 1177 ; R. A., 1816 (c. 74).

(255) An Act further to amend the Act respecting the Judges of Provincial Courts (Mr. Scott). Int., 1129 ; M. for 2nd R., 1223 ; rem., Mr. Ferguson, Mr. Scott, 1224 ; Sir M. Bowell, 1224-1226 ; Mr. Scott, Mr. Baker, 1226 ; Mr. Béique, Mr. Baker, 1227 ; Mr. Ferguson, 1228-1233 ; Mr. Dandurand, 1233 ; M. agreed to, 1234 ; in Com., rem., Mr. Scott, Sir M. Bowell, rep. from Com. (Mr. Young) and 3rd R., 1311 ; R. A., 1816 (c. 28).

(256) An Act to provide for advances to the government of the North-west Territories (Mr. Scott). Int., 1194 ; 2nd R., 1308 ; on 3rd R., rem., Mr. Lougheed, 1311-1316 ; Mr. Scott, 1316-1318 ; Mr. Perley, 1318-1320 ; Mr. McMullen, 1320 ; Mr. Lougheed, Mr. McMullen, Mr. Watson, 1321-1323 ; Sir M. Bowell, 1323-1327; Mr. Ellis, Mr. Lougheed, 1327 ; Mr. Ellis, Mr. Landry, Mr. Templeman, M. agreed to, 1328 ; R. A., 1816 (c. 41).

(257) An Act to amend the Civil Service Act (Mr. Templeman). Int., 1500 ; 2nd R., rem., Mr. Templeman, Sir M. Bowell, Mr. Scott, 1711 ; in Com., rem. on 1st cl., Mr. Scott, Sir M. Bowell ; on 2nd cl., Mr. Power, 1721 ; Sir M. Bowell, Mr. Scott, on 3rd cl., Mr. Power, Mr. Scott, 1722 ; Mr. Templeman, Mr. Macdonald (P.E.I.) ; on 6th cl., Mr. Power, Sir M. Bowell, 1723 ; on 7th cl., Mr. Templeman, Sir M. Bowell, Mr. Power, Mr. Macdonald (P.E.I.), 1724 ; on 8th cl., Mr. Scott, Mr. Ellis, 1725 ; Mr. Power, Sir M. Bowell, 1726 ; Mr. Scott, Sir M. Bowell ; on subcl. d, Mr. Macdonald (P.E.I.), Mr. Scott ; on subcl. 4, Mr. Scott, Sir M. Bowell, Mr. Landry, 1727 ; on 15th cl., Mr. Macdonald (P.E.I.), Mr. Scott, Mr. Ellis, prog. reptd. (Mr. Thibaudeau) 1728 ; on 20th cl., Sir M. Bowell, Mr. Scott, 1729; on 21st cl., Sir M. Bowell, Mr. Scott, 1730 ; Mr. Macdonald (P.E.I.), 1731 ; on 22nd cl., Sir M. Bowell, Mr. Scott, 1731 ; Mr. McMullen, 1732 ; rep. from Com. (Mr. Thibaudeau, La Vallière), and 3rd R., 1733 ; R. A., 1817 (c. 9).

(258) An Act to amend the Act respecting the Department of Rys. and Canals (Mr. Scott). Int., 1194 ; M. (Mr. Scott) for 2nd R., 1308 ; rem., Sir M. Bowell, M. agreed to, 3rd R., 1309 ; R. A., 1816 (c. 59).

(259) An Act to amend the North-west Territories Act (Mr. Scott). Int., 1677 ; 2nd R., 1713 ; in Com., rem., Mr. Scott, rep. from Com. (Mr. Dever) and 3rd R., 1735 ; R. A., 1817 (c. 40).

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(261) An Act respecting the Pilotage District of Montreal and the Port and Pilotage District of Quebec (Mr. Templeman). Int., 1500 ; 2nd R., rem., Mr. Scott, Mr. Forget, Mr. Templeman, 1711 ; Mr. Tessier, Mr. Forget, Mr. Templeman, Mr. Landry, 1712 ; Mr. Tessier, Mr. Landry, Mr. Young, Mr. Templeman, in Com. rem., Sir M. Bowell, Mr. Casgrain (de Lanaudière), 1733 ; Mr. Landry, Mr. Scott, Mr. Tessier, Mr. Casgrain (de Lanaudière), 1734 ; Mr. Landry, rep. from Com. (Mr. Kerr, Toronto) and 3rd R., 1735 ; R. A., 1816 (c. 48).

(262) An Act to amend the Act respecting the Harbour of North Sydney, in N.S. (Mr. Scott). Int., 1194 ; 2nd R., 1308 ; on Com. stage, rem., Mr. Scott, Sir M. Bowell Mr. Landry, 1323 ; rep. from Com. (Mr. Ellis) and 3rd R., 1329 ; R. A., 1816 (c. 39).

(263) An Act to amend the Shipping Casualties Act, 1901 (Mr. Templeman). Int., 1421 ; 2nd R., rem., Mr. Templeman, 1707 ; Sir M. Bowell, Mr. Ellis, 1708 ; in Com., on 8th cl., Mr. Scott, Mr. Macdonald (P.E.I.), Mr. Power, 1719, Mr. Templeman, Mr. Macdonald (P.E.I.), 1720 ; Mr. Ellis, Mr. Templeman, rep. from Com. (Mr. Watson) and 3rd R., 1721 ; R. A., 1816 (c. 64).

(265) An Act respecting the Rev. Statutes of Canada (Mr. Scott). Int., 1677 ; 2nd R., 1714 ; in Com., rem., Mr. Scott, 1735 ; on 2nd cl., Sir M. Bowell, Mr. Scott, Mr. Power, 1736 ; on 5th cl., Mr. Béique, rep. from Com. (Mr. Landry) and 3rd R., 1737 ; R. A., 1817 (c. 61).

(266) An Act further to amend the General Inspection Act (Mr. Templeman). Int., 1677 ; 2nd R., rem., Mr. Templeman, Mr. Young, 1714 ; in Com., rem., Mr. Young, Mr. Scott, Mr. Landry, Mr. Macdonald (P. E.I.), rep. from Com., Mr. Thibaudeau (Rigaud) and 3rd R., 1737 ; R. A., 1817 (c. 24).

(267) An Act respecting the Librarians of Parliament (Mr. Templeman). Int., 1677 ; 2nd R., 1714 ; in Com., rem., Mr. Templeman, Mr. Landry, 1737 ; Mr. Templeman, Mr. Scott, Mr. Power ; on 2nd cl., Mr. Power, Sir M. Bowell, 1738 ; Mr. Landry, Mr. Power, Sir M. Bowell, rep. from Com. (Mr. Macdonald, P.E.I.) and 3rd R., 1739 ; R. A., 1817 (c. 32).

(268) An Act respecting the Registrar of the Supreme Court (Mr. Scott). Int. and 2nd R., 1714 ; in Com., rem., Mr. Scott, Mr. Forget, 1739 ; on 2nd cl., Mr. Macdonald (P.E.I.), Sir M. Bowell, Mr. Scott, rep. from Com. (Mr. Edwards) and 3rd R., 1740 ; R. A., 1817 (c. 69).

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(269) An Act respecting the management and control of Public and other Works (Mr. Scott). Int. and M. for 2nd R., rem., Sir M. Bowell, 1766 ; Mr. Scott, 1767 ; Mr. Macdonald (P.E.I.), Mr. Ellis, M. agreed to, 3rd R., 1768 ; R. A., 1817 (c. 53).

(270) An Act to authorize the granting of subsidies in aid of the construction of the lines of Ry. therein mentioned (Mr. Scott) Int. and 2nd R., 1770 ; M. for 2nd R., 1777; rem., Mr. Landry, 1777-1782 ; Mr. DeBoucherville, Mr. Scott, Mr. Templeman, 1782; Sir M. Bowell, 1783-1787 ; Mr. Scott, Sir M. Bowell, Mr. Watson, 1787 ; Sir M. Bowell, Mr. Watson, 1788 ; Mr. Scott, 1788-1789, Sir M. Bowell, 1790, M. agreed to and 3rd R., 1791 ; R. A., 1817 (c. 57).

(271) An Act for granting to H.M. certain sums of money for the public service for the fiscal year ending 30th June 1904 (Mr. Scott). Int. and M. for 2nd R., rem., Sir M. Bowell, 1791-1799 ; Mr. Edwards, 1799-1801 ; Mr. Landry, 1801-1805; Sir M. Bowell, 1805 ; Mr. Scott, 1806 ; Sir M. Bowell, M. agreed to and 3rd R., 1807 ; R. A., 1817 (c. 4).

(272) An Act to authorize aid to the Quebec Bridge and Ry. Co. towards the completion of its undertaking and to confirm an agreement between H.M. and the said Co. with respect to such aid (Mr. Scott). Int., M. for 2nd R., rem., Mr. Landry, Mr. Thibaudeau (Rigaud), Mr. Speaker, Mr. DeBoucherville, 1770 ; Mr. Landry, Mr. Watson, 1771 ; Mr. Scott, 1807 ; Mr. Landry, 1808-1812 ; Sir M. Bowell, 1812-1814 ; M. agreed to and 3rd R., 1814 ; R. A., 1817 (c. 54).

(273) An Act to amend the Customs Tariff Act (Mr. Scott). Int. and M. for 2nd R., 1768 ; rem., Sir M. Bowell, Mr. Scott, Mr. Landry, 1769 ; M. agreed to, 1770 ; in Com. rem., Sir M. Bowell, 1771-1774 ; Mr. Scott, Sir M. Bowell, 1774 ; Mr. Edwards, rep. from Com. (Mr. Young) and 3rd R., 1776 ; R. A., 1817 (c. 15).

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