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(M.G. 26, I, Volume 193)

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123022

Ottawa, Ontario.
April 9, 1925.

10 A

Dear Mr. Justice Sevigny:

Some time ago Mr. Meighen asked me to send you a copy of the address which he delivered in Montreal on the subject of "The Greatest Englishman of History", and I believe I overlooked doing so. His letter to you today just recalled it to my mind. I now have pleasure in enclosing the copy to you.

Yours very truly,

Private Secretary.

His Honour, Mr. Chief Justice Sevigny,
Superior Court,
Quebec, P. Q.

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123023
10

Ottawa, Ontario.
April 10, 1935.

My dear Mr. Nickle:

I forgot yesterday to thank you for the Cumberland Clark book. Have read it with the very greatest interest.

I cannot be brought to agree as to the division of responsibility for different parts of Henry VIII., on the basis of the reasons adduced in this book. The reasons do not impress me very much and I prefer to be guided by the distinctive qualities of the different parts themselves, from the standpoint of their literary worth. Cumberland Clark denies to Shakespeare what seem to me by far the most clearly Shakespearian portions of the play.

However, I am awfully glad to have had the book to read and thank you warmly for lending it. It goes back today.

Yours very truly,

W. F. Nickle, Esq., K. C.,
Kingston, Ont.

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123024

Ottawa, Ontario,
April 15, 1935.

10 A

Dear Sir:

I have your letter of 8th and have great pleasure in sending you another copy of "The Greatest Englishman in History." Am adding indeed an additional on so that you can give it to a friend if you desire.

Yours very truly,

Arthur Meighen.

Mr. Leonard E. Boucher,
School Principal,
East Clover Bar H. S.,
Bremner, Alta.

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123025

Bremner, Alta.,
April 8th/35.

Rt. Hon. Senator Meighen,
Ottawa.

Dear Mr. Meighen:

On several occasions in past years I have written you, mostly for information, and I have appreciated very greatly the courtesy of your replies.

On this occasion I may say that I am so deeply interested in that recent address you gave on "The Greatest Englishman, — Wm Shakespeare," that I thought I might possibly secure from you an autographed copy for my souvenir collection. Is this asking too much?

I do not wish to appear a flatterer but I have been, and still am a very enthusiastic admirer of you.

Please do not construe this as a bid for publicity.

Sincerely,
Leonard E. Boucher
School Principal
East Clover Bar H.S.
Bremner, Alta.

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123026

Ottawa, Ontario,
April 16, 1935.

10 A

Dear Mr. Caloren:

I appreciate exceedingly your very kind letter of April 15th and have much pleasure in sending you herewith a copy of the address to which you refer. It has been somewhat of a revelation to me to be able to witness a tremendous interest in Shakespeare throughout the whole country and a very intelligent interest it is.

Again thanking you,

Yours sincerely,

Mr. H. F. Caloren,
President,
Young Canada Conservative Club,
Smiths Falls, Ont.

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YOUNG CANADA CONSERVATIVE CLUB
OF SMITHS FALLS AND DISTRICT

123027

H. F. CALOREN, President

O. A. CRAWFORD, Secretary

April 15-1935.

Hon. Arthur Meighen,
The Senate,
Ottawa, Canada.

Dear Mr Meighen:-

I noticed some time ago that you intended to have the address that you delivered to the Canadian Club in Ottawa, printed. If you have done this and if you have a spare copy available, I would appreciate very much getting one. (on Shakespeare).

I was interested in your address and I considered it one of the finest ever delivered in Canada. I think if we had more such discourses it would prove enlightening and very educational to the common layman.

I trust I shall hear favourably from you when you have an opportunity to consider my request.

Yours faithfully,

H. F. Caloren

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123028

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YOUNG MEN'S CANADIAN CLUB
OF MONTREAL

Mr Hinds
Please send these
Emil 23-4-35
Sent 23-4

April 17th, 1935

Dear Senator Meighen,

We would appreciate if you could supply us with about twenty copies of your speech on "Shakespeare".

Thanking you in advance, we are,

Sincerely yours,

YOUNG MEN'S CANADIAN CLUB
of MONTREAL.

Paul. R. Le Roy

Secretary Treasurer.

Senator Arthur Meighen,
Leader of The Senate,
OTTAWA.

SECRETARIAL ADDRESS — P. O. BOX 1004, MONTREAL

"It is the purpose of the Club to foster patriotism by encouraging among the younger men of Montreal and its environs, the study of the institutions, history, arts, literature and resources of Canada and by endeavouring to unite Canadians in such work for the welfare and progress of the Dominion as may be desirable and expedient."

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123029

Ottawa

347 Bay St. Toronto,
May 1, 1935.

10 A

Dear Dr. MacNeill:

I have your letter of 27th April which I have read with real appreciation.

The "Modern Eloquence" books I have read through and particularly noted the address to which you refer, namely that by Col. Ingersoll on "William Shakespeare". Have never seen the other book by Dr. Thomas, "Weavers of Words, The Story of the World's Great Writers", and will endeavour to get same if I can find it.

Meantime I am enclosing to you a copy of the speech to which you listened over the radio.

Yours sincerely,

Arthur Meighen.

Dr. A. L. H. MacNeill,
Milden, Sask.

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Mieden, Sask
April 27th 1935.

The Hon Arthur Meighen
The Senate
Ottawa, Ont

123030

Dear Mr. Meighen: I listened one night in January when it was really and truly 40 below, to your very charming and thoughtful contribution to that great mystery of literature "Shakespeare". I am one of those too who try to understand something of his supreme genius, and so I read his plays and all the essays I can about him. My books are somewhat scattered at present, but I am hoping to get them together again and set up, but anyway I have a set of "Modern Eloquence", in which there is a masterly lecture on Shakespeare. I wonder if you have read it. But particularly I want to ask you if you have ever read a set of little books called "Weavers of Words, The story of the world's Great Writers" by Henry Thomas PhD. I am sure you would be able to get in any "Modern Eloquence" library, and quite possibly you have it in your own, the set "Modern Eloquence" mentioned above, but you might not be able to get the one by

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123031

Dr Thomas, because it may not be for sale as it came into my possession while I was living in North Dakota as a premium gift for a subscription to The Freeman a paper published by the Haldeman-Julius Co of Girard Kansas. Dr Thomas essay is so good and so masterly in his glances at Shakespeare, as a satirist, as a man of the world, and as a philosopher in Timon of Athens Hamlet and The Tempest. I think The Freeman is banned by our Customs Department, as it may be said to be socialistic, but books like "Weavers of Words" should not be. This enlarging viewpoint of Shakespeare through the eyes of Thomas might be very helpful to the rest of us, when we again have the privilege of hearing you on the same subject. May I send it to you, I am sure you would be delighted.

Very Sincerely Yours

R. K. H. MacNeill, M.D.

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123032

The Senate of Canada

A. H. HINDS
CHIEF CLERK OF COMMITTEES

PLEASE QUOTE FILE No.

OTTAWA, 10 May, 1935.

Dear Mr. Hackett,

I have your further letter of the 9th instant.

Yesterday I received a note from Senator Meighen asking that a copy of his Shakespeare address be sent to Sir Joseph Chisholm. It went forward in yesterday's mail.

Believe me,

Yours faithfully,

Chief Clerk of Committees.

John T.Hackett, Esq., K.C., M.P.,
Messrs Hackett, Mulvena and Company,
Barristers, etc.,
507 Place D'Armes, MONTREAL, P.Q.

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123033

House of Commons
Canada

MONTREAL, 9th May, 1935

Dear Mr. Hinds,-

I have your letter of May 8th and thank you for the information therein contained which is just what I required. I also thank you for the copy of the Senate Rules relating to divorce.

Mr. Meighen promised a copy of his speech on Shakespeare to Sir Joseph Chisholm. This is not the first promise of the kind that to my knowledge he has made and unless Sir Joseph is more fortunate than some of the others to whom promises have been made, he will wait a long time for the speech. Have you a copy that you can send him? His address is:

Sir Joseph A. Chisholm,
Chief Justice, Supreme Court of Nova Scotia,
Halifax, N. S.

Yours very truly,

Jules Hachel

A. H. Hinds, Esq.,
Chief Clerk of Committees,
The Senate,
Ottawa,
Canada.

Sir Joseph would be greatly disappointed if Mr Meighen knew or thought he had mispaid the note — which he did not.

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THE LIBRARY
GALT COLLEGIATE INSTITUTE
AND VOCATIONAL SCHOOL Galt, Ont.

May 17 1935

Gentlemen, -

Would you please send us a copy of your pamphlet, "The greatest Englishman of history"?

Very truly yours

Margaret Fraser

Librarian

W034

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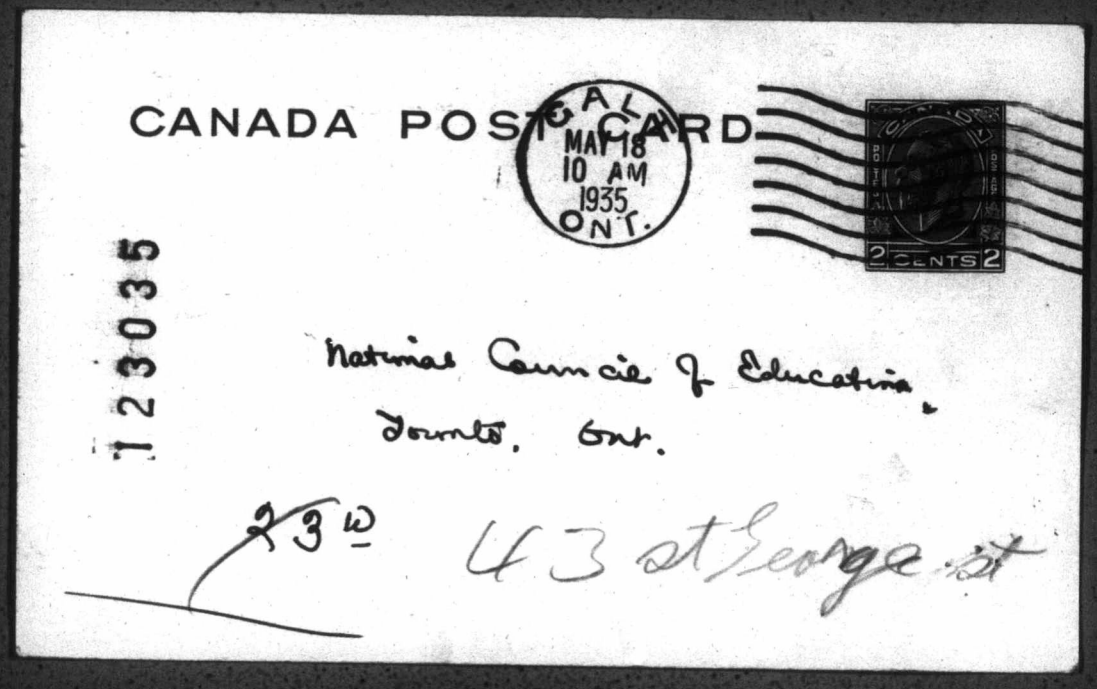

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123036

Ottawa,
May 22, 1925.

10 A

Dear Miss Fraser:

At the request of the Secretary of the National Council of Education, Toronto, I have pleasure in sending you a copy of Mr. Meighen's address on "The Greatest Englishman of History".

Yours very truly,

Secretary.

Miss Margaret Fraser,
Librarian,
Galt Collegiate Institute,
Galt, Ont.

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CANADA

AK SAFETY FILM

123037

Ottawa,
May 22, 1935.

Dear Miss Watson:

As requested in yours of 21st I have sent a copy of "The Greatest Englishman of History" to the Galt Library.

Yours very truly,

Secretary.

Miss Lilian Watson,
Secretary,
Overseas Education League,
42 St. George Street,
Toronto.

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123038

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~~YORK BUILDING~~
TORONTO

May 21st, 1935.

Dear Miss Edmondson:

We have the enclosed request for a copy of Senator Meighen's radio speech given on February 11th in Montreal, but have not an extra copy of hand.

Can you forward one to the Galt Library?

Yours sincerely,

Lilian Watson
Secretary.

Miss E. M. Edmondson,
Private Secretary to Hon. Arthur Meighen, P.C., K.C.,
OTTAWA, Ont.

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CANADA

123039 71 Cornish Ave.
Winnipeg.

10 A.

23rd May 35

Mon cher et très
Honorable ami!

It was so
very kind of you
to remember me
and to send me

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CANADA

123040

a copy of your
Shakespearian lecture
Not only did I enjoy
it but I passed it
on to some of my
friends who had not
heard it yet.
I see that your
name is coming forward
for further honours
let us hope it will

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CANADA

123041

all come through
very soon.
I did enjoy so
much our afternoon
at the Suttons.
Hoping to have the
great pleasure of
meeting you again
when you visit
Winnipeg again.

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123042 4

and with renewed
thanks for your
very kind thought,
and every good wish
for the future.
Au grand plaisir
de vous revoir
bientôt.

Marguerite J. Taylor

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1 2 3 0 4 3 8 3 8. Mrs Meighen

Jan Mrs Meighen

Winnipeg
May 9th 1935.

#70 A

Dear Mrs. Meighen

It was so very kind of you to send me a copy of your address on Shakespeare. I so enjoyed it, & have passed it on to interested

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friends.

My brother & wife have just taken another trip, this time to Panama. & no doubt had a glorious time.

Many thanks.

Believe me

yrs sincerely.

Edith M. Parfitt.

123044

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123045

From the Vice-President

Overseas Education League

43 St. George St.,
Toronto, May 27th, 1935.

Sent May 29/35

Dear Miss Edmondson:

Will you be good enough to send the three copies of Senator Meighen's speech asked for in the enclosed letter, to the address given.

Yours sincerely,

Lilian Watson

Secretary.

Miss E. M. Edmondson,
Private Secretary to
Rt. Hon. Arthur Meighen, P.C., K.C.,
OTTAWA, Ont.

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123046

Ottawa, Ontario,
May 29, 1935.

10 A

My dear Harold:

Very many thanks for your kind letter. Do wish I could have seen you on this trip. J. S. McLean felt quite badly that you had not let him know the night before as he wanted to have you out to his house, and I can assure you it is worth going to see.

Am very happy to have this volume of Shakespeare and will try my best to see that I do not lose it on the way around the country.

Yours very truly,

Col. G. Harold Aikins, K. C.,
Winnipeg, Man.

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123047

Ritz-Carlton Hotel

Montreal May 27.

Dear Mr Meighen

I found in my brief bag a copy of your tribute to Shakespeare which I read with enjoyment.

It occurred to me that you should not again jeopardize your good set by taking its volumes as your travelling companions, hence when at Scarboro (N.Y.) I got a convenient copy, economical of space which I enclose herewith with affectionate feelings to my friend – I hope if and when leadership is offered you, assume despite prediction, you will give the horse tho' a gift one a careful scanning.

Yours

G. Ainslie

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CANADA

123048

Ottawa, Ontario,
May 29, 1935.

10-A

Dear Sir:

Your letter of 17th instant, addressed to the Secretary of the Overseas Education League has been passed on to me, and I have much pleasure in sending you, with Senator Meighen's compliments, three copies of his address on the subject of "The Greatest Englishman of History".

Yours very truly,

Private Secretary.

Mr. E. H. Harley,
The English Association,
4 Buckingham Gate,
London, England.

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123049

THE ENGLISH ASSOCIATION

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Secretary—A. V. Houghton.

Telephone: Victoria 4471.

4, Buckingham Gate, S.W.1.

17th May. 1935.

The Secretary,
The Overseas Education League,
5, Queen's Park,
Toronto. CANADA.

Dear Sir,

I shall be much obliged if you can let me have three copies of the Pamphlet entitled 'The Greatest Englishman of History' by the Rt. Hon. Arthur Meighen.

Yours very truly,

Eth Stanley

Assistant Secretary.

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CANADA

123050

Ottawa, Ontario,
May 29, 1925.

10.A

Dear Sir:

I have your very kind letter of 23rd May and am pleased indeed to be able to send you a copy of the address to which you refer.

Yours very truly,

Arthur Meighen.

Mr. W. J. Rimes,
Editor,
Nechako Chronicle,
Vanderhoof, B. C.

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KODAK SAFETY FILM

123051

Nechako Chronicle
Vanderhoof, B.C.

Thursday, May 23rd., 1935

The Right Honourable Senator Arthur Meighen
Senate House
Ottawa

re ADDRESS ON "SHAKESPEARE"

Honourable Sir :-

I was much interested in reading a copy of an address delivered by you on the subject of William Shakespeare, loaned me by Mr. Robert D. Adams, a mining engineer whom I believe you know.

If you have a spare copy of this address I would much appreciate possessing one for reference and placing it with my set of Shakespeare.

Yours very truly,

W. J. Rimes

William J. Rimes
Editor
Nechako Chronicle

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123052

Ottawa,
June 7, 1935.

10A

My dear Sir Joseph:

Grattan O'Leary asked me this morning to send you six copies of "The Greatest Englishman of History" and they are going forward. Am indeed honoured that you should request these and it is a pleasure to send them.

I was very happy indeed to have the luncheon with you a month ago and hope you will let me know when you are coming to Toronto again.

Yours very truly,

Arthur Meighen.

Sir Joseph Chisholm,
Supreme Court,
Halifax, N. S.

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123053

10 A

SUPREME COURT OF NOVA SCOTIA

Halifax, N.S.-June 11, 1935.

Rt.Hon.Arthur Meighen, P.C.,

The Senate,

Ottawa.

My dear Senator,

I have to thank you most sincerely for sending me six copies of your fine lecture on Shakespeare. I fear I may have done too much in the way of depleting your stock of the pamphlet. I met Grattan O'Leary in Ottawa and not expecting to see you I asked him to be good enough to secure a few copies for me. Later I had the pleasure of meeting you in Toronto and asked for a copy. So, in the result, my prayer happily has been abundantly answered. I am glad to be able to favour a few friends of your own and mine with copies.

In the course of each month, I fill in many a spare hour or half-hour reading Shakespeare, and each successive reading, it seems to me, reveals a new beauty. For format, clearness of type, and care in editing, I like the new Temple edition (Dent's) better than any other I know. When travelling one can slip a volume in the pocket without inconvenience.

It will give me great pleasure if I have the good fortune of meeting you soon again.

With all best wishes

I remain, my dear Senator,

Sincerely yours

Joseph Chisholm

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123054

Sent

June 11, 1935.

Rt. Hon. Arthur Meighen,
801-811 68 Yonge Street,
Toronto, Ontario.

Dear Sir:

Will you be kind enough to let us have, for the use of students making use of this library, a copy of your address to the students of McGill University, on Shakespeare.

Yours truly,

J. R. C. Honeyman,
Chief Librarian.

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123055

347 Bay Street,
Toronto, Ontario.
July 29, 1935.

Dear Sir :

Mr. Meighen has requested me to write you to send out the following copies of his "Shakespeare" address:

40 copies to - Fred Stuart, M. A.,
c/o Sir A. McKenzie,
Kincardine, Ont.

1 copy to - Russell P. Lock, K.C.,
68 Heathdale Rd.,
Toronto.

Yours truly,

H. E. Kehoe

Mr. A. H. Hinds,
The Senate,
Ottawa, Ont.

Done
30 July

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123056

THE SENATE
CANADA

347 Bay Street,
Toronto, Ontario,
August 14, 1935.

Dear Sir :

Mr. Meighen wishes you to send a copy of his Shakespeare address to -

Mr. George Wilson,
Finance Commissioner,
City Hall,
Toronto, Ont.

Yours truly,

H. E. Kehoe

Mr. A. H. Hinds,
The Senate,
Ottawa, Ont.

Done
15 Aug 18

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123057

104

OTTAWA, 24 September, 1935.

Dear Sir,

In the absence of the Right Honourable Mr. Meighen I beg to acknowledge receipt of your letter of the 17th instant and to enclose six additional copies of his Shakespeare address.

Yours faithfully,

A.H.Hinds
Private Secretary.

Mr. J.Twomey,
Messrs Foster Wheeler Limited,
McArthur Building,
Winnipeg, Manitoba.

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McARTHUR BUILDING
WINNIPEG, MAN.

Sept. 17th, 1935.

The Right Honourable
Mr. Arthur Meighen,
Parliament Buildings,
Ottawa, Ontario.

Dear Sir:-

Some little time ago you were kind enough to send me a few copies of your address on Shakespeare. Unfortunately I now find myself without a copy. Would it be asking too much to request a few additional copies as I would like to have one for myself and also a few other friends?

Thanking you in anticipation of this favour, I am -

Very truly yours,

JT/CM.

J. Twomey.

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CANADA

123059

OTTAWA, 26 November, 1935.

Dear Madam,

In the absence of the Right Honourable Mr. Meighen I beg to acknowledge your letter of the 22nd instant, and to enclose herewith a copy of his Address before the National Council of Education.

Yours faithfully,

A.H.Hinds
Private Secretary.

Mrs. Francis Critchley,
Lumsden, Sask.

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123060

Lumsden, Sask.,
Nov. 22, 1935.

Senator Arthur Meighen,
Ottawa, Ont.

Dear Sir: —

I am very anxious to obtain a copy of your splendid speech to the National Council of Education on February 11, 1935 on Shakespeare, "The Greatest Englishman of History." Could you advise me where and how I could obtain this address?

Sincerely yours,
Mrs. Francis Critchley,
Lumsden,
Sask.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

123061

THE NATIONAL GALLERY OF CANADA
OTTAWA

OFFICE OF THE DIRECTOR

November 28th, 1935

Dear Sir:

I am enclosing herewith for your attention a letter which came to us this morning, as I understand you have copies of Senator Meighen's address entitled "The Greatest Englishman In History."

Yours very truly,

A. C. Booth

For Secretary.

Arthur Hinds, Esq.,
Room 347,
The Senate,
O T T A W A.

B

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

123062

OTTAWA, 29 November, 1935.

Dear Madam,

Your letter of the 25th instant has been referred to this office, and in the absence of the Right Honourable Mr. Meighen I enclose herewith a copy of his Address before the National Council of Education in February last.

Yours faithfully,

A.H.Hinds
Private Secretary.

Mrs. J.D.Hubley,
Box 223,
Bear River, N.S.

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PUBLIC ARCHIVES
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CANADA

123063

Box 223, Bear River,
Nova Scotia. Nov 25/35.

The National Gallery
RECEIVED
NOV 28 1935
of Canada.

Canadian Arts and Literature
Ottawa — Canada

Dear Sirs:

An "address on Shakespeare" given by Rt. Hon. Arthur Meighen last winter — in Ottawa and Montreal — was to be preserved in "Canada's Archives". I would be very pleased if I could ~~up~~ obtain a copy of same; — Either a News paper copy — as I understand it was published in one of the Montreal Daily papers — or in booklet form —

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

123064

If you can help me by letting me know where I can obtain a copy of this address - entitled "The Greatest Englishman in History" - I would greatly appreciate it -

Thank you,

Mrs. J. D. Hubley.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

KODAK SAFETY FILM

123065 10 A.

Mr Lean

My Dear Mr Meighen,

Upon my return to Toronto from Ottawa this week I found waiting for me in the capable custody of "Gwen" a copy of your address "The Greatest Englishman of History." This nice attention at your hands to me is highly appreciated and the address itself has been again read and again

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Engaged.

123066

In the course of my journey through this "vale of tears" at one place another I have listened to the discourses of every public man of any prominence in the Dominion and I can truthfully say that upon the occasion of this "tribute" as you so humbly described your brilliant address I received more real satisfaction and solid comfort than ever before.

"No doubt" the Hamilton speech and "the twenty addresses" were very necessary in their way but as a humble "layman of the layman" and only a casual acquaintance I make bold to tell that your admirers were more proud of you on the Saturday afternoon in the Chateau Laurier after the completion of your address as I heard it than heretofore.

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PUBLIC ARCHIVES
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The demands placed upon public men are many and varied but it must bring some comfort to those like yourself who find themselves in high places to know that the rest of us are grateful when by your gifts you have made our thoughts a little less bitter and life a little sweeter as you undoubtedly did upon this occasion.

Thanks very much

Sincerely Yours

Allan McLean

Toronto
March fourteenth
190 St. George St.

23967

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

"Mordale" 181 Ellis Avenue Toronto.

123068

Dear Mr Meighen –

Forgive my tardiness in writing to thank you very much indeed for the copy of your address on Shakespeare – It was very sweet of you to remember, so you have cast the "sin of Omission" on your conscience in this instance – Being a lover of "The Greatest Englishman" it is a joy for me to possess in

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PUBLIC ARCHIVES
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CANADA

pamphlet form, the 'paean of affection' rendered him by an Irishman – (being Irish myself.) Once more many thanks and may it be many moons before your little life is rounded with a sleep' –

Sincerely yours
Ida M. Giaulli

Tuesday Afternoon.

1.23069

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PUBLIC ARCHIVES
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CANADA

From Ben Greenback
123070

1.0 A

Extract from a letter from Professor A. F. McGoun, formerly "Economics", University of Alberta. He is writing a series of articles in the Conservative interest for the Press dealing with things economic, social credit and so forth.

"Let me thank you also for Mr. Meighen's address on Shakespeare. I was delighted with it. Shakespeare was a great Conservative. His attack on Jack Cade in Henry VI was perfect, and he was a consistent patriot and monarchist. We ought to make more of a national hero of Henry V, although his Conquest of France may not commend itself to some Quebecers. But Mr. Meighen's directing attention in the way he has done seems to me highly constructive, and the address is so admirable that it may produce far-reaching results. I wish our schools would study more Shakespeare, and devote less time to "Civics" as expounded by inexperienced but politically aspiring teachers."

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PUBLIC ARCHIVES
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CANADA

123071

An extract from a letter from the Honourable Mr. Justice Ford, of Edmonton -

"Thanks very much for sending me a copy of Meighen's Shakespeare Speech. Macaulay never wrote anything better."

From Senator Guerin book

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

123072

Ottawa, Ontario,
January 22, 1925.

The Senate of Canada

Dear Mr. Carroll:

I have your letter of 21st. Am exceedingly sorry but really I cannot accept the kind invitation with which you honour me. It is very seldom I speak, just because of pressure of time, my own business occupying my energies constantly.

Senator Graham was kind enough to convey and press upon me earnestly your invitation this morning, but I had to say to him that it would be impossible.

Am sorry not to be able to send you a more favourable reply.

Yours very truly,

Arthur Meighen.

Mr. J. L. Carroll,
The Theatre Guild of Brockville,
Brockville, Ont.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

123073

The Theatre Guild of Brockville

Brockville, Ont., Jan 21st.

Rt. Hon Arthur Meighen
Ottawa, Ont.

Dear Mr Meighen,

Would you do us the honor of coming to Brockville to speak for the Reading Group of the Theatre Guild on Shakespeare? We would esteem it a great privilege to have you do so and would be glad to arrange for any date convenient to yourself, with the exception of Feb 14th & 15th. I would suggest some date at the end of February or the middle of March. I realize that this is a very busy time for you, but it struck me that you might manage a Friday evening! The Hon Mr Stewart,

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PUBLIC ARCHIVES
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CANADA

123074

The Theatre Guild of Brockville

Brockville, Ont.,

Senators Hardy & Graham are among
are members & I am sure that they
would commend us to you.
In addition I am quite sure
that no community in Canada
would give you a more heart-
-warming reception than
Brockville.

Faithfully yours
J. L. Carroll

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

123075

Ottawa, Ontario,
January 23, 1925.

Dear Mr. Philp:

Now that I have delivered the speech here, I certainly do not want to be delivering it again as it is too much like a recitation, so please arrange otherwise.

The only circumstances under which I would deliver it again would be in case the Radio Commission desire to arrange a Canadian-wide hookup from Montreal. This they are considering.

Yours very truly,

Mr. J. H. Philp,
Canadian Club,
Bank of Hamilton Bldg.,
Toronto, Ont.

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CLASS OF SERVICE	SYMBOL
Full Rate Message	
Day Letter	D L
Night Message	N M
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OM TORONTO ONT 1215PM JAN 23 1935

R-T HON ARTHUR MEIGHEN

SENATE OTTAWA

REFERENCE OUR CONVERSATION AFTER YOUR RETURN FROM AUSTRALIA WOULD GREATLY APPRECIATE YOUR KINDNESS ADDRESSING CLUB MONDAY NEXT JANUARY TWENTY EIGHTH KINDLY WIRE REPLY SUBJECT THE GREATEST ENGLISHMAN

J M PHILP
CANADIAN CLUB TORONTO

1235P

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

123077

Ottawa, Ontario,
January 23, 1935.

Dear Mr. Hyde:

I have yours of 22nd, but really must adhere to the position I took over the telephone. I don't feel that I can deliver the same speech again, unless for purposes of Canadian radio distribution.

Yours very truly,

G. Miller Hyde, Esq.,
Hon. Secretary,
The Canadian Club,
Montreal, Que.

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PUBLIC ARCHIVES
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CANADA

123078

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HIS EXCELLENCY
THE RT. HON.
THE EARL OF BESSBOROUGH
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J. MURRAY GIBBON
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THE CANADIAN CLUB
MONTREAL.

507 PLACE D'ARMES
MONTREAL.

Jan. 22nd, 1935.

Rt. Hon. Arthur Meighen, P.C.,
Parliament Buildings,
OTTAWA, Ont.

Dear Senator Meighen,

Since speaking to you on the telephone this morning, I have had a talk with Mr. Buchanan, the Secretary of the Canadian Radio Broadcasting Commission and he pointed out that their coast-to-coast hook-ups are generally only possible in the evening and, therefore, that it might be difficult to arrange the broadcast he had hoped for from our Meeting. He is, however, going to look into the question and see if it would be feasible.

Our Committee is most anxious to have you speak to this Club, and from my own experience, I know that the Members would be extremely fortunate if they could hear you, so I hope that you will see your way clear to accept our invitation, whether or not the Commission is able to arrange their hook-up.

I mentioned Monday, the 4th of February, at a quarter to one to you, but February 11th would be equally convenient to us. I would be glad if you would let me know as soon as possible because these are both regular meetings and if you are unable to come, I shall have to arrange for somebody else.

If you wish to get me by telephone, my number is Harbour 2266.

I have the honour to be,

Sir,

Yours very truly,

G. Miller Hyde

Hon. - Secretary.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

KODAK SAFETY FILM

123079
10 A

Ottawa, Ontario,
February 5, 1935.

Dear Mr. Willet:

I have your letter of 2nd February. Have had to decline all invitations to deliver this address again, first, because of pressure on my time and secondly because I do not like making the speech more than once. Have, however, made an exception at the request of the Radio Commission and am speaking Monday night, the 11th instant, from nine to ten o'clock, at the National Council of Education in Montreal, the address to be broadcast throughout Canada.

I have no plans to go to St. John but should I be there I might possibly consider another exception, though it certainly would be with reluctance.

Yours very truly,

Mr. D. Gordon Willet,
Hon. Secretary,
The Canadian Club,
St. John, N. B.

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

123080

THE CANADIAN CLUB
ST. JOHN, N.B.

February 2nd
1935

Rt. Hon. Arthur Meighen,
The Senate,
OTTAWA.

Dear Sir:

We have been advised of your recent address before the Canadian Club of Ottawa on "Shakespeare." One of the members of our Club who heard you at that time writes us that he does not think he ever heard a more masterly address or one in which every one came away so thoroughly delighted and repaid for the hour spent in listening to you.

We are aware that you are a very busy man as Leader of the Senate, but knowing that you now have a son and daughter-in-law living in Saint John and that you may possibly be coming to Saint John some time this year, the Canadian Club request that if you come to this City and your time and engagements permit, that you give our Club the honour and the privilege of hearing this address.

If you will keep our request in mind and should you be coming here, please advise us several days in advance. We will be happy to arrange for a meeting at any time convenient for yourself.

Yours very truly,

D Gordon Willet

Hon. Secretary,
Canadian Club of St.John.

DGW:DC

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

123081

Ottawa, Ontario,
February 5, 1935.

10 A

Dear Mr. McTavish:

I have just received your telegram.

I am to give this address next Monday night, the 11th, from nine to ten before the National Council of Education, Montreal. Am doing so only because it is to be broadcast throughout the Dominiñion. I do not like delivering addresses more than once but thought there was sufficient reason this time, but really could not arrange to go to Winnipeg. Have had to decline all other invitations.

I am sincerely appreciative of the invitation and hope the executive will understand my position.

Yours very truly,

Arthur Meighen.

Mr. W. L. McTavish,
The Canadian Club,
Winnipeg, Man.

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PUBLIC ARCHIVES
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CANADA

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T.D. 1M

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NM	NIGHT TELEGRAM
LCO	DEFERRED
NLT	CABLE LETTER

W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

STANDARD TIME

CALL LOCAL for MESSENGER 299
Canadian Pacific Telegraphs
House of Commons.

5WA.Y. 34 DL.,

Z.WINNIPEG,MAN.,FEB 4 1935 1207P

RT.HON.A.MEIGHEN,

SENATE,HU.

CANADIAN CLUB OF WINNIPEG WOULD GREATLY LIKE TO HEAR YOUR ADDRESS ON SHAKESPEARE STOP CAN ARRANGE ANY SUITABLE DATE FOR YOUR CONVENIENCE BUT WOULD LIKE IT THIS MONTH IF POSSIBLE - STOP PLEASE WIRE REPLY.

W.L.MCTAVISH.

140PM.,

L 23082

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PUBLIC ARCHIVES
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CANADA

123083

CANADIAN PACIFIC TELEGRAPHS

T.D. 1

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EANA99 34 DL

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1935 FEB 4 PM 1 30

177

RIGHT HON ARTHUR MEIGHEN

SENATE OF CANADA OTTAWA

CANADIAN CLUB OF WINNIPEG WOULD GREATLY LIKE TO HEAR YOUR ADDRESS ON SHAKESPEARE STOP CAN ARRANGE ANY SUITABLE DATE FOR YOUR CONVENIENCE BUT WOULD LIKE IT THIS MONTH IF POSSIBLE STOP PLEASE WIRE REPLY

W L MOTAVISH

Copy of this TELEGRAM has also been sent our parliament House Office for delivery.

C. P. R. TELEGRAPH

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

PUBLIC ARCHIVES
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CANADA

123084

Brantford Collegiate Institute
and Vocational School

A. M. OVERHOLT, M. A., LL. D.
PRINCIPAL

BRANTFORD, Feb. 15th, 1935.

PROGRESS BOND

The Right Hon. Arthur Meighen,
Toronto, Ontario.

Dear Mr. Meighen:

I listened with great interest to your broadcast on Shakespeare from Montreal last week. Several men in Brantford have asked me to get in touch with you to see whether it would be possible for you to come to the Brantford Rotary Club and on the same day visit the Brantford Collegiate Institute and Vocational School giving the lecture on Shakespeare to the senior classes. The Rotary Club meets on Fridays of each week.

Many years ago when you visited our mutual friend, Fred McCutcheon, in London and I too chanced to be present in the merry month of June, it transpired that our birthdays and birth years were identical--June 15th--the year is immaterial but goes back rather far into the Victorian Era.

I chance to be Chairman of the Speakers' Committee for Rotary and hope to be fortunate enough to secure your services for our club and city. We meet usually at 12.15 but I can arrange an evening meeting on any date that would make it possible for your to attend.

Sincerely yours,

A. M. Overholt

Principal.

AMO.MM.

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PUBLIC ARCHIVES
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CANADA

123085

Invitation to repeat address

347 Bay St. Toronto,
February 15, 1935.

10 A

My dear Ed:

I do wish I could comply with yours of 13th. The fact is no one finds it more repulsive than I do to be delivering an address more than once. I agreed to go to Montreal to speak at the National Council of Education there, merely at the request of the Radio Commission and so as to secure a Dominion-wide distribution. Winnipeg people sat in quite generally last Monday night, because I have letters from very many. I would feel very much like doing a "Mary had a little lamb" recitation to speak there again.

Sincerely hope you will understand this, because I want to meet your request at any time and on any subject where possible.

Yours very truly,

Mr. Edward Anderson,
President and General Manager,
Winnipeg Electric Company,
Winnipeg, Man.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

123086

WINNIPEG ELECTRIC COMPANY

OFFICE OF THE
PRESIDENT AND GENERAL MANAGER

WINNIPEG,
CANADA.
February 13th, 1935.

Rt. Hon. Arthur Meighen, K.C.,
Canadian General Securities,
347 Bay Street,
TORONTO, Ontario.

My dear Arthur, -

I enjoyed my luncheon and little visit with you last Saturday very much.

You told me you expected to be in Winnipeg in April. I wonder if you would be willing to deliver your address on Shakespeare, while you are here, under the auspices of the National Council of Education? I would personally very much like to arrange this. Please drop me a line.

With kindest regards, I remain,

Yours sincerely,

C. Anderson

WA/K.

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

123087

347 Bay St. Toronto,
February 16, 1935.

Dear Mr. Overholt:

I have your letter of 12th. Remember quite well meeting you with Fred McCutcheon; in fact, your name has been familiar to me for many years.

Am very sorry indeed but I could not undertake to deliver this speech again. I only agreed to the repetition at Montreal because the Radio Commission wanted to broadcast it over Canada. Indeed I enlarged it considerably for thatmeeting. As you perhaps know, I am not doing any public speaking as my obligations are too heavy here, combined with certain duties as Senate Leader.

Please be assured I appreciate very much the kindness of your invitation and am sorry not to be able to send a more favourable reply.

Yours very truly,

Mr. A. M. Overholt, M. A., LL. D.,
Principal,
Brantford Collegiate Institute,
Brantford, Ont.

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PUBLIC ARCHIVES
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CANADA

123088

347 Bay St. Toronto,
February 22, 1935.

Dear Sir:

I have your letter of 19th. Am sorry but I will not be delivering any speech on "Shakespeare" again. I only consented to do it the second time because of the Canadian Radio Commission's desire for broadcast throughout Canada. Further I do not expect to be West for a long time.

Am sorry I cannot send you a more favourable reply.

Yours very truly,

Mr. W. M. Houston,
President,
Canadian Club,
Regina, Sask.

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CANADA

123089

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W. M. HOUSTON, TREASURER

GROUND FLOOR
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REGINA,
SASKATCHEWAN

Tuesday,
February 19th,
1 9 3 5.

Honourable Arthur Meighen,
C/O The Senate,
Ottawa, Ontario.

Dear Mr. Meighen:

While many members of the Regina Canadian Club had the pleasure of listening to your recent address over the radio on William Shakespeare, there were others who were unable to hear it completely and still others who missed it altogether.

Under the circumstances, I am wondering whether there is a possibility of your coming to Regina and favouring the Regina Canadian Club with this address, either in whole or in part.

I can assure you the Club would be greatly honoured if you could do this, and would arrange a time to suit your convenience.

Yours very truly,

W M Houston

President, Regina Canadian Club.

W.M.Houston/AC.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

123090

Invitations to speak on Shakespeare

Ottawa, Ontario,
February 27, 1935.

Dear Mr. Edmunds:

I duly received your letter of 23rd and appreciate very much indeed the honour of your invitation to speak at a meeting of the Mens' Brotherhood of High Park United Church.

I regret exceedingly, however, that it will not be possible for me to comply with your request as my duties here and in Toronto make it necessary for me to give most of my time to my work. I could not take the time at present to prepare anything new and would not care to repeat the Shakespeare address. It was only at the request of the Radio Commission that I consented to give it a second time for purposes of a Canadian-wide distribution.

Am sorry indeed not to be able to send you a more favourable reply.

Yours very truly,

F. B. Edmunds, Esq., K. C.,
2922 Dundas St. W.,
Toronto, Ont.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

PUBLIC ARCHIVES
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CANADA

F. B. EDMUNDS, K.C.,
Barrister, Solicitor
Notary Public

2922 Dundas Street West

Telephone Junction 0991

Toronto, 9, Canada

122091

23rd of February 1935

Right Honourable, Arthur Meighen,
Government Leader of the Senate,
Ottawa, Canada.

Honoured and Dear Sir:-

The Mens' Brotherhood of High Park United Church at the corner of High Park Avenue and Annette Street in West Toronto have requested me to ask you to be present and address us on the occasion of our next ladies' night which is held on the 28th of March next.

The meeting consists of a supper at seven o'clock followed by an address. One of our members was fortunate enough to hear you on a Shakespearian broadcast and it was reported to be so good that you are requested to give that address or to speak on any subject you may care to deal with which is not of a political character.

Hoping that you may be able to favour us with your presence on that occasion, I am,

Yours most sincerely,

F B Edmunds

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CANADA

123092

Done

Mr. Hinds:

Please send Shakespeare speeches to the following:

Mrs. George Henry, Oriole

Mrs. Dr. Cannon, Hamilton

Mrs. Ramsden, Lambeth, Ont.
(send her two and ask her to send one to her sister, Mrs. Bryce, as Mr. Meighen does not know the address)

Hon. Mr. Justice Davis, Supreme Court, Ottawa.

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PUBLIC ARCHIVES
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CANADA

KODAK SAFETY FILM

123093

Memo to Mr. Hinds:

Kindly send copies of the Shakespeare speech to the following:

3 to Mr. Frank Sutton, 803 Dorchester St., Fort Rouge, Winnipeg.
(mark one for Mrs. Sutton
" " Mrs. Hilliard Taylor
" " Mrs. Parfitt.)

2 to A. S. Bond, National Trust Co., Winnipeg

12 to Frank Pike, Manager, Bank of Montreal, Jasper Ave., Edmonton, Alta.

1 each to the following:

J. A. Buchanan, 10533-127th St., Edmonton, Alta.

Mrs. Grace Booth, McLeod Bldg., Edmonton, Alta.

Dr. Harrison, 10033-106th St., Edmonton Alta.

Dr. Fred A. Young, Medical Arts. Bldg., Winnipeg

Dr. W. C. Graham, 5618 Kimbark Ave., Chicago, Ill.

Done 1 May '35
H

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

123094

Dear Mr. Hinds:

Please send me by return mail
Self-addressed brown envelopes (say 2 doz.)
Senate letterhead
" envelopes (long)
" " (square)
" notepaper (1 box)

Also send Shakespeare speech to
Sir Joseph Chisholm, Chief Justice of Nova Scotia, Halifax.
Mrs. Gianelli,
181 Ellis Ave.,
(Swansea,)
Toronto, Ont.

Done
9 May

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123095

Please send four copies of "Shakespeare" speech to Mrs. Ruth Gates,
33 Forest Ave.,
Hamilton, Ont.

Done
13 May
18

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123096

Mr. Hinds:

Please send copy of Shakespeare speech to the following:

Prof. Baker, 81 Madison Ave., Toronto.
Miss Marjorie Waugh, c/o Mrs. J.C. Waugh, R R. #4, Victoria, B. C.
Mrs. Jean Taylor, Portage la Prairie, Man.
Mrs. E. L. Taylor, 478 River Ave., Winnipeg, Man.
Miss Kathleen Bailey, Portage la Prairie, Man.
Mr. Horace B. Smith, RoyalBank Bldg., Toronto.
Mrs. Henrietta Stacey, Croton, Ont.
Miss Leila Law, Ingersoll, Ont.
Mrs. Grace Jones-Morgan, Lafayette St., Alameda, Calif.
Mrs. Cena Sadler, Manistee, Michigan.

Done
16 May '35
H

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123097

Dow
Mar 31
18

Dear Mr. Hinds:

Please send half a dozen Shakespeare speeches to Mrs. Eric F. Carre,
14 Walker Ave.,
Toronto.

E. M. E.

Also please send me some self-addressed brown envelopes.

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123098

THE SENATE OF CANADA
SEP 28 1935
COMMITTEE BRANCH

Mr. Heads.

Please send six copies of Shakespeare speech to

Mr J.R. Gilley
Hart House
University of Toronto
Toronto.

E.M.J.

Done
H

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Mr. Hinds: 123099

Please send Shakespeare speech
to Mrs. Gladys Wright, c/o Canadian
Bank of Commerce, Ottawa.

E. M. E.

Done
28 Oct.

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Dec 1935?

CLIPPINGS RE. SHAKESPEARE ADDRESS

123100

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123101

COMMISSION BROADCASTS MR. MEIGHEN ON SHAKESPEARE

Members of the Ottawa Canadian Club are still discussing the remarkable address given before that organization two weeks ago by the Rt. Hon. Arthur Meighen. No other non-political event has made so pronounced an impression in the capital in a long time. Senator Meighen's address was on Shakespeare and he gave to it the title, "The Greatest Englishman of History." In his audience were leading Canadian statesmen and diplomatic representatives of other countries, and they, like others, were held spellbound by the beauty and moving qualities of the address. It was recognized that it would rank as a notable performance anywhere in the English-speaking world.

Realizing that many thousands of Canadians throughout the country would appreciate the privilege of hearing this address and derive great enjoyment and profit from it, the Canadian Radio Commission has secured Mr. Meighen's consent to the broadcasting of it over its national coast-to-coast network. For the purpose of this broadcast it has been arranged through the co-operation of the Montreal Committee of the National Council of Education for Mr. Meighen to repeat the address before a Montreal audience on Monday evening, February 11. He will speak under the auspices of the National Council of Education in the Montreal High School and microphones will pick it up there for the Commission network.

The broadcast will commence at 9.00 p.m. and continue for most of the hour. The regular schedule program, "One Hour With You," is being cancelled for that evening.

The Canadian Radio Commission believes this address will be recognized throughout Canada as among the most notable broadcast since the inception of the national radio system and is marking February 11 as a red-letter day on its broadcasting calendar. The address will be made available to all stations on the national network and 9.00 p.m. E.S.T. is the time.

EDMONTON ARTIST ON NATIONAL NETWORK

Edmonton will provide the program for the "Presenting" series on the CRBC national network Sunday, February 10 at 10.30 p.m. when the feature artist will be Violet R. Cumming, L.R.S.M. Horace Stovin, CRBC Western program director, sends word that she is certain to attract favourable attention from the coast-to-coast audience. Miss Cumming has won many trophies as a contralto soloist including the highest honour of the Alberta Musical Festival. She is now soloist of Robertson Church, Edmonton and was formerly soloist of First Presbyterian Church, Detroit. She has been heard on the air in the United States as well as in Canada. In the "Presenting" program Henry Atack will give a pianoforte solo.

165 PEOPLE IN WINDSOR PROGRAM

The new Radio Commission broadcasting station at Windsor, Ontario, CRCW, is coming to the CRBC networks with a bang on Thursday evening, February 14. A very ambitious program provided entirely by Border Cities' talent and employing no fewer than 165 people will mark the inauguration of this station. The program which will be carried on all networks between Sydney, N.S. and the Rocky Mountains will commence at 8 o'clock and continue until 9. Here are some of the features. An 18-piece orchestra directed by Gordon Fleming, well known Border Cities' orchestra leader and arranger; the Border Cities' Scotch Choir of 125 voices under the direction of H. Whorlow Bull—a choir that received acclaim at the Chicago World's Fair last year; Chairmaine and her Chansonettes, a clever girls' harmony trio; the Troubadours, a group of talented interpreters of French selections; the Red Coats, a male quartet; the Lyric Singers who specialize in the interpretation of Welsh songs; George Williams, tenor whose splendid voice is securing him fame in radio circles; Dell Adams, Canadian-runner-up in the recent Columbia Broadcasting System's radio contest.

The program will open with a salute from Windsor and will then switch to Ottawa for a brief word of welcome by Chairman Hector Charlesworth of the Commission. From Windsor again the program will continue with the features enumerated, to which will be added a word of greeting by Hon. R. D. Morand, M.P. and a musical dramatization of the history of the Border Cities. Four studios in the new station will be used in the presentation of the program with English, French, Welsh, Irish, Scotch and Indian settings. The studios occupy the tenth floor of the Guaranty Trust Building in Windsor and are equipped with the most modern broadcasting appliances.

SAINT JOHN ORCHESTRA GOES TO BOSTON

National broadcasting in Canada is helping to broaden the opportunities of Canadian artists. Word comes from Saint John that Don Messer's Old Tyme Orchestra of that city, heard regularly on the CRBC Maritime network, has accepted an invitation to perform at the Sportsmen's Show in Boston early this month. While in the United States Don and his group will broadcast from some of the big American stations.

PACIFIC COAST CHOIR ON NATIONAL NETWORK

The Burrard Male Choir will be heard on the Canadian Radio Commission's national network from Vancouver in the choral series at 10 p.m. Sunday, February 10. This outstanding choir consists of 60 voices and is directed by Evans Walters. It has been successful in many musical competitions on the coast, winning the choral championship of the 1934 British Columbia Musical Festival and other trophies. The program for the national network will consist of the following numbers:—

Trust in the Lord.....*Handel*
Dear Land of Home.....*Sibelius*
On the Sea.....*Dudley Buck*
Steal Away.....*Purcell Mansfield*
Can't You Hear Me Moanin'.....*W. James*
Remember Me, O Mighty One.....*Kindel*
The Lost Chord.....*Sullivan-Brewer*
Rock of Ages.....*Franz Abt*
The Tide Rises, the Tide Falls.....*Adam Carse*
Save your Breathe an Evening.....
Blessing.....*Stebbins*

FROM QUEBEC CITY

Dr. J. Robert Talbot, B.S., has been engaged to conduct the Quebec city program, "Aux Feux de la Rampe," heard on Commission networks every third Sunday. He received his degree of Doctor of Music from Laval University, is an Associate Member of the Musical Association of London, England, the International Gesellscaft fur Musikwissenchaft of Switzerland and other European organizations. He is leader of the Symphonic Society of Quebec and director of the school of music of Laval University. He is a native of Montmagny, Que.

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MR. MEIGHEN AT THE CANADIAN CLUB.

In a day when we all seem to be sinking in a perfect sea of charts and graphs, it is good to learn that at the Ottawa Canadian Club on Saturday, where Mr. MEIGHEN will be guest speaker, there is promise of something better. Mr. MEIGHEN will speak on "The Greatest Englishman of History."

Mr. MEIGHEN's "Greatest Englishman" is WILLIAM SHAKESPEARE, and there will be few to quarrel with his judgment. It may be, indeed, that when Mr. MEIGHEN sits down even the few will be converted. For Mr. MEIGHEN, apart from his powers as a speaker, enjoys the reputation, and justly, of being one of Canada's two greatest Shakespearean scholars. From SHAKESPEARE, more than from any other source, he derived that power for clear, limpid English which has never been excelled in our public life, seldom excelled outside of it.

For those who go to the Canadian Club tomorrow, therefore, there is something rich in store, something as inspiring as it will be unique. And it may well be, too, that while Mr. MEIGHEN is avoiding those topics which we associate with these times, what he will have to say will be of more true and lasting help to us than some essay in economics or in statesmanship. SHAKESPEARE missed few of life's problems.

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The Sydney Post-Record, January 1, 1935.

THE GREATEST ENGLISHMAN.

WHEN it was announced that Senator Arthur Meighen, en route from Australia to Toronto, would address the Canadian Club at Vancouver on "The Greatest Englishman in History," there was considerable speculation as to the name the lecturer would select to fit so exclusive a description. It turned out that the subject of the address was neither a conquering warrior, nor a powerful ruler, nor an epoch-making reformer. "The greatest Englishman in history," Mr. Meighen declared, was William Shakespeare, playwright, poet and dramatist, who reflected the English Renaissance in full flower, and gave the world its highest achievement in dramatic production.

"I appeal to busy folks," Mr. Meighen said, "not to study Shakespeare, but to read and enjoy him. You will find your interest in your fellow beings growing stronger and deeper."

"Although I have revelled in everything that Shakespeare wrote," he added, "I do not know any doctrine that he preached. But read and enjoy him. You may return a mystic, but you will never return a cynic. I believe he expressed the inner and infinite harmony of the universe itself."

A more just and searching commentary on Shakespeare could not be expressed in fewer words. The greatest of the Elizabethans was not merely the prince of the drama when at its best, not only the sweet "warbler of his native wood-notes wild,"—he was the highest manifestation of intellectual power that Europe has known.

There are two passages in the too brief press report of Senator Meighen's address which are the sesame to a general knowledge of the scope of Shakespeare's genius. One suggests that the most intensive study of Shakespeare's plays fails to discover the author's opinion on politics, religion, philosophy, economics, sociology, or any major subject of human interest. This proves he was a genuine dramatist, as objective in the portrayal of his characters as the perfect actor must be when projecting himself into the consciousness of the persons he represents on the stage. Scrupulous impersonality is the acme of art.

The other point at which Senator Meighen gives a clear glimpse into Shakespeare's genius is equally well-chosen: "I believe he expressed the inner and infinite harmony of the universe itself." Dramatic power is commensurate with the dramatist's universality of sympathy with the epic of human progress, in face of the known and unknown. On this rigid test, Shakespeare's genius surpasses that of all other writers and thinkers, and makes his pictures of life as significant in the twentieth century as they were in the sixteenth. To describe him as "The Greatest of Englishmen" is a supreme compliment to England.

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Editorial

The Citizen

Published daily at Ottawa
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net paid circulation for the month of
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The Citizen aims to be an independent clean newspaper for the home devoted to public service.

FRIDAY, JANUARY 18, 1935

Meighen On Shakespeare

Who is "The Greatest Englishman of History"? That is the subject on which Rt. Hon. Arthur Meighen will speak to the members of the Ottawa Canadian Club at luncheon on Saturday.

He is Shakespeare, of course, and so it is upon Shakespeare that Senator Meighen will talk. It ought to be a refreshing change for a political leader in Canada to dip into classical literature. We are all fond of Shakespeare, even if we never get around to reading him again, and there is always room for some new view of the Bard, some fresh interpretation of his wisdom or his fancy.

It is said that Senator Meighen has for long been quite a student of Shakespeare. Probably that trip to the Antipodes gave him an opportunity to gather some more fully developed ideas on the plays and poems. In any case, what Arthur Meighen has to say should be worth hearing, for he has that incisive cast of intellect which permits him to see clearly and express himself felicitously.

This address on "The Greatest Englishman of History" was given at Vancouver a few days ago, and it aroused keen interest. It is pleasing to know that Ottawa will now be given the opportunity to hear it at first hand.

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THE OTTAWA JOURNAL
The Journal Publishing Company of Ottawa, Limited.
TUESDAY, JANUARY 22, 1935.

BIG NEWS FROM WASHINGTON.

> ". . . I hereby give notice of intention to negotiate a trade agreement with the Government of Canada."

The foregoing, given out in Washington yesterday by Mr. CORDELL HULL, United States Secretary of State, and communicated to the House of Commons by Prime Minister BENNETT, is momentous news. What it means, briefly, is that conversations between President ROOSEVELT and Mr. BENNETT have at last borne fruit, that the United States has now taken definite action to secure a measure of trade reciprocity. That, having regard to the recent tariff history of the two countries and to Canada's economic position, is a tremendous thing.

For there can be no question at all that a trade agreement between Canada and the United States, encompassing the right commodities and fair to both countries, would be of inestimable value to Canada. For our live stock, our lumber, and for certain other products, it would mean a new era of prosperity. Canada ought to be, and undoubtedly will be, prepared, to pay for that prosperity.

For Mr. BENNETT, this, politically, is another triumph. One of the attacks made upon his reform program was that it left out the tariff. Those attacks are now answered and pretty much demolished, with the fact disclosed that when it comes to reform for Canada's general betterment, Mr. BENNETT has no more regard for the tariff than for other obstacles. In this, as in other things, he is a realist.

ALL THAT MATTERS.

One of the weakest arguments against Mr. BENNETT's reform program is that it is in opposition to things said by him in 1930.

What on earth has anything said by Mr. BENNETT or by anybody else in 1930 to do with what may be found wise and necessary in 1935? Mr. BENNETT may be a convert, or an apostate, according to points of view, but that can't affect in the slightest the value of his present policies. If we are to judge them at all, and intelligently, we must judge them on their merits.

As a matter of record, however, Mr. BENNETT is not as inconsistent as his critics would make out. Shortly after coming into office, he declared that he would end stock watering and other corporation abuses. With Canada once out of the depression, he said, and with changes safe, he would make necessary changes in the laws.

He had placed himself on record long before that. The Toronto *Financial Post* recalls that shortly after he entered Parliament, in 1911, Mr. BENNETT told the House that something must be done to limit the issue of securities by corporations and to make sure the public would have some proof of the value of the issues they were buying. And two years later, in 1913, still speaking as a private member, he said:

> "The problem which this country has to face sooner or later is how to regulate the increase of the capital stock, having regard to the rights of the people as well as the rights of shareholders."

This disposes, in part at least, of the accusation of inconsistency. But, as already said, the thing isn't important. If most of the world's great leaders and reformers had been consistent, the world would have had little progress.

CONTROLLING THE OTTAWA.

There will be much satisfaction in many quarters with the announcement that the dam at Temiskaming to regulate the flow of the Ottawa river has been completed. It will be in operation during the present year, and the results should be of marked benefit.

For some years the Ottawa has rolled on to the sea without any sort of human control. As a result we have seen high water in the Spring, very low water in the late Summer. The Temiskaming dam is designed to moderate both these extremes. The flood waters will be held back to the height of the dam, water will be stored against later needs, released gradually, and in a normal season there should be no marked variation in the river level.

For industries located on the Ottawa, and for power plants there is a development of much importance. The thousands who own cottages along the Ottawa, on either shore, will find their properties improved. Deeper water will mean better fishing, better boating, better swimming, cleaner beaches, fewer sand bars exposing themselves in a receding current.

Unless in a season of phenomenal drought the level will be maintained, it is said, at a point about eighteen inches higher than the low of last Fall, and this added water will effect a tremendous improvement in the scores of resorts up and down the Ottawa.

AN ANONYMOUS PAMPHLETEER.

Among decent people the writer of anonymous letters is given a place pretty far down in the human scale. The writer of anonymous political pamphlets ranks no higher.

There has come to THE JOURNAL, a 30-page pamphlet printed on fine paper at considerable expense to somebody. It is signed "MICAWBER," and there is nothing to indicate the identity of author, printer or publisher. This precious publication makes a violent attack on a Canadian political party and its leader, descends to low and vicious personalities, is abusive and elaborately facetious in turn—while the person responsible for it hides in safety behind the cloak of a pseudonym.

It may be assumed, of course, that no party organization issued this pamphlet. It was inspired, one imagines, by private animosity and personal spite, and no matter how wide its circulation it will be measured by the contempt good citizens feel for persons who hide behind anonymity when they go into verbal battle.

CHANGING ORDER.

Already in the midst of a five-year program calling for abolition of the slum and the building of 300,000 new houses a year, Britain has now declared by statute against overcrowding. A bill before Parliament states definitely how many persons may live in a room of specified floor area, makes it a punishable offence for that limit to be exceeded.

Thus is illustrated how, all over the world, the old order gives way to the new. Hate paternalism and State Control as we like, the reality before us is that paternalism increases, that there seems to be little escape from it. In Europe and on this continent, under autocracies and democracies alike, the whole trend is toward paternalism, toward State interference and control.

And, after all, what is the alternative. We read that in Scotland 1,638,000 persons, representing 35 percent. of the population, are living with more than two in a room. If laissez faire has no answer to that, if individualism be unable to take care of individuals, why not the intervention of the State? Why not, if, by State intervention, the lot of the individual is improved?

The truth is that we must all attune our thinking to a changing world; to a world in which the old theories are no longer possible. The machine age, the annihilation of distance, new and mighty combinations of capital—these have made a new world, a world in which, whether we like it or not, we have got to live, and to try to live as realists.

MR. MEIGHEN'S REMARKABLE ADDRESS.

Of the unforgettable address which Mr. MEIGHEN delivered before the Canadian Club on Saturday, two things should be known. The first is that Mr. MEIGHEN prepared it at sea while returning from Australia without a volume or a single line of SHAKESPEARE before him. The second is that on the conclusion of his address on Saturday Mr. MEIGHEN went to his office at the Parliament Buildings and, to oblige newspapermen, dictated every line that he had spoken word for word. The dictated copy covered 16 pages of manuscript.

To speak on SHAKESPEARE for 45 minutes without the aid of a single note, quoting copiously and with his own words a glory, was an extraordinary performance. It was not more extraordinary than Mr. MEIGHEN's feat of being able to sit in his office a few minutes later, recalling and dictating every line and word of his address. That, without the intense, nervous concentration which comes to a speaker on his feet, was surely a sheer triumph of memory.

And yet about Mr. MEIGHEN's address on SHAKESPEARE, there was something more than memory. There was what JOHN MORLEY once called the "glory of words." EMERSON wrote of SHAKESPEARE that "he of all men best understands the English language, and can say what he will." It can be said of ARTHUR MEIGHEN, we think, that in a measure gained by few among us, he understands the English language, and loves it. The music of words, their magic, their power and their beauty, he comprehends with a fullness not given to many, and of this the whole texture of his address told eloquently.

There will be those who will speak of this comprehension as a gift, as a special aptitude or talent. It is more than that. Greater than ARTHUR MEIGHEN's intellect is the use that he has made and makes of it; the hard, patient toil, the energy, the ambition, the determination to rise higher and higher. We speak of memory as a "gift." It is not a gift, nor is it genius. What it is compounded of is interest, intense concentration, what Dr. JOHNSON once called "the passion of curiosity." That, almost alone, is the explanation of ARTHUR MEIGHEN.

The explanation does not detract from his achievement. Nor should it detract from our pride in him. For it is something for pride, and faith as well, that the soil and rude civilization of this country should yield such an intelligence, such love for and insight and penetration into supremer values.

REAL ASSESSMENTS.

The city of Regina has reduced its civic assessment by ten percent. or three million dollars, and the Winnipeg *Tribune* commends this step. "A low assessment means a higher tax rate," it agrees, "but it is better to be honest about it."

> "An artificially low mill rate swung on an inflated valuation is an unstable and dangerous combination. In some shallow minds it is a bit of practical chicanery intended to mislead the outside world into thinking taxes are low because the rate is low. . . . The unfortunate thing is that by this device we deceive ourselves. It smothers the cry for civic economy. It propagates the belief that we can afford to spend more money than we have. It builds up an expectation of revenues which do not materialize."

An honest assessment must take some account of market values, of prices that can be realized by the sale of property, and an inflated roll is a fictitious presentation that really deceives nobody. In pre-depression days constantly increasing expenditures were defended by reference to a total assessment going up in something like the same degree. Assessment kept pace with real values on the ascent. But as real values have come down assessment has not followed, and there rests the injustice.

There are many Ottawa properties that could not be sold today at their official valuations. If we were to follow the example of Regina, put into effect a general reduction, the tax rate would jump sharply to raise the same amount of money—but the very necessity for such a rate might be calculated to bring about genuine economies.

THE DEAN OF COUNCIL.

FRED DESJARDINS will be missed in Ottawa City Council for many reasons other than his length of service in that body. He was tolerant and fair-minded, a man of broad sympathies and versatile knowledge, an influence for common sense in public affairs, and his contribution to transaction of the city's business since the turn of the century was of uncommon value.

Mr. DESJARDINS represented By Ward as an alderman for more than 30 years. The people trusted him, and he was worthy of their trust. He was interested in human beings, and he possessed the human touch that made for him a host of enduring friendships.

A kindly and unassuming figure, Mr. DESJARDINS loved his city and gave it the best he had in honest, intelligent public service. By Ward mourns him, and Ottawa is the poorer for his passing.

NOTES AND COMMENT.

If this keeps on we'll soon have that old discussion about the winters getting milder.

A New Hampshire woman put 225 strands of thread through the eye of one needle. She thinks this must be a record of some kind, but we are too polite to give her the answer.

The opening of the debate on the Address saw the galleries of the House of Commons crowded. What a pity it is that we can't retain this pre-election interest in politics in the years between elections.

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OTTAWA, WEDNESDAY, JANUARY 23, 193

MEIGHEN ASKS SENATE PROBE INTO BOND DEAL

Urges Committee Inquire Into His Conduct as Hydro Commissioner.

ATTACKS FINDING OF ONTARIO BODY

Makes Move After Bennett Declines to Ask Duff to Proceed.

Seizing the first available occasion in the Senate this season, Rt. Hon. Arthur Meighen last night issued an invitation to any member of the Upper Chamber to move for the appointment of a committee to investigate his conduct when a member of the Ontario Hydro Commission.

If that motion were made, he would accept it gladly "without any shadow of resentment," would ask his followers to vote for the motion and would appear with pleasure before any committee to justify fully his conduct as an Ontario Hydro Commissioner, Senator Meighen declared.

Will Ignore Report.

"If no Senator wants to make this motion I shall treat this report of the Latchford-Smith Commission with the attention it deserves which is exactly nothing," he concluded.

(This commission was appointed by the Hepburn Government of Ontario.)

The Government leader in the Upper Chamber introduced the question as soon as the Senate met last night. He had written Premier R. B. Bennett on January 4 "earnestly requesting" that intimation be given to Sir Lyman P. Duff, Chief Justice of the Supreme Court of Canada, to undertake the inquiry which Sir Lyman had been asked by the Dominion Government to perform by order-in-council last July, said Senator Meighen. This enquiry of the Chief Justice of Canada, he continued, had been "headed off" by the Latchford-Smith Commission, named after Sir Lyman was asked to conduct an investigation, but which had rushed forward its proceedings. To his letter asking that the Chief Justice conduct an enquiry, proceeded Senator Meighen, the Prime Minister had replied he considered there was no justification to make representations to Sir Lyman that he proceed.

Senator Meighen read the interchange of correspondence between himself and the Prime Minister.

Mr. Meighen's Letter.

Under date of January 4, Mr. Meighen wrote to the Prime Minister as follows:

"I regret indeed that circumstances impel me to bother you again with respect to the matter of allegations made some time ago regarding the purchase of Ontario Power Service

Concluded on Page 2, Col. 4.

Says Reasonable Number of Men Here to Get Work

Minister of Public Works Writes to Board About New Government Buildings.

A letter from the Minister of Public Works informed Board of Control yesterday that in contracts for the Government buildings to be erected here and elsewhere there was provision that a reasonable number of returned soldiers and local workmen, if available and competent, must be employed.

The Minister had been written at the request of Controller Lewis and Alderman McCann.

A petition sufficiently signed was received requesting change of the name of Dorothy avenue to Lakeview Terrace and will be recommended to City Council. The petitioners, residents of Dorothy avenue, have undertaken to pay the costs, approximately $60. Bruce Grayle interviewed the Board on the matter.

Explain Eastview Plan.

Mayor Grandmaitre and Thomas Wayling, Eastview, explained a proposition to remove Cummings Island, in the Rideau river, to provide employment for the town's idle, the material to be placed along the east bank of the river to protect the Federal District Commission park.

The city was asked to surrender its rights in the island on payment of the nominal sum of $1, Carleton county having agreed to this.

The mayor gave the delegation to understand the Board was in favor but wanted first to get reports from the city solicitor and commissioner of works. The island was used for the old bridge, dismantled when the present structure was built more to the north.

Tenders were received for supplying ambulance service for indigent patients from the Woodburn Funeral Home and Radmore-Stewart Funeral Home, both quoting $1 a trip. The social service commissioner was asked to make a recommendation.

At a previous meeting the city solicitor suggested reprimand of the police constable on duty at Rideau and Sussex streets for not reporting an icy condition of the roadway which had caused a woman to fall

Concluded on Page 14, Col. 4.

Hockey Results

NATIONAL LEAGUE.

Rangers, 7; Canadiens, 0.
Boston, 4; Maroons, 3.
Chicago, 2; Americans, 0.
Toronto, 2; St. Louis, 1.

Attempt to Blow Up Big Building Seen in Cleveland Bomb Discovery

Missile Containing Six Sticks of Dynamite Attached to Partly Burned Fuse Found in 55-Storey Structure.

Associated Press by Direct Wire.

CLEVELAND, Jan. 22.—A possible attempt to blow up Cleveland's tallest office building, the 55-storey Terminal Tower, was discovered late today when a bomb containing six sticks of dynamite, attached to a partly burned fuse, was found on the sixth floor of the structure.

Thousands of workers were in the building at the time, unaware how close they may have been to a potential catastrophe.

Although doubt was expressed that the bomb was large enough to have wrecked the entire structure, Lloyd Trunk, police ballistics expert, said it easily could have demolished all the offices on one floor, and possibly others.

Ralph A. Sharp, vice-president of the Cleveland Terminal Building Co., said he supposed some crank made the bomb and placed it there. He mentioned that a number of charwomen employed in the tower have been on strike for several weeks, but added he was confident this, the company's only labor trouble, had no connection with the bomb.

Sharp did not reveal who found the explosives nor the manner in which the discovery was made. The police said a detonating cap was attached to the dynamite in addition to the fuse, which was 25 feet long. One end of the fuse had burned for a time, but whether the fire had gone out by accident or been extinguished deliberately, the officers were not able to determine immediately.

Liberal Members Withdraw From Address Debate

No Voice Raised in Opposition to Bennett Program at Night Sitting of House.

Liberal members of the House of Commons withdrew from the Address debate yesterday and at the 11 o'clock adjournment hour, indications pointed to its conclusion today.

There were promises, also, the Address would be passed without division which was believed to be the only time since Confederation when the first major debate of a pre-election session ended without a test of strength between the parties.

Premier R. B. Bennett led off the debate yesterday, followed by J. S. Woodsworth, C.C.F. leader, two Conservatives, two independents, one United Farmer and one Laborite. True to the promise made Monday by Rt. Hon. Mackenzie King, Liberals withdrew from the debate.

No Opposition Voiced.

All day long, there was no voice raised in opposition to the reform policies listed in the Speech from the Throne, leading to the belief the Address in Reply would be passed without division.

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Washington	Plymouth	N. York
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Steamer	From	For
Excalibur	N. York	Naples

Amusement Ads. on Page 13.

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MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

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123106

Ottawa Morning

OTTAWA, WEDNESDAY, JANUARY 23, 193

MEIGHEN ASKS SENATE PROBE INTO BOND DEAL

Urges Committee Inquire Into His Conduct as Hydro Commissioner.

ATTACKS FINDING OF ONTARIO BODY

Makes Move After Bennett Declines to Ask Duff to Proceed.

Seizing the first available occasion in the Senate this season, Rt. Hon. Arthur Meighen last night issued an invitation to any member of the Upper Chamber to move for the appointment of a committee to investigate his conduct when a member of the Ontario Hydro Commission.

If that motion were made, he would accept it gladly "without any shadow of resentment," would ask his followers to vote for the motion and would appear with pleasure before any committee to justify fully his conduct as an Ontario Hydro Commissioner, Senator Meighen declared.

Will Ignore Report.

"If no Senator wants to make this motion I shall treat this report of the Latchford-Smith Commission with the attention it deserves which is exactly nothing," he concluded.

(This commission was appointed by the Hepburn Government of Ontario.)

The Government leader in the Upper Chamber introduced the question as soon as the Senate met last night. He had written Premier R. B. Bennett on January 4 "earnestly requesting" that intimation be given to Sir Lyman P. Duff, Chief Justice of the Supreme Court of Canada, to undertake the inquiry which Sir Lyman had been asked by the Dominion Government to perform by order-in-council last July, said Senator Meighen. This enquiry of the Chief Justice of Canada, he continued, had been "headed off" by the Latchford-Smith Commission, named after Sir Lyman was asked to conduct an investigation, but which had rushed forward its proceedings. To his letter asking that the Chief Justice conduct an enquiry, proceeded Senator Meighen, the Prime Minister had replied he considered there was no justification to make representations to Sir Lyman that he proceed.

Senator Meighen read the interchange of correspondence between himself and the Prime Minister.

Mr. Meighen's Letter.

Under date of January 4, Mr. Meighen wrote to the Prime Minister as follows:

"I regret indeed that circumstances impel me to bother you again with respect to the matter of allegations made some time ago regarding the purchase of Ontario Power Service

Concluded on Page 2, Col. 4.

Says Reasonable Number of Men Here to Get Work

Minister of Public Works Writes to Board About New Government Buildings.

A letter from the Minister of Public Works informed Board of Control yesterday that in contracts for the Government buildings to be erected here and elsewhere there was provision that a reasonable number of returned soldiers and local workmen, if available and competent, must be employed.

The Minister had been written at the request of Controller Lewis and Alderman McCann.

A petition sufficiently signed was received requesting change of the name of Dorothy avenue to Lakeview Terrace and will be recommended to City Council. The petitioners, residents of Dorothy avenue, have undertaken to pay the costs, approximately $60. Bruce Grayle interviewed the Board on the matter.

Explain Eastview Plan.

Mayor Grandmaitre and Thomas Wayling, Eastview, explained a proposition to remove Cummings Island, in the Rideau river, to provide employment for the town's idle, the material to be placed along the east bank of the river to protect the Federal District Commission park.

The city was asked to surrender its rights in the island on payment of the nominal sum of $1, Carleton county having agreed to this.

The mayor gave the delegation to understand the Board was in favor but wanted first to get reports from the city solicitor and commissioner of works. The island was used for the old bridge, dismantled when the present structure was built more to the north.

Tenders were received for supplying ambulance service for indigent patients from the Woodburn Funeral Home and Radmore-Stewart Funeral Home, both quoting $1 a trip. The social service commissioner was asked to make a recommendation.

At a previous meeting the city solicitor suggested reprimand of the police constable on duty at Rideau and Sussex streets for not reporting an icy condition of the roadway which had caused a woman to fall

Concluded on Page 14, Col. 4.

Hockey Results

NATIONAL LEAGUE.

Rangers, 7; Canadiens, 0.
Boston, 4; Maroons, 3.
Chicago, 2; Americans, 0.
Toronto, 2; St. Louis, 1.

Attempt to Blow Up Big Building Seen in Cleveland Bomb Discovery

Missile Containing Six Sticks of Dynamite Attached to Partly Burned Fuse Found in 55-Storey Structure.

Associated Press by Direct Wire.

CLEVELAND, Jan. 22.—A possible attempt to blow up Cleveland's tallest office building, the 55-storey Terminal Tower, was discovered late today when a bomb containing six sticks of dynamite, attached to a partly burned fuse, was found on the sixth floor of the structure.

Thousands of workers were in the building at the time, unaware how close they may have been to a potential catastrophe.

Although doubt was expressed that the bomb was large enough to have wrecked the entire structure, Lloyd Trunk, police ballistics expert, said it easily could have demolished all the offices on one floor, and possibly others.

Ralph A. Sharp, vice-president of the Cleveland Terminal Building Co., said he supposed some crank made the bomb and placed it there. He mentioned that a number of charwomen employed in the tower have been on strike for several weeks, but added he was confident this, the company's only labor trouble, had no connection with the bomb.

Sharp did not reveal who found the explosives nor the manner in which the discovery was made. The police said a detonating cap was attached to the dynamite in addition to the fuse, which was 25 feet long. One end of the fuse had burned for a time, but whether the fire had gone out by accident or been extinguished deliberately, the officers were not able to determine immediately.

Liberal Members Withdraw From Address Debate

No Voice Raised in Opposition to Bennett Program at Night Sitting of House.

Liberal members of the House of Commons withdrew from the Address debate yesterday and at the 11 o'clock adjournment hour, indications pointed to its conclusion today.

There were promises, also, the Address would be passed without division which was believed to be the only time since Confederation when the first major debate of a pre-election session ended without a test of strength between the parties.

Premier R. B. Bennett led off the debate yesterday, followed by J. S. Woodsworth, C.C.F. leader, two Conservatives, two independents, one United Farmer and one Laborite. True to the promise made Monday by Rt. Hon. Mackenzie King, Liberals withdrew from the debate.

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Vulcania	Gibraltar	N. York

Sailings.

Steamer	From	For
Excalibur	N. York	Naples

Amusement Ads. on Page 13.

123107

Meighen Asks

Continued from Page One.

bonds and the appointment by your Government of the Rt. Hon. the Chief Justice of Canada to make enquiry into same in so far as such allegations affect my honor as a public man.

"You will recall that immediately after the Chief Justice was appointed and before he was able to organize the enquiry, the Government of Ontario appointed two commissioners, Chief Justice Latchford and Mr. Justice Smith (retired) to make investigation of virtually the same subject matter. That this was done merely to head off the enquiry to be made by the Chief Justice of Canada was, of course, manifest to all, and was made abundantly clear by the action of the new commissioners in Ontario who met within a few moments after their appointment and before those affected had any notice thereof, and received in evidence a large mass of material affecting myself and others concerned without my so much as knowing that a sitting was taking place or even that a commission was appointed. Their purpose very obviously was to see that no other commissioner could get access to these important documents.

"This commission, known as the Latchford-Smith Commission commenced its sittings on July 13 and concluded on August 23 last. I shall not comment on the conduct of their investigation, as the nature and spirit of it was glaringly clear from the beginning. Although my conduct complained of was conduct in a public capacity, I was immediately denied even a recommendation that counsel be provided, contrary to all precedent of which I have knowledge. Further, the province of Ontario was represented by counsel who was himself one of my accusers. These facts speak for themselves and need no elaboration by reference to a series of remarkable decisions and failure of decisions on the part of the commissioners which marked the entire proceeding. The whole affair was used mainly as a sounding board for the accuser, acting as public prosecutor, for the purpose of newspaper headlines.

Report Published.

"As you are aware, I left Toronto for Australia on October 3. On or about October 27 the report of the commissioners was handed to the Government of Ontario and by that Government handed to the press, or certain of the press. Extracts from the report were published.

"Ever since these extracts were published, P. H. Gordon, K.C., acting as my solicitor, has been endeavoring to procure a copy of the report from the secretary of the commission, from the counsel for the Hydro Commission during the investigation, and from the Government itself. **He has been denied at all sources a copy of the report or the privilege of making a copy himself—this on the plea that it must first be presented to the Legislature.**

"One cannot help admiring the delicate solicitude for the right of the Legislature to have prior access to a public document several months after such document has been handed to the press.

On being finally refused access to this report by the Premier's office, I perused the extracts in the press.

"Inasmuch as the evidence given (though all produced by the accuser) contained so far as I could observe no conflict of testimony, it is to me incomprehensible that the commissioners have utterly failed to grasp even the fundamental facts.

"In so far as the so-called finding affects myself, it appears to be based on a conclusion that the action of the Hydro Commission on August 2, 1932, in acceding to the request of the Ontario Government to put through a purchase negotiated entirely by that Government and wholly on the credit and responsibility of that Government involved an exercise of discretion as to the merits of the bargain by the commission itself, and that the commission should have reviewed the entire transaction and acted as a sort of court of appeal over the Government of the day in respect of a matter which was entirely governmental and provincial.

"The commissioners find that the indemnification given the Hydro Commission by the Government through an order-in-council "is ineffectual because it creates a liability on the provinces that cannot be created by order-in-council."

Indemnity Ratified.

"You will find it hard to believe that these commissioners took pains to omit in their report that **this indemnity thus given was subsequently ratified by the Legislature and that the ratification speaks from the moment such indemnity was given, although these facts appear time and again in uncontradicted evidence, and in argument.**

"There is perhaps nothing in the report so far as published quite so amazing as a finding that the seven hundred odd partner municipalities for whom the Hydro Commission has always acted as trustee are not in reality owners of the property administered by such commission. This finding does not at all affect myself at all, is only referred to as indicative of the calibre of the report.

"While it is true that the report so far as I can ascertain appears to have received little if any public attention and has made still less impression on the public mind, nevertheless I feel, as expressed in previous communications, that I am entitled to have this matter cleared up authoritatively by a member of the judiciary of the very highest standing in Canada of whose fairness and capacity there can be no question whatever.

"Shortly after the appointment of the Latchford-Smith commission, the Rt. Hon. the Chief Justice gave out a statement to the effect that the authoriy vested in him to hold enquiry would not at that time at least be exercised. I earnestly request that intimation now be given the Chief Justice that your Government is of the view that he should undertake the task which was vested in him by federal order-in-council of July last.

"It is my sincere hope that you will see your way to accede."

Prime Minister's Reply.

Three days later Prime Minister R. B. Bennett replied:

"I have your letter of the 4th instant, in which you request that I intimate, on behalf of this Government, to the Chief Justice of Canada that we would be pleased if he would now proceed to execute the commission entrusted to him by Order-in-Council in July last, respecting certain charges affecting yourself.

"While I have not yet seen a copy of the Latchford-Smith report, I have perused extracts from such report made in the press of October 27 last.

"It is plain from these extracts that, insofar as the commission has made a finding respecting yourself, it is based upon their interpretation of your legal position when, on August 2, 1932, and subsequent dates you, as a Hydro commissioner, took part, with your fellow commissioners, in a decision to comply with a request of the Government of Ontario to carry through for that Government the purchase which it was making of certain bonds and ultimately of the property securing the same. From the documents, it would appear that your contention was that the property being administered by the Hydro Commission belonged to the 700 or more partner municipalities (subject, of course, to indebtedness) and that as commissioner you were acting as trustee of such municipalities and that, as the contemplated purchase was being made by the Government of Ontario on the credit of that Government and the properties of the municipalities were in no way affected, it was not your duty to review the merits of the Government's bargain. Consequently, you believed and stated that you had no discretion to exercise affecting in any way the price to be paid for the bonds and properties. On this belief your fellow commissioners also acted.

"The investigating commissioners appointed by the Governor in Council of Ontario took another view. So far as I can gather from the published report of their findings, they hold that the properties being administered by the Hydro Commission do not belong to the partner municipalities, but to the Province of Ontario, and that you had a duty to check and review any purchases being made by the Ontario Government.

Not Accepted Understanding.

"I do not wish—in fact it would be highly improper for me—to comment on the soundness or unsoundness of their interpretation of the law, but I think it fair to say that the idea of the Hydro properties not being held for the partner municipalities has not been heretofore the accepted understanding of the situation.

"The Hydro Commission is appointed and dismissable by the Government itself. It is hardly conceivable that the Legislature intended to clothe that body with the power to review and control the actions of the Government which had appointed it, with respect to purchases that in the opinion of the Government should be made on the terms agreed upon. I decline to assume that the Legislature intended to set up a commission having power to modify or even nullify agreements for purchases made by the Government which appointed it.

"But the important consideration—indeed the only consideration of interest to this Government—is not whether the investigating commissioners are right in their interpretation of the law or whether you are right in your interpretation. What concerns us is whether they found in the circumstances anything reflecting on your honor as a public man. **Assuming for the sake of argument that they are right and you are wrong, it would appear to me even from the Latchford-Smith report, that your view was honestly held: this seems to me to dispose of the question.**

"Under these circumstances, I really do not feel there would be any justification for us making to the Chief Justice the representations you request. It is a matter of sincere regret to me not to be able to meet your wishes, but I trust on further reflection you will agree with the views I have expressed."

Employment Increa In Construction

Slight Improvement Shown But Still Long Wa

Canadian Press by Direct Wire.

MONTREAL, Jan. 22.—Slight improvement was shown by the construction industry in Canada during 1934, partly due to relief works carried on by Governments, but "the construction industry has still a long way to go in order to reach even the average construction levels." W. H. Yates, Jr., of Hamilton, Ont., today declared in his presidential address to the Canadian Construction Association.

An increase of 30 percent. was recorded in the value of construction in Canada in 1934, as compared with 1933, J. Clarke Reilly, of Ottawa, general manager of the association, stated in his report. In 1934 the value of construction was $126,000,000, against $97,000,000 in the previous year, he said.

Of the construction work done in Canada in 1934, 60 percent. was "building" and 40 percent. "engineering." One-half of the total was

THURSDAY---G

CAPLAN'S RED

A CLEAN-UP OF ODD LIN

We mean to clear away this season's stock AT ONCE! This is a filled to brimming with Extra Specials! Included are many unadve

LADIES' DRESSES 14 only! Afternoon and street types. Bright and dark shades. Sizes 14 to 20	1.33
LADIES' COATS 15 only! Black and navy well wearing fabrics. Coney collars. Sizes 14 to 18	3.69
Ladies' Home Frocks 100 only! Figured prints. Sizes 36 to 44	48c
LADIES' HATS Felt and velvet brims or turbans. Only 36	23c
LADIES' LINGERIE 50 rayon panties, 24 rayon gowns, 12 angelskin dance sets, 50 lace brassieres, 30 cotton waffle weave panties. Each	23c
LADIES' HOSIERY 100 pairs only! Perfect and slightly imperfect chiffon and semi-service hose. Values to 1.00 pair	33c
LADIES' GLOVES 100 only. Chamoisette, kid and silk. Reg. 1.00. Broken sizes. Pair	23c
LADIES' BAGS 50 leather or suede bags in black and brown. Reg. to 2.95	83c
LADIES' SWEATERS Only 35. Smart styles. Sizes 32 to 40	43c
LADIES' RAYON VESTS 35 only. Reg. 29c	9c
LADIES' SHOES 126 pairs. Black or brown kid and calf. Sizes 3 to 8 in lot	1.53
LADIES' SLIPPERS In comfy and other styles. 67 pairs in sizes 3 to 8. Pair	29c
LADIES' RUBBERS 39 storm rubbers in sizes 2½ to 8. Pair	33c
BRIDGE STANDS Just 5. Wood or metal	2.69
JUNIOR STANDS 6 metal stands	2.69
END TABLES 4 fibre tables. Reg. 4.75	2.69
BRIDGE SHADES 6 silk shades, each	2.69

MEN'S OVERCO
Just 6. Grey tweeds in or form-fitting styles. S 39, 44 and 46 in lot

MEN'S SHIRTS
54 only. Broadcloths wit lar attached or separate Broken up sizes

MEN'S KID GLOV
In grey only. 19 pairs

MEN'S SCARVE
Rayon squares and w reefers. Only 46

MEN'S WINTER C
Warmly lined. Broken Just 38

MEN'S BOW TIE
59 in assorted shapes. Al tied or ready to be made u

MEN'S SLIPPER
Broken lines of regular including felt Everetts. 88

MEN'S SPATS
42 pairs in grey or faw Sizes 6 to 11

TABLE LAMP
4 only. Wood and with parchment shades

CABINET SMOK
Only 7. With draw carrying handle. Wal ished

COFFEE TAB
3 genuine walnut ta carved tops

ELECTRIC HEA
Copper finished. 1 si 1 double element

Table and Wall M
Just 7. Venetian an Venetian styles

JUNIOR SHAD
6 silk shades, each

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MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

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NATIONAL COUNCIL OF EDUCATION

MONTREAL COMMITTEE

The Montreal Committee of the **NATIONAL COUNCIL OF EDUCATION** has the honour to announce that

Senator the Rt. Hon. ARTHUR MEIGHEN, P.C.

will give his notable address

"The GREATEST ENGLISHMAN of HISTORY"

in the

Montreal High School, University Street

(by kind permission of the Protestant Board of School Commissioners)

on

MONDAY EVENING, FEBRUARY 11th, AT 8.30 P.M.

Chairman

Senator RAOUL DANDURAND, P.C.

It is fortunate that in this country, as in Great Britain, leaders in public life find time and thought in their busy lives for cultural pursuits. The authority of the Rt. Hon. Arthur Meighen as a Shaksperian scholar is one of the outstanding examples of this stimulating quality and influence of Canadian men of affairs.

Mr. John Weatherseed, A.R.C.O., organist of St. George's Church, will render on the pianoforte some instrumental numbers drawn from the compositions of Elizabethan masters.

THE PUBLIC IS INVITED

There is no admission charge. No undertaking can be made as to number or position of seats.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

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123109

THE OTTAWA JOURNAL
The Journal Publishing Company of Ottawa, Limited.
TUESDAY, JANUARY 22, 1935.

and to ... as realists.

MR. MEIGHEN'S REMARKABLE ADDRESS.

Of the unforgettable address which Mr. MEIGHEN delivered before the Canadian Club on Saturday, two things should be known. The first is that Mr. MEIGHEN prepared it at sea while returning from Australia without a volume or a single line of SHAKESPEARE before him. The second is that on the conclusion of his address on Saturday Mr. MEIGHEN went to his office at the Parliament Buildings and, to oblige newspapermen, dictated every line that he had spoken word for word. The dictated copy covered 16 pages of manuscript.

To speak on SHAKESPEARE for 45 minutes without the aid of a single note, quoting copiously and with his own words a glory, was an extraordinary performance. It was not more extraordinary than Mr. MEIGHEN's feat of being able to sit in his office a few minutes later, recalling and dictating every line and word of his address. That, without the intense, nervous concentration which comes to a speaker on his feet, was surely a sheer triumph of memory.

And yet about Mr. MEIGHEN's address on SHAKESPEARE, there was something more than memory. There was what JOHN MORLEY once called the "glory of words." EMERSON wrote of SHAKESPEARE that "he of all men best understands the English language, and can say what he will." It can be said of ARTHUR MEIGHEN, we think, that in a measure gained by few among us, he understands the English language, and loves it. The music of words, their magic, their power and their beauty, he comprehends with a fullness not given to many, and of this the whole texture of his address told eloquently.

There will be those who will speak of this comprehension as a gift, as a special aptitude or talent. It is more than that. Greater than ARTHUR MEIGHEN's intellect is the use that he has made and makes of it; the hard, patient toil, the energy, the ambition, the determination to rise higher and higher. We speak of memory as a "gift." It is not a gift, nor is it genius. What it is compounded of is interest, intense concentration, what Dr. JOHNSON once called "the passion of curiosity." That, almost alone, is the explanation of ARTHUR MEIGHEN.

The explanation does not detract from his achievement. Nor should it detract from our pride in him. For it is something for pride, and faith as well, that the soil and rude civilization of this country should yield such an intelligence, such love for and insight and penetration into supremer values.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

PUBLIC ARCHIVES
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CANADA

SPORTS PAGE

McGILLIS SHUTS OUT CRESCENTS AT HOME

Mic-Macs Down Perth 3-0 in County Town to Cinch Berth in Lanark League Playoffs.

With Lloyd McGillis turning in a sensational exhibition of goaling, Smiths Falls Mic-Macs swept into the Lanark County League finals on Monday night when they invaded Perth and shut out Crescents by a 3-0 margin in a sizzling, nerve-tingling hockey exhibition which marked the conclusion of the regular circuit schedule.

Needing a tie or a win to make sure of a berth in the finals, Mic-Macs played brilliant defensive hockey from bell to bell, standing off the frantic Perth attack with stonewall tactics inside their own blue line and depending upon the brilliant McGillis to turn aside the shower of rubber Crescents flung from power-play formations as they watched their hopes of victory vanish in the fleeting minutes.

Taking full advantage of every break that came their way, Harry O'Neil's charges smashed home two tallies in the middle session, dented Perth's armor again in the third period and then coasted to a well earned triumph as a small but noisy group of Smiths Falls fans cheered the first victory a Railroad town squadron had racked up in Perth in some years.

Standing out on the night's play was chunky Lloyd McGillis. The young Mic-Mac netminder turned aside no less than 39 hard shots during the three periods of play and on numerous occasions he used hands, stick, pads and body to rob enemy sharpshooters of goals when they had worked right through. In the third period he stopped four shots in a row and the last drive clipped him on the cheek laying open a deep gash under one eye. McGillis was taken to the dressing room for repairs but gamely continued and in the last few minutes of play flashed a few additional saves of the sensational variety. His work was flawless throughout the evening and even rabid Perth fans were forced to cheer the brilliant efforts of the young netman.

Bob Flegg and Billy Doyle again played good hockey on defence while Ed. Muldoon, Cliff Wing, Frank Dorman, Rus Black, Hermie Moulton and Bill Tennant worked like beavers from start to finish, clung to their checks in approved defensive fashion and missed no opportunities to carry play into the enemy zone. Tommie Hamilton returned to the fold and proved a mighty useful man, especially when Mic-Macs were playing short-handed.

Rusty White was again Perth's outstanding star though the fast skating Slim Haley and Doug Howie also played sparkling hockey for the homesters.

Ed. Muldoon, Frank Dorman and Rus. Black accounted for the Mic-Macs goals. Muldoon's was a long shot from outside the blue line, Dorman's a neat effort on a pass from Muldoon, and Black secured his when he picked up Tennant's rebound and reefed it into the cords.

McGillis began his brilliant work shortly after the start of the game when he flashed a smart save after Haley had worked right in. Hermie Moulton missed at the other end after taking a perfect pass and Tommie Hamilton made Rutherford step with two hard shots while Dorman was serving a penalty for playing the puck with a broken stick. Perth bombarded McGillis from all angles as the period waned but Dorman broke away, drew the defence and slipped it over to Moulton, the latter missing the corner by inches as Rutherford came out.

Four minutes after the second period had started, Ed. Muldoon hooked the puck at his own blue line, stepped past centre ice and banged a high drive off Rutherford's chest. The rubber trickled down, struck his ankle and glanced into the cage for lucky but nevertheless acceptable goal. Perth staged a furious attack but were unable to break through McGillis' starry goaling performance and after ten minutes of play Muldoon broke away at centre and worked a double pass with Dorman. The centre iceman took the puck in front of the net, sidestepped two defenders and then flung a blistering, backhand, cross-fire which twitched the corner cords and put Smiths Falls two up.

Perth forced play in the third period, keeping the puck in the Mic-Mac zone and gunning continually at McGillis only to have the portly netman turn all their scoring efforts aside. He made four great saves from a scramble and the last shot hit him in the face, forcing a delay for repairs. Smiths Falls showed more attacking punch after he returned and Muldoon broke away to a close shot. The second line came on and Bill Tennant battered his way down right wing and smashed a hard drive at Rutherford. The puck glanced out and Rusty Black glued onto it, took his time and smacked the wafer by Rutherford from close in for the third goal. Hermie Moulton went right in as the period waned, was tripped but slid a pass to Black and only a smart save by Rutherford kept the Mic-Macs from another goal.

Happy Shouldice, of Ottawa, officiated.

The teams:

Smiths Falls—Goal, McGillis; Defence, Flegg, Doyle; Centre, Dorman; Wings, Muldoon, Wing; Subs. Black, Tennant, Moulton, Hamilton, Thomas, McPhee.

Perth—Goal, Rutherford; Defence, Spalding, R. White; Centre, Howie; Wings, G. White, Haley; Subs. R. Rutherford, N. White, Somerville, Richardson, Smith, Rathwell, Douglas.

Summary

1st period

No score

Pen: Doyle, Dorman, Howie.

2nd period

1 Smiths Falls, Muldoon 4.00
2 S. Falls, Dorman (Muldoon) 10.00

Pen: Doyle

3rd period

3 S. Falls, Black (Tennant) .. 16.00

Pen. None

Shots on Goal

	1	2	3	Total
Rutherford	7	6	4	17
McGillis	8	14	17	39

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M'S AND P'S

Miller's men have moved the plate
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Man-to-man by matchless play
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A perfect pass,—no muff;
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Make merry—pause and puff!

Now members pivot 'round the palm
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And mingle with the Principals
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The major men are mum,
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At Master Players, Paramount,
Pitch posies, plenty, please!
Posterity,—pursue with praise
This pair of M's and P's!

Written especially for the Record-News by Florence Gould, Arran Hall, 2-5-'35.

RADIO NEWS

We heard Mr. Meighen on Monday night and we were not disappointed. His eulogy of Shakespeare and his quotations chosen perfectly indicated his familiarity with this master of English words. Mr. Meighen's slow tempo and the pauses between words, phrases and clauses gave us ample opportunity to hear the words and get a clearer understanding of their meaning. He did not indulge in dramatics. He articulated the words clearly and let the words themselves be the drama. Thank you, Mr. Meighen. Undoubtedly the Canadian Radio Commission made a recording of this magnificient broadcast. If they did we shall have the pleasure of listening to it again and may we recommend that anyone who missed this broadcast be on the lookout for its repetition.

At the same time it will be a very interesting broadcast for the people in England to hear. Here is the leader of the Conservative party in our Senate discussing so intimate a matter as our relation to the mother country in a second hand way. He does not make an oration about the loyalty of the people of the Dominion but rather by inference or through Shakespeare, he shows in no uncertain terms just how we feel. It was a masterly stroke. It may not have been premeditated but Mr. Arthur Meighen is one of the brilliant thinkers in Canada.

It was very clear to me during the war how the English motherland reacted to all the newspaper propaganda regarding Canadian dissatisfaction with the Empire. Our position in the Empire is just the same as the children in a family insisting on asserting their own individuality shaking off the fetters of slavery to various dogmas and go their own way—yet because they have asserted their own right to be masters of their own destiny they are not the less devoted to their family.

And how this point—the love of our British family was brought out by Mr. Meighen!

* * * * *

On Sunday, February 17, the National Council of Education is bringing to the Canadian Radio Commission network another very interesting speaker. Mr. Napier Moore, Editor of McLeans magazine, will bring to us an interesting and perhaps witty address. The time is 6.00 o'clock.

* * * * *

Next week we are going to publish a picture of Professor MacDonald who delights us each Saturday night at 7.30 o'clock with his review of current books. This review is in itself a drama of no mean order. Professor MacDonald knows how to interest an audience. Hear him and you will become a Saturday evening addict.

* * * * *

We always have enjoyed Jack Pearl as "The Baron'. He has been absent for some time and is now coming back as Peter Pfeiffer—the occasion "The Family Hotel"—the night Wednesday, February the 20th; the time ten o'clock.

* * * * *

Toscha Seidel will be a guest on the Columbia Concert Hall program Wednesday, February 20 from ten thirty to eleven o'clock. Further comment is unnecessary except to add that this in not a commercial broadcast but a sustaining feature so that in this case Mr. Seidel will be given full opportunity to play what he should, not what a commercial sponsor thinks the popular radio audience might like to hear.

* * * * *

Now that television is just around the corner and will be on the air in England shortly we had better begin to think very seriously about our local station. CRSF will be able to show us our local celebrities as they speak their mind in council meetings. It will be a great boon to the town.

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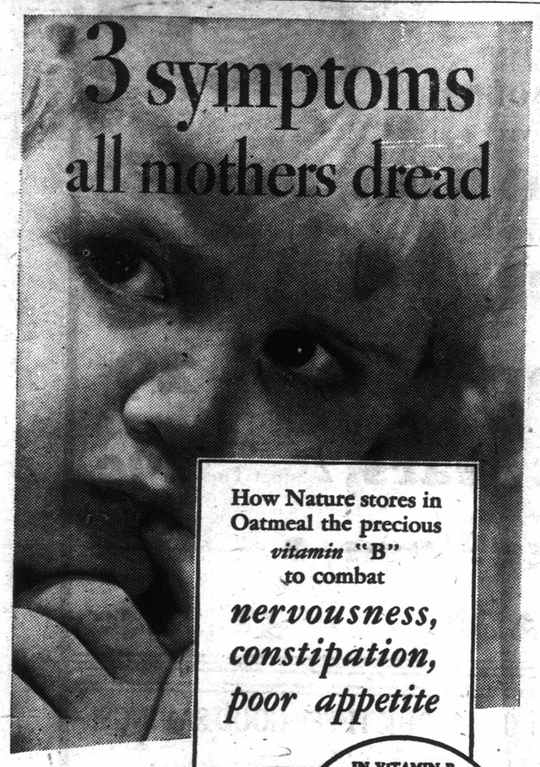

3 symptoms all mothers dread

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1c worth of oatmeal *equals* 3 cakes fresh yeast

"Youngsters must have Vitamin B, yet 1c worth of delicious Quaker Oats contains more of it than 3 cakes of fresh yeast."

Moreover, milk itself *builds growth better* when eaten with oatmeal, than with most other cereals!

IN a simple, healthful breakfast of oatmeal is stored the precious vitamin B that combats poor appetite, nervousness, constipation.

And the amount of this vital element in a single bowl of oatmeal is equal to that contained in 3 cakes of fresh yeast.

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Milk contains the growth-vitamin (G) which doctors say works best in combination with the vitamin B in oatmeal.

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Oatmeal is one of Nature's basic foods. It is rich in the essential life-building minerals — iron, phosphorus and lime. These minerals build and replenish rich, red blood. Combat anaemia. Develop sturdy muscles and straight bones.

Quaker Oats contains not only all these vital elements, so essential to health—it is further enriched by irradiation with the Sunshine-vitamin (D).

Hence Quaker Oats and milk is the *perfect* breakfast. In this delicious and nourishing combination Nature and Science join hands to produce a food unsurpassed in nutritive and growth-building value.

Order Quaker Oats from your grocer today.

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If you like beautiful china—and what woman doesn't—buy the Quaker Oats package marked CHINAWARE—every one contains a piece of china in a new blue and white scenic pattern.

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Please send me free a copy of Dr. Bundesen's 32-page book, "Foods for the Growing Child," with 54 helpful illustrations, and many charts showing value, uses, and preparation of foods to build healthy children.

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GIST AND GIST OF SPORTS BY "JAY JAY"

Mic-Macs, tomahawks ready and scalp-knives unsheathed, return to the home camping grounds this Saturday night and Roy Kennedy's Winnifred Street Arena wigwam should be the scene of the greatest hockey skirmish of recent years when Harry O'Neil's gallant red, white and black tribe tangle with Carleton Place in the second game of the best-of-three-in-five series for the Lanark County Hockey Championship and the right to represent this district in the playdowns for the Citizen Shield. Mic-Macs, as they are playing right now, form what is probably the greatest team Smiths Falls has had in quite a number of years and local sports fans are certain to turn out in large numbers to watch the home town lads battle for the county hockey honours.

* * * * *

Figured by the doleful ones as set-ups at the beginning of the season, Harry O'Neil's likeable lads have proved anything but that. Mic-Macs finished the schedule but a single point behind the League leaders, despite the fact that Carleton Place had been reinforced with the addition of several former Almonte stars. Last night the Smiths Falls youngsters invaded Carleton Place, had a decided edge on play for the greater part of the game and emerged with a 6-6 draw to their credit. In the second period they ran wild, giving Carleton Place fans a glimpse of flawless combination work which swept five goals into Taffy Williams' cage, three of these coming within the short space of fifty seconds. Mic-Macs proved last night that they possess hockey what-it-takes and at this writing Harry O'Neil's boys seem headed for the first hockey championship this Railroad town has tacked on its sports wall in many a mid-winter moon.

* * * * *

Even if Mic-Macs should lose out this year they will have proven definitely that Smiths Falls possesses hockey material second to none. Not a player on the Mic-Mac roster is more than 25 years of age and several members of the team are playing their first year of senior hockey. Lack of experience, however, is overcome by the splendid spirit which has marked the play of the young Smiths Falls team during the entire season and Mic-Macs will be a team to reckon with next year, a team which will very likely carry this town's colors to heights of glory seldom attained in the last two decades. Hopes are that turnstiles at the Winnifred Street Arena will click a song of record crowds when the red, white and black clan play before the home folks in Saturday's game of the County League finals.

* * * * *

Watching last night's game:—Clint Benedict, probably the greatest hockey goalie of all time, was a spectator as Mic-Macs and Carleton Place battled to a 6—6 draw and the former Ottawa and Maroon star had high praise for the brilliant combination work which marked the Smiths Falls team's play in the middle session. Mic-Macs counted their first three goals in less than a minute. Muldoon rang up no. one as the clock showed 1.15. In 25 seconds he was in again and play had only gone 15 seconds before the right winger notched number three. Carleton Place fans were somewhat dazed as they watched their first period lead switched into a deficit in far less time than it takes to tell the tale. The scoring splurge created a new record for Ottawa and district bang 'em inners. . . . Arnie McDaniels broke away in the third period with only Billy Doyle to beat. Doyle stopped him with a clean body-check and both went down. For some reason McDaniels lashed out with the butt-end of his stick and then struck Doyle with his fist. There was no call for such action but Referee Happy Shouldice gave both men penalties though Doyle had taken no steps to warrant such action. . . . Carleton Place spectators take their hockey seriously and are not adverse to aiding the home team wherever possible. During one of their power plays Ed. Muldoon attempted to clear and a spectator grabbed his stick and held it for some seconds till Muldoon yanked it free. The action savored of poor sportsmanship and left Smiths Falls minus the services of a man while the stick was held. . . All of the 12 goals were scored at one end of the rink. . . . A packed rink watched the game and about twenty Smiths Falls fans were present to lend their vocal support to the O'Neil men.

* * * * *

Smiths Falls Juniors go into their Lanark League play-off tomorrow night, journeying to Carleton Place for the first brush of their two game, goals to count series with the Junction Towners. The local lads play the second game here on Monday night. Jack Callan's boys made something of a run-away of the season's schedule but Carleton Place kids furnished tough opposition towards the end and the series should be well worth while attending.

* * * * *

Incidentally, don't forget Mic-Macs' Hockey Fair which will be held on Thursday, Friday and Saturday of next week, February 21st, 22nd and 23rd. There will be fun galore and all proceeds will be turned over to the Mic-Mac Club which has received little financial assistance at the "gate" during the current season, despite the fact that really swell hockey was served up.

HEMORRHOIDS OR "PILES" are promptly and thoroughly relieved by the use of **Dr. CHASE'S OINTMENT**

Mic-Macs Tie Carleton

(Continued from Page 1)

Muldoon completing his scoring act with his fourth tally of the period.

Carleton Place started fighting back at the very start of the third session and McDaniels scored in 45 seconds on a long, hard shot which Bob Flegg deflected, McGillis missing the swerving puck which glanced from Flegg's glove into the corner of the cage. The homesters continued their ganging attack and Houston finally took a loose puck from in front of the net to crack it home. They tied it up as the period waned when Howard Armstrong, uncovered in front of the net, took Houston's pass-out to pick his spot and flick the boot heel into the drapes.

After only 20 seconds of the overtime period Mic-Macs again went ahead on a sparkling play. Dorman carried the puck down centre and passed to Wing who shot a wide pass over to Muldoon. The right winger went in only to hit the post and Wing picked up the rebound and ticked it in. Mic-Macs played to safeguard their slim lead during the remainder of the overtime and came close to emerging with a win but just before the final bell sounded Carleton Place's ganging attack brought results when McDaniels pounded home the rubber from a scramble in front of the Smiths Falls cage.

An unusual feature of the evening's play was that all of the goals were all scored at one end of the rink. Flying pucks, too, caused some damage and Ike Smith, former Almonte star, was badly cut about the face when a high shot struck him below the eye. Tim. Armstrong, defence player, was also struck in the face with a flying puck but was able to continue.

Happy Shouldice, of Ottawa, officiated.

The teams:

Carleton Place—Goal, Williams; Defence, Curtis, Laroque; Centre, Smith; Wings, Bracewell, Morrison; Subs. T. Armstrong, H. Armstrong, Walker, McDaniels, Houston.

Smiths Falls—Goal, McGillis; Defence, Flegg, Doyle; Centre, Dorman; Wings, Muldoon and Wing; Subs. McPhee, Hamilton, Moulton, Tennant, Black.

Summary:

1st period

1 C. Place, Bracewell 4.15
2 C. Place, McDaniels 4.45

Pen: Smith, T. Armstrong, Doyle, Curtiss.

2nd period

3 S. Falls, Muldoon (Wing).... 1.15
4 S. Falls, Muldoon (Wing).... .25
5 S. Falls, Muldoon (Wing Dorman) ..... .15
6 S. Falls, Wing (Dorman) 8.15
7 S. Falls, Muldoon (Dorman)... 9.50

Pen: Curtiss, Dorman, H. Armstrong, Doyle.

3rd period

8 C. Place, McDaniels ..... .45
9 C. Place, Houston (Morrison) 7.15
10 C. Place, H. Armstrong, (Houston) 4.50

Pen: Dorman, Morrison, McDaniels, Doyle

Overtime

S. Falls, Wing, (Muldoon, Dorman) ..... .20
12 C. Place, McDaniels (Bracewell, Houston) 9.20

Pen: None.

FULL RECORD LANARK LEAGUE

Jack Bracewell Tops Scorers As Season Concludes—Dorman Tied For Second Place

Jack Bracewell, of Carleton Place, wins scoring honors in the Lanark League as the regular season's schedule concludes. Bracewell accounted for 19 points while Frank Dorman, of Smiths Falls and Rusty White, of Perth, were tied for second place with 17 markers apiece.

Bracewell holds the most goals record with 14 while Dorman had the most assists, 12. In all 102 goals were scored during the season and 81 assists were recorded.

Lloyd McGillis, starry Mic-Macs netminder, copped all the goaling honours without much difficulty and recorded the only two shutouts of the League Season, one against Carleton Place and one against Perth. Both shutouts, incidentally, were scored in enemy territory and both were 3-0 scores. McGillis had only 29 goals scored against him in 12 games while Williams, of Carleton Place was beaten 34 times and Rutherford of Perth, 39.

The closeness of the schedule and the even matching of the teams is revealed in the complete standing which shows Smiths Falls but one point behind the League leading Carleton Place clan and Perth but a scant few points out of the running.

Complete scoring statistics are as follows:

	G.	A.	Pts
Bracewell, C. P.	14	5	19
R. White, P.	11	6	17
Dorman, S. F.	5	12	17
G. White, P.	4	11	15
Wing, S. F.	7	5	12
McDaniels, C. P.	6	4	10
Haley, Perth	7	2	9
Morrison, C. P.	3	5	8
Black, S. F.	5	2	7
Muldoon, S. F.	4	3	7
T. Armstrong, C. P.	4	3	7
Tennant, S. F	2	5	7
Smith, C. P.	2	4	6
Cameron, C. P.	2	3	5
Furlong, P.	3	1	4
Walker, C. P.	2	2	4
Somerville, P.	2	2	4
Moulton, S. F.	3	0	3
Howie, P.	3	0	3
Flegg, S. F.	2	1	3
Spalding, P.	2	1	3
Hamilton, S. F.	2	0	2
H. Armstrong, C. P.	2	0	2
Thomas, S. F.	1	1	2
Houston, C. P.	1	1	2
Leach, S. F.	1	0	1
McPhee, S. F.	1	0	1
Rathwell, P.	1	0	1
Doyle, S. F.	0	1	1
Laroque. C. P.	0	1	1
	102	81	183

Final League Standing

	G	W	L	T	F	A	Pts
C. Place	12	6	4	2	36	34	14
S. Falls	12	6	5	1	33	29	13
Perth	12	4	7	1	33	39	9
	102				102		

GOOD DEFENCE PLAY FEATURES 3-1 WIN

Mic-Macs Rack Up Clean Victory Over Carleton Place Wing and Dorman Star in Scoring Roles.

Sparkling defensive play and a polished combination attack carried Harry O'Neil's Mic-Macs to a 3-1 triumph over the League leading Carleton Place Maple Leafs in a roaring wide-open Lanark League engagement played on Friday night at the Winnifred Street Arena before a fairly large crowd of some 300 fans.

Good goaling by Lloyd McGillis, who just missed a shutout, and rugged defence work by the Doyle-Flegg defence team turned aside all of the visitors' scoring attempts until the last few minutes of play and in the meantime Mic-Macs outskated and outplayed the Junction Towners on the forward line with Frank Dorman and Cliff Wing turning in glittering games and figuring largely in all of the three Mic-Mac goals.

Throwing open the throttle in the initial session, Mic-Macs dominated play blasting rubber at Taffy Williams from all angles and racking up a brace of goals. They continued the pressure in the scoreless second session and in the third period the home forces made it 3-0. McGillis' second shutout seemed assured but in the last few minutes of the game Arnie McDaniels broke away while Carleton was playing a man short and Howard Armstrong took his rebound to give Carleton Place their single tally.

Highlight of the game was the smart defensive display as furnished by Flegg and Doyle. The young rear guard duo ladled out bodies to all and sundry, banging the visiting forwards about with evident enjoyment and affording well nigh perfect protection to Lloyd McGillis who handled what few shots came his way in the first two periods in flawless fashion. Up forward Cliff Wing continued his sensational hockey to grab off two goals and an assist while Frank Dorman also figured largely in the three Mic-Mac tallies. Ed Muldoon turned in a great game on right wing but had hard luck with his shooting and missed at least three goals from close in. Bill Tennant and Rus. Black went well throughout while big Hermie Moulton turned in one of the finest displays he has yet shown in the local rink and was a star both defensively and offensively.

The Junction Towners, without the services of Jack Bracewell who was ill and unable to make the trip, played hard and never stopped trying but they were clearly outclassed on the night's play. Babe Morrison, Tim and Howard Armstrong and Arnie McDaniels all went well with Ike Smith forming the spearhead of the attack as usual.

Mic-Macs opened up at the start and the Black-Moulton-Tennant line kept Williams hopping. Muldoon missed twice on close in attempts and then Wing passed to Dorman, skipped through to take the return transfer and batted the puck by Williams from the left side of the cage. Towards the close of the session they rang up number two when Wing flashed into the corner and passed out to Muldoon. Covered in front of the net, Muldoon flicked the puck over to the left and Dorman reefed it into the corner for another smart goal.

The fast pace continued in the second session and Doyle missed on a nice play. Tennant had a great chance on Moulton's pass but his shot hit Williams' pads. Moulton drew a penalty and Carleton Place almost scored from a scramble. The puck bounded high in the air and Tim. Armstrong, trying to slash it in on a baseball swing bounced the puck off the top of the net.

Mic-Macs held Carleton Place in their own end of the rink for a full six minutes at the start of the third session and they increased their lead when Frank Dorman went into the right corner and passed out in front. Wing fought his way in to tip the pass into Williams' twine. Carleton Place were a man short with Babe Morrison in the cooler when Arnie McDaniels broke away, worked down right wing along and backhanded a shot off McGillis pads. Howard Armstrong snared the rebound and placed an accurate shot into the cords.

Jack Duggan officiated and gave a fine exhibition throughout.

The teams:

Carleton Place—Goal, Williams; Defence, T. Armstrong, Laroque; Centre, Cameron; Wings, H. Armstrong, McDaniels; Subs. Morrison. Smith, Houston, Walker.

Smiths Falls—Goal, McGillis; Defence, Flegg, Doyle; Centre, Dorman; Wings, Muldoon, Wing; Subs. McPhee, Tennant, Moulton, Black, Hilton.

Summary:

1st period

1 S. Falls, Wing (Dorman) 18.00
2 S. Falls, Dorman (Wing, Muldoon) 1.50

Pen. Smiths

2nd period

No score

Pen: Moulton, Doyle

3rd period

3 S. Falls, Wing (Dorman) ... 4.00
4 C. Place, H. Armstrong (McDaniels) 13.00

Pen: H. Armstrong, Laroque, Doyle, Morrison.

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MR. MEIGHEN AND SHAKESPEARE

There must be thousands of people in Canada who are feeling under a debt of obligation to the Canadian Radio Commission for giving them the privilege this week of hearing Hon. Arthur Meighen deliver his now famous talk on Shakespeare, whom he has recently called "The greatest Englishman of all time." It was an arresting topic in itself, for while most of us have recognized or have heard that Shakespeare was the supreme poet a great many had never thought of him as the greatest Englishman. Yet as Mr. Meighen has gone along in his proof of his own estimation of the bard of Avon the conviction has grown on most of his hearers that he is right and that not only in point of comprehension of man and nature but as a lover of his native land—"This little gem set in a silver sea"—he has had neither a superior nor even an equal. The judgment of another lover of Shakespeare is justified, that of Robert Ingersoll: "William Shakespeare was the greatest genius of our world. He left to us the richest legacy of all the dead—the treasures of the rarest soul that ever lived and loved and wrought of words the statues, pictures, robes, and gems of thought."

It was this man whose greatness Senator Meighen opened up to an audience at Ottawa a short time ago and whose portrayal led to the wider demand that all the people should have a chance to know. The remarkable thing about the address as first given was that Mr. Meighen was able to quote lengthily from tragedies and comedies alike and yet never once needed to refer to a manuscript. It was stated at the time that he had prepared it while on his way home from Australia where he had represented Canada on an important mission, and that when he arrived at Vancouver and was asked to give the Canadian Club of that city a talk he surprised them all by choosing Shakespeare as his topic and not some trade or

editorial in Amherst, Nova Scotia paper

123112

business program which he might have adorned with his own discussion and interpretation.

One may believe that Mr. Meighen has done a great thing for Canadians in revealing his own thought of the master poet of all time. It shows this much at least—that one of our ablest public men finds strength and inspiration in a realm wholly apart from politics, and that his own mastery of the English language, unexcelled by any man in public life, is largely due to the hours of enforced recreation when he has been able to sit at the feet of the master mind. It is useless to attempt to summarize what was said by Mr. Meighen, but this fact is sufficient in itself, that he has stimulated a new study of the great poet and out of this study is arising the new estimate of Shakespeare—a man not only beyond compare in his own field, but the greatest force in England's creative and intellectual life for a period of over three hundred years.

This is the way that Ingersoll summed him up: "As a drop of dew contains the image of the earth and sky, so all there is of life was mirrored forth in Shakespeare's brain. Shakespeare was an intellectual ocean, whose waves touched all the shores of thought; within which were all the tides and waves of destiny and will; over which swept all the storms of fate, ambition, and revenge; upon which fell the gloom and darkness of despair and death and all the sunlight of content and love, and within which was the inverted sky, lit with the eternal stars—an intellectual ocean—towards which all rivers ran, and from which now the isles and continents of thought receive their dew and rain."

It is pleasing to know that so many in Amherst were interested in this address by Senator Meighen and that they forbade all other engagements in order to listen to him. Their only annoyance was the blare of lesser voices trying to work in on the same station.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

PUBLIC ARCHIVES
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CANADA

KODAK SAFETY FILM

AT THE MOVIES

"David Copperfield" Entrances for Every Minute of Its 129 — Dave Apollon Back Again—Review of Reviews

(By HELEN ALLEN)

"I have a child in my heart of hearts," wrote Charles Dickens, "and his name is David Copperfield."

And every one who attended the gala opening in Loew's redecorated theatre yesterday has a motion picture in his heart of hearts, and it bears the same name.

Metro-Goldwyn-Mayer's version of the popular Dickens classic is a triumph for motion pictures, and for audiences it provides some of the happiest hours ever spent in a theatre. That "hours" is correct, by the way. "David Copperfield" is probably the longest movie ever made, since it lasts two hours and nine minutes. But it never drags, and not once did we find ourselves wondering what time it was, and if it would soon be over.

"David Copperfield" has a star-studded cast, but somehow the actors have been induced to work together. The result, instead of being a glorification of any one of them, is a glorification of the immortal characters of the novel. So often when many important box office names are gathered together in one film, the players are busy trying to steal scenes from one another and the production suffers. There is nothing of that here. George Cukor, whose success with "Little Women" led him to seek another beloved book for his next production, deserves tremendous credit for the direction of "David Copperfield."

Freddie Bartholomew (David the Boy)

Frank Lawton (David the Man)

And two others whose contributions to the film must not be overlooked are Hugh Walpole, the famous novelist, who managed the stupendous task of adapting the novel for the screen, and Howard Estabrook, who wrote the screen play. How on earth these gentlemen managed to condense the book's eight hundred and some pages into a scenario, even one of unusual length, retaining all the important characters and incidents and rejecting only those of very minor importance, is entirely beyond our comprehension. Even the most ardent lovers of Dickens will be surprised at the completeness of the picture. True enough, David's early school days have been eliminated and his later ones considerably condensed, but we can truly say that the only feature of the book we really missed is Mrs. Micawber's boast: "I will never desert Mr. Micawber."

W. C. Fields (Mr. Micawber)

Roland Young (Uriah Heep)

Almost every one of the actors in the huge cast seems the only, the inevitable, choice for his part. Little Freddie Bartholomew is a brave-hearted and lovable little David, and Frank Lawton, looking astonishingly like Freddie grown up, is the older David as we have always imagined him.

Elizabeth Allan portrays David's frail, pretty mother to the life. Madge Evans is the tranquil, sweet-souled Agnes. Maureen O'Sullivan transforms her charming sensible self into the silly, fluttering Dora. Basil Rathbone and Violet Kemble Cooper are the evil Murdstones in person. And there are Lionel Barrymore as Dan Peggotty, rough as a sea Porrkypine; Jessie Ralph as Peggotty, complete even to the buttons popping off the back of her dress; Herbert Mundin as Barkis, "who was willin'"; Una O'Connor as the poor lone, lorn creatur, Mrs. Gummidge and Hugh Williams, as the dashing, careless Steerforth.

And then we have the four who are perhaps outstanding among this whole group: W. C. Fields as Micawber, who spent his life dodging creditors, but who was always expecting better things, confidently sure, in short, as he would and did say, that something would turn up; Edna May Oliver as that militant minist, Miss Betsey Trotwood; Lennox Pawle, an old trouper, as the gentle, mad Mr. Dick; and Roland Young, departing altogether from his usual comedy roles to become the slimy, 'umble Uriah Heep.

Edna May Oliver (Aunt Betsey)

Lennox Pawle (Mr. Dick)

"David Copperfield" is superb entertainment for people of all ages. And we should tell high school students who have the book on their course of supplementary reading that they won't have the least trouble reading it if they have seen the film. It makes "David Copperfield" astonishingly real.

This picture will be remembered, long after the year's best lists have been completed, as one of the real gems the talkies have produced.

* * *

The cast:

Micawber ..... W. C. Fields
Dan Peggotty .... Lionel Barrymore
Dora ..... Maureen O'Sullivan
Agnes ..... Madge Evans
Aunt Betsey ..... Edna May Oliver
Mr. Wickfield ..... Lewis Stone
David, the Man ..... Frank Lawton
David, the Child ..... Freddie Bartholomew
Mrs. Copperfield .... Elizabeth Allan
Uriah Heep ..... Roland Young
Mr. Murdstone ..... Basil Rathbone
Clickett ..... Elsa Lanchester
Mrs. Micawber ..... Jean Cadell
Nurse Peggotty ..... Jessie Ralph
Mr. Dick ..... Lennox Pawle
Jane Mudstone ..... Violet Kemble-Cooper
Mrs. Gummidge ..... Una O'Connor
Ham ..... John Buckler
Steerforth ..... Hugh Williams
Limmiter ..... Ivan Simpson
Barkis ..... Herbert Mundin
Little Em'ly, the Child ..... Fay Chaldecott
Agnes, the Child . Marilyn Knowlden
Little Em'ly, the Woman ..... Florine McKinney
Dr. Chillip ..... Harry Beresford
Mary Ann ..... Mable Colcord
The Vicar ..... Hugh Walpole

SHEA'S VAUDEVILLE

Dave Apollon, one of vaudeville's favorites, is at Shea's with his Philippino orchestra and a clever collection of dancers and singers. Mr. Apollon has been one of our favorites for years, and it seems as if his show gets better each time we see it. Of course he always has new songs and usually several new entertainers, but the general idea of the show remains the same year after year, and some of the jokes we have heard at least four times. That doesn't spoil our enjoyment though. We would feel defrauded now if they were not included.

"International Varieties," as Mr. Apollon calls his latest show, has nearly a dozen outstanding dancers. There is an adagio trio that brought down the house yesterday, a sensation red-headed brother and sister, a pig-tailed damsel with a slithery style that gets you, and another one who dances for ages on her head. Then there is a pretty little girl who sings, and one of the members of the orchestra, in addition to possessing a very pleasant voice, has a magic way with a guitar.

"International Varieties" is one of the best stage bills Shea's has had. Combined with a mystery film, "The White Cockatoo" (reviewed in this department yesterday) it makes a very good show.

BULLETIN REVIEWS

"Lives of a Bengal Lancer" (Uptown, fourth week)—engrossing picture of British military rule in India, with Gary Cooper, Franchot Tone, Richard Cromwell, Sir Guy Standing and C. Audrey Smith in fine roles. Fully deserving of its phenomenal box office success.

"The Iron Duke" (Imperial, second week) — British - made historical drama with George Arliss as Wellington. Lavishly produced, with a meticulous attention to detail, it failed to impress us because of the obvious inability of Mr. Arliss to portray the stalwart soldier of history. We found it impossible to imagine that he WAS Wellington, and caught ourself thinking pityingly that all that dodging around Europe and that crawling around on the floor beneath a bearskin to amuse the Duchess of Richmond's children must have been very hard on the frail-looking Mr. George Arliss. But the old master's legion of friends are flocking to the Imperial to see his latest effort. "The Iron Duke" is a picture we would recommend you seeing—so that you may join in the arguments as to whether it's great, good, indifferent or plain terrible.

"The White Cockatoo" (Shea's)—Satisfactory if not outstanding mystery picture starring Jean Muir and Ricardo Cortez.

"My Old Dutch" (Tivoli)—The "Cavalcade" of a group of poor Londoners, recounting their joys and sorrows and sentiments from the turn of the century to the present. This British film has a simple charm that will appeal to movie-goers who do not demand sophistication or melodrama.

New Coroners Chosen By Hepburn Regime

Appointment of the following coroners in Ontario was announced today in the Ontario Gazette:

Dr. Herbert L. Butters, Fort Erie, Welland County; Dr. Norman V. Freeman, Storrington Township, Frontenac County; Dr. Robert Johnston, Tamworth, Lennox and Addington County; Dr. Hugh M. MacDonald, Oshawa, Ontario County; Dr. Percy B. MacFarlane, Hamilton, associate coroner for Hamilton; Dr. James L. Mahoney, Niagara Falls, Welland County; Dr. Duncan J. Mason, Kenora, Kenora district; Dr. Harold R. McAlister, Hamilton, associate coroner for Hamilton; Dr. Reginald E. McMullen, Oshawa, Ontario County; Dr. Aubrey E. Mounce, Newburgh, Lennox and Addington County; Dr. Henry C. Pearson, Dunbarton, Ontario County; Dr. George M. Rennie, Port Perry, Ontario County; Dr. Lorne S. Stokes, Hanover, Grey County; Dr. Archibald G. Strang, Chippawa, Welland County; Dr. Herbert N. M. Young, Peterboro.

U.S. Postmaster Yields To Stamp Collectors

Washington, Feb. 16—Postmaster-General James Aloysius Farley, recently under fire of stamp collectors because of distribution of imperforate postage stamps to friends, to-day announced a general sale of similar stamps.

A threatened Congressional investigation of the Postmaster's distribution of stamps bearing his signature was dropped when Farley promised a sale of ungummed and imperforate stamps to collectors.

First-day covers comprising blocks of four stamps of the following issues are to be placed on sale March 15:

The three-cent proclamation of peace, regular three-cent Little America, three-cent mother's, three-cent Wisconsin Tercentenary, sixteen-cent air mail special delivery, and each of the National Park issues, ranging in denomination from one to ten cents.

Clock and Mousetrap Turn Off Store Lights

Stratford, Feb. 16—Francis Payton, who owns a shoe repair shop here, can now have the lights in his shop window turned out late at night without coming downtown to do it himself.

Inside the shop window he has placed an alarm clock. Fastened to the little hammer in the bell, which vibrates when the alarm is set off, is a piece of copper wire attached to the part of a mouse trap which ordinarily holds the cheese. Before the shop is closed at night the alarm and the trap are set. When the alarm goes off, the trap is sprung and, in snapping, it hits the little switch that shuts off the window lights.

Schooner Days

CLXXV

GOOD-BYE, MARY JANE

THE MARY JANE OF BERGEN leaving Toronto for the other side of the world, Sept. 27th, 1933.

"WHAT happened that single-hander from Norway that dropped in here on her way 'round the world a year ago last fall?" asks an oldtimer of Schooner Days.

Schooner Days, supposedly omniscient, regrets to report that the single-hander is missing on all cylinders, with the cat and the dog, and will never be heard from more.

♣ ♣ ♣

The single-hander was the Mary Jane, of Bergen, an ex-pilot boat from the coasts of Norway. She was here in September, 1933, manned by a likeable young fellow named Al Hansen, and a likeable black dog named Mate, and a likeable grey kitten named Sailor. Sailor was an orphan, born on board, and bereaved of his maternal parent at Detroit.

The Mary Jane was a most untempting thing to take a world cruise in; one stumpy mast amidships, twelve inches through at the deck; two heavy sails, as thick and stiff as carpets, and a third a little lighter; and a little square dog kennel of a cabin, kept as neat and clean as a sergeant-major's buttons. In shape she was like a long pointed melon split in two. Her rudder was outboard, like a skiff's. A round open rail, about twelve inches above her flat deck, could not keep out the water, but gave some handhold or foothold to prevent the skipper going overboard.

This Viking ship came here on her way from the Chicago World's Fair, and sailed onwards from the Terminal Warehouse at the foot of Bay street on her world-girdling voyage on Wednesday, September 27th, 1933. She made a slow passage to Kingston, and was next heard of in Halifax, where she put in after some very heavy weather.

♣ ♣ ♣

Hansen was then on his way to the West Indies with his boat and his dog and his cat—and he got there. What his landfall was is as much a matter of speculation as Columbus' first, but he had to cover almost as much ocean in his thirty-six-foot melon skin as Columbus did in his hundred-foot Santa Maria, with the Pinta and Nina to help him. Hansen steered through the islands to the Panama Canal, passed through that, and entered the Pacific. Maybe he was going to try around the world east-about, with the roaring west winds of the Pacific to push him past Cape Horn and across to Africa. Or maybe he was going to strike west for Easter Island. Whatever his plan was, he clung to the western coast of South America, as he headed south, and he got as far as a place called Ancud, in the northern part of Chile. The poor fellow was circumnavigating the world on a very slender shoe string, and he probably put in here to sell a few dozen post cards, as he did in Toronto.

From Ancud he sailed for Santiago, fifteen hundred miles down the coast, under the frown of the snow-capped Andes. Two or three days after he left this port a hurricane swept Chili, from Arica to Cape Horn.

♣ ♣ ♣

It would be the traditional thing to say that everybody wondered how Hansen fared, but it is probable that no more people sat up at night in Chili, worrying over the barn-storming single-hander, than lost sleep over him in Toronto after he sailed out of the Eastern Gap. (We had some bad weather just after that—and the chances are this is the first you've heard of it.)

But the Chilian Government did have heart enough to send out a gunboat to look for him when the hurricane was past. The gunboat looked and kept on looking for nine weeks, and found no trace of the Mary Jane, or the cat or the dog or Hansen.

Then, last month, some wreckage was picked up at sea, and identified as part of the ex-pilot boat, and it became certain that poor Hansen had drowned months before, in the hurricane. That's what happened him.

♣ ♣ ♣

Columbus was able to cross the Atlantic on the Queen of Spain's jewels, catalogue value $14,000, but it doesn't follow that you can go around the world on a picture postcard and keep your feet dry.

That was what poor Hansen was attempting. This Mary Jane of his had been a good boat, quite as big as one man could handle, and she was very strongly built; but she was old. That was the trouble with Captain Joshua Slocum's Spray. She was about a century old when he started around the world in her. He completed his first voyage, but was lost on the second or third.

♣ ♣ ♣

When the Mary Jane lay at the Terminal Warehouse here those who went below in her marvelled at the size of her timbers and the thickness of her planking. She was only twelve yards long. A strong yacht of that size would be framed with one-inch ribs and covered with seven-eighths-inch planking. The Mary Jane's skin was oak two inches thick, her keel was ten inches wide, and her ribs were seven by nine inches square. She was more heavily built than an ice-breaking tug.

Dimensions alone do not give strength to wooden vessels. Strength is gained from their proper application and distribution and proportion, from the method of their fastening, and from the soundness of the materials. Heavy unsound timbers, poorly fastened, are a weakness instead of a strength; they come apart by their own weight in the stresses and strains and buffetings every water-borne hull is continually enduring.

♣ ♣ ♣

The May Jane was undoubtedly well fastened originally, but she was built a generation ago, and in the period the metal may have crystallized or corroded, and she may have become nailsick, as the expression is. Her innnumerable fastenings in the million vibrations of years of sea-shocks may have enlarged their holds until they no longer held tight.

What is more probable is the dry rot had been gnawing at her for years. This enemy, more deadly than the shipworm, thrives where the ventilation is poor. Less air usually gets into heavily framed and planked vessels than into small light ones. The chances are that the Mary Jane was far gone with dry rot without Hansen knowing it. Even if he had known, there was not much he could do about it. His sole means of defraying his expenses were lectures, magazine articles and picture postcards. Ten cents for autographed photographs of himself or the boat and dog and cat was his modest charge. It would take a lot of autographed photographs to pay for a dry-docking and overhauling of the Mary Jane, and she probably needed an entire rebuild by the time he got her back to salt water after the thousands of miles of fresh water which had passed under her keel.

Hansen came across the Atlantic from Bergen to the Gulf of Mexico and got towed up the Mississippi to Chicago on a mixture of picture postcards, pleasant conversation, public good nature, and luck. But when his mainmast went back on him in Chicago—dry rot was the trouble with it—he was stumped until Chicago yachtsmen chipped in and bought him a new spar. He did all the work on it himself, but the new mast cost $250—fifty times what the Mary Jane's original spar cost in her native Norway. It was the only new thing in her when she was here in Toronto, but was not the only new thing she needed. Her outfit in general was heavy and worn; about what you would find in a well-kept stone hooker when times were good on the lakes.

♣ ♣ ♣

Mary Jane is about the most innocent name one could select for any craft, and a black dog is about the most innocent accompaniment with which any ship could sail. Yet here is a coincidence, which you can take for what it is worth. The Mary Jane of St. Catharines was a lake "barque" which vanished with all hands after leaving Port Colborne with a cargo of cedar posts in the 1880's. From that day to this she has never been seen. But survivors of Schooner Days still shake their heads over the tradition which persists that just before she sailed from Port Colborne a shaggy black Newfoundland dog "with lolling tongue and eyes of fire" ran across her deck and disappeared.

Soviet Artists Are Required To Be Sober

Heads Fall When Broadcaster's Jests Interpreted as Anti-Communist Doctrine

Moscow, Feb. 16—Platon Kershentzev, head of all educational broadcasting in the Soviet Union, has received a reprimand from the Communist party for a humorous skit given over the Moscow radio by one of his artists. To the "capitalistic" listener the broadcast might have seemed just clean fun, but the Communists labeled it with that blackest of all labels—counter-revolution.

A woman artist, taking the dual role of a child and its mother, poked fun in her dialogue at the use made of children here by their parents to obtain preferential treatment on tramways and in bread lines. Adults with children may enter either door of a tramway, whereas the general public may use only the rear door.

"Son," the mother says, "don't you want to take a nice tramway ride?"

"No," he replies in tears, "I'm tired of riding tramways. I've ridden a dozen times to-day—with grandpa, with auntie—And I don't want to stand in bread lines either."

The artist concluded with a funny remark to the effect that everyone should have children because they are so useful.

When the editors of "Pravda," powerful mouthpiece of the Communist party, heard of this they were surprised and pained.

"Counter-revolution," they muttered. Other things were said about "politically irresponsible people" who were running the nation's radio.

Then heads began to fall. Kershentzev wrote an "abject apology," lamenting the "political blindness" which had permitted such a diabolical bit of counter-revolution to offend the ears of Soviet listeners. He promised a thorough clean-up in his radio staff, but this did not save him from a rebuke by the party.

However, recent letters in the British press "kidding" the Communists for allowing a phonograph record of a religious hymn, "Steal Away to Jesus," to be presented over the Moscow radio and subtly intimating that perhaps the station managers did not know what they were playing, has aroused only amusement here.

World's Fair Scrap Brings Only $28,000

Chicago, Feb. 16—A workman sank a hatchet into a faded maroon prism down on the lake front Friday.

The World's Fair, once measured in millions, had been knocked down to a wrecking crew for $28,000.

There was no ceremony, no flourish of trumpets, no wink from Arcturus, the star whose captured gleam first lit the extravagant nocturnal splendor of the fair in May, 1933.

The Barker, Goldman, Lubin Company, of Springfield, Ill., paid $28,000 for what was left of the Century of Progress Exposition, and put 20 men at work to-day tearing it down.

Appoint Notaries Public.

Notice appeared to-day in the Ontario Gazette of the appointment of the following notaries public: George E. Berry, Ottawa; Gordon W. Ford, Toronto; Thomas W. I. Gibson, London; Cyril V. O'Connor, Fort William; Joseph Rabinowitch, Toronto.

West End Y.M.C.A. Hears Good Report

Elect Directors at 53rd Annual Meeting

One of the most outstanding years in the history of the branch was reported by the retiring president, Walter T. Sutton, at the 53rd annual meeting of West End Y.M.C.A. last night.

William R. Worthington was elected president of the board of directors for the year. The remainder of the directorate elected included: Harold R. Frost, first vice-president; Herman A. Stephens, second vice-president; Garnet A. Archibald, treasurer; Walter T. Sutton, past president; Andrew Bates, J. W. Gibson, S. J. Moore, Rev. Leonard A. Dixon, Samuel Henderson, W. H. Shapley, S. Fleming, D. E. Hughes and George Valentine, honorary members, and Charles A. Bauckham, Harry Bickle, George N. Elliott, A. J. Franklin, Jason A. Haugh, W. J. Henning, B. A. Hubbert, Elwood A. Hughes, Magistrate James Edmund Jones, H. P. Kennedy, Wilfred C. Kettlewell, William J. Lind, Charles A. Michell, Allan McPherson, William M. McTavish, Morden Neilson, Charles Neilson, James A. Northey, Harold E. Pollock, William H. Scott, J. Ardagh Scythes, Charters T. Sharpe, C. B. Shields, Taylor Statten and Roy B. Whitehead.

Stick To Old Fashions

Quebec, Feb. 16—The old-fashioned spinning wheels and hand looms are still common in the Province of Quebec. A recent survey made by the Quebec Department of Agriculture showed that 80,000 spinning wheels and 53,000 hand looms were being used on farms throughout the province.

ARTS and ARTISTS

* * *

Belgian Sculptress Out to Express 'American Look' — American Painter Condemns Nationalism in Art — Concrete Required

(From Kenneth Wells' Point of View)

"Sculpture is entitled to the high rank it holds because it can and must carry expression to its highest point of perfection from the fact that it leaves man only the absolutely essential."

* * *

This bit of Goethe, quoted in the current issue of the Art Gallery of Toronto Bulletin, seems to hold the point at issue in the ancient warfare between painting and sculpture. But it does not tell what quality in man it is most essential to express. Suzanne Silvercruys, a good looking Belgian now engaged in patting her clay into likenesses of America's great and near great, says the thing she is after is the "American look." She says it is hard for her to explain just what she means by the phrase, but she is sure that where words fail her clay will not.

* * *

"Why should I not be able to get it down?" she asks, in an interview with Ira Wolfert written for The Evening Telegram and the North American Newspaper Alliance. "It is there. You perhaps cannot see it because you are used to it. To an European it is so fresh, so startling. You step off the boat and there it is, and once you see it you do not forget it. Once you see it you can pick an American of French descent vacationing in a French nudist colony." No, she does not mean by means of the horn rimmed glasses associated by the world at large with the American, nor by the gently champing jaws that tell of gum. Miss Silvercruys explains that the "American look" is a blend of "youthfulness and force and a sort of innocence and determination." And it is her belief that America puts all these things into a man's face and that they are "the brew distilled in the melting pot." To prove her point she is preparing to model 25 well-known American men and women, including Bishop Manning, Sam H. Harris, Walter Damrosch, Katharine Hepburn, Edward Steichen, James Truslow Adams, Charles A. Lindbergh, Jack Dempsey, Henry Ford, J. Pierpont Morgan or Thomas Lamont, one of his partners. In addition to these, the young lady is on the hunt for a "politician" and a "gangster."

* * *

No sculptor here in Canada has ever attempted anything similar to this. Perhaps we have not yet developed a "Canadian look." Perhaps those critics who profess to be absolutely unable to distinguish between an American and a Canadian are right. Perhaps not. But then, sculpture in Canada is still a baby. Forty years ago Philippe Hebert was its only practitioner of any note. In 1913 Allward, now engaged on the Canadian war memorial at Vimy Ridge, was the only sculptor discussed in the Year Book of Canadian Art. When the Sculptors' Society held its first exhibition in 1928 only eight sculptors showed works. This year some 25 exhibit in the exhibition still current at the Art Gallery of Toronto. Many of them are not Canadian by birth. None of the work is distinctively Canadian in character. The "Canadian look" is apparent in none of it. It seems we could use a Suzanne Silvercruys.

* * *

Russell Cowles, American painter, speaking of the narrow nationalism which afflicts art in America, might well be speaking of the situation in Canada. Cowles sees two dangers threatening American art, one the extreme insistence on emphasizing the national spirit in art, and the other the increasing censorship movements. "If the artist, as a free agent, feels an impulse to paint the American scene, I have nothing but sympathy for his aim," says Mr. Cowles. "But if an increasingly intolerant nationalistically minded society insists that he paint Americana and nothing but Americana, I am against it. A narrowly nationalistic attitude toward art threatens both the artist and the public, for any dictated program imposed from without, either through subtle social pressure or through actual enforced regimentation, is certain to strangle the freedom of the imagination and dry up the springs of creative power."

* * *

Many thoughtful Canadian artists have watched this growing tendency to enforced nationalism in Canadian art with growing alarm. It is subtle. The "enforced regimentation" of which Mr. Cowles speaks is achieved in Canada without any obvious display of force and without any confession of regimentation. But nevertheless it is achieved, with a certainty and a ruthlessness which is hardly believable. Ask any painter who has tried to get a distinctively un-Canadian picture into one of our larger public exhibitions. As for censorship, well it is only the other month that a nude, loaned the Art Gallery of Toronto by one of Toronto's most distinguished citizens, was taken from the walls of the gallery and stored in the basement. While it might be good enough for his home it was not good enough for the gallery. And this is just a wisp of smoke that points the wind.

* * *

Marianne Lee Smith offers her oil paintings, still life and landscape, in an exhibition at the Robert Simpson Co. which will hang until March 1st.

* * *

A youthful Toronto embryo artist writes: "I am a student at the Eastern High School of Commerce and near the end of this present month I shall be expected to deliver a simple discourse on the topic, title of which is 'Canadian Art and Artists.' The speech is to last anywhere from 10 to 15 minutes. I know that you are deeply interested in the subject and that you have written rather extensively on it. Knowing that any material from you could be depended on being up-to-the-minute, I have taken the liberty of asking you to help me. I have often read your column in the Saturday Evening Telegram, but decided that a few concrete sentences on the subject would be better than if I tried to pick something out of this and something else out of some other part. Thank you very much if you can assist me on this matter."

* * *

"Concrete" is right! If you will send me a list of questions covering the information you desire I will answer by return mail with a choice assortment of "concrete sentences" that should be of great assistance to anyone contemplating a "simple discourse."

CANADIAN SCENE FROM PARLIAMENT HILL

Do Slums Generally Grow in East End of Cities? Committee to Study Housing

By J. H. FISHER
Evening Telegram Staff Writer

Ottawa, Feb. 16—Not in many years has Parliament buckled down to business so quickly as it has in the present session. The Prime Minister has given notice that on Mondays and Wednesdays public business will take precedence over private members' resolutions, indicating the government's desire to get on with the reform legislation.

Every move made by the Administration is closely watched and interpreted as having some bearing on the date of the election. Many believe that voting will take place in the early summer. It cannot be held prior to May, and as Mr. Bennett is desirous of attending the Silver Jubilee ceremonies in London in this month the indications point to the contest taking place in June or July.

CAN WE ESCAPE FROM CITY SLUMS?

Are slums usually to be found in the east sections of large cities? This question, recently raised in the House of Commons, has, of course, no application to Toronto, where the residential and business districts east of the Don are as fine as any in the whole city. So far as Ontario's capital is concerned it is an academic question.

There are, however, United States and European cities with an "East Side." Speaking in the House recently on a national housing policy, the Prime Minister recalled a conversation which he once had with the secretary of the late Bonar Law. She had been born in Poland and she said: "Nothing has more impressed me than the fact that for some strange reason we never seem able to get away from slums. Do you realize," she asked, "that the east part of the city of London was completely wiped out by fire in the closing part of the seventeenth century, but that now the worst slums in London are to be found in the area that was then burned clear?"

The Prime Minister continued: "I recall also she said that for some reason slums are usually to be found in the east sections of cities. I do not know how correct that is, but that is the observation that was made to me at that time."

INTERESTING THEORY THAT CITIES BUILD WEST

An ensuing discussion in the press gallery on the accuracy of this woman's observation disclosed a theory that new districts in a city develop to the windward. It was argued that the prevailing winds are from the west, thus blowing the smoke from a city's industries eastward and therefore the building tendency is toward the windward to escape the smoke pall. The older portions of the city are therefore on the east side, this person theorized. As a theory it hasn't worked in Toronto, where much of the new development has been in the east end.

NATIONAL HOUSING SCHEME TO COME BEFORE COMMITTEE

The eradication of slums is to be considered by a select committee of the House of Commons with special attention given to financing of new building projects. This committee will start from scratch because there is no definite information concerning the extent of unsuitable dwellings in the larger cities of Canada. There is the Bruce report on Toronto housing conditions, but so far as is known there is no similar information dealing with the Montreal situation, nor with it in the larger western cities. In the last census a vast amount of information was obtained concerning the number of houses in cities and the number of families occupying them, but the census takers did not make any record of the state of the houses or their suitability for human habitation.

Admitting the necessity for a national housing plan, the problem which faces the committee and the Government is one of finance. There are these alternatives: State owned housing or a state guarantee of the bonds of private housing companies. The latter alternative presupposes that the houses will rent at sufficient amounts to repay the principal. But there is doubt in the minds of many public men that artisans can earn sufficient under wage standards to pay a rental necessary to liquidate the original cost. The job of the committee will be to evolve a system of financing which will best meet requirements in Canadian cities.

MASTERS OF ELOQUENCE ARE NOW SCARCE

"There are no orators in Parliament any more," said a man who is now a civil servant but whose memory goes back to the days when, a member of the press gallery, he listened to the eloquence of such men as Sir Wilfrid Laurier and the late Michael Clarke of Red Deer. With one solitary exception he is probably right. The leaders in the House and Senate no longer attempt the polished utterances which once were a part of a parliamentary debate. The solitary exception is the Rt. Hon. Arthur Meighen in the Senate, to whom it is a delight to listen, not only for the striking phrases which he coins but also for his matchless repartee in debate.

Speech is man's method of conveying thought and at the present time it is as utilitarian as possible, with no attempt at oratory which will read like masterpieces of eloquence half a century hence. The object of the speakers is to state their meaning as plainly as possible in everyday language.

KING MASTER OF MONOTONY, BENNETT OF SARCASM

Mr. Mackenzie King's speaking is colorless, with a narrow range of inflection. At times he becomes vehement but his whole effort is weakened by wearisome repetitions of such phrases as "May I be permitted to say," and "Let me point out." The length of his speeches likewise detracts from their effectiveness. In almost every speech of importance in the House Mr. King considers it necessary to detail the Liberal party's position over the last decade and a half. It is one method of preparing Liberal propaganda for consumption in the country, but it detracts from the effectiveness of Mr. King's remarks.

The Prime Minister is a master of sarcasm when he is warmed up. His voice rises and falls in nuances that aid the words in conveying his thought. At times his speech pours forth in a torrent. Sometimes the flood is such his meaning is difficult to grasp, because of the circumlocution of phrases. Mr. Bennett can deliver a powerful speech when he has spent time preparing it. He is liable to jump from one point to another and back to the first one when he speaks impromptu.

The thoughts of Hon. Hugh Guthrie, Minister of Justice, march with the precision of the Guards when he is making a speech. He starts at the foundation of a subject and builds it up brick by brick with a clarity that is unexampled, though he makes no attempt at flowery passages.

MACHINE GUN VOLLEYS AND SHOUTS FROM OTHERS

The third party leader, J. S. Woodsworth, shouts. Although physically slight, Mr. Woodsworth's voice is equal in carrying power to the rumble of Joseph Harris of Toronto and the tenor notes of George Spotton of North Huron. The effect of a Woodsworth speech on the listener is much the same as one by Mr. King. It is clear but inclined to be monotonous.

Dr. R. J. Manion has a rapid fire manner of speaking that entitles him to the sobriquet of "Machine Gun Bob." His style of speaking is of the stump rather than of the House. On the hustings he makes a speech which sets the audience aglow. Henri Bourassa, the Quebec Independent-Liberal, is a master of language, but his audience must also be prepared for a jack-in-the-box exhibition.

Growers Welcome Control Boards

Fruit Men to Come Under Jurisdiction

Hamilton, Feb. 16 (Special)—Although apple growers have definitely decided to remain aloof from any proposals the government may choose to make through the facilities of the Natural Products Marketing Act, growers of other fruit agreed, in a resolution passed during the closing moments of the Fruit Growers of Ontario Association convention here yesterday, to come under the jurisdiction of the board.

Members of the association will be forced to register in local boards and through them regulate the disposal of fruit and vegetables. Through this board they seek to raise prices above the present standard.

The apple growers, it is said, already have a co-operative body of their own set up. Thus, to a degree, they are controlling the marketing of their produce in the province.

Opens Window for Air And Family Flocks In

Montreal, Feb. 16—Miss Nell Nollen, 20, opened her first-storey window before retiring. During the night an intruder, accompanied by the stork, silently crept in. In the morning Miss Nollen found upon awakening a stray cat comfortably settled at the foot of the bed, with a new born litter of kittens—five of them.

Hen Goes to Lodge Meeting

Mt. Vernon, O., Feb. 16—Russell Sellers, farmer, has an automobile riding hen. Sellers drove into town one night to attend a lodge meeting. After the meeting, one of his lodge fellows pointed out to Sellers that a Barred Rock hen was roosting on the rear bumper. "That's all right," said Sellers, "she'll ride home that way." And she did.

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HALIFAX, TUESDAY, FEBRUARY 19, 1935

Too Much Gold?

GOLD production has become profitable almost everywhere, due largely to the devaluation of the dollar to an extent which causes a flow of gold in the direction of the United States.

So long as this state of affairs exists, the production of gold is bound to be stimulated; and since the bulk of gold is produced in the British Empire, it is the [illegible]ire which has profited and will profit [illegible]rom this part of the United States [illegible]xperiment.

[illegible] true that the old pri[illegible] to take [illegible]

The Greatest Englishman

THE reading of Shakespeare certainly is one of the hobbies which Rt. Hon. Arthur Meighen pursues in his limited periods of leisure.

In the recent broadcast of his lecture on Shakespeare he disclaimed the role of either student or critic, but frankly confessed that he read and re-read the works of the great dramatist and that he loved them.

Senator Meighen gave his address the title: "The Greatest Englishman in History". And it is a fair statement that no other non-political event has made a more pronounced impression on the radio audience, since we have had nation-wide broadcasting in Canada, than did this address.

The lecture had, perhaps, neither the point of view nor the technique which one would receive from the professional scholar; but that may have been one reason why the average man and woman were held spellbound by the enthusiasm, the beauty and the moving qualities of this remarkable analysis. One can now better understand the source of that power of clear thought and exposition which Mr. Meighen possesses, and which has given him so great a distinction as a parliamentarian.

It is hoped the address will be available in pamphlet form.

The Radio Commission deserves the cordial thanks of the public for this notable broadcast.

As Expected

STRIPPED of legal phraseology, and boiled down to essence, the deci[illegible] the United States Supreme C[illegible] Gold Clause cases am[illegible]

BY ANY O

CANADIAN ca[illegible] originally [illegible] Sweden via Ham[illegible] adopted showed a[illegible] ster on a whit[illegible] with a royal c[illegible] words "Kronen [illegible] due course this la[illegible] well-known in [illegible] canned lobster a[illegible] Hummer" were [illegible] terms. When at a[illegible] Swedish importers [illegible] port canned lobster [illegible] Canada they used a [illegible] and the text was tr[illegible] Swedish. At pres[illegible] Hummer" is stated to [illegible] brand of canned lobs[illegible] in Sweden, and it is r[illegible] be impossible to introd[illegible] with original labels.—[illegible] *cial Intelligence Journal.*

CUSTOMS AND AI

ON a continent where th[illegible] ural channels of trav[illegible] predominantly North and [illegible] the matter of facilitating [illegible] toms clearances on either [illegible] of the border between C[illegible] and the United States is of [illegible] ticular importance. So f[illegible] we know this has [illegible] cared fo[illegible] w[illegible]

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

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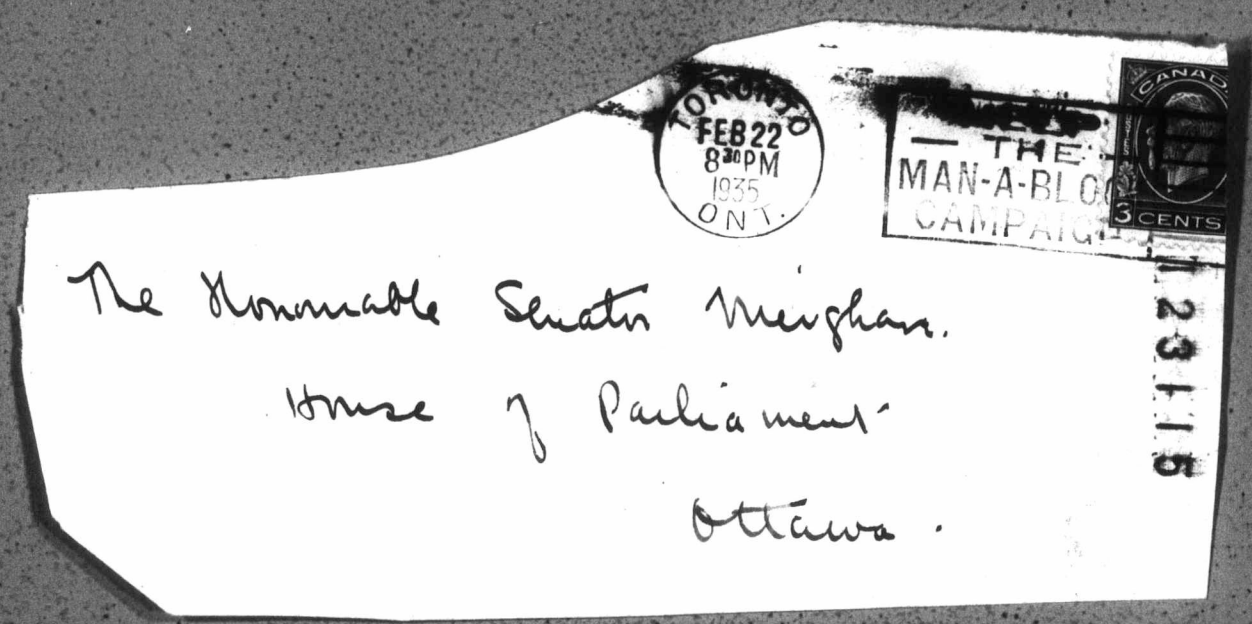

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GREAT SPEECH.

What is the difference between a good speaker and a great speaker? Often it is merely that whereas a good speaker may only succeed in making a profound subject seem more profound, a great speaker makes a profound subject seem simple.

It is precisely the latter gift—the talent of reducing a complex thing to sheer simplicity—that made Mr. MEIGHEN's speech in the Senate on the constitutionality of the Government's Limitation of Hours of Work Bill a great speech.

The constitution, for most of us, is something of a mystery. Mr. MEIGHEN, using language so simple that the meanest intelligence might understand, placed the constitution in its relation to this particular legislation in such a clear light, built up his argument so logically and so lucidly, there could remain little doubt about the accuracy of his conclusions.

There may be people all over Canada who are in doubt about the legality of what the Government is doing. If they could but read the full text of Mr. MEIGHEN's speech, as it appears in the Senate *Hansard*, their doubts, we suggest, would disappear.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 193)

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Edmonton Journal

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SATURDAY, MARCH, 16, 1935

St. Patrick's Day

There is no country in which the past has such great power over the present as Ireland. This is borne in on us all constantly and at no time so much as on the seventeenth of March. The enthusiasm with which it is celebrated is a contagious one and nobody, whatever his ancestry, can very well be indifferent to the date.

Though fifteen centuries have passed since he lived, St. Patrick is, we have been told, "just around the corner in every Irish mind." That saying is as true as it is characteristic of a race of vivid phrase makers. Regardless of the political and other differences that divide them during the rest of the year, Erin's sons and daughters never fail to unite in doing honor to their saint. This is the best evidence possible of how great is their underlying racial pride. So long as St. Patrick's memory is kept so thoroughly alive, the hope of Irish unity surely cannot be merely a dream.

It is not only because this is symbolized by the saint that the yearly tribute to him is paid. He is one of the great figures in human annals. To his influence was due a spiritual and intellectual revival that deeply affected all western Europe. The flame that he lit burned brightly long afterwards.

It seemed, John Richard Green wrote in the book with which Canadian students used to be and may still be familiar, as if the world's course of history was to be changed, as if that older Celtic race which the Romans and the Germans had swept before them had turned to the moral conquest of their conquerors and as if Celtic and not Latin Christianity was to mould the destinies of the church of the west.

The world today has acute need of another St. Patrick to make a far-reaching spiritual conquest such as his. In honoring his day all who appreciate what he accomplished must be glad to join, even if they have not a drop of Irish blood in their veins.

It now looks as though it will be a tight race between the beginning of spring and the finish of the hockey season.

Prepare for Tax Arrears Drive

With the 1935 mill rate struck the way is cleared for launching of an aggressive campaign for collection of arrears of taxes. The very splendid result of the prepayment campaign in the first fortnight in January, and the fact that $206,000 of arrears have been paid during the past two months, provide a clear indication that success will crown an organized effort to clear up accumulated tax arrears.

At the end of February more than one million dollars had been received by the city treasurer in payments of current taxes and arrears. Of course this fine record was due in no small measure to the special efforts made early in the year to secure prepayments of taxes.

Calgary's "prepayment" period extends to the end of April and on March 2 $833,966 had been collected. The southern city hopes to reach the million dollar mark by the end of April.

Saskatoon also is conducting a special campaign to secure heavy payment of current taxes. The chamber of commerce in that city is assisting materially. Up to the end of last week tax receipts were practically double the prepayments made in the same period last year.

There is no doubt but that a well organized campaign would bring in many payments of tax arrears. It is to be hoped that plans are already being laid to launch such a campaign.

It is stated 40,000 hens have been stolen in Ontario this season, compared with 25,000 last year. My! My! Ontario has an awful lot of chickens to come home to roost.

An Orderly and Purposeful Dog

Occasionally there come from our courts pronouncements that are out of the ordinary but that immediately commend themselves to the good sense of the community. Such a one emanated from the Calgary police court the other day and reveals Magistrate H. G. Scott in a Solomonic light. He ruled that a dog going in orderly fashion to the butcher shop to get his daily rations, according to his regular custom, cannot be declared to be wandering at large. Under this ruling, a charge against one John Riddock of violating a city bylaw was dismissed.

As Edmonton has a dog bylaw that deals with this same question of wandering at large, dog owners here will be interested in the details of the case as reported in the Calgary Herald. Riddock admitted his dog was about a block from his house without being under immediate restraint. He explained, however, that the 12-year-old Airedale was in the habit of going daily to a nearby butcher shop for a bone and on the occasion cited, a Wednesday afternoon, the dog forgot the butcher shop was closed for the half-holiday and was standing barking at the door when observed by the police constable. Such a dog could not be described as "wandering at large," the court held. He was in lawful pursuit of his business and might be described as a "purposeful dog."

"You might warn him about the early closing bylaw," the magistrate advised Riddock, a remark which, says the report, was greeted with laughter. But why? An intelligent dog would soon realize that his butcher shop had two "Sundays" a week, and being a purposeful and orderly dog, would act accordingly. Undoubtedly on this occasion he was not inciting his butcher to a breach of the Wednesday closing bylaw. He, as his master explained, just forgot. Even humans do that, as witness the appearance of a tin of pork and beans for Wednesday evening dinner!

Radio Commission's Plans

The number of conflicting reports coming out of Ottawa with respect to plans of the Canadian Radio commission make it impossible to form an idea of what is to happen. Probably nothing spectacular will be done during the coming session. Development of national broadcasting is likely to follow along the lines it already has taken.

A report a little over a week ago had it that the commission was planning to build a number of super-stations across the dominion. These, it was explained, would be placed so as to provide adequate coverage of districts that do not enjoy good reception at present. One station, it is understood, is planned for northern Saskatchewan, near the Alberta border. This would give residents of the northern portions of the two provinces clear reception of commission programs. Peace River listeners have complained in the past that it is difficult for them to hear stations now operating in Edmonton or Vancouver.

The stumbling block in the way of achieving coverage over all Canada is the cost. One million dollars, according to the report already quoted, would be required to build these high power transmitters. The commission could not finance such a program out of listeners' fees so that the money would have to be voted by parliament if the work is to be done this year. Yet parliament has been told no decision to vote this sum has been reached.

It does seem to this newspaper, however, that the commission should first devote what funds it now receives to the building up of really good programs. Too much stress already has been laid on the acquisition of transmitters. Yet privately owned stations, if paid commercial rates for broadcasting national programs of high quality, would have been more than ready to devote the major portion of such revenue to technical improvements in studios, transmitters and so on. And as has been pointed out before, national programs of quality would set a standard to which commercial programs would have to aspire or lose listener interest.

Concentration of effort, not diffusion of its activities, would bring the C.R.C. richer results, especially while its revenues are limited.

H. G. Wells has called Senator Huey Long a "200 per cent. American." This may be interpreted as "too strong."

Shakespeare for World of Today

The very fine address that Mr. Meighen delivered recently before the National Council of Education in Montreal on "The Greatest Englishman in History" has been published in pamphlet form. There are few who heard it over the radio who will not be anxious to secure a copy. The tribute paid to Shakespeare has never been excelled anywhere. It must be the means of bringing many other Canadians under the spell of the Elizabethan to somewhat the same extent as the former premier.

I do not appeal to busy folk to study Shakespeare, one passage runs. I just say to you—read and enjoy him; read his works over; read the best of them or those you like best, and then read them over and over again. There is nourishment for mind and soul, rich and various, along his shores. You will find yourself gaining possession of a storehouse which is adding light and charm to your everyday existence. You will find yourself thinking more of your species, more of your friends and more of your enemies. You will realize that this man understood all of them; that he saw to the very depths of all of them; that he did not hate but loved them and that he loved them, if for no other reason, just because they were part of the great panorama and that everyone of them added something to the astounding spectacle of creation. There never has been anything in all history more engaging than the fathomless sympathy of Shakespeare.

At no period in the more than three centuries since his death has he had more of a message for humanity than at the present moment. "God forbid," said Coleridge, "that these plays will ever fall dead on human hearts." Thomas D'Arcy McGee seventy years ago, also speaking in Montreal, declared that Shakespeare had planted his compasses in his own age and with them swept the circumference of time. In recalling what these men and many others from Ben Jonson onward had found in the dramatist's pages and in telling so movingly all that they had meant to himself, Mr. Meighen has never put to better use his exceptional powers as a speaker. Not since McGee's time has there been a Canadian public man who could deliver so telling an address on such a theme.

Here and There

Western Canada owed much to the Hon. J. D. McGregor, whose death has soon followed his relinquishment of the Manitoba lieutenant-governorship, for what he did to develop its livestock industry. For many years he was a familiar figure in Edmonton, seldom missing the spring and summer shows at which his cattle were entered.

Since the police impounded several .22 rifles, the "phantom sniper" has not been heard of. It may be too early to deduce that the previous shooting was done by some thoughtless boys, but the fact remains that boys who own twenty-two's should be made to understand very clearly that it is against the law for them to fire the weapon within the city limits.

The Winnipeg Free Press says that "even the Edmonton Journal, staunch supporter of Mr. Bennett, though it may be, recognizes the need for C.N.R. recapitalization." Why bring in Mr. Bennett? The Journal urged that step upon Mr. King throughout the nine years he was in office as well as since the present government came into power.

In a recent Ripley cartoon it was stated that "the word 'cross' is a noun, verb, adjective and preposition and has forty definitions." The Toronto Star says the facts were understated. It continues: "The Oxford English dictionary gives 31 uses of 'cross' as a noun, 15 as a verb, 8 as an adjective, 3 as an adverb and 1 as a preposition, or 58 in all, in addition to 10 different uses in scores of word combinations. It is employed adverbially in such combinations as cross-examine, but outside of combinations its adverbial uses are now rare. One of the examples cited in the Oxford is 'I wonder why things do go cross in the world'."

The Third Column

Town Bellman

By A. F.

There came to town the other day, unheralded and at the time unnoted, a big man. So far as this record is concerned, he shall also be unnamed. Who he was, whence he came, and why he was here do not matter. What does matter, for the present purpose, is that he was big, with a bigness beyond the ordinary. As seen at a street corner on Jasper avenue, he was a man of such generous proportions that one came upon him as an entirely new sensation. One might even say that he was statuesque, and as he stood looking out upon the world from the vantage-point of his towering height he seemed to dominate for the moment the street corner and all the traffic that passed by. It may be added that he gave an impression, not only of size and solidity, but of peace and well-being; but as to that, one could not certainly know.

Let It Not Be Said There Are No Big Men Today

*

Every country, almost every community, has its big people and its little people, and there is nothing out of the common in extremes one way or the other. Presumably, however, there is a law of averages at work, in consequence of which the person who is either very large or very small is conspicuous. Somebody once said that the Lord must have been specially fond of average people because He made so many of them, and that applies, doubtless, to their size as well as to their physiognomies and their various abilities. But there are always those who go beyond or fall under the average in some way, and of such was the man seen on Jasper the other day. He was not average. If we were all of anywhere near his build and proportions, we should have to enlarge our street cars and automobiles, widen our house doors, and reinforce our furniture. The average person is usually glad of his averageness. Occasionally one finds a big man who is proud of his portliness; but it is not so with most men. The wish that one might not be either rich or poor has a good mate in the quite common desire to be neither too big nor too little.

*

Whether or not the west is favorable to the production of big people is a question that the doctors and physical drill experts can best answer. Actual measurements would perhaps be necessary to determine the prevailing type, but it is apparent enough that in individual cases people do take on physical proportionableness with the passing years. But as to that, they sometimes go through in other cases a process of shrinkage as well. It would be of interest if really authoritative tests could be made, for more is involved than merely the satisfaction of knowing: the whole question of present-day living methods is behind it, and that is a matter of real importance. One of the large American universities, a few years ago, conducted physical examinations of 1,500 freshman students, and the results as announced went to show that up to that time there had been a gain since the war of six and one-half pounds in weight and one-fifth of one inch in height in the size of the average male student, at an age of 19½ years. It was also found that the average student had increased his abdominal girth by exactly one inch, but it was not indicated whether this was due to improved physique, or to better living conditions, or to the one as produced by the other.

*

There would appear to be good reasons for the conclusion that over a long period of time men have been gaining in size, whatever may be the facts for shorter periods. Specimens of medieval armor in both American and European museums, show, it has been stated, that the knights and warriors of the 16th century were men of small stature, into whose coats of mail the average-sized men of today could not get themselves even approximately. The medieval average in weight is believed to have been about 130 pounds, with a waist-line of only 30 inches, a calf 13 inches in circumference, and a foot that would take a modern No. 6 shoe. The average high-school boy of today would not do more than fit snugly into one of these oldtime suits of steel.

There is a scale to which men are nowadays supposed to conform their bodies if they would be normal. Doctors and insurance companies make a good deal of the necessity of keeping within some such scale, and they declare it to be, in general, entirely possible. Thus a man of 40 years age and five feet eight inches in height should weigh, they say, 154 pounds, and ten years later he should weigh 142 pounds. Four inches more of height entitle him to 17 and 12 pounds more weight at the respective ages, and for every other variation in height and age there is a corresponding weight. It is possible, however, that the big man seen on Jasper avenue the other day would transcend or defy any such measurement test as this: he appeared to be in a class by himself, and his presence in the city was therefore an event worth noting.

* * *

Islands For the People

Edmonton has ventured somewhat extensively and variously into the field of public ownership, but one of the smaller cities of Ontario probably holds the record in the way of novel enterprises of that sort. Brockville, on the upper St. Lawrence, owns 29 islands that nature conveniently placed along its waterfront when the geography of that region was being made. These islands were purchased by the city 30 years ago, and the last instalment on the debentures issued in connection with the transaction came due and was paid in February. Now Brockville's island domain is its own, to have and to hold. The islands are of assorted sizes but are all reserved for camping and picnicking grounds, with restrictions and regulations that seek to ensure their protection in the public interests for all time to come. So well have these measures been enforced that the little archipelago is said to have kept its natural beauty much as it was when the first explorers passed that way.

The nearest approach that Edmonton can make to Brockville's fortunate facilities for insular pleasuring is in terms of the 21 islands offshore at Elk Island park, and they are so far from being under municipal ownership as to be a federal and national possession. Perhaps, however, some of them will be made available one of these days for summer camping purposes.

* * *

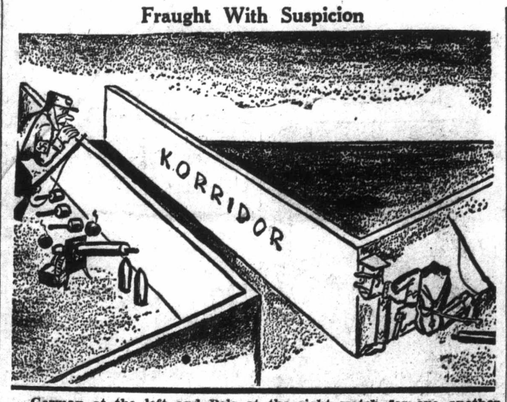
What's Greek for Pep?

A story is told that a British educationalist, speaking at a teachers' convention in London a short time ago, said that a friend of his, a great Greek scholar, was visiting a certain women's college in the United States and was asked to do the institution the compliment of translating its college motto into Greek. He agreed and asked to see the motto. When it was placed before him he read the words: "Pep without purpose is piffle." His translation has not been reported.

That there is a heavy difference between this peppy motto and most such forms of words hardly need be said, and there is no lack of other evidence that American slang has established itself in modern college halls. But even so, isn't there a lot of truth in it?

Sir Arthur Salter—The competitive, or capitalist system will remain, but it will be a publicly controlled system to an extent hitherto unknown in the advanced industrial countries except in time of war.

Fraught With Suspicion



German at the left and Pole at the right watch for one another suspiciously in the complicated recesses of Poland's corridor to the Baltic sea, which cuts off East Prussia from the main body of the Reich. A 10-year peace pact postpones any open discussion of this area.

British Visit To Berlin

World Affairs Reviewed by A. B. Watt

Last week's review dealt mainly with the cancellation of the visit of the British ministers to Berlin and the consequent upset, temporarily at least, of the negotiations for an all-round European settlement. But before it reached most of the readers Hitler had renewed the invitation and the plan now is to have Simon and Eden go to the German capital a week from Monday next. The intention is to have Eden proceed to Moscow and Warsaw immediately afterwards. How much hangs on the outcome of these missions must be apparent to all who have given anything like close attention to the dispatches from the various capitals.

Britain's Role

In his speech at the beginning of the week Mr. Baldwin stated that there was no reason why the negotiations should not lead to a new era in Europe. Britain, he added, was prepared to contribute her share. Her willingness to accept larger responsibilities upon the continent has been the principal factor in creating greater hopefulness in regard to the new effort to maintain peace that has been launched. Mr. Baldwin has himself probably had more to do thar any other man in bringing about the change in British policy.

Its first manifestation came when troops were sent to the Saar. This resulted in the avoidance of what was undoubtedly a most serious threat to peace. Six months ago no one would have predicted that the future of that territory could be settled with so little friction. A little later Britain's active intervention brought about an adjustment of the dangerous situation that arose in central Europe over the assassination of the Jugo-Slavian king. The attempt followed to bring Germany back into the league and to induce her to become a party, on terms of equality, to general arrangements for preventing armament growth and putting peace on a more secure basis. The leadership in this movement that the British government has given should, one would think, absolve it from such accusations as it has had to face because of the moderate increases in the country's defence forces that it has proposed.

White Paper's Meaning

The London Times, whose frank recognition of Germany's just claims and insistent calls for seeking an arrangement with that country have counted for so much in the initiation of the present peace plan, denies that the much-discussed white paper was misunderstood in any foreign capital.

On the contrary, it declared on Monday, in Germany as well as in France it is realized that the peace of Europe and the collective system are both well served when Great Britain is strong. There are many who think that it is the one assurance which would give peace machinery substance. It is far more important now to look to the future than to the past and to think only how it is best to set up that new order upon which it is hoped to establish peace and security. If Germany is a convert to this ideal it will succeed. If she is not then the old balance of power will inevitably recur, with the disastrous concomitant of competition in armaments.

Hitler's renewal of the invitation to the British ministers goes far in support of what the Times has to say. It is disappointing to all who have pinned their hopes on the league, and on the plans for establishing the reign of law in international affairs that have been built around that body, to have Britain increasing her armaments. But unpleasant facts had to be faced and both her own and the world's safety demanded that her forces be strengthened. Other nations had already gone far in that direction.

"That Germany is arming and will continue to arm is certainly true," said the London Daily Mail on Thursday. "But this is only what every other state all over the world has been doing—except Britain, who only awoke from a pacifist dream a week or so ago." The last statement is hardly correct. The government can have been under no illusions as to what was happening. It did, however, wait as long as possible before making the move, for which it has been criticized so strongly, because of its anxiety to do nothing which might interfere with the realization of its larger plans for bringing about a European agreement. That there is nothing inconsistent between these and the enlarged defence estimates ought to be quite clear.

With or Without Germany?

That keen observer, Stephen Gwynn, whose monthly commentary on foreign affairs in the Fortnightly always throws so strong a light on the course that they are taking, wrote in the last issue:

The truth is that in the course of 1934 a series of violent events produced a state of things in which the menace of war grew very near and the peoples on the continent of Europe, knowing that they must be involved, made their will felt to arrest it. In England this knowledge was not shared by the general public; but those in power saw clearer and decided to take a hand in establishing what was necessary—a united front against the danger. Germany, by methods which from the standpoint of diplomacy were perfectly legitimate, has succeeded for many years in preventing this combination. Of late her method was that of threats. It is scarcely conceivable that Germany will not now read the signs of the times and settle down to a state of things which will make reduction of armaments possible ....Europe must be organized. It may be organized with Germany or against her. The British government can make it clear that it will be organized in either case.

While there are good grounds for believing that Germany will be induced to fall in line, the alternative that will have to be adopted, in case she does not, has never been lost sight of in connection with the negotiations that have been started. In view of the fact that that alternative may be found unavoidable, for it Britain had to be prepared to a greater extent.

Air Forces and Security

Mr. Gwynn lays great stress on the value of the proposed air pact, which has met with such strong approval in Britain and France and was the one feature of the British-French note that was given an immediately favorable reception in Germany. Every power possessing an air force is to be pledged to use it at once to repel aggression by air against any of its neighbors and will have the promise of similar assistance.

"We are certainly not on the threshold of a peaceful millenium," writes Mr. Gwynn. "But that new force which might be used most readily for international destruction is in a fair way to be utilized for an international police; and the right of every nation to live at peace in Europe begins to be recognized as inseparable from the duty of helping to keep the peace."

No one can very well challenge the devotion to the cause of peace of George Barnes, Labor's representative in the war cabinet, and he wrote a letter to a London paper the other day in which he declared that the air pact proposal was the first serious step towards international security.

Trouble Inside Germany

Reports in regard to internal conditions in Germany are such that it is hard to believe Hitler will fail to seize the opportunity afforded by the offers of the other powers. Complete recognition of Germany's claims to be treated as an equal in the international field must increase his prestige at home and he needs this badly. His government's economic difficulties are acute and the religious warfare not less so. While a week or so ago the conflict with the Roman Catholic authorities seemed to be increasing and that with the independent Protestant movement lessening, the latest dispatches indicate that it is the other way around now. There has been no more outspoken challenge of the national socialists than that issued last Sunday by the Protestant body that is known as the Confessional Synod. It was read in many churches throughout the country. A packed congregation heard it proclaimed by the Rev. Martin Neimoeller, the former U-boat commander, in a Berlin suburb. While the fiery denunciation of Nazi paganism was not interfered with there, it was suppressed in a large number of other localities. "The church dares not," the document declared, "bow blindly to the totaletarian demands of the state which the new religion has created."

End of Greek Revolt

The Greek rebellion, which was arousing so much concern a week ago, has apparently been completely suppressed Venizelos is a fugitive on Italian soil. The failure of the movement is the worst blow that he has received in the course of his long career and indicates that the government has acquired much greater strength than it was credited with. The clash on the borders of Greece between Bulgarian and Turkish troops did not have any serious consequences. Bulgaria withdrew the note she sent to the League protesting against the menaces to which she believed she was subjected. The withdrawal was said to be due to the "friendly explanations" of the Turkish government. So the general Balkan situation seems to be just what it was before the outbreak.

Poor Pa!

By Claude Callan

"Cora took Ellen's husband away from her, but she wouldn't have touched Ellen's purse. Cora is perfectly honest an' she won't take anything of value from anybody."

—(Copyright)

Upward and Downward

By "Edmonton Reader"

'I particularly like that idea about the road, sir,' said Paige.

'It bears acquaintance,' nodded the Dean. 'Indeed there is no end to its possibilities. Sometimes it is helpful to attempt a mental reconstruction of that highway from the very beginning and trace it forward through human history. Endless procession. On foot at first—barefoot; then sandal-shod; then on mule back. Clumsy wooden sledges, sledges with rounded runners, sledges on rollers, rude carts on heavy wheels drawn by ropes. Better carts with lighter wheels drawn by horses. Accelerated speed. Reduction of drudgery. Motors! . . . Every little while a radical change in methods, manners, modes, mechanisms—but the same old procession! Ah—but it has passed through a lot of discomfort to come so far! When I review it, I know that nothing could possibly happen to me which hasn't happened to others—thousands of times before and immeasurably more severe. I'm rather proud to belong to the procession. Mighty fine stuff in that old parade, my friend! It has traveled a long way—up—out of the wilderness.

. . . 'Emergencies have always been necessary to men's evolution. It was the darkness that produced the lamp. It was the fog that produced the compass. It was winter that clothed us; hunger that drove us to exploration.

. . . 'Man's evolution has been operating for some time in the field of his mental progress. He is now about to make long strides morally.

. . . 'For your comfort, my son, let me tell you that I have laid hold upon a truth powerful enough to sustain me until I die. I know that, in spite of all the painful circumstances I have met, my course is upward! I know that the Universe is on my side! It will not let me down! I have been detained at times—but—eventually—I go on through!'

* * *

The foregoing paragraphs are from a conversation between Dr. Newell Paige and Dean Harcourt, the latter of Trinity Cathedral, as reported in "Green Light" by Lloyd C. Douglas (Thomas Allen, Toronto). They give, briefly, the text or theme of this newest novel from the pen of the man who wrote "Magnificient Obsession" and "Forgive Us Our Trespasses." Where the former presented formulas that, in the opinion of the author, would bring well-being to the individual who applied them personally, "Green Light" suggests a universal principle, an idea of human progress, that will sustain not only the individual but also the race.

Dr. Douglas in his books is a novelist first and a preacher second. Perhaps this is the reason his preachments "get over" to the reader with such emphasis and remain in the memory so long.

"Green Light" is the best story he has yet written. It is woven chiefly around the experiences and the love for each other of Dr. Paige and Phyllis Dexter. Paige, assistant to Dr. Endicott in a city hospital, takes the blame when a big surgical error on the part of the older man results in the death of Mrs. Dexter, mother of Phyllis. He literally runs away, assumes another name, and is drifting badly when he comes under the influence of Dean Harcourt. At this time he meets Phyllis for the first time and it is a case of love at first sight. But she discovers he is the man she has been blaming for causing her mother's death. Paige runs away again. This time he plunges into dangerous bacteriological research. Eventually, of course, all is well. Many other characters round out the story which most readers will find absorbing.

* * *

"Damnation of Mr. Zinkler" by Graham Sutton (Cape, London; Thomas Nelson, Toronto) is a gorgeous mixture of fantasy and satire. It is light fiction, adventure, commentary upon modern life and keen character analysis. Above all these, it is good fun.

Mr. Zinkler himself is an American movie-magnate—of the 300 per cent variety. He wants the famous Grenfell, who has climbed Everest, to "appear" in Hollywood under his direction, but Grenfell refuses even his most extravagant offers. Yet he does take part in a Zinkler film, both he and the girl Jo whom he has so casually met in Cumberland, while on a climbing expedition which he planned as a flight from Zinkler. But this new film is not "shot" on this earth.

When Zinkler and Jo are dead Grenfell finds himself with them in Hades—not, however, the gloomy caverns which Dante imagined, but a slap-up modernized place, where there is no more "torment" than we meet with here. In other words, it is the Hades of the old Greeks who believed that it was the land where the shades wait to be re-born.

And what a place it is! Wonderful skyscrapers, artificial sunlight, Safety First forever to the fore, a most convenient financial system, and, of course, a dictator, who, it would seem, is not without a strong vein of humor. Mr. Zinkler and Jo soon find their feet, but there is some irregularity about Grenfell's papers, and this new adventure of his is not altogether to his liking.

Grenfell's last climb, and its extraordinary results provide a whirlwind of excitement in which the book ends. One almost wishes that the famous mountaineer had not been so dissatisfied with Hell.

Mr. Sutton draws upon a wealth of idea and detail in old mythology and with these as foundation builds as ultra-modern a structure as may be imagined. Architecturally speaking, Mr. Sutton's Hades would be a town-planner's heaven if it were not for the crawling traffic that fills the wide streets from sidewalk to sidewalk. But motorists in this particular hell have to crawl—not for their earthly sins of speeding, but for the sake of Safety First. It doesn't do to take any chances in these caverns of the doomed. Fancy having to lie in bed with a broken hip for two or three hundred years!

Punishment is not entirely absent. Nemesis is there with clutching fingers. And the way in which nemesis overtakes the chief characters is not without its interest. But to get the full enjoyment in "Damnation of Mr. Zinkler," the book must be read and read unhurriedly.

Reasons and ideas have an influence upon human actions, and sometimes even determine them, by a process analogous to that of suggestion upon a hypnotized person.

Bible Message

From the Authorized Version

The first day of the week cometh Mary Magdalene early, when it was yet dark, unto the sepulchre, and seeth the stone taken away from the sepulchre. . . . But Mary stood without at the sepulchre, weeping: and as she wept, she stooped down, and looked into the sepulchre, and seeth two angels in white sitting, the one at the head, and the other at the feet, where the body of Jesus had lain. And they say unto her, Woman, why weepest thou? She saith unto them, Because they have taken away my Lord, and I know not where they have laid him. And when she had thus said, she turned herself back, and saw Jesus standing, and knew not that it was Jesus. . . . Jesus saith unto her, Mary. She turned herself, and saith unto him, Rabboni; which is to say, Master. . . . Then the same day at evening, being the first day of the week, when the doors were shut where the disciples were assembled for fear of the Jews, came Jesus and stood in the midst, and saith unto them, Peace be unto you. . . . But Thomas, one of the twelve, called Didymus, was not with them when Jesus came. The other disciples therefore said unto him, We have seen the Lord. But he said unto them, Except I shall see in his hands the print of the nails, and thrust my hand into his side, I will not believe. And after eight days again his disciples were within, and Thomas with them: then came Jesus, the doors being shut, and stood in the midst, and said, Peace be unto you. Then saith he to Thomas, Reach hither thy finger, and behold my hands; and reach hither thy hand, and thrust it into my side: and be not faithless, but believing. And Thomas answered and said unto him, My Lord and my God. Jesus saith unto him, Thomas, because thou hast seen me, thou hast believed: blessed are they that have not seen, and yet have believed. (John 20:1, 11-14, 16, 19, 24-29).

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THE TERCENTENARY OF SHAKESPEARE.

From - The Montreal Transcript, Tuesday, April 26th, 1864.

The Grand Popular Celebration, consisting of Soiree, Promenade Concert, &c., &c., under the direction of the Committee of Management appointed by the citizens, irrespective of nationality, took place last evening, J.J. Day, Esq., President of the St. George's Society in the Chair. After an address by Mr. Day, the Hon. Mr. McGee then came forward, and amid loud applause, spoke substantially as follows:-

MR. CHAIRMAN, LADIES AND GENTLEMEN,- While all the world has given up this day to the memory of the greatest genius that ever used our speech as his vehicle of thought, it would be strange indeed if this City were silent. Our celebration may not be all we hoped for, or all we proposed to make it, but at least we can say that portion of Shakespeare's dominions situated in British North America, will not find Montreal left out of the map. (Cheers) You have pressed into this grateful public service both the languages of Canada— the elegant language of which my friend near me (Hon. Mr. (Chauveau) is an acknowledged master, and the language which Shakespeare himself used— the only language of which, probably, he was a master—if we except the language of universal Nature, whose beloved and faithful interpreter he was. (Cheers.) You have summoned me to bear my part in this festival, and I come as a debtor to acknowledge his accounts to his creditor—as a pupil to render tribute to his master—as a poor relation, to celebrate the birthday of the head of the house—as a good citizen, to confess his indebtedness to a great public benefactor—as an heir-at-law, or in language, to repay in ever so imperfect a manner, his obligations to a wealthy testator, who has left him riches he could never hope to acquire by any labor or exertions of his own. (Cheers.) Of his family, very conflicting accounts are given. His Mother, Mary Arden, was of the gentry of Warwickshire; his father, John Shakespeare, is spoken of, in early life, as a butcher and glover; in later life, as an Alderman of Stratford, Yeoman and Gentleman—which would seem to imply a successful struggling upwards in the social scale. The celebrated Shakespeare coat-of-arms, obtained by the ambition of the son, for the gratification of the father, shows that there was in this house, whether derived from Mary Arden, or created by her son's genius—which created so many other marvels—a determined desire to assert and establish the rank of gentleman. Shakespare, who flung his own immortal works upon the world, without guide or guardian to his fame; Shakespeare, who could be content with a misprinted HAMLET, and an interpolated OTHELLO, was yet so anxious about a coat-of-arms, and a parchment pedigree! Must we blame him for this? I hope not. The finest thing the English language has ever given expression to— finer far than HAMLET, or of any other of our Poet's creations—is the grand word GENTLEMAN; and it is not to be at all wondered at, as it seems to me, that, from Shakespare to Scott, every man of genius, born within the sphere of our speech, has been, through life, ambitious of this glorious designation. (Cheers.) Shakespeare himself, educated so far as he was educated,

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at the Stratford Grammar School, married at 18 to a mature maiden of 26—for boys usually fall in love with mature maidens, and mature maidens, in return, fall in love with mere boys. (Laughter.) We do not find, fortunately, "the "skeleton in the closet," of this married pair. His true first love—Anne Hathaway—seems to have remained his "all "the world" to the very last.; and every fact of his scanty biography goes to show that in the turmoil of London literary life, in the full blaze of Elizabeth's court, in the congenial society of Ben Johnson and Drayton, and Burbage, the actor, his heart always yearned for the quiet fields and walks of Stratford, and the dear presence of his first and last love—Anne Hathaway. (Cheers.) I do not think I am exaggerating when I say Shakespeare's mind was much more occupied with an establishment for his family at Stratford, at Shottery, or at Sturley, than with his glorious works;; and that to win and wear the honors of a Warwickshire gentleman seemed to him a much more important object of ambition than to become the first poet of the English race. He seems, from all we know of his career, to have been rather ashamed than otherwise of his character of Actor; to have been strangely indifferent to his fame as a dramatic writer; and to have been mainly anxious about his house at New Place, his coat-of-arms, his rank of esquire, andhis last resting-place, guarded with a cuirasse in Stratford church. Strange power of Time and Place! Strange charm of Custom and Association! This genius now so universally felt and honoured, was, probably, in his own day, far more anxious to found a family, and to assert a reputable social position, than to preserve to us those works which have made us all his clients, his debtors, and his dependants! (Cheers.) Shakespeare appears to have lived generously, though by no means prodigally, and to have had the art of acquring wealth. Mr. Halliwell thinks that at one time he shaved notes; Mr. Knight makes him out a sort of land-jobber; Mr. Bellew shows that he knew how to drive a hard bargain. He was a smoker—at least they show his tobacco-box at Stratford; an occasional hard drinker, if accounts be true, with a special relish for sherry or sack; a horseman, who rode many a pleasant day from the Severn to the Thames, through the glorious historic Midland Counties; a swordsman, as his last will,and testament testifies; a picker up of humors of all sorts of men, if gossiping old Aurby's notice of him and Ben Johnson, is to be believed. This, then, is the image of the personal man—Shakespeare; shrewd, aspiring, accomplished, gallant, confident of renown; more anxious for his present than his future; joyous in society; contemplative, even to sadness, in solitude; in short an epitome of all nature, to whom truly, it might have been possibly said—"Look into your own "heart and write." (Cheers.) As to his fortune, he died in what we call independent circumstances, in his native town, at the age of 52. Of his philosophy, a much wider subject, it would be quite impossible to give anything like a fair summary, within the limits of a popular address. In religion, though he lived within the range of the Reformation controversy, it is still disputed whether he was a Catholic or a Protestant; in politics, he was a constitutional-monarchist, an enemy of intolerance (as are seen in (Falstaff's speech in Henry V.,) and a lover of the people, (as we see in Queen Catherine's speech on behalf of the (working classes in Henry VIII.) In his Roman and English historic plays he has not spared such demagogues as Jack Cade, while he had done full justice to really honest popular leaders, like Brutus and Menenius. To Shakespeare certainly more than to any other writer we have, the praise of a well-balanced mind belongs; for while Milton

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was often a fanatic, and Dryden a partisan, and Byron a cynic, this great genius, like those impassable Assyrian Gods, who have been restored to the light of our days, by indefatigable research, he looked straight out into all space, with a calm self-possession, which strikes one with awe,—it is so unlike our average humanity. (Cheers.) Of the originality of Shakespeare, I suppose there is now no second opinion. His works are unlike all that went before,— unlike all efforts of the Greek, or Roman, or Italian mind. The fusion of comedy and tragedy in the same scene— such as in the grave-diggers dialogue in HAMLET— and the fool's saucy repartees in LEAR,— are as marked in their originality, as a Gothic church is distinct from a Roman or a Grecian temple. The profundity of his thought, is only surpassed by its variety; and we may safely say of him, that there is neither subject or object, in life or in literature, of which he does not furnish the highest and most lasting illustration. Now as to Shakespeare's influence on our ideas and our language,—the last point on which I wish to touch,—it is not easy to exaggerate its past extent, or its still growing increase. Tens of thousands of people talk Shakespeare, who never read him, and hundreds of thousands think Shakespeare who do not talk him, I shall not attempt, ladies and gentlemen, any analysis of that large part of our popular opinion and judgment for which we are indebted to this illustrious author. You are here to-night, as is fit and proper, to enjoy yourselves, and to confer pleasure on others. If the poet whose name we invoke were present in person, from all we know of his life and character, we may be quite certain he would take far more pleasure to mingle among so many fair ladies than to talk dull didactics here on this platform. Yet before the exquisite music which has been so skilfully selected for you be ended— before the merry dance begins—let me sum up in a few words, my own crude idea of the place held, and the part performed in our English-speaking world of thought by this great dramatist. "He was a man," to use his own pregnant words, "take him "for all in all, we ne'er shall look upon his like again." He planted his compasses in his own age, and he swept with them the circumference of time. (Cheers.) He seized the trumpet of the Press, then newly wrought, and his voice is now familiar at the Antipodes. (Cheers.) Of all English history his writings are the flower and crown. The British Empire may pass away; the vision of the brilliant Scottish reviewer of a New Zealand artist sketching a ruined St. Paul's from the last standing arch of London Bridge may be fulfilled in the fulness of time's changes; the bittern may re-possess the Thames and the Liver the Mersey; but this Island Oracle shall not be quelled or quenched, till the knell of all earthly things has sounded. His voice shall speak to all nations of the mysteries of life and death, of duty and destiny, of liberty and law, of the remorse that dogs the steps of crime, and the blessed peace that shines on the good man's death-bed (cheers.) To him all genius shall be tributary hereafter, as all genius has been in the past, to know him among actors, the long line from Burbage and Betterton to Kean and Macready; among commentators from Johnson to Gervinus; among Statesmen from Southampton to Chatham and from Chatham to Derby; these are the subjects and clients of our Shakespeare. (Cheers.) To be numbered in such a Company, even in the lowest place, is honour sufficient, and I cannot express to you, ladies and gentlemen, the feeling of pleasure which moves me while I

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speak on such a subject, and feel as I do now, that we too are in the train of such a sovereign. (Cheers.) Ladies and Gentlemen, whoever shall live to see in the year of Grace, 1964, may, perhaps, find themselves here surrounded by a city, many times larger than Montreal is now. They may find themselves, even, ruled under a form or modification of government unknown to our age, and undesired by us, (Cheers) but one thing I feel assured they will not find— that is— that even then there shall be found in the valley of the St. Lawrence in Canada, a people more devoted to the memory than we are, or more grateful for the benefactions, or more watchful of the ever-increasing influence, of William Shakespeare. (Loud cheers, amid which the Hon. Gentle-(man sat down.)

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"THE POLITICAL MORALITY OF SHAKESPEARE'S PLAYS."

ADDRESS DELIVERED AT ST.LAWRENCE HALL, TORONTO, SEPTEMBER 13th, 1858.

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THE POLITICAL MORALITY OF SHAKESPEARE'S PLAYS.

In all the English-speaking regions of the world, there is but one voice as to who is the ablest man that ever yet used our language as a vehicle of thought. All are agredd that that ablest man is William Shakespeare, sometime of Stratford-on-Avon, and "the playhouse in Blackfriars." His time lay between the points, ~~1554~~ 1564 and 1616, and embraces all, or that may properly be called, "the Elizabethan "era." His works have come down to us with abundant evidences of their authenticity, and for the wonderful knowledge of human nature which they display, are certain always to awaken human curiosity, to excite study and suggest criticism.

Shakespeare seems to have had a genius for human nature, in much the same sense, as others have, from ~~fmx~~ their birth, a genius for languages and mathematics. His knowledge of men was less the result of slow and painful experience - for no experience could have furnished him with his fulness of information - than of intuitive insight into the mysterious medley of our being; he, literally, saw through mankind; and his vision was penetrated both through time and through space. He saw through the Italian and the Frenchman of his own time, clearly enough; and quite as clearly through the proud and am bitious Roman, and the light, lascivious Greek, of the ages of Caesar and Alcibiades. The great Lord Chatham when asked where he had studied English history, answered in Shakespeare's plays, and only the careful reader of the Old Chronicles on which they are founded can say, how closely the drama adheres to the record. We have eleven of these "histories" - covering almost the whole mediaeval period of British History - and in their several scenes, Kings, Bishops, Lords, Captains, Conspirators, and Common People, are made to speak for themselves, in their own familiar way, on the high concerns of peace and war, rule and misrule.

It cannot certainly be unprofitable for us to know what were the political principles of the first author in our language. A mind so deep and clear in itself - that easily embraces all humanity as the air does our earth - must have had profound convictions on the highest of earthly interests - the sphere and duty of government. Of forms of government and their effects, he who read so carefully Grecian, Roman, Italian, and British history, must have known much; and it was impossible for the ripe understanding of Shakespeare to have taken in any fact, without at once mastering its analogies, and analysis. I propose, gentlemen, with your permission, to collate in a plain conversational way, some of the political passages of this author, and to deduce from the maxims in which they abound, the philosophy of State affairs, which he seems to have framed for himself.

As is observed in every other point of view, so I may say in this, that we find in Shakespeare's

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plays almost every variety and shade of political character. The difficulty of my argument is, in the selection of instances, but even that I must venture upon, for in one hour it would be impossible to survey the whole range of his public characters.

I law down, as a first proposition that Shakespeare was, as became his nobility of nature, a determined hater of despotism. We see this hatred illustrated in the "Winter's Tale," in"Henry VIII," in"King "John," and in"Richard III," Whether it be a strong tyrant or a weak one - and his tyrants generally are strong - we see them prosper with indignation, and fall with satisfaction. He inspires us, with horror instead of awe, for their elevated rank; he exhibits their honors steeped in blood and fed with the calamities of their kind. His tyrants are either insane or are hypocritics. He thus depicts disease as a disease of the mind where it is not a corruption of the heart. Neontes, King of Cicilia, blessed with an admirable and irreproachable wife, with a most promising Prince, full of sweetness and wisdom beyond his years, to whom was vouchsafed in an equal of his own rank - Polixenes, King of Bohemia - that rare blessing to a King - a true friend - well served by faithful councillors, honored by his people, and in the prime of his life and health, suddenly conceives a violent jealousy of his Queen, because at his own urgent request, she has urged his Bohemian friend to prolong his stay at the Sicilian Court. Unrestrained by forms of law, unawed by public opinion, this beloved and benevolent Prince, is in one hour, under the instigation of his own private passions, converted into a detestable tyrant. His violent, lawless, individual will breaks down all before it: he publicly degrades and casts off, without trial or proof, the wife of his choice and the mother of his children. He orders the faithful Camillo to take off with poison his friend and guest; he compels the same weak but not wicked agent, to carry the newborn babe of the discarded Hermione to a foreign shore, and there to expose its tender life to wolves and woods, and the unpitying elements. In vain his faithful followers pleads against his cruel, his diabolical purpose; the will of Leontes is the supreme law of Cicilia, and the groundwork is laid for a Tragedy, which only the intervention of Heaven, arrests and defeats. In this play, we see the baleful consequences of entrusting arbitrary power, over life and liberty, to any individual. The victims of the Prince are indeed those of his own household and court, rather than the body of the people, but this only shows us the more intimately, the lamentable lengths to which a ruler, unchecked by law and precedent, may carry out the evil instigations of his own heart. In Leontes this despotism is a disease - an insanity - and is followed by a long and vigorous penitence, and an ample and most affecting admission of his own guilt. But in Henry VIII - between which play and that of the Winter's Tale, Horace Walpole traced a studied similarity, we find the King's arbitrary conduct towards his wedded wife arising from his guilty passion for another. Henry feels no jealousy of Katherine. For

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twenty years the noble daughter of Ferdinand and Isabella, had been his faithful, wedded wife. She had borne him several children; she had almost forgotten her prayers to serve him. In her presence all goodness rejoiced, and all vice, abashed, disguised its own nature. Under her mild influence, the fierce passions of the King had been mitigated or assuaged. But a fair face came between the royal pair. The bright eyes of Anne Boleyn inflamed the heart of Henry, and from that hour he became a despot and a destroyer - the slave of his own self-will, seeking to impose the same slavery on his humblest as on his noblest subjects. It is infidelity, not jealousy, that inspires Henry's subsequent conduct. But England is not Sicilian and he must act, unlike Leontes, under form of law. The Queen must have a trial- learned Casiusts must argue the case for her as for him - the learning of the schools must be exhausted in order to quiet the King's conscience, in the matter of the divorce. Henry himself protesrs all the while, with shameless hypocrisy, how deeply it afflicts him to maintain the suit, when all he had to do was to disperse the Doctors, and go down on his knees to ask his wife's pardon. In the English and the Sicilian tyrant the main difference is, that the one is driven mad by groundless jealousy, the other coldly cruel, from the instigations of his own lust. The one acts without law, the other violates the spirit of all law, while pretending to abide by its letter. Leontes repents, we pity and forgive; Henry prospers and proceeds, but all our hearts and all our homage is with the gentle andmuch injured Katherine. In both these dramas, it may be remarked, that the principles of justice, and law, are involved in a question of divorce; and the cause of good government is represented in the person of a woman. Hermione herself in the Winter's Tale makes one noble speech in her own defence, and after her swooning and and disappearance, her cause is fearlessly maintained by her eloquent and courageous lady, Paulina. In her own person she declares she does not fear her cruel husband's sentence of death since all that life had worth living for is lost. "No!" she exclaims - "life, I prize it not a straw - but for the honor" - this it is which affects the noble Hermione. And then she adds:

"~~I tell you this rigour~~ 'Tis rigour and not law. Your
honors all,
"I do refer me to the oracle;
"Apollo be my judge."

The seal'd-up oracle of Delphos been broken, read:- "Hermione is chaste; Polixenes blame-
"less; Camillo a true subjedt; Leontes a jealous
"tryant; his innocent babe truly begotten; and the King
"shall live without an heir, if that which is lost be not
"found."

The Oracle of Apollo was their Court of Appeal in Sicilia; and thither envoys are sent. But Leontes works his will, without the response of the Oracle, and gives occasion to the high-spirited Paulina

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to defend her mistress. Believing the Queen to be dead through his inhuman treatment she does not fear to apostrophize him as "thou Tyrant," and to declare the judgment of the Gods upon him for his in justices. The death of his first-born is naturally presented to us as such a judgment, and altogether the play leaves as profound an impression of the dangers to human happiness of autocratic power, as Henry VIII leaves of pity and admiration for the saintly Katherine and the fallen Wolsey.

In King John and in Richard III we have the despot again presented to us as the hypocrite, who when he feigns piety, but steals the livery of heaven to serve the devil in; we have the despot as liar and the despot as assassin. Richard is a brave despot and John is a coward, and the one vice working through them, takes the colour of their personally opposite characters. Richard is odious, and terrible; John is odious and contemptible. Richard is overthrown on the field of battle as much by the burden of his own conscience as by the sword of Richmond; John is punished for his perfidy by the desertion of his friends, and perishes of poison. The end of each is appropriate and true to history, and in the fate of each we are shown the force of the Holy Writ that Kingdoms are transferred from one possession to another "because of "injustice and oppressions and divers deceits."

But though Shakespeare thus portrays to us, in many respects, the horrors of despotism, we must not run to the other conclusion; that he is, the least of a democrat. It is evident from a hundred passages that he had no faith in the wisdom of the multitude. The multitude in the XIX or XXth century may deplore in this respect the wisdom of Shakespeare, because since the invention of the steam-press education has become possible to the multitude. But, through the works of this great master, wherever the populace are introduced, as deliberating on public affairs, as in the opening scenes of Coriolanus, in the Jack Cade scenes of Henry VI, and in that very striking scene, on the night before the battle of Agincourt, where Henry V in disguise defends the conduct of the King to the grumbling English yeomen. Nothing can be finer than the contrast afforded by Menenius and Coriolanus in the first named play, in their dealings with the discontented Roman mob. The cause of their emeute is the high price of food, and with that they have continued to mix up to their own liking, the popular hatred of the Patricians, and the question of the Volscian War. Menenius is a Patrician, but a patriot; he is an orator and takes time to present his arguments to the people. He desires to see them reconciled to the Senate; to see their confidence restored in the wisdom and justice of the Government. He relates to them, with great grace, his famous fable of "the Belly and the Members" and with true oratic tact, winds up with a personal hit at one of the noisest of the rioters, whom he calls "the great toe of the body."

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The multitude love a laugh, and they relish it not the less when at the expense of one of themselves. Coriolanus, on the other hand, flies into a furious passion with the poor starvelings. Rabble and scum and musty superfluity are the best names he can consent to call them. He welcomes a man because it will help to take them off. He would have let them unroof the city, before he had sanctioned the Five Tribunes they desired. Coriolanus in these scenes stands for an incorrigible old Tory, and Menenius for a mild accomplished Whig, or Phylosophic radical, of the Lord Lansdowne or Sir William Molesworth stamp.

There is no characteristic of this author more invariably consistent than his reverence for age authority, the magistracy and the priesthood. As in Homer's Iliad, so in his dramas, we find the noblest maxims on the allegiance, youth owes to age. He indeed feels that many years are honourable, and that grey hairs are as a Crown of Honor. Except in such a case as Polonius who has grown old in sycophancy and simulation, he nowhere makes old age dishonorable or ridiculous. And even that frivolous, over-wise courtier, when he asserts his parental right in his advice to his son becomes impressive and even dignified. THe mingled tenderness and reverence which all the admirable male and female characters of Shakespeare exhibit towards their fathers and mothers are among the most excellent of their qualities. We have this allegiance of the blood both in his Comedy and Tragedy; we have it in Miranda, the daughter of Prospero, the banished Duke of Milan; Beatrice, the niece of Neonate, Governor of Messina; Edmund, the son of the Duke of York, and young Hamlet. Well knew the great master that patental authority was the magistracy of the fireside, the Kingship of the family, and the stay and bond of all private virtue. In this eastern light does he always present to us the parental office, as clothed and armed, with divine authority, which cannot be defied without impunity. In Othello we have filial disobedience in a form not altogether culpable, but how severely is it not punished in the denouement. The husband for whom the gentle Desdemona deserted her loving father becomes in his own person, the agent of retribution. In King Lear we have the awful consequences of filial disobedience more boldly depicted. Heaven and Earth darken and reel under the horrid spectacle of parricide, planned and executed by female hearts and hands. In exquisite contrast to the flounting vicious and cruel wives of the two favored Dukes, stands the truthful, gentle, constant Cordelia, the daughter of King Lear. She is the virtue opposite to their vice. She breaks in on the dark and frightful scene, like sunlight and calm upon the survivors of a shipwreck. Her love is not demonstrative nor professional. She feels it in her heart, and she is not at all voluble in displaying it. She enters on the closing scene to comfort abd console her wretched father, the good angel of the family, and the best embodiment of feminine filial affection.

The same reverence Shakespeare shows for age, he also extends to the magistracy and the clergy.

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The Chief Justice in Henry IV may be taken as a sample of his estimate of the judiciary. The grave and dignified deportment, the ready reason, the clear distinctions, the practized patience of the lawgiver who imprisoned the Heir Apparent, and yet condescended to reason with Falstaff; the touch of human infirmity propitiated by the fat Knight's entreaty, that his Lordship should "have a reverend care of his health" - and his artful hope -"that he goes abroad by advice" - detracts little or nothing from our reverence for the Chief Justice. In Dogberry indeed, and in Justice Shallow, the rural magistracy of England in those days, is unsparingly ridiculed. Of course there are no such pompous ignorant country justices nowadays - at least not in Canada. But though you laugh at Shallow and at Dogberry, you do not laugh at the law. Their eccentricities are their own, and are not borrowed, as the inventions of the vulgar playwrights are, from extravagant satire on their official duties.

Shakespeare, though not, perhaps, holding the divine right of Kings, was a firm believer in the hereditary monarchy. I know he himself has said "there is a divinity doth hedge a King" and that he has rendered forever horrible to us the character of the usurper of legitimate power, in MacBeth and the King, in Hamlet. In Henry Iv he presents a mild and virtuous usurper; a sort of British Augustus whose trust is in policy rather than in inate force, but even him he haunts with remorse, and terrifies by retributive rebellion anticipated in the person of his well-beloved firstborn. Henry Iv in those affecting lessons in Kingcraft, which he delivers to his hopeful heir, frequently reminds him of the advantage of strengthening his title and founding his throne, in "the opinion" of England. He speaks not of conciliating the great houses; or of a politic marriage; but he contrasts the auspices of the Prince with the means by which he himself attained to power. He points out that "all the soil" of the revolution which dethroned Richard and opened the Wars of the Roses, will be buried with him; and thence he infers, how easily his son, coming to the crown by succession, may strengthen himself with the common people. It sounds strangely enough that a Poet who lived under the arbitrary Elizabeth, and the still more arbitary James I, should lay such stress upon what is now so familiar to us, in our politics as "the "force of public opinion," and "the verdict of public "opinion." And we should remember to his honour, that in that very time, and by no less a person than the King himself, the most extreme pretensions of the divine right were being upheld against Bellarmen and others in a controversy which excited European attention. Though a staunch believer in hereditary right, Shakespeare did not carry his faith, so far as to consider it divine. He did not think it irrevocable and irreversible, or else he never would have presented us Henry II and Henry V in the engaging and attractive light with which he has encircled the Lancastrian Usurper and his heir.

As to the subject he ever maintains that loyalty is a virtue and obedience a duty. On the eve of Agincourt, when the Conqueror of the morrow walks out.

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Peroration.

I feel how far I have been from doing full justice to my subject. I sought it casually for my own instruction, and I was greatly influenced in making up my own conclusions in politics, to find that the highest genius who ever used our language was a zealot neither for democracy nor autocracy - that he was the exponent and eulogist of that Constitutional form of government of which we possess an unfinished copy in this Province. This great master of human nature, desired liberty regulated by fixed laws, a Government heedful to opinion, but not servile to clamor. In his own well-balanced mind and in the gradations of natural changes, he found the antetypes of such a political Constitution. He is the Bond of freedom, and while no one more exalts the Kingly office, no one more boldly denounces those who abuse that office, under the instigation of evil counsellors and their own base passions. He was a monarchist but he was a man. He taught that mercy became the Kingly crown better than the sceptre; that corruption is not better policy than honesty; that "every subject's "duty is the King's but every subject's soul is his own." He taught the sovereign virtue of truthfulness in public as in private conduct; he held that justice was the medicine and food of nations. He inculcated reverence for old age, for the civil magistrate and for the Priesthood; he held war in abhorrence, but courage and heroism in the highest honor. He broadly lays down in all his political plays, that loyalty is a virtue, and obedience a duty; that authority is venerable and majesty an awful office. "You have that in your face I should "like to serve" says the faithful Keen to the crownless King Lear. And when the old King asks what is it, the faithful devoted subject resolved to serve him even against his will, answers "authority." The whole tragedy of Lear arises from the deep emotions excited by the miseries of authority dethroned.

At the same time no professor of public law, ever more staunchly maintained that it is the duty of rulers to be themselves ruled by law and even by the opinion of the people. Of this "the Duke" in Measure for Measure is an instance, and Henry IV in his admirable address to his heir, Falstaff's "honey-sweet Prince" and afterwards conqueror of France, the exponent.

The further sheets of this lecture of D'Arcy McGee - in his own handwriting - were lost. More's the pity!

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PROBLEMS ON NINE PLAYS OF SHAKESPEARE

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To The Rt. Hon. Arthur Meighen
with the compiler's compliments.

PROBLEMS ON NINE PLAYS OF SHAKESPEARE

BY

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Problems on Hamlet.

(1) Would it benefit or injure the play if we saw the murder of Hamlet's father acted in a preliminary scene or prologue?

(2) At what point are we first given a reason for being interested in Hamlet?

(3) I - 1. Discuss this statement of Benedix, "The ghost has to appear to Hamlet only. This first appearance of it is superfluous".

(4) I - 1. Why does the ghost make two separate appearances in this scene?

(5) I - 1 and I - 4. Why is our attention distracted to the words of some speaker just before the ghost enters?

(6) I - 1; 1. Show that this opening line strikes the keynote for the whole scene.

(7) I - 1; 30. What is the dramatic value of having Horatio a sceptic in regard to the ghost's appearance?

(8) I - 1; 50. Why is the ghost offended?

(9) I - 1; 63. Read "pole-axe" or "Polacks"?

(10) I - 1. The speech beginning at line 70 is assigned to Marcellus, that beginning at 79 to Horatio. What would be gained by reversing this?

(11) I - 1; 82. The phrase "as you know" is unwise here. Why?

(12) I - 1; 148. Read "started" or "faded"?

(13) I - 1; 154. Explain "the extravagant and erring spirit".

(14) I - 1. What two interesting situations have we to look forward to at the end of this scene?

(15) I - 2. What is gained by having Hamlet entering last of all and separate from the courtiers?

(16) I - 2. Has the wedding of Claudius and Gertrude just taken place?

(17) I - 2. How is it that Claudius and not Hamlet is King of Denmark?

(18) I - 2; 1. Show that this opening line strikes the key-note for the whole scene.

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(19) I - 2; 42 f. What is the purpose of the Laertes episode?

(20) I - 2; 65. "A little more than kin and less than kind". Explain the meaning.

(21) I - 2; 66. Read "How is it that the clouds still hang on you"? Or "What mean these sad and melancholy looks"?

(22) I - 2; 67. "I am too much i' the sun". Explain the double meaning here.

(23) I - 2; 80. Read, "No, nor the fruitful river in the eye" or "No, nor the tears that still stand in my eye"?

(24) I - 2; 113 f. Why does Claudius wish Hamlet to remain in Denmark?

(25) Do you think Hamlet was at Wittenberg or in Denmark when his father died?

(26) I - 2; 145. Read "By what it looked on" or "By what it fed on"?

(27) I - 2; 163. What is the meaning of "I'll change that name with you"?

(28) I - 2; 164 and 168. What has brought Horatio from Wittenberg to Denmark?

(29) I - 2; 187. The first quarto has "He was a gallant man". Is this an improvement on "He was a man"?

(30) I - 2; 196 f. The repetition in narrative of what the audience has seen in action is generally a blunder. Does this apply here?

(31) I - 2; 254 f. Is there any sign that Hamlet suspected foul play before he was told of the ghost?

(32) I - 3; 50. Read "Himself the primrose path of dalliance treads" or "Doth give his heart his appetite at full"?

(33) I - 3. Prove that Hamlet's love of Ophelia is of comparatively recent growth. Is there any significance in this fact?

(34) I - 3. What is the great difference between Ophelia and the other girl heroines of S.?

(35) I - 4; 15 and 16. "It is a custom
More honored in the breach than in the observance".
Ascertain the real meaning of this continually misunderstood line.

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(36) I - 4. Why does the ghost wish to speak to Hamlet alone? What is gained dramatically by having no one else present?

(37) I - 4; 40-41. Whence does the ghost come?

(38) I - 4; 40-42. Where does this doubt about the ghost recur later in the play?

(39) I - 4; 45. Would you punctuate:
"King, father! Royal Dane, O! answer me":
Or
"King, father, royal Dane; O! answer me":
That is, would you make your pause before "royal" or only before "O"?

(40) I - 4; 65. Discuss the statement that Hamlet does not set his life at a pin's fee because Ophelia has refused to see him.

(41) I - 4; 69-71. At Elsinore there is only a low flat shore. Why does S. change the topography?

(42) I - 4; 75. What is the meaning of "Toys of desperation"?

(43) I - 4; 85. What does the word "lets" mean in this line?
"I'll make a ghost of him that lets me".

(44) How does the manner in which we learn of the villainy of Claudius differ from that in which we learn of the villainy of Richard III, Iago, Edmund, etc? Account for this difference.

(45) I - 5. Where is the critical moment when Hamlet decides not to sweep to his revenge?

(46) I - 5; 15. Read "Could a tale unfold" or "Would a tale unfold"?

(47) I - 5; 31. Could Hamlet sweep to his revenge?

(48) Supporting your view by reference to the text explain why Hamlet did not fulfill his promise to the ghost and sweep to his revenge.

(49) I - 5. Discuss Goethe's theory of Hamlet's delay, that Hamlet is a shrinking flower-like youth who lacks the strength of nerve which goes to constitute the hero.

(50) Discuss the theory of Hamlet's delay that it is mainly due to the swords of the King's body-guard or the judges who would condemn the King's murderer

(51) Discuss Masefield's explanation that Hamlet is trying to satisfy his conscience that he has the right to kill the King, that he does not satisfy it before V - 2; 63-70, after which he immediately goes and kills the King.

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(52) I - 5. Discuss Santayana's view that the ghost instigates the revenging of crime by crime.

(53) I - 5; 39. Read "the serpent that did sting" or "He that did sting"?

(54) I - 5; 61. Read "Thy uncle stole" or "Thy uncle came"?

(55) I - 5; 85. What does the ghost mean when he says to Hamlet, "Taint not thy mind".

(56) I - 5; 85-88. Discuss the view that the ghost did not wish Hamlet even to reproach his mother with her guilt.

(57) I - 5; 98. How can we explain Hamlet making a note upon his tablets at this point?

(58) I - 5; 106. Read "Smiling damned villain" or "Murderous bawdy villain".

(59) I - 5; 126. Read "to tell us this" or "to tell you this"?

(60) I - 5. Prove that Hamlet does tell Horatio about the ghost.

(61) I - 5; 165. Explain "As a stranger give it welcome".

(62) I - 5; 167. Read "our philosophy" or "your philosophy"?

(63) I - 5; 172. What is Hamlet's purpose in putting on an antic disposition? What does he actually gain by it? Whom does he deceive by it? Whom does he fail to deceive? Does it further or hinder his mission of revenge?

(64) I - 5; 186 and 190. What is the point of Hamlet's insistence on "Let us go together"?

(65) I - 5; 188 and 189. Is Hamlet's language that of a man destined to success or destined to failure?

(66) The first act should introduce us into a little world of persons, show us their positions in life, their relations to one another, and something of their characters, and should end by leaving us keenly interested in what will come out of this condition of affairs, because their situation in regard to one another points to difficulties in the future and because we are interested in the persons to whom we have been introduced. Show how Act I fulfills these conditions.

(67) II - 1; 75-100. Why do we not see this interview between Hamlet and Ophelia? What significance do you attach to this interview? Do you imagine it as occurring very soon after his interview with the ghost?

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(68) II - 2. Where does Hamlet begin to suspect Rosencrantz and Guildenstern?

(69) II. Why do we need in this play an entire act in which the hero does nothing whatever?

(70) Where does Hamlet first betray himself as a danger to the King?

(71) II. Where does the counter-action by the King begin?

(72) What is gained by not ever letting us see Hamlet and the King together between the first palace scene I - 2 and the play within the play III - 2?

(73) II - 2; 262, 267 and 271. Why do Rosencrantz and Guildenstern harp on the word "ambition"?

(74) II - 2; 482 f. Do you agree with Hamlet's high estimate of this speech?

(75) II - 2; 569 f. Would it be better to have the plan of the playing of the murder of Gonzago not occur to Hamlet until it comes to him in the soliloquy II - 2; 631 f.?

(76) II - 2; 572 f. and III - 2; 167 f. Can you discover any of Hamlet's "dozen or sixteen lines" in the speeches of the play within the play?

(77) II - 2; 596-600. What character in S. actually follows the plan which Hamlet outlines as a possible one for himself here?

(78) II - 2; 596 f. What reasons have we later in the play to believe that if Hamlet had chosen to rouse the people against the King, as he here suggests, he would have succeeded?

(79) II - 2. Show that if Hamlet's plot to force the King to betray his guilt to him by the play within the play succeeds, Hamlet must act at once in the interest of his own safety.

(80) II - 2; 635. "I know my course". What course of action does Hamlet think he is resolved on?

(81) II - 2; 635-641. Does Hamlet really doubt the ghost or has he invented an ingenious pretext to excuse his delay?

(82) III - 1. What preparation have we in this scene for the King's agony of mind in III - 3?

(83) III - 1; 13. Rosencrantz describes Hamlet as "Niggard of question, but of our demands,
Most free in his reply".
Is this a true statement? If not, explain why Rosencrantz misstates the matter.

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(84) III - 1; 38 f. Why do the King and Queen wish Hamlet to marry Ophelia?

(85) III - 1; 44 f. What can be pleaded in defense of Ophelia's conduct in letting herself be used as a decoy in the interests of her father and the King?

(86) III - 1; 56 f. In Sothern's performance Hamlet speaks "To be or not to be" while gazing dreamily into a fire in the center of the room. Another actor has him speak it while pacing slowly to and fro. In Shakespeare's theatre he probably stood still and declaimed it to the audience. Would you follow any of these methods or have you any other to suggest?

(87) III - 1. From "To be or not to be" and other passages in the play what conclusion do you draw as to Hamlet's belief in a future life?

(88) III - 1; 65 f. How can we reconcile Hamlet's doubts as to the survival of consciousness after death and his expressed belief that no traveler returns from beyond the grave with the fact that he has been visited by the ghost of his own father?

(89) III - 1; 69. What is the meaning of "that makes calamity of so long life".

(90) III - 1; 83. "Thus conscience does make cowards of us all". Discuss the possible meanings of this line.

(91) III - 1; 90 f. What do you think causes Hamlet to suspect Ophelia and at what point in the scene do you think he begins to suspect her?

(92) III - 1; 90 f. Discuss the theory that Hamlet is merely acting a part all through his scene with Ophelia.

(93) III - 1; 91. How "many a day" was it since Hamlet and Ophelia had last met?

(94) III - 1; 157. Is Hamlet's self-betrayal intentional? "Those that are married already, all but one, shall live"?

(95) III - 1; 169 and III - 4; 137. Explain the meaning of "ecstasy".

(96) III - 1; 178. Does the King already intend that Hamlet shall be put to death in England?

(97) III. What lapse of time takes place between Hamlet's interview with the ghost (I-5) and the play within the play Act III, sc.2?

(98) III-2; 59. What is meant by the word "just" as here applied by Hamlet to Horatio?

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(99) III - 2; 76 f. Does not Horatio prove himself to be "passion's slave" in the final scene of the play?

(100) III - 2; 86. What is the meaning of "in one speech"?

(101) III - 2; 146. Stage direction, What are the difficulties created by the dumb show?

(102) III - 2. Why is the diction of the play within the play flat and in rhyme?

(103) III - 2; 281 f. Harrison says, "Claudius betrays himself before his whole court". Do you agree?

(104) III - 2; 303. Read "For a thousand pound" or "For more than all the coin in Denmark"?

(105) III - 2; 309. Read "Comedy" or "Tragedy"?

(106) III - 2; 317 f. To what would Rosencrantz and Guldenstern attribute the annoyance of the King and Queen over the play within the play?

(107) III - 2; 346. In what sense has Hamlet's behaviour struck his mother with "admiration"?

(108) III - 3. Does the King's remorse and suffering excite any pity in you?

(109) III - 3; 36 f. Contrast the attitude of Claudius toward the moral law with that of Richard III.

(110) III - 3; 55. "My crown, mine own ambition, and my Queen". Do you consider the last the strongest or the weakest of the motives for Claudius' crime?

(111) III - 3; 79. "Why, this is hire and salary, not revenge". Discuss Prof. Gordon's interpretation, "This is the action of a hired assassin, not of a revenger".

(112) III - 3. Does Hamlet give his real reasons for sparing the King or is he inventing ingenious pretexts for excusing his inaction?

(113) III - 3. In support of the opinion that Hamlet does actually spare the King only to make sure of destroying his soul as well as his body, point out lines in the play which prove that Hamlet can hate even beyond the grave.

(114) III - 3. Discuss the statement, "Hamlet spares the King because the good in Hamlet shrinks from the terrible act of murdering a man while he is at prayer", and also the statement,

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"With his chivalrous training Hamlet shrinks from stabbing a man treacherously from behind".

(115) III - 3. If Hamlet had killed the King at this time would he not in fact have killed him about some act "That has no relish of salvation in't"?

(116) III - 3. Aristotle warns the poet that the worst fault in the action is when a character is about to act knowingly and then does nothing. Why is Hamlet's failure in his purpose of killing the King an exception?

(117) III - 4. Is Gertrude guilty (a) of being an accomplice to her husband's murder? (b) of adultery in her husband's lifetime?

(118) III - 4; 23. Why does Hamlet kill Polonius? Why does he cry out "a rat!"?

(119) III - 4; 20 f. Prove that Hamlet's killing of Polonius in mistake for the King is merely a wild impulse, by showing that if he had taken a moment's thought he must have realized that the eavesdropper could not have been the King whoever else he might have been.

(120) III - 4; 99-101. Show that Hamlet is not fair in his estimate of Claudius as King.

(121) III - 4; 102-135. Would it be better if the spectators like Gertrude did not see the ghost here?

(122) III - 4; 108 f. Why does the ghost feel that he needs to whet Hamlet's purpose at this time?

(123) III - 4. Why is the ghost seen by Hamlet only?

(124) III - 4. What is the effect of the ghost's second appearance on Hamlet's actions?

(125) III - 4; 176 and 7. What does Hamlet mean when he says of the dead Polonius "I will answer well the death I gave him"? How does he mean to do this?

(126) III - 4; 200. How can Hamlet know that he is to be sent to England?

(127) III - 4; 205 f. Why is Hamlet glad to be sent to England?

(128) III - 4. Does this scene with Hamlet have any permanent effect on Gertrude?

(129) IV. Discuss the statement that the King shows himself a coward in not putting Hamlet under arrest and bringing him to trial for the murder of Polonius.

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(130) IV - 1; 25 f. Is Gertrude telling the truth when she says Hamlet weeps for the dead Polonius?

(131) IV - 3; 38. "Seek him in the other place yourself". Do you agree with Sothern and Fechter that here Hamlet snatches a sword from one of the guards and tries to stab the King?

(132) IV - 4; 9-32. Do you agree with the view that Hamlet here misses one more opportunity of securing revenge on the King?

(133) IV - 4; 32 f. Discuss Abercrombie's view that Hamlet's self-reproach for procrastination is unjustified as it was really impossible for him to have killed the King except when he found him at prayer and thus circumstances and not Hamlet's character were entirely to blame.

(134) IV - 5. Can you give psychological reasons for Ophelia's insanity?

(135) IV - 5; 46. Explain the meaning of "Conceit upon her father".

(136) IV - 5. Why does the King show so much more courage in dealing with Laertes than in dealing with Hamlet?

(137) IV - 7; 140 f. In the earlier Quarto it is the King who plans poisoning the point of Laertes' weapon. Why does S. change this?

(138) Show that it is through his plot against Hamlet that the King causes his own destruction.

(139) IV - 7; 193. "How much I had to do to calm his rage". Does the King mean Laertes' rage against Hamlet or against himself?

(140) V - 1. Did Ophelia commit suicide?

(141) V - 1; 293 and 4. Do you prefer the reading of the text or the reading in the first Quarto?
"I loved Ophelia dear as twenty brothers could".

(142) V - 1; 303. "Be buried quick with her". What is the meaning of "quick" here?

(143) Can you explain why Horatio never tries to urge Hamlet to carry out his mission, or on the other hand never urges him to renounce it?

(144) V - 2; 33 f. Why did Hamlet hold it "a baseness to write fair"?

(145) V - 2; 57 f. Did Rosencrantz and Guildenstern know that they were taking Hamlet to his death?

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(146) V - 2; 67 f. Does this mean that Hamlet has only now satisfied his conscience?

(147) V - 2; 71 f. Would it have made any difference if the King had known what had happened in England?

(148) V - 2; 73 f. Do you think Hamlet really has any plan of procedure against the King? What would have been the best plan for him to adopt?

(149) V - 2; 244 f. Dr. Johnson was very much shocked at Hamlet telling Laertes such a lie. Can you see any other course that Hamlet could have taken?

(150) V - 2. Why does Hamlet, fearing treachery from the King, fear none from Laertes?

(151) V - 2; 286. What is "an union"?

(152) V - 2. Prove that the reason Hamlet does not drink is because he suspects poison.

(153) V - 2; 336. Garrick had the King draw his sword and defend himself against Hamlet. Is this an improvement?

(154) V - 2; 354. Is Horatio's behaviour in trying to die with Hamlet true to his character?

(155) V - 2; 361. "Absent thee from felicity awhile". At the word "felicity" Booth pointed toward the sky. Is this how you understand Hamlet's meaning?

(156) V - 2; 372. "The rest is silence". What do you understand these words to mean?

(157) V - 2; 372. Benedix says: "With Hamlet's death the play is entirely at an end. We do not need to know anything more". Discuss this opinion.

(158) V - 2. Show that Hamlet before his death has set right the time that was out of joint.

(159) V - 2. Though Hamlet as well as the King loses his life, show that in the real sense he is victorious and the King defeated.

(160) Discuss the following criticism of Mrs. Lennox, "As Laertes is a subordinate character it seems a fault to show him with a similitude in manners, under the same circumstances and acting upon the same principles as the hero. Laertes is brave and generous; his father is murdered, basely, as he is informed; duty and honor incite him to revenge his death and he

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does so. This sameness of character and parity of situation with the hero lessen his importance and almost divide our attention and concentration between them".

(161) What is the value to the play of Fortinbras and the various allusions to the relations between Denmark and Norway?

(162) Milton would lay down the following rules for the guidance of the tragic poet: (1) he should observe the unities of time, place and action, and should strive for simplicity of plot. (2) He should not introduce vulgar or trivial characters. (3) He should never allow a tragic hero to speak like a comic one. (4) He should allow no violent scenes to take place on the stage. (5) He should not use the language of everyday life. Show that in "Hamlet" every one of these rules is violated by Shakespeare.

(163) How does Shakespeare's use of the ghost in Hamlet compare in effectiveness with the use of the ghost (a) in Richard III, (b) in Julius Caesar, (c) in Macbeth?

(164) Can you explain from the play why 18th century sentimentalism described Hamlet as "ferocious"?

(165) Discuss the theory that Hamlet was mad or at least mad with lucid intervals.

(166) Discuss the statement of Fitzmaurice-Kelly, "It is doubtful if Hamlet ever loved anyone but himself. He is indifferent to the sufferings of others, absorbed in his own woes, a vacillating egotist, content to unpack his heart in words".

(167) Discuss Professor Stoll's argument to prove that Hamlet is not a tragedy of poetic justice due to any weakness in the hero but a tragedy of external causes due to the hostile forces outside him. "Not only do Shakespeare's other heroes know their faults, like Lear and Othello, as Hamlet says he does not, but their friends and enemies know them also. The Fool and Kent know Lear's, Lady Macbeth her husband's, and Iago, those of Othello. But Horatio, Ophelia, Gertrude, Laertes, Fortinbras, even Claudius himself find in Hamlet no weakness at all".

(168) What is your idea of the love that Hamlet felt for Ophelia?

(169) Point out the different occasions in the play where Hamlet seems to be master of his own fate.

(170) Where do Hamlet's prospects of success seem brightest in the play and where is the decisive turning point that marks the downward course of his fortune?

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(171) Discuss in the light of this play Clayton Hamilton's statement, "The dramatist is obliged to draw characters through action and thus eliminate from his work almost every other means of characterization. He must therefore select from life such moments as are active rather than passive; his characters must constantly be doing something; they may not pause for careful contemplation".

(172) From the soliloquies state Hamlet's diagnosis of his own malady.

(173) What are we told of Hamlet's outer man in the course of the play?

(174) The King sets five traps for Hamlet. What are they?

(175) Discuss Professor Kittredge's view that the play is the tragedy, not of the Prince of Denmark, but of the royal family.

(176) Point out the various shocks to which Hamlet is subjected throughout the play.

(177) Is there any evidence in the play that Hamlet ever doubts that it is his duty to kill the King? Can you bring evidence to show that he never does so doubt?

(178) Is Hamlet's tragedy due to character in the main or entirely to circumstances?

(179) The first folio gives Hamlet's age as 30. The first quarto gives it as 19. Which age do you prefer for him?

(180) Show by instances how throughout the play Hamlet seizes every opportunity to escape from the thought of his mission.

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Problems on Julius Caesar.

(1) I - 1. What is the purpose of this scene?

(2) I - 1 - 36. Why does the language of the scene shift from prose to verse at this point?

(3) I - 1 - 55. Explain "Pompey's blood".

(4) I - 2. Point out the difference in the feelings and motives of Brutus and Cassius.

(5) Show that Cassius never succeeds in persuading Brutus to adopt his own estimate of Caesar the man.

(6) I - 2; 1-24. Is your first impression of Caesar favorable or unfavorable?

(7) I - 2; 32-36. Plutarch says Brutus and Cassius had been temporarily estranged by rivalry for an office in Caesar's gift. Why does S. change this?

(8) I - 2; 64 f. What is it that Brutus believes is not in him?

(9) I - 2; 82 f. Caesar had saved Brutus' life. Why does S. suppress this?

(10) I - 2; 85-89. Contrast the conception of honor of Brutus with that of Hotspur.

"Send danger from the East unto the West,
So honor cross it from the North to South,
And let them grapple; O the blood more stirs
To rouse a lion than to start a hare".
I Henry IV. I - 3; 195 ff.

(11) I - 2; 90 f. What part of Cassius' speech really influences Brutus?

(12) I - 2; 100-131. There is no authority for the swimming match or the fever in Plutarch. Are we to take them as inventions of Cassius? or is he telling the truth?

(13) I - 2; 171. What does Brutus mean by saying he "had rather be a villager"?

(14) I - 2; 191 f. In Plutarch Caesar feared Brutus as well as Cassius. Why is this changed?

(15) I - 2; 201-202. Prove from the play the accuracy of Caesar's judgment of Cassius as a student of human nature.

(16) I - 2; 289-291. "Marullus and Flavius are put to silence"! Explain this.

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(17) I -22; 312. Show how Cassius' parting words to Brutus prove him a keen reader of Brutus' character.

(18) I - 2; 313-327. Do you agree with Prof. Stoll that Cassius' soliloquy is a plain evidence that S. does not sympathize with the conspirators?

(19) I - 2; 320. "He should not humour me". Does the "he" stand for Julius Caesar or Brutus?

(20) I - 2; 320-324. In Plutarch it is not Cassius who throws the writings in at Brutus' window. Why does S. change this?

(21) I - 2 and 3. Is Cassius a hypocrite or a true hater of tyranny?

(22) I - 2 and II - 1: Can Brutus be called the dupe of Cassius? How far do Cassius' arguments actually influence Brutus' thoughts and actions?

(23) I - 3; 15-18. The incident of the slave with the burning hand is in Plutarch. What is the purpose of two little additional touches made by S.?

(a) "You know him well by sight".
(b) That it was "his left hand" where Plutarch merely said "his hand".

(24) I. The first act should introduce us into a little world of persons, show us their positions in life, their relations to one another, and something of their characters, and should end by leaving us keenly interested in what will come out of this condition of affairs, because their situation in regard to one another points to difficulties in the future and because we are interested in the persons to whom we have been introduced. Show how Act I fulfils these conditions.

(25) II - 1; 10. "It must be by his death". What has Brutus in mind when he says "it"?

(26) II - 1; 114 ff. and 150 f. Have we any reason to believe that Brutus blundered in refusing to have the conspirators take an oath of secrecy, or enlist the services of Cicero?

(27) II - 1; 152. Why does Cassius here and elsewhere give way to Brutus?

(28) II - 1; 155 f. In Plutarch all the conspirators except Brutus urge that Antony be killed. What changes does S. make and why?

(29) II. What is the function of Portia in the play?

(30) II - 1; 305 ff. Why would it be a mistake to give us the scene in which Brutus tells Portia about the conspiracy?

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(31) II - 1; 310-334. What is the significance of the Caius Ligarius episode?

(32) II and III. Point out the various opportunities for escape that seem to be offered to Caesar.

(33) What is the function of Calpurnia in the play?

(34) II - 2; 107. Why does Cassius not come with the other conspirators to fetch Caesar to the senate house?

(35) II - 2; 129. "The heart of Brutus yearns to think upon". What is the meaning of "yearns" here?

(36) II - 4. What are the dramatic values of this scene?

(37) III - 1. Why does S. suppress the following incident recorded by Plutarch?

"Now in the meantime there came one of Brutus' men post haste unto him and told him his wife was a-dying, for she had suddenly swooned, but Brutus went not to his home".

(38) III - 1; 8 ff. Plutarch tells us Caesar tried to read Artimidorus' letter on the way to the Capitol but the throng of suitors was so great that he did not have an opportunity. What change does S. make and why?

(39) III - 1; 19-22. Here Cassius shows the flaw in his character that is ultimately to prove fatal to him. What is it?

(40) III - 1; 47. The standard text now reads:

"Know, Caesar doth not wrong, nor without cause
Will he be satisfied".

Is there any reason for preferring the reading recorded by Ben Jonson?

"Caesar did never wrong but with just cause,
Nor without cause will he be satisfied".

(41) III - 1; 123 ff. On what weak points of Brutus' character is Antony playing here?

(42) III - 1 and 2. What is gained by having the murder scene and the forum scene in the same act?

(43) III - 2. What does S. gain by changing the following:

In Plutarch several days elapse between Caesar's murder and his funeral. Brutus does not speak at the funeral. When he speaks the people simply listen to him in silence. A day passes between the speech of Brutus and Antony's funeral oration. The people know the contents of the will and are favorable to Antony from the first.

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(44) III - 2. Why does Brutus use prose and Antony verse?

(45) III - 2. Why are the citizens merely given numbers instead of names?

(46) III - 2. The stage directions put Antony's entrance at l. 45. What evidences can you find that Antony has heard Brutus' speech?

(47) III - 2; 56 and 7.
"Let him be Caesar".
"Caesar's better parts shall now be crowned in Brutus".
What do you think are Brutus' feelings when he hears these cries?

(48) III - 2; 139. What is the meaning of "napkins" here?

(49) III - 2; 175-202. Plutarch says merely "Taking Caesar's gown all bloody in his hand, he laid it open to the sight of them all showing what a number of cuts and holes it had in it".
Point out the special advantages of each touch added by S.

(50) III - 2; 186-191. On these lines Morton Luce bases his opinion that Brutus is a murderer who deserves a sterner penalty than even Macbeth. Is this opinion just?

(51) III - 2. Show just how Antony is superior to Brutus in his understanding of motives which sway the crowd mind.

(52) III - 2. It has been said that S. underestimates the influence of mankind in the mass on the making of history. Discuss this saying in the light of the forum scene.

(53) III - 3. What is the purpose of this scene?

(54) How does Caesar influence the course of events even after his death?

(55) IV - 1. What is the purpose of this scene?

(56) IV - 3. Are your sympathies with Brutus or with Cassius in the quarrel scene?

(57) IV - 3; 69-82. Point out the unconscious inconsistency in Brutus' argument here.

(58) IV - 3; 128. In Plutarch the intervention of the would-be peace-maker brings the quarrel to an end. Why does S. bring it to an end before this intervention?

(59) IV - 3; 133-137. Why is Brutus more angry than Cassius with the poet?

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(60) IV - 3; 151 f. What have we seen of Portia that prepares us for her suicide from such motives as are given here?

(61) IV - 3. In Plutarch the mention of Portia does not enter into the quarrel scene at all. What does S. gain by its introduction?

(62) IV - 3; 146-194. Is Brutus callous with regard to his wife's death? How do you account for lines 179-191?

(63) IV - 3; 273 ff. It is S., not Plutarch, who makes the apparition the ghost of Caesar: what is gained by this?

(64) IV - 3; 273 ff. Is Brutus the sort of man who would be likely to see ghosts?

(65) IV - 3; 279. In Plutarch Brutus is quite unafraid of the apparition. Why does S. change this?

(66) IV - 3; 281. "Thy evil spirit". What is the meaning of "evil" here?

(67) IV - 3; 273 f. What is accomplished by the episode of the ghost? Compare its dramatic effectiveness with that of the ghost scenes in Richard III, Hamlet, and Macbeth.

(68) IV. Show that as far as the advance in the action is concerned S. has merely marked time throughout this act.

(69) IV. Why does S. drop all the minor conspirators from sight in the last acts of the play?

(70) V. What tokens are to be found in this act foreboding Octavian's final supremacy over Antony?

(71) V. Prove from the text that Cassius was right and Brutus wrong in the discussion of the plan of campaign to be followed. (IV-2;195-224)

(72) V - 1; 16-20. In Plutarch it is Brutus and Cassius who dispute as to which shall have the honor of commanding the right wing. Why does S. change this?

(73) V - 1; 21-66. The wordy war of the leaders is an episode invented by S. Is it a happy invention?

(74) III - 2; 211-238. Why does Antony detain the mob from its mission of vengeance?

(75) III - 2; 273 and 4. In Plutarch some weeks pass between Antony's speech and the departure - it is not a flight - of Brutus and Cassius. Why does S. change this?

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(76) V - 1; 101 f. and 111 f. Can you account for the inconsistency of these two statements of Brutus as to his intentions in case of defeat?

(77) V - 3; 1-4. All this episode is in Plutarch except "I slew the coward"! What is gained by the additional touch?

(78) V - 3; 7 and 8. How does the final triumph given by Shakespeare to Brutus differ from the final triumphs given to his other tragic heroes just before their deaths, e.g., Macbeth, Richard III?

(79) V - 3 and V - 5. Point out and account for the differences in the motivations and circumstances of the suicides of Brutus and Cassius.

(80) V - 3; 45-46)
V - 5; 50-51) What is gained by having Brutus and Cassius think of Caesar in their last moments?

(81) V - 3; 109. In Plutarch weeks pass between the first and second battles of Philippi. Why is this changed?

(82) V - 4; 12-17. What is the value of the Lucilius episode?

(83) V - 5. From the characters of Brutus and Macbeth explain why the one dies fighting and the other is slain by his own hand.

(84) V - 5; 75. Would it be better to drop the final curtain here?

(85) What reasons could be given for changing the title of the play to "Marcus Brutus" and on the other hand preferring to retain the present title?

(86) Show how Brutus' virtues helped to destroy him.

(87) Show by instances from the play that S. takes pains to bring out the human side of Brutus' character.

(88) Why is the tragedy of Brutus a tragedy of poetic justice?

(89) In a tragedy of poetic justice the hero usually at some point realizes his own responsibility and fault. Why has Brutus no such moment of self-realization?

(90) Point out as many evidences as you can of Brutus' over-optimistic estimate of human nature.

(91) Discuss the statement, "Brutus and Caesar both belaud themselves incessantly. But Brutus does so like a gentleman, Caesar, like a braggart".

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(92) Is Shakespeare's Caesar a great man? If so, what evidences of real greatness does he give? If not, do you agree with Brandes that S. has deliberately written Caesar down to write Brutus up, or has he tried to draw a great man and failed?

(93) Which dramatist has been more successful in bringing out the true greatness of Caesar, Shakespeare, or Bernard Shaw in "Caesar and Cleopatra"?

(94) Hamlet describing his ideal man says,

"Give me that man
That is not passion's slave, and I will wear him
In my heart's core, aye, in my heart of heart,
As I do thee".

Would Brutus have measured up to this requirement?

(95) Discuss the following opinion: "Antony should not be given credit for sincerity in his display of grief for Caesar. It is quite obvious from the scene in which he divides up the Empire with Octavius and Lepidus that he was an entirely unscrupulous politician and while he must have admired Caesar's power, he did not waste any sorrow over his fall. His grief over the body of Caesar was all acting".

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Problems on King Lear.

(1) I - 1. Where does the tension begin?

(2) I - 1. Show that before the play opens Lear has already planned his division of the kingdom with a more opulent third for Cordelia.

(3) I - 1. Did Lear intend in the beginning to live with each of his daughters in turn?

(4) I - 1. Explain from Lear's character and also from the circumstances why he calls for a competition in professions of love.

(5) I - 1. Prove from the text that Lear has always been used to flattery.

(6) I - 1. Explain Cordelia's attitude.

(7) I - 1. What is Cordelia's tragic guilt or do you consider her entirely blameless?

(8) I - 1. Show how the name Cordelia fits her personality.

(9) I - 1. Show that Cordelia's first words are characteristic.

(10) I - 1. How does the form of Lear's suggestion that she shall praise him offend and disgust Cordelia?

(11) I - 1. Cordelia is a stickler for the truth. Does she tell the whole truth?

(12) I - 1. Prove that Cordelia knows what she is doing when she gives her father over to the mercies of Regan and Goneril.

(13) I - 1. Which is the nobler, Cordelia's truth or Desdemona's lie? (Othello V - 2; 124)

(14) I - 1. Does not Cordelia, like her sisters, think of herself before she thinks of her father?

(15) I - 1. In Tate's adaptation of the play Cordelia's blunt replies are prompted not so much by detestation of her sister's hypocrisy as by a desire to avoid marriage with Burgundy since she is in love with Edgar. The King of France does not appear in Tate. Is this change in the motivation of her conduct an improvement?

(16) I - 1. How does the tragic guilt of Lear differ from that of Macbeth?

(17) I - 1. What chances does Lear give Cordelia to save herself?

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(18) I - 1; 109-110. Explain the meaning of the words "true" and "truth".

(19) I - 1; 131. "Let pride, which she calls plainness, marry her". Is this taunt of Lear wholly unjustified?

(20) I - 1. How does Kent's method of dealing with Lear in this scene differ from Cordelia's?

(21) I - 1; 240. Why does France offer Cordelia to Burgundy?

(22) Show that this play presents the peculiar feature of having no ascending action in the fortunes of the hero.

(23) I - 1. Where is Lear for the last time master of his fate?

(24) Are Goneril and Regan in any way distinguished from one another?

(25) Do you consider Regan and Goneril as true to human nature or as mere monstrosities?

(26) Discuss the statement of Frank Harris: "Goneril is a slight copy of Lady Macbeth with lust added".

(27) Do you agree with the statement that Shakespeare's worst women sound greater depths of vileness than his worst men?

(28) I - 2. Compare and contrast Edmund with Iago as to cruelty, cleverness, pitilessness, and complexity of character. Which do you consider the greater character creation and why?

(29) I - 2. Point out the defects of plausibility in this scene.

(30) I - 2. Point out the features which Edmund's plot has in common with Iago's.

(31) I - 2. Point out the absurdity in the device of the forged letter.

(32) I - 2. One of Edmund's proposed devices is never carried out at all. Which one is it?

(33) I - 3. What is the merit of having the punishment of Lear begin in the same act as his crime?

(34) I - 3; 4-8. How much of Goneril's statement do you believe?

(35) I - 4. Discuss the theory that the fool is Cordelia in disguise.

(36) What is the attitude of the fool to Lear (a) before his daughters have cast him out; (b) afterwards?

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(37) I - 4; 8. What is characteristic about Lear's first words in this scene?

(38) I - 4. In this scene we have the first sign in the play that Lear is trying to exercise self-control. Where is it?

(39) I - 4; 87. "My Lady's father". What is the significance of this particular phrase?

(40) I - 4; 283 ff. Did Lear give up his kingdom for his daughters' sake?

(41) I - 4; 318-19. "What! fifty of my followers at a clap,
Within a fortnight"?
What significance do you give to this?

(42) I - 4; 373. "Well, well; the event". What does Albany mean by these words?

(43) I - 5; 26. "I did her wrong". To what is Lear referring?

(44) Act. I. Where is the first sign that Lear's reason is in danger?

(45) Act II. Where is the first hint of Cordelia's counter-action on behalf of the King?

(46) II - 1. In this scene there is suggested a complication of the plot of which nothing whatever comes. What is it?

(47) II - 4. Point out instances of attempts at self-control on the part of Lear.

(48) Point out the instances in this play where an action is first described and later seen. What is gained or lost in each case by this anticipation in narrative of what is to be seen in action.

(49) III - 1. A plan of action is suggested in this scene which is never carried out. What is it?

(50) III - 2. Why is this scene much less effective on the stage than in the study?

(51) III - 2; 59-60. "I am a man
More sinned against than sinning".
Is this true?

(52) III - 2; 72 and 3. "Poor fool and knave, I have one part in my heart
That's sorry yet for thee".
What is the significance of this passage for Lear's character?

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(53) Show how Lear's character develops in the course of the play.

(54) III - 2; 78. Would it be better to end the scene with Lear's exit?

(55) III - 4. In what sense can "King Lear" be called a social drama?

(56) III - 4. At what point does Lear cross the borderline between sanity and madness? What is the immediate cause of his insanity?

(57) III - 4; 24-25. "This tempest will not give me leave to ponder
On things would hurt me more".
Explain this.

(58) III - 6; 80-82. "Then let them anatomize Regan, see what breeds about her heart. Is there any cause in nature that makes these hard hearts"? Does the play supply any answer to this question?

(59) IV - 1. Point out the anticipation of the doctrines of Karl Marx in this scene.

(60) IV - 1. Why does not Edgar reveal himself to Gloucester?

(61) IV - 1; 36-37. "As flies to wanton boys, are we to the gods;
They kill us for their sport".
Does this tragedy prove the truth of these words?

(62) IV - 2. How does the Albany of Act IV differ from the Albany of Act I?

(63) IV - 3; 1 and 2. What is the read answer to Kent's question: "Why the King of France is so suddenly gone back, know you the reason"?

(64) IV - 3; 53-56. Is there any real reason why Kent should continue to disguise his identity?

(65) IV - 5. How does Oswald illustrate the saying of Henry V.
"There is some soul of goodness in things evil
Would men observingly distill it out"?

(66) IV - 6; 1-42. What is the dramatic weakness of the attempted suicide of Gloucester?

(67) IV - 6. Show that this scene explains how Lear became the man we found him in Act I, Scene I. Is not Lear's tragedy in part a tragedy of environment?

(68) IV - 6; 209-10. "A sight most pitiful in the meanest wretch,
Past speaking of in a King"!

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Does Lear's eminence intensify your pity for him as it did that of the gentleman?

(69) IV - 6; 235-236. "Now let thy friendly hand
Put strength enough to't"
Is Gloucester addressing Oswald or Edgar?

(70) IV - 7. Is it better to have Lear enter at line 21 or at line 25?

(71) IV - 7; 33-36. Would it not be better to omit these lines?

(72) IV - 7. Does this re-union of Lear with Cordelia lighten or intensify the tragedy in view of the catastrophe?

(73) IV - 7. Show that the tragedy of Lear might also be called the redemption of Lear.

(74) V - 1. Why does Albany bear arms against Cordelia?

(75) V - 2. Would it not be better to omit Gloucester's concluding sentence?

(76) V - 3; 7. In the source the battle is preceded by a scene representing a violent quarrel between Lear, Cordelia and Kent on the one side, and Regan and Goneril on the other. Has Shakespeare done wisely or unwisely to omit this episode?

(77) V - 3; 7. Why does Cordelia wish to see Regan and Goneril?

(78) V - 3; 19 and 26. Why does Cordelia make no answer to Lear's hopeful speeches?

(79) V - 3; 27-35. What is the dramatic value of this speech directly after the previous speech of Lear?

(80) V - 3; 104-6. Is this credible?

(81) V - 3; 123. Why does Edgar fight in disguise?

(82) V - 3; 172-3. "The gods are just, and of our pleasant vices
Make instruments to plague us".
Are we to take these lines as the moral of the play?

(83) V - 3; 201 f. Is there any sufficient reason for Edmund to delay telling of the danger of Lear and Cordelia?

(84) V - 3; 224. Are we not at first misled as to the significance of the appearance of the gentleman with the bloody knife in his hand?

(85) V - 3; 228. Why did Goneril kill herself?

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(86) V - 3; 231. In some versions the stage direction reads, "Enter Kent, wounded". Support this from the text.

(87) V - 3; 253. Read "Give it the Captain" or "The Captain, give't the Captain"?

(88) V - 3; 253. Is it mere chance or has S. made it seem probable that Edgar arrives too late to save Cordelia?

(89) V - 3. Where is the moment of final tension?

(90) V - 3; 274. "What is't thou sayst"? Is "thou" Cordelia?

(91) V - 3; 307. "And my poor fool is hanged"! Does this refer to Cordelia?

(92) V - 3; 313. Do you agree with the view that Lear dies in a sudden ecstasy of joy believing Cordelia to be alive?

(93) V - 3; 314. "Break, heart; I prithee, break". Is Kent speaking to Lear or to himself?

(94) V - 3. Discuss the opinion that Cordelia's death is much more tragic than Lear's.

(95) V - 3. In the source Cordelia succeeds in restoring Lear to his kingdom and he dies happily in extreme old age. Does the play gain or lose by Shakespeare's change to a tragic ending?

(96) Is King Lear in part a tragedy of fate or entirely a tragedy or poetic justice?

(97) Compare Lear with Balzac's "Old Goriot".

(98) Does the presence of a Cordelia lighten or intensify the pathos of Lear's tragedy as compared with Goriot's?

(99) Discuss Brande's view that Balzac has created a Regan and a Goneril who are more human and more true to life than Shakespeare's.

(100) Compare the tragedy of Lear with the "oedipus at Colonus" of Sophocles.

(101) Compare the "Tragedy of Lear" with Turgenev's "A King Lear of the Steppes".

(102) Discuss the following statement of John Oliver Hobbes, "How little indiviudalized are some of Shakespeare's women! Desdemona, except in mere outward circumstances, is not very distinguishable from Cordelia".

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(103) Discuss Professor Saintobury's statement, "Desdemona is a more innocent victim than Cordelia".

(104) Compare and contrast Cordelia with the Antigone of Sophocles.

(105) "Is there any cause in nature that makes these hard hearts"? Show how this question is answered as far as Goneril is concerned in Gordon Bottomley's play, "King Lear's Wife".

(106) The attitude of Shakespeare in this play to the conflict between the generations seems to be expressed in the words of Lear III - 4; 14-16.

"Filial ingratitude!
Is it not as this mouth should tear this hand
For lifting food to't".

Contrast this with the attitude toward the problem taken by J. O. Francis in "Change" and by Paul Hervieu in "The Trail of the Torch".

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Problems on Macbeth.

(1) I - 1. Seymour says "The three witches seem to be introduced for no other purpose than to tell us they will meet again". Point out the real significance of this scene.

(2) I - 1; 11. "Fair is foul and foul is fair". Explain the meaning.

(3) I - 2. Show the unnaturalness of the sergeant's language.

(4) I - 2. In the chronicle Macdonwald slew himself. There was no connection between his rebellion, the Norwegian invasion and the conspiracy of Cawdor nor did they occur simultaneously. Why did S. change this?

(5) I - 2; 66. Show that Duncan in sentencing the Thane of Cawdor to death is really passing sentence of death upon himself.

(6) I - 3. Where is the initial impulse of the plot?

(7) I - 3. Show that Macbeth realizes that the witches are not merely prophets but also tempters.

(8) I - 3. What end do the witches wish to gain?

(9) I - 3. How far do the witches influence Macbeth's conduct?

(10) I - 3. Discuss the statement that the witches are merely the personified suggestions of Macbeth's mind.

(11) I - 3. In the source the discovery of Cawdor's treason and his execution did not occur for some time after the prophecy that Macbeth should be Thane of Cawdor. Why did S. change this?

(12) I - 3. In the source Banquo and Macbeth fear to speak to the witches. Why was this changed?

(13) I - 3. Would it be better to omit ll. 1-29?

(14) I - 3; 38. "So foul and fair a day I have not seen". What is the meaning of this line? Prof. Gordon says "The weather had suddenly changed from fair to foul under the witches' influence". Do you think this a likely explanation of the line?

(15) I - 3; 86. "Your children shall be kings". Why does Macbeth here refer to the prophecy relating to Banquo and not that relating to himself?

(16) I - 3; 108 f. and 111-116. Do you agree with Prof. Gordon "This is inconsistent with I - 2; 53-58 where Cawdor is reported to have been defeated in single combat by Macbeth himself"?

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(17) I - 3; 143. What causes Macbeth to put temptation aside for the moment? When and why does he dally with it once more?

(18) I - 4; 11-14. Why is this speech the psychological moment for Macbeth to enter?

(19) I - 4; 37 f. Show that the establishing of Duncan's estate upon Malcolm, apparently a stumbling-block to the fulfilment of the witches' prophecy is in reality a step towards its fulfilment.

(20) I - 4; 45. "And make joyful
The hearing of my wife with your approach".
Explain the double meaning of the word "joyful" here.

(21) I - 4. Is Duncan's going to Macbeth's castle in any way motivated?

(22) I - 5; 1 f. Are we interested in Macbeth's letter chiefly for its content?

(23) I - 5; 16 f. Show how Lady Macbeth indirectly describes her own character in describing Macbeth's.

(24) I - 5; 18. What meaning do you attach to "the milk of human kindness"?

(25) I - 5 and I - 7. Point out the difference in the effect produced on Macbeth and Lady Macbeth by Duncan's coming to lodge beneath their roof.

(26) I - 5. What evidence can you show that Lady Macbeth first meant to slay Duncan with her own hand?

(27) I - 5; 21-23. Is not Banquo also the man who would not play false and yet would wrongly win?

(28) I - 5; 41. Why does Lady Macbeth say "my" battlements and not "our" battlements?

(29) I - 5; 41 f. Does Lady Macbeth become unsexed as she prays to be?

(30) I - 5; 52 f. Dr. Johnson criticizes the word "dun" as belonging to the stable, the word "knife" as inappropriate because it is an implement used by butchers and cooks and asks "who without laughter can hear of the avengers of guilt peeping through a blanket". Discuss these strictures on the diction of this passage.

(31) I - 5; 54. Prof. Gordon says that in "Nor heaven peep through the blanket of the dark" Lady Macbeth thinks of heaven as a

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sleep, covered with a blanket of darkness. Point out the error of this interpretation.

(32) I - 6. What is the purpose of the opening speeches?

(33) I - 6. Why is Macbeth not present to receive Duncan and why do we never see Macbeth and Duncan together after I - 4?

(34) I - 7. What are the considerations that deter Macbeth from murdering Duncan?

(35) I - 7; 12. Show how this fear of being paid for treason by treason haunts Macbeth throughout the rest of the play.

(36) I - 7. What is gained by putting the praise of Duncan into the mouth of Macbeth?

(37) I - 7. In history Duncan was a feeble and slothful king and still young at the time of his murder. Why does S. change this?

(38) I - 7; 29. What is the true answer to Lady Macbeth's question, "Why have you left the table"?

(39) I - 7; 47-52. What difficulty is caused by these lines?

(40) I - 7; 56 ff. Is Lady Macbeth telling the actual truth or merely deceiving herself as to what she would have done?

(41) I - 7; 59. "We fail". Is the tone of these words one of finality, fear or scorn?

(42) I - 7. Discuss the statement of Granville Barker: "As in Othello so in Macbeth, Shakespeare personifies the power of evil with Lady Macbeth for an Iago".

(43) The first act should introduce us into a little world of persons, show us their positions in life, their relations to one another, and something of their characters, and should end by leaving us keenly interested in what will come out of this condition of affairs, because their situation in regard to one another points to difficulties in the future and because we are interested in the persons to whom we have been introduced. Show how Act I fulfils these conditions.

(44) In the source Macbeth killed Duncan in a smith's boothy. Why did S. change the place of the murder?

(45) II - 1; 8. What are these "cursed thoughts" about?

(46) II - 1; 21 ff. and III - 1; 11 ff. Show the degeneration of Macbeth's character by demonstrating his improvement in the art of lying.

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(47) II - 1; 31. "When my drink is ready". Do you agree with the interpretation that Macbeth is having his wife prepare him a drink to give him courage for the murder?

(48) II - 1; 32 ff. Find evidence later in the play that Macbeth was born with a timorous, visionary imagination.

(49) II - 2. Does the play lose or gain by the fact that the murder of Duncan is not shown?

(50) II - 2; 9. Why does Macbeth call out?

(51) II - 2; 13-14. Did Duncan really resemble Lady Macbeth's father or did her imagination invent this resemblance because she shrank from the murder?

(52) II - 2; 24. Who awoke from sleep?

(53) II - 2; 43. Why is Macbeth sleepless after the murder, Brutus before it?

(54) II - 2; 59. What hands does Macbeth see?

(55) II - 2. Point out the preparations for the sleep walking scene (V-1) in this scene.

(56) II - 3; 1-48. What are the uses of the porter episode?

(57) II - 3; 94. "What! in our house"? Is this calculated to excite or to prevent suspicion?

(58) II - 3; 113-114. Was Macbeth's killing of the grooms a part of the original plan? Was it a wise act?

(59) II - 3; 125 ff. Is Lady Macbeth's collapse here a faint or a feint?

(60) II - 3; 136 ff. Why does Banquo not voice his suspicions which he knows are almost certainties?

(61) II - 3; 139-140. Why does Shakespeare omit the scene in which Macbeth is elected king?

(62) II - 3; 150 f. Show how the flight of Malcolm and Donalbain favors the designs of Macbeth. Discuss the statement that but for it he would not have been chosen king.

(63) II - 4. What is the function of this scene?

(64) III - 2; 49. "That great bond". What do you take this to mean?

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(65) III - 3. Can you explain the introduction of a third murderer? Disprove the theories that he is (a) Macbeth, (b) Macbeth's confidential servant?

(66) III - 3; 16 ff. Why do we need actually to see Banquo killed?

(67) III - 3; 16 ff. By a comparison of the episode of the murder of Banquo with that of the murder of Clarence (Richard III, I - 4) show how Shakespeare's art has gained in fidelity to life. Show a similar improvement by contrasting the report of the murder of Banquo (III-4;9-32) with that of the murder of the princes (Richard III, IV-3;1-30)

(68) III - 4; 37. On the modern stage is it better that the audience should see the ghost as in Shakespeare's day or be left to imagine it from Macbeth's words and terror-stricken face?

(69) III - 4; 39. Should the ghost enter here as in the usual stage direction or at the end of Macbeth's speech, ll. 40-43?

(70) III - 4; 49. "Which of you have done this"? What idea is in Macbeth's mind?

(71) III - 4; 49 ff. Point out the different hallucinations with which Macbeth has been afflicted and show how his credulity increases with each fresh delusion.

(72) III - 4. How does the effect produced on Macbeth by the ghost of Banquo differ from that produced upon him by the knocking at the gate?

(73) III - 4; 49 f. Do you agree with Mrs. Siddons that Lady Macbeth saw the ghost also?

(74) III - 4; 92. Discuss the theory that the ghost which enters here is the ghost of Duncan.

(75) III - 4. Show that Macbeth finally decides that the ghost is an illusion.

(76) III - 4. Why do we never see Macbeth and Lady Macbeth together again?

(77) III - 6. What is the function of this scene?

(78) IV - 1; 151 f. Trace the degradation of Macbeth's character in the difference in the motives for his three great crimes.

(79) IV - 2. Can we explain Macduff's leaving his family behind when he fled to England?

(80) IV - 2; 63. Who may have sent the messenger?

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(81) IV - 3; 1-159. Point out the faults in this part of the scene.

(82) IV - 3; 203. How much of Ross's tidings do you think Macduff guessed at?

(83) IV - 3; 216. "He has no children". Is "he" Malcolm or Macbeth?

(84) V - 1; 6. What do you suppose Lady Macbeth writes upon the paper?

(85) V - 1; 1-20. Would it be better to omit this part of the scene? What is the function of the doctor and the gentlewoman in this scene?

(86) V - 1; 34. Should we see the doctor setting down the words of Lady Macbeth?

(87) V - 1; 39. "Hell is murky". Is this to be thought of as spoken in mocking echo of Macbeth's fears or as an expression of her own fear?

(88) V - 1. Show that Lady Macbeth has been under an even greater strain than her husband.

(89) V - 1. To show Shakespeare's development as a dramatic artist compare with this scene the scene in Richard's tent on the eve of Bosworth Field. Richard III (V-3)

(90) V - 3. Should not the doctor enter at line 37 instead of being on the stage from the beginning of the scene?

(91) V - 3. Point out Shakespeare's anticipation of Psycho-Analysis.

(92) V - 3; 61-62. Would it be better to drop these two final lines of the scene?

(93) V - 4; 5-8. Discuss the theory that it would be better to have Macduff make the suggestion about the screen of boughs to be carried by the soldiers.

(94) V - 5; 16 f. Since Lady Macbeth is so important a character is Shakespeare justified in ommitting the scene of her death?

(95) V - 5; 16 f. What do you consider to be the effect of his wife's death upon Macbeth? How do you understand the lines?
"She should have died hereafter;
There would have been a time for such a word".

(96) V - 7. In history though young Siward was slain it was not by the hand of Macbeth. Why does S. change this?

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(97) V - 7; 33. Has Macbeth avoided Macduff simply through fear?

(98) V - 7. In history Macbeth was slain while in full flight. He made no resistance after discovering that Macduff was not of woman born. Why did S. change this?

(99) V - 7; 29. Explain from the characters of the two men why Brutus prefers to die by his own hand, Macbeth to die fighting.

(100) V - 7; 63. What odds has Macduff in his favor in this duel?

(101) V - 7; 88. Would it be better to drop the final curtain here?

(102) V - 7; 98. "This dead butcher and his fiend-like Queen". Is this the whole truth about Macbeth and Lady Macbeth?

(103) V - 7; 99-100. Do you believe that Lady Macbeth took her own life?

(104) Where do Macbeth's fortunes reach their highest point and where is the decisive turning point in the action?

(105) Discuss Harrison's statement "Macbeth is a tragedy of fate. The hero is throughout the plaything of some evil power".

(106) What evidences can you adduce from the play to show that Macbeth is a respecter of public opinion?

(107) Do the characters of Macbeth and Lady Macbeth develop, in the sense of change, between Act I and Act V, or only in the sense in which the photographer's chemicals bring out the features that lie latent in the negative?

(108) What is there to excite our pity and sympathy for Macbeth and Lady Macbeth?

(109) Macbeth and Claudius of Denmark commit the same crime and largely for the same motive. Why is our re-action towards the two criminals different?

(110) Compare and contrast as to character and motive Macbeth and Richard III.

(111) Compare and contrast Richard III with Lady Macbeth.

(112) How does Shakespeare's use of the ghost in Macbeth compare in effectiveness with his use of the ghost in (a) Richard III; (b) Julius Caesar; (c) Hamlet?

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Problems on the Merchant of Venice.

(1) How many plots are there in the "Merchant of Venice", and in which scene are the threads of all brought together?

(2) I. Where is the initial impulse? i.e. the incident which starts the main plot moving?

(3) I. Where does the tension of the main plot begin?

(4) I - 1; 1. How do you account for Antonio's melancholy?

(5) I - 1; 162. Is it fair to call Bassanio a mere fortune hunter?

(6) I - 1. Would it be better if we were told in this scene that Portia could only be won through the caskets?

(7) I - 1. What is the dramatic weakness of the opening scene?

(8) I - 2; 107 f. Why do the suitors not try their fortune with the caskets?

(9) I - 3. Would it not be better to have given us some hint of Shylock's real feeling for Antonio before we see Bassanio resorting to him for a loan?

(10) I - 3. How are Shylock's first words characteristic of him?

(11) I - 3; 40. "Who is he comes here"? Why should Shylock have to ask this question?

(12) I - 3; 43. In the source the Jew bore the merchant no previous ill will. He merely wished to be able to boast of having caused the death of the greatest of Christian merchants. Why does Shakespeare change this?

(13) I - 3. How has our ideal of a Christian gentleman changed since the days of Antonio?

(14) I - 3; 99. Where does the devil actually cite Scripture for his purpose?

(15) I. What evidences have we already in this act that hatred and not greed is Shylock's ruling passion?

(16) II - 1 and 7. Is there any need for dividing The Prince of Morocco episode into two separate scenes?

(17) II - 3. Why does Jessica become a Christian?

(18) II - 6. Does Jessica's behaviour intensify our dislike or our sympathy for Shylock?

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(19) II - 7. Is Shakespeare trying to keep the identity of the right casket a secret from his audience?

(20) II - 7. What quality in his nature causes the Prince of Morocco to choose wrongly?

(21) II - 9. What quality in his nature caused the Prince of Arragon to choose wrongly?

(22) III - 1; 57-78. How do you account for the fact that Shakespeare does not have the Christians make any answer to Shylock's plea for humanity to the Jew?

(23) III - 2. In the source the maid tells the lover how to win the lady and tells without the lady's knowledge. Why does Shakespeare change this?

(24) III - 2; 63-72. Show that the song leads Bassanio to choose the right casket. Have we not reason to believe it likely that he would have chosen wrong if not guided?

(25) III - 2; 112. Read "rain" or "rein"?

(26) III - 2. Show how Shakespeare has taken liberties with the time scheme of the play as outlined in I - 3, and what he has gained by doing so.

(27) III - 3; 21-24. Show that Antonio does not fully understand Shylock.

(28) III - 3; 26-31. Why are these lines especially effective from being spoken by Antonio?

(29) III - 3. What are the dramatic values of this scene?

(30) IV - 1. Would not the trial scene be even more interesting if Antonio were not so completely resigned to his fate?

(31) IV - 1; 59-62. Why will Shylock not give his reasons for hating Antonio? What are the various motives of this hatred?

(32) IV - 1. Show the poetic fitness and justice of making Portia the saviour of Antonio.

(33) IV - 1; 184-202. Show the unconscious irony of "the Quality of Mercy" speech.

(34) IV - 1; 234. Whose money is Portia pressing Shylock to take?

(35) IV - 1; 234. Would Portia have let Shylock escape with thrice the money if he had been willing to take it, or is she playing a game of cat and mouse with him from the beginning?

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(36) IV - 1. Show that it is unjust to make Shylock's name synonymous with avarice.

(37) IV - 1. Where do Shylock's fortunes reach the highest point and where is the decisive turning point in his fortunes?

(38) IV - 1; 336 and 344. Show that even now Shylock has victory in his hands if he is willing to pay the price.

(39) IV - 1. Are Shylock's fears of death and submission to the terms imposed on him consistent with his character as seen earlier in the play?

(40) IV - 1. In the source the Jew suffers no other penalty than the loss of his principal. Why does Shakespeare change this?

(41) IV - 1; 401. On the modern stage Shylock's exit is after the signal for the dropping of the final curtain. What is lost and what is gained by this change?

(42) Show that Shylock is a complex character, not governed by a single passion like Romeo or Richard III.

(43) Is Shylock a villain? Contrast his attitude toward the moral law as he understands it with that of Richard III.

(44) Is the tragedy of Shylock a tragedy of environment or a tragedy of poetic justice?

(45) In our own day many Jews do not care to have the Merchant of Venice taught to their children. Is this objection well taken?

(46) IV - 2. Where have we had earlier in the play preparation for the sub-plot of the rings?

(47) IV - 2. Discuss William Archer's opinion that Shakespeare really begins a new play here.

(48) V. What is the function of this last act in regard to the play as a whole?

(49) The Merchant of Venice and Ervine's "The Lady of Belmont". Do you agree or disagree with Ervine about the development of Shakespeare's characters in this sequel to Shakespeare's play?

(50) The "Merchant of Venice" and the "Jew of Malta". Discuss the statement that Shylock is a real man, Barabbas, a monster. Compare and contrast the two characters. How do you explain the fact that the Merchant of Venice holds the stage while the Jew of Malta is relegated to the library shelves?

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(51) "Merchant of Venice" and Galsworthy's "Loyalties". How far have we progressed towards justice and sympathy for the Jew since Shakespeare's day?

(52) Professor Smith says, "The tragedy of heredity and environment is unknown to Shakespeare. Never to Shakespeare did it occur that society rather than the individual might be responsible for the catastrophe, that tragedy comes upon a man not because he is responsible for his faults but because those very faults have been stamped upon him by his inheritance or by the social status into which he was born". Does the case of Shylock prove that Prof. Smith is in error?

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Problems on Othello.

(1) I - 1. Show how our interest is awakened as soon as the curtain rises.

(2) I - 1. Where are our fears first roused for Othello?

(3) I - 1. Show that the nature of the friendship between Iago and Roderigo is defined immediately.

(4) I - 1; 8-32. How much of Iago's tale do you accept as true?

(5) I - 1. Could Iago fool Othello on all matters?

(6) I - 1; 21. Read "life" or "wife"?

(7) I - 1; 20 f. Prove that Cassio has the confidence of the senate as well as of Othello.

(8) I - 1; 22-27. Show that Iago himself contradicts these aspersions on Cassio later.

(9) I - 1; 35-40. Does Iago's failure to obtain the lieutenancy affect his character or only his actions?

(10) I - 1; 44-55. Show the irony of these lines as spoken to Roderigo.

(11) I - 1; 68. "Poison his delight". Show that in this phrase Iago unconsciously gives us the key to his own nature.

(12) I - 1; 123 f. In the source while Desdemona's family is opposed to the marriage there is no elopement. What is the value of the change?

(13) I - 2. What qualities of character does Othello reveal in this scene?

(14) I - 2; 33. Why is "By Janus" a characteristic oath for Iago?

(15) I - 2; 52. Cassio here seems to be ignorant of the identity of Othello's wife. Show that this is inconsistent with what we learn later in the play.

(16) I - 3; 83-87. What is the importance of Othello's ignorance of the world as throwing light upon his later actions?

(17) I - 3. Prove that the love of Othello and Desdemona is not love at first sight. What is gained by this?

(18) I - 3; 162-163. "Yet she wished
That heaven had made her such a man".
Is "her" direct or indirect object?

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(19) I - 3; 229 f. In the source Othello and Desdemona live happily together in Venice for some time. What is gained by the change

(20) I - 3; 229 f. In the source Othello hesitates to accept the command in Cyprus. What is gained by the change.

(21) I - 3; 252. "I saw Othello's visage in his mind". Explain this.

(22) I - 3; 255-256. What is your idea of Othello's age?

(23) I - 3; 286. Why does Othello trust Iago?

(24) I - 3; 286. Prove that Iago is trusted by all the personages in the play, among others by Cassio, Desdemona and Emilia.

(25) I - 3; 287. Would it not be better for the purpose of the play if Othello had entrusted Desdemona to the conveyance of Cassio instead of Iago?

(26) I - 3; 294-295. Where does Brabantio's warning seem to occur to Othello later?

(27) I - 3; 313 f. Show that Iago, clever though he is, does not see life whole.

(28) I - 3; 321. What is the meaning of "virtue" here?

(29) I - 3; 335. "We have reason to control our raging motions". Show that Iago's reason fails to control his "raging motions" and that they prove his ruin.

(30) I - 3; 347 f. What is the difference between Iago's idea of Desdemona's love for Othello and the real nature of that love?

(31) I - 3; 362. What is the meaning of "erring"?

(32) I - 3; 363. Is Desdemona a super-subtle Venetian?

(33) I - 3; 389 f. Contrast Iago's attitude towards his victims with that of Macbeth.

(34) I - 3; 389 f. This speech brings out the nature of Othello's tragic guilt or rather weakness. What is it?

(35) I - 3; 389 f. Prove that the jealous man is Iago rather than Othello.

(36) I - 3; 389 f. Has Iago any real belief in Emilia's infidelity with Othello? Can we entertain the slightest suspicion of such infidelity?

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(37) I - 3; 392. What is significant in the fact that Iago first says, "I hate the Moor", and only gives his reasons afterwards?

(38) I - 3; 392 ff. Has Iago any rational motive for his hatred of Othello? Or are these lines as Coleridge states "The motive hunting of a motiveless malignity"?

(39) I - 3; 400. What is the meaning of "plume up"?

(40) I. Show that this whole act is really exposition. Where does the main plot actually begin? What elements of tension does Shakespeare provide to keep up our interest in this act?

(41) II - 1. What is gained by having the Turkish fleet destroyed by a storm?

(42) II - 1; 226. Is Othello a braggart?

(43) II - 1; 297. Show that Iago possesses the shadow of a shade of a conscience.

(44) II - 1; 303 f. In the source Iago is passionately in love with Desdemona and jealous of Cassio because Desdemona has shown him great kindness. What are we to think of his statement, "Now I do love her too" in the play?

(45) II - 1; 311. How does Iago in fact become even with Othello wife for wife?

(46) II - 1; 319. What incident earlier in the scene may have aroused in Iago this suspicion in regard to Cassio and Emilia?

(47) II - 1. What are Iago's aims at the end of this scene? Why does he enlarge them later?

(48) II - 3; 14-29. Show how the conversation about Desdemona brings out the contrast in the characters of Cassio and Iago.

(49) II - 3; 250-251. In the source Cassio having drawn his sword upon a soldier and struck him is punished by being deprived of his rank. Iago has no connection with the affair. What is gained by the change?

(50) II - 3; 345 f. Why does Iago have so many soliloquies?

(51) II - 3; 345 f. Show that Iago considers good as synonymous with stupid.

(52) II - 3; 259. "Divinity of hell". What is meant by "Divinity" here?

(53) III - 1; 17-18. Show from elsewhere in the play that in spite of what the clown says here Othello does like music.

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(54) III - 42-43. "I never knew
A Florentine more kind and honest".
Why does Cassio use the expression "A Florentine"?

(55) III - 3. At what point in the scene does Othello begin to be uneasy (a) as to Cassio (b) as to Desdemona?

(56) III - 3; 19 f. Point out a striking instance of tragic irony in Desdemona's speech.

(57) III - 3; 29. Do you think it is purely by chance that Othello surprises Cassio soliciting Desdemona?

(58) III - 3; 39. Is Iago lying when he speaks of Cassio as stealing away?

(59) III - 3; 50. Point out the unconscious irony of this line.

(60) III - 3; 93.f. Point out instances of how Iago plays upon Othello's curiosity and anxiety by sham asides, sudden changes of subject, breaks and hesitations in his speech, and hints.

(61) III - 3; 99. What reason has Iago to think Cassio had not been acquainted with Desdemona?

(62) III - 3; 166. Read "make" or "mock"?

(63) III - 3; 201 f. Why is this a good line of attack for Iago to take with Othello?

(64) III - 3; 229-333. How can we defend Desdemona against this accusation?

(65) III - 3; 260 f. What are Othello's first intentions if he should find Desdemona false? Why does he change his course of action so radically when he believes he has proved her false?

(66) III - 3; 279 and 334. Why has Othello's jealousy increased during the interval while he is off stage?

(67) III - 3; 288. Why is the dropping of the handkerchief a flaw in the art of the play? Why does S. have Emilia find it and not Iago? What further flaw in the art of the play is the consequence of having it found by Emilia?

(68) III - 3; 290. In the source Iago obtains the fatal handkerchief from Desdemona by a brilliant piece of trickery. Has Shakespeare made a change for the worse here?

(69) III - 3; 387. Read "her name" or "my name"?

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(70) III - 3; 414 f. What reason have we from the structure of the lines to believe that Iago is improvising the story of Cassio's dream as he tells it?

(71) III - 3; 434 f. Does Othello accept Iago's unsupported statement with regard to the handkerchief?

(72) III - 3; 450-451. Point out the unconscious irony in these lines.

(73) III - 3; 469. What is the meaning of "remorse" here?

(74) III - 3; 473-4 and 477-79. Are not the deaths, especially that of Desdemona, determined on a little too early?

(75) III - 3; 473-479. In the source Othello, long after determining on the deaths of Cassio and Desdemona, delays the execution of his design to find some means of securing that their deaths shall not be laid to his charge. What is gained by the change?

(76) III - 3; 480. Could not Iago have stopped his schemes at this point? Has he not realized all the aims he set before himself in his soliloquy at the end of II - 1? Why does he not stop at this point?

(77) III - 4; 52 f. What are the merits and defects of having Emilia present while Othello cross-questions Desdemona about the handkerchief?

(78) III - 4; 56 f. What statement does Othello make later that is inconsistent with this? Can you imagine any explanation of the inconsistency?

(79) III - 4; 133. What reasons have we to believe in this portrait of Othello as a man of unusual self-control?

(80) III - 4; 159 f. To whom do these lines apply more truly, Iago or Othello?

(81) III - 4. Sir Arthur Quiller-Couch tells us that during a performance of this scene a spectator cried out to Othello, "O you great fool, can't you see"? Was this taunt justified?

(82) III - 4. What are the advantages for a plot of this kind of having Othello an Oriental instead of a European?

(83) IV - 1. Where does Othello begin to overhear the conversation between Cassio and Iago?

(84) IV - 1; 101. Should Cassio enter here or at 104?

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(85) IV - 1; 149. How does Bianca's entrance increase the tension? Is her timely arrival to be criticised as the use of mere accident to further the plot as is the case with the dropping of the handkerchief?

(86) IV - 1; 162. How does Othello recognize the handkerchief as his?

(87) IV - 1; 183. "By this hand". Point out the double meaning.

(88) IV - 1; 219-20. Why does Iago suggest to Othello a different method of killing Desdemona?

(89) IV - 1; 247. "Are you wise"? Should this be spoken by Othello, or by Iago to Othello?

(90) IV - 1; 251. Read "I am glad to see you mad", or "I am glad to see you glad"?

(91) IV - 1; 252. Discuss the suggestion that Othello strikes Desdemona not with his hand but with the letter which he holds in it.

(92) IV - 1; 273. What suggests the words "goats" and "monkeys" to Othello?

(93) IV - 2; 43. Professor Herford suggests that Brabantio's influence has caused Othello to be dismissed now that the emergency for which the state needed him is passed. Show from the words of the play later that this is an error.

(94) IV - 2; 46-63. What is it that has hurt Othello most of all?

(95) IV - 2; 96. Why does Desdemona feel as if she were half asleep?

(96) IV - 2; 118. "Am I that name, Iago"?
"What name, fair lady"?
Point out the significance of each of these half lines.

(97) IV - 2; 130-133. In the source Emilia knows the plot from the first but dares not from fear of Iago warn Desdemona. What is gained by the change?

(98) IV - 3; 11. Why does Othello look gentler than he did?

(99) IV - 3; 19-21. In the source Desdemona, noting Othello's changed attitude toward her, says, "I fear I shall prove a warning to daughters not to marry against the wishes of their parents and that Italian ladies may learn from me not to wed a man whom nature and habitude of life estrange from us". Why does all this disappear in Shakespeare?

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(100) V - 1; 20. "That makes me ugly". Does Iago mean ugly to others or ugly to himself?

(101) V - 1; 26. (Stage direction) Can you suggest how Iago came to bungle the killing of Cassio in this fashion?

(102) V - 1; 36. Show the contradiction between this line and Othello's actual intentions in V - 2.

(103) V - 1; 85 f. Why does Iago try to put suspicion upon Bianca?

(104) V - 1; 103. Since Cassio had a personal encounter with Roderigo in II - 3, how is it that he does not recognize him?

(105) V - 1; 126. Why does Iago send his wife to the citadel with the news instead of going himself?

(106) V - 2. In what spirit does Othello come to kill Desdemona? How does this differ from the spirit in which he actually does kill her? What is the dramatic value of each of these moods?

(107) V - 2; 7. Read "Put out the light, and then put out the light". Or, "Put out the light, and then put out thee, light". Or, "Put out the light, and then put out thy light".

(108) V - 2; 63. Read "my heart" or "thy heart"?

(109) V - 2; 83. Why does Othello smother Desdemona instead of strangling her as Iago had suggested?

(110) V - 2; 87. Do you agree with J. A. Symonds that Othello actually kills Desdemona by stabbing her?

(111) V - 2. In the source Desdemona is killed by being sandbagged. What is gained by the change?

(112) V - 2; 170 f. Show that Iago has been stupid too, and blind to the understanding of human nature.

(113) V - 2; 190. "I thought so then". What was it that Emilia thought?

(114) V - 2; 283. "That's he that was Othello". Why "was"?

(115) V - 2; 285. "I looked down towards his feet: but that's a fable".

Explain this line.

(116) V - 2; 303. "From this time forth I never will speak word". Why does Iago come to this decision?

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(117) V - 2. In the source the punishment and death of Iago have no connection with the murder of Desdemona. What is gained by the change?

(118) V - 2; 305. "Well, thou dost best". What is the meaning of this?

(119) V - 2; 344. "Of one not easily jealous, but being wrought". Explain the meaning of "wrought" here. How can Othello speak of himself as one not easily jealous?

(120) V - 2; 346. Read "Indian" or "Judean"? To what story would the latter reading have reference?

(121) V - 2. In the source Othello never learns the truth about Desdemona and though put to death for her murder never admits having committed it. What is gained by the change?

(122) Show that Othello is a drama without a conflict.

(123) Is Othello a more pitiful tragedy than Romeo and Juliet?

(124) Othello's tragedy might have happened to a man in almost any station in life. What is gained by making the hero eminent in position?

(125) Show how Othello's fortunes throughout the play are constantly kept in touch with the fortunes of the Venetian state.

(126) Is Othello a tragedy of poetic justice or a tragedy of fate?

(127) Discuss the statement that in this tragedy evil is victorious rather than good.

(128) Show that the tragedy of Othello in contradistinction to Macbeth is a passive tragedy.

(129) Discuss the statement that Othello is compelled to evil.

(130) Show by a comparative study of Othello and of Jinny Austin in Clyde Fitch's "The Girl with the Green Eyes" the difference between being born jealous and having jealousy thrust upon one.

(131) Which of Iago's victims do we pity more?

(132) What do you take to be really the highest point in Iago's fortunes and at what point does he so far commit himself that he can no longer turn back?

(133) Show that the reader or spectator really knows Iago better than does any of the characters in the play.

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(134) Iago and Richard III. Compare and contrast them as to motives, aims, knowledge of human nature, power to arouse admiration and inspire abhorrence, attitude toward their victims, etc.

(135) Discuss the statement that Iago is cruel, Richard III, merely ruthless.

(136) Iago and Edmund. Which is the more thorough villain? Which proves himself the cleverer? Compare and contrast them in other respects.

(137) Compare and contrast Iago with Aaron the Moor in "Titus Andronicus" or Don John the Bastard in "Much Ado About Nothing" to show Shakespeare's progress as a character drawer.

(138) Compare and contrast Iago with Jachimo in "Cymbeline".

(139) Distinguish between the various pitiless characters created by S.: Iago, Richard III, Shylock, Goneril and Regan.

(140) Compare and contrast Iago with Ibsen's Hedda Gabbler.

(141) Compare and contrast Iago with Balzac's Cousin Betty.

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Problems on Richard III.

(1) I - 1; 1-41. What characteristics of Richard are brought out in this soliloquy?

(2) I - 1. Is Richard's deformity of body the cause or merely the symbol of his deformity of soul?

(3) I - 1; 4. Read "bosom" or "bowels"?

(4) I - 1; 8. Read "measures" or "pleasures"?

(5) I - 1; 30. What is the meaning of "I am determined"?

(6) I - 1; 39. What are the significances of the capital "G"?

(7) I - 1; 109. "Were it to call King Edward's widow sister". Dr. Johnson says Richard is suggesting to Clarence a plot to murder Edward. Show that this statement is an error.

(8) I - 1; 120. "If heaven will take the present at our hands". Why is Richard doubtful about this?

(9) I - 1; 127. "Them". Whom has Hastings in mind?

(10) I - 1; 132. "Eagle". Explain the meaning here.

(11) I - 2. Does the play explain why Richard wants to marry Anne? If not, can you suggest any reason?

(12) I - 2. In history Richard married Anne for her property. Why does Shakespeare suppress this fact?

(13) I - 2. Does Richard's marriage advance the plot?

(14) I - 2. If scene 2 has no plot value can you justify its existence?

(15) I - 2. History says Richard found Anne disguised as a cook maid. Why does S. change this?

(16) I - 2. Point out unnatural features in the language of Anne's lament.

(17) I - 2; 228. At the beginning of this soliloquy Booth dropped his curtain and started a new scene. Why is this an error?

(18) I - 2; 240. History says more than a year, S. says three months. Why the change?

(19) I - 3. The presence of Margaret in England at this time is S.'s invention. What does he gain by introducing her?

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(20) I - 3. One of those cursed by Margaret escapes the curse. Who is it?

(21) I - 3. What effect does Margaret's curse produce on Richard?

(22) I - 3; 329. Are these three men all Richard's dupes?

(23) I - 4. History acquits Richard of causing Clarence's death. Why does Shakespeare change this?

(24) I - 4. Show that the murders are unnatural.

(25) I - 4; 53. Who is the shadow like an angel?

(26) I - 4; 72. Clarence's wife was dead. Why does S. resurrect her?

(27) II - 1. Show that Richard hastens Edward IV's death.

(28) II - 2. Why are Clarence's children brought into the play?

(29) II - 2; 101. Read "sister" or "madam"?

(30) III - 1. How are the two little princes differentiated?

(31) III - 2. Explain the references to the boar.

(32) III - 3; 17-22. There is a misstatement in this speech of Rivers. What is it?

(33) III - 4. In history Hastings was beheaded before Rivers, Grey and Vaughan. Why does S. change the order of events?

(34) IV - 1. What preparation is there here for Richard's vision in V - 3?

(35) IV - 1; 86. Can Richard hate? Is he cruel or merely ruthless?

(36) IV - 2. Why is it dramatically necessary that Buckingham should flinch somewhere from partnership in the crimes of Richard?

(37) IV - 2. What is the fault in the episode of Richard and the page?

(38) IV - 2; 65. Has Richard a conscience?

(39) IV - 3. The murder of the little princes was the direct cause of Richard's ruin. Is there anything in the play that makes this clear to us? If not, is this a flaw in Shakespeare's art here?

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(40) IV - 3; 40. Why do both Richard and Richmond want to wed the Princess Elizabeth?

(41) IV - 4. Why does Richard woo the Princess through her mother instead of directly?

(42) IV - 4. Dr. Johnson says Richard wins Queen Elizabeth over. Prove that this is an error.

(43) IV - 4. Why does Queen Elizabeth seem to yield to Richard?

(44) IV - 4. History tells us Elizabeth was won over to Richard's suit. Why does S. change this?

(45) IV - 4. Compare the diction and dramatic effectiveness of the altercation between Richard and Elizabeth with the quarrel of Brutus and Cassius in Julius Caesar.

(46) V - 1. Can you see from the text why Buckingham is anxious to speak with Richard? If not, can you suggest a likely reason?

(47) V - 3. What preparation is there for the visions before Richard lies down to sleep?

(48) V - 3; 64. History does not give Richard's horse a name. Why does S. give it one?

(49) V - 3; 81. What is the relationship of Stanley to Richmond?

(50) V - 3. History says, "Richard saw in his sleep terrible images like devils". What change does S. make and why?

(51) V - 3. Why do the ghosts appear in this particular order?

(52) V - 3. Which is the more dramatically effective scene and why: the appearance of the ghosts of his victims to Richard, or the appearance of the ghost of Banquo to Macbeth?

(53) V - 3; 132. " I that was washed to death with fulsome wine". Explain this.

(54) V - 3; 152. Read "laid within thy bosom" or "lead within thy bosom"?

(55) V - 3; 160. Why did Anne never know a quiet hour's sleep with Richard?

(56) V - 3. Is Richard's remorse true to his character?

(57) V - 3; 180. Why do the lights burn blue?

(58) V - 3; 314 f. To what sentiment in his army does Richard appeal in his oration?

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(59) V - 3; 349-50. Prof. Gordon says, "Richard before his last battle prays Saint George to inspire his army with the spleen of fiery dragons." Point out the error in this statement.

(60) V - 4; 7. Why is this a better line than the line of Peele:
"A horse, a horse, villain, a horse!"
which gave S. the suggestion for it?

(61) V - 4; 7. Why does Richard want a horse?

(62) V - 4; 11-12. S. always gives his tragic heroes a last triumph just before death. Why?

(63) V - 5. History does not tell who killed Richard. Why does S. make the change he does here?

(64) V - 5; 8. "Wear it, enjoy it, and make much of it". On the modern stage the curtain is often rung down at this line. What is gained by this? What is the significance of the remaining lines of the play?

(65) V - 5; 20 f. How will Richmond unite the White Rose and the Red?

(66) History says Richard did not form the design of becoming King till Edward's premature death gave him an opportunity. What change does S. make and why?

(67) Why did Richard wish to be King?

(68) Is Richard III a tragedy of poetic justice?

(69) What case can be made for considering Richard III a tragedy of fate?

(70) History tells us Richard had a son whom he loved dearly and at whose death he showed desperate grief. Why does S. suppress this son?

(71) Why does S. make Edward IV a better man than he was in history?

(72) William Winter says, "In the play Clarence is 29, Richard 33, the old Duchess 60". Point out the errors in this statement.

(73) Where is Richard outmatched at his own game of hypocrisy?

(74) At what point in the play are Richard's fortunes at their highest?

(75) Compare and contrast the characters of Richard III and Macbeth. Consider the motivation of their ambition, their attitude toward their victims and toward the moral law, their regard

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for public opinion, their power to inspire pity and admiration, their reaction to supernatural visitation, etc.

(76) Compare and contrast Richard and Lady Macbeth.

(77) Contrast Shakespeare's treatment of the villain-hero in Richard III and in Macbeth.

(78) Show that Richard is a simple, Macbeth, a complex nature.

(79) Contrast the murderers in Richard III, I-4 and IV-3, with those in Macbeth III-3 and III-4, to show S.'s increase in power to depict human nature as it really is.

(80) Show S.'s development as a dramatic artist by a comparison of the scene in Richard's tent, V-3, with the sleep walking scene in Macbeth.

(81) Compare and contrast Richard and Iago.

(82) Contrast Richard III with Richard II. Show from the two plays that where Richard III is strong Richard II is weak. Contrast the two with respect to their attitudes to the crown, to England, to their victims, to religion, to danger and to opposition, etc.

(83) Compare and contrast King Richard III and King John.

(84) Compare and contrast Richard as to motivation of ambition and causes of downfall with Daniel Dravot in Kipling's "The Man Who Would Be King".

(85) How far does the young Richard of Gloucester in Stevenson's "The Black Arrow" foreshadow and in what respects does he differ from Shakespeare's Richard?

(86) Compare and contrast Richard with Eugene O'Neil's Emperor Jones.

(87) Compare and contrast Richard as to character and as to philosophy of life with the "Raja of Rukh" in William Archer's "The Green Goddess".

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Problems on Romeo and Juliet.

(1) I. Where is the initial impulse?

(2) I. Why does S. not let us see Rosaline?

(3) I. Why would it have spoiled the play if Rosaline had loved Romeo?

(4) I. Why does Romeo go to the ball?

(5) I - 1. What is the function of the opening episode of the play? (I - 1; 1-86)

(6) I - 1. Where does the Exposition begin?

(7) I - 1. How are we interested in Romeo before we see him?

(8) I - 1. Shakespeare assigns no cause for the feud. Would it be better to do so?

(9) I - 1. Show that Romeo's heart is not in the feud from the first.

(10) I - 1. Had Romeo not loved Rosaline, he would not have loved Juliet. Prove this.

(11) I - 1; 158. Read "sun" or "same"?

(12) I - 2. In the source the Paris interest only begins midway in the story after Juliet has contracted herself to Romeo. What change does S. make and why?

(13) I - 2. In the source Rosaline is not to be present at the ball and Romeo goes to it in the hope of finding a fairer lady. Why does S. change this?

(14) I - 3. Show that Juliet's character develops during the play.

(15) I - 3; 72. Where is Lady Capulet's statement about her age contradicted by her own words later in the play?

(16) I - 4. Why is the famous Queen Mab speech a blemish on the play if judged by strictly dramatic standards?

(17) I - 5. What obstacles already exist to prevent the course of true love running smooth before the lovers meet?

(18) I - 5. In the source Romeo dares not ask the name of the stranger with whom he falls in love at the ball. Why does S. change this?

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(19) I - 5. Is it better that Romeo and Juliet should fall in love before they know each other's names?

(20) I - 5; 58-97. S. invents the Tybalt episode in the ball-room scene. What does he gain by this?

(21) I - 5; 97. In the source Juliet speaks to Romeo before he speaks to her. Why did S. change this?

(22) I. The first act should introduce us into a little world of persons - show us their positions in life, their circumstances, their relations to one another, and something of their characters and should end by leaving us keenly interested in what will come out of this condition of affairs because their situation in regard to one another points to difficulties in the future. Apply these tests to Act I of the play.

(23) In the source weeks elapse between the first and second meetings of the lovers. Why the change?

(24) II - 2. This scene is preponderantly lyric. What makes it dramatic also?

(25) What bridges are there to carry our interest over from Act I to Act II?

(26) II - 2 and I - 1. Show the difference in feeling and expression between Romeo's love for Rosaline and for Juliet.

(27) II - 2; 43 ff.
"That which we call a rose
By any other word would smell as sweet".
Do you agree with Juliet?

(28) II - 2; 58. Read "drunk" or "heard"?

(29) II - 2; 98 and 137. Why does Juliet here address her lover as Montague and not as Romeo?

(30) II - 2; 117 f.
"I have no joy of this contract to-night:
It is too rash, too unadvised, too sudden;
Too like the lightning which does cease to be
Ere one can say it lightens".
Compare and contrast the above with these lines of Corneille:
Il semble toutefois que mon ame troublee
Refuse cette joie et s'en trouve accablee
Un moment donne au sort des visages divers
Et dans ce grand bonheur je crains un grand revers.

(31) II - 2; 133-135.
"My bounty is as boundless as the sea

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My love as deep: the more I give to thee
The more I have, for both are infinite".

Compare and contrast this with the following from Mrs. Browning:

How do I love thee? Let me count the ways.
I love thee to the depth and breadth and height
My soul can reach, when feeling out of sight
For the ends of being and ideal grace.

(32) II - 3. Show that the interest of the lovers coincides with the interest of the state.

(33) II - 3. Give a summing up of Friar Lawrence's philosophy of life.

(34) II - 3. Do you think Friar Lawrence represents S.'s point of view?

(35) II - 3. One critic sums up Friar Lawrence as a shrewd old schemer. Is this a fair judgment?

(36) II - 4; 6 f. Tybalt's letter of challenge is an invention of S's. What is gained by it?

(37) II - 6; 30. What is the meaning of the word "conceit" here?

(38) III - 1. In the source the killing of Tybalt occurs after the bridal night. Why does S. change this?

(39) III - 1. In the source Tybalt begins a general brawl. Romeo arriving tries to make peace. Tybalt attacks him and is killed. Mercutio takes no part in the episode. What change does S. make and why?

(40) III - 1. Why does Romeo feel himself to blame for Mercutio's death?

(41) III - 1; 142. "O I am Fortune's fool". What do these words mean and how are they true?

(42) III - 1; 158-181. The repetition in narrative of what has already been seen in action is generally a dramatic error. Does this apply to Benvolio's account of the duel?

(43) III - 1. Why does the Prince banish Romeo instead of putting him to death according to his own law?

(44) III - 2. Why is it dramatically necessary that Juliet should be deeply attached to Tybalt?

(45) III - 2; 43 ff. and 73 ff. Point out unnatural expressions in Juliet's language.

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(46) III - 2. Why is it better to have Juliet forgive Romeo for her cousin's death before she knows any of the extenuating circumstances?

(47) III - 3. Point out unnatural expressions in Romeo's lament over his banishment.

(48) III - 4. Why is Capulet so eager to get Juliet married?

(49) III - 4 and III - 5. How is the interest of the balcony scene heightened by placing III - 4 before it instead of after it?

(50) III - 5; 7-10.

"Look, love, what envious streaks
Do lace the severing clouds in yonder east:
Night's candles are burnt out and jocund day
Stands tip-toe on the misty mountain tops".

How are the above lines superior to Otevay's imitation?

"Look, love, what envious streaks
Of light embroider all the cloudy east:
Night's candles are burnt out and jocund day
Upon the mountain tops sits gaily dressed
Whilst all the birds bring music to his levee".

(51) III - 5; 214 ff. How do we explain the nurse's advice to Juliet to marry Paris? What is the dramatic value of the nurse's attitude here?

(52) III - 5; 61-62.

"What dost thou with him
That is renowned for faith?"

Explain this.

(53) III - 5; 97. What is Juliet's purpose in offering to temper a poison for Romeo?

(54) IV - 1. Why does Juliet not flee to join Romeo instead of taking the Friar's potion?

(55) IV - 1; 89 ff. Where is the interest of the spectators centered during this long speech of Friar Lawrence?

(56) IV - 3. In the source Juliet's first fear as to the potion is that it will not work and that she will be laughed at. Why does S. suppress this?

(57) IV - 3; 59. In the source Juliet nerves herself to drink by the fear that if she does not hasten to do so she will soon lose courage ever to do it. What change does S. make and why?

(58) IV - 3. What thought finally gives Juliet courage to drink the potion? Why is it a mistake for the actress to make a pause immediately before the last line of the scene?

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(59) IV - 5. Why is the nurse present during these lamentations over Juliet's death but not during the lamentations during the end of the play?

(60) V - 1. Why has Romeo so few words for Juliet's death when he was so prolific in laments over his banishment from her?

(61) V - 1; 31. "Hast thou no letter to me from the friar"? What is the dramatic value of this question?

(62) V - 1; 37 ff. How can we explain the fullness of detail with which Romeo describes the apothecary's shop?

(63) V - 2. What is the dramatic value of this scene?

(64) V - 3; 1-87. Shakespeare invents the presence of Paris in the church-yard scene and his death at the hands of Romeo. What is gained by this?

(65) V - 3. In the source Romeo drinks the poison before his great speech of farewell to the dead Juliet, ll. 88-120. Why does S. change this?

(66) V - 3. Would it be better if as in Gounod's operatic version Juliet awoke before Romeo's death though after he has taken the poison?

(67) V - 3; 161-167. In the source Juliet laments Romeo's death in a speech of 40 lines. Why the change?

(68) V - 3; 170. Show that Juliet's death is the inevitable outcome of her character.

(69) V - 3; 170. On the modern stage the final curtain is often lowered at the moment of Juliet's death. What are the advantages of this?

(70) V - 3; 170. Read "rust" or "rest"?

(71) V - 3; 171-end. What purposes are served by this part of the play? What are the faults in this conclusion? Point out flaws in the taste of the language used as well as in the dramatic technique.

(72) V - 3; 299 ff. The idea of Montague setting up a statue to Juliet is S's invention. What is gained by it?

(73) V - 3; 309 ff. In the light of your own reading do you agree with the Prince's statement in the final lines of the play?

(74) In the source the action covers nine months. How long does it cover in S. and why the change in time?

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(75) Is it the stars or the feud that destroys the lovers?

(76) How many instances can you find of chance determining events in the play?

(77) Point out as many instances as you can where the characters of the play act for the best with the worst results?

(78) Point out notable instances of tragic irony in the play.

(79) Discuss the statement: "Romeo and Juliet is not a tragedy of failure".

(80) Is Romeo and Juliet a depressing tragedy?

(81) Prof. Pierce sums up the play as follows: "A tragedy of love in which the hero and heroine become victims of an ancient feud between their families". Point out the inadequacy of this summary.

(82) Discuss Bradby's statement: "Romeo and Juliet would lose little of its charm if it had ended with marriage bells".

(83) Can you find evidence that S. himself, apart from his characters, considered Romeo and Juliet a tragedy of fate?

(84) Contrast the conception of the government of the universe underlying Romeo and Juliet with that underlying Richard III.

(85) Discuss the following argument of Prof. Henneman:

> "In Romeo and Juliet character is destiny. Romeo is precipitate. He goes to the Capulets' ball uninvited. He jumps over the garden wall to speak with the girl he has just met. He marries Juliet offhand. He comes between Tybalt and Mercutio. He slays the bloody Tybalt and later he slays himself at the tomb of his lover. It is all of a piece. The tragedy comes from the qualities of Romeo's character and not from an unfavorable star or frowning providence".

(86) Do you agree that "Romeo and Juliet" verifies the truth of the saying, "'Tis better to have loved and lost than never to have loved at all"?

(87) Is the issue of the claims of love against the claims of the family raised in the play?

(88) Where does the counter-action of the feud against the lovers begin?

(89) Where do the fortunes of the lovers reach the highest point? Where is the decisive turning point in their fortunes?

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(90) Point out instances of Juliet's presence of mind.

(91) Romeo is sometimes criticized as unmanly. Give evidences of his manliness from the play.

(92) How are Romeo's parents differentiated from Juliet's?

(93) Show that the nurse and Mercutio are not merely introduced for comic relief but are essential to the plot?

(94) How are Mercutio, Tybalt, Benvolio, differentiated from one another?

(95) Compare and contrast Tybalt and Hotspur as representatives of the fighting spirit.

(96) Show by a comparison with the lovers in the "Midsummer Night's Dream" the growth of Shakespeare's power in character drawing.

(97) Shakespeare's source contains several bitter attacks on the Catholic Church and its clergy. Why is the play the better for their suppression?

(98) Discuss the following criticism of the role of Paris made by Mrs. Lennox: "This character might very well have been spared in the drama; his appearance is of little use and his death is of still less except to divert our compassion from the two principal persons in the play".

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Problems on Twelfth Night.

(1) I - 1; 31 f. In the source the mourning is for a husband, not a brother. Why change?

(2) I - 2. Dr. Johnson says, "Viola hears the Duke is a bachelor and resolves to supplant the lady whom he courts". Show that this is an error.

(3) I - 2. Prof. Gordon says, "Any ordinary woman in Viola's position would have hastened to disclose herself to the nearest consul and to resume her interrupted voyage. Viola is either unwomanly or unreal". Point out the fallacies in this criticism.

(4) I - 4; 40-41. In the source the disguised page breaks faith with her master and in performing her embassy to his lady speaks perfidiously against the match. Why is this changed?

(5) I - 5. Do you agree with King Charles I that the title of the play should have been Malvolio? If the play is to take its name from any of the characters what name would you give it?

(6) I - 5; 249. Why does Viola ask to see Olivia's face and why does Olivia comply with the request?

(7) I - 5; 305. Is it like a page to refuse an offered purse? Why does Viola do it?

(8) The first act should introduce us into a little world of persons, show us their positions in life, their relations to one another, and something of their characters, and should end by leaving us keenly interested in what will come out of this condition of affairs, because their situation in regard to one another points to difficulties in the future and because we are interested in the persons to whom we have been introduced. Show how Act I fulfils these conditions.

(9) II - 1; 17. Why has Sebastian been calling himself "Roderigo"?

(10) II - 2; 13. "She took the ring of me". Is this merely an exclamation of surprise or is it intended for a statement of fact? If the latter, why does Viola make this false statement?

(11) II - 4; 50 f. If Viola as well as the clown could sing to which would you give the song "Come away, come away, death"? Can you find evidence in the text that S. originally wrote it for Viola?

(12) II - 5; 27 f. Discuss Prof. Nicoll's statement: "Most readers feel a sympathy for Malvolio very similar to that felt for Shylock".

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(13) V - 1; 123. "Kill what I love". Whom has the Duke in mind to kill?

(14) V - 1; 274 f. Can you meet Professor Norwood's criticism that the Duke's transfer of his affections to Viola is unaccountable?

(15) V - 1; 374 f. "Maria writ
The letter at Sir Toby's great importance".
Why does Fabian thus misstate the matter?

(16) V - 1; 376. What preparation has there been earlier in the play for the marriage of Maria and Sir Toby?

(17) Point out the inadequacy of the summing up of the play by Prof. Pierce: "'Twelfth Night' traces the fortunes of a shipwrecked heroine who by unselfish devotion wins a noble lover".

(18) Distinguish between the different aspects under which love is presented in "Twelfth Night", "Romeo and Juliet" and "A Midsummer Night's Dream".

(19) Discuss this statement of Lafcadio Hern, "Viola is sweet but timid and we are kept uneasy about her until the end of the play. This is the kind of girl that fortune has to help. She is not strong enough to master a difficult situation".

(20) Compare and contrast Sir Toby Belch with Falstaff.

(21) Compare and contrast Viola with Julia in "The Two Gentlemen of Verona".

(22) Point out the borrowing from "Twelfth Night" in Sheridan's "The Rivals".

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OTTAWA, 21 January, 1936.

Dear Sir,

In the absence of the Right Honourable Mr. Meighen I acknowledge receipt of your letter of the 15th instant, and have pleasure in enclosing herewith a copy of his Address on "The Greatest Englishman of History".

Yours faithfully,

A.H.Hinds
Private Secretary.

Mr. Cosby Pottage,
High Prairie,
Alberta.

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High Prairie, Alberta,
Jan. 15, 1936.

Right Hon. Arthur Meighen,

Dear Sir:-

I would be very pleased if you would send me a copy of your address on William Shakespeare "The Greatest Englishman of History."

My teacher, Mr. L. Boucher, has one which he lent me, and I enjoyed it very much.

Thanks ever so much!

Yours truly,
Cosby Pottage.
High Prairie, Alberta,
Canada.

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123141

OTTAWA, 29 January, 1936.

Dear Sir,

In the absence of the Right Honourable Mr. Meighen I beg to acknowledge receipt of your letter of the 22nd. instant, and to enclose herewith a copy of his Address "The Greatest Englishman of History".

Yours faithfully,

A.H.Hinds
Private Secretary.

Mr. A.F.Hansued, B.S.A.
Principal, Central School,
Port Arthur, Ontario.

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Port Arthur Public Schools

Central School
Port Arthur, Ont.
Jan 22. 1936.

Rt. Hon Sir Arthur Meighen
Toronto. Ontario.

Dear Mr Meighen;-

It is almost a year ago that Canadians had the privilege of listening to a most comprehensive and masterly address on "Shakespeare", given by yourself and broadcast by the Radio Commission. Many times since, I have had the urge to write you personally and ask whether a copy of that address might be obtained either from yourself or the commission, but have been reticent in the past to do so. As a member of the teaching profession, I would like to have a copy, not only because of the analysis you gave but also for its own literary

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value.

I would appreciate most sincerely a word from you as to how I may be able to obtain a copy.

Thanking you for obliging me in this way, I am

Respectfully Yours

A. S. Hansuld, B.A.

Principal

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MEMORANDUM FROM
MR. GUNDY

OXFORD UNIVERSITY PRESS
CANADIAN BRANCH
TORONTO - CANADA

March 24th, 1936.

Dear Mr. Meighen :-

Mr. Gundy has requested me to acknowledge receipt of your letter of the 23rd inst., and to say that correction in the spelling of the word "Wolsey" has been made.

Yours very truly,

D. L. FitzGerald

Secretary

Rt. Honourable Arthur Meighen,
The Senate,
Ottawa, Ontario.

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MEMORANDUM FROM
MR. GUNDY

OXFORD UNIVERSITY PRESS
CANADIAN BRANCH
TORONTO - CANADA

March 27th, 1936.

10A

Dear Senator Meighen :-

The orders expected from the West have not yet arrived, and the quick printing of my second edition of THE GREATEST ENGLISHMAN OF HISTORY is naturally dependent on this reponse.

We have 600 copies in stock this morning, which will hold us for a little while.

I will advise you when plans are completed for going to press with the second edition. Meantime, the mail daily brings further orders from different parts of Canada.

Yours very truly,

S.B.Gundy

Senator Arthur Meighen,
Ottawa, Ontario.

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March 28. 1936

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10 A

Dear Mr. Meighen,

I have read "The Greatest Englishman of Hitler" with much delight. Thank you.

There is a note on page 8 of Saturday Night, March 28th, in which you may be interested.

With kind regards and congratulations,

Sincerely yours

Marjory Williams

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Ottawa, Ontario,
March 31, 1936.

Oxford University Press,
Toronto, Ont.

Dear Sirs:

Sir Frederick Williams-Taylor has asked to be supplied with four copies of "The Greatest Englishman of History." His address is, c-o The Wave, Nassau, Bahamas. I presume you will send these, withaccount.

Yours very truly,

AM/E.

Arthur Meighen.

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10A

Ottawa, Ontario,
March 31, 1936.

Dear Mr. Anthony:

I have your letter of 26th. Am always glad to hear from you.

I am sending you herewith a copy of the speech "The Greatest Englishman of History", as delivered in Montreal a year ago. As delivered in Toronto, it should be on sale in the book stores; but, while there is a difference, making it probably worthwhile to get the new book, especially as it contains a fine introduction by Sir Robert Falconer, the substance is really in the enclosed pamphlet.

Am also sending you a copy of the other speech to which you refer - "Whither Are We Drifting?".

Yours sincerely,

Rev. James Anthony,
The Motherwell Manse,
R. R. #8,
St. Marys, Ont.

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SAFETY FILM

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R.R.#8, St.Marys, Ont., March 26, 1936.
The Motherwell Manse.

Dear Senator Meighen:-

I have been an enforced Hibernate all winter on account of the deep snow. Yesterday I got to St.Marys and had some little conversation with Mr.E.W.White. You will regret to learn that his father, now 95, has suffered a severe stroke. He cannot swallow.

Well, Mr.White and I have been busy about a number of things with the result that we have had a little pamphlet issued, a copy of which Mr.White has forwarded to you. He told me that you had been good enough to send him a couple of pamphlets, your address on Shakespeare and one from which he had selected some figures in the pamphlet that he sent you. I am going to buy Shakespeare as soon as I see it in a store.- for the other I must be dependent upon your bounty.

I am a capitalist -- without much capital, as you may imagine. At the same time I am eager to improve our condiions So far, I can see no real improvement save as individual men improve, improve through self-effort, and by the help that God will give those who humbly ~~as~~ ask therefor in an obedient spirit.

I know that you are too busy to help a country parson plodding through snowdrifts and over muddy roads and up miry lanses, but I know that what you can spare time to do in that way that you'll gladly do.

Your course in the Senate is a wise one. It is genuinely democartic and eminently fair. You never stood higher in the respect of the best men of this country than you stand now

But, say, when you take a crack at Mitch. Hepburn may I be on the spot.

Yours respectfully, James Anthony.

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10A

Ottawa, Ontario,
March 31, 1936.

Dear Mr. McRaye:

I have your letter of 3rd. Am glad indeed to return to you herewith the fly leaf of my little booklet, duly autographed. In doing so let me thank you for the kind terms in which you write me. The set of Shakespeare which I have used most throughout my life is one purchased from Mr. Bagshaw, whose name you mention.

Yours sincerely,

Mr. Walter McRae,
"Journey's End",
Maple Ave.,
Grimsby, Ont.

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JOURNEY'S END
GRIMSBY, ONT.

3/20/36

Dear Mr Meighen/

May I hope that you will find a moment wherein to scan the enclosed fly leaf from your fine talk on the Board I was touched in when it came over the Radio and like your audience

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2/ in Toronto was stupified by I
am old enough to have heard
Col Ingersoll's fine lecture on
Shakespeare, which I remember
always. Much water has
gone over the dam since Pauline
Johnson and I came often
to Portage la Prairie, in the times
Mag Shaw our mutual friends
had the book store.

Sincerely
Walter McRae

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Ottawa, Ontario,
March 31, 1936.

10 4

My dear Sir Frederick:

I am indeed gratified that you should see fit to write me from Nassau, asking for copies of the speech "The Greatest Englishman of History." These have been printed in book form by the Oxford University Press. I have no copies in pamphlet form. Am asking the Oxford University Press to send you four as requested.

I am glad to know that you are enjoying life in such a desirable place as Nassau.

Very sincerely yours,

Sir Frederick Williams-Taylor,
The Wave,
Nassau,
Bahamas.

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FROM SIR FREDERICK WILLIAMS-TAYLOR, THE WAVE, NASSAU, BAHAMAS
CABLE: HERMIT

26th March 36

My Dear Mr. Meighen

If you will have it safely sent me here four copies of your admirable "Shakespeare" I can give great pleasure to three of my friends whose tastes perhaps to the delight your picture has given me

Yrs sincerely Frederick Williams-Taylor

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10A

Ottawa, April 6, 1936.

Dear Dr. Townsend:

I am indeed appreciative of your kind letter of April 2nd, which reached me this morning. Have had time so far only to read your article on "Shakespeare and Woodrow Wilson". Have found this intensely interesting and will certainly read and enjoy the others. While I think the title would have been rather better "Brutus and Woodrow Wilson", the substance of the pamphlet appealed to me as exceedingly good.

I had not the great honour of knowing Woodrow Wilson personally, as I did not attend the Peace Conference, but as an indication of my estimate of the man, I am trying to procure a copy of the Senate Debates of 1934 which contained a speech of mine, at the end of which you will find a brief tribute to the great American President.

I thoroughly agree with you in lamenting the errors of methods so easily traceable to his character, and especially the error of his treatment of Theodore Roosevelt. I did know Theodore Roosevelt and admired him greatly--indeed, my eldest son, now thirty, was christened in his honour.

Very truly yours,

Arthur Meighen.

Dr. C. L. Townsend,
Southwestern College,
Memphis, Tennessee.

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SOUTHWESTERN
THE COLLEGE OF THE MISSISSIPPI VALLEY
MEMPHIS, TENNESSEE

Apr. 2, 1936.

THE DEAN OF WOMEN

Rt. Hon. Arthur Meighen,
Ottawa, Canada.

Dear Sir:-

Having read your eloquent tribute to Shakespeare in the Montreal Herald and have now ordered for myself a copy of it in book form, I ventured to hope that you might be interested in the enclosed pamphlets.

Respectfully yours,
B. L. Townsend.

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SOUTHWESTERN BULLETIN

The Foes of Shakespeare

Second Enlarged Edition

By Charles Louis Townsend, Ph.D.
PROFESSOR OF ENGLISH AT SOUTHWESTERN

MEMPHIS, TENNESSEE
March, 1928

Issued quarterly by the Committee on Publications of Southwestern at Memphis
(Entered as second class matter at the post office at Memphis, Tennessee, under the Act of August 24, 1912.)

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THE FOES OF SHAKESPEARE

By Charles Louis Townsend, Ph.D.
PROFESSOR OF ENGLISH AT SOUTHWESTERN

Through the swelling strain of praise unto Shakespeare which has been mounting with ever-increasing volume for the past three hundred years, the attentive ear has at times been able to catch the faint echo of some discordant bray. Shakespeare has had his detractors.

In the seventeenth and eighteenth centuries these were chiefly pedants like Rymer or Dennis who condemned Shakespeare because his genius could not be confined in the straight-jacket of neo-classicism. Today when Shakespeare is no longer our poet, but the world's, those critics who would echo the cry, "Tear him for his bad verses," are in most countries as extinct as the Dodo. In France, however, where the great dramatists of whom the nation is proud belong to the classical school and where no adequate translation of Shakespeare has yet been produced, there are even today critics who cannot comprehend the masterpieces of Shakespeare and grunt at them as the pig at the proverbial pearl. Emile Faguet can see nothing but a crude melodrama in "King Lear." "Hamlet" inspires in Jules Lemaitre vain imaginings of how much better the theme might have been handled by Racine. The attitude of not a few French scholars and critics may be summed up in the bold words of Georges Pelissier, "Let us dare to speak out, this 'God of the theatre' is a very poor dramatist indeed."

There are some countries, too, where Shakespeare's plays please not the million. The Japanese find the tragedies of Shakespeare rather tame. A Japanese dramatic critic writing on a performance of "Othello" says that Desdemona's death is too painless for the Japanese taste. "Our spectators do not feel that any murder has been committed unless they are made to see the blood gush forth, the flesh torn, the victim writhe, and unless they are made to hear his screams."

The nineteenth century with its mania for proving that everybody's work was written by somebody else fathered the theory that Shakespeare did not write his own plays. Eight hundred volumes have been written to prove that Bacon was Shakespeare. One of these monuments of imbecility, Ignatius Donelly's "Great Cryptogram," a two volume, ten-dollar monstrosity, actually found twenty thousand purchasers within three months of publication. But of Ignatius and his fellow Baconians of the Boob-

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oisie no more need be said. They yap. What yap they? Let them yap!

More important is the pestilent breed of moral reformers and social uplifters—the "For God's sake, let's do something about it" crew, begotten by the humanitarian and socialistic movements of the nineteenth century. These depreciate Shakespeare's genius because he has failed to embody any of their cure-all formulae in deathless verse, because he has no plan for bringing about the millenium over night, because he writes as an artist ought to write, not for the instruction, but for the delight of his audience. Tolstoi denies Shakespeare even a spark of genius, proclaiming that the cult of Shakespeare is the cult of a false God, imposed upon the world by the influence of Goethe. Saner reformers, like George Bernard Shaw, sneer at Shakespeare's thought, though unable to withhold their admiration for the music of his verse. Shaw condemns "Henry V," not on the artistic ground that Shakespeare has given us here an epic and no true drama, but because his pacifist prejudices are offended by its glorification of militant imperialism. "If the fellow had not been a great poet," protests the author of "Back to Methuselah," his rubbish would have been forgotten long ago. Walt Whitman, when he can forget his republicanism, speaks of Shakespeare with generous admiration, but whenever he remembers his creed he cannot forbear denouncing Shakespeare for his reactionary views on the political and social order. Even Emerson, forgetful of his own great dictum that beauty is its own excuse for being, expresses his regret that Shakespeare in his comedies had no higher ambition than to be "master of the revels to mankind."

It was once said of Shakespeare that he had never done any good to anybody and never would. If you take, like so many of our Citizen Fixits, a peddling, pettifogging view of good, that accusation is well founded. Though the Rev. George Gilfillan assures us that Hamlet's soliloquy, "To be or not to be," has deterred many a rash spirit from suicide, and though a volume has been written to prove the Messiahship of Shakespeare, yet the good got from Shakespeare is not the good got from a sermon or a temperance tract, but that higher order of good got from the contemplation of any of the great and beautiful works of the Creator. Some years ago a party of curlers from Scotland toured Canada, playing a series of games with the Canadian curling clubs. Their time being taken up with these games every week day they were forced to choose a Sunday for their visit to Niagara Falls. One of those meddlesome clerical busybodies with an itch for publicity, the Rev. Dr. Milligan of Toronto, took occasion

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with exquisite ill taste to hold the Scotchmen up to public obloquy as Sabbath breakers. The visitors had brought with them as chaplain Dr. Kerr of Edinburgh. Dr. Kerr was naturally indignant at being proclaimed a breaker of the laws of God and in a letter to the press he retorted with stinging effect upon his detractor. At the conclusion of his letter he was moved to verse and expressed his feelings thus:

"One Sunday at Niagara
Will teach you more of God and man,
Than twenty thousand sermons could
From Dr. Milligan."

But the length to which Zeal-in-the-Land Busy and his colleagues of the morality squad would carry their persecution of our poet may be best illustrated by a quotation not taken, as you might be pardoned for imagining, from a Gilbertian extravaganza but from the sober columns of the daily press.

"New York, December 14, 1923—Shakespeare's Hamlet as acted by John Barrymore, was viewed by a minion of the law last night and found free from immorality. Police Sergeant Stewart Dewitt went to investigate a complaint that the play contained naughty lines and that it idealized murder. From eight o'clock until the Mad Prince spoke his last line and died, Sergeant Dewitt sat in a box seat and watched every move, pondered every line. His report to his superior officers follows: 'Hamlet O. K. Used to recite it myself when I was a kid and it wasn't any worse tonight than it was then'."

But the most dangerous foes of the popularity and prestige of Shakespeare today are not numbered in the ranks of his avowed enemies. They are to be found amongst his would-be friends, the actor, the teacher, the investigator and the critic.

Nowadays when our eyes read Shakespeare's page perhaps a hundred times for once we see it acted, when the broadcasting station and the movie palace are striving to adapt these plays to their own uses, it may perhaps seem that the prestige of Shakespeare can be little affected by stage performances. Yet when it is remembered that last season in New York witnessed the simultaneous production of no less than five of his works, that John Barrymore's Hamlet was one of the great financial successes of the year, while Jane Cowl's performance of Juliet had the longest run in all the history of Shakespearean drama, we realize that Shakespeare is still drawing his tens of thousands to the playhouse. To study the mistakes of the actor in the performance of Shakes-

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pearean parts, one need not confine one's self to the submerged tenth of the profession, to such bunglers as the Hamlet of whose performance it was said that it afforded an unequaled opportunity to settle the controversy as to the authorship of the play, since one need merely have watched beside the graves of Bacon and Shakespeare to see which one turned over, or the King Lear whose unkingly rendering of his part provoked from Eugene Field the comment that "Mr. Clarke played the King all evening as though under constant fear that some one else was about to play the Ace." It is the star who thinks that he can improve on Shakespeare's own conception of the character, or the actor-manager who must be forever in the limelight and must be playing roles for which nature has disqualified him that is most to be dreaded here. It has been said that there never was an actress under fifty who did not feel herself as Juliet, or an actor under sixty who did not feel himself as Romeo. Audiences do not, however, feel and see as easily and the performances of these parts by Sothern and Marlowe in recent years have to many of us come perilously near overstepping the border line from tragedy to travesty.

Sir Henry Irving attempted the bold feat of making Shylock seem a sympathetic and a tragic figure. In his successful achievement of this histrionic miracle one of the most effective touches was an interpolated tableau, showing Shylock's return to his home after his daughter's flight, the old man's slow approach, lantern in hand, to the door of his house and the tap at the door as the curtain fell.

Sir Herbert Tree was roused to emulation. In his tableau we see Shylock knock at his door again and again, calling loudly upon Jessica. Then he enters the house and can be seen through the open windows rushing from room to room, still shrieking "Jessica," finally emerging in a paroxysm of excitement, to collapse at the sight of the lovers as they are borne away by a gondola in the distance.

When Richard Mansfield played the part of Brutus he changed his costume act by act, dressing always in exquisite and subtle colors, while requiring the other members of his company to wear simple white throughout the play. Can we wonder that when Clyde Fitch wished to write a play for Richard Mansfield he cast him in the part of Beau Brummel?

To Hamlet, if to any character in the drama, the trite saying that man's love is of man's life a thing apart might be thought to apply. Yet the sentimental Hamlet has introduced himself more than once. Sir Herbert Tree in particular has done his best

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to make Hamlet as ridiculous as he has made Shylock. At the end of the graveyard scene he has Hamlet return, when all the rest have departed, to take a last, mournful look at the dead body of Ophelia. In the "Get thee to a nunnery" scene as Ophelia with averted face speaks the lines, "O what a noble mind is here o'erthrown," the Prince approaches the unconscious girl and, catching up a tress of her hair, bends over and implants a burning kiss. No doubt he bowed over Ophelia's locks with exquisite grace, since Oscar Wilde describes Tree's Hamlet as "funny without being vulgar." On the other hand, Ziegler—verily the inventive power of a German dealing with Shakespeare is infinite—affirms that Hamlet is rude to Ophelia in the same scene because he is shocked that she should seek his society unaccompanied by a chaperone.

But for misinterpretation and mismanagement displayed in Shakespearean performances the palm must be given to the divine Sarah. That the most acccomplished ranter of the stage should venture to play the part of him who said, "O, it offends me to the soul to hear a robustious, periwig-pated fellow tear a passion to tatters," may seem audacity enough, but Madame Bernhardt had a still more daring experiment in reserve for her audience. In the scene in Gertrude's closet when Hamlet invites his mother to "look here, upon this picture, and on this," the portrait of the elder Hamlet suddenly became transparent and the spectators beheld the ghost standing luminous within the picture frame. Many other devices did Sara resort to in pepping up the performance. Hamlet knocks together the heads of Rosencrantz and Guildenstern in his first talk with these two old school-fellows, kicks Polonius on the shins, and catches a fly off that venerable statesman's nose. Even more outrageous was Madame Bernhardt's perversion of Lady Macbeth into a sensual voluptuary, dominating her husband, not by sheer strength of will, but by the crudest use of her physical attractions. No more conclusive proof need be given of the injury the actor can inflict upon Shakespeare than the fact that through witnessing Madame Bernhardt's performance that acute critic, Jules Lemaitre, was misled as to the whole spirit of the tragedy.

Perhaps, however, Shakespeare the poet has more grievances against the actor than Shakespeare the dramatist. Nothing can be more offensive to the ear than the delivery of those actors, who, like Julia Marlowe, turn the golden music of Shakespeare's verse into lumbering, jolting prose. Most actors, alas! incur this reproach, for the art of poetic stage elocution, so admirably preserved on the French, German, and Italian stage, has become, except in rare cases, like Forbes Robertson's, a lost art in England and America.

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Least formidable but most indefatigable among these foes of Shakespeare's own household is Dr. Dry-as-dust, specialist in research. Though it has been calculated that a complete Shakespeare library would be the largest in the world devoted to one person, every year brings forth its new crop of four-pound five-dollar books dealing with the subject. The average year's crop of dissertations on Shakespeare is six hundred, and the fittest title for at least three-quarters of them would be "Much Ado About Nothing." For these unnecessary additions to the world's over-supply of printed matter, we need not go far afield to the notorious German pedant with his three-volume work on Puck which, as Furness caustically remarks, "he who has time to waste may read," we can find only too many of these contributions to the Library of Useless Knowledge from the pen of the American scholar of today. Let me instance a book and a dissertation in proof.

The Harvard Alumni Bulletin in a recent list of books by Harvard men mentions George Hubbard's "On the site of the Globe Playhouse of Shakespeare, lying to the north of Maiden Lane, Bankside, Southwark." Arguments, fortified by a long series of map views, to prove the "Globe Playhouse lies to the north of Maiden Lane, rather than to the south, on the brewery site."

Even more trivial, if we may consider degrees of nullity, seems a paper submitted to the Programme Committee of the Modern Language Association of America for its 1923 meeting: "Shakespeare's Use of Bi-Lingualism in Othello," by Professor B. Roland Lewis of the University of Utah.

"Shakespeare's use of bi-lingual compounds in Othello indicates that actually he had 'small Latine and lesse Greeke.' Of a total of forty-three such compounds, in which the two words are identical in meaning, twenty-five employ Anglo-Saxon plus Old French or Latin, thirteen employ Old French plus Latin, four employ Anglo-Saxon plus Anglo-Saxon, and one employs Old French plus Greek. That is, Shakespeare joined two native Anglo-Saxon words, or two Old French or two Latin words quite as readily as he employed bi-lingual Anglo-Saxon plus Old French or Latin compounds. Moreover, the use of Old French outranks the use of the pure Latin in the ratio of 33 to 13." The Committee placed this paper on the programme—to be read by title only.

Perhaps, however, the Ig-Nobel Prize in this department should be awarded to an English scholar, the late F. G. Fleay, who, as what Stalkey and Co. would call a giddy parergon to his

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Shakespeare's studies, gives a list of 32 plays by other authors in which he has counted the number of double-ending lines, rhyming lines, twelve syllable lines and short lines, and computed the average of each. According to Fleay the great need for any scholar who studies Shakespeare's metres, is to have had a thorough training in the natural sciences, especially mineralogy, classificatory botany and above all, chemical analysis.

The expert investigator is more interesting when he enters the realm of conjecture in pursuit of his favorite sport of mare's-nesting. Here we progress from the Library of Useless Knowledge to the Curiosities of Literature with the learned German pundit who has demonstrated so convincingly that the mysterious Mr. W. H. of the sonnets is Mr. William Himself, or with his companion in conjecture who wrote a book on what Hamlet was thinking of between the acts.

But it is in dealing with Shakespeare's life that the imagination of the mare'snester runs unrestrained. "You Americans," said a witty French woman to the author of 'How the French Boy Learns to Write,' "always want to know all about the money an author made from his first poem, all about his sister-in-law, his wife's step-father, his niece's fiance, and the color of his favorite uncle's eyes.' Now, the seventeenth century did not want to know all about the money an author made from his first poem, all about his sister-in-law, his wife's step-father, his niece's fiance, and the color of his favorite uncle's eyes. To the seventeenth century, as to some of us today, a great poet's life was his work. So not a single letter from Shakespeare's pen has been preserved for us, although he obviously had many friends to whom he must have written, and though we have a few records about his life in London, his life at Stratford, unless we rely upon tradition, is hardly known at all. Nowadays, however, a new life of Shakespeare appears almost every year and, though the data are so few, the standard length for a Shakespeare biography would seem to be six hundred pages. We have countless biographies of the man Shakespeare may have been—Frank Harris' study in Erotomania, "The Man Shakespeare," for example—countless books bolstered out with accounts of what Shakespeare might have seen, might have done, might have thought, might have suffered. Though the man Shakespeare was of little or no importance and the poet Shakespeare was the greatest genius of the English race, we even find biographies, such as the recent work of Professor Adams of Cornell, from which consideration of Shakespeare's art is resolutely excluded.

Many of our Shakespeare scholars are filled with an insatiable

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curiosity, surpassing even that of the Elephant's child in Kipling's story, to read the riddles of Shakespeare's life—to solve the problem of why he bequeathed to his wife nothing but his second-best bed. Many of Shakespeare's biographers would have made their fortune as writers of detective romances. They have left no book-stall unsearched, no chest in the garret unopened, no file of old yellow accounts to decompose, the rightful prey of dampness and of worms. One scholar admits having devoted fifteen years merely to research into and meditation upon the identity of the Dark Lady of the Sonnets. Professor and Mrs. Wallace of the University of Nebraska, in their researches in the manuscript archives of England, examined more than a million documents. The Wallaces have gleaned from the rubbish heap of time some facts concerning Shakespeare—the name of his land-lord in 1602—but these facts possess not the slightest interest as concerning Shakespeare's work or genius. The fruits of this research for new data, whose latest discovery is the Sir Thomas More mare's-nest, may be summed up in Shakespeare's own words: new facts about Shakespeare are "As two grains of wheat, hid in two bushels of chaff: you shall seek all day ere you find them; and when you have them they are not worth the search." Diligent researchers have discovered that twelve years before Shakespeare was born, his father was fined twelve pence for having a great midden before his house, but about Shakespeare's character, conduct and personality all the scholars put together have been able to make out next to nothing at all. Fortunately, some of us are able to console ourselves with Saintsbury in the assurance that "a man's opinions, tastes, principles, actions, ideals, character and so forth matter absolutely nothing when he is considered as a poet." After all, the literary history of the world proves the hopelessness of seeking in biographical data the secret of a poet's genius.

> "In critique
> What damned error but some sober brow
> Will bless it and approve it with a text!"

And when Lafcadio Hearn pronounces "Measure for Measure" the best of all Shakespeare comedies, when Hazlitt tells us that "All's Well That Ends Well" is one of the most pleasing of the plays, when Coleridge crowns Helena as Shakespeare's loveliest character, or when Lamb shakes his head sadly over "The heartless baiting of Malvolio," we need but remember our inestimable debt as students of Shakespeare to these great critics and pass lightly over such eccentricities of judgment. It is with the dwarfs and not with the giants that our quarrel lies. But before dealing with the absurdities of the criticasters something should be said

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of the attitude of a group of Shakespeare critics, a group which includes such illustrious names as Saintsbury, a group that has abandoned the critic's prerogative of judgment for an attitude of indiscriminating admiration. With Ben, I can affirm that "I do honor his memory on this side idolatry as much as any," but I am not one of the infallibilists who maintain that Shakespeare, like his own Julius Caesar, "Did never wrong but with just cause," and who instead of judging Shakespeare impartially drown him beneath a flood of rhapsodical superlatives. Let me quote one of the most famous passages of English prose to illustrate this literary fundamentalism.

"O mighty poet! Thy works are not as those of other men, simply and merely great works of art, but are also like the phenomena of nature, like the sun and the sea, the stars and the flowers, like frost and snow, rain and dew, hail-storm and thunder, which are to be studied with entire submission of our own faculties, and in the perfect faith that in them there can be no too much or too little, nothing useless or inert, but that, the farther we press in our discoveries, the more we shall see proof of design and self-supporting arrangement where the careless eye had seen nothing but accident!"

Such blind idolatry as this of De Quincy is not needed to maintain the prestige of Shakespeare. It is the presence of beauties, not the absence of faults, that determines the degree of a poet's genius. "Scratches on the base of a cathedral do not detract from the grandeur of the pile." We must distinguish between the plays which confer immortality on Shakespeare and those on which Shakespeare confers immortality. The fact of Shakespeare's transcendent genius lends interest even to his prentice works and failures, but his prentice works and failures should be recognized for what they are. There is only one way to judge a poet, to be sure, and that is by loving him, but not with the love that is blind.

Among these idolatrous worshippers there are those who claim for Shakespeare not merely infallibility as an artist, but a prophetic foresight bordering on the miraculous. One of these worshippers, unaware that the word "enforced" meant to the Elizabethans, not "compulsory," but "violated," saw in Titania's lines:

> "The moon, methinks, looks with a watery eye
> And when she weeps, weeps every little flower,
> Lamenting some enforced chastity."

proof positive of the divination by Shakespeare of the principles of plant fertilization. Darwinians have discovered from the "Tempest" that Shakespeare was an evolutionist three centuries

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before their master. Caliban has been identified as the missing link and a whole volume written to prove it. Freud finds in Hamlet incontrovertible evidence that Shakespeare was cognizant of the Oedipus Complex.

It has been computed that one-fifth of the lunatics confined in the asylums of Great Britain are victims of delusions about Shakespeare. But in Great Britain, as elsewhere, the fool-killer could find plenty of victims outside the padded cells. There is the critic who wrote 108 octavo pages to explain the allegory of the Fair Vestal in the "Midsummer Night's Dream" and who identified, "A mermaid on a dolphin's back," with Mary, Queen of Scots, on the strength of Mary's marriage to the Dauphin of France. To the plain man, Mary Stuart seems to have about as much to do with this dolphin as Mary Pickford. There is the master mind which discovered in the "Tempest" an allegory of the development of the English stage in which Sycorax represents literary barbarism, Caliban stands for Marlowe and Ferdinand is Fletcher, Shakespeare's destined successor. Better still, there is the Sherlock Holmes who deduced from the extravagant expressions of friendship in the sonnets the delightful theory that Shakespeare wrote "Coriolanus" to caution Southampton against the dangers of aristocratic insolence, "Julius Caesar" to warn him against ambition, and "Antony and Cleopatra" to discourage his strenuous exertions in the pursuit vulgarly known as petticoat-chasing.

But it is when we come to the four thousand treatises on "Hamlet" that we begin to feel with Swinburne, that, "Probably no other author has indirectly contributed so many illustrations as Shakespeare of the infinite variety of ways in which human idiocy manifests itself, whether it take the shape of miscorrection of his language, or of misinterpretation of his meaning, or of every sort of fanciful view about his life and works which perverse ingenuity can concoct or addled brain evolve."

We are assured that Hamlet was a very clever but wicked young man, who wanted to oust his uncle from the throne and faked the ghost with this intention; that Hamlet, with the play of the murder of Gonzago in mind, simply imagined all that the ghost told him; that the motive for Hamlet's walking four hours together in the lobby was to reduce the fat alluded to by Queen Gertrude in the course of the fencing match; that Hamlet was really a woman in disguise, who naturally rejected the fair Ophelia and sought out Horatio, with whom she was secretly in love.

From Ophelia's valentine ditty it has been deduced that she was a scheming woman, who led Hamlet on to seduce her in

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the hope that he would afterwards marry her and make her a queen. To Professor Howard Mumford Jones of Texas, King Claudius is the 100 per cent red-blooded Dansker, whose object is not to save his own skin, but to preserve Denmark from the Norwegian yoke. Another apologist for Claudius is Giovanni Papini, who finds in the elder Hamlet's allusion to the "foul deeds done in my days of nature," the first justification of Claudius from the viewpoint of universal justice.

Dr. Sigmund Freud claims to have plucked the very heart out of Hamlet's mystery when by psycho-analysing, "Thus conscience does make cowards of us all," he demonstrates that Hamlet feels he cannot take vengeance on the man who has put his father out of the way and taken that father's place with his mother, thus realizing Hamlet's own repressed childhood wishes, for Hamlet feels that he is no better than the murderer whom he is appointed to punish. After this can we wonder that Saintsbury uses Freudian and dirty as synonymous terms?

Not by matter alone, but by manner also is the critic able to make himself, if not his theme, ridiculous. Let me give two brief illustrations. Wearily perusing the drab pages of a work on Shakespeare's historical plays, I suddenly found myself staring wide-eyed at this solitary purple patch in a paragraph devoted to Margaret of Anjou, "She had pinned the Lancastrian rose to her proud bosom in loyalty, and nourished its failing petals while others were falling away from the lost cause." Yet what is this tribute beside the yawp of lovely language of a saccharine sweetness to turn Gene Stratton Porter green with envy, which was inspired in another critic by the mention of Ophelia, "Ophelia —poor Ophelia! O, far too soft, too good, too fair to be cast among the briars of this working-day world, to fall and bleed upon the thorns of life! What shall be said of her? For eloquence is mute before her! Like a strain of sad, sweet music which comes floating by us on the wings of night and silence and which we rather feel than hear—like the exhalation of the violet, dying even upon the sense it charms—like the snowflake dissolved in air before it has caught a stain of earth—like the light surf severed from the billow, which a breath disperses—such is the character of Ophelia." Let these specimens of the mush and molasses school of critics suffice.

"When I was in high school," said the most enthusiastic student I have ever had in my Shakespeare class, "Shakespeare was the *bane* of my experience."

The teacher of English literature is Shakespeare's most dan-

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gerous foe. English is notoriously the worst taught subject in the curriculum. In our graduating classes the ablest students, distrustful of their power to cope with this most difficult of branches, prefer, if possible, to secure positions that call for the teaching of mathematics, science or foreign languages. But where the angels fear to tread, the fools rush in.

The aim of the teacher of literature, with reference to any author with whom he is dealing, should be that

> "Those like him now who liked him not before,
> And those who loved him well now love him more."

Can it be truly said that as a class our teachers of Shakespeare are realizing this aim? Is it not, on the contrary, true that they are making many of their pupils detest Shakespeare with as thorough-going an aversion as if he had written his great masterpieces in Latin or in Greek? Can it be denied that Saintsbury has brought a true indictment against teachers of literature as a whole, when he declares, "It is well known that if it be possible to instill disgust and horror of an author into all, it can be done most easily and completely by setting them to learn him at school." As regards Shakespeare, nine out of ten high school graduates are in hearty agreement with Byron's remark to Moore, "I say, Moore, what do you think of Shakespeare? I think it's damned humbug." Let me quote as typical of my own experience in high school English classes and of the experience of many students I have encountered, some words of Lafcadio Hearn: "My own personal experience as the result of being obliged as a boy to study and recite Hamlet was that I could not bear to look at the play for twenty-five years after. I had learned part of it by heart, but I did not understand it at all. I did not even want to understand it. The reason is that our study of Hamlet had been merely rhetorical and grammatical. We were kept to the letter of the text, nothing being done to cultivate the pupil's imagination or to interest him emotionally in the incidents of the great tragedy."

The school begins the work of instilling into the pupil the belief that Shakespeare means not delight but drudgery. The college often serves only to make such assurance doubly sure. Forgetting that "the highest function of the teacher of literature is the discovery and celebration of beautiful literary things," most of our college teachers of Shakespeare treat his plays as a convenient collection of hard words and unusual idioms rather than as masterpieces of literature. The philological and antiquarian side of Shakespearean study is so over-emphasized that the unlucky student is likely enough to forget that there is any

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other side at all. For examination purpose he can usually afford to forget it. How many generations of students have had it painfully ground into them that to know Shakespeare is to know the meaning of the obsolete words he uses, the obscure events to which he alludes, the technicalities of falconry, law or heraldry from which he draws a few of his metaphors? Let me cite questions which are suggested with reference to the study of "Julius Caesar" in so widely used a manual as "The Teaching of Literature," by Bolenius: "What were Brutus' duties as praetor? How was he under special obligation to Caesar? What had Caesar done to deserve a triumph? How was a triumph conducted? Who was Lupercus, in whose honor the festival of the Lupercal was held? Why did the Romans revere the memory of Junius Brutus? How had Caesar reformed the Calendar? What part did auguries play in public life?" *Quis Custodiet Ipsos Custodes?* If this is the training of the normal schools, how can we blame the teacher?

Doubtless there are passages in Shakespeare where we must have the good antiquarian's help, if we are to understand the meaning, but antiquarian lore should not spring up as a gourd to obscure Shakespeare's genius. The teacher to whom a Shakespeare play is such a museum of antiquities would be wise to imitate the modesty of Southey's tutor at Balliol. "Mr. Southey, sir, my lectures are not likely to be of much value to you, so if you have any studies of your own you had better pursue them."

Even more widespread is the practice of making the reading of a Shakespeare play into a lesson in etymology or philology, as if to read Shakespeare intelligently it were necessary to understand every archaic term in his text. One does not require to be a philologian to read Shakespeare. In his language Shakespeare transcends his time. Words and phrases must of necessity undergo a change in succeeding ages, but it is almost miraculous how much of Shakespeare's language remains intelligible today. Even when he uses words which are now obsolete or altered in meaning, you can generally know from the context what is meant. Is it not sufficiently clear to the dullest reader that "kerns and gallowglasses" refer to two kinds of soldiers? Does he gain anything by being made to memorize the fact that kerns are spearmen and gallowglasses armored men with axes? When Juliet says:

> "O, for a falconer's voice
> To lure this tassel-gentle back again,"

we feel "tassel-gentle" to be a beautiful word whose very sound is a caress. What is to be gained by learning its precise significance as a term of falconry? For myself I am inclined to agree

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with Quintilian that the explanation of the meaning of uncommon words is below the duties of a teacher of literature. Let us bear in mind that Coleridge, greatest of Shakespeare critics, has declared, "I believe that Shakespeare was not a whit more intelligible in his own day than he is now to an educated man, except for a few local allusions of no consequence." Let us make the main objects of our study two: the poetry of Shakespeare, his beauties of style, diction, versification; the dramatic art of Shakespeare, the increase of our understanding and appreciation of his works as plays. Let us try to find out for ourselves and to point out to our students something of the wonderful beauty in the plays, try to trace the subtle workings of Shakespeare's consummate art. Then we shall find that some at least of our students have ceased to think of Shakespeare as a stodgy textbook to be hurried to the second-hand book-dealer as soon as they have earned three semester credit hours by passing off a course on the poet.

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SOUTHWESTERN BULLETIN

Shakespeare and Woodrow Wilson

Second Edition

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SHAKESPEARE AND WOODROW WILSON

By Charles Louis Townsend, Ph.D.,
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In his *Julius Caesar* Shakespeare has given us the tragedy of Brutus, the tragedy of the idealist in politics. We have just witnessed such a tragedy upon the stage of history with Woodrow Wilson for its protagonist. So striking are the resemblances between the characters, careers, and fates of these two great men that some future Plutarch, taking for his parallel lives heroes from the world of reality and from the realm of poetry, might well devote a chapter to a comparison of these two great figures.

Both men were devoted heart and soul to a high ideal; both enjoyed an hour of intoxicating triumph speedily followed by a violent reaction. Both were too far above the mass of men to understand that with the majority reason counts for nothing against passion. "The President," state *The Intimate Papers of Colonel House*, "thought that organization amounted to nothing and that the people determined such matters (Colonel House is referring to the Presidential election of 1916) themselves. To hear him talk you would think the man in the street understood the theory and philosophy of government as he did and was actuated by the same motives." After reading Brutus's address to the Roman people one could well imagine a similar observation on Brutus in *The Intimate Papers of Caius Cassius*.

Both men failed to realize that logic was no substitute for persuasiveness, that appeals to an abstract ideal, no matter how lofty, failed to sway the mob mind when countered by appeals to self-interest and to pseudo-patriotic sentimentality. The Republican leaders indeed showed more than a little of Antony's skill in playing upon the emotions of the herd, their patriotic fervor, their fears for their pockets, their suspicion of foreigners, their susceptibility to catch-cries such as the claptrap about entangling alliances.

By one of the strangest coincidences recorded in the pages of history Woodrow Wilson, like Brutus, received his first disillusionment from the Roman mob. Woodrow Wilson's journey through Italy was a triumphal procession. The crowd acclaimed him with frantic enthusiasm as he drove through the streets of Rome. It was such a triumph as Augustus might have enjoyed after Actium.

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But when Woodrow Wilson set himself to thwart the selfish ambitions of the Italian government in the matter of Fiume, and confidently appealed to the Italian people to disavow the imperialism of their rulers, and to accept him as their guide along the path of international idealism, it was at once evident how completely he had failed to understand the people of Italy. Hotels and streets which had been named for him were hastily rechristened. The streets of Rome, which had resounded with *vivas* as he drove through them a few short months before, now echoed to the sound of execration of his name mingled with acclamations for Italy's Prime Minister, Orlando, who had returned to Rome to assure himself of the support of his fellow countrymen.

The mistakes that marred the careers of both were of a nature strikingly similar. As Brutus, through unconscious love of exclusive domination, refused to enlist in his cause the services of Cicero, the only man whose eloquence might have outmatched that of Antony, so, for the same motive, did Woodrow Wilson reject the services of Roosevelt when the latter begged to be allowed to lead a division of volunteers to France. Had Wilson possessed sufficient magnanimity and far-sightedness to enlist Roosevelt on his side, the course of American political history would have been changed, for Roosevelt could have provided the crowd mind with an idol, whereas Wilson, like Brutus, could only offer an ideal.

Wilson, like Brutus, made the fatal mistake of underestimating his opponents. The contempt of the stern moralist, Brutus, for the reckless libertine, Antony, which misled him into ignoring danger from such a source, finds its echo in Woodrow Wilson's justifiable but most ill-advised sneer at the pygmy minds of his senatorial opponents. Even as Brutus wrecked the cause of his party by a blunder in military strategy, the descent from his safe position in the hills to meet his enemies upon ground of their own choosing, so did Woodrow Wilson wreck his cause by a blunder in political strategy, the appeal to the people for a Democratic Congress at the elections of 1918, an appeal which outraged the popular sentiment that war should call a halt to partisan politics, and which united in opposition to the administration all the discordant factions of Republicanism.

So striking is the parallelism that the cause of the downfall of both these idealists may be expressed in words which Lawrence Houseman, in his admirable little play *The Instrument*, puts into the mouth of Woodrow Wilson: "Too much faith,

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not in what I stood for, but in myself." And again: "I haven't the faculty of letting others think for me." And from the same play we may borrow the words which sum up the pathos of the fate of both: "To be so sure that I was right, and yet to fail"; for the tragedy of the idealist is never the fall of the individual but the failure of his cause.

Even as Brutus exclaimed:

> "If it be aught toward the general good,
> Set honor in one eye and death in the other,
> And I will look on both indifferently."

So Woodrow Wilson quoted with application to himself the words of Shakespeare's *Henry the Fifth:*

> "For if it be a sin to covet honor,
> I am the most offending soul alive,"

and on his fatal tour of the country on behalf of the League of Nations, a journey undertaken against the urgent advice of his physician, he again and again proclaimed the glory of dying for a great cause, and once said that he himself would gladly die to bring peace to the world.

And both men, indeed, welcomed death after the shattering of their life's ambition. The resigned "I am ready to go" of the dying Woodrow Wilson finds its poetic anticipation in the words of Brutus:

> "Night hangs upon mine eyes, my bones would rest,
> That have but labored to attain this hour."

Of the two men, Woodrow Wilson suffered the more pitiful fate. He was doomed to outlive the shattering of his ideal and to see the world a prey to bitter national rivalries, while his own country stood aloof in selfish isolation. Fortune, however, spared him the most unkindest cut of all, the overwhelming repudiation of his ideal by the party he had led so long, yet which after all did "stand but in a forced affection."

In a sense such men as Brutus and Woodrow Wilson are always happier dead. This world is a poor place for idealists.

Along with these many points of resemblance the future Plutarch will dwell upon two outstanding points of difference. In wisdom Woodrow Wilson was far superior to Brutus. Woodrow Wilson's ideal was the king-thought of his age. Brutus's ideal of Republican freedom was an empty dream. The cause of the Republic was indeed hopelessly lost before ever Brutus thought to fight for it. "Who is here so base that would be a bondman?" was his challenge to the Roman people, and the answer came, "Caesar's better parts shall now be crowned in Brutus!"

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With far more right than Brutus might Woodrow Wilson have predicted that he should have glory by this losing day more than his enemies by this vile conquest should attain unto. To the far corners of the globe his philosophy has penetrated. He has done more than any statesman in history to give the world an international conscience. The establishment of "The Parliament of man, the federation of the world" which Woodrow Wilson dreamed of may be delayed for a generation, but come it must if civilization is to endure.

Yet if Woodrow Wilson is immeasurably superior to Brutus as a political philosopher, Brutus is no less superior to Wilson in humanity. The outstanding faults of the temperament of both were the same. Each wanted no one about him but those who shared in his views or at least submitted to them. It was utterly impossible for either to use great instruments according to their quality for great purposes. "I rarely consult any one!"said Woodrow Wilson to a reporter. But Brutus possessed in an eminent degree the talent for governing men without humiliating them.

How little of this valuable gift fell to the share of Woodrow Wilson let the case of Robert Lansing bear witness. When the qualifications of this obscure civil servant to direct the foreign affairs of the nation in the crisis of the World War were called in question, Wilson set aside all objections with the contemptuous words, "All I want is a good clerk, and he is a good clerk."

The winning courtesy of Brutus to all who approach him, which made him not only esteemed but loved, stands in sharp contrast to the chill unfriendliness too often manifested by Woodrow Wilson. Once a member of a deputation of women calling on the President ventured the banality, "It must be trying to have to meet so many people." "Yes," answered Woodrow Wilson, "especially when so few people are worth meeting."

If Brutus surpassed Woodrow Wilson in courtesy, he also excelled him in magnanimity. Not even the slurs and sneers of Cassius could lessen Brutus's admiration for Julius Caesar. Even after the Ides of March he is still "Great Julius" and "the foremost man of all this world." There is no page in Woodrow Wilson's history which his admirers would more willingly blot out than that on which he records his misjudgment of the greatest of his contemporaries, Theodore Roosevelt.

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Brutus had a further advantage over Woodrow Wilson in his power of making and keeping friends.

> "My heart doth joy that yet in all my life
> I found no man but he was true to me."

On the other hand the career of Woodrow Wilson is strewn with the wrecks of broken friendships, broken by his own choosing and by his own fault. The names of Colonel Harvey, William F. McCoombs, Colonel House and Joseph Tumulty will occur here to every student of recent political history.

Brutus, to be sure, is an intellectual autocrat, who insists that others must surrender their wisdom and judgment to him for their own good. But if we see only this in Brutus we make a great mistake. He had, despite this fatal fault, a quite extraordinary power of making men love him. This was not mainly due to his utter disinterestedness, for disinterestedness alone is cold and cannot inspire warmth. Now Brutus inspired not merely cold praise or trust, but love. Whence arose this power which seems strange in a spirit so self-contained? It was felt because Brutus himself was not merely benevolent to *all*, but was a person of warm affections, and it was because men such as Cassius, Lucilius, and Clitus felt this warmth of feeling in him that they loved him in return. This alone can explain why even a strong nature like Cassius did not rebel against the tutelage in which Brutus insisted on holding the wills of all his associates.

Somehow love was not the emotion Woodrow Wilson inspired. His was a cold, brilliant intellect which compelled admiration in his followers rather than affection. He was one to whom only weak men could bring themselves permanently to submit. It is to his mind and not to his heart that Woodrow Wilson will owe the position that he is destined to hold in history as the foremost statesman of our age.

APPENDIX

Readers of this paper may be interested to learn that while Shakespeare has anticipated the tragedy of the idealist, Woodrow Wilson, Ibsen has anticipated his ideal.

The great "king-thought" of Haakon of Norway in *The Pretenders* might well be taken as an anticipation of the great "king-thought" of our own generation, Woodrow Wilson's League of Nations. Does not the following dialogue between

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King Haakon and Duke Skule read with scarcely the change of a single word, except for a few proper names, like a conversation between the great American President and some European statesman of the Balance of Power School, or some Henry Cabot Lodge?

"The world has been an agglomeration of nations, which shall become a League of Nations; the German has stood against the man of France, the Austrian against the Italian, the Serbian against the Bulgarian; all shall be one hereafter and all shall feel and know that they are one: *That* is the task that God has laid on my shoulders, *that* is the work that now is before the President of the United States."

"To unite—? to unite the Germans and the men of France, all the world—? 'Tis impossible! The world's saga tells of no such thing."

"For *you* 'tis impossible, for you can but work out the old sagas afresh; for me 'tis as easy as for the falcon to cleave the clouds."

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Shakespeare the Prophet

A Lecture Broadcast from Station WMC (Memphis)

By
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SOUTHWESTERN
MEMPHIS, TENNESSEE

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SHAKESPEARE THE PROPHET

"Shakespeare who saw everything and who foresaw everything," wrote Mr. J. St. Loe Strachey at the head of an article on the downfall of Britain's first Labor Government.

Many are the Bardolaters who would subscribe heartily to the assurance given by a distinguished Shakespearian critic, the late P. A. Daniel, to George Brandes, that there was simply nothing that Shakespeare did not know. When a distinguished Burmess scholar demonstrates that Shakespeare conforms to the philosophy of the Buddha, when a prominent American disciple of Dr. Freud writes a whole volume to prove to us that Lady Macbeth's ambition was merely a sublimation of a repressed sexual impulse, the desire for a child, when Freud himself assures us that Shakespeare thoroughly understood the nature of the Oedipus Complex which was the barrier that prevented Hamlet from sweeping to his revenge, it is difficult to deny to Shakespeare foreknowledge absolute.

Stimulated by these evidences of how frequently the imagination of genius in Shakespeare has anticipated the conclusions of scientific research, I have lately re-read several of the plays in search of further proofs of Shakespearian omniscience, asking myself at the end of each, in the apt words of Shakespeare's friend, Fletcher,

"What mare's nest hast thou found?"

"The Tempest," for example, affords proof positive that Shakespeare had bestridden a time machine on the order of that later imagined by H. G. Wells, traveled on into the twentieth century and familiarized himself with radio. Not to dwell on the similarity of sound and function between Ariel and aerial, how else can we account for Caliban's description of broadcasting in the lines:

"Be not afeard: the isle is full of noises,
Sounds and sweet airs, that give delight, and hurt not.
Sometimes a thousand twangling instruments
Will hum about mine ears; and sometimes voices . . ."

Corroborative evidence of Shakespeare's visit to station WMC is furnished by several others of his plays. Thus we find in "Coriolanus" the injunction "Take up some other station"; in the "Taming of the Shrew" the warning "His lecture will be done ere you have tuned"; and in "Henry IV" Glendower acting as announcer declares:

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"And those musicians that shall play to you,
Hang in the air a thousand leagues from hence,
And straight they shall be here: sit and attend."

From the "Midsummer Night's Dream" I derive incontrovertible evidence that Shakespeare foresaw the X-ray,

"Nature shows art,
That through thy bosom makes me see thy heart."

And the electric telegraph,

"I'll put a girdle round about the earth in forty minutes."

Some to-day fondly imagine that the telephone was discovered a scant half-century since by Alexander Graham Bell, but Bell had been forestalled beyond a doubt by the prophetic soul of Shakespeare, as is proved by the line in "Hamlet":

"Come, Gertrude, we'll call up our wisest friends."

From the pages of "Twelfth Night" I gather proof that Shakespeare foresaw and disapproved the cacophonies of syncopated music, vulgarly known as jazz,

"Now good Caesaris, but that piece of song,
That old and antique song we heard last night:
Methought it did relieve my passion much,
More than light airs and recollected terms,
Of these most brisk and giddy-paced times."

And "Hamlet" contains an unmistakable allusion to the Charleston in the lines:

"The king doth wake to-night and take his rouse
Keeps wassail, and the swaggering upspring reels."

"Macbeth" affords good grounds for holding that the first revelation of Christian Science was vouchsafed not to Mary Baker Eddy of Boston, but to Will Shakespeare of Stratford.

"Throw physic to the dogs, I'll none of it"

is a single line summary of "Science and Health." This fact established, we need no longer marvel at the almost hypnotic power exercised over Othello by Iago; it is simply a case of malicious animal magnetism.

The applicability of Shakespeare's lines to the burning questions of the Twentieth Century has struck others besides the editor of the Spectator. I am in daily apprehension of his works being dashed upon the raging rocks of the Eve or Evolution Controversy in which I fear that unlike his fellow-author, Disraeli, Shakespeare will not be found on the side of the angels. The Bryanite, to be

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sure, can point with pride to "As You Like It" where Shakespeare seems to commit himself to the fundamentalist position by putting into Rosalind's mouth the assurance,

"The poor world is almost six thousand years old."

And the biological heresies of such teachers as Mr. Scopes are anticipated and disapproved in "Henry IV" by honest Ned Poins, "And the boy I gave Falstaff: 'a had him from me Christian, and look if the fat villain have not transformed him ape." But in a well-known passage in "Twelfth Night," the relevance of which to the Darwinian theory is indisputable, we find Shakespeare putting the fundamentalist opinion into the mouth of the unpopular character,

"What is the opinion of Pythagoras concerning wild fowl!" asks the clown.

"That the soul of our grandam might haply inhabit a bird,' answers Malvolio.

"What thinkest thou of his opinion?"

"I think nobly of the soul and in no way approve his opinion."

"Fare thee well," replies the clown, "Remain thou still in darkness: Thou shalt hold the opinion of Pythagoras ere I will allow of thy wits, and fear to kill a wood-cock, lest thou dispossess the soul of thy grandam."

To which one would fain hear Malvolio retort in the words of Dean Burgon, "Leave me my ancestors in Paradise and I leave you yours in the Zoological Gardens."

This tendency to throw upon the Bryanite view the odium of unpopular association is strikingly manifested in "Othello." "Ere I would say I would drown myself for the love of a guinea-hen, I would change my humanity with a baboon," is a sentiment that might have been voiced by the author of "God or Gorilla?" It is put into the mouth of Iago. And the rock-ribbed fundamentalism of this arch-scoundrel is further confirmed by the soundness of his opinions upon the authority of scripture.

"Trifles light as air
Are to the jealous confirmations strong
As proofs of holy writ."

It is, however, in "The Tempest" that the Darwinian heterodoxy most boldly rears its hideous head. Indeed, I fear I shall have to

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drop "The Tempest" from my course on Shakespeare lest in view of a certain act of our state legislature, I be held up to public obloquy as a scoff-law for dealing with this seventeenth century version of the Origin of Species.

"The ancestor remote of man,
Says Darwin, is th' ascidian,
A scanty sort of water-beast,
That ninety million years at least
Before gorillas came to be,
Went swimming up and down the sea."

And that Shakespeare was aware of our marine origin, that he realized the connection between Man and Amoeba, is established beyond controversy by these words of Trinculo, "What have we here? A man or a fish? Dead or alive? A fish: he smells like a fish; a very ancient and fishlike smell; a kind of not the newest poor John. A strange fish!"

An eminent scholar, too, the late Professor Wilson of the University of Toronto, has devoted a stout octavo volume to the proof that in Caliban we find the exact link which in any scheme of evolution is missing between Man and the Anthropoids. Lastly, lest there be any doubting Thomas to deny that Evolution was a conception familiar to the Elizabethan mind, let me recall to such a one Skakespeare's contemporary, Dr. Kettel, the President of Trinity College, who warned one of his students, a dabbler in magic, not to conjure up his grandfather lest he should materialize as a monkey.

If intelligence were not the most invisible feature of the Invisible Empire, I should expect the Ku Klux Klan, and Henry the Great of Detroit to co-operate in sending on the road a production of "The Merchant of Venice" in which Shylock instead of being a stately gray-haired gentleman and posing as one of the major prophets, would be presented to us as the Jew that Shakespeare drew, red-wigged and hook-nosed. "The Merchant of Venice" has been used effectively in our own day as part of the anti-Semitic propaganda in Poland and the Ku Klux Klan would be well advised to make Shakespeare an honorary Past Grand Cyclops or Imperial Wizard.

At this very hour, moreover, "The Merchant of Venice" is being turned to good account by the defamers of America in the

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controversy now raging over the question of the cancellation of war debts. I have before me as I write a picture, taken from an Amsterdam newspaper, of Antonio-Clemenceau pleading with Uncle Sam-Shylock:

"I pray thee, hear me speak."

To which Uncle Shylock makes answer,

"I'll have my bond; I will not hear thee speak:
I'll have my bond, and therefore speak no more."

Into the vortex of Volstead wranglings, Shakespeare has already been dragged neck and crop. Two years ago a bevy of fashionable club-women of the City of Angels when presenting "Twelfth Night," decided to omit the roles of Sir Toby and Sir Andrew out of respect for the 18th Amendment.

It is true that the bibulous Knight's challenge to Malvolio—"Dost thou think, because thou art virtuous, there shall be no more cakes and ale?" must ring like a death knell in the ears of the spigot-bigot; it is true also that there is a passage in "Romeo and Juliet" which reads like a direct incitement to bootlegging—

"The world is not thy friend, nor the world's law;
The world affords no law to make thee rich.
Then be not poor, but break it, and take this."

Furthermore the alliance between the bootlegger and the rum-runner is unmistakably anticipated in Glendower's boast:

"I can call spirits from the vasty deep,"

and the interference of the hi-jacker foretold in Hotspur's retort,

"Why so can I and so can any man,
But will they come when you do call for them?"

Yet, I submit it is rank ingratitude for prohibitionists to mutilate the works of him who has inspired the W. C. T. U. slogan "The Demon Rum." "O thou invisible spirit of wine, if thou hast no name to be known by, let us call thee devil!" To Cassio, as to the modern white-ribboner, alcohol is Satan in solution.

Moreover, recent Germanic researches have established the fact that Shakespeare was the god-father of the Volstead Act itself. Falstaff, we are informed, was a real personage who fled to Germany to escape the consequences of a duel. His name there became Valstaff, later Valstadt. Some of his people emigrated to America under the name of Valstead, later Volstead. What further proof is wanted to convince any man with so much as a single spark of

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humour that the author of the Prohibition Amendment is by irony of fate a descendant of the jolliest old toper in all literature?

But if scofflaws and spigot-bigots may dispute, with some show of reason on both sides, over Shakespeare's attitude to the consumption of alcoholic beverages, "Othello" proves beyond question the poet's sympathy with the Anti-Cigarette and Tobacco League, which be it said in passing, dates back to Shakespeare's royal patron, King James the First, the royal and noble author of the "Counter-blast to Tobacco."

"O, thou weed!
Who art so lovely fair and smell'st so sweet
That the sense aches at thee, would thou hadst ne'er been born."

Little did Sir James M. Barrie imagine when he created "My Lady Nicotine" that she was identical with Shakespeare's Desdemona.

As a final proof of Shakespeare's foresight, I would call attention to the fact that recent events have verified the wisdom of one of the most quoted pasages of "Romeo and Juliet":

"What's in a name! that which we call a rose
By any other word would smell as sweet."

The truth of this assertion was strikingly demonstrated during the World War, when Vienna bread could only come upon the table of the 100 percenter camouflaged as French bread, when German fried potatoes were admissible to the restaurant menu only under the alias of "home fried," and when for sheer dread of being considered a hyphenated American, one dared not ask the delicatessen dealer for sauerkraut save by the euphemism of "liberty cabbage."

And apropos of the World War, Shakespeare seems to have foreseen not only that great conflict but also its outcome, as is proved by the command of King Lear,

"Crack nature's moulds, all germens spill at once."

* * * * *

"The scholar's eye in a fine frenzy rolling
Doth glance from heaven to earth, from earth to heaven.
And as imagination bodies forth
The forms of things unknown, the scholar's pen
Turns them to shape and gives to airy nothing
A local habitation and a name."

M.N.K. [illegible] 25 [illegible] shows that Sh anticipated and disapproved English support of Hale Selassie? (Always you know!)

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Ottawa, April 8, 1926.

Dear Mr. Gundy:

His Excellency, The Governor-General has just asked me to send him an autographed copy of the little booklet. I think we had better wait until the second edition is out and then we ought to send him one of the special ones. I know you will be glad to arrange accordingly.

Yours sincerely,

Mr. S. B. Gundy,
Oxford University Press,
University Ave.,
Toronto, Ont.

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KODAK SAFETY FIL

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Ottawa,
April 30, 1936.

Dear Mr. Jackman:

I have your letter of Monday last and thank you very much for sending me Mrs. Gow's very generous tribute.

I am especially touched by your reference to my son, Ted. He has talents and I think, myself, much promise, but, of course, I am prejudiced.

Yours sincerely,

Mr. T. J. Jackman,
The Nickel Range Hotel,
Sudbury, Ont.

Letter returned.

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THE NICKEL RANGE HOTEL

SUDBURY, ONT.

EUROPEAN PLAN 200 ROOMS TUB AND SHOWER BATHS

D. M. MORIN, PROPRIETOR P. ROULEAU, MANAGER

Monday P.M.

Dear Mr Meighen—
Mrs Graves appreciation of your
Toronto efforts on Shakespeare
are so good that I attach
this charming personal letter.
With kindest regards.
And many thanks for
your trouble in this matter
Yours always
F. D. Richardson

Rt. Hon Arthur Meighen P.C. K.C.
Toronto—

I was glad to hear from me who knows—
that your son who is in the Prof.
shows promise of splendid timber for
the Party — who knows — it might
be his privilege to swing the French
group to the Conservative F.D.

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Collingwood Shipyards, Limited

DRY DOCK PROPRIETORS & STEEL SHIPBUILDERS

ENGINE & BOILER MAKERS

ALL AGREEMENTS CONTINGENT UPON STRIKES, ACCIDENTS AND OTHER CAUSES BEYOND OUR CONTROL.

CABLE ADDRESS
COLLING-SHIP
WESTERN UNION TEL. CODE

Collingwood, Ont. May 4, 1936.

ALL BUSINESS COMMUNICATIONS TO BE ADDRESSED TO THE COMPANY.

The Right Honourable,
Arthur Meighen, K.C., P.C.,
320 Bay Street,
TORONTO, Ontario.

Dear Mr. Meighen:

I sincerely hope you will not think me either discourteous or unappreciative in not having acknowledged your kind letter of March 17th last, and for which I now wish to thank you.

My letter of acknowledgment to Mr. Smith has brought to me very happy results and the volumn itself has revived many pleasant recollections of the past.

To be quite candid I wrote you during the latter part of March. The letter seemed to me a little presumptive - so was not mailed. I attach it however.

Since the receipt of your letter I have acquired an Edition of Shakespeare - 10 volumns - by Dyce - and am now enjoying again delights that were beginning to fade - thus you see the object of your address has been accomplished in so far as I personally am concerned and you have succeeded in "amplifying" (I think that is a good word) the voice of Shakespeare.

Referring to "Macbeth" I had not noticed before - the witches when alone "Exeunt", but when the mortals are present they "vanish" - there's a delicate touch in stage direction.

If our Educational authorities would insert your address as a text Book in our Schools there would be wisdom in that and the wisdom of Shakespeare might help our future legislators to solve our difficulties.

With Carlyle - how did Shakespeare learn of all these things?- "thick-ribbed ice" - "viewless winds" - "blown with restless violence" - picture a blizzard in the Polar regions and then think of "viewless winds".

And I am,

Yours very truly,

Geo. W. Allston

"The flighty purpose never is o'ertook
Unless the deed go with it" - Course
May I now as a tribute
W.M.

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ALL AGREEMENTS CONTINGENT UPON STRIKES, ACCIDENTS AND OTHER CAUSES BEYOND OUR CONTROL.

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COLLING-SHIP
WESTERN UNION TEL. CODE

Collingwood, Ont. March 28, 1936.

ALL BUSINESS COMMUNICATIONS TO BE ADDRESSED TO THE COMPANY.

The Right Honourable
Arthur Meighen, K.C., P.C.,
320 Bay Street,
TORONTO, Ontario.

Dear Mr. Meighen;

I have received and wish to thank you for your kind letter of March 17th and also for the Autographed Copy of your Address in anticipation of its receipt when the Second Edition is issued.

My letter of acknowledgment to Mr. Smith has brought to me very happy results, and the Volume itself has revived many pleasant recollections of the past. One of your quotations has caused some reflections into Christopher Marlowe - Shakespeare's reference to Earthquake - reminded me of Marlowe's reference to certain Atmospheric Conditions.

Perhaps some day we shall have Macbeth - what a story - Shakespeare's devil spoke through the Etherial - Goethe's took on Corporeal shape - Banquo recognizes Satan immediately - and says so - Macbeth is overcome by opportunity - ("thy guilt is great").

The fatal Bellman is a story in itself but I must not enlarge - or I shall grow wearisome -

and I am,

Yours very truly,

Thos. W. Morton

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Ottawa,
May 5, 1936.

Dear Mrs. McAllister:

I am indeed proud that you should see fit to purchase four copies of my little book. Unfortunately, there are some errors in the printing, the worst of which I have corrected.

With sincere appreciation,

Yours very truly,

Mrs. Jane B. McAllister,
Chateau Laurier,
Ottawa, Ont.

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CHATEAU LAURIER
CANADIAN NATIONAL RAILWAYS
OTTAWA, CANADA

Monday

Dear Mr Meighen

Will you be so kind as to autograph these Books for me. One goes to Her Majesty - for Her birthday another to Lady Aberdeen another for I do not know yet - one for Juno beauty

Jane Barnet - McAllister

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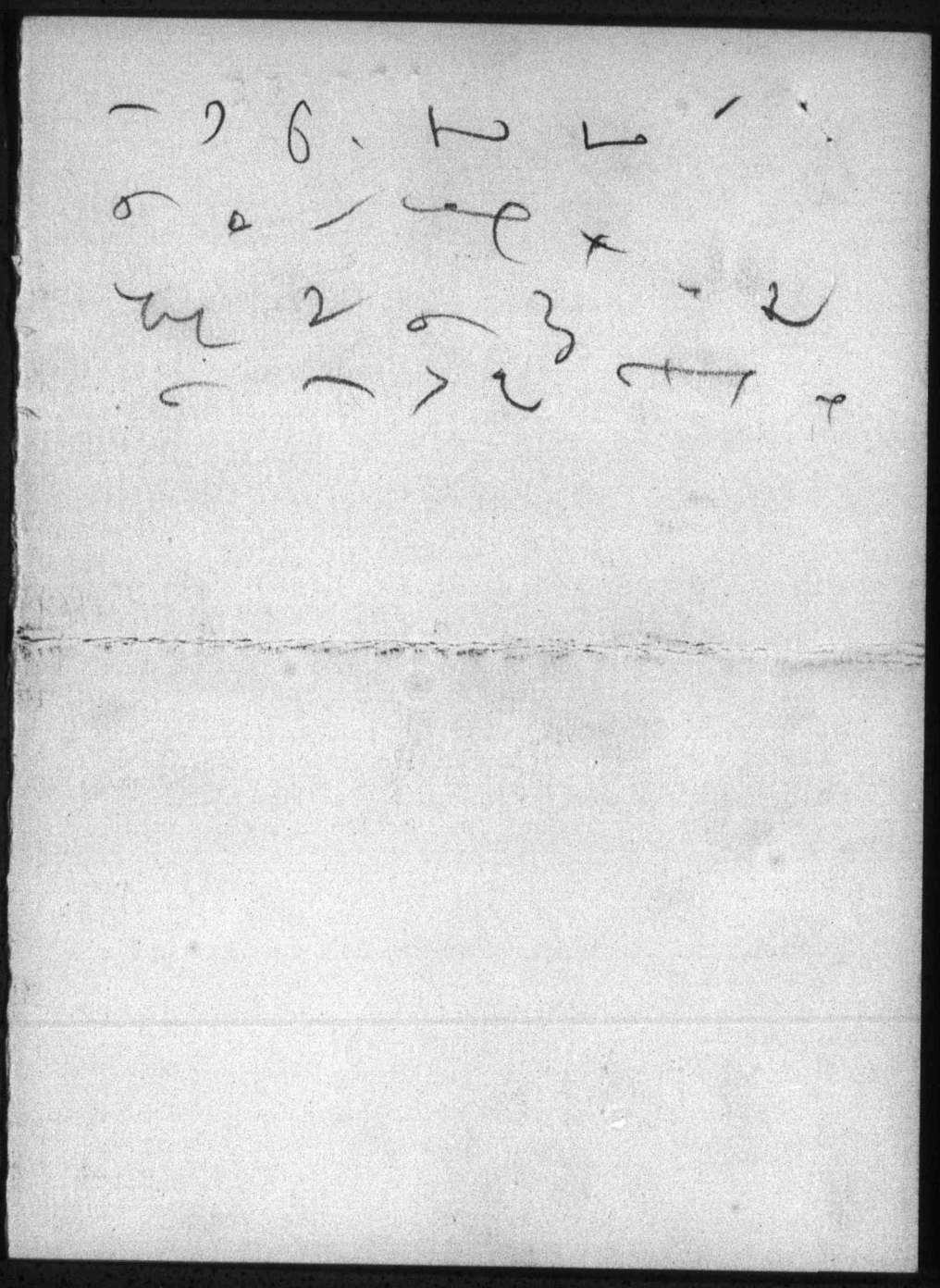

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10A

Ottawa,
May 6, 1936.

Dear Mrs. Rorison:

I received just as I left Vancouver a tribute to Shakespeare in verse which you have written. This composition evidences a very keen appreciation of the great dramatist, and I thank you for sending me a copy.

Yours very truly,

Mrs. Jean H. Rorison,
Caulfield,
West Vancouver, B. C.

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April 23rd

In Shatford's leafy lanes the cuckoo calls,
The Avon winds through meadows all ablow,
The lark sings on and when the evening falls
The nightingale will tell its tale of woe.

These Shakespeare heard in the sweet April weather
They filled his cup of bliss full to the brim,
When he and love and Spring were young together
Life [illegible] him then no bitter dregs to [illegible]nk!

A little dust lies in the Churchyard grey
Death hath no power to still the mighty mind
Like a never-dying Spring he lives to-day
And for all time the joy of human-kind.

O'Star of all the Bets God hath shut
None shine like thee in England's firmament.

Jean Milby Robison

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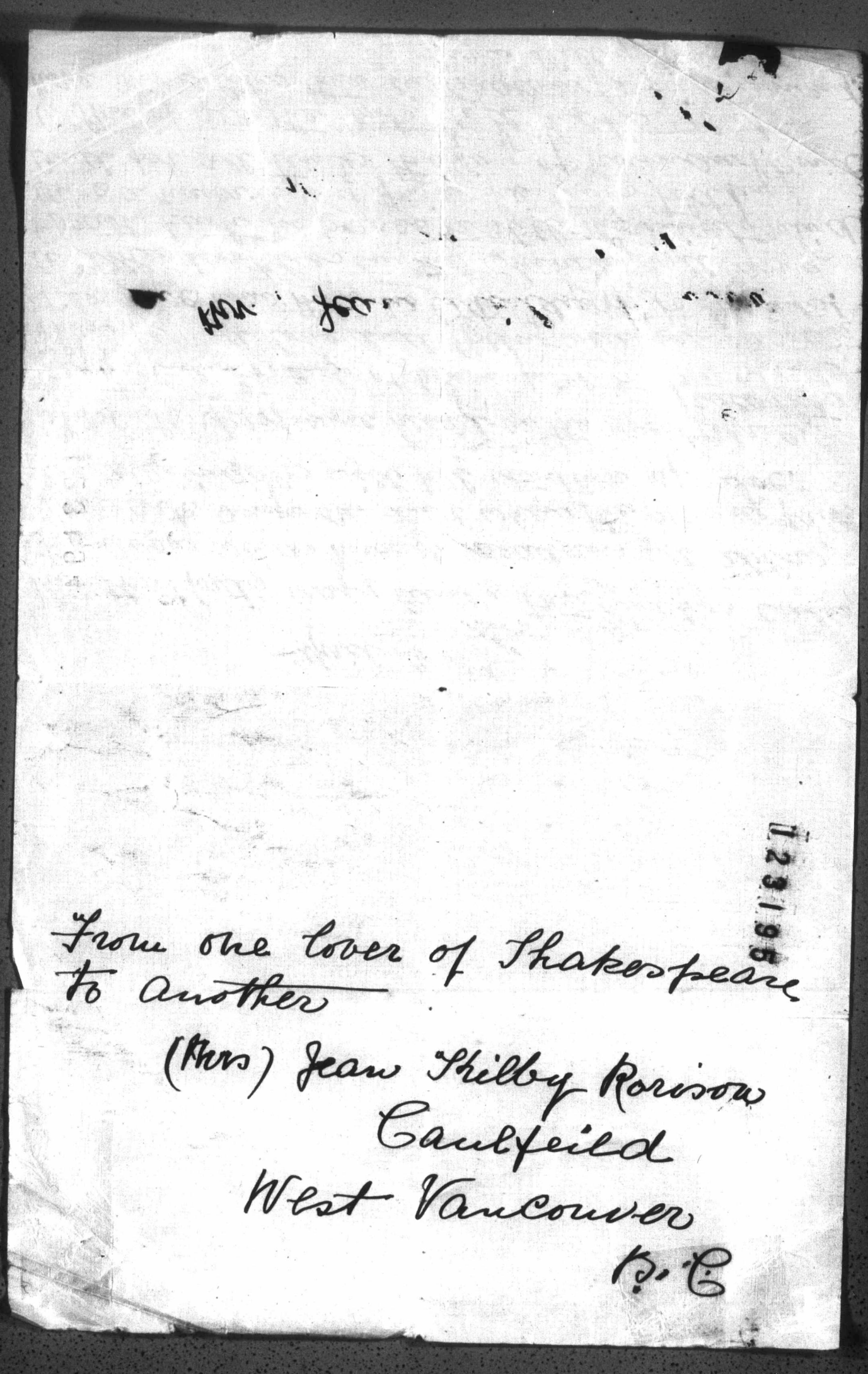

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123196

Ottawa,
May 12, 1936.

Dear Mac:

I suppose you know all that is in the enclosed, but if not, it certainly is interesting reading. Would be glad if you would return it.

Yours sincerely,

Prof. M. W. Wallace,
University College,
Toronto, Ont.

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123197

Ottawa,
June 2, 1926.

Dear Mr. Gundy:

Mr. Meighen has asked me to order half-a-dozen more copies of his Shakespeare address. Would you kindly have one of them mailed to Mrs. A. H. Smith, 21 Douglas Drive, Toronto, and send the rest to Mr. Meighen, 320 Bay Street, with account.

Yours very truly,

Secretary.

Mr. S. B. Gundy,
Oxford University Press,
University Ave.,
Toronto, Ont.

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023198

Ottawa,
June 2, 1926.

My dear General Hughes:

I congratulate you on finding the quotation. Do not agree that the effect is substantially different at all from the one which I found, but clearly you are right that the exact one you had in mind does exist.

Yours sincerely,

General Garnet Hughes,
45 St. Clair Ave. West,
Toronto, Ont.

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HYLAND 7373
45, ST CLAIR AVENUE WEST
TORONTO, ONTARIO

31 May 1936

Personal

Dear Mr Meighen,

I was very much obliged to you for your interest in searching in the dictionary of quotations for the lines that had been bothering me; you know how sometimes they get running through your head without your being able to say how they got there or where they came from.

Still, I must say you did not flatter the accuracy of my memory in suggesting that I must be thinking of that passage from Henry iv for there is no similarity between the two ideas.

I am writing to let you know that by scanning every play in which I considered the lines might occur I finally located them in Richard iii. Someday I shall buy a dictionary. The words are as I gave them to you over the telephone (act v, sc iv). In fact, either of us should have remembered this quotation but I suppose it was obscured by the hackneyed words of the context.

At any rate I am glad it is off my mind.

Yours sincerely,

Bernt Vaughan

Rt Hon. Arthur Meighen
347, Bay street
Toronto

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123200

Ottawa,
June 12, 1936.

10 A

Dear Mr. Macgillivray:

I have your letter of 10th June and appreciate very much indeed the kind references you have made to the speech "The Greatest Englishman of History". This has been published by the Oxford University Press, University Ave., Toronto. It is in booklet form with an introduction by Sir Robert Falconer. You can get a copy by writing the University Press or say by writing the Simpson Co. or the T. Eaton Co. I am surprised there are none on sale in Smiths Falls. The price is fifty cents.

Yours very truly,

Mr. J. Macgillivray,
Box 1588,
Smiths Falls, Ont.

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KODAK SAFETY FILM

123201

Box 1388,
Smiths' Falls Ontario.
10th June 1936.

Dear Sir,

Pardon this intrusion into your busy life, but as I was touring Africa and South America when you delivered your addresses on Shakespeare I did not have the opportunity of hearing them and I have not seen them in print since my return. If they have been printed will you kindly inform me where I can procure them.

My excuse for troubling you is that I am a good lover of Shakespeare and usually carry a pocket edition of one of his Plays with me

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when I move about. Some of them I have read and studied many times.

It appears to me that Shakespeare has left no phase of life untouched.

Respectfully
J. Macgillivray.

The Right Hon. Arthur Meighen
The Senate
Ottawa.

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CANADA

10 A

T23203

16th June

523 Besserer St.
Ottawa

Dear Mr Meighen,

I do most fully appreciate your kind thought in sending me a copy of your book. It will always be a most valued possession & one more reminder of the marvellous kindness I have received from everyone during my time in Canada.

I am certain that no one has ever left her soil with deeper regrets than I am about to do.

Again I offer you all my thanks & the hope that we may meet again before too much time has rolled past.

Yours very sincerely
Gwilym Hastings

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123204

10 #

Ottawa,
June 16, 1936.

Dear Dr. Doughty: Re Shakespeare Volumes

I am enclosing a letter received from Mrs. Robert Cunningham, 9368-98A Street, Edmonton, Alta., together with enclosures.

I have no knowledge myself of the edition which is in Mrs. Cunningham's possession or whether it would be of value to you, or not. You might kindly let me know.

Yours sincerely,

Dr. A. G. Doughty,
Dominion Archivist,
330 Sussex St.,
Ottawa, Ont.

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Dear Mr Meighen
Thank you so much
for sending me the copy
of your "lecture"
The Greatest-Englishman of
History
In spite of the many things
you have to attend to
Let me wish you many
happy returns of your
birthday. again thanking

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you for your kindness &
the pleasure it gave for me
of reading it -
Believe me Sincerely Yours
Agnes Walsh

June 19th/36

T 23206

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DB H 123207

Lodwarren, Mass.
Jan. 12, 1937.

Dear Mr. Meighen:

May I again beg a few moments of your very busy time?

I had lunch with Marion Meighen in Winnipeg not long ago, and she spoke of the very happy time she had with you, and encouraged

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DBH 123207

Lowell, Mass.
Jan. 12, 1937.

Dear Mr. Meighen:

May I again beg a few moments of your very busy time?

I had lunch with Marion Meighen in Winnipeg not long ago, and she spoke of the very happy time she had with you, and encouraged

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123208

me in my resolve to
write you on behalf
of my pupils. I hope
you will not mind.

I am teaching
Literature to grades
nine and ten in our
collegiate here, and
in our study of
Shakespeare, we
are reading your
address "The Greatest
Englishman in History."
And so I wondered
if you would care
to write the class
a letter, as it would
have a glamour which
I am sure would

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ARCHIVES PUBLIQUES
CANADA

give them an interest in their Shakespeare far beyond anything I could do. We are studying "Twelfth Night" in class, but I am also trying to encourage them to read any of the other plays on their own.

I am also encouraging them to do more outside reading, and especially some of John Buchan's books, so that between you and Lord Tweedsmuir, I am trying to make them familiar with some of our contemporary famous men as well.

U2329

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CANADA

And if you have ever taught school — (you did, didn't you?) you will realize what a wonderful opportunity this will give me to have them compete for the privilege of answering your letter! I also teach them Composition, you see.

Mother and Dad are very well — and all the family. I was home at Christmas time. They are expecting Rietta down for a month or so, as she is not at all well, and has been ordered away from the coast. I hope I will be able to get home to see her, but if you know this country, you will know how difficult it is to get to Brandon from here in winter.

Hoping you are keeping in good health, I am
Your affectionate "pseudo niece"
Willa Robertson

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123211

Ottawa, Ontario,
February 2, 1927.

Dear Willa:

I am sorry but your letter of January 12th seems to have chased me from Ottawa to Toronto and back again; hence the delay in replying.

I have been meditatin in my office for some time as to whether I could comply with your request to send a message to your class studying Shakespeare. Certainly I would like to do so as I don't want to appear to be unwilling to assist anyone a little where I might be of help. Thinking it over, though, I am afraid if I send a message like that, it would look somewhat officious and pontifical. What I could do would be to send you, if you think it would be worth while, enough copies of the address I made on Shakespeare for distribution to each of your class--that is, unless the class is too big. Anyway, let me know how many there are, and, if you would like me to send one for each of them, I would be very glad to do so.

With best regards,

Yours sincerely,

Miss Willa Robertson,
Foxwarren, Man.

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CANADA

30 copies of Shakespeare speech sent March 3/37 Jones

10 A

123212

Farnham, Mass.
Feb. 8, 1937.

Dear Mr. Meighen:

I was very pleased to receive your letter of February second, and am very sorry to have bothered you with my request, since I can understand your point of view, although I had not thought of it in that light.

My sole purpose in writing you was to try to secure for my pupils that personal contact which would give them a much greater interest in their work on Shakespeare and on your essay. I would like to apologize for it.

It would be very kind of you to send them copies as I know they would appreciate that greatly, and we would all feel deeply honored to receive them, but as there are twenty in the class, it seems rather a

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large order.

123213

Our greatest difficulty in this school has always been a sad lack of cultural background in the homes, so that I have been working hard to try to develop a greater interest in better reading, apart from their assigned work, among the pupils. Results are always very slow in appearing, but there have been a few gratifying signs.

Retta Robertson is at our place this month, and I am hoping to get home on Saturday to see her. Mother says she is not at all well, and I hope that her visit with us will help her to get back.

Thank you again for taking time to answer my letter, and for your very kind offer. I think it is too generous, and do not feel that I should accept it. However, I will leave it to you.

Yours very sincerely,

Nilla Robertson.

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CANADA

KODAK SAFETY FILM

123214

104

Ottawa,
February 16, 1927.

Dear Keiller:

Thanks very much for sending me Miss Bell's letter. I think you will probably want it so I am returning it herewith.

I have been delighted to hear the most flattering reports of your splendid work as Judge. I am sure the former Prime Minister and all concerned are proud that they have had to do with your appointment.

Yours sincerely,

Hon. Mr. Justice Keiller MacKay,
The Supreme Court of Ontario,
Osgoode Hall,
Toronto, Ont.

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CANADA

123215

THE SUPREME COURT OF ONTARIO

OSGOODE HALL,
TORONTO.

Feb 15, 1937

Dear Mr. Meighen:

Am enclosing herewith a letter received from a friend to whom I sent a copy of "The Spiritual Exploration in Ontario"

With every good wish.

Yours respectfully
Kellen MacKay

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CANADA

123216

104

Ottawa,
March 10, 1937.

Dear Mrs. Fuller:

I have just received your note and will certainly find out if there is any opening, or likelihood of being one, and will do all I can for Arthur.

I had not forgotten the Shakespeare speech. Am sorry I have not another copy of the little booklet, but am sending it in pamphlet form. I had already asked Miss Edmondson to do this.

Yours sincerely,

Mrs. W. A. Fuller,
304 O'Connor St.,
Ottawa, Ont.

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CANADA

123217

10 H

Ottawa,
March 11, 1937.

Dear Ernest:

I have your letter of 9th.

The mission in life which I described as Shakespeare's was so magnificently discharged that he cast a sunshine over posterity more wonderful than it had ever known. The one great moral purpose was the exaltation of right over wrong. If this one purpose was abundantly achieved, and it was, no man can accomplish more.

I was exceedingly interested indeed in the account you gave of the meeting in St. Mary's.

Very sincerely yours,

Mr. Ernest W. White,
Box 725
St. Mary's, Ont.

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CANADA

123218

E. W. WHITE
P. O. BOX 725
ST. MARYS, ONTARIO
CANADA

ST. MARYS, ONTARIO.

March 9, 1937.

Rt. Hon. Arthur Meighen,

320 Bay Street,

Toronto.

Dear Arthur;-

About a year ago I received from you a copy of " The Greatest Englishman of History " which I indicated at the time would, in due course, be presented to our local literary club. There was an oppartunity a couple of weeks ago under the leadership of two of our Collegiate Institute teachers and accordingly it was splendidly read and a deal of comment made upon it.

With one exception the comment was all of one tenor. As you say in one of your paragraphs, lovers of Shakespeare exhaust the superlatives in describing his works. Others think that they take leave of their senses. Harvey Webster was the one exception. (a son of George Webster of the Mitchell road.) He suggested, in the form of a question, that Shakespeare did not reveal himself in his works, but no one paid the slightest attention to the remark. When the superlatives had reached their deepest depth it looked to me time for a thaw, so I started in calling attention to what Harvey had said; pointing out that certain critics maintained that Shakespeare did not reveal himself in his works---that in one of your paragraphs where you refer to his perfect art in depicting human nature you say he is never guilty of preaching; which indicates that he has no convictions; is just a revealer of humanity. That being the case I called attention to Sir Robert Falconer's foreword where he points out that Arthur Meighen had done more than give us an insight into Shakespeare-- that in doing so he had revealed himself, and in so far as this was true Arthur Meighen was a greater man than Shakespeare. For the criterion of greatness is character--personality-- a personality so strong and constructive that it must break through and reveal itself. To be supreme in merely portraying humanity is not enough to justify the unqualified title of the book.

Well we finally settled our differences by me allowing him to be styled the greatest English Dramatist. Then Miss Snider (our Coll. Inst. English specialist) accused me of splitting hairs-- and arguing a point with as much energy as though I believed what I said. (We are really quite good friends.)

Of course there were other points of attack which you had not failed to indicate, in spite of your superlatives-- but the net result was an interesting and arresting evening. Our whole club were quite enthusiastic over your paper to the extent of leaving for home an hour later than usual. Our library board have secured a copy of the published book and it is now circulating.

Again thanking you for sending me the booklet, I am

Sincerely yours

E. W. White

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CANADA

36 Broad Road. S.
Galt

104

My Dear Arthur -

It was so kind of you to send my husband your address on Shakespeare. We enjoyed it so much and were so pleased to be remembered - by so busy a man as yourself.

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2. I didn't know that you loved the Immortal Bard as you do — and it was a joy to read your essay. Many years ago I started a small club here to read Shakespeare — we have kept it up for twenty-five years — just 18 Bray women — and on the anniversary 23rd April we have a banquet and an evening of comedy and drama — but then our husbands are not invited to see the "old girls" perform — we certainly

3. enjoy the plays both in study and acting. Could I have a few of your B. addresses for our club members? I know they would prize them greatly.

Don't work too hard Arthur — good men are scarce and it is so easy to be too worked these days.

Sincerely your friend
Ethel M. Blake

March - twenty - fourth.

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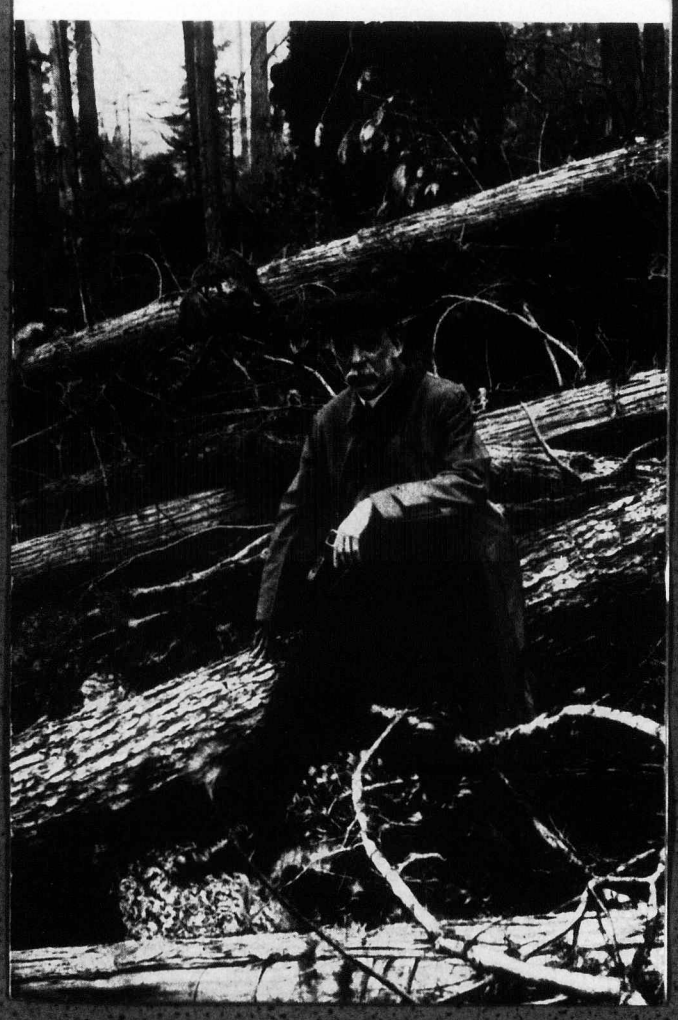
Reaching the
Unreached!

123222



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CANADA

123223

SHANTYMEN'S CHRISTIAN ASSOCIATION

THERE really must be some strong impelling motive in a man's life which would cause him after having enjoyed a lucrative position in a beautiful little country town, and, without any stipulated salary or financial guarantee, to expose himself to the rigours of a northern Ontario climate. Yet this is just what happened a little over a quarter of a century ago.

The late Wm. Henderson, founder of the Shantymen's Christian Association, whose photograph appears on page one, lived in Hespeler, Ontario, where he occupied the position of Superintendent of a large woollen manufactury. Mr. Henderson was deeply versed in the Word of God, and, in addition to teaching others, published "The Faithful Witness," a monthly magazine which afterwards became "The Evangelical Christian," of which Dr. R. V. Bingham is the editor.

Finding, however, as many another man has done, that there is a great tendency to centralize the work of evangelization in well populated areas, which are so easy of access, he had a desire to take the Gospel to those in remote and isolated districts, "for whom nothing is prepared."

With this urge upon him, Mr. Henderson came to Toronto, and, after obtaining the prayerful interest of a few men of like mind, he started out alone with a pack on his back and with abiding faith in God—to visit the men working in the lumber camps of Northern Ontario. From camp to camp he trudged on foot, sometimes through deep snow in zero temperature, and sometimes over frozen lakes, preaching to the men, distributing Gospel portions and other Christian literature, and having personal contacts with many in whose hearts the Spirit of God was creating a desire for eternal things.

Services were usually held in the bunkhouses or dining halls in the evening, after the day's work was done, when the Gospel of the Grace of God was proclaimed, the men joining heartily in singing well known Gospel hymns, not perhaps heard by some of them since their childhood days.

From this small beginning the work soon spread

REACHING THE UNREACHED

123224

to other parts of Canada and also to the United States, and its scope has been extended to reach not only men in lumber camps, but also those in mining, construction and prison camps; residents in remote settlements; neglected children encouraged to memorize Scripture portions; sailors on deep sea vessels and lonely fishermen.

For this purpose branches were established in Victoria and Vancouver, B.C.; Edmonton, Alta.; Fort William, Ont.; Montreal, Que.; St. John, N.B., and St. Louis, Mo.

In 1923 Mr. Henderson began the publication of a monthly paper called, "The Shantyman" which has now a wide circulation, and thousands of copies are distributed free. This paper, in addition to carrying interesting Gospel stories and helpful editorials, gives news of the missionary activities of the Association in all of the above-mentioned fields.

In November, 1924, a great loss was sustained in the death of Mr. Henderson, the founder of the Association; but although God removed His servant, His work still goes on.

The purpose for which this Association was formed and which is still being strictly adhered to, is to "reach the unreached," and to make the Gospel known in otherwise wholly neglected places. The result, in the lives of men, women, and children delivered from the power of sin, has more than justified any personal sacrifice made, or monetary expenditure involved.

Our missionaries go out entirely on a faith basis, without any guarantee as to salary, willing to endure hardships as "good soldiers of Jesus Christ." No collections or solicitations of funds in camps or Gospel meetings are permitted, the Association being supported solely through the voluntary gifts of God's people.

The work of the Association is entirely undenominational in character and its affairs are conducted on the most economic lines, every dollar contributed being made to count for the purpose for which it was given.

The Shantymen's Christian Association is doing

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everything in its power to meet the appalling need which exists in the camps and in the remote parts of our land where no services are held from one year to another, and the Lord has wonderfully blessed its efforts in the conversion of souls, and the restoration of many who had drifted away.

Sample copies of the official paper, "The Shantyman" (subscription price fifty cents a year) will be gladly supplied free on application, together with full information regarding the work.

It is with grateful appreciation that the prayerful and practical support accorded to the Association in the past is now acknowledged; and a continuance of the same helpful and necessary co-operation is earnestly desired.

Below will be found the names of the various branches of the Association.

"There is that scattereth, and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty. The liberal soul shall be made fat; and he that watereth shall be watered also himself." (Prov. 11:24-25).

Shantymen's Christian Association

Head Office: 366 Bay Street, Toronto

BOARD OF DIRECTORS

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Vice-President	A. R. Greene
Secretary-Treasurer	Peter G. Cromar
Deputation Secretary	Rev. Jas. Proudfoot

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123226

Memo to Mr. Meighen:

Re Windsor Uniform:

I told Mr. Hinds you wanted this sent to Prestons for alteration, but believe you wish to speak to him about it first.

E. M. E.

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W. P. O'Meara
260 Metcalfe St.
9/2 - 5820.

123227

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Office of the
Registrar of Companies
Victoria, B.C.

THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

November 14th, 1938.

The Assistant Secretary of State,
Ottawa, Canada.

Dear Sirs:

Re Shantymen's Christian Association.

Will you be so good as to advise me if the application for incorporation of an association under this name has been granted or otherwise finally dealt with. As you are aware, there has been some dispute regarding the right to use the name in British Columbia. I should I think advise you that after a lengthy investigation I came to the conclusion that I should not approve the incorporation of the association here with the same kind of name as the Ontario association unless the Ontario association or its adherents requested the incorporation. There is what I may perhaps describe as a dissident body in Vancouver, which at the same time is actively engaged in the work of the association, and which is carrying on under the same name. I have refused incorporation to it under that name, but stated that I was prepared to approve such a name as, for example, "British Columbia Shantymen's Society". The applicants for incorporation have, however, now withdrawn it.

I am,

Your obedient servant,

(Sgd.) H. G. Garrett.

Registrar of Companies.

HGG/MB

SUPERFINE LINEN RECORD MADE IN CANADA

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COPY

123229

GGB:ES
2147/38

Ottawa, December 7th, 1938.

Sir,

I have your letter of the 26th ultimo with further reference to the petition for incorporation of Shantymen's Christian Association of North America.

In view of conflicting claims which have been submitted by various parties, the Department feels that those most vitally concerned should come to some amicable understanding as to their respective interests. If such an understanding is reached, the Department will be prepared to consider an application for the incorporation of this Association.

Yours very truly,

W. P. J. O'MEARA.

Assistant Under Secretary of State.

G. A. Morgan, Esq.,
Chairman,
Shantymen's Christian Association
of the British Columbia Mainland,
1575 West 11th Avenue,
Vancouver, B.C.

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KODAK SAFETY FILM

123230

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

#30

Shantymen's Christian Association

O'M:ES
2147/38

Ottawa, December 23rd, 1938.

Sir,

I have your letter of the 20th instant submitting various documents and press clippings in connection with the disagreement concerning the right of carriage of a petition for incorporation of Shantymen's Christian Association of North America under Part II of the Companies Act.

I am directed to inform you that the Departmental decision remains as indicated to you in my letter of the 8th instant. I am further directed to point out that this Department has no facilities for investigating the situation sufficiently to reach a satisfactory conclusion as to the merits of the representations made on behalf of and in opposition to the contentions of the petitioners respectively. Accordingly, unless these internal difficulties can be satisfactorily solved, it is apparent that the petition for incorporation presently before the Department cannot be granted at this time.

Yours very truly,

W. A. J. O'Meara

Assistant Under Secretary of State.

William T. Sinclair, Esq., K.C.,
Room 605, Trusts & Guarantee Bldg.,
302 Bay Street,
TORONTO 2, Ontario.

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123231

J.S.GILLIES,
PRESIDENT.

D.A.GILLIES,
VICE-PRESIDENT.

GILLIES BROS. LIMITED.

LUMBER MANUFACTURERS

ESTABLISHED 1873

Braeside, Ont. CANADA. January 7th, 1939.

Mr. W. H. Adamson, President,
Shantymen's Christian Association,
366 Bay Street,
Toronto, 2, Ont.

Dear Sir:-

We note from yours of the 5th January that your missionaries are visiting the camps in Northern Ontario again this year.

We shall be glad to have you visit our camps.

Yours truly,

GILLIES BROS. Limited.

J. A. GILLIES.

JAG:MBA

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123232

J. J. McFADDEN LIMITED

LUMBER MANUFACTURERS

RED AND WHITE PINE LUMBER AND LATH

BLIND RIVER, ONT.
CANADA

9th January, 1939.

Mr. W. H. Adamson,
Pres., Shantymen's Christian Ass'n.,
Toronto, Ontario.

Dear Sir:

Replying your favor 5th January, may say that your representatives are quite welcome to visit our camps.

If they will call at our office here a letter will be furnished them authorizing our camp officials to furnish board and lodging along with any assistance possible.

Yours very truly,

J. J. McFADDEN LIMITED

BY C. E. Jennish

CES/VL

General Manager.

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CANADA

123233

9th January, 1939.

Mr. Ben F. Merwin,
President,
Pineland Timber Company, Ltd.,
SUDBURY, Ont.

Dear Sir:

We very greatly appreciate your letter of the 7th inst. which we are sending to our missionaries now out in northern Ontario and we are thankful for the welcome accorded to them.

You will no doubt be interested in learning that we never take up any collections in the camps, appreciating as we do the privilege of ministering the Gospel to the men "without money and without price."

Yours very truly,

WHA:T

President

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CANADA

123234

Pineland Timber Company, Limited

Sudbury, Ontario

BEN. F. MERWIN
PRESIDENT

January 7th,1939.

Shantymen's Christian Association,
366 Bay Street,
TORONTO 2, Ontario.

Dear Sirs:

In reply to your letter of January 5th. would say that this letter when presented to any of our Sawmill, Depot or Logging Camp offices by any of your representatives will permit them to hold service and take up collection in our camps.

Yours very truly,

Ben F. Merwin

President.

BFM/AS

Trade Mark Registered
PS
MEMBERS OF THE WHITE PINE (PINUS STROBUS) BUREAU

OTTAWA, ONT.

4

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CANADA

123235

13th Jmary, 1939.

Miss Margaret J. Milgau,
BRIGHT, Ont.

Dear Miss Milgau:

I duly received your letter of the 10th inst. which I have read with very great appreciation. To me the story of the origin and growth of the Nootka Mission Hospital was most fascinating and I feel sure that you could not devote your gift to a more worthy cause, and one which would be more warmly appreciated by Dr. McLean and those associated with him.

I do not think it will be necessary for you to see a lawyer but the bonds will require to be transferred from yourself to the "Nootka Missinn General Hospital Association".

I am wondering whether it would be less burdensome for you if I motored up and took you in the car to Woodstock where the transfer could be made, and I could then drive you home. The work connected with the transfer could be done in a very few minutes.

Again expressing gratitude for your gift to the hospital and looking forward to hearing from you at your earliest convenience, I remain,

Yours in the Lord's service,

G

President

WHA:T

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CANADA

123236

Bright, Ont Jan 10th/39

Mr W H Adamson.
366 Bay St. Toronto.

Dear Mr Adamson:-

Thank you for giving such a delightful description of faith in the Shantyman, how Nootka Mission Hospital originated.

I trust you will pardon me coming to you for information - It is this - I have 4000.00 Province of Alberta Bonds - Principal due Oct 1st 1936. Coupons have not been redeemed since Oct 1st 1934 - I should like to turn these Bonds over to Nootka Mission Hospital Will you please advise me - Will I have to go to a lawyer to have this done? Or could I send them to you - They are registered in my name.

I am living in the Country - Our City Woodstock is fifteen miles distance. I would have to get some one to take me there.

Thanking you in anticipation.

Sincerely Yours.

(Miss) Margaret J Milgan.

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CANADA

123237

ABITIBI POWER & PAPER COMPANY, LIMITED
G. T. CLARKSON, RECEIVER & MANAGER

SAULT STE. MARIE DIVISION

File L-1-2 (M)
SAULT STE. MARIE, ONT.

January 13th, 1938

Mr. W. H. Adamson,
Shantymen's Christian Assn.,
366 Bay Street,
Toronto 2, Ontario.

Dear Sir:

We have your letter of January 10th.

We will be pleased to arrange for your missionaries to visit our camps whenever it is convenient for them to do so, if you will advise us.

Yours very truly,

ABITIBI POWER & PAPER COMPANY LIMITED
G.T.CLARKSON - RECEIVER & MANAGER

By: J. A. Eggleton

TAS/HM.

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CANADA

123238

Pineland Timber Company, Limited

Sudbury, Ontario

BEN. F. MERWIN
PRESIDENT

January 14th,1938.

Mr.W.H.Adamson, Pres.,
Shantymen's Christian Association,
366 Bay Street,
TORONTO 2, Ontario.

Dear Sir:

In reply to your letter of January 10th. would say that I am enclosing a letter which will permit your missionaries to enter our Camps this winter when presented at the Camp and proper identification is given.

Yours very truly,

President.

BFM/AS
Encl.

Trade Mark Registered
PS
MEMBERS OF THE WHITE PINE (PINUS STROBUS) BUREAU

OTTAWA, ONT.

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CANADA

123239

Pineland Timber Company, Limited

Sudbury, Ontario

BEN. F. MERWIN
PRESIDENT

January 14th,1938.

To All Foremen:

This will be your authority to allow the bearer who is a representative of the Shantymen's Christian Association to hold services in your Camp during the winter of 1938.

Yours very truly,

President.

BFM/AS

Trade Mark Registered
PS
MEMBERS OF THE WHITE PINE (PINUS STROBUS) BUREAU

OTTAWA, ONT.

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CANADA

123240

17th January, 1939.

Miss Margaret J. Milgau,
BRIGHT, Ont.

Dear Miss Milgau:

I have your letter of the 16th inst. and it is most considerate of you, in view of the bad roads and uncertain weather, to suggest completing the matter of the transfer of the bonds to the Nootka Mission General Hospital Association without the necessity of my going to Bright.

I do not, of course, know what disposition the Hospital authorities would make of the bonds when they are in a position to deal with them. They might decide to keep them for the present in the hope that in the near future they might appreciate in value, or they might decide to sell them.

If the latter, they could be more easily handled in Toronto than in Geepeecee, B.C., where the Hospital is located, which is a considerable distance up the Island from Victoria; and therefore I suggest that they be registered in the name of "The Shantymen's Christian Association in trust for the Nootka Mission General Hospital Association." If the decision were to hold them then they could be easily transferred directly to the Hospital Association by the S. C. A. through the Imperial Bank here which is the transfer agent for the province of Alberta. but if they were to be sold, Toronto would be perhaps the best market.
This suggestion is for your consideration and decision, and for the purpose of transfer I enclose a power of attorney filled out as I have suggested together with another form in blank.

I presume the bonds are deposited with your Bank in Woodstock and their signature will be required upon the power of attorney.

Again expressing my appreciation of your generous gift to the Hospital which, as you know, is in affiliation with the S. C. A., I remain,

Yours in the Lord's service,

a

WHA:T President

P.S. When the form of the power of attorney has been completed it should be sent here, together with the bonds in a registered letter.

a

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120241

Bright. Ont. Jan 16th/39

Mr W H Adamson,
366 Bay, St. Toronto, Ont.

Dear Mr Adamson:-

Your letter of the 13th inst received. Thank you in replying so promptly. It was very kind and thoughtful to suggest to motor up and take me to Woodstock - I do appreciate the offer. However looking at it from my point of view - it would be very inconsiderate of me to let you do this - If it were only a short distance - but over 150 miles is rather far at this season of year when roads and weather are so uncertain. I may have opportunity shortly to go with my nieces husband.

After I have bonds transferred to the "Mottka Mission General Hospital Association" should I have them registered in the hospital name - Also please state if I should send funds to you - or direct there - looking forward to hearing from you. - I remain,

Yours in this glad service,
Margaret J Milgan.

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CANADA

123242

30-8

Re Shantymen's Association

STATEMENT OF DOCUMENTS ACCOMPANYING LETTER DATED 25th JANUARY, 1939

OF W. H. ADAMSON, PRESIDENT, TO RIGHT HON. ARTHUR MEIGHEN

------- oOo -------

1. Copy of letter, dated 20th December, 1938 from W. T. Sinclair to W. P. O'Meara, Department of Secretary of State, Ottawa, Ont.

2. Copy of letter, dated 2nd November, 1938, from W. H. Adamson to H. G. Garrett, Registrar of Companies, Victoria, B.C.

3. Copy of Mr. Adamson's Report of March 1938 to the Board of Directors of the Shantymen's Christian Association after his return from Vancouver, B.C.

4. Copy of Mr. Adamson's letter, dated 8th April 1938, to Mr. Gordon A. Morgan, Vancouver, B.C.

5. Copy of Mr. Adamson's letter to W. T. Sinclair, dated 6th December, 1938.

6. Copy of Mr. Adamson's letter to W. T. Sinclair, dated 12th December, 1938.

7. Clippings from "The B. C. Shantyman"

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123243

20th December, 1938.

Attention Mr. W. P. O'Meara,
Department of the Secretary of State,
Ottawa, Ontario.

Dear Sirs:

Re Shantymen's Christian Association
of North America
Refer to GGB:AO - 2147/38

Referring to the letter of the 12th ultimo from Mr. G. G. Beckett of the Department of Secretary of State, Ottawa, regarding the above matter and the later communication of the 8th inst. from Mr. W. P. O'Meara, on the same subject, I beg to say that both these letters were submitted by me to Mr. W. H. Adamson, President of the Shantymen's Christian Association, and I now beg to enclose his reply along with papers which he has sent to me in support of the Association's application for a Dominion Charter, namely:-

1. Copy of letter dated 2nd November, 1938, from W. H. Adamson to H. G. Garrett, Registrar of Companies, Victoria, B.C.

2. Copy of Mr. Adamson's Report of March 1938 to the Board of Directors of the Shantymen's Christian Association after his return from Vancouver, B.C.

3. Copy of Mr. Adamson's letter, dated 8th April 1938, to Mr. Gordon A. Morgan, Vancouver, B.C.

4. Mr. Adamson's letter to W. T. Sinclair, dated 6th December, 1938.

5. Mr. Adamson's letter to W. T. Sinclair, dated 12th December, 1938.

These papers deal very fully with the opposition which Mr. G. A. Morgan is exhibiting towards the granting of the Charter to the Shantymen's Christian Association, and as they speak for themselves I do not feel that there is any need for added comment on my part.

In order, however, that you may be in possession of fuller information on the subject I am enclosing also the following clippings from "The B. C. Shantyman" of which Mr. G. A. Morgan is the Editor, namely, August 1934; February, April, and Christmas 1935; August 1937;

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KODAK SAFETY FILM

123244

Mr. W. P. O'Meara 20th December, 1938.

January, April, November, and December 1938. From an examination of these clippings it will be clearly seen that they contain decidedly contradictory statements. For example; in the August 1934 issue it is stated that the Head Office of the Shantymen's Christian Association is in Toronto and the names of the Toronto Directors are given. In that same issue the Vancouver Branch is referred to as "B. C. Mainland Division, 1575 W. 11th Avenue, Vancouver" with the Directors' names following.

In February 1935, the official statement is headed "Shantymen's Christian Association" but the names of the Toronto Directors are omitted. Then, where the previous clipping stated "B. C. Mainland Division" it is changed to Vancouver Committee.

The April 1935 number is headed "Shantymen's Christian Associati n B. C. Mainland" and where in the previous issue "Vancouver Committee" appears the word "Committee" now only is given.

In the August 1937 issue the clipping is headed "Shantymen's Christian Association, Head Office 1575 W. 11th Avenue" (Mr. G. A. Morgan's private address) and where "Committee" appeared in the clipping previously referred to, the word "Directorate" appears.

In the January 1938 Clipping the heading is "Shantymen's Christian Association of the B. C. Mainland (Founded in 1919)".

In December 1938 the heading reads as follows: "Shantymen's Christian Association of British Columbia (Exclusive of Vancouver Island), (Founded in 1919), 1575 W. 11th Avenue, Vancouver."

These changes evidently were made by Mr. Morgan in an effort to create the appearance of an independent status for the British Columbia Branch. In other words, the varied announcements clearly show the gradual process by which Mr. Morgan sought to change the status of the work from a Branch of the Shantymen's Christian Association with Head Office in Toronto to an Association with Head Office in Vancouver, and having no connection whatever with the parent organization in Toronto.

Mr. Adamson informs me that these changes were entirely unauthorized by the Toronto Directors and were made under strong protest from the other members of the Vancouver Committee.

In Mr. Adamson's letter to me of the 6th inst., he briefly commented upon the Rev. J. McCormick's letter of the 21st October, but there is one statement in that letter to which I now desire to refer. Mr. McCormick says that the application "is for the sole purpose ofrrobbing those faithful people in British Columbia (meaning Mr. Morgan and his present Associates) who are carrying on the work of the British Columbia Shantymen's Christian Association of the use of the name." It is quite apparent that the very reverse of this is the case: it is, in fact, Mr. Morgan who is seeking to deprive the Shantymen's Christian Association with Head Office in Toronto of the name which belongs to it and which it has been continuously using for the past thirty years.

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123245

Mr. W. P. O'Meara 20th December, 1938.

Mr. Adamson further states that as between the Board of Directors at the Head Office in Toronto and the Committee members of the Association's Branches, in Brookfield, N.S., St. John, N.B., Montreal Que., Fort William, Ont., Edmonton, Alta., Victoria, B.C., St. Louis, Mo., and in other places, there is the most perfect harmony and whole-hearted co-operation and, indeed, also in Vancouver with the single exception of the circumstance Mr. G. A. Morgan has created.

It seems to me, therefore, that it would be a matter of grave injustice if one man were permitted to frustrate the granting of the present application to an organization that has been successfully operating for more than thirty years.

If there are any special points upon which you require further information, we shall be glad, as Mr. Adamson has said, to comply with your request.

As in many matters that have been thrust into the realm of controversy, some officer will feel constrained to devote special time and care to deal justly with the problem in hand. The Board of the Shantymen's Christian Association earnestly hopes that the Department of State will not become wearied in extending the effort the present circumstances demand.

Trusting to hear from you at your early convenience, I remain,

Yours sincerely,

(Signed) W. T. SINCLAIR

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123246

2nd November, 1938.

Mr. H. G. Garrett,
Registrar of Companies,
VICTORIA, B.C.

Dear Sir:

Your letter of the 30th September was before our Directors at their meeting on Tuesday, 25th ultimo, and after discussion I was instructed by the Board to reply to the various points upon which you have asked for information.

At the outset I observe that you specifically refer to a British Columbia Shantymen's Christian Association and I desire to state most emphatically that no such organization exists, or ever has existed. The only Shantymen's Christian Association operating in British Columbia is the one of which I am President with Head Office in Toronto with its two Branches in British Columbia - one under the direction of a local Committee in Victoria and the other under the direction of a similar Committee in Vancouver. These Branches have been in existence for nearly twenty years and during that time there has been no change whatever in the status of either Branch or of the relation existing between them and the Head Office.

You further say that you understand the Association formed in British Columbia "ceased to function in 1932 but was revived in 1934" quite independently of the Head Office here in Toronto. In answer to this I would state that the information upon which you base your understanding is not in accordance with the facts as may readily be seen even from the quotation from Mr. Morgan's letter of 31st May, 1934 now in your possession, as well as from the clipping from the January 1935 issue of "The B. C. Shantyman" also enclosed in my letter to you of the 1st September last. Mr. Morgan there states:

> "We recognise, of course, that such a step as this, to be properly taken and effectively carried out, requires the endorsation and moral support of you brethren at Toronto...
>
> "We propose to have on Page 3, Column 1, the present advertisement of the Shantymen's Christian Association of Canada, showing Toronto as the Head Office, and listing all the Canadian Directors, as in the present 'Shantyman', thus keeping before all into whose hands it may come, the fact that ours is a Dominion-

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Mr. H. G. Garrett 2nd November, 1938.

wide organization. We felt also that it would be in the interests of the Canadian-wide Shantymen's Christian Association that this paper be recognised readily and without the least possible misunderstanding on the part of its readers as being merely the organ of the B. C. Branch of the Association."

There is also additional proof that no such change as that referred to in your letter ever took place, in the fact that in my interview with Mr. Morgan in his office in Vancouver in March last, he never once hinted at any occurrence other than the resignation of the five members of the Committee.

The only organization in existence in British Columbia in 1932 or indeed at any time, is the one to which I have already referred respecting the two B. C. Branches mentioned.

With regard to such assistance as may be given by the Association to any of its Branches, I beg to state that all Branches are furnished monthly with hundreds of copies of our official paper, "The Shantyman" for use in their respective territories and also these Branches have frequently been visited by representatives of the Association from Toronto for the purpose of giving them guidance and assistance in carrying on the work in their respective districts - all without any cost whatever to the Branches. The result of these visits has been to create in the communities concerned a deeper interest in the work, thus reflecting itself in increased financial support towards the local work. Furthermore, the columns of "The Shantyman" have always been open to all Branches for reports from their missionaries and for the publication of local incidents of interest to the readers.

A few days ago we received copy of a letter recently addressed to you and signed by several members of our Branch in Vancouver from which you will see that the relation of that Branch with the Head Office has never been changed, nor the harmonious spirit of co-operation disturbed notwithstanding the evident determination of one member of the Committee to dominate and control the Branch and to sever its connection with the Head Office. It was this subversive effort that led the members of the Committee on 25th March last to send their resignation to Toronto realizing, as they did, the difficulty of continuing longer to work in harmony with the member referred to and they hoped thereby to bring the issues into the open. The resignation of these members, however, was never accepted by the Directors.

Realizing the serious situation existing in Vancouver, at the request of our Directors, I, as President, visited that city in March last, and while not wishing to burden you with a mass of unnecessary detail, I think it well, in order that you may be the better informed, to send you herewith a copy of my report of March 1938 to the Board on returning to Toronto; and a copy of a letter written by me to Mr. Morgan before my return, dated 8th April last.

In answer to your question concerning "prerogatives of control" exercised by the Head Office over the Branches, I beg to say that the local Committees of the Association have always been granted authority to appoint and give direction to their own missionaries and to interest people in their respective territories who are in sympathy with the objects of the Association to con-

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Mr. H. G. Garrett 2nd November, 1938.

tribute towards the support of the Branch.

If, however, at any time, it should be discovered that a Committee ceased to conduct the affairs of the Branch in accord with the principles and policy of the Association the Head Office would, of course, see that any such adverse situation would be immediately corrected.

Now while it may not be entirely relevant to the matter at present under consideration, it will, I trust, be of interest to you to know that the relations existing between the various Branches of the Association and the Head Office have always been of the most cordial character, with the single exception of Vancouver and for the reasons above generally outlined.

With the evidence now before you, our Directors feel that it is only reasonable for them to expect that you will formally remove any barrier at present existing in your Department to our obtaining, without further delay, the Dominion Charter applied for by us; and in expressing this hope, I would add that should the Charter be granted,- as we have every expectation it will be - we shall not relax our efforts to bring about a peaceful adjustment of the regrettable situation that has arisen in the Vancouver Committee in order that the work may continue with renewed impetus and in harmony with the spirit that should characterize a Christian institution.

Yours very truly,

(Signed) W. H. ADAMSON

WHA:T President

P.S. In addition to the quotation from Mr. Morgan's letter of 31st May, 1934, inserted above, I think it well to give you another excerpt from the same communication regarding the publication of the "B.C. Shantyman" in view of the reference made to that subject by the members of the Vancouver Committee in their letter to you of 22nd October.

> "Two friends of the work, who have always been prayer helpers and financial supporters of our work, have guaranteed to the Vancouver Committee the financial cost of getting out the first two thousand copies, monthly, of a "B. C. Shantyman" paper. At first thought, we felt that the interest and enthusiasm of these two brethren ought to be directed towards the maintenance of our present paper, the financial burden of which has already been in our thoughts as the result of your recent appeal."

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123249

COPY OF PRESIDENT'S REPORT TO THE BOARD

AFTER RETURNING FROM VANCOUVER

MARCH, 1938

Arrived at Vancouver 9 a.m., 29th March. Saw Mr. Willington, Chairman, who said there would be a meeting at Mr. Elder's (a former member of the Committee) at 8.00 p.m.

Met Mr. Morgan in the Telephone office at 2.30 p.m. Told him that the other members were arranging a meeting at Mr. Elder's that evening, and asked him would he attend. "No," they had resigned and there was nothing to be gained by a meeting. I asked would he attend an informal meeting on that evening. "No," he was engaged. Would he attend any other evening? "No," he had engagements and in any case it would be of no use. He was now the Chairman, and they had resigned. I asked were all the others wrong. He said the trouble began with one person and if he had resigned they might have got along. He, Morgan, was doing the work and they were imposing on the willing horse. The Board was the poorest they had ever had. They did not attend prayer meetings and took no initiative. I told him of the happy fellowship we had with all our other Committees and that Vancouver was the only one where we had any trouble, that very early he had sought to ignore connection with Toronto and had changed the first column of page three of "The B. C. Shantyman" by leaving out the names of Toronto Directors. He said that was for lack of space. I asked him if the five members who resigned were all Christians. He replied, "Oh, yes." I said, "Don't you know that you are going to live with them in Heaven for ever? Why not be friends with them now?"

I then told him I had a proposal to put before the meeting which I hoped would be adopted and that I wanted him to be present, but again he declined.

I asked him how Committee members were elected. He replied they were not elected - just appointed. I asked who appointed the four missionaries (apparently only one according to the next issue of "The B. C. Shantyman"). He said the members of the Committee (himself and his brother).

He stated I had come to Vancouver at the request of the resigned members. I said that was not true, that my coming was, I believed, a complete surprise to them.

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He then referred to the Gough matter and said he should not have written a letter agreeing to the settlement. If he had taken time to think it over he would not have done so. I said "But you promised and did not keep your promise." Finding I could not make any headway with him, I left, having talked with him for at least an hour over the counter in the telephone office.

At a very happy meeting that evening at Mr. Elder's with a number of interested friends of the S. C. A., including the five members of the Committee, the proposal to obtain a Dominion Charter was heartily approved, and the next morning I left for Victoria to inform the Registrar of Companies for the province of British Columbia of our intention of procuring a Dominion Charter and requesting that in the meantime the name of the Association be held for us in the event of any application being made by anyone for a Provincial Charter. This promise I obtained.

Returned to Vancouver for another meeting on 31st March which was held at Mr. McGlashan's residence.

On my way back to Toronto, via the U. S. A., I thought it well to place on record with Mr. Morgan the reason for my coming to Vancouver and to give him a copy of the memorandum I had prepared and which I read to the meeting at Mr. Elder's. I therefore wrote to him from Pasadena on the 8th April a letter of which the following is a copy.

(Signed) W. H. ADAMSON

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COPY OF LETTER FROM W. H. ADAMSON TO G. A. MORGAN

123251

262 San Rafael Ave.,
Pasadena, Calif.
En route to Toronto
8th April, 1938.

Mr. Gordan A. Morgan,
1575 W. 11th Ave.,
Vancouver, B.C.

Dear Brother Morgan:

Referring to our interview on Tuesday the 29th ulto., I regret that you declined to meet with the other members of the B. C. Committee and myself as suggested by me, as I wanted to read to all a memorandum I had written showing the object of my visit to Vancouver just at this time. At the meeting held that evening at Mr. Elder's residence I read this memorandum to those present, and for your information I now give it hereunder:

"Upon receiving word of the trouble existing in the Vancouver Mainland Committee, I immediately called a special meeting of the Board of Directors for Monday afternoon the 21st, all Toronto members being present except Mr. McLean now out doing missionary work and Mr. Proudfoot confined to his house through illness.

"As you all know, it has never been the practice of the Toronto Board to interfere with local Committees in the administration of their affairs, so long as they are being carried on in harmony with the policy of the Association; but as it was considered that the serious situation which had developed in Vancouver would not only affect the local work but also the work as a whole, the Directors wished me to come and confer personally with you, as they felt that the matter could not be satisfactorily dealt with by correspondence.

"And I am here to-day, Brethren, without any instructions from my Board of Directors as to the course I should pursue, but with their promised daily prayers for God's guidance as we confer together.

"Let me say at the outset that I have not come to find fault, or to endeavour to see the blame fastened upon any particular one, or more than one member of your Committee, but rather to seek a way by which harmony might be restored, and the important work in which we are all engaged, be not hindered.

"If it should be found possible (and it should be) to do this without going over in detail the failures of the past, and attributing them to certain individuals (which would be almost sure to engender bad feeling); but by the more constructive way of endeavouring to find from God's Word how the work should be carried on in the future, then that is the course we should follow.

"Let us therefore first consider some of the conditions which are essential to the successful carrying on of the work of a Committee or Board of Directors.

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"First of all there must be harmony, for no spiritual work can prosper under any other circumstances. There may be at times differences of opinion; but these may always be reconciled through prayer and conference together. The Word of God says, 'Be of one mind', and this instruction would not have been given if it were impossible of fulfillment.

"Now let me quote a few passages bearing on this subject:- 'Walk in love, as Christ also hath loved us'. 'Be kindly affectioned one to another, with brotherly love; in honour preferring one another'. 'Be of one mind, live in peace'. Then we are admonished to 'Let nothing be done through strife or vainglory; but in lowliness of mind let each esteem others better than themselves'.

"Many other passages might be quoted, but these will suffice to show how the Lord's work should be conducted.

"Under such circumstances, no one member or more would seek to act contrary to the judgment of the whole, and any differences of opinion that might exist would speedily be reconciled.

"Now, if we are willing to acknowledge before God our shortcomings in the past and determine by His grace to 'Let all bitterness and wrath and anger and clamour and evilspeaking be put away with all malice; and be kindly affectioned one to another, tender-hearted, forgiving one another even as God, for Christ's sake, hath forgiven us', then let us forget the past and seek to carry out the will of God in our relation to Him and to one another. Then the work will go forward with a new impetus, and we shall all enjoy His richest blessing in happy fellowship together.

"Are we one and all agreed thus far? If so, we can proceed to consider in detail how the difficulties of the past may be avoided in the future".

Having now exhausted all means of bringing about a reconciliation between you and the other members of the Committee, because of your decision not to meet them with myself, I can only report the situation thus created to the Board upon my return to Toronto.

Yours in the Lord's service,

(Signed) W. H. ADAMSON (signed)

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123253

6th December, 1938.

W. T. Sinclair, Esq., K.C.,
302 Bay Street,
TORONTO.

Dear Mr. Sinclair:

I have to thank you for letting me see the letter dated 12th ultimo from Mr. G. G. Beckett of the Department of Secretary of State, Ottawa, in connection with our application for a Dominion Charter, together with the two enclosures, namely, letters from Mr. G. A. Morgan of Vancouver of 25th October and Rev. J. M. McCormick of Endako, B.C. of the 21st. It was most courteous of Mr. Beckett to comply with your request for copies of these letters.

In your letter of the 7th ultimo to the Department there is an inadvertence which it would be best to clear up so as to avoid any possible misunderstanding. In the letter it states that this Association has been in existence for nearly twenty years. It is the two Branches in British Columbia which have been established for nearly twenty years; the Shantymen's Christian Association was founded just thirty years ago.

In 1910 Mr. Wm. Henderson, founder of the Shantymen's Christian Association, with Head Office in Toronto, went to British Columbia, and, accompanied by two missionaries from Toronto, established two Branches of the Association in that Province, one Branch in Victoria, and the other in Vancouver. These are usually referred to as the Vancouver Island Branch and the British Columbia Mainland Branch. Since that time there has been no change in the status of either.

In this connection it may be noted that as late as August 1934 "The B. C. Shantyman", of which Mr. Morgan is Editor, carries on page 3, column 1, the following statement:

"The Shantymen's Christian Association
Founded in 1908
Incorporated in 1912
(Founder, William Henderson)
Board of Directors
(names given)

B. C. Mainland Division
1575 W. 11th Ave., Vancouver,
Board of Directors
(names given)"

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123254

W. T. Sinclair, Esq., 6th December, 1938.

Here is definite declaration of the fact of the origin of the Association and its relationship to the B. C. Mainland Branch.

Now, with regard to the two letters to the Department of State referred to above, it is regretable that in Mr. Morgan's letter there are several statements that are not in accordance with the facts, and indeed are misleading.

In his correspondence Mr. Morgan states that "last March five of our members resigned leaving six to carry on." This is not correct. There were at that time but seven members of the British Columbia Committee and when the five members submitted their resignations there were only two members left, namely, Mr. G. A. Morgan and his brother. There were, therefore, not, as Mr. Morgan says, six left, but only two. This fact has been confirmed by a recent letter received from the Chairman of the British Columbia Mainland Branch, Mr. David Willington.

Mr. Morgan then makes the following statement:

> "As soon as the Ontario Society heard about it (the resignations referred to) they sent out a man with authority to appoint those five as their representatives, which he did, without conferring with us beforehand or notifying us afterwards."

In answer to this I may say that, as President of this Association, I was sent to Vancouver by the Board of Directors to ascertain what the facts were and to see if the existing difficulties could be satisfactorily adjusted. I was not authorised to appoint "those five" or any others as the Association's representatives, nor, as a matter of fact, did I make any such appointment. I could not have taken such a course because the Board in Toronto had not accepted the proffered resignations of the five members of the British Columbia Committee. I did not even approve Mr. G. A. Morgan and his brother as members of the Vancouver Committee but I invited the former to meet with the five members whose resignations had not been accepted in Toronto. Mr. Morgan, however, declined to attend the meeting and I therefore conferred informally with the other members.

Mr. Morgan's contention that the British Columbia Mainland Branch of the Shantymen's Christian Association is a separate organization with independent interests and no connection whatever with the Head Office in Toronto is not correct. If there be no connection with Toronto why does Mr. Morgan himself complain that he was neither conferred with before nor notified afterwards of the alleged action of the Toronto Board? Mr. Morgan only came into relationship with the work of the Shantymen's Christian Association in British Columbia several years after this Branch was established by its founder, Mr. Henderson.

Again, Mr. Morgan refers to what he considers the unsoundness of the principle underlying the establishment of the Association in one province and having Branches in another. This, of course, is a common and well-approved practice, both in public and private organizations. One has only to recall such examples as, say, the Bank of Montreal with Head Office in the province of Quebec having Branches in British Columbia and other provinces. Had the founder, Mr. Henderson, not had a vision for Canada

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W. T. Sinclair, Esq., 6th December, 1938.

as a whole the British Columbia Branch, as constituted, would not have been created.

Mr. Morgan concludes his letter by saying that:

> "no exclusive right should be granted to one organization to do missionary work among the Shantymen in the various provinces."

With this statement we are in full accord; we have neither sought nor coveted any exclusive right and certainly no application for such has been made or contemplated. Various religious organizations have exercised the same kinds of rights and often the Shantymen's Christian Association has heartily co-operated with them in field work in the interest of harmony and efficiency.

We do, however, contend that the word "Shantymen" as employed by us and under which we have carried on Christian work for the past thirty years, should be reserved to us. The word as employed has really become a "password" for our missionaries into lumber, mining, and construction camps and enquiry would prove beyond all doubt that representatives of this Association are widely and favourably known.

With respect to the letter of the Rev. J. McCormick, there is really nothing in it that calls for comment except perhaps the rather challenging statement he makes to the effect that the five men who resigned are "people of no substance or standing." They may not have much of this world's wealth or, like Mr. Morgan, occupy - as Mr. McCormick says - "a lucrative position in one of the largest business organizations in British Columbia." But they are, nevertheless, men of outstanding integrity and Christian influence in their communities. We know that the Lord is no respecter of persons.

I think it would be well that the Department of the Secretary of State at Ottawa be furnished with copies of the following documents:

1. Copy of my report to the Board of Directors, Toronto, dated March 1938.
2. Copy of my letter to Mr. Morgan, dated 8th April, 1938.
3. Copy of my letter to Mr. H. G. Garrett, Registrar of Companies, Victoria, B.C., dated 2nd November, 1938.

We have been informed by Mr. H. G. Garrett, Registrar of Companies, Victoria, B.C., in a letter dated 14th ultimo, that Mr. Morgan has withdrawn his application for a Provincial Charter for the "B.C. Shantymen's Association".

These papers will, I believe, show clearly the purpose we have in view in applying for our Dominion Charter, and we feel justified in hoping that after the Department has had time to consider the information in its possession, it will readily grant our reasonable request.

Yours very truly,

(Signed) W. H. ADAMSON

WHA:T President

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 194)

PUBLIC ARCHIVES
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CANADA

123256

12th December, 1938.

W. T. Sinclair, Esq., K.C.,
302 Bay Street,
TORONTO.

Dear Mr. Sinclair:

Matters relating to the application of the Shantymen's Christian Association for Dominion Charter have by no means been neglected.

Following instructions from the Board, the enclosed letter under date of 6th December was written before you informed me of the receipt by you of the Department's letter of the 8th and only awaited the concurrence of two members of the Special Committee dealing with some of these matters. I make this explanation because I am now sending you this letter which ordinarily would have reached you before the Department's letter.

Inasmuch as Mr. G. A. Morgan has now withdrawn his application to the British Columbia Registrar of Companies for a Provincial Charter, it seems that the letter to you now enclosed sufficiently clears away the difficulties to permit the Department of State at Ottawa to grant our request. If this be not so, perhaps the Department would be good enough to specifically state the difficulty or difficulties which they still wish removed.

It has been recommended that perhaps a personal conference at Ottawa with the Department officials would readily dispose of any difficulties yet remaining.

In view of all the circumstances, the Board of Directors feel that it is not right that one man should continue to obstruct after his representations have been shown to be so contrary to the facts of the case.

Sincerely yours,

(Signed) W. H. Adamson

WHA:T

President

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 194)

PUBLIC ARCHIVES
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CANADA

1.

O.K.

The Shantymen's Christian Association

Founded in 1908.
Incorporated in 1912.
(*Founder, William Henderson*)

HEAD OFFICE - TORONTO

An Association of Christian men engaged in carrying the Gospel to Lumber and Construction Camps, Mines and Rural Communities, all over the Continent, and to men in our deep sea vessels—without hope of material gain.

BOARD OF DIRECTORS

President—W. H. Adamson.
Vice-President—A. R. Greene.
Secretary-Treasurer—William Fenton.
Acting Superintendent—J. Proudfoot.
ST. JOHN—J. F. Bullock.
MONTREAL—G. A. Holland, H. Stewart, H. G. Foreman.
TORONTO—John Wickson, A. V. White, P. G. Cromar, Miss A. Moffat, R. Wightman, John Marks, D. McLean, Rev. J. F. Anderson, Dr. H. S. Bliss, W. A. Carman.
HAMILTON—Rev. I. H. Pritchard.
NORTH BAY—John Brown.
FORT WILLIAM—A. McDonald, W. A. Lowe.
WINNIPEG—S. M. Battram.
EDMONTON—Mr. and Mrs. R. L. Greene.
VANCOUVER—David McGlashan, W. W. Elder, Gordon Morgan.
VICTORIA—J. S. Whiting.

DOCTRINAL BASIS

1. The inspiration and absolute authority of the Word of God.
2. The Trinity.
3. The fall of man, and his need of regeneration.
4. The atonement through the death and resurrection of our Lord Jesus Christ.
5. The eternal life of the saved, and the eternal punishment of the lost.
6. The hope of personal return of the Lord Jesus Christ.

WORKING BASIS

1. No income is guaranteed to any individual, but funds are sent to workers as God supplies, and according to their needs.
2. Dependence is expected to be on God alone for temporal supplies.
3. The Association does not incur debts.
4. The Association does not take up collections in camps, nor does it countenance personal solicitation for funds by its missionaries.

B.C. Mainland Division

1575 West 11th Avenue, Vancouver.

This O.K.

BOARD OF DIRECTORS

E. H. Rowe, *Chairman.*
Gordon Morgan, *Secretary-Treasurer.*
David McGlashan
W. W. Elder
Rev. D. McDougall
Wm. Alexander
Max A. Timms
Pat. Carroll
H. Parsons
Thomas Braidwood
David Willington
Miss B. Keeping
Mrs. R. A. Suddaby

MISSIONARIES IN THE FIELD

HARRY B. JEFFRIES AND JAMES RUSSELL—at present on the North Thompon district, working out from Mount Olie as a base.
LAWRENCE HILL—visiting deep sea vessels in Vancouver harbor.
R. CHORLTON AND COLIN BUCKLEY visiting Relief Camps from Hope to Revelstoke, and in the Nicola Valley.

PREACHING STATIONS

(Regular Gospel services are maintained by members of the Vancouver Committee at the following points, in districts otherwise without a Gospel testimony).

GIFFORD—1st and 3rd Sundays at 2 p.m. in Glenmore Schoolhouse, by Mr. Alexander and Mrs. Suddaby.
KILGARD—2nd and 4th Sundays at 7:30 p.m. in Kilgard Schoolhouse, by Mr. Alexander, Mr. Morgan, Miss Keeping and Mrs. Suddaby.
PITT LAKE—1st and 3rd Sundays at 2:30 p.m. in Mennonite Schoolhouse, by Mr. McGlashan and Mr. Braidwood.
PITT MEADOWS—2nd and 4th Sundays at 2:30 p.m. in No. 2 Schoolhouse, by Messrs. McGlashan, Parsons and Willington.
RIDGEDALE—1st and 3rd Sundays at 2:30 p.m. in Community Hall, by Mr. Morgan.
STRAITON—2nd and 4th Sundays at 3 p.m. in Straiton Schoolhouse, by Mr. Alexander, Mr. Morgan, Mrs. Suddaby and Miss Keeping.
YENNADON—1st and 3rd Sundays at 2 p.m. for children and at 3 p.m. for adults, in Community Church Building, by Messrs. Parsons and Willington.

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2.

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Head office dropped

Shantymen's Christian Association

This work, though now permanently known under the Eastern name, is entirely a B. C. Mission, directed by a Committee of Vancouver Christian business men and women, and is wholly dependent for financial support upon the Christian people of this Province.

In 1908 Wm. Henderson, a Christian man of Toronto, realized the need of the men isolated in the northern woods of Ontario during the winter months while engaged in the lumber industry, and all alone he undertook to take the Gospel to them. These lumbermen living in "shanties" (shacks or bunk-houses we call them in B. C.) are known in the East as "shantymen," and Mr. Henderson's work, when it reached the organization stage, was called the "Shantymen's Christian Association." It was formed of Christian people desirous of sending the Gospel to the lumber and construction camps, mines and rural communities.

In 1919 Mr. Henderson came out West on a visit to some friends to Vancouver, and while here interested them in what was being done in Ontario. The idea caught, and Mr. Henderson, accompanied by two Christian men of this city, set out on what they quite appropriately called a "shantymen's" trip to some of the lumber camps in the province. A great spiritual need was realized, and that trip saw the commencement in British Columbia of this form of pioneer Gospel work, which since then has been carried on continuously with varying degrees of activity.

The eastern term stuck, and it is not unfortunate that it did, as it links the present activities with their obscure beginning, and memorializes the quiet visit in 1919 of that man of God whose zeal in the Gospel was the means of commencing in this province a work now permanently known as the Shantymen's Mission.

DOCTRINAL BASIS

1. The inspiration and absolute authority of the Word of God.
2. The Trinity.
3. The fall of man, and his need of regeneration.
4. The atonement through the death and resurrection of our Lord Jesus Christ.
5. The eternal life of the saved, and the eternal punishment of the lost.
6. The hope of personal return of the Lord Jesus Christ.

WORKING BASIS

1. No income is guaranteed to any individual, but funds are sent to workers as God supplies, and according to their needs.
2. Dependence is expected to be on God alone for temporal supplies.
3. The Association does not incur debts.
4. The Association does not take up collections in camps, nor does it countenance personal solicitation for funds by its missionaries.

Vancouver Committee

A new name used

David McGlashan, *Chairman.*
Gordon Morgan, *Secretary-Treasurer.*
1575 West 11th Avenue, Vancouver.

E. H. Rowe
W. W. Elder
Rev. D. McDougall
Wm. Alexander
Max A. Timms
Pat. Carroll
H. Parsons
Thomas Braidwood
David Willington
T. Lockhart Smythe
Miss B. Keeping
Mrs. R. A. Suddaby
Mrs. A. J. McWilliams

MISSIONARIES

R. CHORLTON AND JAMES RUSSELL—in Lower Fraser Valley.
LAWRENCE HILL—Deep sea vessels in Vancouver harbor.
HARRY B. JEFFRIES—On leave of absence.

PREACHING STATIONS

(Regular Gospel services are maintained by members of the Vancouver Committee at the following points, in districts otherwise without a Gospel testimony).

GIFFORD—1st and 3rd Sundays at 2 p.m. in Glenmore Schoolhouse, by Mr. Alexander and Mrs. Suddaby.

KILGARD—2nd and 4th Sundays at 7:30 p.m. in Kilgard Schoolhouse, by Mr. Alexander, Mr. Morgan, Miss Keeping and Mrs. Suddaby.

PITT LAKE—2nd Sunday at 2:30 p.m. in Mennonite Schoolhouse, by Mr. McGlashan and Mr. Braidwood.

PITT MEADOWS—1st and 3rd Sundays at 2:30 p.m. in No. 2 Schoolhouse, corner Harris & McNeil Roads, by Messrs. McGlashan and Braidwood.

RIDGEDALE—1st and 3rd Sundays at 2:30 p.m. in Community Hall, by Mr. Morgan and Mrs. McWilliams.

STRAITON—2nd and 4th Sundays at 3 p.m. in Straiton Schoolhouse, by Mr. Alexander, Mr. Morgan, Mrs. Suddaby and Miss Keeping.

YENNADON—1st and 3rd Sundays at 2 p.m. for children and at 3 p.m. for adults, in Community Church Building, by Messrs. Parsons and Willington.

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3.

Endeavors to attribute the origin in B.C. as an independent organization

changes in name again

Shantymen's Christian Assn.

B.C. MAINLAND

The Shantymen's Christian Association in British Columbia is entirely a B. C. Mission, whose aim is to carry the Gospel to the isolated and spiritually neglected places of the Province. The work here was begun in 1919, following a visit by Mr. William Henderson, a Christian business man of Toronto, who began this type of missionary work in Ontario in 1908.

The aim originally was to reach the lumbermen in the northern woods of Ontario, who are known there as "shantymen," their bunkhouses being called "shanties," but the work now seeks to serve all isolated men irrespective of their employment and all remote communities.

In this Province the work throughout the Mainland is directed by a Committee in Vancouver, composed of Christian business men and women, working in heartiest fellowship with the parent body in the East. (The work on Vancouver Island is independent of the Mainland, being directed by a similar Committee in Victoria.) The Mission is entirely dependent upon the Christian people of this Province for its financial support.

The cost of producing this paper, it should be known, is not borne by the Association, but is paid for by two Christian business men of Vancouver, and donated to the Mission. This permits the funds to be devoted entirely to the support of the missionaries.

DOCTRINAL BASIS

1. The inspiration and absolute authority of the Word of God.
2. The Trinity.
3. The fall of man, and his need of regeneration.
4. The atonement through the death and resurrection of our Lord Jesus Christ.
5. The eternal life of the saved, and the eternal punishment of the lost.
6. The hope of personal return of the Lord Jesus Christ.

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2. Dependence is expected to be on God alone for temporal supplies.
3. The Association does not incur debts.
4. The Association does not take up collections in camps, nor does it countenance personal solicitation for funds by its missionaries.

COMMITTEE

DAVID MCGLASHAN, *Chairman*

W. ALEXANDER, *Secretary*
4618 West 11th Avenue, Vancouver, B.C.

N. W. MORGAN, *Treasurer*
1575 West 11th Avenue, Vancouver, B.C.

E. H. ROWE
W. W. ELDER
G. A. MORGAN
MAX A. TIMMS
PAT CARROLL
H. A. PARSONS
REV. D. MCDOUGALL
THOS. BRAIDWOOD
DAVID WILLINGTON
FRANK WILTON
J. NICOLSON
T. L. SMYTHE
MISS B. KEEPING
MRS. R. A. SUDDABY
MRS. A. J. MCWILLIAMS

MISSIONARIES

R. CHORLTON—At present doing deputation work in Vancouver.

T. LOCKHART-SMYTH—Itinerating in Fraser Valley.

ASSOCIATE MISSIONARIES

(Devoting their private time without expense to the Association)

LAWRENCE HILL — Ship visiting in Vancouver Harbor. At present on evangelistic tour of the Gulf Islands on *Messenger II.*, as a guest of Mr. Wills.

ROBERT OLIVER — Ship visiting in New Westminster Harbor.

PREACHING STATIONS

ALCO HOSPITAL CAMP—2nd and 4th Sundays at 5:30 p.m. by Messrs. Frank Wilton, Arthur Linley, David McGlashan, Thomas Braidwood, and Geo. Hastie.

GIFFORD—1st and 3rd Sundays at 2 p.m. in Glenmore Schoolhouse, by Mr. Alexander and Mrs. Suddaby.

KILGARD—2nd and 4th Sundays at 7:30 p.m. in Kilgard Schoolhouse, by Mr. Alexander, Mr. Morgan, Miss Keeping and Mrs. McWilliams.

PITT LAKE—2nd Sunday at 2:30 p.m. in Mennonite Schoolhouse, by Mr. McGlashan and Mr. Braidwood.

PITT MEADOWS—1st and 3rd Sundays at 2:30 p.m. in No. 2 Schoolhouse, corner Harris & McNeil Roads, by Messrs. McGlashan and Braidwood.

RIDGEDALE—1st and 3rd Sundays at 2:30 p.m. in Community Hall, by Mr. Morgan and Mrs. McWilliams.

STAVE FALLS—1st and 3rd Sundays in Schoolhouse, at 7:30 p.m., by Messrs. Parsons, Willington, Nicolson and N. W. Morgan.

STRAITON—2nd and 4th Sundays at 3 p.m. in Straiton Schoolhouse, by Mr. Alexander, Mr. Morgan, Mrs. McWilliams and Miss Keeping. Every Wednesday at 8 p.m. a prayer meeting is held in the home of Mrs. Noble Smith, open to all.

YENNADON—1st and 3rd Sundays at 2 p.m. for children and at 3 p.m. for adults, in Community Church Building, by Messrs. Parsons, Willington, Nicolson and N. W. Morgan.

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4.

SHANTYMEN'S CHRISTIAN ASSOCIATION

HEAD OFFICE:
1575 West 11th Avenue, Vancouver.

A British Columbia organization of Christian men and women pledged to carrry the Gospel to residents in every unreached Community, and to all spiritually neglected places of the Province; to men in Construction, Mining and Lumber Camps, Section Gangs on the Railways, and to men in deep-sea vessels in our Harbours.

This kind of missionary work was first done in Ontario, where the aim was originally to reach the lumbermen in the northern woods, who are known there as "shantymen" and their bunkhouses as "shanties"—hence the name.

It has men of all evangelistic bodies among its workers and on its Board, on the basis of "All One in Christ."

The missionaries, who travel by motor caravan, carry on their work by means of meetings and illustrated lectures held in community halls, churches, homes, bunkhouses and in the open air, dealing with individuals personally and distributing the "B.C. Shantyman" and other literature.

The work is maintained entirely by the unsolicited donations of Christian people throughout the Province.

Head Office reference is misleading it is in Toronto

DIRECTORATE

DAVID WILLINGTON, *Chairman*
1331 Clyde Ave., West Vancouver
W. ALEXANDER, *Secretary*
4618 W. 11th Avenue, Vancouver, B.C.
N. W. MORGAN, *Treasurer*
1575 W. 11th Avenue, Vancouver, B.C.
DAVID MCGLASHAN
G. A. MORGAN
THOS. BRAIDWOOD
GEO. LINSEY

these 5 resigned

MISSIONARIES

R. CHORLTON, 112 West Georgia St., Vancouver, B.C.

T. LOCKHART-SMYTH, 656 West Keith Road, North Vancouver.

ASSOCIATE MISSIONARIES

PAT CARROLL, Box 117, Fernie—Representing the Shantymen in East Kootenay.

MISS G. H. VAUGHAN, Box 32, Hope—Representing the Shantymen in the Hope District.

PREACHING STATIONS

ALCO HOSPITAL CAMP—Every Sunday at 5:30 p.m., by Messrs. Frank Wilton, George and Arthur Linsey, David McGlashan, and Thomas Braidwood.

GIFFORD—1st and 3rd Sundays at 2 p.m. in Glenmore Schoolhouse, by Mr. Alexander and Mrs. Suddaby.

KILGARD—2nd and 4th Sundays at 3 p.m., in Kilgard Schoolhouse, by Mr. Alexander, Miss Keeping and Mrs. Suddaby.

OKALLA PRISON FARM—
Irregular Sundays:
Mr. D. Willington,
Mr. J. Nicolson and
Miss Bredley.

PITT MEADOWS—1st and 3rd Sundays at 2:30 p.m. in No. 2 Schoolhouse corner Harris & McNeil Roads, by Messrs. David McGlashan and Douglas Anderson, and the Misses Aileen and Eunice Smyth.

RIDGEDALE—1st and 3rd Sundays at 2:30 p.m. in Schoolhouse, by Mr. Morgan.

STAVE FALLS—2nd and 4th Sundays in Schoolhouse, Sunday School at 3 p.m., adult service at 7:30, by Messrs. Parsons, Willington, and Nicolson, and Mr. and Mrs. LeHuquet.

STRAITON—2nd and 4th Sundays at 3 p.m. in Straiton Schoolhouse, by Mr. Morgan and Mrs. McWilliams.

PRAYER MEETINGS

"Prayer Changes Things."

MONTHLY PRAYER MEETINGS for the work of the Shantymen are held in the following homes, on the second Tuesday of every month, at 8 p.m.:

CITY: 1575 West 11th Avenue, Mr. G. A. Morgan.

NORTH VANCOUVER: 656 West Keith Road, Mr. T. Lockhart-Smythe.

WEST VANCOUVER: 1331 Clyde Avenue, Mr. David Willington.

GIFFORD: Mr. and Mrs. A. Whitson.

WEEKLY PRAYER MEETING is held every Saturday evening at 7:30 o'clock in Mr. Chorlton's home, 112 West Georgia, for all Shantymen workers, and to which all our friends are invited.

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5.

APRIL, 1938

SHANTYMEN'S CHRISTIAN ASSOCIATION

OF THE

BRITISH COLUMBIA MAINLAND

(Founded in 1919.)

1575 West 11th Avenue, Vancouver.

added a change

A British Columbia organization of Christian men and women pledged to carrry the Gospel to residents in every unreached Community, and to all spiritually neglected places of the Province; to men in Construction, Mining and Lumber Camps, Section Gangs on the Railways, and to men in deep-sea vessels in our Harbours.

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The work is maintained entirely by the unsolicited donations of Christian people throughout the Province.

attempt at true Orientation

DIRECTORATE

G. A. MORGAN, *Chairman*
1575 West 11th Avenue, Vancouver
L. C. TOYNBEE, *Secretary*
4065 Kaslo Street, Vancouver
N. W. MORGAN, *Treasurer*
1575 W. 11th Avenue, Vancouver

MISSIONARIES

R. CHORLTON, 112 West Georgia St., Vancouver, B.C.

T. LOCKHART-SMYTH, 656 West Keith Road, North Vancouver.

OUR MISSIONARIES will be delighted to hear from those they have met on their missionary journeys. Write and give them the opportunity to be helpful.

ASSOCIATE MISSIONARIES

LAWRENCE HILL, 3035 West 10th Avenue, Vancouver, visiting the ships in Vancouver harbour.

PAT CARROLL, Box 117, Fernie—Representing the Shantymen in East Kootenay.

MISS G. H. VAUGHAN, Box 32, Hope—Representing the Shantymen in the Hope District.

PREACHING STATIONS

ALCO HOSPITAL CAMP—Every Sunday at 5:30 p.m., by Messrs. George and Arthur Linsey, David McGlashan, and Thomas Braidwood.

GIFFORD—1st and 3rd Sundays at 2 p.m. in Glenmore Schoolhouse, by Mr. Alexander and Mrs. R. A. Suddaby.

KILGARD—2nd and 4th Sundays at 3 p.m., in Kilgard Schoolhouse, by Mr. Alexander.

OAKALLA PRISON FARM—Third Sunday: Mr. D. Willington.

PITT MEADOWS—1st and 3rd Sundays at 2:30 p.m. in No. 2 Schoolhouse, corner Harris & McNair Roads, by Mr. David McGlashan.

RIDGEDALE—Sunday School in home of Mrs. John Reid every Sunday at 2:30 p.m.

STAVE FALLS—2nd and 4th Sundays in Schoolhouse, Sunday School at 3 p.m., adult service at 7:30, by Messrs. Parsons and Willington, and Mr. and Mrs. LeHuquet.

STRAITON—2nd and 4th Sundays at 3 p.m. in Straiton Schoolhouse, by various workers.

PRAYER MEETINGS

"Prayer Changes Things."

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NORTH VANCOUVER: 656 West Keith Road, Mr. T. Lockhart-Smythe.

WEST VANCOUVER: 1331 Clyde Avenue, Mr. David Willington.

GIFFORD: Mr. and Mrs. A. Whitson.

WEEKLY PRAYER MEETING is held every Saturday evening at 7:30 o'clock in Mr. Chorlton's home, 112 West Georgia, for all Shantymen workers, and to which all our friends are invited.

Came to the Annual Meeting

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 194)

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Vancouver Island Branch remained Loyal to Toronto Board

DECEMBER, 1938

SHANTYMEN'S CHRISTIAN ASSOCIATION

OF BRITISH COLUMBIA

(Exclusive of Vancouver Island*)

(Founded in 1919.)

1575 West 11th Avenue, Vancouver.

A British Columbia organization of Christian men and women pledged to carrry the Gospel to residents in every unreached Community, and to all spiritually neglected places of the Province; to men in Construction, Mining and Lumber Camps, Section Gangs on the Railways, and to men in deep-sea vessels in our Harbours.

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The missionaries carry on their work by means of meetings and illustrated lectures held in community halls, churches, homes, bunkhouses, shanties, and in the open air, dealing with individuals personally and distributing scriptures, testaments and gospels, the "B.C. Shantyman" and other christian literature.

This work is maintained entirely through the unsolicited donations of Christian people throughout the Province. With the funds thus received the Association maintains its missionaries, their motor car for land transportation (fitted with sleeping accommodation), and the thirty-eight foot motor vessel "Ambassador" and publishes monthly 6,000 copies of this paper.

DIRECTORATE

(Services Honorary)

G. A. MORGAN, *Chairman*
1575 West 11th Avenue, Vancouver
L. C. TOYNBEE, *Secretary*
4065 Kaslo Street, Vancouver
N. W. MORGAN, *Treasurer*
1575 W. 11th Avenue, Vancouver
MAX A. TIMMS
979 West Sixteenth Ave., Vancouver

MISSIONARIES

T. LOCKHART-SMYTH, 1426 West 14th Avenue, Vancouver.

GEORGE HASTIE, Hunter Road, Hammond, B.C. (Mail, c/o 1575 West 11th Ave., Vancouver.

OUR MISSIONARIES will be delighted to hear from those they have met on their missionary journeys. Write and give them the opportunity to be helpful.

(R. CHORLTON, 112 West Georgia St., Vancouver, on leave of absence).

ASSOCIATE MISSIONARIES

LAWRENCE HILL, 3035 West 10th Avenue, Vancouver, visiting the ships in Vancouver harbour.

MISS G. H. VAUGHAN, Box 32, Hope —Representing the Shantymen in the upper Fraser Valley.

JACK BORRADAILE, Mayne Island—Representing the Shantymen in the Gulf Islands.

PREACHING STATIONS

ALCO HOSPITAL CAMP, HANEY—Every Sunday at 1:30 p.m.

GIFFORD—Every Sunday at 2:30 p.m., in old Glenmore schoolhouse. Services by Rev. E. Scratch, Abbotsford. Sunday School every Sunday at 11 a.m.

KILGARD—2nd and 4th Sundays at 7:30 p.m. in Kilgard Schoolhouse.

LOZELLES, BURNABY—Every Sunday at 3 p.m. in Community Hall.

OAKALLA PRISON FARM—First and third Sundays.

PITT MEADOWS—1st and 3rd Sundays at 2:30 p.m. in No. 2 Schoolhouse, corner Harris & McNeil Roads.

PROVINCIAL BORSTAL CENTRE, BURNABY—Every fifth Sunday.

STAVE FALLS—2nd and 4th Sundays in Schoolhouse, Sunday School at 3 p.m., adult service at 7:30 p.m.

STRAITON—2nd and 4th Sundays at 3 p.m. in Straiton Schoolhouse.

PRAYER MEETINGS

"Prayer Changes Things."

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NORTH VANCOUVER: 859 East 11th Street, Mrs. J. P. Huntley.

GIFFORD: Mr. and Mrs. A Whitson.

***S. C. A. of Vancouver Island**

1468 Hambley St., Victoria

Superintendent: J. S. Whiting
Missionary: Percy Wills

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Dear Arthur: London April 3/39

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Trafalgar Square, London.—The National Art Gallery is in the background, and the domed tower of the Coliseum is also seen. On the right is the famous Church St. Martin-in-the-Fields, familiar to all "Listeners" on account of its Broadcast Evening Services.

Just over here for a short trip. The place is active with war preparations. But best opinion seems to be no war for six months or years. I visited Berlin and up in the midst of a building boom the like of which I never saw before. Now all goes well.

John T. Sinclair

The Rt. Hon. Arthur Meighen
Parliament Bldgs.
Ottawa Canada.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 194)

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CANADA

123265

DEPARTMENT OF THE SECRETARY OF STATE
OF CANADA

O'M:DC
2147/38

Ottawa, April 21st, 1939.

Dear Senator Meighen,

In response to the request by telephone from your office this morning, I send you herewith a copy of my letter of the 7th December last to Mr. G. A. Morgan, Chairman, Shantymen's Christian Association of the British Columbia Mainland, which indicates the reason for withholding the grant of letters patent to incorporate Shantymen's Christian Association of North America.

On the 29th September, 1938, William T. Sinclair, K.C., Toronto, submitted a petition for incorporation of Shantymen's Christian Association of North America supported by a consent of The Shantymen's Christian Association, incorporated under the laws of the Province of Ontario on the 8th February, 1912. There had been received on the 8th July, 1938, a letter from Mr. G.A. Morgan, Chairman of the Shantymen's Christian Association of the British Columbia Mainland, which appears to have been founded under the laws of the Province of British Columbia in 1919, in which information was requested as to the procedure

to be.....

The Right Honourable Arthur Meighen, K.C., P.C., B.A.,
Room 363,
The Senate,
O T T A W A.

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DEPARTMENT OF THE SECRETARY OF STATE
OF CANADA

to be followed in seeking incorporation. Because of the apparent danger of conflict or confusion which might result from the use of the name desired by the petitioners and which includes the words "Association of North America", the comments of the British Columbia association were invited. There ensued a somewhat lengthy exchange of correspondence with the various parties concerned, in the course of which I received a letter from the Registrar of Companies for the Province of British Columbia, dated the 14th November, 1938, of which I also enclose a copy for your information.

A very great deal of material has been submitted to this office in support of the contentions of one or other of the existing associations. On the 23rd December, 1938, by direction of the Secretary of State, I informed Mr. William T. Sinclair, K.C., referring to the conflicting representations which had been made to this office, that "unless these internal difficulties can be satisfactorily solved, it is apparent that the petition for incorporation presently

before.....

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DEPARTMENT OF THE SECRETARY OF STATE
OF CANADA

before the Department cannot be granted at this time."

Yours very truly,

W. P. O'Meare

Acting Under Secretary of State.

Encl.

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11

Shantymens Association

123268

"P".

30/

Ottawa,
April 27, 1939.

W. P. J. O'Meara, Esq., K.C.,
Assistant Under-Secretary of State,
Ottawa, Ont.

Dear Mr. O'Meara:

Following our conversation, I have read the correspondence again and it fully sustains everything I said to you tonight over the telephone. Please note particularly the contents of the letter of the Registrar of Companies at Victoria, dated November 14, 1938, copy of which you were good enough to send me.

I have decided to enclose the following:

(1) Letter dated January 25, 1939, W. H. Adamson to myself;

(2) Letter dated April 13, 1939, Arthur V. White to myself;

(3) Letter dated April 24, 1939, W. H. Adamson to myself.

The writers of these letters are the men I referred to over the 'phone tonight, and I am quite certain are reliable in every way. Am also certain that the facts stated in these letters will be readily supported by affidavit.

Yours very truly,

AM/E.

Arthur Meighen.

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123269

Ottawa,
May 11, 1909.

W. P. J. O'Meara, Esq.,
Acting Under Secretary of State,
Ottawa, Ont.

Dear Mr. O'Meara:

I have your letter of 9th and will write Mr. Adamson and get the information desired.

It still beats me how an Association incorporated Provincially for many years, operating all over Canada, can be stopped in getting a Federal Charter just because one man who worked for them broke away and started work himself in British Columbia, when that man has no Charter or incorporation of any kind and is just on his own. I believe he has a brother associated with him, but what difference that makes passes my comprehension.

Yours very truly,

AM/E. Arthur Meighen.

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123270

30-8

Ottawa,
May 11, 1939.

Mr. W. H. Adamson,
Shantymen's Christian Association,
Toronto, Ont.

Dear Mr. Adamson:

Enclosed is letter from Mr. W. P. J. O'Meara.

Please write the Under-Secretary of State and be good enough to send me a copy of your letter.

I am very disappointed, as I was quite confident of getting this Charter out. Am enclosing copy of letter I wrote Mr. O'Meara this morning.

Yours very truly,

Arthur Meighen.

AM/E.
Encl.

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OFFICERS

PRESIDENT:
W. H. ADAMSON

VICE-PRESIDENT:
A. R. GREENE

SECRETARY-TREASURER
PETER G. CROMAR

DEPUTATION SECRETARY
REV. JAS. PROUDFOOT

PUBLISHERS OF "THE SHANTYMAN"

INCORPORATED 1912

Founded in 1908 by Wm. Henderson

Shantymen's Christian Association

TELEPHONE ELGIN 3784

366 BAY STREET
TORONTO 2, ONT.

OBJECT

To preach Christ and Him crucified to those otherwise unreached — particularly in lumber, mining and railway camps; to lonely settlers, seamen on deep sea vessels, also to children.

"Go ye into all the world and preach the Gospel"

19th May, 1939.

30.8

Right Honourable Arthur Meighen, K.C., P.C., B.A.
Room 363,
The Senate,
OTTAWA, Canada.

My dear Senator Meighen:

Your recent letter to Mr. W. H. Adamson was duly received at the office of the Shantymen's Christian Association and came to my attention.

About three weeks ago, Mr. Adamson was taken with a severe chill and has been confined to his bed. The illness necessitated his being kept quiet and, under medical advice, it was necessary to refrain from bringing business matters to his attention.

Mr. Adamson has been specially interested in the matters pertaining to the application for Dominion Charter. It was concluded best not to bring the recent correspondence to his attention until he is stronger for fear he would just keep turning it over in his mind while unable to refer to records possibly needed in order to reply to the questions raised.

Mr. Adamson is now making headway towards recovery. In view, however, of some further delay that may be required I am writing to let you know the facts as above.

All the members of the Board have very much appreciated the interest you have so kindly taken in their application. We feel that we have suffered an injustice and have been encouraged that, in some way or other, your interest will contribute towards a final solution of the problem.

Attached is a copy of a communication sent to the Acting Under-Secretary of State, Mr. O'Meara.

Yours very truly,

P. G. Cromar

Secretary-Treasurer

PGC:T
Encl.

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123272

19th May, 1939.

W. P. J. O'Meara, Esq.,
Acting Under-Secretary of State,
OTTAWA, Canada.

Dear Sir:

With reference to the application by the Shantymen's Christian Association for a Federal Charter, I desire to say that Senator Arthur Meighen has sent to Mr. W. H. Adamson, President of the Association, a request that some questions submitted in your letter of 9th May be commented upon by Mr. Adamson.

About three weeks ago Mr. Adamson was taken with a serious illness following a chill and has been confined to his bed. Under medical advice, business matters are kept from him until he regains strength. He is now well on the way to recovery and just as soon as possible the matter under consideration will have his personal attention. On account of his many years in the work of the Association, he is the one best qualified to deal with questions requiring knowledge of the historic background.

Yours very truly,

PGC:T

Secretary-Treasurer

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KODAK SAFETY FILM

11 DESTROYERS ACTIVE IN R.C.N.

Will Be in Service While Saguenay Docked

LOSSES MADE UP

Ottawa, Dec. 9 (CP).—Pending repairs to the destroyer Saguenay, damaged by an enemy torpedo in the Eastern Atlantic, the destroyer strength of the Royal Canadian Navy is eleven.

When the war began, Canada had seven destroyers. Sinking of the Fraser off Bordeaux, France, last June reduced this strength to six, but the Fraser was replaced soon after by the Margaree, transferred from the Royal Navy.

Subsequently, the R.C.N. obtained six of the fifty United States destroyers traded to Britain in exchange for defense base sites in the Western Hemisphere.

Thus, for a time, Canada had thirteen destroyers, but loss of the Margaree in a North Atlantic collision last Oct. 22 reduced the strength to twelve.

Damage to the Saguenay by an enemy torpedo was announced tonight by naval service headquarters. Twenty-one seamen are missing and eighteen are in hospital with wounds.

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D. J.

MERCHANT VESSELS - More American merchant ships may be turned over to the British. Faced with this probability the Maritime Commission is considering plans to buy or requisition part of the inter-coastal and coast-wise fleets a step which would divert increasing traffic to the railroads. Other moves under consideration in the Commission are:-

-1- Enlargement of the present ship construction program. Officials explained yesterday that the trend of British shipping losses in coming weeks will determine whether more ships and shipyards will have to be built. The Commission's program now calls for 'Mass Production' of 200 ships within 731 days. This program may be more than doubled.

-2- More drastic measures to halt the rise in ocean cargo rates if shipping companies will not 'Co-operate' these include possible operation of an emergency fleet in competition with private lines and at lower rates and as a last resort requisition of trans-ocean vessels.

D. J.

112374

Ottawa

The market opened steady in quiet trading. War Loan 3½'s £104 3/16.

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Department of Munitions and Supply

M. & S. #231

A. M. Papers,
January 2nd, 1940.

OTTAWA, January 2 -- "Production in Canada today is at a rate surpassing anything ever achieved heretofore, and, according to present plans, before the end of this year, this country will be producing at a rate some 70 per cent greater than during the peak of our efforts in the last war", said Hon. Angus L. Macdonald, Acting Minister of Munitions and Supply, to-night in a rapid-fire forecast covering Canada's 1941 contribution to the war effort.

"Our total production in the year just ended was close to 40 per cent more than that of 1917 or 1918 when we attained our maximum effort in the Great War" continued Mr. Macdonald, who said that he based these figures on the total revenue ton miles moved by Canadian railways, adjusted for 1940 to include freight handled by trucks. These, he said, were one of the most reliable indices of the volume of production.

According to Mr. Macdonald, Canadian production during the coming year might even be stepped up to a rate equal to 50 per cent greater than in 1928, when Canada attained her maximum pre-war production. The total output for the whole year should at least be 25 per cent greater in volume than anything ever attained by Canada, he said.

Mr. Macdonald pointed out, too, that not only will we be producing ever increasing quantities of goods, but that our volume of production will contain a greater proportion and variety of finished and semi-finished goods than ever before. In short, our industrial contribution will be greater in volume, and much greater too in the amount of labour and skill employed on its manufacture.

Mr. Macdonald said that the volume of railway freight moved in 1940 indicated that Canadian production was approximately 22 per cent greater than in 1939. Railway freight movements in 1915 were actually less than in 1914, the Minister pointed out.

"We are now building plants and plant extensions, to the extent of $280,000,000", said Mr. Macdonald. "Some of these new plants are already in production, and all will be producing in 1941. Such an investment in plant and equipment owned by the Crown will, it is estimated, produce goods at the rate of some $800 million a year.

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In addition", continued Mr. Macdonald, "private industry has expanded to take care of war needs. Aside from the productive facilities financed by the Crown, private industry will produce goods in 1941 to the extent of many hundreds of millions of dollars".

The figures quoted by Mr. Macdonald are more significant when related to the gross value of manufactured products of the Dominion which, prior to the war, ran to some $3,600 million annually.

The plant construction referred to by Mr. Macdonald falls into the following categories:

Type of plant	Financial Commitments in Millions	Per cent of total
Shell	$31	11
Armaments	96	35
Air	15	5
Automotive	6	2
Chemicals & Explosives	87	31
Machine Tools	11	4
Miscellaneous (x)	34	12
	280	100

(x) : Includes financing of nine companies wholly-owned by the Crown.

The foregoing program involves 150 projects and ranges from the purchase of additional costly equipment for existing plants to the construction of new $15,000,000 plants and the equipment therein.

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Department of Munitions and Supply

M. & S. #222

P. M. Papers,
December 23, 1940.

OTTAWA, December 23rd -- Orders have been placed in Canadian shipyards for another 12 minesweepers for the British Admiralty, according to an announcement made today by Hon. Angus Macdonald, who, in the absence of Hon. C. D. Howe, is Acting Minister of Munitions and Supply. Six of the ships will be built in North Van yards in Vancouver, and six in the Dufferin Shipyards in Toronto.

The total orders placed to date for naval construction now include the following 120 naval ships:

60 R.C.N. corvettes
10 R.N. corvettes
28 R.C.N. minesweepers
10 R.C.N. Deisel minesweepers
12 R.N. minesweepers

Many of these ships of war are already in commission and on duty with the Canadian and Royal Navies. By the end of this year, about half of them will have slipped down the ways and the installation of machinery and equipment will have begun. Engine and boiler production is well up to schedule and is in step with the launching schedule.

In addition to the corvette and minesweeper programme, about 30 vessels of many types have been altered in Canadian yards in order to serve as naval vessels. These ships are all commissioned and on active service.

Orders placed by Munitions and Supply also include the arming and strengthening of many ships in the merchant service to render them less susceptible to attack. Much naval repair work has also been completed under the aegis of the Department.

Shortly, the final details and specifications of the 18 merchant vessels to be constructed for Great Britain will be completed, and work on these ships will begin on the Pacific Coast and on the St. Lawrence. It is expected that they will be about 415 feet in length and of about 9,300 tons deadweight.

All the major shipyards of the Dominion are now busily engaged on this work. With existing contracts and other work in view, they will be fully occupied throughout 1941. Some 17,000 men are now employed in these 18 yards and in

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the allied industries engaged in the manufacture of boilers, engines, and other marine equipment.

All the shipyards in Canada now operate under the jurisdiction of D. B. Carswell, Director-General of the Ship Building Branch of the Department of Munitions and Supply, who was recently appointed Controller of Ship Construction and Ship Repairs. The Controller has the power to allocate work amongst the yards in order that existing facilities be used to their maximum capacity.

The ship programme involves also the construction of hundreds of small boats for the Army, Navy and Air Force for which the orders have been placed with small boat yards, many of which are on inland waters. Of some 400 small boats ordered, about half have been completed.

These boats vary from mere 16-foot pulling boats to the fast, modern motor torpedo craft so important in naval warfare. They include also 70-foot, fast crash boats for the Air Force; 79-foot ammunition lighters; 108-foot naval targets; and motor-driven boats from 35 to 95 feet in length.

The entire ship construction programme now involves total expenditures of some $80,000,000.

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Office of

Director of Public Information

Ottawa

For Release

Chief Editorial Writers: IMMEDIATE

The attached translation of an editorial which appeared in "L'Action Catholique" on December 14th, is sent to you for your information and any use you may care to make of it.

G.H.Lash
Director.

THIS IS THE TIME FOR CANADIANS TO CHAT AMONG THEMSELVES

Canadian and Quebec Patriotism

One may read on this very page an article received from Reverend Father Georges Simard, O.M.I., with reference to a few opinions we had published ourselves on national education.

We wish in the first place to thank this vigorous and finely disciplined thinker for his kindly interest in us. As a matter of fact, Father Simard is one of our compatriots whose words are most deserving of attention, even when he has the courage to tackle the most difficult problems the discussion of which is still permissible.

In our humble opinion, Father Simard's thesis is a good one. With him, we believe that French-Canadians must think, speak and act as Canadians. We can even admit that our compatriots do not always reveal themselves sufficiently Canadian and that they cling too often to a Quebec patriotism which, moreover, is itself far too inconsistent.

Convinced, we repeat once again, that this is the time for Canadians to chat among themselves in an atmosphere of trust and serenity; we deem it our duty to make this admission. But it must be followed by an explanation: French-Canadians withdraw within a little too 'Quebecish' patriotism, because the majority, by dint of significant rebuffs, feel that they are not at home outside of Quebec. How can they love a country where they are treated as foreigners, almost as enemies?

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After reading Father Simard's very sound dissertation, we cannot refrain from renewing our earnest representations to the French-Canadian and Anglo-Canadian elite for a concerted effort for the triumph of Canadian unity in justice and mutual esteem. Let our associates take this for granted: the day they will treat us as friends, our friendship will be fully given to them, and our patriotism will soon spread over the whole of Canada "a mari usque ad mare."

If it is impossible to rally Canadian hearts to a broad and generous Canadianism, at the moment when trials tend to elevate all minds, when then, will we have true Canadian unity?

And if the task of serving this cause of Canadian unity does not devolve upon the elite, to whom then can our country look for this service?

All the belligerent and neutral countries are looking forward to the establishment of a new order after the war, regardless of the outcome of this titanic conflict. We are absolutely convinced of that, and we dare hope that it will be for the best, at least from a social standpoint.

But any new order requires a new mentality. And we would be lacking in foresight, in courage too, if we failed at this moment to readjust our concepts in many fields. It would seem that after a period of intense physical and moral suffering, generosity should prevail over pettiness in all minds.

With French-Canadians as with Anglo-Canadians, the moment seems auspicious to define, correct and elevate the concepts of life in society.

That is why we seek to render a service to our compatriots by discussing these matters in a frank, open-hearted manner and by inviting them to do likewise.

Eugene L'HEUREUX.

23/12/40. - 30 -

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Ottawa

THE SENATE
CANADA

OTTAWA, 26 December, 1940.

Dear Mr. Meighen,

As requested I enclose a copy of Commons Hansard containing Mr. Howe's statement re shipbuilding.

As to deliveries, I am informed by the office of Mr. D.B.Carswell, Marine Service, Department of Munitions and Supply, that the following ships have been delivered, namely:-

43 Corvettes

9 Steam driven minesweepers.

Yours faithfully,

The Rt. Hon. Arthur Meighen, P.C.,
Toronto.

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Vol. LXXVIII.—No. 53

CANADA

House of Commons Debates

OFFICIAL REPORT—UNREVISED EDITION

Tuesday, July 30, 1940

OTTAWA
J. O. PATENAUDE, I.S.O.
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1940

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123284

HOUSE OF COMMONS

Speaker: The Honourable JAMES ALLISON GLEN

TUESDAY, July 30, 1940.

The house met at eleven o'clock.

FARM LOAN BOARD

CORRESPONDENCE WITH RESPECT TO EMPLOYMENT OF S. T. SHABBITS

Hon. J. L. ILSLEY (Minister of Finance): I beg leave to present parliamentary return, reference 108, asked for by the hon. member for Mackenzie (Mr. Nicholson), for a copy of all letters, telegrams and other documents with respect to leave of absence, resignation and reappointment of S. T. Shabbits of Canora, Saskatchewan, during the year 1940.

While there is no objection to the production of the correspondence in this case, nevertheless it is not considered generally in the public interest to produce inter-office correspondence, and the production in this case is not to be taken as a precedent.

It is to be noted that the Canadian Farm Loan Board has been constituted by parliament as a body corporate and politic and is vested with full control over the employment and dismissal of all its employees other than chief executive officers whose appointments are subject to the approval of the governor in council. The board, moreover, is charged with the responsibility of carrying on its operations on a self-sustaining financial basis and does not come to parliament for an appropriation of funds for administrative expenses.

STANDING COMMITTEES

BANKING AND COMMERCE—DEFENCE OF CANADA REGULATIONS—QUESTION AS TO REPORTS

On the orders of the day:

Hon. R. B. HANSON (Leader of the Opposition): I should like to ask the Prime Minister if he would make inquiries as to when the committee on banking and commerce will present its report, seeing that we are so near the end of the session. May I ask the same question with reference to the committee on the defence of Canada regulations? There may be some discussion and I think we ought to have these two reports as soon as possible.

Right Hon. W. L. MACKENZIE KING (Prime Minister): I shall be pleased to do that.

NATIONAL REGISTRATION

QUESTION AS TO WOMEN'S CARDS BEING FORWARDED BY MAIL

On the orders of the day:

Mr. T. L. CHURCH (Broadview): I would ask the Minister of National War Services (Mr. Gardiner) whether it would not be possible to allow women at least to send in their registration cards by mail as is done with income tax forms. That was the procedure in Australia, which I have discussed here for three or four years in connection with the need for a real national register. Women are asked whether they can do plain cooking and other irrelevant questions. All these answers could very well be given through the post office, especially in weather like this, thus saving a good deal of time.

Hon. J. G. GARDINER (Minister of National War Services): The matter has been given careful consideration and it is thought advisable that all persons who sign these cards should sign them before a registrar appointed by the government. The declaration at the bottom of the card is signed on one side by the registrar and on the other by the registrant and it is required that all persons shall sign before the registrar after the questions have been explained to them. The reason why questions will require to be explained is the desire to have the answers conform as nearly as possible to certain rules in order that the cards may be properly classified after they have been brought into the department for classification. It is therefore thought wise that all persons should sign before some registrar.

Mr. CHURCH: A lot Hitler will care for such a register. It will only be sent to the archives anyway when it is done.

OFFICIAL REPORT

On the orders of the day:

Mr. A. W. NEILL (Comox-Alberni): Yesterday on the orders of the day I corrected a typographical error that appeared in some remarks of mine as reported in *Hansard* of Friday, July 26, at page 2177, and I quoted what I said. The correction appears with the same blunder in it. It is quite clear that "unanimous" does not begin "anan."

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WHEAT

PROCESSING TAX—REPORT AS TO PROBABLE INCREASE IN PRICE OF FLOUR AND BREAD

On the orders of the day:

Mr. T. C. DOUGLAS (Weyburn): In view of the announcement in the press that there will be an increase in the price of flour and in the price of bread, and in view of the statement by the Minister of Trade and Commerce (Mr. MacKinnon) that the recently announced processing levy would not likely have this effect, will the Minister of Labour indicate whether any action will be taken by the wartime prices and trade board to prevent these proposed increases?

Hon. N. A. McLARTY (Minister of Labour): The hon. member was kind enough to give me notice of the question. The matter is at present under consideration by the wartime prices and trade board.

SUPPLY

MINISTERIAL STATEMENTS WITH RESPECT TO CANADA'S WAR EFFORT

The house resumed from Monday, July 29, consideration of the motion of Mr. Mackenzie King for committee of supply.

Munitions and Supply

Hon. C. D. HOWE (Minister of Munitions and Supply): Mr. Speaker, the purpose of this report is to set out in general terms the scope of the work of the Department of Munitions and Supply in providing the equipment and munitions required for Canada's service branches and by our allies overseas. I will attempt to avoid detail and statistics other than those required to indicate the magnitude of certain projects. In a general way, I hope to give hon. members a fair estimate of what has been, is now being accomplished, and our plans for future development.

The nature of our problems is changing, now that many of our industries are finding their capacity fully utilized. In the days of the defence purchasing board and the war supply board, the problem was largely that of placing orders at reasonable prices. The problems recently have become more in the nature of organizing and initiating sources of production. Secondary industries, that is manufactured products to be incorporated in a finished article, now present great difficulties. At the outset the only primary product difficult to obtain was wool, but we now have serious problems in obtaining steel, lumber, copper, aluminum, and various other minerals to fill requirements for Canada and Great Britain.

The problem has changed materially in another respect. At the outset, Britain appeared to believe that there would be time to build her own munitions industry, without calling on North America in a large way. Within the last few weeks, Britain has been asking Canada for practically anything that can be supplied in the way of munitions and war materials.

The point of view of Canada's armed forces toward this supply problem has also changed. Formerly, it was almost automatic to order naval supplies, coast defence guns and the more intricate electrical devices from Great Britain. It has become all too evident that Canada requires to be self-contained in the production of all such war material, and we are proceeding as rapidly as possible to bring this about.

I find it difficult to convey an appreciation of the magnitude of Canada's present industrial effort in the production of war materials and supplies. All of us are aware that Canada's industrial tempo is at the highest peak in our history. Even this tempo will increase rapidly as factories now under construction go into operation and as plants now tooling for new production begin to produce. During the past few months we have been buying machine tools in the United States and in Canada in a volume that challenges the imagination, all for the purpose of creating new manufacturing capacity for our industry. As I have said, our production to-day of manufactured goods is the largest in our history, but even it is small when compared with what our productive capacity will be six months hence. To illustrate, plants now under construction, involving a capital cost of some 120 million dollars, will have a productive capacity of 500 million dollars of goods per annum.

Our problem of supply deals with three stages: first, the raw material; second, the components or manufactured articles entering into the finished product; and third, the finished product. In the following discussion I shall not attempt to differentiate between Canadian orders and those placed either directly or through this department by the British and other empire governments. All represent an equal demand on our resources of raw materials and manufacturing capacity. While our Canadian demands represent much more than half our programme, the requirements of Great Britain are becoming increasingly important.

I will deal first with the finished products, which are in themselves the munitions of war.

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Shipbuilding.—Since last addressing the house on the development of the naval service, I am able to report that very satisfactory progress is being made in the fifty million dollar ship construction programme. Operations continue to be maintained well ahead of schedule.

Sixteen shipyards, located on the east and west coasts, on the St. Lawrence river, and on the great lakes, are carrying out our construction programme for larger warships.

The major naval programme engaging the attention of these yards includes 54 corvettes for the Royal Canadian Navy, to the amount of $29,400,000; 10 corvettes for the Royal Navy, amounting to $5,500,000; and 28 minesweepers for the Royal Canadian Navy, amounting to $16,500,000. The foregoing include 10 minesweepers of a new type, for which the construction details have recently been completed, and on which work has also begun. Of the corvettes, formerly called patrol vessels, several have already been launched and 10 more will be launched within the next five weeks. The machinery and other equipment required to complete these vessels are being delivered as required, and will be ready for installation on launching dates.

It is anticipated that before the end of the year 28 corvettes and 5 modern minesweepers will have been delivered to the naval service.

In addition to the sixteen shipyards engaged in large boat production, there are eighteen other shipyards working to capacity on a small boat programme. Included in this work are refuelling gasoline scows for the use of the Royal Canadian Air Force, rescue boats, numerous aircraft tenders, bomb loading tenders, 84-foot wooden salvage boats, and many pieces of floating equipment such as scows and supply boats.

Also to be included in Canada's naval force are trawlers requisitioned from their trade which have been converted into minesweepers, and highspeed motor torpedo boats, rescue vessels, and target boats for bombing practice, now under construction. Many merchant vessels have been fitted out with guns and armament to defend themselves at sea. Three fast passenger vessels are being converted into armed merchant cruisers, at a cost of $1,700,000.

Existing shipbuilding yards have been used almost exclusively in the construction programme, and facilities have been developed to permit enlarged operations where shipbuilding workers and technicians are available.

It is of interest to note that some 14,000 men are now employed in Canada's shipyards and allied industries on the ship construction programme. The number of men so employed has trebled itself in the last three months.

Aerodromes and Training Schools.—In October 1939, the responsibility for the selection of suitable sites for the aerodromes required for the training plan, and the preparation of these sites for use, was placed on the civil aviation branch. This branch was then completing a ten-year programme of similar work on the trans-Canada airways during which a wide experience had been acquired.

In the original programme aerodromes were required for 26 elementary training schools; 10 air observers schools; 10 bombing and gunnery schools; 16 service flying training schools; and 2 air navigation schools. Since for each of the service flying training schools 3 aerodromes are required, this means in all 96 projects.

The construction season was already over when the air training programme appeared, and it was only possible during the fall of 1939, to select the aerodrome sites and have complete surveys made of them. This work was pressed with energy and before the end of the year suitable sites had been selected and surveys put in hand for about 80 per cent of the programme. This saved at least six months in the execution of the programme as satisfactory selections and surveys could not have been made with snow on the ground. All winter, work went on in the office, laying out the aerodromes on the surveyed sites to the best advantage, and preparing plans and specifications so that tenders could be called for, and contracts let in time to take advantage of the whole working season of 1940.

Selection of aerodrome sites, even on the prairies and in good agricultural land, is not an easy task. Good drainage is an essential; also approaches to the airport site clear of obstructions. The ordinary amenities of civilization are very necessary near these schools. They must, therefore, be easy of access by road or rail and it is desirable that they should be located near some centre of population. This limits the choice considerably.

The selection procedure was as follows: Mountainous and thickly wooded areas were avoided for obvious reasons. A study was made of topographical maps available to determine the areas where approximately a square mile of level, accessible country could be obtained. Geographical distribution across the dominion was desirable, though some sections naturally lent themselves to easier and less costly development than others. After selections had been made from maps in the office, the sites were observed from the air and, if apparently suitable, in greater detail on the ground where observations were made of roads, telephone lines, railways, power and drainage and water supply. Reports of these surveys were then studied in detail and,

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if approved for development by the headquarters of the Royal Canadian Air Force and by the civil aviation division, a detailed survey plan of the aerodrome site and its surroundings was then ordered. The highway departments of the various provinces lent valuable assistance in this work and the majority of the surveys were carried out with the greatest efficiency by their parties. The engineering plans, showing the contour of the land, were then studied by experienced officers, and the aerodrome laid out to take the best advantage of the site. Plans and specifications for the grading, drainage, hard surfacing and lighting were then put in hand. At the same time, full information was made available to the Royal Canadian Air Force so that their buildings might be planned to fit in with the general development. Rapid progress was made on this work with the result that as soon as the frost was out of the ground, contractors were put to work in all sections of the country. Wet weather in May and June impeded progress to a certain extent but, in spite of this, satisfactory progress has been made on all projects. Some are already complete and many others nearing completion.

It was found possible on some of the larger aerodromes to accommodate an elementary school on the same airport with one of the air observers schools so that the number of separate aerodromes required has been reduced accordingly.

The original schedule for opening these schools contemplated construction over a period of two and a half years. Recent events have made it necessary to expedite the completion of the whole scheme and accordingly construction on 90 per cent of these projects will have been completed by November of this year.

Extensions of the original programme are now under consideration. Eight additional service flying training schools, each requiring three aerodromes, are now required as well as several aerodromes for active service operation of the Royal Canadian Air Force. This will increase the programme to some 120 separate projects. Of these 77 are already in hand, calling for 47 entirely new aerodromes and the extension of 30 of the existing airports.

The 26 elementary flying training schools where the pupils are taught to fly light aircraft call for all-way fields, that is fields that can be used in any direction. A turf surface is preferable for this class of school, but in special cases hard surfaced runways will be necessary to take care of spring and fall conditions while on some existing aerodromes being used for the schools hard surfaces are already available. The acreage required for this type of school is from 200 acres upwards with clear approaches from all directions. No field lighting is required at the elementary schools and the buildings consist of a hangar, living and messing quarters, storehouses, lecture rooms, and a small hospital, costing on an average of $100,000 for the buildings, with another $100,000 for the aerodrome.

The other classes of schools require much larger aerodromes with hard surfaced runways to provide for all weather flying, lighting for night flying and more elaborate buildings. The average size of such airports will exceed 500 acres. The number and cost of the buildings and cost of the aerodromes for the different types of schools are as follows:—

1. An air navigation school costs on the average about $300,000 for the aerodrome proper and $500,000 for the buildings;

2. An air observers school costs $350,000 for the aerodrome and $200,000 for the buildings;

3. A bombing and gunnery school costs $350,000 for the aerodrome and $800,000 for the buildings;

4. The service flying training schools, which include three aerodromes—one main aerodrome with a large area of hard surfaced runways and taxiways and on which hangars, workshops, living and messing quarters are concentrated; No. 1 relief aerodrome with a less elaborate system of hard surfaced runways and No. 2 relief aerodrome, with a turf surface for use in fine weather only—will cost for three fields approximately $800,000, and the six hangars plus 31 other buildings on the airport cost $900,000.

These figures include the cost of supplying a system of roads and taxiways inside the aerodromes, provision of power and light, water supply and sewage, and communication services, such as telephones, teletype, etc.

Eight of the elementary training schools are already in full operation, as well as one air observer and one service flying training school. Others will be opened in quick succession. By the close of the year about 40 schools will be in operation and the remainder will follow as quickly as aircraft and teaching personnel are available.

It will be understood that as the aerodrome construction season ends with the commencement of winter, all airports required during the first six months of 1941 must be finished before the snow flies this fall. The progress so far made indicates that this will be possible. The anticipated completion dates of airports in 1940, by months are as follows:—

June	3
July	15
August	18
September	11
October	24

[Mr. Howe.]

The anticipated cost of aerodrome construction on the 77 projects now approved for construction is $15,500,000. Up to the present it has involved the purchase of 30,000 acres of land at a cost of approximately $2,000,000. The grading of these aerodromes will involve the moving of 14,500,000 cubic yards of earth and the paving programme amounts to 8,500,000 square yards of pavement, equivalent to nearly 700 miles of standard highway 21 feet wide.

Aircraft. From small beginnings, the aircraft industry of Canada is being developed to sizable proportions. Last week our factories delivered 25 finished aircraft, and, as new plants come into production, these deliveries will increase rapidly. Eight Canadian aircraft companies have in hand orders totalling some 3,200 planes, of which 257 have been delivered. Contracts in hand involve approximately 110 million dollars. Early in 1941, we expect to have a production of 360 planes per month, or about 12 planes per day, Sundays and holidays included, on the basis of production now arranged for. A further production programme is now being discussed between Great Britain and ourselves which promises to materially increase this output.

We are still dependent on importation of aeroplane engines, propellors (except wooden propellors), and instruments. An exhaustive study of the aeroplane engine situation has not convinced us as yet that the production of aeroplane engines in Canada is warranted, having in mind the very large capital involved, and the drain on our resources of machine tools and skilled mechanics. Sources of supply of aeroplane instruments in Canada are being developed, and the production of metal propellors is under consideration.

As to types of planes, the present production includes Fleet primary trainer, Tiger Moth trainer, Fleet 60 advanced trainer, Norseman, Harvard trainer, Anson twin-engine trainer; and for fighting planes, Lysander, Hurricane fighter, Bolingbroke bomber, Hampton bomber, and the Stranraer flying boat.

The British commonwealth air training plan had involved the supply from Great Britain of some 1,500 Anson twin-engined trainers, as well as other training aeroplanes. Some two months ago, we were advised that the present emergency situation there had made it necessary for Britain to suspend shipments for a time, and immediate arrangements were made to manufacture substitute planes here. Some 5,000 aeroplane engines were purchased in the United States on this account, and nine Canadian firms have been put in production on components and assemblies of the Canadian Anson programme. In order to coordinate the work of these nine firms and to ensure a supply of raw materials, engines, and instruments, as required, a wholly government-owned company, Federal Aircraft Limited, has been formed to take over the responsibility of the government for the production of aircraft of this type. It is anticipated that Canadian production of Ansons will commence before the end of this year. In the meantime the gap in the training programme is being filled partly by the purchase of new or used aeroplanes in the United States, and partly by Britain resuming shipment of the minimum number of training planes that will be required until Canadian production can supply the needs.

The supply of skilled labour for the aircraft industry is coming chiefly from our universities and technical schools, many of which have special summer courses directed toward increasing the supply. That is, of course, in addition to the winter courses. The extent to which our aircraft industry can be expanded will depend on how rapidly this trained personnel can be built up. At present the department is negotiating for the production of the latest types of long-range bombers, fast fighters and modern flying boats, all of United States design, and with components obtainable on this continent.

Building Construction.—Our engineering division has, in addition to its work on buildings for the British commonwealth air training plan, placed large contracts for hutments for the troops, coast defence fortifications, aeroplane overhaul depots, buildings for new industrial plants, and a wide variety of less important projects. The building industry of Canada is working at the highest rate in its history, to meet our requirements for new construction. During the month of July the department awarded 72 contracts for building construction, totalling 11 million dollars.

Automotive Equipment.—Perhaps no country in the world is producing automotive equipment in the volume that now obtains in Canada. At present about 600 mechanized units per day are being produced, and in another month or two this figure will be substantially increased. Canadian government orders now placed for mechanical transport alone amount to $54,500,000, and Great Britain, South Africa, India, and other parts of the British empire are also large buyers in this market. The types of equipment being manufactured include several types of service trucks, gun towing vehicles, ambulances, station wagons, and service motor cars. Canadian motor transport is acknowledged to be the best that has been produced in this war.

The production of universal carriers is well advanced, and deliveries will begin before the

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end of this year. Six Canadian firms are cooperating in this production, and a high rate of output will be realized. The Ford Motor Company of Canada will be responsible for the assembly of these units, and this company is now building a large factory especially for that purpose. These universal carriers will be of Canadian manufacture throughout.

The Canadian Pacific Angus Shops have undertaken the production of British "Mark III" tanks and have associated a number of other firms with them in that project. Production is being planned at the rate of 30 tanks per month. Tanks ordered by Canada will be furnished of complete Canadian manufacture except for engines, which will be imported from the United States until Canadian production can be organized. The "Mark III" tank project has involved the creation of new types of Canadian industry, and all are well underway. British and Canadian orders are in hand for "Mark III" infantry tanks to a total value of 63 million dollars.

Munitions. Canada's munition programme involves the manufacture of Lee-Enfield rifles, Bren machine guns, Colt-Browning aircraft machine guns, sub-machine guns, 2-pounder anti-aircraft guns and carriages, 25-pounder quick-firing guns and carriages, 40 mm. Bofors anti-aircraft guns, 3·7 anti-aircraft guns and mountings, anti-tank rifles, and 20 mm. Hispano-Suiza aircraft cannon. This programme of gun manufacture has in most cases involved the building of a new plant. Our largest gun plant is for the manufacture of 25-pounder, quick-firing, guns and carriages and heavy naval guns, and represents a capital investment of 10 million dollars. This plant will be in production before the end of the current year, and will be one of the largest and most modern gun plants in the British empire. The Bren gun plant has been placed in operation and is delivering guns in substantial quantity. The capacity of this plant is being doubled by building an addition, now underway.

In the matter of shells and ammunition, our programme is a large one, and demands for still larger quantities continue to be received. We now have 14 plants producing shells, which include 4 mm. shells, 18-pounder, 25-pounder, 3·7-inch, 4·5-inch, 6-inch and 9·2-inch. In addition, Canada is filling large orders for fuses, gaines, traces, primers, cartridge cases, copper tubes for driving bands, brass and cupro nickel strip, and, in fact, everything necessary to complete all types of shells.

Total orders placed for ammunition of all types, including component parts such as fuses, primers, and cartridge cases, amount to 69 million dollars, of which 9 million dollars represents capital expenditures to increase plant capacities. In the immediate future, these orders will be increased by some 33 million dollars, involving the production, amongst other items, of several million shells.

The production of small arms ammunition is being expanded rapidly. The capacity of the Quebec arsenal for the production of this material is being multiplied by six. Privately owned plants are being enlarged and two new plants are being designed. Definite orders for small arms ammunition placed to date total some 19 million dollars, and the ceiling will be our productive capacity.

Canada is building two large new explosive plants—one of which will be in production in September next. These plants produce TNT, nitro-cellulose powder and rifle cordite. Existing explosive plants are being expanded largely. The total capital investment in explosive plants at present in hand will amount to some 30 million dollars. Just to show how rapidly these matters move, may I point out that a cable was received this morning which will have the effect of doubling that programme, and will involve an explosives programme of $60,000,000 instead of $30,000,000.

Mr. HANSON (York-Sunbury): It is all for the British government, is it not?

Mr. HOWE: Partly British and partly Canadian. It is predominantly British, but we have a fair amount of capacity of our own.

A new shell filling plant is under construction, at an estimated cost of 8 million dollars. On its completion, all shells, fuses, components and the required explosives will be routed into this plant, and finished shells will be shipped abroad, or delivered for use in Canada. The operation of this programme has been placed in the hands of a wholly government-owned company, Allied War Supplies Corporation, which will, in addition, operate the secondary chemical and other industries incidental to the programme. This company will be responsible for the administration of new capital investments totalling some 110 million dollars. Additional munitions production includes anti-submarine nets, gas masks, depth charges, mines, pyrotechnics, smoke screen chemicals, and various types of bombs.

Glass: An interesting development is the construction, now in progress, of a plant which will manufacture optical glass, fire control apparatus and predictors, and sound detecting apparatus, none of which has previously been made in Canada. The processes to be incorporated in this factory have all been developed by our national research laboratories, to whose

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inventive genius Canada is indebted for a type of production that can only be the result of extensive scientific research.

Clothing and General Supplies.—Less spectacular than ships, aeroplanes and munitions, but most necessary to every member of the armed services are such supplies as boots, army dress, blankets, braces, caps, greatcoats, service shirts, shorts, shoe polish and tooth brushes.

Since the outbreak of war, this department and its predecessor boards have purchased over 18 million yards of woollen and cotton cloth, enough to stretch from Ottawa to Berlin and back again. This has been, or is being, manufactured into 400,000 service battle dress uniforms, 225,000 summer battle dress uniforms, 383,000 overcoats, winter and summer underwear and other items of clothing. Orders have been placed for 850,000 pairs of boots and shoes and production has been stepped up to 30,000 pairs per week. Production of battle dress is reaching 20,000 suits per week. Blankets are being produced at the rate of 30,000 per week; braces 18,000 per week; caps 18,000 per week; service shirts 12,500 per week; and greatcoats 7,000 per week.

It may be interesting to note in passing that 350,000 cattle have contributed their skins to make the necessary quantity of shoes worn by the army, the navy and the air force. Specifications covering the manufacture of these boots are most exacting, and not more than 50 per cent of the best quality hides obtainable in Canada are good enough to produce uppers or soles to government standard. So far as possible, the departmental purchase of barracks stores is geographically distributed in order that all parts of Canada may participate, and also to facilitate prompt shipment to destination.

General buying, which includes purchase of clothing, food and all personal equipment for the troops, as well as all purchases not directly included in the classification previously discussed, has totalled to date 245 million dollars, of which 44 per cent has been delivered and paid for. Of these purchases, 217 million dollars have been made in Canada, 22 million dollars in the United Kingdom, and $6,700,000 in the United States. During the week ending July 20, 1,434 contracts were placed, to the amount of over 7 million dollars, which is at the rate of 32 contracts per working hour, and spending at the rate of $2,650 per minute. This large scale buying has resulted in Canadian manufacturers undertaking the manufacture of many products not previously manufactured in this country.

Foodstuffs are bought through nine branch offices in the principal distributing centres across Canada, each office purchasing for the region that it serves. The magnitude of food purchases can be illustrated by butter, of which 305 tons were purchased during the second quarter of this year.

Secondary industries.—I now come to a discussion of the very important and difficult branch of our work, namely, the production of manufactured products essential for inclusion in the types of manufacture previously discussed. In many cases this secondary production involves large capital expenditure for new plants, and the highest degree of technical skill.

New plants have been built, or are under construction, for the manufacture of hexachlorathane, ammonia, ammonium nitrate, magnesia and magnesium powder, toluol, and a new chemical not previously manufactured in the British empire. These new chemical plants involve a capital investment of some 35 million dollars. A plant is being built to manufacture gas mask charcoal, and a number of unusual chemicals are being produced incidental to the manufacture of pyrotechnics and for other military and naval uses.

War production has created a tremendous demand for brass. A new plant for the manufacture of brass is being built, and an existing brass plant is being largely extended, this programme involving a capital expenditure of some 12 million dollars. The production of aluminum in Canada is in process of being doubled, and plants are under construction for manufacturing this metal into sheets, shapes, extrusions, and forgings, this programme involving some 20 million dollars. Aluminum is the present bottle-neck of the aircraft industry, and steps must be taken to restrict its use for domestic purposes.

The machine shop capacity of Canada is rapidly being taken over by war work. Canada's production of machine tools is being expanded through plant additions, and many million dollars worth of machine tools are being imported. The Citadel Merchandising Company, a wholly government-owned company, is in charge of the procuring of machine tools, both for government and private account and has, since its formation six weeks ago, purchased on its own account machine tools and equipment valued at $1,300,000, and for private account for government contractors, some $15,000,000. This company is performing an invaluable service in expediting procurement and deliveries of machine tools, on which our entire production depends.

The manufacture of munitions involves large and intricate gauge production. Some thirty Canadian firms are now manufacturing gauges,

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involving precision workmanship to 1/10,000 of an inch, and this programme is being further expanded.

The plant survey branch of the department has continued to investigate the productive capacity of our industrial plants. The number of plants surveyed now totals over 2,000. This branch is most helpful in advising on the particular plant to which new production can be assigned and in assisting in overcoming difficulties in the initial stage of manufacture of new plants.

Primary Industries.—The war needs of Canada and Great Britain have placed a tremendous strain on our primary production, in fields that we have become accustomed to look upon as inexhaustible. Lumber and timber, particularly aeroplane spruce, have become difficult to obtain in sufficient quantity. Production of Canadian steel is being extended to the limit. While not yet a problem of production, petroleum products have assumed importance as a strain upon Canada's supply of foreign exchange. An adequate supply of wool has been a problem since the outbreak of war. Many products normally imported are becoming difficult to obtain.

The base metals, and particularly metals little used in peace time, are becoming difficult of procurement. The demand for boots and shoes for the service forces has outstripped the production of hides. To meet this situation and to obtain the maximum output of needed primary products, it is obvious that the government must have a thorough understanding of each industry, and that each industry must well understand the requirements of government. As a connecting link between government and industry, controllers have been appointed, with wide regulatory powers, in the lumber, petroleum, steel, and non-ferrous metal industries. At the outbreak of war, the wartime prices and trade board appointed a wool controller, who has performed invaluable service in arranging our supply since that time. A leather controller, similarly appointed, has also been of great assistance in our supply problems.

These controllers have been most helpful in organizing the productive capacity of their industries, in rewriting government specifications in a way that will permit maximum use of our raw materials, and in keeping us advised of any probable limitations of necessary raw material. These controllers are associated together in the wartime industries control board, which is headed by a member of our executive committee.

Two wholly government-owned companies have been organized to protect the supply of necessary imported raw materials that may be subject to interruption through causes beyond our control. It is the duty of these companies to keep in stock a considerable supply of such materials, and to sell them to our contractors as circumstances warrant. To give the names or any further particulars of the work of these companies would defeat the purpose for which they are organized.

The economics branch of the department studies the desirability of creating new sources of supply, attempts to prevent unnecessary expenditure of foreign exchange, reports on the merits of alternative solutions offered for the same problem, and is available in a consulting capacity to any of our officers who may wish to have any particular problem studied.

In conclusion, let me say that the preparation of a report on the work of the Department of Munitions and Supply invites one to go into almost endless detail. The problems it is handling are of great general interest, and the expenditures involved are on a scale to impress anyone who is interested in the scope of Canada's war effort. I trust that I have given hon. members sufficient detail to permit them to understand in a general way the scope of our work.

We have been fortunate in having enjoyed the complete cooperation of Canadian industry. Practically every industrial plant in Canada has been placed at our disposal. Manufacturers have, in most cases, been willing to accept our decision as to a reasonable price for their product, and have subjected themselves to audit by a firm of chartered accountants if requested to do so. There has been no evidence of an attempt to obtain undue manufacturing profits. I can only hope that the manufacturers have found this department as cooperative as we have found them.

Labour throughout Canada has also entered into the spirit of Canada's war effort in a way that leaves little to be desired. At a time of emergency, labour was called on to work on holidays, on Sundays, and for all possible overtime work, and the response was nothing short of magnificent. It is well understood across Canada that this is every man's war, and few have shown a disposition to take any other view of the situation.

The pace at which our purchases are accelerating can be judged from the fact that, since the inception of the Department of Munitions and Supply on April 9, the average number of contracts awarded per week has been more than twice that of the war supply board, and almost eighteen times as large as that of the defence purchasing board. This has involved a continually enlarged personnel and great difficulty in finding accommodation. I cannot speak too highly of the manner in

which the staff of the department has responded to the added burdens that are continually being placed on them.

In the last twenty years Canada has been geared to a peace-time economy. The change to a war-time economy has taken time, and has involved many problems, but nevertheless the change has been made to a very considerable extent. When the history of the war is written, I have every confidence that Canada's record as the arsenal of the empire will stand comparison with the records of her soldiers, sailors and air men.

Hon. J. G. GARDINER (Minister of National War Services): Mr. Speaker, it has been suggested that I review with the house work which has been done by the National War Services department. That department has been in being for about ten days only and therefore the record of its work up to date will not deal with as many subjects as other ministers have found it necessary to deal with.

I should at the beginning like to call the attention of the house to the fact that just a little more than two months ago the ministers representing each of the departments which have been reviewed within the last few hours reviewed the activities of their respective departments up until that time, and I am sure that members of the house must have been surprised at the remarkable development which has taken place during the two months in which we have been busily engaged with the work of this session.

Agriculture

On that occasion, on May 23, I placed on *Hansard* the position of agriculture in relation to our war effort. As I still am minister of the Department of Agriculture it is my intention to give a short review of the work of the department bringing our position up to date in general terms in relation to matters with which I dealt at that time.

It is not my intention again to place on *Hansard* the names of the different organizations which have been set up since the beginning of the war in order to assist in production and in the distribution of farm products. Those can already be found on *Hansard*. But it is my intention to review in a few words the position as it is to-day as compared with the position as it was two months ago.

I was able to show on May 23 that our production was up in the essential food products; that we had increased our exports to Britain in our essential food products; and that our storage of essential food products other than cheese was also up. In short, I was able to show that we in Canada were in a position to provide Britain at any time with great supplies of wheat, and with greatly increased supplies of meat, dairy products, poultry, canned vegetables and fruit products. The possibility of providing food products to Britain has if anything been improved since that time.

We have an unprecedented carry-over of wheat, we have another crop about to be harvested, we have had a remarkable increase in the production of pork products, we have had a reasonable increase in the production of dairy products, and our surplus supplies of vegetables and fruit are substantial. We are, therefore, in a position to send greatly increased supplies of every food product to Britain on short notice.

This should be reassuring to Britain at a time when she will be denied supplies from many of the European countries from which she previously obtained a considerable part of her pork and dairy food products.

In May I was addressing the house as Minister of Agriculture and concluded what I had to say with these words:

> We in this house who represent agricultural constituencies are interested in seeing that farm surpluses which do accumulate from time to time in the early stages of the war are properly taken care of, and that farmers do not have to assume too great a share of any losses which may be incurred during the early years of a struggle of this kind.
>
> We do not expect that in this war the farmers will receive so high prices for farm products as they did during the last war, but we do hope that matters will be so managed during the period of the war that the farmer will secure his just returns.

Since that speech was delivered there have been a number of changes. I have been asked to assume the position of Minister of National War Services and am still administering the Department of Agriculture. When the Prime Minister was moving the second reading of the bill setting up the new department he stated that the immediate task of the new department was registration, publicity and organization of voluntary effort, as reported at page 1676 of *Hansard* under date of July 12, 1940. He then stated:

> Problems of internal security, of economic organization and development, of meeting social, industrial, financial and other needs, will continue constantly to arise. These may be dealt with by the Department of National War Services, by itself or in conjunction with other departments of the government as authority for such purposes may, from time to time, be given the minister by the governor in council.

Where the problems which has arisen to date may concern our war effort and are at the same time associated with agriculture, they therefore come under one or other or both

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of the departments I am now administering. There is only one exception to that, and that is the marketing of wheat, which is under the Department of Trade and Commerce. Since the speech of May 23 was delivered, there have been changes in world relations which are much more far-reaching in their effects than anything which has or could have happened locally. The arms of Hitler have advanced across Holland, Belgium and northern France. Great areas of food crops have been destroyed. Untold numbers of cattle, hogs and poultry have been destroyed. Much of what may be left will find its way to the armies of Hitler or into Germany. In any case none of it will find its way into Britain. To the extent that this is true Britain will require our extra surpluses sooner or later. Cheese is already being required in greater quantities than our agreements call for, and we shall be negotiating a new agreement on bacon and other pork products during the month of August.

The situation relating to apples and wheat is still serious from the point of view of the producer and in relation to the economic position of Canada. We have an understanding in Nova Scotia in relation to apples which will assist the producer in that area but at some considerable cost to the treasury of Canada. We expect to negotiate some understanding with the other two apple growing areas of Canada within the next few days. As a matter of fact, their representatives are in the capital at present. The wheat problem is one which, while of no greater importance to the individual producer interested than any other, involves more individual producers and in its handling affects the economic and international relationships of Canada to a greater extent than any other farm problem and possibly any problem which is a direct result of the war. It is safe to say that Britain's imports of wheat from the continent just about balanced with Canadian exports to the continent over a period of recent years. This Canadian wheat can be made available to Britain in quantities which will render Britain's wheat supplies secure. We can easily supply Britain with all the cheese she previously received from the continent of Europe. She received from 35,000,000 to 40,000,000 pounds a year. This, added to what we sent last year, would not equal our exports to Britain before the last war. Britain received 546,000,000 pounds of bacon and ham from the blockaded countries of Europe in ten months this year; Canada supplied 169,000,000 pounds in that same period of ten months. Canada could, with her present production, easily increase her exports to Britain by 230,000,000 pounds during the coming year. This would take care of about 40 per cent of what Britain previously obtained from the blockaded countries. These supplies can go to Britain if they are desired by Britain.

I wanted to make that review of the situation as it exists at present in relation to food products in order to emphasize the fact that, from the point of view of the position which Britain holds to-day in the titanic struggle which is going on, we in Canada are in a position to supply her with food products to a greater extent than ever before and therefore to assist her in that direction in winning the war. I think I can say this in relation to the question which I am now discussing, without entering at all into the economic effects of price or anything of that kind, that the people of the Dominion of Canada are bent upon seeing to it that all Canada's food products which are a surplus over and above our absolute needs do go to Great Britain in order to assist her in winning this war.

National War Services

The Prime Minister stated, when setting up the department, that the immediate task to be assumed and assigned to the department by council was that of registering all persons in Canada over the age of sixteen. As indicated by the Minister of National Defence, the task of finding men for the training plan set up by the Department of National Defence has been assigned to the Department of War Services. The registration will place at the disposal of all departments of the government information which will assist in mobilizing both human and material resources.

I have given a short review of developments in relation to food products. The Minister of Munitions and Supply has just given to the house a detailed review of the efforts made to mobilize industry and the results obtained from that mobilization in the direction of supplying munitions and machines of war. It is my intention to place side by side with his review a method by which registration of human resources is to be made, the system under which men are to be provided to the defence department for training, without interfering unduly with industry, and finally an estimate of the human resources of Canada.

I think it will be agreed that although munitions and machines of war and material supplies generally are necessary to achieve victory, they can only function effectively when placed in the hands of men and women of healthy physique, fine spirit and good training. The nature of our country, with its wide spaces and free institutions, produces people

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with the first two qualities. It is the work of the government to add the third in preparation for our war effort.

At the expense of repeating some things already contained in the regulations tabled in the house, and statements already made in this house, I propose to review the whole procedure to be adopted by the department in registering our human resources, so that it can be found in one place in *Hansard*.

The national registration takes place on Monday, Tuesday and Wednesday, August 19, 20 and 21. The geographical units for the registration are the electoral federal constituencies which are, in turn, subdivided into polling subdivisions, the boundaries of which are the same as the polling subdivisions in connection with the dominion election of March last.

There will be two deputy registrars for each polling subdivision. It is not necessary to refer to the voluntary helpers who are being organized by members of this house and others in order to assist the deputy registrars.

At the conclusion of the registration period the deputy registrars in the polling subdivisions will segregate the cards of all single men between the ages of nineteen and forty-five, and they will make copies of the registration cards of the group so segregated, and these copies will be sent by the deputy registrars to the registrars for the electoral divisions. I might suggest in that regard that, particularly in polling subdivisions where enlistment is large, it might be wise for those who are organizing such registration to see to it that a number of tables are provided. It would be a very simple thing for one standing at the door to ask each individual as he comes in whether he is single or married; if single send the men to a table for single men, which would result in all the cards for single men being at one table at the end of the day, the single women to another table, and married men and married women to others, thus dividing the work into about four groups and making it possible for four persons to be working at the desk throughout the day. A division of that kind would make it easy to get the task finished in the three days provided.

The 19 and 20 years class are being extracted now, as they may be used, in the case of the 20 year class next year, and in the case of the 19 year class two years hereafter. This will save having next year and the year after to go to the dominion statistician to extract the cards—should they be required.

The registrar for the electoral district will then take all the cards and classify them into age groups, i.e., the cards of the 19 year olds in the district—single males—will be all put together. The cards of the 20 year olds will be put together, the cards of the 21 year olds and so on, so that there will be a separate group for each age class of single men between 19 and 45.

There are 11 military districts in Canada, namely, one in British Columbia, one in Alberta, one in Saskatchewan, one in Manitoba, three in Ontario, two in Quebec and two in the Maritimes. The Manitoba district includes a portion of that section of Ontario which borders on Manitoba and there may be a slight overlapping of military district boundaries from one province into another, but not of great consequence.

The registration, as I have said, is being made on an electoral district basis.

The 243 electoral districts of Canada will be divided into 12 groups, the outer boundaries of each group being as nearly as possible the same as the boundaries of the military district.

The province of Prince Edward Island will be dealt with separately, so that while there are 11 military districts, there will be 12 organizations set up along the lines I propose to outline, 11 of them being as nearly the same as the military district, and the 12th being Prince Edward Island.

Twelve boards will be constituted, namely, one for each of these military districts and one for the province of Prince Edward Island.

Each board will be headed by a judge of a superior court, or where deemed advisable, by a judge of a lesser court, of the province in which the appropriate military district is situate.

The chief justice of the province will be asked to nominate this judge and he will be appointed by order in council. As a matter of fact, these judges have practically all been nominated in this manner already.

Each board will consist of three members and, as I have said, a judge shall be the chairman of each board. The other two members of each board will be representative citizens of the district in which the board will have jurisdiction.

It will be impossible, with a board of three, to have all the various phases of the economic life of the country represented on the board, but this will be kept in mind in the appointments, so that the members of the board will be fully conversant with the predominant industries of the district in which the board has jurisdiction.

These boards will be located at the same point as the headquarters of the military districts, except in the case of Prince Edward Island, where the headquarters will be in Charlottetown.

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Each board will have a district registrar whose duty it will be to look after the administrative end of the organization and who will be answerable to the Department of National War Services.

The registrars for the constituencies, after they have classified the cards of all the single men, 19 to 45, into age groups, will then send these copies of cards in to the district registrar.

It will be his duty to direct the tabulation and indexing of these cards, so that he will have in his office a complete record of all single men between the said ages for the whole territory under the jurisdiction of the board.

As stated by the Minister of National Defence, the military authorities will indicate the number of single men they propose to train within a year in Canada, and the Department of National Defence will advise this department of the number of men it wishes to call up for training at any one time.

All training of classes called up is to be completed within a year, and it is the intention to make 8 calls within the year and to space these calls equally as nearly as possible.

As soon as the national registration is over, the registrar for each constituency will indicate to the Department of National War Services the number of single men in each of the age groups in the electoral district over which he is registrar, and thus we will know at once the number of single men in each group between 19 and 45 in Canada.

The Department of National Defence, with this information, will advise the Department of National War Services as soon as possible after this information is available, as to the number of men it wants called up on the first call.

As soon as possible after it is ascertained what year classes will have to be called to meet the first demand of the Department of National Defence, a proclamation will be issued, warning all persons within such classes, commencing with the 21-year-old class, that they will be called for service within a certain designated time.

This will be done to give them a chance of arranging their own affairs.

Every single person, male, who is medically fit, between the ages of 21 and 45 in Canada, may be compelled to take military training within one year.

It is possible that the requirements of the Department of National Defence will be satisfied by the calling up of single men from 21 to 35, and it may not have to go beyond this in the first year.

This factor depends on the result of the national registration and the number of men the Department of National Defence can train within the year. The only exceptions not subject to call will be as follows:

(a) Judges of superior, district, or county courts of justice;

(b) Regular clergymen or ministers of religious denominations, members of the clergy or religious orders;

(c) Members of the naval, military, or air forces of Canada on active service;

(d) Those who, in the opinion of the Minister of National Defence, have already received military training, within the previous twelve months, at least equivalent to that to be given to men being called up under these regulations;

(e) Members of the Royal Canadian Mounted Police or provincial police forces;

(f) Members of the police forces and fire brigades permanently employed in any incorporated city.

(g) Wardens and officers of all penitentiaries, prisons, and lunatic asylums or mental hospitals.

Under an order in council passed in 1873, certain privileges with respect to military service were given to a sect of persons known as Mennonites, and under order in council passed in 1898 certain privileges with respect to military service were granted to the sect known as Doukhobors.

It is the intention of the government to recognize these orders in council and a method of dealing with the individuals who feel they are entitled to the benefits of these orders in council will be worked out and duly announced.

Every employer of labour in the district, under the jurisdiction of the board, shall be required forthwith to furnish the board with a list of all single male employees between the ages of 21 and 45.

Any industry shall be entitled to submit a plan to the district registrar for the calling up for military training, within the said period of one year, of its single male employees from the ages of 21 to 45.

The plan so submitted must provide for the training of all their employees within the year but can be adjusted by the industries in such a way as to enable all to be trained within the year in a manner which will interfere in the least possible way with the conduct of the business of the industry. The men subject to call from any industry shall be divided into equal groups so that the same number of men will come up for training on each call.

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The district registrar, on receiving this, shall submit it to the board, and the board shall fix a date for hearing, and shall hear a representative of the industry submit the plan, and the board will have the right to either approve, reject or vary the plan.

After it is approved, either in the form submitted, or is varied, then the men therein listed shall be called as therein provided.

The Department of National War Services will submit to the board in each military district a list of the main seasonal industries within the jurisdiction of such board, and the periods during which it is inadvisable to call men for training from such industries, and it shall be the duty of the board so to adjust the call of men within its jurisdiction as to interfere as little as possible with the conduct of such seasonal industry.

The board will also have the right, in the case of a student at a recognized college or university, to postpone his call until the end of the scholastic year, provided the college or university has a system of compulsory military training in effect in the institution.

The Department of National War Services will be charged with the responsibility of having all men called up for training, medically examined, and will arrange for qualified medical men to be located at points throughout the district, under the jurisdiction of the board, convenient to those to be called.

All men called up will have to pass the same type of examination, as they would have to pass if they were volunteering for service in the non-permanent militia.

The medical examiners will place all persons examined in their proper medical categories in accordance with the practice of the Department of National Defence. It is intended to call up all men in the category of C-1 and above that, in the classes from time to time called.

After each call is made, the person to be called up will receive a notice in writing telling him where to submit to his medical examination, and where to go for his period of military training.

He will, therefore, first be examined. If he is rejected as medically unfit, then he returns home, and this fact will be noted in the record. If he is medically fit, he will proceed to the point where he is to be trained.

These men will be furnished with transportation to the doctor who is going to make the examination and to the military training point.

All medical examinations will be subject to review by the medical branch of the Department of National Defence.

Severe penalties will be provided for the failure of any person called up to submit to the medical examination and to take his period of training, if medically fit.

Severe penalties will be provided for the medical man who fails to make a proper examination or fails to report the true facts of the state of health of the individual.

All employers of labour will be required, under penalty, to put the employee back in his job at the conclusion of his period of training, or into a job the equivalent of the one he had.

A representative of the Department of National Defence may attend at sittings of the board and make such representations thereto with respect to any matter being considered, as he may see fit, but such representative is not a member of the board.

This whole scheme, in broad terms, means this:

(a) As a result of the national registration, we know the numbers of single men between the ages of 21 and 45 throughout Canada, and we know the number in each age class.

(b) The military authorities decide the number of men they propose to train within the next year.

(c) Every medically fit male Canadian, subject to above exceptions, between the said ages, up to the number the Department of National Defence can train, will be called up during the year for a period of thirty days training.

(d) This will apply to every person, regardless of his occupation or any other consideration, save the small excepted list, that I have enumerated.

(e) There will likely be eight calls within a year, and the age classes will be called up in consecutive order, and all must be trained within the year.

All arrangements are made by the Department of National War Services, and the only connection with the Department of National Defence is the furnishing by that department to the Department of National War Services of the total number of men they can train and the number to be called up in each group.

The Department of National War Services will deliver the men to the Department of National Defence for training purposes and then our duties in this regard are completed.

There is considerable anxiety as to what effect this registration and proposed training of men will have upon production of primary products and industry in Canada. It might be of interest to state in a few words what our human resources are.

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There are in Canada—at least this is the estimation, before we take the registration—between the ages of 18 and 44, approximately 4,700,000 people, of whom 2,400,000 are males and 2,300,000 females. Included in this total are approximately 1,198,000 single males. But this is by no means the full strength of our human resources. Between the ages of 44 and 59 the total male population is 950,000 and female 820,000. In those over sixty years there is substantial productive and directive capacity and I must not leave out of the national effort youths from 10 to 18. It is for the future of these that this conflict is being waged, as well as for the preservation of all our institutions of government.

It will be agreed after an examination of these facts that there are a sufficient number of men in Canada in provide the man-power for a much larger force than could be equipped at present, and at the same time carry on activities both primary and secondary. It should be remembered too that those called only for training return at the end of thirty days to their employment. In addition to these there are the millions contained in other categories to draw upon for industry. I may interject that in every long-drawn out war it has been found necessary, before the end, in many of our industries to depend upon people who in peace time would expect to be free from undertaking work in connection with those industries.

We know from our experiences to date with registration that we are going to have one hundred per cent cooperation from every section of our population from coast to coast. Ever since we indicated that we were interested in having people volunteer their services our desks have been piled high with communications from people in every part of Canada. Some of these communciations represented whole staffs in large organizations, determined to see that this registration is properly made in the shortest possible space of time. That cooperation is given to the end that every available man, every product of industry and primary production and the whole credit of Canada shall be placed at the disposal of the governments of Canada and Britain to drive back the forces of Hitler and reestablish freedom in the world. On this occasion the House of Commons, in passing the estimates to be brought before it, will be assisting in that cooperative effort on the part of all our population, so that we may get on with the prosecution of the war at the nearest possible future date, in a degree even greater than that which has been possible up to the present.

Mr. CHURCH: Here endeth the second lesson in plain cooking.

Economic and Financial Activities

Hon. J. L. ILSLEY (Minister of Finance): Mr. Speaker, I hope to be able to complete what I have to say before one o'clock, because I am going to speak only briefly on the financial and economic aspects of our war activity. It is only a month since our financial position and policies were reviewed in detail in the budget; therefore I propose only to recall to you the main facts and to mention a few developments that have taken place since the budget was presented.

You have heard the Prime Minister (Mr. Mackenzie King) and the ministers of national defence describe our military activities and plans. You have heard the Minister of Munitions and Supply (Mr. Howe) and the Minister of National War Services (Mr. Gardiner) discuss the means by which our resources of men and material are being organized for war service and the production of war supplies. These various activities are the primary ones. Behind them lie those secondary, though no less essential, economic and financial activities that enable the resources of the nation to be turned to war purposes. The task of finance is to provide the funds which are used to pay for the war services. But in a deeper sense the task of finance is, by taxation and borrowing, to restrict the civilian demand for economic resources in order that they will be free when the defence or supply departments require them. I cannot too strongly impress upon the house that this is the fundamental function of finance in time of war. It is vitally important that in discharging this function it keep in step with the defence and supply programme; for if finance proceeds more rapidly in curtailing civilian demand than defence proceeds in making use of the resources thus set free, there will be unemployment and waste, while, on the other hand, if finance lags behind the defence services, they will be faced with shortages and delays, and the competition between military and civil demands will bring about inflation.

In the first war budget speech delivered last September, the principles of war finance which we proposed to follow were set forth. I will not go over them to-day beyond merely recalling that it was indicated (1) that we would, so far as practicable, pay as we go by means of taxes based upon ability to pay, (2) that we would borrow as cheaply as possible and (3) finally, that we would continue to follow scientific principles in monetary management, avoiding inflation on one hand, and monetary stringency on the other.

These principles have been applied from that time to this.

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I shall not weary the house be recounting in detail the financial activities of the government since war was declared.

Among their main features were these:

(1) At the September session a war appropriation of a hundred million dollars, with provision of the necessary borrowing powers to the government and enactment at that session of the first new war taxes indicating the main lines of the government's taxation policies.

(2) The establishment in September of various economic organizations, including the war-time prices and trade board and the foreign exchange control board.

(3) A moderate and carefully controlled expansion of money and credit during the first three months of the war.

(4) The negotiation of a loan of two hundred million dollars from the chartered banks upon an issue of two-year two per cent notes.

(5) Repatriation of ninety-two million dollars of dominion government securities for the purpose of providing the British government with Canadian dollars with which to make purchases in this country.

(6) Various other financial arrangements with the United Kingdom, including those connected with the British commonwealth air training scheme.

(7) The first public war loan in January, which took the form of three and one-quarter per cent bonds issued at par, redeemable by lot over the five years from 1948 to 1952, and which resulted in a prompt and substantial over-subscription for the two hundred million dollars required in cash.

(8) Unexpectedly buoyant revenues during the latter part of the fiscal year, enabling us to end the fiscal year with a deficit about seventy million dollars less than was anticipated in September and with a very strong cash position.

(9) A reduction in the estimates for non-war expenditures for the new fiscal year to 448 million dollars from the comparable figure of 525 million dollars for the previous year.

(10) Transfer in April to the foreign exchange control board of all our available holdings of gold and foreign exchange, including both private holdings and those of the Bank of Canada.

These, I think, are the main financial activities of the government since the beginning of the war, and have been, as I have said, more or less fully dealt with in the budget speech and other reviews of our financial activities. There are, however, a few other matters, most of them recent, to which I should like to refer more fully.

For example, there is our coöperation with the United Kingdom in economic warfare. Economic warfare has had its importance in waging the war. It has depended mainly upon the British naval blockade. But Canada has cooperated by careful control of trade to insure that no Canadian supplies reach the enemy directly or indirectly. Direct trading with the enemy was, of course, prohibited from the outbreak of war, and this prohibition was extended to cover trading with agents or suspected agents of the enemy in neutral countries. The export of certain essential commodities, notably metals, was subjected to control by a permit system as from September 20. My colleague the Minister of National Revenue (Mr. Gibson) is responsible for the issuing of permits. Later, in January, all exports to countries contiguous to the enemy, or to territory occupied by the enemy, were subjected to similar control. This control was carried out in cooperation with the British ministry of economic warfare, and with the purpose of preventing any such exports reaching the enemy by indirect means.

Towards the end of May another important financial development took place with the launching of the war savings campaign. This campaign is a continuing and voluntary one. Its purpose is to sell war savings certificates and war savings stamps. This enables even the smallest sources of savings to be tapped effectively and regularly, and in this way everyone in Canada who can afford to save at all is given the opportunity of helping to finance Canada's part in the war, while at the same time investing those savings in the very best of securities yielding an interest return of more than three per cent.

Mr. HARRIS (Danforth): They all go into the consolidated revenue fund?

Mr. ILSLEY: Yes. A nation-wide voluntary organization is handling this savings campaign, and is doing so with efficiency and success.

Mr. HANSON (York-Sunbury): Without wishing to interrupt, would the minister indicate what the sales have amounted to?

Mr. ILSLEY: I shall do that immediately. The total sales of war savings certificates to July 27 had a face value of $16,690,435. For this amount there were 336,602 individual applications with an average of $49.58 per certificate.

Mr. HARRIS (Danforth): I was hoping it would reach $50,000,000. It is a long way from that amount.

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Mr. ILSLEY: It was never anticipated that it would reach $50,000,000 at once.

Mr. HARRIS (Danforth): I was also hoping the liability would be earmarked as such.

Mr. ILSLEY: We had hoped the $50,000,000 would be reached in the course of the year, and less than two months have elapsed to date. These figures do not include the sales of such war savings stamps as have not as yet been converted into war savings certificates.

In each of the nine provinces provincial war savings committees have been formed and these committees are now in process of forming district and local committees, of which it is expected there will be about 1,500 in active operation by the end of next month. There are now about 35,000 retail outlets for the sale of certificates and stamps, including post offices, banks, investment dealers, brokers, retail stores and schools, all performing this important national work without remuneration.

At the present time there are 9,040 employers cooperating in a programme for obtaining war savings subscriptions by voluntary pay deductions on the part of employees. These 9,040 firms employ a total of 1,300,000 employees, and it is safe to say that there are now over 1,000,000 employees cooperating in the purchase of war savings certificates and stamps under the slogan of "serve by saving."

A breakdown of sales by provinces is now available for the period up to the end of June. I have here a table showing the dollar value of total sales in each province and the average amount per head of population. The table is as follows:

Province	Dollar value	Dollar value per capital
Prince Edward Island.	$ 62,940	$0.67
Nova Scotia	529,910	0.97
New Brunswick	342,020	0.77
Quebec	2,252,125	0.71
Ontario	4,624,890	1.24
Manitoba	1,005,935	1.40
Saskatchewan	939,960	1.00
Alberta	837,935	1.07
British Columbia	1,386,035	1.82
Yukon	7,700	....
	$11,989,450	$1.07

Before I leave this subject I think I should refer to an entirely new development in our financial programme, that is, the issue of interest-free certificates. We have been fortunate in having offered to us many interest-free loans by generous public-spirited individuals and corporations who wish to and feel themselves able to make a contribution to Canada's war effort by forgoing the interest return which they could have obtained by investing their funds in war loan bonds or other securities. The government is glad to receive such loans as free-will offerings and has made special provision for them by authorizing the issue of $10,000,000 of interest-free certificates. This amount will be increased from time to time as circumstances warrant. Certificates are issued in registered form only and can be made available in any denomination required. They are to be distributed, as in the case of our ordinary loans, through the Bank of Canada, to which all applications should be made. In the normal case, certificates will be issued to mature on June 15, 1945, but any holder who finds it necessary to ask for the return of his money before the maturity date may send in his certificate for redemption at par at any time after six months from date of issue.

While these certificates have been available for only a short time we have already received subscriptions from 87 individuals and firms, amounting to $2,262,203. Included in this total is a subscription from a large industrial company for $1,000,000, another for $500,000, and a number of very small subscriptions. I should add that this total does not take account of a considerable number of cases where purchasers of first war loan bonds and war savings certificates have donated to the government the interest accruing to them from their holdings of these securities for the duration of the war, or in some cases until the obligation matures. This sacrifice of interest may be a contribution which many of our citizens cannot afford to make, but I wish to express here publicly the appreciation of the government, and I am sure of parliament as well, to those patriotic persons and firms who desire and are able to make this type of contribution to Canada's war programme.

By the time parliament met in May the war situation had, of course, changed radically. The first action taken by parliament was the provision of a greatly enlarged war appropriation of $700,000,000. This figure is larger than the total expenditures of the dominion in any year in its history, except 1920 when the dollar was worth much less than at present. Moreover, it has already been indicated that even this figure must be increased by the sum of at least $150,000,000 to $200,000,000 as a result of commitments which have been made since the war appropriation bill was introduced. As it is anticipated that parliament will reassemble well before the end of the present fiscal year, the vote of these additional amounts will not be requested until parliament meets again.

Since the budget was brought down there have been several new financial developments. These were foreseen in a general way at the

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time of the budget, but they could not be discussed then. The first of these has been the restriction of the use of foreign exchange for pleasure travel. Since we require every available dollar of foreign exchange for the purchase of aircraft, engines, equipment and other war supplies in the United States, we felt that Canadians could be asked to do without the luxury of purely pleasure travel outside of Canada at this time.

Mr. HANSON (York-Sunbury): I understand that there is no restriction on sterling exchange to be used for pleasure trips.

Mr. ILSLEY: I do not think there is a reason for it.

Mr. HANSON (York-Sunbury): I think the minister will find that I am correct.

Mr. ILSLEY: I should think so. Exchange is still available for those who have to travel, either for business or personal reasons. We are confident that our United States friends will understand that we are just as anxious to see them and to visit them as ever. We are not trying to save money at their expense, but rather we are determined that as much as possible of our receipts of United States dollars shall be used for the purchase of those things we need for the war. This is a war not only to defend Britain but to defend this continent as well. We want very much to have United States citizens visit us during the war and we are eager to see that they enjoy their stay in Canada and that they are treated as honoured guests and good friends.

The second new development is the provision this house has made for unemployment insurance. This is a far-reaching measure of social security for our working classes. It is also a vitally necessary preparation for the post-war situation. I do not believe, however, that even members of parliament, let alone the public generally, realize how useful this unemployment insurance may be from the point of view of war finance. Once it gets in operation it will result in the collection of about $4,000,000 a month—I think that is the estimate—in the form of employers' and employees' contributions. Since the amount likely to be paid out in unemployment benefits during the war will be small, most of these contributions will be accumulated in the insurance fund. This fund will be invested in government securities and will therefore assist indirectly in financing the war. Secondly, and this too is important, it will involve the setting up of an active, national system of employment offices, which will serve as a placement service enabling all unemployed persons, whether or not they are covered by the unemployment insurance, to be brought into touch with those needing additional labour. This will be of great usefulness as labour becomes more and more difficult to find, and as it becomes more and more important to transfer what unemployed labour there is to the places where it is most needed. In fact, I should not be surprised if the employment service set up under this insurance scheme proves to be just as important, from the point of view of mobilizing our labour force, as national registration itself. For these two reasons the war makes it more desirable than ever to establish unemployment insurance and a thoroughly efficient system of employment exchanges.

The third new financial factor to be considered is the prospect of greatly increased British purchases in Canada in the next twelve months. You will have noticed from time to time in the last month or two announcements of new contracts or orders for munitions or supplies. In connection with our repatriation programme, I have recently been considering the total of these prospective purchases in various fields, and it is a very large one. It should result in a considerable increase in the demands on our production, both of raw materials and manufactured goods. In addition, however, it will also require a considerable increase in the amount of financial assistance given to Britain by way of repatriation of Canadian securities in order to provide Canadian dollars for purchases in this country. This will involve a substantial addition to the amount of financing to be done to meet our own deficit. It will be a great deal more than the figure of two hundred million dollars a year suggested in the budget. While the increased income resulting from the British purchases will help us to make the savings necessary to finance them, the additional borrowing cannot be done without a considerable effort.

Before closing I should like to impress upon you, Mr. Speaker, and upon others, the magnitude of the financial problem that we face, quite apart from taxation. The volume of savings that will be required to meet our own deficit and to assist Britain in purchasing in Canada is really enormous. Moreover, we must obtain these savings at a time when taxation is heavy—much heavier than ever before. We shall have the income from which we can, if we will, provide the savings. What is necessary is the voluntary effort to make the savings. They are necessary because we are determined to make the greatest use of our resources. We must not be misled by the

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existence of large surpluses of a few things—particularly of certain agricultural products or even of unskilled, untrained labour—into believing that war activity on the scale on which we are proceeding will not compel us to make the maximum possible use of all our man-power and our material resources. One of our most urgent economic problems now is to prepare for the transfer of resources, human and material, from places where they may not be needed for the present to places where they are or will be urgently needed.

I have said we face the need to raise large sums by borrowing. Part of this we shall obtain from the war savings campaign. Much of this part will take the form of deductions from pay envelopes, in addition to the deductions under the national defence tax and the unemployment insurance scheme. Some of our people may be worried by all these deductions. I appeal to such persons to realize that this is the form taken by their contributions to the cost of the war. Such contributions should not be considered as grounds for demanding increased wage rates or salaries. If they were, that would defeat the very purpose of these deductions, since they are supposed to be borne by the persons from whom the deductions are made, and not by the general public in increased costs and prices.

Despite these new sources of savings and despite our new high taxes, we must continue to rely upon a very large volume of savings in the form of subscriptions to war loans. These must come from voluntary savings, from real efforts to do without luxuries and even comforts in order to help win the war. Never before in our history have we faced a saving problem—an investment problem—of such magnitude. It will require sustained and determined effort, but the kind of effort of which the aroused Canadian people are now fully capable.

Last night I listened to the eloquent words of my colleague the Minister of National Defence (Mr. Ralston). I heard his ringing appeal to Canadians to fight, first in defence, then when the defensive phase of the war is over, to carry the attack to the very haunts of the enemy. As I listened I felt like saying to him, as to his colleagues the Minister of National Defence for Air (Mr. Power), the Minister of National Defence for Naval Services (Mr. MacDonald), and the Minister of Munitions and Supply (Mr. Howe): See that Canada does her utmost—on the land, on the sea and in the air—and the cost, in so far as money can meet it, will be gladly and proudly paid.

Mr. HANSON (York-Sunbury): Before the minister resumes his seat may I ask him if he will—perhaps not now, because I do not think he could do it at the moment—rectify what I think is an omission in the review of the government's war effort, that is, the extent of Canada's commitments in dollars and cents under the programmes now under review and the portion which may be assumed by the British government. That is one of the things I mentioned when asking for this review, and I think we ought to have it. It may not be available to-day but later, perhaps to-morrow, the minister might be able to give us the information, having regard to the huge sums mentioned this morning by the Minister of Munitions and Supply.

Mr. ILSLEY: I will try to get that.

Mr. STIRLING: We have listened for five hours to a detailed description by five ministers of Canada's war effort. I imagine that we are going to proceed in the ordinary way followed by estimates, even though this huge expenditure will not come before us in the form of estimates. Does the Prime Minister propose that we go on with the discussion at this stage, or should we wait until the house is in committee of the whole?

Mr. MACKENZIE KING: So far as the procedure is concerned I should like to meet the wish and convenience of hon. gentlemen opposite. I had thought that perhaps what might best meet their convenience would be that the Speaker should now leave the chair and that the house should resolve itself into committee of the whole to consider one item under national defence. Item 205 relates to capital and current expenditure. True, it is other than for war appropriations, but it is sufficiently general, were it so understood, as to cover almost anything under the heading of defence. In committee of the whole a perfectly free discussion might take place in respect to all statements which have been made in the reviews by the different ministers and upon the matters referred to therein. If it were not the desire to go on with the committee stage of the discussion to-day, either this afternoon, or this evening, it could be postponed until to-morrow morning, but I hope that it will not be necessary to postpone further consideration of defence matters beyond that time.

Mr. HANSON (York-Sunbury): That would be quite all right. We could go into supply, call an item and then rise on the understanding that we resume the discussion to-morrow. These are very important and exceedingly lengthy statements.

While I am on my feet I should like to say that in an interjection I made last evening I hope I did not hurt the feelings of the Minister of National Defence (Mr. Ralston) too badly, because he and I are really good friends. Still I did think that a large portion of his statement was, shall I say, unimportant. There were other parts which were very important and which appealed to me.

Mr. RALSTON: I must say that I did feel, not hurt, but that my hon. friend had not done himself justice in characterizing the statement as he did. I felt that the work which had been put on the statement was sufficient at least to justify perhaps a closer consideration than the interjection would seem to have indicated.

Mr. COLDWELL: I could not quite hear the discussion across the floor as to the procedure to be followed. Do I understand that the debate on the minister's statements will proceed to-morrow?

Mr. MACKENZIE KING: Yes, that is the intention. The house will go into committee of supply, where they can be discussed.

The house in committee of supply, Mr. Vien in the chair.

DEPARTMENT OF NATIONAL DEFENCE

Normal services.

205. To provide that expenditures of the Department of National Defence in the fiscal year ending March 31, 1940, chargeable to Capital Account by the Appropriation Act No. 3, 1939, be charged to ordinary account in the public accounts of Canada for the fiscal year ending March 31, 1940, and that no sums be voted or paid into the consolidated revenue fund to provide for the retirement of the said expenditures chargeable to Capital Account, $326,050.

Item stands.

Progress reported.

BUSINESS OF THE HOUSE

Mr. MACKENZIE KING: With respect to resuming in committee of supply, if it should be necessary to do so, it is understood that we will not take up the defence items but rather items under some other departments—agriculture and pensions and national health. Then it is proposed to go on with the other items on the order paper. There is No. 4, respecting the Prairie Farm Assistance Act.

Mr. HANSON (York-Sunbury): In the order in which the items appear?

Mr. MACKENZIE KING: No. We will take up first the senate amendments to bills. That is, we will take up 5, 6, 7—possibly 7 before six—after this, 8, 4, 9, 11, and 10.

At one o'clock the house took recess.

The house resumed at three o'clock.

BANKING AND COMMERCE

FOURTH REPORT OF STANDING COMMITTEE—BILL TO INCORPORATE THE ALBERTA PROVINCIAL BANK

Mr. W. H. MOORE (Ontario) presented the fourth report of the standing committee on banking and commerce.

Mr. HANSELL: Will the chairman of the banking and commerce committee move concurrence in the report this afternoon, or to-morrow? We should like to discuss the matter.

Mr. CRERAR: Not to-day.

BUSINESS OF THE HOUSE

SUSPENSION OF ORDER FOR PRECEDENCE OF GOVERNMENT BUSINESS WITH RESPECT TO PRIVATE BILLS

Mr. ALPHONSE FOURNIER (Hull) moved:

That the order passed on May 21, 1940, appointing an order of business of the house for the present session be suspended in relation to private bills.

Mr. HANSON (York-Sunbury): What is the effect of this motion?

Mr. FOURNIER (Hull): A number of private bills have been passed by the senate, and the motion passed on May 21 prohibits the introduction of these bills in the house. The effect of this motion is that the rule be suspended and that in due course we proceed with these private bills.

Motion agreed to.

EXCISE ACT, 1934, AMENDMENT

CONCURRENCE IN SENATE AMENDMENTS

Hon. J. L. ILSLEY (Minister of Finance) moved the second reading of and concurrence in amendments made by the senate to Bill No. 100, to amend the Excise Act, 1934.

He said: There is no objection to these amendments. They are purely of a verbal nature, and there is no reason, so far as I can see, why the house should not concur.

Mr. HANSON (York-Sunbury): It seems to me they improve the English of the bill.

Mr. ILSLEY: Yes.

Motion agreed to; amendments read the second time and concurred in.

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FARMERS' CREDITORS

AMENDMENT OF ARRANGEMENT ACT AS TO PROPOSALS FOR COMPOSITION, ETC., IN MANITOBA — FREE CONFERENCE WITH THE SENATE IN VIEW OF AMENDMENTS

Hon. J. L. ILSLEY (Minister of Finance): This is a case where I feel that we should ask for a conference with the senate. Therefore I move:

That a message be sent to the senate respectfully requesting a free conference with their honours to consider certain amendments made by the senate to Bill No. 25, an act to amend the Farmers' Creditors Arrangement Act, 1934, to which amendments this house has not agreed and upon which the senate insist, and any amendment which at such conference it may be considered desirable to make to said bill, or amendments thereto.

That Messrs. Ilsley, Crerar and Tucker be appointed managers on behalf of this house of the above free conference and that a message be sent to the senate to acquaint their honours therewith, and that the clerk of the house do carry the said message to the senate.

Motion agreed to.

SPECIAL WAR REVENUE ACT

CONCURRENCE IN SENATE AMENDMENTS

Hon. J. L. ILSLEY (Minister of Finance) moved the second reading of and concurrence in amendments made by the senate to Bill No. 103, to amend the Special War Revenue Act.

He said: The amendments are merely of a verbal nature, and there is no reason, so far as I can see, why the house should not accept them.

Motion agreed to; amendments read the second time and concurred in.

TRADE AGREEMENT

CANADA-DOMINICAN REPUBLIC—APPROVAL BY PARLIAMENT

The house resumed from Wednesday, July 24, consideration of the motion of Mr. MacKinnon for approval of the trade agreement between Canada and the Dominican Republic.

Hon. R. B. HANSON (Leader of the Opposition): Before the resolution carries I desire to say a word or two. First, I am wondering why this matter was delayed so long before its introduction into parliament. I notice that the treaty was executed more than two months before parliament met, namely on March 8, and I think it should have been introduced into the house for ratification before the dying days of the session.

The treaty itself is not important, except with reference to the principle involved. I am glad to see that we are extending our trade with the West Indies, having regard to the loss of markets which we have sustained in other quarters, due to foreign exchange conditions, and due to the war. In 1934 the question of trade with this republic was up, and at that time our exports were entirely confined to fish. At the time they were threatened with being cut off, and we made some extraordinary efforts to retrieve the situation, though the amount involved was small, in which we were successful. I understand from the statement of the minister that later our exports declined, due to the imposition by the republic of internal revenue taxes. In 1934 our imports showed a very marked increase, consisting largely of sugar, I assume; in fact according to the minister's statement the total imports of $1,414,797 in that year included heavy importations of Dominican raw sugar. The following year there were no sugar imports at all. Our exports to that country, which reached a peak of $296,232 in 1938, fell off in 1939 to $111,616. As I understand it, those peak exports included a substantial amount of silver coinage sent from the mint here. Does the minister expect any increase in our exports of dried fish to the Dominican Republic? I know of no part of our community that is in greater need of export markets than our fishing population, unless it be the wheat producers of the west.

While I am on my feet I might direct the minister's attention to the fact that there is now a grand opportunity to extend our market for dried fish in Cuba. Our exports of fish to that country have been cut off during the past few years, largely because of exports from other countries, and I think now the Department of Trade and Commerce should be alert to the openings which exist in that market. Any one who has ever visited these islands will agree that the purchasing power of Cuba, as compared with that of the Dominican Republic, is probably as 100 is to 1 in favour of Cuba; and while I welcome the opportunity to send more of our fish and potatoes to the Dominican Republic I would greatly welcome any step that might be taken to make possible greater exports of fish and potatoes to Cuba, where there is also a market for newsprint and sulphite pulp, which heretofore has been obtained in other countries.

I hope the minister will give some consideration to these points. I believe his trade commissioner to Cuba is now in Canada. I understand he has been conducting an educational tour of this country. He was recently in my own city, where he made the

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statement that, the supply of fish from Norway having been practically cut off, fish exporters of eastern Canada and Newfoundland now have an opportunity to increase their sales in Cuba. If we could get our share of the Cuban market it would be a great thing for eastern Canada.

So far as I know there is not the slightest objection from any standpoint to the ratifying of this trade treaty. It is a very small thing, perhaps, but we should welcome it at this time. So far as I have been able to examine the treaty, it contains no unusual provisions. We give them certain considerations and in turn they remit certain taxes which have been very detrimental to our exports to that country. Has the minister any idea to what extent the exports of Canadian fish may be increased? I think any information on that point would be welcomed.

Hon. J. A. MacKINNON (Minister of Trade and Commerce): My hon. friend has commented on the seeming delay in tabling this treaty. I am sorry I cannot give any definite information as to that, unless possibly it resulted from the changes in the department. The treaty was tabled as soon as it came to the attention of the minister.

With regard to the increased trade that may result from this treaty, I believe the leader of the opposition (Mr. Hanson) mentioned particularly fish and potatoes from the maritime provinces. Obviously one of the results we hope to achieve through the signing of this treaty is an increase in the trade between the maritime provinces and the Dominican Republic. In this connection I may say that I am very hopeful that this may be merely the beginning in effecting trade treaties with Central and South American countries, to the benefit of the producers of natural products in Canada.

Then the hon. gentleman mentioned the possibility of a trade treaty with Cuba.

Mr. HANSON (York-Sunbury): The extension of our trade with Cuba.

Mr. MacKINNON (Edmonton West): This matter is receiving the attention of the department. For some time the Canadian government has been examining the possibilities of entering into negotiations for the conclusion of a trade agreement with the government of Cuba. Renewed attention has been given this question in the light of changed conditions resulting from the war, and proposals have been made to the government of Cuba. It is hoped that when a reply is received negotiations may proceed for the conclusion of a trade agreement with that country.

In the same connection, Mr. Speaker, I should like to make a brief statement with regard to the Canada-West Indies trade treaty. This agreement, which was concluded on July 6, 1925, covered a period of twelve years from the date of coming into force; and as it came into force on April 30, 1927, it could not have expired before April 30, 1939. According to the provisions of the agreement it was necessary for the Canadian government to give twelve months' notice of termination; and towards the end of 1938 the required steps were taken to give the necessary notice of termination of the agreement, to take effect on December 31, 1939. At the same time the intention was expressed of holding a conference some time during 1939 for the purpose of negotiating a new trade agreement to take the place of the existing trade agreement when it ceased to have effect.

The outbreak of the war prevented the holding of a conference to negotiate a new trade agreement; and towards the end of 1939 it was agreed with the government of the United Kingdom that the existing trade agreement should remain in force for a further indefinite period, subject to six months' notice of termination by either party. It is clear that under war conditions there will be no opportunity to hold a conference for negotiating a trade agreement; and the revision of the existing agreement must necessarily await the return of more stable conditions.

In conclusion, Mr. Speaker, may I say that the matter of increased trade with other countries on this continent is receiving the very closest attention of the officers of my department.

Mr. HANSON (York-Sunbury): In view of the statement the minister has just made, that the Canada-West Indies agreement remains in effect subject to termination upon six months' notice, what effect will that have upon any negotiations in which we may engage with Cuba looking to increased trade with that republic? I think it will have a very marked bearing.

Mr. MacKINNON (Edmonton West): I shall obtain information on that point.

Motion agreed to.

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CANADIAN NATIONAL RAILWAYS

PROVISION TO MEET CERTAIN EXPENDITURES AND GUARANTEE OF SECURITIES AND INDEBTEDNESS

Hon. J. L. ILSLEY (Minister of Finance) moved that the house go into committee to consider the following resolution:

That it is expedient to bring in a measure to authorize the Canadian National Railway Company to issue securities not exceeding $15,104,000 in principal amount to provide the moneys necessary to meet capital expenditures made or to be made during the calendar year 1940, and to make provision for the retirement of capital indebtedness during the said calendar year and to issue substituted securities for refunding purposes; to authorize the governor in council to guarantee the principal, interest and sinking funds of such securities; and to authorize the making of temporary loans to the said company secured by such securities and not exceeding $15,104,000 in principal amount to enable the said company to meet such expenditures and indebtedness.

Motion agreed to and the house went into committee, Mr. Vien in the chair.

Mr. HARRIS (Danforth): Perhaps in fairness to the committee the minister might give an explanation of the item.

Mr. ILSLEY: This is the usual bill. A bill of this kind is introduced every year. There is one new feature in the bill which can be explained when the measure has been introduced, and that is that power is taken to issue securities for refunding. Apart from that, the measure is similar to bills of the same kind introduced in former sessions. It provides for borrowing for purposes of retirement of maturing capital obligations, miscellaneous maturing or matured notes, and other obligations secured or unsecured, and payment of sinking fund, not exceeding $8,200,000. It provides also for borrowing for the purpose of meeting the cost of additions and betterments, including coordination and acquisition of real or personal property, not exceeding $6,904,000. These two sums together constitute the total of $15,104,000 mentioned in the resolution. The bill authorizes the Canadian National Railway Company to issue bonds or other securities not exceeding that principal amount. It is to provide the amounts necessary to meet capital expenditures in the year 1940 for the purposes I have mentioned, namely the retirement of maturing capital obligations, general additions and betterments, and the purchase of new equipment.

Mr. HARRIS (Danforth): The minister has said that this is the usual bill which comes before us year after year permitting the Canadian National Railways to borrow money to take care of retiring maturities and securities which are coming due. Well, the usual bill asking for more and more money each year, and asking endorsation by the government for the railway, is quite all right in ordinary peace times. But to-day the situation is different so far as the Canadian National Railways are concerned. First, the position in respect to borrowing in Canada is not the same to-day as it was one or two years ago, when our money was on a parity with money in New York. Second, as has been pointed out during the last five or six hours, every possible effort should be made to conserve exchange in United States funds for the purpose of making it possible for us to buy in the United States the necessary war equipment.

Now the government somes along with the usual bill, asking for an allotment of $15,104,000. In a day or two we shall be asked to vote, according to the estimates, $15,000,000 to cover the deficit of the Canadian National Railways. With regard to this particular block of money, it may truly be said that we owe it. Having regard to the set-up of the Canadian National Railways the indebtedness must be met; something must be done about it. But if one were to take the time to analyse the figures he would find in those maturities certain sums representing assets entirely within the United States. Those sums are due in New York. For instance, on page 3 of the 1940 budget of the Canadian National Railways there is an item of $152,001 for Central Vermont Railway, Incorporated. Again at page 4 there is an item of $124,000 for the Chicago and Western Indiana Railroad Company. There is a further item in connection with the New England Elevator Company 3¾ per cent bonds. There is a further item of $283,000 in connection with the Grand Trunk Western railroad equipment trust, 1929. There is an amount of $427,528.54 for indebtedness to the state of Michigan, in connection with Woodward Avenue. There is a further amount of $78,000 for the Central Vermont Railway, Incorporated, equipment trust, 1929.

These may be small items, but in the aggregate they amount to a large sum. In the present instance the Minister of Finance asks us to approve this measure in respect of which he will deal with maturities due in New York. Then, in turn, he will go to his own foreign exchange control board and pick up the necessary United States funds. In due course those maturities will be retired. That is ordinary business. It is his responsibility to see that the necessary moneys are available. But I would point out that we are drying up Canada's liquid position. We are taking from the control of Canada liquid moneys, at a time of war, and at a time when the neutrality legislation of the United States provides that all our obligations coming due in New York, except equipment trust funds, may be refinanced. We are not refinancing in New York to the greatest possible degree. On the contrary we are using our foreign exchange unnecessarily to liquidate indebtedness. The Minister of Finance may say that these are small amounts, aggregating only $3,000,000 or $4,000,000 in the course of a year. I say to him, however, that at this time every possible dollar that we can refinance in New York should be refinanced. We should not take United States exchange out of the till of Canada to meet these maturities, when the only possibility we have of keeping ourselves in a liquid position and avoiding the necessity of our becoming frozen up is to refinance in New York every possible obligation.

It must be remembered that $22,000,000 of interest on our obligations in New York, in connection with the Canadian National Railways, will be due this year. That sum may have to be met. I suggested that we should consider whether we should permit the flight of Canadian dollars to meet obligations payable in New York. I was referring to interest on mortgages as well as on bonds, and any earnings by way of dividends or otherwise on purely Canadian enterprises, even though payable in New York. The Minister of Finance may say that that might involve the honour of Canada. But even though our friends of the United States are not in this war—in passing may I say I do not think they are very far from it—I feel that they would probably expand their ideas with regard to their neutrality act. I feel they would be ready to help us, perhaps not with regard to dividends, interest, and so on, which may be due on Canadian securities in which they have invested and from which they expect a return in United States exchange, but at least to the extent of helping us to conserve our exchange. As far as possible we should try to stop every Canadian dollar from going to the United States to meet obligations made in the United States if it is possible to refinance or renegotiate in New York in order that final payment may be held off until at least the war is over.

When the Canadian National Railways drew up their budget last December they did not know there was going to be such a surge of revenue into their tills as there has been during the first six months of this year. Last December they anticipated a deficit of $20,000,000 for 1940. After January, February and March had passed, after they had had the experience of those months, they were probably asked by the Minister of Transport: "How much do you want for your deficit for 1940?" The budget of December 31, 1939, showed that they wanted $20,000,000, and after the first three months had passed and they saw that revenues were increasing they still clung to their idea of a deficit of $20,000,000. The Minister of Transport said: "I think in view of your experience we will cut it down to $15,000,000."

We had an election on March 26. The meeting of parliament was delayed. April, May and June went by, and expanding revenues still poured into the tills of the Canadian National Railways, so much so that the original $20,000,000 of December, 1939, which had shrunk to $15,000,000 in April, 1940, was not necessary when we came to consider these estimates in July, 1940. The Minister of Finance and the Minister of Transport know that the estimate in this volume for $15,000,000 will not be necessary. I concede at once that if it is not necessary it will not be used, but the fact remains that the item of $15,000,000 is just as much part and parcel of the requirements of the railways as is this $15,104,000 of refinancing. As sensible men are we to pass an estimate for $15,000,000 when we know it will not be required? We do this because it is in the estimates and because the Minister of Transport has said: "If you amend that item, you defeat the government."

The president of the Canadian National Railways told the members of the special committee appointed to consider these estimates and the resolution now before the committee that when the earnings for the twelve months period got beyond $250,000,000, $1,000,000 of every $2,000,000 would go to take care of the deficit. The Minister of Transport must realize that before 1941 comes along there will be no need for $15,000,000, and certainly not for an extra $15,000,000. The reason is to be found not in any particular efficiency in the management of the railway, but in the sad circumstances that a war has developed and that the traffic on the road has increased tremendously. If we are to vote this $15,000,000 in the estimates, could we not as sensible members of the House of Commons arrange for the retirement of at least the Canadian portion of these securities? Certain of these securities are due, such as those involved in the Woodward avenue extension in Michigan. I cannot see why we could not ask our friends in New York to permit us to refinance these for at least the period of the war, thus avoiding the freezing of the liquid position of Canadian cash.

The Canadian people are being asked not to make pleasure trips to the United States, not to spend a couple of hundred United

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States dollars on a trip to New York. We were told this morning that our friends in the United States would understand why we were not spending United States money; we were told that they would realize that we wanted to conserve exchange. Yet at the same time the Minister of Transport says that an amendment to any of the ideas of the government in connection with the estimates or with this resolution will amount to a defeat of the government. I urge upon the Minister of Finance that he check and double-check with the Minister of Transport, and that he do likewise with the Canadian National Railways, to see if the maturities coming due in New York cannot be refinanced so that we may maintain an abundance of United States dollars in our treasury with which to buy supplies to prosecute the war.

Mr. HOWE: Mr. Chairman, I dislike very much to quarrel with the hon. member for Danforth (Mr. Harris), especially when he is in such an optimistic mood. At times I have been accused of being too optimistic. I made a statement in 1936 that I expected to see the day when the Canadian National Railways would operate at a profit. At that time I was taken aside quietly and told that it was all right to be an optimist, but I should not make foolish statements of that kind.

Mr. HARRIS (Danforth): A war has occurred since then.

Mr. HOWE: I wish the Canadian National Railways were making a profit this year above operating expenses, above interest and tax charges and every other charge. Unfortunately they are not likely to do so. My hon. friend is talking arrant and blatant nonsense when he says that I have come before this house to ask for money which is not needed and which is not going to be needed. What is the position? When the railroad officials are asked to prepare a budget for the coming year they in turn ask every superintendent to prepare an estimate of the business which he expects to move over his particular region during the following year, as well as an estimate of his operating costs.

Mr. HANSON (York-Sunbury): When is that made up—in September?

Mr. HOWE: Such estimates are made up early in the new year. Those figures are constantly revised until they are finally brought down in departmental estimates. The first budget sent in provided for a deficit of $25,000,000. I requested the directors to have another look at the matter. I told them something of what we were doing and what we expected to do in the movement of munitions, orders for which were going out in substantial amounts, and I asked them to reconsider the situation from an optimistic point of view. The directors reconsidered the matter and submitted a new estimate of $20,000,000 deficit. The board of directors could not bring the budget down below the $20,000,000 mark. When the estimates were brought down, rather late in the year, some time in April, the government considered the matter again. I had further talks with the management of the road, and the government took the view then that there was a possibility of the deficit being not larger than $15,000,000. The government decided to ask parliament to vote that sum, with the idea that if the management were more nearly correct than the government a deficiency estimate could be voted at the end of the year.

In the newspapers we have seen increases of 25, 30, and 35 per cent in gross revenues. That is all misleading. The first six months of the year are the thin traffic months; the last six months account for two-thirds of the earnings normally made in the year. These improvements in gross earnings are comparing the six months of good business this year with the poor six months last year. We had a budget for 1939 giving an estimated expenditure of $43,000,000 and in July, 1939, we were about $2,000,000 behind our budget. In the last six months we produced the second largest wheat crop that Canada has ever had, with free movement of wheat, and, with the impetus of the war coming in September, resulting in an immediate lift in traffic; and instead of an estimated loss of $43,000,000 we turned in a deficit of $40,000,000. What is the position to-day? I took the trouble two or three weeks ago to find out exactly what the position was then. I found that the budget of the Canadian National Railways, made up month by month, showed an improvement of $20,000,000, all in the months from January to August. The exact position to-day, or at any rate when I looked it up, was that we were about $1,200,000 ahead of the budget that provided for a deficit of $20,000,000, which is the budget made up by the directors for submission to the government as the Canadian National requirements for this year.

It may be said that the movement of munitions in the last half will be better than expected. Perhaps it will be; I hope it will be. We must remember however that our gross earnings from wheat alone last year were $24,000,000. To-day we have an embargo on the movement of wheat to Fort William. We have all storage space filled with wheat from Fort William to the Atlantic ocean, and we have some 15,000 railway cars loaded with

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wheat, which cannot be unloaded because there is no terminal space—and that at the end of a crop year with autumn movement two weeks away.

We have earned up to date this year $8,000,000 gross from the movement of wheat, and the best that the railways can hope for, the best estimate they can give, is another $4,000,000 from the movement of wheat.

Mr. HANSON (York-Sunbury): For the rest of the year?

Mr. HOWE: Yes, under the conditions of congestion that prevail. So that we have this year probable gross earnings from wheat of $12,000,000 as against earnings last year of $24,000,000, and the bulk of the $24,000,000 was collected in the last five months of the year. It is true that net earnings on wheat are very small indeed. The effect on the net earnings is not going to be in proportion to $12,000,000 of gross earnings. We shall perhaps do better on our net than that loss of gross from lack of movement of wheat might indicate. The movement of munitions is somewhat ahead of estimates and there is a hope, I think, that we shall reach the $15,000,000 figure. If nothing intervenes, with the free movement of munitions through the fall, if the ports are then clear and lumber can move, and we have a free movement of war materials, we may even better the situation a little. But for the hon. member for Danforth having had the privilege of sitting in the railway committee, with all the officers of the railway present, having recently examined all the statistics that the railways could place before the committee, and having had the privilege of asking every question he liked, to stand up here and accuse the late Minister of Transport or the Minister of Finance of asking for money that they are said to know is not required, is, I think, nothing short of effrontery.

Mr. HANSON (York-Sunbury): I object. The language is unparliamentary.

Mr. HOWE: I ask for the chairman's ruling.

Mr. HANSON (York-Sunbury): The minister has no right to use any such term at all. The other day the chairman ruled that "bluff" was unparliamentary. Effrontery is an offensive term and the minister should not use it. There is no necessity for it.

Mr. HOWE: He accused me of deception.

Mr. HANSON (York-Sunbury): I did not hear that.

Mr. HOWE: Absolutely.

The CHAIRMAN: If exception is taken to the word as casting a reflection on the hon. member, and if it is regarded as offensive, I think the word "effrontery" should be withdrawn, though it is often used in ordinary parlance without any exception being taken to it. In the house, however, according to our rules, if an hon. member is shocked by the use of the word I think it should be withdrawn.

Mr. MacNICOL: Shocked or shot?

Mr. HOWE: Having shocked the house by the use of one of the mildest words in the English language, I withdraw it at once. I do not think, however, that there is any foundation whatever for saying that the railway budget is not a reasonable one under present circumstances. If you take the budget of the railway as $15,000,000, which it was not—the budget submitted by the railway was $20,000,000—we are some $3,800,000 behind on a budget of $15,000,000 at this time of the year, just as we are $1,200,000 better than the budget of $20,000,000 which was submitted by the railways. As for the financial charges, my hon. friend says the bill is brought down every year, that is true enough. The reason is that the Canadian National-Canadian Pacific Act of 1932, which my hon. friend helped to put through the house, makes it necessary to secure the approval of parliament before the Canadian National Railways can spend a five-cent piece on capital account.

Mr. HANSON (York-Sunbury): That principle has always been in the law since 1919. No capital expenditure could be made without getting approval.

Mr. HOWE: In any event the railways must come to parliament for the approval of capital expenditures.

Mr. HANSON (York-Sunbury): Right.

Mr. HOWE: As for refunding in the United States, we shall all agree that amounts of $10,000, $50,000, $179,000, or whatever it may be; these small amounts cannot be refunded in the ordinary money markets. Of course the railway has earnings in the United States in United States funds—substantial earnings this year—and I have no doubt that in the actual working out of the situation the earnings that are made in the United States will be used to retire these small capital obligations. Nevertheless the accounting system in the United States and the accounting system in Canada make it necessary for a capital obligation becoming due to be refunded unless paid off out of surplus earnings. In any event I am sure that the Finance department and the Minister of Finance will watch that situation very closely and if there is anything to be

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gained by placing a domestic loan in the United States for other than war purposes I am sure the department and the Minister of Finance will not overlook that possibility.

Mr. HARRIS (Danforth): Mr. Chairman, I am anxious that the minister be put right with regard to the so-called "blatant nonsense" that he spoke about. He knows and I know and the rest of the members of this house know that there was no blatant nonsense in the observations I made. The minister is doing a great job of work for Canada and he is a very busy man, but his remark about blatant nonsense is not borne out by the facts which were deposed before the committee. He knows that the estimated increase in revenue of some 22 per cent, largely due to war conditions in the first six months, rose to 29 per cent. I do not think the minister meant just what he said when he used the term "blatant nonsense" as applied to an hon. member who had the privilege of sitting in the committee and observing that revenues had increased by 7 per cent. A simple mathematical calculation shows that 7 per cent on $200,000,000 amounts to $14,000,000, and the railway is asking for $15,000,000. The minister is engineer and mathematician enough to know what any boy who went through the fourth book at school would realize in respect to the meaning of this percentage increase if, as we hoped, it should be maintained during the rest of the year. But even if it were not, we have had six months' experience since the first estimate of $20,000,000 was given by the president of the Canadian National Railways, now increased to $25,000,000 as stated by the minister within the last few minutes, a figure which was never mentioned before—it was $20,000,000 in December, 1939, and now within the last three minutes it is $25,000,000. The minister knows and we know that it is war conditions that have made that increase possible, and that if the increase continues we shall not require this sum. We knew when the estimate was brought down that we should require only $15,000,000. As I said before, let us be sensible about this thing and vote only what is required.

I was surprised that the minister from his place in the house should belittle a suggestion coming from the opposition in the interests of Canada, especially in this difficult time when we should explore every possibility of refinancing having regard to the neutrality act of the United States. When the minister mentioned $10,000 he knew that within the confines of this $15,104,000 mentioned in the resolution there were many sums far in excess of $1,000,000. He knew, too, that we must have regard in this house to the major obligations which we must meet in New York. I am thinking of the amount of interest which must be paid on the indebtedness of over $1,000,000,000 against this system, payable in New York, and interest amounting this year to $22,000,000. If by collaboration between the government and those holding these securities the necessity of our finding that tremendous sum of United States money as it becomes due could be avoided, hon. gentlemen on the treasury benches would be doing a real service to Canada in keeping the money in our own till and thus maintaining our liquid position.

So that as to the blatant nonsense which the minister attributes to me—well, if there were no war on, Mr. Chairman, the minister would hear a little more about blatant nonsense. But I will take it. Any Britisher can take it, and this reference to blatant nonsense may be passed by, for the sake of Canada's interests in war-time. But if the minister does not feel disposed to withdraw the expression, an elephant does not forget. We have all been very generous to the minister and anxious to assist him in every possible way, not so much for his own sake as for Canada's. I hope when he rises again he will withdraw his remark about blatant nonsense with respect to a member who is charged with a certain responsibility to his Canadian fellow-citizens which he is trying to fulfil during these very difficult times.

Mr. ILSLEY: Mr. Chairman, as I understand it the question of the amount that is voted to meet further deficits is not material in a discussion of this resolution, which is to authorize borrowing to meet capital obligations; therefore much of the discussion that has taken place has, I venture to say, been irrelevant. There was, however, one relevant observation, and that was with reference to refunding obligations in the United States. I may say to the hon. member for Danforth (Mr. Harris) that his suggestion in that regard will be carefully and seriously considered.

Mr. HANSON (York-Sunbury): I want to congratulate the Minister of Finance (Mr. Ilsley) on the attitude that he has displayed with respect to the suggestion of the hon. member for Danforth and ask him just to contrast it with that of his own colleague. I suggest to the Minister of Munitions (Mr. Howe) that he has received all through this session at least very decent treatment at the hands of the opposition, and the statement he made with regard to my colleague from Danforth will not make it any easier for him in the future unless he takes occasion—

Some hon. MEMBERS: Order.

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An hon. MEMBER: Blatant nonsense.

Mr. HOWE: Like the hon. member for Danforth, I can take it.

Mr. HANSON (York-Sunbury): Perhaps you can, but such language is not conducive to the transaction of public business between two gentlemen across this floor, and I was sorry to hear the minister use the term which he did. My colleague is a business man from the city of Toronto, the city which pays the largest sum in taxes to this government of any city in Canada, bar none. He is a representative citizen and is entitled to more courtesy at the hands of the minister than he received this afternoon. That is all I have to say about that.

I suppose it would be pertinent under this resolution to discuss the Montreal terminal. Surely that is a capital expenditure. On a previous occasion, I think it was in the budget debate, I made reference to what I considered was the shocking expenditure in connection with continuing the work on this project. On that occasion I too was subjected to a lecture, in much milder terms than those addressed to the hon. member for Danforth, by the Minister of Transport, now the Minister of Munitions and Supply. In the debate on the budget he said that the remark I had made showed a complete lack of conception of what is involved in the Montreal terminal problem, I deny that statement. Before he ever was a member of this house I took occasion in 1927 to look into the matter when the late president of the Canadian National system brought forth his plan for the Montreal terminals as we understand them.

Before I go into that, however, I should like to point out that this proposal did not exactly emanate from Sir Henry Thornton. It was the grandiloquent idea of two railway promoters, the late lamented Mackenzie and Mann, who cost this country a good deal of money. One of their suggestions, in their effort to break into the Montreal situation, was the construction of an entrance into Montreal. That of course was a costly experiment for the treasury of Canada, because we had to take over every obligation that they had incurred.

I say that the scheme proposed at that time by Sir Henry Thornton was a most grandiloquent one. I admit that the coordinating of the facilities of the two systems which now comprise the Canadian National system on the island of Montreal, the old Grand Trunk and the Canadian Northern, gave rise to important problems and difficulties. But the plan as finally produced by Sir Henry Thornton and his engineers was costly and expensive beyond all reason. It will not serve any useful purpose at the moment to debate the merits or demerits of the scheme, but had it gone to final completion it would have added close to $60,000,000 to the capital cost of the system. My recollection is that the estimate was $53,000,000.

Anybody who followed Sir Henry's operations knew that he too was an optimist, perhaps not in the same sense as the Minister of Transport, but I certainly never knew any greater optimist in the history of Canada than Sir Henry Thornton. His vision was beyond our capability of performance; it is not unkind to say that. He did admit that he had added something under half a billion dollars—at least nearly $450,000,000—to the capital charges of the national railways in the eight years in which he was the head of the system. I wonder where the Scribe hotel is to-day! I refer to that incident because it was the subject of one of the most interesting debates I ever heard in the House of Commons. At that time the excuse was that he was putting Canada on the map of Europe. Somebody remarked from this side of the house that he had better put the Canadian National on the map of Canada. But the Montreal terminal was a grandiloquent affair as conceived by its promoter. It was never demonstrated in this house or out of it that the capital expenditure involved, $53,000,000, let alone $60,000,000, could be justified.

I do not at the moment desire to express any opinion on the merits of union passenger facilities in Montreal. The idea of course is first rate from the point of view of the travelling public, and has been carried out in some of the largest centres in the United States, notably in the union station in Washington. It could have been achieved in Montreal, but it was not, because, as I understand it, of the inability of the two systems to get together on it.

This work went on for a period and then there came to Canada a depression great in its intensity and in its effect on our fortunes. Because of the depression it was not feasible to continue with the project when we had to pay such large sums in operating deficits, and the work, quite properly, was stopped. There is no doubt that that open ditch in the heart of the great metropolitan city of Montreal was an eyesore; anyone who has seen it, and I suppose nearly every hon. member of the house has seen it at some time, will agree with that statement. But the remedy was a luxury which this country could ill afford, and public opinion I am sure approved the action of the government of the day in closing down the work on the terminal, even on a modified scale. From that time to this the Canadian National Railways have struggled with this

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problem of coordination, or lack of coordination, whichever you may call it. I believe the minister when he says that there is an operating problem involved. It could not be otherwise, since each of the two systems was put in there without any reference to the other or any thought of coordination. But I never heard that the operating cost occasioned by the lack of coordination was sufficiently great to justify this huge capital cost. That has never been demonstrated to me by anybody, and the minister in his remarks on July 4 did not even attempt to justify the expenditure as a matter of dollars and cents. He made a very good case from the point of view of ease of operation and coordination; I grant that. But from the point of view of the expenditure of public money it has never been justified on the basis of the cost for interest, maintenance and upkeep of the coordinating facilities which are now under way. It would be interesting if we had the matter "moneyed out," if that is a proper term, to show what the savings would be over the present movement in that locality.

Now the work was started up again, not because there was any considerable betterment in the operations of the railway, but because there was an election on in the city of Montreal. That is the milk in the coconut. The railways having been put back into politics by reason of a certain amendment made in this house after the hon. gentleman became Minister of Transport, the matter became a political issue. The work was started in fulfilment of an election pledge made by the Minister of Public Works (Mr. Cardin) on the eve of the St. Henri by-election. The fact might as well be admitted. If that was not the cause, it was at all events the effect. In order to carry the seat against the then mayor of Montreal, I think it was—I am subject to correction—it was announced that a modified scheme for completion of the terminals had been adopted by the board. The announcement, as I recall it, did not come from the board at all; it came from the minister's colleague, the Minister of Public Works, thus indicating that the railway was back in politics —party politics. There it is; there it has been ever since, so far as I know. That announcement was made just on the eve of the by-election and was intended to influence the result of that contest, as no doubt it did; and this was done at a time when the financial results of the system were, to say the least, very unsatisfactory, and when new capital expenditures, especially of such a substantial character, should have been avoided. The incident shows how completely the situation down there with respect to the Canadian National Railways was dominated by political considerations, as it is yet so far as I know.

However, the work went on. Before the stoppage there had been expended nearly $17,000,000 of which, according to my recollection, a very large proportion was for land damages. I am told that the amounts paid for these land damages were very excessive, but it is too late now to hark back to that; the damage is done. I agree with the minister that in order to save the capital expenditure that has been made it was necessary to resume the work; but I do suggest that it should not have been done for political reasons and that only business considerations should have governed. On the one hand there was the operating condition to which the minister has referred, and the huge expenditures already made. On the other hand there was the financial condition of the system at that time and the condition of the country, with a large recurring annual deficit, all of which made large additional capital expenditures forbidden, or as the Germans say, *verboten*.

None of these considerations prevailed. What did prevail were the political exigencies of the administration; and the board, as then and now constituted, yielded and approved of a modified scheme just in advance of the election. Commitments were made and the project went on. The cost, according to the minister's statement in the house, will now amount to $27,000,000 or about one-half the original estimate. The minister has justified the continuation of the undertaking on the ground of its need, the preservation of the expenditures already made, and the commitments entered into under the circumstances to which I have alluded. Against these factors there is to be weighed the status of a country at war. It might not have been feasible, as the minister suggests, to stop the work; but at least the whole question should have been reviewed, and if possible further expenditure avoided at a time when our people are being taxed to the limit; when we have added, taking into account the unemployment insurance measure which passed this house last night, not less than $500,000,000 in new taxes; when we are appealing to the people, as the Minister of Finance appealed to-day, to invest our money in war savings certificates; when every available dollar is or will be needed, and when we should be conserving all our resources to defend our country.

As between these two opposing and conflicting policies, Mr. Speaker, I leave the country to judge whether I was right in saying that this expenditure at this time is shocking, or

whether the minister is right in holding that in order to correct an operating condition in Montreal—the cost of which in dollars and cents, and the annual saving to the system in connection with which he has never yet given to this house or to the country—we should finish this work.

Mr. HOWE: This seems to be a day for accusations against the government. First we were accused of deception; then we were accused of bringing the railway into politics. As a matter of fact, I thought I had left the railway and that my last words in connection with it had been spoken. I always get a little too emphatic when I am defending the railway; I think it is a sort of complex, because I find that anyone who defends the Canadian National Railways is considered hardly respectable in a good many sections of this country.

Mr. HANSON (York-Sunbury): I would not say that.

Mr. HOWE: Now that the heat has died down, however, I apologize to the hon. member for Danforth (Mr. Harris) for the words I used. After all, he rode the government pretty well all through the sessions of the committee, and I thought he was using language that was rather extreme for this house. Possibly we are all even now, and at some future time, when the weather is cooler, he may apologize to me.

The leader of the opposition (Mr. Hanson) says that the Montreal terminal was started solely to win the St. Henry by-election.

Mr. HANSON (York-Sunbury): No; I said it was resumed.

Mr. HOWE: All right; that is, my hon. friend presumes that the only reason we had for continuing work on the terminal was to win one by-election. The position is this. The depression years caused a good many works to be suspended, and as a result, in 1935 there were across the country quite a number of sore spots in connection with the Canadian National Railways. I think we all can admit that Sir Henry Thornton was perhaps an optimist, possibly unduly optimistic, and that in the very prosperous days he started a good many things which perhaps would not be justified in ordinary times and which the depression that followed the good days warranted the government in halting. One such undertaking, I suggest, was a large hotel at Vancouver, constructed at a cost of some $8,500,000, which was standing empty, and on which taxes and interest accumulated with the passing years. My hon. friend has mentioned political expenditures. Perhaps I might remind him that this undertaking had a great deal to do with an election when the Conservative party was in power. A contract for a very large amount was awarded just a month or two before the election took place.

Mr. HANSON (York-Sunbury): But not for a $10,000,000 hotel.

Mr. HOWE: It was $10,000,000 or $8,000,000.

Mr. HANSON (York-Sunbury): It was $3,000,000.

Mr. HOWE: In any event my hon. friend will admit it was a fair sum to pay for an election even in those days. The position there was simply this, that we had a building which was worth nothing, which was actually a liability as it stood. The question was whether it was worth spending another $3,000,000 to try to transform that liability into an asset, or at least to prevent it from being a blot on the landscape of the great city of Vancouver. The management felt that it was worth spending more money on, so we put another $3,000,000 into that hotel, which is operating to-day and, I am glad to say, is paying something more than operating expenses, even though the tourist traffic has greatly declined.

That was one black spot erased from the system. Before the hotel was completed, it was a bad advertisement for our railway; to-day I think it is a very good advertisement. In Montreal we had a similar condition. We had spent something like $17,000,000 on the new terminal there. Expenses continued; we had to pay to the city of Montreal heavy taxes on the area occupied by the terminal. We were operating in that area five passenger stations, all of which will close when the new terminal is opened. It seemed reasonable that something should be done to remove that black spot from the railway, and certainly the fact that the Canadian National had left this eyesore in the centre of the city did not tend to improve public relations in Montreal as far as the railway was concerned. The directors of the railway were asked to study the situation, not in the light of building a $25,000,000 or $50,000,000 terminal but in the light of adding to what had been spent already what might be necessary to build a modest terminal in the new location.

This subject was thoroughly discussed before a committee of the house in 1938. The economics of the situation were laid before the members, in great detail. Savings were assessed. There was discussion respecting savings in operating station properties, savings in reduced terminal costs by reason of

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better switching facilities, and savings resulting from adequate and well located passenger terminals and car shops. All that was estimated, but the directors did not feel that the savings were in themselves sufficient to justify the project.

The government then offered to make a contribution to the work by way of assistance in connection with relief of unemployment in Montreal. This particular project was in the centre of an area in that city wherein a serious unemployment condition existed. The government of that day appropriated several millions of dollars to aid in projects which would relieve unemployment. Therefore I think under all the circumstances the government were justified in saying to the directors of the Canadian National Railways, "If you care to resume work on this terminal, we will pay in this year the cost of the direct labour involved, such cost not to exceed 40 per cent of the total expenditures for the year."

The directors reexamined the problem, taking account of the new factor, and discovered that with that contribution the situation was changed, and that the board was justified in resuming work on the terminal.

When the war came on, there was a new situation to examine. After all, you cannot go back and remake a situation created in earlier years. We had started the terminal. We would not have started it before war broke out, had we known war was about to break out. However, under the conditions of the previous year, when there was unemployment, when materials were reasonably cheap, when conditions for that type of building were favourable, and when we were stimulating the building of residences of all types as a means of relieving unemployment, I believe the government was justified in encouraging the directors of the railways to go ahead with the project. That is all that was done.

Then we had to reconsider the position in the light of the war. We were building the terminal then. To the $17,000,000 we added another $4,000,000 out-of-pocket expenditures, and made commitments for another $2,000,000.

Mr. HANSON (York-Sunbury): Would the minister say if at that time contracts had been let for the complete work? That would be a factor to be considered.

Mr. HOWE: Not for the entire completion of the work; but a very considerable part of the work had been placed. These contracts are continuing affairs. The contracts involved in the completion of the viaduct were completed, and a contract had been completed for the grading work on the far side of the Lachine canal. I am not sure whether the steel contract for the bridge over the Lachine canal had been completed or not. In any event, when I looked into the matter we had spent between $3,000,000 and $4,000,000, and we were committed for perhaps another $1,500,000 or $2,000,000. In other words, if we stopped work then, we would have had to pay for certain materials on order in the various contracts. Then it became a question not of adding $12,000,000 to $17,000,000 but of adding perhaps $6,000,000 to $22,000,000, or $5,000,000 to $23,000,000, or something along that order.

Then we had to take into account the war traffic. We had to look back at the records of the last war in order to ascertain where the bottle-necks occurred. Ordinary traffic through Montreal to the maritime provinces does not fluctuate widely. Yet we know that during the last war there was a tremendous increase in such traffic, just as there is a tremendous increase in traffic to-day. Proportionately the increase in traffic on lines in the maritime provinces is vastly greater than that in any other part of the system. We had to count on that extra traffic passing through the terminal in Montreal, and we had to re-assess the value of having adequate trackage and an adequate layout in that area.

Having regard to all those factors, the government decided it should not again interrupt the work on the Montreal terminal.

Mr. CHURCH: Coming from a public-ownership province from which this system has derived most of its earnings in the past, may I say that the people of Canada will be greatly disappointed with the action of this parliament with regard to the railway problems of this country. Now, in the dying days of a session we have a resolution with a four-fold principle, to issue securities for $15,104,000. It proposes to adopt the very principle which has been condemned in the Duff report—and of course I refer to the procedure of pyramiding the debt, and of capitalizing in geometrical progression, against all known laws of arithmetic, when one gets in the red.

The resolution is not far-sighted. In it we find a sum of $15,104,000 mentioned, which I might point out, is the exact sum mentioned in the budget of the Canadian National Railways for the year 1940. In the budget that sum is mentioned as the sum necessary to provide for the capital expenditures of the all-inclusive system, made or to be made in the calendar year 1940. In the second place the resolution is to make provision for the retirement of capital indebtedness during the

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same calendar year and, third, to issue substituted securities for refunding purposes. Again, contrary to all known rules of arithmetic, this is pyramiding. Then, the resolution is to authorize the governor in council to guarantee the principal, interest, and sinking funds of such securities, and to authorize the making of temporary loans to the railway company, secured by such securities, and not exceeding $15,104,000 in principal amount, to enable the said company to meet such expenditures and indebtedness.

The details in connection with the sum of $15,104,000 are set out at page 1 of the budget report. First we have an item of $20,000,000 to cover the net income deficit of the Canadian National Railways. Then the sum of $15,104,000 is set out to cover capital expenditures, divided in the following manner:

Capital expenditures:	
Additions and betterments, less retirements	$ 4,649,000
New equipment purchases	1,665,000
Acquisition of securities	590,000
Retirement of maturing capital obligations, including sinking fund and equipment, principal payments	8,200,000
	$15,104,000

That budget sum does not include new equipment purchased in 1939, or orders placed by the war supply board amounting to $14,909,144, which will have to be added to the $15,104,000. The first payment for this equipment purchased is to be made in 1941. Those are the general principles.

Then, the details of the betterments are set out at page 3 of the report, and it will be noticed that in connection with those general additions and betterments the province of Ontario, the central region largely, where to a great extent the money is obtained, is the forgotten province. We find that betterments in the Atlantic region are valued at $2,509,559, whereas those for the central region are only $1,992,859, and those for the western region are $2,525,046. For the Montreal terminals development the amount set out is $3,350,000, and the amount for general additions and betterments, including additions and betterments to equipment is placed at $2,123,502; Central Vermont, $152,000; Grand Trunk western road, $559,000; subsidiary companies, $412,713, less nine millions, retirements.

I must object to four or five economic principles indicated in this way of doing business. I come from that province in the British empire where the principle of public ownership has reached its greatest degree of perfection in the way of cheap light and power for the people. In the central region of this railway even to-day the old Grand Trunk is making most of the money for the separate units of this all-inclusive system. Let me point out that the people in Ontario are very much dissatisfied with the administration of the railways in general and the duplication and waste in war time. It was hoped that these large deficits would to some extent be met by increased business and by methods of coordination. In view of the war, the board of review should be considering the railways problem, and doing something practical in coordination, to eliminate waste and inefficiency, and to administer this system from the commercial aspect in a wise and prudent way as trustees for the people who are heavily taxed for war and these deficits.

Look at what the McAdoo commission in the United States did in 1917 to coordinate the railways and reduce the waste and deficits, and reduce and wipe out the debt. Why should this system be cluttered up with these dead-ends of railroads in the United States such as the Central Vermont and the others which I have named? Large sums of money are expended on betterments on these dead-ends by the people of this country, and this expenditure is saddled, like an old man of the sea, on the taxpayers of Canada, while we get few betterments in Ontario.

There has been no proper, war-time coordination, and this board of review, especially in war time, should move toward further coordination. The splendid Duff report, which no doubt cost this country some money, has been almost entirely ignored. It wisely recommended that more money should be provided out of income to meet the cost of some of the betterments. Old and dilapidated cars are used in Ontario which should have been scrapped long ago. We see magnificent and luxurious trains come in from Chicago and other central United States cities, into Montreal and other places along the seaboard, but we still have these old cars in Ontario. The British railways are forced to do something to economize and coordinate, but nothing has been done here in war time.

A committee was appointed, this session, but it was weighed in the balance and found wanting. I ask hon. members to read the detailed reports of this celebrated committee on railways and shipping. No notice was given of the appointment of this committee; the minister simply got up and moved that it be appointed. What did that committee do? Did they effect any economies? No. They just sat around the table, some of them smoking cigars, and listened to what the officials from Montreal had to say, and said, "Me too." Some parts of this system in the United States

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should be scrapped altogether, or made to pay their way by tariff increases. In the United States other systems are closing up a lot of their dead-ends, but ours go on for all eternity. Some of the minor dead-ends in Ontario have been closed up, lines which used to provide revenue and act as feeders to the main line, and would have paid if given a chance. They have got rid of some of the electric systems in Ontario, that could have paid as feeders if run wisely.

The report refers to the administration of the merchant marine and the hotel system. The showing is not at all good. Ships which cost from $1,500,000 to $2,000,000 and which could have been earning money now carrying supplies and food to Britain and all that kind of thing were sold, some without tenders being called, for prices ranging from $9,000 and $10,000 to about $50,000. The head offices of this system should be moved from Montreal to Toronto, the capital of the public ownership province of Ontario. That is where this system started years ago, and made its money as the old Grand Trunk. The Canadian Pacific railway have been alive to the situation. They know where the business in freight and passengers is coming from. They transferred their eastern lines head offices from Montreal to Toronto. The eastern lines are from Halifax to Winnipeg. This was done to meet the change of the whole situation to Toronto, the city of the future.

Some of these betterments should be charged to income. With the railroad earning more revenue with which to meet this huge burden of debt, why should there be such huge deficits? Why are we pyramiding this debt against all the known rules of arithmetic? I can tell you why. Our former leader on this side said a few years ago that this was the dead-heads railway. This railway issues no less than 300,000 passes a year, in long service annuals, other annual passes, trip passes and 208,639 passes, mainly to employees, according to page 45 of the Duff report. They cannot afford to carry 50,000 soldiers free at week-ends, but they can afford to issue 300,000 passes. The big "I" days were responsible for most of this deficit of $15,000,000. Those were the days when branch lines were built to the sun, the moon and the stars. A board of review was supposed to coordinate the two railway systems, but it does not seem to have made any improvement at all. There has been no efficient coordination as far as I can see.

This railroad should be operated and run as a business proposition. A new board of auditors or auditor is needed, and the audit system should be changed. I cannot find any audit which recommends improvements in the system that are yet put into effect. I cannot find where one recommendation of the Duff report has been carried out in connection with coordination or financing or United States affiliations, or in connection with the board of review, the issue of securities, the method of financing and refunding, guarantees of principal and interest, the handling of the sinking fund, hotels, marine services and other matters. Sometimes loans are not used for the direct or indirect purposes for which they were intended but are diverted by further legislation, and we only hold a postmortem. As far as I can see there needs to be a shakeup in this system, and the sooner it occurs the better. This country cannot afford to have this system carried on as it has been any longer. If the United States affiliations are not satisfactory then something should be done through the board of transport to revise them. In my opinion the dying days of the session is not the time to bring down a resolution like this. The estimates of this system were before the committee for a few days and were examined in a most cursory, haphazard manner. The officials of the road appeared before the committee, but they recommended no improvement at all, and their reports were taken as read and confirmed. We should implement the Duff report and change the method of administration, financing and operation. We should eliminate all the dead-wood and institute a new method of financing and a shakeup in the system such as they had in Britain and the United States. In railroad administration business can no longer tolerate such methods of waste, inefficiency and lack of coordination with such a war as the one in which we are now engaged.

Mr. HANSELL: This resolution is one of those which come up every year for discussion and is to provide certain payments for a certain indebtedness. The resolution states that it is to make provision for the retirement of capital indebtedness during the calendar year and to issue substituted securities for refunding purposes. This resolution brings into the picture the debt structure of the Canadian National Railways. I think it is safe to say that if it were not for that debt structure the system could pretty well pay its own way. That is one thing which can be said to the credit of the system.

One does not deny the necessity of going into debt during a period of national expansion, especially when a huge railway like the Canadian National Railways is being built and must of necessity be financed. However, it is well to keep in mind that the day comes when that debt must be paid. To-day Canada

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is going into debt at a terrific rate. A year or two ago our national debt amounted to a little over three billion dollars; to-day it is close to four billion dollars. Perhaps it will not be long until it is more than that. A true picture is not given when we say that the national debt is so many billions of dollars. It does not give a true picture because the Canadian National railway is a government institution and the debt of the railway is therefore in a very real sense a public debt. I know the argument is used that the debt of the Canadian National railway is of a contingent nature; that is, we hope that some day or another the railway will be profitable enough to pay off its debts and the government of Canada will not then have this responsibility. But I would point out that a very large portion of the Canadian National railway debt is guaranteed by the dominion government. The dominion government itself did not borrow the money, but the railway borrowed it and a great portion of its loans were guaranteed by the dominion government. If we add to the national debt the guaranteed debt of the Canadian National railway we get a more accurate picture of the responsibility of the government.

Speaking to the resolution, I wish to present another phase of our debt structure which to me is interesting. It is that part of the debt structure which is made up of perpetual bonds. In days gone by, it was more or less a business practice to issue what we know as perpetual bonds. But I think the day is past when that type of bond should be issued and carried by publicly-owned institutions. The perpetual bond issues of the Canadian National railway, as I have been able to glean them from the reports, form part of the total indebtedness of over one and a quarter billion dollars, in round figures. In addition, there is accrued interest of approximately fifty million dollars. If we add those amounts to our national debt, it makes our national debt a handsome sum. Part of it consists of these perpetual bonds. I have tabulated these perpetual bond issues from that part of the report of the railway which gives us a picture of the railway debt, and with your permission, Mr. Chairman, I should like to put this table on *Hansard* in order to save the time of the committee.

The ACTING CHAIRMAN (Mr. Fournier, Hull): It can be done only with the unanimous consent of the committee.

Some hon. MEMBERS: Agreed.

Mr. HANSELL: Thank you, Mr. Chairman. The table is as follows:

Funded Debt—Principal and Interest

Name of Security	Issuing company	Date of issue	Date of maturity	Principal outstanding at Dec. 31, 1939	Interest accrued 1939
Guaranteed by dominion government:					
5% perpetual debenture stock.....	G.T.R.	1875 to 1883	Perpetual	$ 20,782,491 67	$1,039,124 58
5% G.W. perpetual debenture stock and bonds	G.T.R.	1858 to 1876	Perpetual	13,252,322 67	662,616 12
4% perpetual debenture stock.....	G.T.R.	1883 to 1918	Perpetual	119,839,014 33	4,793,560 56
4% Nor. Rly. perpetual debenture stock	G.T.R.	July 31, 1884	Perpetual	1,499,979 67	59,999 18
4% perpetual guaranteed stock.....	G.T.R.	1884 to 1909	Perpetual	60,833,333 33	2,433,333 33
		Total....		$216,207,141 67	$8,988,633 77
Other issues:					
6% Northern railway 3rd pref. bonds....	G.T.R.	1868	Perpetual	$ 70,566 66	$ 4,234 00
4% perpetual cons. debenture stock....	Can. Nor.	1903 to 1912	Perpetual	44,943,019 40	1,797,720 74
4% perpetual cons. debenture stock....	C.N.O.	June 21, 1909	Perpetual	8,724,113 20	348,964 50
4% perpetual cons. debenture stock....	C.N.Q.	Oct., 1906	Perpetual	5,250,369 26	210,014 76
4% 1st Mtge. perpetual debenture stock	Q. & L. St. J.	June 1, 1912	Perpetual	4,252,503 06	170,100 14
		Total....		$ 63,240,571 58	$2,531,034 14
		Total.....		$279,447,713 25	$11,519,667 91

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Hon. members will observe from the table which will appear in *Hansard* to-morrow that there are ten separate issues of perpetual securities, and one issue goes back to 1858, almost eighty-two years ago. It is not a large issue, about $13,250,000.

Mr. JOHNSTON (Bow River): Is that not large?

Mr. HANSELL: Not compared with some of the others. Another issue goes back to 1883, fifty-seven years ago, and that issue is for approximately $120,000,000 of perpetual bonds. It has accrued interest of approximately $5,000,000. The issue that goes back eighty-two years to 1858 bears interest at 5 per cent, and I have taken the trouble to figure out just how much has been paid on that issue. I think it will be found that the principal has been paid two or three times over, and we are still paying interest on that issue. It does seem to me that something might be done to bring the holders of these bonds into some agreement whereby the bonds could be refunded and be rid of their perpetual feature. Then there would not be this eternal responsibility on the country to pay interest on these perpetual bonds. Perpetual reaches out almost into infinity. It is not only for generations to come but for generations beyond counting until the Canadian National railway is no more, and interest has to be paid in perpetuity. It seems to me, Mr. Chairman, that w have passed the day when we can wrap our pharisaical robes around us and talk about the sacredness of our bonded indebtedness. It appears to me that in these days some agreement could be reached with these particular bondholders.

In other lines prices fluctuate; prices in industry fluctuate; prices of commodities fluctuate. That is only natural because the law of supply and demand comes into the picture. Prices of property fluctuate; property rises and falls in value, and even a property of a substantial nature, a building that may have been built to last for hundreds of years, eventually deteriorates. The value of substantial buildings fluctuates. But somehow or another the wages of money we have come to regard so religiously that their value must never fluctuate.

Mr. JOHNSTON (Bow River): That is sound money.

Mr. HANSELL: It is beginning to sound a little bit too loud in the hearts and consciences of the people of this country.

To come back to the table of perpetual issues, the total principal of these ten different issues amount to $279,447,713.25, or almost $280,000,000. That is a great deal of money. Accrued interest on these issues amounts to over $11,500,000. Those are items which should be considered, and I believe that something should be done about the matter.

Mr. JOHNSTON (Bow River): What is the minister going to do about it?

Mr. HANSELL: That is an important question. I would ask the minister two questions. First, with reference to the borrowing of this $15,104,000, can he tell us at what rate of interest the government expects to borrow this amount of money? Second, has the government made any attempt to reach an agreement with the holders of these perpetual bonds? It seems to me most reasonable that in this day in which we are living the government should call in the holders of these bonds and say to them, "Gentlemen, this is our position". He should outline to them not only the position of the railways and the position of the government, but the necessities of the times, the day in which we are living, and the necessity for a change. It is not that we have no desire to give the holders of these bonds their rights; but some arrangement should be made, some satisfactory conclusion arrived at as to what can be done with reference to these perpetual bonds. Could not some refunding scheme be undertaken in connection with them? If for nothing other than the psychological effect, I believe that to have a perpetual bonded indebtedness upon a public institution of this kind is not a proper thing.

Mr. JOHNSTON (Bow River): Especially in war time.

Mr. HANSELL: Perhaps the minister would answer those two questions.

Mr. ILSLEY: With regard to the first question, I cannot give the hon. gentleman any indication of the probable rate of interest that will be paid on this borrowing. All I can say is that certainly the government will not pay more than it has to, nor will the Canadian National Railways. With regard to the second question, the Minister of Munitions and Supply is better qualified to give an answer than I am. I understand that attempts have been made to ascertain the present addresses of the bondholders but I will request him to answer the question.

Mr. HOWE: The position of the Grand Trunk 4 per cent perpetual bonds is this. A guarantee to the holders of these bonds was given as part of the price of acquiring the Grand Trunk railway. The finding of the board of arbitration was that the junior securities had no value, but that it was to be the continuing obligation of the government to

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protect the position of the bondholders of the Grand Trunk. So that in effect, by the decision of the board of arbitration, these bond issues were guaranteed by the government. There are other bonds, perpetuals, that are not in that position, and attempts have been made to negotiate with their owners. The holders are not in this country and naturally it is difficult to treat with them. I am sure the government are just as anxious as my hon. friend to do away with these perpetual bonds, and I can assure him the government will continue to make every effort to do so.

Mr. HARRIS (Danforth): I am anxious that the record should be kept clear. Before making one or two observations, I should like to make a brief explanation with regard to the minister's suggestion that I had imputed deception to him. I accept what he has said, and if anything that I said might be so construed, naturally I withdraw it, because nothing was further from my mind than such a thing.

I am simply anxious to get on the record the situation in which we find ourselves to-day. The minister said it was difficult to refinance the ten, twenty, thirty, forty and fifty thousand dollar loans, but if he will turn to page 140 of the proceedings of the standing committee he will find that out of the large item of $8,200,000, at least $4,094,000 is repayable in New York. I mention that to illustrate the point with regard to the other $22,000,000 coming due, and in all that I have said to-day on this question I have simply wished to bring to the attention of the board of directors of the Canadian National Railways the fact that this treasury is not a wide-open pool into which they can dip at any time. Now that they will be in funds for the rest of the year, I say, through the minister, to the board of directors, from whom we did not receive the minutes of their different meetings, that Canada needs the money she has in the treasury to-day, and I would ask them to be provident, to be quite careful in their expenditures. This bill calls for $3,350,000 for Montreal terminals. The general observation I made in the previous sentence applies to this also.

I have the utmost confidence in the president and managing directors of the Canadian National Railways. I say to this honourable assembly that the president has done a wonderful job. He is a great Canadian. He has kept the labour situation well in hand, inspired confidence in the business of Canada, and he has the respect and admiration of all Canadians who are worried about the financial position not only of that road but of the dominion. The president of the road will probably be retiring within the course of the next year or two and it behooves this administration to look for some outstanding citizen to take his place. I impress upon those charged with the responsibility in this matter the fact that this is a business institution and that they cannot come to parliament and expect to obtain funds as readily as they have been receiving them in days gone by, especially while a war is on.

In regard to the remarks of the member for Broadview (Mr. Church), the committee will agree, any of those who have observed the work of the standing committee will agree, that in the brief time at our disposal, owing to the fact that a war was on, we did endeavour to shorten up the inquiry, but that we did bring to the attention of the management itself and of the government some important points. The hon. member says we sat around and unanimously passed the bill. That is incorrect. As the minister and the chairman of the committee know, even though it was not indicated in the report—and I say that it should have been in the report—the committee divided on several questions. As the Minister of Finance has pointed out, however, that is a matter which will come up when the estimates are under consideration.

Mr. HOWDEN: In the third and most important report it was indicated that the committee was not in entire agreement.

Mr. HARRIS (Danforth): The word "approved" is in the report, but it should have been "approved on division." However, I again point out that $3,350,000 of the $15,104,000 will be for the Montreal terminals. Go ahead and complete the job with the least possible expenditure. At least 40 per cent of the obligations are coming due in New York. The management of the Canadian National Railways does not seem to appreciate the importance of our conserving Canadian funds. They think they can come to the Minister of Finance and ask, not for negotiation at all, but that Canadian money be provided for the purpose of discharging United States obligations. That is actually what is going on, and they should be brought to a sense of responsibility in that regard. Inasmuch as it is through the Minister of Finance they get funds for their deficits and their financing, I urge the minister to bring them to a sense of responsibility during these difficult times.

Mr. BLACKMORE: Are the holders of these bonds in the United States or in Great Britain?

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Mr. ILSLEY: Is the hon. gentleman talking about the perpetuals?

Mr. BLACKMORE: Yes.

Mr. ILSLEY: They are held in England.

Mr. BLACKMORE: All of them?

Mr. ILSLEY: Yes.

Resolution reported, read the second time and concurred in. Mr. Ilsley thereupon moved for leave to introduce Bill No. 120, to authorize the provision of moneys to meet certain capital expenditures made and capital indebtedness incurred by the Canadian National Railways system during the calendar year 1940, to provide for the refunding of financial obligations and to authorize the guarantee by His Majesty of certain securities to be issued by the Canadian National Railway Company.

Motion agreed to, bill read the first and second times, and the house went into committee thereon, Mr. Fournier (Hull) in the chair.

Mr. ILSLEY: The bill has not been distributed. I wonder if it makes any difference. It is the same form of bill that has been introduced every year, and all the amounts were thoroughly discussed in the special committee.

Mr. HARRIS (Danforth): Do not say thoroughly.

Mr. ILSLEY: I was informed that they were discussed thoroughly. I should say that there is a new provision in the bill allowing borrowing for the purpose of refunding existing securities. If hon. members would like to see that with a view to critical examination, I shall have to leave it to another day. But I do not think there could be any exception taken to it whatever. If the committee takes no exception to it, perhaps we might go on with it now.

Mr. HARRIS (Danforth): Inasmuch as the Minister of Transport is in the house, if he will give an undertaking that when we come to vote the deficit and the estimates we shall be able to discuss this item, we can go on.

Mr. ILSLEY: Yes.

Section 1 agreed to.

On section 2—Power to issue securities for refunding capital expenditures.

Mr. HARRIS (Danforth): In reference to paragraph (a), I would point out that the actual sum is $8,199,717.88, and when we pass the round sum of $8,200,000 I hope the Minister of Finance will see that the Canadian National Railways are not allowed to interchange these moneys that are voted and use them for any other purpose.

With regard to paragraph (b), I hope, when the minister comes to the Chicago and Western Indiana Railway Company requirement which is included in the $590,000, that he will make an effort to refinance in United States funds.

Section agreed to.

Section 3 agreed to.

On section 4—Minister of Finance may make loans for refunding and capital expenditures.

Mr. HARRIS (Danforth): There is nothing in it that goes beyond the $15,104,000?

Mr. ILSLEY: No, nothing except this power to issue securities for refunding. The hon. gentleman understands that. This is the new power taken in this bill, which enables the Canadian National Railways, with the approval of the governor in council, to buy the securities of the Canadian National Railways before they are due, if they think it is advisable to do so. If that power is exercised it may enable them to save quite a good deal in interest.

Mr. HARRIS (Danforth): They have that power under the 1937 act.

Mr. ILSLEY: It was not in last year's act, and I was told that it was a new provision.

Section agreed to.

Section 5 agreed to.

On section 6—Power to aid other companies.

Mr. HARRIS (Danforth): Would the minister enlarge on paragraphs (c) and (d), which are new in the bill?

Mr. ILSLEY: These just follow out what I have mentioned two or three times. Paragraph (c), for example, empowers the Canadian National Railways to apply the proceeds of the issue of substitute securities for the purpose of purchasing or refunding original securities. That is probably very clear to the committee. If they wish to buy in their own securities before they are due, they may issue new securities and get the money with which to do so.

Mr. HARRIS (Danforth): Strictly their own securities?

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Mr. ILSLEY: Yes. Then paragraph (d) is for the same purpose. It reads:

The national company may—

(d) Make advances for the purpose of purchasing or refunding any original securities of any one or more of the companies or railways comprised in said national railway system upon or without any security at discretion.

That is, they may advance the money for the purpose of buying in these securities.

Mr. HARRIS (Danforth): What I had in mind was the $3,350,000, which is included in the $15,104,000, for the Montreal terminal work. Probably there will be some land damages, and probably they will have to take over some rights held by others in joining up these railways. I was anxious to see to it that we had no repetition of a condition which obtained in days gone by, when the government's guarantee crept in on certain issues and made them really worth something. I did not want that condition to obtain in connection with any part of this $3,350,000. I just wished to make that observation.

Section agreed to.

Sections 7 and 8 agreed to.

On section 9—Proceeds paid to credit of Minister of Finance in trust.

Mr. HARRIS (Danforth): I should like to make the observation that the minute of the board of directors making this request for the release of these funds should be filed with the minister and made available to parliament, which in the final analysis has to find these moneys. Some question was raised as to whether or not the minute of the board of directors of the Canadian National Railways should be available. In a case of this kind I submit that these minutes should be a matter of record available to this honourable assembly.

Section agreed to.

On section 10—Cancellation and cremation of original securities.

Mr. HARRIS (Danforth): This is a new section. Perhaps the minister would tell us what is the purpose of this section or what is the necessity for it. There must be some reason for it.

Mr. ILSLEY: This is just to follow out the scheme of refunding the original securities before maturity, and is a provision for the cancellation and cremation of the original securities.

Section agreed to.

Bill reported.

PRAIRIE FARM ASSISTANCE

AMENDMENT OF 1939 ACT TO PROVIDE FOR ESTABLISHMENT OF BOARD OF REVIEW

The house resumed from Thursday, July 25, consideration in committee of Bill No. 113, to amend the Prairie Farm Assistance Act, 1939—Mr. Gardiner—Mr. Fournier (Hull) in the chair.

Section 1 agreed to.

On section 2—Board.

Mr. DIEFENBAKER: There are a few observations I should like to make in regard to the measure generally, and this section in particular. When introduced last year the legislation was a novelty, and in consequence a number of anomalies must necessarily have been expected to arise not only in connection with the operation of the act but in respect to the administration thereof.

If I understand aright the amendments now proposed, they are to remove difficulties in administration and in operation which in the past year have become evident. The act is divided into two parts, under the first of which the minister may in any year declare an emergency year, when the average price is below 80 cents a bushel. There is the further provision respecting crop failure assistance where, in so far as Saskatchewan is concerned, the measure applies when there is an average yield of wheat of less than a stipulated number of bushels in 171 townships. Anything I have to say to-day is not by way of captious criticism, but rather with a view to placing before the minister some difficulties in administration, and to show instances of uncertainty in connection therewith.

At the outset I suggest to the minister that under the provisions of section 3 of the act the year 1940 be declared an emergency year. In so far as the amendments to section 4 are concerned, my suggestion is that there should be greater cooperation among those charged with the administration of the act. I have had complaints placed before me which I have difficulty in understanding, complaints which have arisen in connection with the administration of the act. It has been pointed out to me that at one time in a year one decision has been made, and at a later time in the same year a decision diametrically opposed has been made.

Without going into too many details I shall mention one specific instance, namely, that of Wreford rural municipality, No. 280, in my own constituency. Township 30, range 23, west of the second meridian, applied for

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assistance under the act and was passed on favourably, and when sent to the department at Ottawa for payment, the application was turned down. Later on, affidavits were taken from the farmers in the township, and the secretary-treasurer of the municipality, as a result of his computations, came to the conclusion that the average yield was 11·82 bushels to the acre. That information was forwarded to Ottawa, and on March 26, 1940, the departmental office in Regina sent the following letter to one of the farmers in that municipality:

I have your letter of March 14, received here March 21, with respect to the above township. This is to advise that we have received the statutory declarations and same have gone on to our department in Ottawa for final approval.

So far we have had no word in this regard but I can assure you that this matter is being dealt with with the greatest possible dispatch.

Later, on April 3 a letter was received by one of the farmers in this township from the superintendent of the Regina branch, in these words:

I am glad to advise that your bonus has been passed for payment and cheque, if not already received, will reach you in a few days.

That letter contained a definite statement, setting out the decision which had been arrived at. On account of those letters the farmers in question secured credit from their local merchants, believing that payments would be made, and that the promise secured from the department would be carried into effect.

About six weeks later—on May 30, to be exact—the decision was reversed.

Mr. DOUGLAS (Weyburn): What is the date of the first letter?

Mr. DIEFENBAKER: March 26, 1940.

Mr. GARDINER: The letter to which the hon. member for Weyburn refers is dated April 3. That was the date of the letter in which the statement was made that payments would be sent out.

Mr. DIEFENBAKER: Yes, it was on April 3 when the statement was made that bonuses had been passed. Then, on May 30, just six weeks later, a letter was received by one of the farmers in this area, an excerpt from which reads as follows:

This township was recommended for bonus by the P.F.A. branch but was not recommended by the committee of review, which examined all of the work done by this department, and on the basis of further information secured by itself made separate recommendation. Because of these different recommendations made to the Minister of Agriculture, affidavits were taken for farmers in that township as to their actual acreage seeded to wheat and actual bushels threshed from such acreage. This information together with all other information with regard to this township in the possession of the P.F.A. branch in Regina, was forwarded to the deputy minister of agriculture in Ottawa, and it is a decision given by his office that no bonus is payable in this particular township.

It becomes difficult to understand how at one time this department should advise the farmers in that area that they were receiving a bonus, and that later on, some few weeks after the election, the decision should be reversed.

Mr. GARDINER: Both decisions were after the election.

Mr. DIEFENBAKER: That is true. According to the letter of March 26 the matter was then before the department in Ottawa. I would suggest that things like that are not conducive to the proper administration of this act. I assume that one of the reasons for the setting up of a board of review is to guard against mistakes through non-cooperation between the various offices operated under the act and the central office in Ottawa.

During recent weeks I have noticed an increased multiplication in the number of positions in the government service. Numerous boards have been set up. Under the unemployment insurance legislation passed yesterday a large army of employees will be added to the already large number of civil servants. There should be more economy practised. Instead of setting up a new board of review and having to pay out additional salaries, I suggest that the services of the grain commissioner and the assistant grain commissioners be utilized. According to an answer given to a question which I asked on June 26, there are three assistant grain commissioners in the three prairie provinces. Each of these men receives $7,500 a year, and each has a staff under him. According to the return they have very little work to do. The total number of claims for damages or compensation dealt with in Manitoba in 1938 was nine, and the amount of those claims totalled $1,759.15. In other words, the assistant grain commissioner received a salary of $7,500 to look after claims amounting to less than $2,000. In addition to that, forty-six complaints were heard. In 1939 the total number of claims dealt with was fifteen, and the total amount involved was $2,897. Why could not the services of the assistant grain commissioner in Manitoba be used on the board of review?

In Saskatchewan the situation is even worse. In 1938 the total number of claims for compensation amounted to four, and the amount involved was $507.72. In 1939 there were only five such claims, amounting to

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$204.53. In so far as Saskatchewan is concerned, the incumbent of the position is a most able man, as I have no doubt are the incumbents in Manitoba and Alberta. Why could not his services be utilized in war work, or, if not, his services might be used in connection with the board of review work under this act?

In Alberta the situation is slightly better. In 1938 thirty-one claims in all were heard, the amount involved being $3,604.17. In 1939 there were fifteen claims, amounting to $2,008.34. If these men cannot be transferred to other departments of the government so that their services may be used to greater advantage, they should be made use of in connection with the board of review. In two years the claims dealt with in the three provinces amounted to only $8,000.. Section 4 is the crop failure assistance section, and it provides—

Mr. GARDINER: We have not reached that section.

Mr. DIEFENBAKER: My understanding is that on the first section—

Mr. GARDINER: There was a ruling of the chair the other night.

Mr. DIEFENBAKER: Perhaps the minister would wait until I finish what I have to say. My understanding was that the entire bill could be discussed on the first section.

Mr. GARDINER: I urged that arrangement the other night, but I was overruled by the Chairman. He stated that he intended to hold hon. members to a discussion of the different sections. I have no objection to a general discussion on the section, but the Chairman gave that ruling the other night.

The ACTING CHAIRMAN (Mr. Fournier, Hull): It could be done only with the unanimous consent of the committee. If hon. members follow the rule, their discussion must be strictly relevant to the section under consideration.

Mr. PERLEY: When the bill was put through the resolution stage the other evening, there were many hon. members who were not present. I got here just after the bill had been put through the resolution stage and been introduced. I understood there was a distinct understanding that there could be a general discussion on this section 2, which deals with the board. While the Chairman did rule that we would have to confine our arguments to the particular section, I think the minister himself agreed that there should be a general discussion.

Mr. GARDINER: I did agree the other night that it would be quite proper to have a general discussion on the first section, but the Chairman ruled against me. I then went on to state that I thought the sections of the bill covered everything which hon. members would want to talk about and that they could confine their remarks to the different sections as they went along. I have no objection myself; I was simply referring to the ruling by the chair.

Mr. ROSS (Souris): There was a distinct understanding that we could discuss the bill entirely on the second section. I was prepared to speak the other evening, but with that understanding I was willing to wait.

The ACTING CHAIRMAN (Mr. Fournier, Hull): I have no objection to general speeches being made on section 2, but I would remind the committee that there is a rule which can be set aside only by unanimous consent.

Mr. HANSON (York-Sunbury): We shall save some time if we can have that unanimous consent.

Some hon. MEMBERS: Agreed.

Mr. DIEFENBAKER: Under section 4 of the act provision is made that the governor in council, whenever the minister finds that the average yield of wheat in a stipulated area, as a result of anything other than hail damage, is five bushels an acre or less, may declare such area to be a crop failure area. My suggestion, in which I am supported by a resolution passed by the wheat pool committee when it met in convention in Regina on May 29 last, is that the words "other than hail" be deleted from the section. Within the last ten days there has been a terrific hail storm in Saskatchewan. It affected a portion of Rosetown, Lake Centre and Melville constituencies. I can see no justification for the inclusion of these words in the act, particularly in view of the fact that it is an act to provide assistance where crop failure occurs.

Every person who sells wheat or other grains within the meaning of the act contributes one per cent to a fund. The definition of a farmer, to whom payments may be made under this act, is a "person engaged in farming in a spring wheat area." For some reason or another, regulations were passed, with the approval of the governor in council, excluding from the operation of this act any farmer who did not reside upon his farm or contiguous thereto. In Saskatchewan there are numberless farmers who do not reside on their land or on land contiguous thereto, and it seems most unfair that they should

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be denied the privileges of the act when they are required under it to contribute their share towards its operation.

Mr. GARDINER: They are not denied.

Mr. DIEFENBAKER: Does the minister say that those who are not residing on the land or on land contiguous thereto do not have to contribute?

Mr. GARDINER: I know some who have received payment who have resided as far as twenty miles away from the land, provided that farming is the only occupation they have.

Mr. DIEFENBAKER: But those who are not resident, whether resident within twenty miles of the land or not, are still paying their share of one per cent on account of the wheat disposed of by them.

Mr. GARDINER: If they live in the United States—

Mr. PERLEY: Right in the province.

Mr. DIEFENBAKER: There have been instances where farmers resident in the province have been denied the privilege of benefiting under the act although required to contribute to its operation.

Mr. PERLEY: There is one right here. I paid in myself.

Mr. DIEFENBAKER: The hon. member for Qu'Appelle (Mr. Perley) is an instance. It is a matter that should receive the attention of the minister. This anomaly—and it can be construed as nothing but an anomaly—should be removed from the operation of the act.

Mr GARDINER: To clear up that point, the regulations provide that a resident farmer within the meaning of the act collects, but a resident farmer does not mean a farmer who lives on that land.

Mr. DIEFENBAKER: I know of an instance where the administrative body in Regina defined "farmer" under the act as a person residing on the land or contiguous thereto, and the applicant was denied the right to share in the benefits although required to assume the responsibility of contributing, because he could not qualify under such regulation.

Mr. GARDINER: There must have been some other reason.

Mr. DIEFENBAKER: That was the only reason which was given that he was not a farmer within the meaning of the act and the regulations. My suggestion is this, that where a man is engaged exclusively in farming or whose main occupation is farming, then, regardless of where he lives, it is unfair and unconscionable that he should be required to contribute his share to the operation of the act and at the same time not be permitted to share in the fruits of that act, that is provided he is otherwise qualified.

These few submissions, Mr. Chairman, are made with a view to removing certain anomalies in the act, and I trust that the minister will give consideration first to utilizing the services of the board of grain commissioners on the review board, second, to including within the operation of the act areas destroyed by hail, and, third, to enlarging, if enlargement is necessary, the definition of farmer within the meaning of the regulations.

Mr. DOUGLAS (Weyburn): I should like to say a few words generally before we go over the clauses, and to make one or two suggestions to the minister.

First, let me say a word about the administration of the act. This act was passed last year, and as was only to be expected there have been some difficulties in administration in the period of adjustment necessary to get the scheme into operation. Yet I do not think any person who had very much to do with the administration of this act and with the people who come under its operations would deny that a great deal more inefficiency and incompetency existed than was necessary.

The inspectors started out around the 5th of August last year to go over the territory. We watched month after month go by. Relief stopped for most of the farmers in July or August. September, October, November and most of December went by, with the farmers having to get credit at the local store or dispose of anything by which they could raise enough money to keep themselves and their families alive until the bonus came. In my constituency the first bonus cheques, covering only 5 or 10 per cent of those eligible to receive them, arrived on the 22nd of December, three days before Christmas. A few more arrived on Christmas eve, others well on in January, and a great many in February and March. I must say frankly, and I do not say it in any scolding way, that I have never seen anywhere anything quite so badly handled or causing as much hardship as the bonus scheme and the manner in which it was handled last fall. I want immediately to exempt from any blame some of the men who were at the central organization in Regina. I do not know all of them, but I had some contacts with both Mr. Mackie and Mr. Sinclair, and I found both quite competent, sympathetic and deeply interested in the welfare of the people who were coming under the benefits of the act.

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In my opinion the reason why this act was administered so inefficiently lay much further back than the central organization in Regina. It lay out in the field. I have before me a return which I received as a result of a question asked in the house on June 11 of this session, and I find that for administration of the office in Regina and for the men out in the field the total expenditure was $230,459.81. Something in the neighbourhood of $200,000 was actually for field men in the form of salaries and expenses. I have the names of the different men here. As far as the southeastern part of the province is concerned, I think I know practically all of them. A good many of them are members of Liberal executives in my constituency or in neighbouring constituencies. This does not necessarily mean that they should not be doing that kind of work, but a good many of them were not competent to do the work required under the act. In many instances they were selected not because of their competency but because of the fact tht we were on the eve of a general election, and I am afraid that in a good many instances more time was devoted to electioneering than to administering the act.

Mr. GARDINER: The men there were among the best municipal secretaries in that portion of the province.

Mr. DOUGLAS (Weyburn): Not in my section.

Mr. GARDINER: They were at the head of both organizations.

Mr. DOUGLAS (Weyburn): They may have been at the head, but I am talking of the field men.

Mr. GARDINER: They chose the field men.

Mr. DOUGLAS (Weyburn): I am willing to admit that. In the first week of August the superintendent of highways in my constituency, who has nothing to do with this act, and the Liberal candidate and the field men who were going to cover the territory got together to lay plans for covering it, and I know that the Liberal candidate drove over part of my constituency in company with some of the inspectors.

Mr. GARDINER: The hon. member had a number of meetings too, which was perfectly proper.

Mr. DOUGLAS (Weyburn): But I did not travel with any of the inspectors. There were two men in the car, one to talk about the bonus and one to talk about the impending election. You cannot send out men who are primarily interested in duck shooting or in an impending election and expect them to send back forms that will give the information you want to get. I know as a matter of fact that one of these men sent in forms that were hardly legible. They had to be sent back and the work done all over again. Some of these forms were still being gathered on the 13th of December because those who were responsible for sending in the forms in the first place were not competent to do the work. It is impossible, in my opinion, to run at one and the same time a political machine and a complicated act like this. A good part of the maladministration was certainly not due to the central office in Regina where much of the blame was put, nor was it due to the departmental officials here; it was due rather to the fact that in the field itself the most competent type of men were not selected for the work.

I believe the minister has moved in the right direction in making it possible to substitute part of an ineligible township for part of an eligible township, but I doubt whether it is going to meet the difficulty. As the minister said last year, the township basis was not the happiest one, but it was the best that could be devised for the purpose of getting started, and I agreed with him at the time. But the fact is that the township basis is not fair. Anomalies sprang up. There were too many discrepancies between farmers right across the road from each other. People with equally poor crops would be differentiated between, one getting the bonus and another not. But there were even worse situations. There would be a man with half a section on one side of the township line and another half on the other, and with no crop on either side; but one-half section was in the non-bonus area. Naturally the farmer does not get any bonus on land in the non-bonus area. But because he has three hundred acres or more in the non-bonus area, he cannot get any bonus in respect of the land in the bonus area. These were difficulties that could not be foreseen, but we are aware of them now and we should do something to meet them.

I do not think the act will ever be satisfactorily administered until it is possible to put it upon an individual basis, taking the individual farm unit as the basis. I am convinced that a good many of the field men, the inspectors sent out, are totally unnecessary. The act could be administered through the municipal office. No one knows more about the average farmer than does the secretary of the municipality; he knows what each man has on his farm and all about it. The farmer could come in and make a declaration early in the season as to how much land he had in wheat and in other grains. The secretary of

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the municipality is a commissioner of oaths, and there should be a heavy penalty for perjury. The man could give the information, and the bonus could be computed on the basis of the individual farm unit and not on the basis of the question whether he happened to be fortunate enough to live in a township where the average was low, or to be unfortunate enough to live in a township where the average was high. I know of one instance where a man had thirty bushels to the acre. He lived in a township in which he was practically the only man with a crop and he drew the bonus. It would not happen often but it did happen there. I know the administrative difficulties would be great if the act were put on the individual farm basis, but I contend that they would be no greater than they are under the cumbersome machinery which now exists, and it would be much more satisfactory and more just in the long run to the people who come under the act.

If the minister finds it impossible at this late date to put the payment of the bonus on the individual farm basis, would he at least give consideration to the question of including in the act a provision that the inspector or the board of review shall have power to split a township? I mean more than a mere substitution. Under the substitution clause there will have to be an amount substituted. If you took an amount out of the eligible township, you would have to substitute an equal or a larger amount of an ineligible township. But there might be part of the township that ought to come in, and it should be provided that half or two-thirds of such a township could qualify.

A word about the regulations. Like most laymen, I know nothing about law, but I have always understood that it is not good business to have regulations which offset or nullify the meaning of a statute.

Mr. HANSON (York-Sunbury): It cannot be done by law.

Mr. DOUGLAS (Weyburn): That is what I understand, but under this act there were passed regulations which to some extent did that very thing. I have in mind some of the definitions. Under section 2 as passed last year, paragraph (e) said that "farmer" means "a person engaged in farming in the spring wheat area"; but after the regulations were issued, they were as difficult to understand as the act itself, and so an interpretation was issued which had all the force of another set of regulations. The definition of "farmer", according to the interpretation, did not simply mean that he was "engaged in farming in the spring wheat area". His primary income must come from farming. All sorts of difficulties arose. There were instances of a farmer living on the edge of a town and running an elevator. He got the bonus because he lived on the farm. Another man was running an elevator almost opposite, but he could not get the bonus because he lived in town. There were men who moved into town for a part of the year and engaged in blacksmithing or woodwork or something of that sort. They followed these vocations in the winter and farmed in the summer, and often there was a fine point of distinction. In some instances the decision was that farming was their primary occupation, while in others they were turned down because farming was not regarded as their primary occupation. I submit, as the hon. member for Lake Centre has done, that to these people who pay one per cent it is difficult to explain why, under what we call a crop insurance scheme, they should pay that levy on the grain they deliver and still not be eligible merely because they do not exactly comply with some legal interpretation which the officers of the department put upon certain provisions of the act.

At six o'clock the Speaker resumed the chair and the house took recess.

After Recess

The house resumed at eight o'clock.

PRIVATE BILLS

SECOND READINGS

Bill No. 76, for the relief of Peter Logush.—Mr. Factor.

Bill No. 77, for the relief of Goldie Wolfe Goldberg.—Mr. Factor.

Bill No. 78, for the relief of Ethel Witkov Myers.—Mr. Bercovitch.

Bill No. 79, for the relief of Tilly Fishman Constantine.—Mr. Factor.

Bill No. 80, for the relief of Rachel Ruth Levenstein Schwartz.—Mr. Bercovitch.

Bill No. 81, for the relief of Eleanor Mabel Campbell Townsend.—Mr. Abbott.

Bill No. 82, for the relief of Isabel Margaret Gill Bacon.—Mr. McIlraith.

Bill No. 83, for the relief of Michele Fiorilli.—Mr. Factor.

Bill No. 84, for the relief of Gertie Schwartz Simak.—Mr. Bercovitch.

Bill No. 85, for the relief of Geneva Clementine Burley Picard.—Mr. Macdonald.

Bill No. 86, for the relief of Rene Gaudry.—Mr. Hazen.

Bill No. 87, for the relief of Fanny Costom Copelovitch.—Mr. Hazen.

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Bill No. 88, for the relief of William Gerald Dickie.—Mr. Bercovitch.

Bill No. 91, for the relief of Agnes Dorothy Smith Bruneau.—Mr. Hazen.

Bill No. 92, for the relief of John Eric Pitt.—Mr. Factor.

Bill No. 93, for the relief of Dennis Calvert Kerby.—Mr. McIlraith.

Bill No. 94, for the relief of Camille Perks.—Mr. Bercovitch.

Bill No. 95, for the relief of Maria Cecilia Patricia Gation Rowell.—Mr. Tomlinson.

Bill No. 96, for the relief of Lemuel Athelton Lewis.—Mr. Homuth.

Bill No. 97, for the relief of Joseph Philias Hector Sauvageau.—Mr. Hill.

Bill No. 105, for the relief of John Bernard Hughes.—Mr. Bercovitch.

Bill No. 106, for the relief of Annie Block Smilovitch.—Mr. Bercovitch.

Bill No. 107, for the relief of Charles-Auguste Armand Lionel Beaupre.—Mr. Abbott.

Bill No. 108, for the relief of Albert Lennon Brown.—Mr. Bercovitch.

Bill No. 109, for the relief of Talitha Emily Findlay.—Mr. Graydon.

Bill No. 110, for the relief of Joseph Armand Odilon Boucher.—Mr. Factor.

Bill No. 111, for the relief of Doris Bertha Schwartz.—Mr. Cleaver.

Bill No. 115, for the relief of Lilias Augusta Shepherd Harris.—Mr. Bercovitch.

Bill No. 116, for the relief of Forest Wentworth Hughes.—Mr. Factor.

Bill No. 117, for the relief of Margaret Florence Stewart Corley.—Mr. Casselman.

FIRST AND SECOND READINGS—SENATE BILLS

Bill No. 119, for the relief of Moora Lipsin Sagermacher, otherwise known as Mary Lipsin Sager.—Mr. Bercovitch.

Bill No. 121, for the relief of Robert Tester Gordon.—Mr. Hazen.

PRAIRIE FARM ASSISTANCE

AMENDMENT OF 1939 ACT TO PROVIDE FOR ESTABLISHMENT OF BOARD OF REVIEW

The house resumed consideration in committee of Bill No. 113, to amend the Prairie Farm Assistance Act, 1939—Mr. Gardiner—Mr. Vien in the chair.

On section 2—Board.

Mr. DOUGLAS (Weyburn): At six o'clock I was drawing to the attention of the committee the fact that some of the regulations issued under this act had tended to nullify and negate its meaning. I was pointing out that under the act the definition of "farmer" applied to one "engaged in farming in the spring wheat area." The regulation No. 7, for instance, reads:

> No acreage award shall be made on the following lands:
>
> (e) Lands owned or rented by a farmer who as owner or tenant also operates more than three hundred acres of cultivated land situated in townships not eligible for an award under the act.

What happens there is that a man who has three hundred acres, even though there is no crop on it at all, if it happens to be in a non-bonus area is ineligible for the bonus on any land which he may have in an eligible area. For instance, the act as passed last year in section 2 (d) defined "cultivated land" as follows:

> "Cultivated land" means land which had been cultivated prior to an emergency year or prior to the year in which a declaration has been made under section 4 of this act that an area including such land is a crop failure area, and which land has not reverted to natural prairie.

Subsequent interpretations kept restricting it down until actually it was only land which had been in crop the year before. These regulations ought not to eliminate people who ordinarily would come under the benefits of the act but who are removed by regulations or by legal interpretation of regulations.

I now come to the main point which I should like to draw to the attention of the committee; namely, the fact that since this act will be amended if the present bill is passed, it is quite possible that no bonus will be paid at all, or that large sections of people who were eligible for the bonus last year will not be eligible this year. First, there are two schemes under the act. Under section 3 there is an emergency plan. Under section 4 there is a crop failure scheme. Farmers came under section 3, the emergency plan, if their crop was twelve bushels to the acre or less. Last year was declared by this act to be an emergency year. There was no doubt about that, so any farmer anywhere who lived in a township in which the average crop was twelve bushels or less to the acre was bound to be eligible under the act. But this year, first of all the average price of wheat must be less than eighty cents a bushel. That cannot be determined until after November 1. Only after that time can consideration be given to bringing farmers in townships having twelve bushels or less to the acre into the scheme.

But that is not all. Even if the price of wheat is eighty cents or less and even if farmers are in townships that are eligible, unless the governor in council declares this year to be an emergency year no bonus will be paid under the emergency plan. That

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should be clear. That wipes out all those people who came under the emergency plan last year unless the government declares this to be an emergency year. That limits us then to the second scheme, the crop failure plan. Farmers will only be able to come under that provided that there were fifty-four townships in Manitoba, or ninety in Alberta or 171 in Saskatchewan with an average of five bushels or less to the acre.

The point I should like the committee to appreciate is that if the government does not declare 1940 to be an emergency year, no bonus at all will be payable under this act as it stands unless there are large enough areas coming within the figures I have just enumerated. Therefore many thousands of farmers will pay the one per cent levy with no possible hope of getting a return.

Last year when the minister brought down this legislation we asked him why 1939 was being declared an emergency year. The minister gave a very good reason; he said that ten years of more or less continuous drought and crop failure constituted the reason. But the same reason is still there, except that there are now eleven years. All the factors that made it wise for this parliament in 1939 to declare that year an emergency year are present to declare this year an emergency year.

Mr. JOHNSTON (Bow River): Oh, no; what about the election?

Mr. DOUGLAS (Weyburn): I was not trying to suggest that 1939 was declared an emergency year because of the election.

Mr. JOHNSTON (Bow River): It may have had a bearing on the matter, though.

Mr. DOUGLAS (Weyburn): I wish to suggest, however, that if 1940 is passed by and the bonus is not payable in large sections of western Canada, there will be a tendency to feel that 1939 was declared an emergency year just because it happened to precede an election. This bill has been called a crop insurance bill, but as a matter of fact it is nothing of the kind.

Mr. GARDINER: It was not called that by the government.

Mr. DOUGLAS (Weyburn): No. It has been called that by many speakers on both sides of the house, but actually it was designed to pay drought relief in another form and to levy a one per cent tax on those farmers who had crops to help pay the relief of farmers who had no crops. That is really what it boiled down to; and if we are going to levy that one per cent tax we ought to be sure that those farmers who qualified last year at least have a chance to qualify this year.

Before this bill goes through, I hope the minister will give consideration to doing one of three things: first, giving the committee an assurance that 1940 will be declared an emergency year; or, second, reducing the number of townships necessary to have an area considered a crop failure area; or, third, if it should turn out within the next few weeks that there will not be enough townships in Saskatchewan to constitute a crop failure area, giving us an assurance that in the event of our not coming under section 4 of this act, we shall come under section 3.

I do not think that is asking too much. With a poor crop; with the drought areas still seriously affected, it is not too much to ask that we be allowed to come under the crop failure plan, and if we cannot qualify under that, we should have some assurance that we shall come under the emergency year section of the bill. Otherwise the farmer will not come under either provision, and this act will be merely a mockery to him, something on the statute books that does not guarantee him anything. He will be left hanging in mid air, and as I said before, there will be a tendency to feel that this act was merely concocted on the eve of a general election and that the government had no serious intention of carrying it on as a permanent piece of legislation.

I have offered these suggestions to the minister, and I hope they may be given some consideration. If I may review them briefly, they are: first, that the administration be brought under the secretary-treasurers of the municipalities and handled through the municipal offices without the cumbersome machinery of field men which has been built up in the last year or so. Second, that the government shall work towards making the individual farm unit the basis of operation; and if that cannot be done this year, that at least we should make provision for splitting a township so that half or more of that township would be eligible. Third, that steps be taken to square the regulations with the act, so that the regulations will not eliminate someone who otherwise would qualify. Fourth, that the government give us an assurance that we shall come either under the emergency year plan or under the crop failure scheme. We should not miss both of them and be left without any bonus at all. The situation could be met quite easily by the minister introducing a simple amendment to section 3, subsection 3, to the effect that for the purposes of this act 1940 shall be deemed to be an emergency year.

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Mr. CHURCH: Section 3 has to do with the computation of the sum to be awarded as assistance, and it has been revised to provide that such assistance can be given only on the application of the province. As I said during the debate on the motion for second reading of this bill, there must be some principle behind this measure, and the original principle was that this was to meet an emergency for a year or two. Now this legislation is to be made permanent, and I object to the policy involved. During the war the industrial workers, who are paying income tax, sales tax and all the other taxes, cannot carry any additional burdens. Is there or is there not an emergency? There may be an emergency caused by crop failure, but what about the industrial workers of Canada and their emergencies? The farmers of this country were given the Farmers' Creditors Arrangement Act, which was extended in principle to the fishermen, probably because under the British North America Act the fishermen are to a certain extent the responsibility of the dominion. But the industrial workers, who include fifty per cent of the people of this country, come under trade and commerce which is exclusively a federal matter, and they have been driven to the wall by the war and the depression, and get no such protection as the farmers receive under this bill. The industrial workers have had failures too; they have lost their jobs and markets. There was an industry, A. R. Clarke and Company, on Eastern avenue in the city of Toronto, established eighty-seven years ago, which formerly employed nearly a thousand men. That industry is closed to-day because of the war and the gold situation.

I believe in the principle of protection for all the people all the time, not just for some of the people some of the time. This sort of thing is all very well for our free trade friends to the left and opposite, including the likable Minister of Agriculture. In the olden days on the prairies these hon. gentlemen preached the policy of free trade; they said that our markets lay north and south, instead of overseas in England and France. I do not object to protection if there is an emergency, but protection should be applied to everyone, not just to one class; it should extend to the industrial workers, the fishermen, the grain growers and others. I know the farmers are suffering; I know a great deal about them from what I have read and what I have learned on visits to the west. They are suffering, but others, including industrial workers and the farmers of the industrial provinces who do mixed farming, are also suffering.

What protection is given under this section? You have a board of review, if you please; a political board first, last and all the time. It may be that there is concurrent jurisdiction in regard to agriculture, but now this matter is to be turned over for review to the provinces. What about the industrial workers in Ontario and Quebec, who pay eighty-three per cent of the cash taxes of the dominion and receive no protection at all? I have referred to one industry which is closed at the present time. Surely the workers should have some protection as well. Let us have equality of treatment. Now they are even going to pay the farmer to store his own grain, if you please, one per cent a month. Do they pay the industrial worker who loses his job, his home and everything else? There is also to be a domestic price established for Canada, through the imposition of a processing tax of 15 cents a bushel; we are to have a quota system of deliveries, and there is to be an advisory committee. Who is to pay for all these things? They will be paid for in sales tax and income tax by the industrial workers of Ontario and Quebec, who have been driven out of their homes. There are many farmers in Ontario also. They carry on mixed farming, for the most part, so they will not qualify under this bill; but they are mixed farmers and they should receive the benefit of the same protection that is given the prairie grain farmer. For many years the western farmer was told by the free traders that all they had to do was rely on free trade and all would be well, but hon. members know what happened to the prices of grain because of the operations of the elevator companies, the middlemen and all the other combines that existed in this country.

I do not object to the principle of the measure, because I believe these people in western Canada should have reasonable protection. But my point is that that protection should be extended to the industrial workers, and also to all other classes of farmers in Ontario and Quebec. There are many hon. members in the House of Commons who represent the two industrial provinces, but they seem to be afraid to rise in their places and demand equality of treatment with the prairie provinces, and protection for all the people all the time.

Mr. ROSS (Souris): Mr. Chairman, when this legislation was introduced a year ago, while it was not so described I thought it was a step in the right direction, namely in favour of crop insurance. Much has been said by hon. members who have preceded me, notably the hon. member for Lake Centre (Mr. Diefenbaker) and the hon. member for

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Weyburn (Mr. Douglas), as to the lack of administration last year. Might I point out that those who were appointed field inspectors were in most instances men who either were occupying political office, or were political workers. They were not, as was suggested by the minister, municipal officials in southeastern Saskatchewan.

It must be admitted that some of those field inspectors did a good job. But there were others who did a terribly inefficient job, and caused no end of grief from the time they went to work last fall until the present date. They had good political jobs.

It was my thought that it was the original intention that administration was to have been through municipal offices. I do not know whether the minister ever had that intention, or whether it was suggested to him; but that was the thought which prevailed throughout western Canada when the measure of a year ago was under discussion. To my mind it is the only feasible system of administration.

In the municipalities are the tax rolls. Those tax rolls are to be found in the municipal offices, and they show the cultivated acreages and farm layouts. After seeding, the farmer may go to the municipal office and make a declaration as to his seeded acreage. After harvest, he can make another declaration as to what he has taken off that land. I know some people will endeavour to point out some weaknesses. I might point out, however, that in Manitoba there is a law now existing whereby a thresher must have a weigher on his threshing machine, and I believe that system is meeting with approval. If the work were done as I have suggested, we would eliminate the necessity for the army of inspectors going around, as they do at present—a condition which I suggest is most unsatisfactory.

May I give a concrete example of what happened in the municipality of Arthur last year. The clerk of that municipality was notified in writing from the board at Regina that five townships would qualify for acreage bonus. I was told that the clerk was notified about November 1. It will be understood that those people had to make arrangements for their provisions for the coming winter for themselves and their families, and they did so with the merchants in the community. Then, much to their surprise and astonishment, on February 3 the clerk of the municipality received an undated letter from the same Regina office pointing out that three of those townships had been disqualified by the board, and would not qualify for acreage bonus. The communication also pointed out the system of appeal which might be followed.

[Mr. Ross (Souris).]

Needless to say, those municipal officials immediately carried out a survey of the three townships in question. Declarations were taken from every farmer in those townships, and it was found that two of the townships were decidedly under the average yield of twelve bushels to the acre, and that one was only one-twentieth of a bushel over. An appeal on behalf of those two townships was then immediately forwarded to the minister. As a result, some time this spring payment was made to those people.

That is the manner in which I suggest the administration might be carried on. When there is difficulty, and an appeal follows, and when the final settlement is made it would come to the attention of the minister. Therefore I say that is the procedure which should be followed in the matter of administration, so that the prairie provinces might take advantage of the act in the interest of the individual farmers.

Then it was suggested by the hon. member for Lake Centre that the board of grain commissioners might handle appeals. He gave some enlightening figures respecting the salaries of the commissioners, and the decisions they have made each year, and I believe they might be used in connection with the administration of this act.

I suggest that the township basis of making decisions is very unfair. I know of an individual in a township who harvested over forty bushels to the acre and yet that township averaged under twelve bushels to the acre and was paid the acreage bonus. A neighbour of his not far away, but in another township, had an average of less than four bushels to the acre, but did not receive assistance because that township averaged over twelve bushels to the acre. I suggest therefore that a different arrangement should be brought about whereby such individuals could be cared for.

The suggestion was made that crops destroyed by hail in an emergency area should be included. That point might be given consideration. In the area from which I come there is a large strip which has been hailed out this year, and the farmers in that section are not carrying hail insurance.

In one respect I am pleased, so far as Manitoba is concerned. I note with pleasure that the number of townships has been reduced from one hundred and fifty-four, in order to establish it as an emergency area. We appreciate that assistance.

I suggest that the minister might give special consideration to the matter of administration. I believe he could reduce greatly the cost of administration, and in many respects it could be made much more efficient.

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I do not wish to take up further the time of the committee, but I hope the minister may see fit to embody in the prairie farm assistance bill some of the suggestions which have been made.

Mr. PERLEY: May I at this time make a few observations respecting the measure before the committee? Undoubtedly this bill should have been introduced at least a month ago. For a long time it has been apparent that in a great many Saskatchewan townships there will be crop failures. In view of the experience we had last year in connection with the administration of the act, I suggest that it would have been well to have had before us at least a month ago any suggested amendments, so that they might have been given due consideration. We are now approaching a very late stage in the session. It is the intention in a few days either to prorogue or to adjourn, and we find that we must consider this important matter to-night in only a few hours. No doubt it will be passed. I must urge, however, that it is an important matter which should have had greater consideration. I believe the measure introduced last year was passed in the month of May, and was introduced in April. As some hon. members have pointed out, it was a relief measure, and in that respect it was good.

Our chief objection to the act passed last year has been with regard to the way in which it was administered. Even then it provided a certain amount of relief. Under the act the minister was given wide powers. He had powers to make regulations, and to state how the act would be carried out. Under certain conditions he could declare an emergency year, or that a crop failure existed in a certain area. He could state how to arrive at the average price, and the act then passed dealt with crop failure areas and cultivated lands. The minister could define the meaning of the term "farmer". I believe it was the hon. member for Weyburn who pointed out that the definition of the term "farmer" is not sufficiently clear, and I believe the necessary change should be made this year. Certain men who own land and pay all the expenses in connection therewith, but are living in towns, might be brought within the provisions of the act. I could give instances where, by not being included, men of that class experienced hardships.

The act last year provided for the setting up of a bonusing fund. There was provision also for the obtaining of a loan from the federal treasury provided the one per cent levy was not sufficient to meet the payments under the act. I suppose in due course the minister will give us some figures with respect to the amount borrowed and how repayment is to be made to the federal treasury.

I have a complaint to make with respect to the way in which the act was administered last year. The administration was most unsatisfactory in a great many townships in our province. My first complaint is about the inspection. The minister was given the power to appoint inspectors who were controlled or supervised from an office in Regina, with a Mr. Mackie in charge. This inspection started early last year, and I should like to review my experience with it. I contend that politics were played to a much greater degree in connection with this inspection than has been claimed on the floor of this chamber so far.

I met one of the inspectors on July 29 when I happened to be in a farmyard talking to a farmer. This inspector drove in and asked the farmer who owned the land, what was the number of the section and a few other questions. Finally the farmer asked him what his business was and he said he was the crop inspector. I asked him what system he was going to adopt in order to inspect the crop, because the farmer did not intend to cut that crop for another week or ten days. He replied that he knew all about farming, that he could drive by and almost tell the average yield of that particular crop. He then said, "Anyway we will make it on the safe side; those are our instructions." The farmer then made one mistake when he asked the inspector if he would like to meet me. I cannot repeat the language he used when he asked me what I thought of my leader. It was easy to see that he had some little politics in his mind. I assured him that he need not worry about my leader, that there were other matters with respect to leadership which should concern him more.

Not a week after that I ran across another inspector at a spot not far from where I met the first one. This man was a school-teacher who had not been reengaged in his district. He had a cardboard carton about three feet square, with the ends cut out. He carried it over the grain and then dropped it with an open end down. Then he cut about two or three feet on the outside with some shears, raised the box, and then cut off the heads of the grain which had been surrounded by the box. He said he was going to have that threshed out, and from the result he could arrive at the average yield of that field. I relate this simply to show that there was no uniform system of inspection.

Another inspector operated in my own district and in almost all of the district which the Minister of Agriculture represented in the last parliament. Every night this man

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drove forty-five to fifty miles to his home, and then drove back in the morning. It was a week or more before the municipality was informed of that, and a complaint was made in connection with his expenses. I met the man and asked how he was working with respect to expenses and he told me he was getting so much a mile for his driving. I then told him that he would be running up a nice amount if he drove fifty miles every night and back again the next morning. He was certainly making a living because he got most of his noonday and evening meals from the farmers.

This particular man had to do his work a second time. Then it had to be gone over a third time by another inspector, and finally it had to be done by the municipalities which took affidavits from every ratepayer in the district. At certain of the meetings the councillors would announce that if any ratepayers from a certain district were present they should remain after the meeting because the council had the forms to take the affidavits. This was as late as the early part of March.

Some suggestions have been offered this evening, and I intend to make one or two more. I think the municipalities should be permitted to do this work, and then the board of review provided for by this bill could be eliminated altogether. The office in Regina could supervise the work, but if this work were put up to the municipalities I am sure they would agree to do it and do it well. I know they would be ready to do it if they were given the amount necessary to pay the salaries and expenses of the inspectors for one month.

I have a further suggestion to make. The municipalities should be asked to make surveys. Where it was found that twenty per cent of the ratepayers of a municipality had an average yield of less than ten bushels to the acre, then the suggestion of the hon. member for Weyburn with respect to half-townships should be followed. A township is too large a unit. As has been explained here this evening, it is possible that one part of a township may have a good crop while the other part has a poor crop. This may result in those farmers with poor crops not getting anything because the average has been brought up by the good crops. The minister knows what I am talking about. There is one township whose northern part is split by the Qu'Appelle river, part of the township being in the minister's constituency and part in mine. This is township number 18-R-10-W2nd. The minister will remember that as late as April I had a conversation with him in regard to this particular township. I may refer to this matter a little later.

As I say, the municipality should make a survey, and where it was found that less than twenty per cent of the ratepayers had an average yield of less than ten bushels to the acre, then the municipality should be considered on the basis of the individual. If this is going to be a relief measure, we must get down to the individual. I do not think there will be any more paid out than was paid out last year or than will be paid out under the method which the minister proposes to adopt this year.

As I said before, I would pay the municipality to do this work; I would give them what it would cost to pay the salaries and expenses of the inspector for one month. I know they will do the job, because I have a report here in the Regina *Leader-Post* of July 13 that the secretaries of the municipalities, and I believe the reeves too, met in that city and offered to do work voluntarily this year. But I would pay them to do it because you want the job done. They are responsible for relief and most of them, I am sure, would do the right thing. In the local papers in part of my constituency, as any member can see by going into the reading room, municipalities are running an advertisement giving notice to the farmers that they must cut as much fodder as possible and use their crops in many instances for feed, where there is a poor crop, because no relief will be given by the municipalities this year since they will not receive relief assistance from the province. This shows that the municipalities are concerned with the farmer's welfare, and I believe they would do the right thing.

It may be suggested that the municipalities might overstep the mark and bring all the farmers under the benefits of this bonus scheme, but I believe they would be fair and would do the job properly.

I have already mentioned the part that politics played in the administration of the act last year. There is no question about that, and I protest against it here and now. I would not wish to see a repetition of what was done last year in the part of Saskatchewan which I represent or in the part which the minister represents. I do not think the minister would permit it this year; I will be fair enough to say that. I think he is now in a position where he is seized with the importance of cutting out politics and doing the right thing, and he can do it if he so desires. He has had the reputation of handling a number of matters from a political point of view and of setting

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up a machine. I will say that he has set up one or two good machines, but I do not want to see the machine oiled up and started again this year. I have a letter from his deputy acknowledging that the bonus was paid to people who were not entitled to receive it, and the department is now seeking to recover it.

Mr. GARDINER: I acknowledge that. We made some mistakes.

Mr. PERLEY: The minister knows the names very well. He knew long ago that these men were paid the bonus and were not entitled to receive it, while their neighbours who were better entitled could not get the bonus. I am going to wait and see how the department makes out in its attempts to recover the bonus. It is not necessary for me to put the whole story on *Hansard* because the minister knows the instances to which I refer. I do not wish to see a repetition of that this year. No matter whether the minister accepts some of the suggestions that are being made here or not, if he undertakes to carry out the act as amended I trust that he will see that the job is done properly.

There was an unnecessary delay in paying the bonus last year. Sixty per cent of the bonuses which had been earned and which were supposed to be paid in December were not paid until March. I received a letter only yesterday to the effect that the ratepayers in one municipality have received their bonuses only within the last week or ten days, and there are still a few cases in dispute.

Before we consider the bill clause by clause in committee, I shall now make a few general remarks about a conversation which I had with the minister in April last, when he was on his home farm. We talked over the telephone because we are practically neighbours, only twenty miles or so apart. Part of the township in question is in his riding and part in mine. Four inspections had been made, and a survey was also made by the municipality, the ratepayers being put on their oath. The survey made by the municipality showed an average crop of 11·80 bushels to the acre, I think it was, or slightly under twelve bushels an acre. The office in Regina refused to grant the bonus and referred the matter to the board of review in Ottawa. One thing I complain of is that the board of review sits in Ottawa. If it is going to be of any service it should be sitting in Regina at least during the survey work or until a decision has been reached in the matter of granting the bonus to the different areas. A board sitting in Ottawa cannot be as closely in touch with the farmers and the problems which the board has to consider, and having to refer matters to Ottawa means more delay.

On the occasion of our conversation the minister told me that he knew of the situation in this particular township in which we both are interested, and I said to him over the telephone, "You have the power, Mr. Minister, by regulation to go into the city of Regina," and he told me that he was going to do so the next day in order to take this matter up. The time was April and the farmers were ready to seed. They wanted the bonus, if it was coming to them, in order to buy seed, feed for their horses and other requirements. The whole township was involved. The minister said that he would give the matter his attention, and I believe he did so when he went to Regina. After consulting with the office there, he advised, I understand, that the farmers were entitled to the bonus and should get it. But the matter was referred to Ottawa and a telegram came back from Ottawa the next day. This is what I object to. The telegram from Ottawa did not come to the municipality, nor did it come to me. It came to the provincial member, who by the way went out on the street and said, "Here is a telegram from Ottawa. You are going to get your bonus at last. I did not know anything about it until Ottawa sent me this telegram." I think the minister should at least have done me the courtesy, after I had discussed the matter with him in a businesslike way over the telephone, of making known to me any decision that was reached. The telegram at least should have been sent to the municipality, but the news was given out in that roundabout way I have described. I am not saying that it was politics, but the information from Ottawa was made use of in the way I have mentioned.

No matter what amendments are made to the act, I believe that the minister, who is now seized with a sense of duty, if he will cut out the system of inspection he had last year and put it up to the municipalities, can have the whole thing done within a month and the bonus paid in proper time. The farmers need it. I know of instances where the bonus is needed right now. When we are in committee I shall have some suggestions to make to the minister but I just wanted to make these general observations at this stage.

Mr. JOHNSTON (Bow River): Listening to the observations that have been made by hon. members from nearly all the constituencies in the west, it would seem to me that there has been a great deal of complaint in regard to this legislation. The only constituency I have not heard complain is the one

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represented by the Minister of Agriculture (Mr. Gardiner) himself, so I suppose he must have got along all right.

The constituency which I represent is not affected by the drought situation so much as by another factor which up to the present I think has not been considered at all. I brought this same matter up a year ago when discussing the bill, when I urged that damage by hail be covered by its provisions. Provision was made in the bill with regard to both frost and rust, but hail was never touched. I think this legislation is most unfair in that respect. In my constituency a year ago there was more hail than there was anywhere else on the North American continent. We have the worst hail area anywhere on the continent.

Mr. GARDINER: I would call the hon. member's attention to the fact that the hail section did not affect Alberta at all. The hail section only affects the crop failure area. It does not affect the other at all. There was no crop failure area in Alberta last year.

Mr. JOHNSTON (Bow River): That might be true, but I am saying that these people who are in the hail area, while they will get no protection at all, will be required to pay the cent.

Mr. GARDINER: But the people in the hail area, if their crop was under twelve bushels to the acre, were paid the same as anyone else.

Mr. JOHNSTON (Bow River): Not unless there was a township. But I am speaking of something else. The hail-storm never takes in that whole area, but it will attack a strip of three or four miles and clean it out, leaving not a straw standing, while in other instances the hail goes through and puts the crop so far back that when the farmers come to thresh it they have only four or five bushels of an inferior grade to the acre. For every bushel sold of that inferior grade they are required to pay the cent, are they not? That is an unfair condition, and to add to the injustice there, when these people are hailed out and have to pay the one cent a bushel on the little crop remaining, they find, when they have to buy seed, that they have to buy it back at the regular price. They get no reduction, no assistance whatever. It is exceedingly unfair in that instance. This legislation should be amended so as to be of greater assistance and to be more of an insurance plan to the farmers. The suggestion has already been made to-night—and I heartily concur in it—that it should be on an individual farm basis. I do not believe, if that were done, the farmers would object if the levy were increased another cent or possibly two cents and thus a definite assurance were given to every farmer, no matter whether the failure was caused by hail or frost or rust or drought, that all these people could come in. I am sure they would not object to the levy of another cent on their crop if they all participated. It would be more satisfactory and certainly would be more just.

As the act stands now, this is a levy which is made on the farming community alone. I mention this because it was brought up by the hon. member for Broadview (Mr. Church) when he said that the government should treat all alike. I am whole-heartedly in favour of that contention, because agriculture is the only industry that is required to stand on its own feet. All other industries are protected by tariffs. In this time of war all other industries are guaranteed cost of production, plus profit, and on top of that they are given a bonus if they are successful in lowering the cost to a certain degree. But here is agriculture, one of the most essential industries, especially in war time; yet the government sees fit to say to the farmers, "You must protect yourselves"; and so they levy one per cent on all production as far as wheat is concerned, and then that is distributed to the farmers themselves. That is, they carry their own insurance. Why, then, should it not be quite as just to say to the farm implement manufacturers of Canada, "If there is any farm machinery industry in this country that cannot succeed in making a profit, then we shall make a levy on the other industries that are profitable in order to assist this one which is not making good". It would be exactly the same thing. But we do not do that. This house sees fit to keep the tariff on with the result that prices rise and rise and the farmer has to continue to pay increased prices for his machinery. The same applies in the manufacture of munitions and supplies. The government takes care of all costs, allowing for a profit and a bonus on top of that. I am sure that is not going to result in unity in war time; when you have such discriminatory legislation as that you will not have a contented people, and surely you will not have a contented farming community. You cannot expect it; you are not asking for it nor will you get it.

I am whole-heartedly in favour of having farm insurance. I think there should be farm insurance, but it should be farm insurance, that is, insurance of the farm so that every farmer when he pays his contribution will have some chance of getting returns. I hope the minister will take into consideration the suggestions that have been made here, or some of them at any rate, especially with

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regard to reducing the area, so as to make it possible for those who are suffering in consequence of hail to come under this protective legislation.

Mr. QUELCH: I will be brief. After I had concluded my remarks when this measure was in the resolution stage, the hon. member for Comox-Alberni (Mr. Neill) suggested to the minister that in view of the fact that the western members had been busily engaged in criticizing this measure, he would be justified in withdrawing it. That hardly seems a logical stand to take. Surely it is possible to be heartily in accord with the principle of the bill and yet be opposed to certain sections of it which we may feel do not allow the bill to operate satisfactorily. However, in order that there may be no misunderstanding on that point, I emphasize the fact that the members of this group are absolutely in accord with the principle of the bill, that principle being that assistance shall be given those farmers in the west who suffer from crop failure.

But what we do object to is that owing to certain sections of the bill and certain parts of the regulations, there will be many instances where farmers may have a complete crop failure and yet will not be entitled to get any assistance under the act. That was the basis of my criticism when I spoke on this measure in the resolution stage. The Minister of Agriculture (Mr. Gardiner) stated that if I had waited until the amendments had been brought down I would have found that many of my complaints had been taken care of. Although I admit that the amendments do in some instances improve the bill, nevertheless the majority of the complaints I made, the majority of the complaints made to-night, are not taken care of by the amendments. It will still be possible for some farmers to thresh thirty bushels to the acre and get assistance. It will still be possible for many farmers to have a complete crop failure and get no assistance. Does the minister consider that satisfactory? If it is not satisfactory, why not change the bill until it is? It is a slipshod form of bill that allows farmers threshing thirty bushels to the acre to get the bonus while farmers with a complete crop failure will get no assistance.

What about the regulations? Certain sections of the regulations absolutely destroy the principle of the bill. Will that be allowed to continue? In this measure we give the minister power to draft regulations that can absolutely destroy the very sections of the bill that we have drafted. What is the good of this house taking all this time to draft sections of the act to deal satisfactorily with this problem if the minister can pass regulations which will destroy the very sections of the act which we pass? That is the situation. It is true that section 4 as amended will be a slight improvement; but so far as Saskatchewan is concerned, the farmers will be worse off than they are at the present time. The condition in Alberta will be very slightly improved. If on the other hand this measure were put on an individual basis, as I believe it should be, section 4 would become superfluous and be wiped out.

I suppose the minister will say that the reason why this measure cannot be placed upon a really sound individual basis is the matter of expense. It seems to be just another instance of the efficiency of a measure being destroyed by the adherence of the government to the same old deflationary policy, a policy which in the past six years has destroyed practically every measure that we have tried to introduce in this house; it is always the same old story, that the money is not available to deal adequately with any situation. The hon. member for Weyburn referred to the fact that there is a danger that this year will not be declared an emergency year, and he suggested that the minister should declare this an emergency year. I should like to see that done; I would be satisfied if the minister would give the committee the assurance that in the event of the average price of wheat being below eighty cents a bushel, this will be declared an emergency year. The act uses the word "may"; if the word "shall" were substituted, there would be no doubt. Section 3, subsection 1, of the act reads:

> Any crop year in which the average price is less than eighty cents per bushel may be declared by the governor in council as an emergency year under this act.

So I hope the minister can assure the committee that in the event of the price of wheat being below eighty cents, this will be declared an emergency year.

I shall wait until the other sections come up before I discuss the bill any further.

Mr. NICHOLSON: Coming from a constituency in which the farmers have not qualified to receive benefits under this act, I should like to make a few comments from their point of view. The farmers have not objected to the legislation which in the first stages required the northern farmers to pay their share of the levies. There are farmers in my constituency who have been farming for the past thirty-five years but would never have benefited under such a measure; yet they have experienced crop failures. Those familiar with western conditions know it is quite common for local showers to make all the

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difference between a good crop and a crop failure. The necessary changes should be made at the earliest possible time so that the benefits might be on an individual basis. When all the farmers are compelled to contribute toward this scheme, they should all have the right to receive benefits if they have a crop failure from any cause.

I should like to endorse the suggestion made by several hon. members that the work should be carried on by the rural municipalities. I have here a return, dated June 11, in reply to a motion moved by the hon. member for Weyburn, and was interested in noting that the rural municipalities recently suggested that they might be able to carry on this work on a voluntary basis. I find from this report that the cost of carrying on this work has been very large, namely, $230,449.81. On the first of nine pages of the return listing the names of the various inspectors we find that these inspectors were receiving wages of $5 a day and most of them received more for expenses than for wages. I am sure that if the municipal secretaries had a part of the sum given to these inspectors, the work of administering the act would be carried on much more efficiently. In my province the farmers have to have a statement from the municipal secretary before they are permitted to sell their grain in the fall. When this statement is being secured would be the logical time for all the evidence necessary in connection with the crop returns to be produced.

I should like to offer an objection to the increase in the number of townships necessary for benefit in Saskatchewan. In appendix 6 of the report of the Sirois commission I find that Saskatchewan has been affected more adversely by drought than the other provinces. Table 3 on page 14 gives the amount spent in the different provinces under the heading of the dominion share, dominion loans to provinces, provincial share, provincial loans to municipalities, and municipal share. I find that for 1931 in Saskatchewan we received 5 millions of the total, which Manitoba and Alberta together received 3·7 millions. In 1932 Saskatchewan received 23·2 millions and Manitoba and Alberta 14·9 millions, and so on; the total for the seven-year period being 113·8 millions for Saskatchewan and 94·8 millions for Manitoba and Alberta.

I am not complaining about Manitoba and Alberta having an advantage, but the suggestion which is being made that will make it more difficult for Saskatchewan to receive benefits under this act, is not coming at this particular time, in the best interests of the act. I should like to see the number necessary in Saskatchewan remain at the 135 townships which prevailed a year ago.

Mr. GARDINER: There are one or two matters that have been referred to about which I should say a word. In order that I may not forget it later, let me deal first with the suggestion which has just come from the hon. member for Mackenzie and which was stated earlier by the hon. member for Qu'Appelle and, I think, by two or three other hon. members, namely, the suggestion that the administration of the inspection under this act should be turned over to the municipalities. One of the reasons given was that the inspection staff as now set up is more or less political.

I remember having quite a heated discussion in this house with the then leader of the opposition when relief was being administered in just that way by the municipal councils and the secretary-treasurers. The then leader of the opposition, supported by some of his followers—at that time he had only one follower from Saskatchewan—said that the municipal association of Saskatchewan was a part of the Liberal political machine. Perhaps that is one of the reasons why we thought it necessary to set up another organization to take care of the administration of this act. We had been accused of using the municipal association and the secretaries in Saskatchewan as part of the Liberal political machine. Now, when we have built up a different organization, a part-time organization only, to administer this act, we are asked to turn the administration back to those same officials. I have come to the conclusion that it does not make much difference, so far as the opposition is concerned, what we do, we are going to be accused of playing politics anyway.

Mr. PERLEY: It might be the lesser of two evils.

Mr. GARDINER: In any event the act has been administered this year by inspectors who were appointed for part time in order to make these inspections.

The suggestion was made by the hon. member for Lake Centre, supported by the hon. member for Acadia, that lands which are hailed out should be given greater consideration. Only one section in the act refers to hail, namely, the section which provides for the building up of relief areas or of crop failure areas in a province. It states that hail is not to be taken into consideration in computing the number of townships to bring that part of the province under the crop failure section. But once a crop failure area is built up, then if it hails in districts that have less than five bushels to the acre, the persons hailed out receive the same assistance as the other farmers. Hail is not mentioned under the emergency section, and if persons in areas

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that are under twelve bushels to the acre are hailed out, those persons receive assistance the same as other farmers living in those townships. It should be remembered also by members of the committee that we have hail insurance in all the western provinces, and any farmer who has the cash to pay the premium can at the present time insure his crop against hail.

Mr. SLAGHT: They have a splendid new company now, too.

Mr. GARDINER: My hon. friend says they have a new company, and that is so.

Mr. DONNELLY: We also have municipal hail insurance.

Mr. GARDINER: Yes; we have municipal insurance in the west to take care of hail, so there is no real reason why we should set up still another system of hail insurance.

The suggestion was made that we had perhaps gone contrary to the definition of a farmer in our regulations. "Farmer" means a person engaged in farming in the spring wheat area. Hon. members who were here a year ago will recall that this was not the definition first introduced here. That was a definition of a resident farmer, and after considerable discussion and reconsideration it was felt that it was better to define a farmer as a person engaged in farming in the spring wheat area. Then, in the section which gives us power to make regulations, it will be seen that the minister may, with the approval of the governor in council, make regulations excluding from the operations of this act farmers who do not reside upon farms within the meaning of the regulations. So nothing has been done contrary to the intention or meaning of the act. The intention of the act was to have defined by regulation what constituted a resident farmer, and if a farmer was not engaged in farming within the spring wheat area, then he could not receive assistance if he happened for the time being to be living in western Canada.

Mr. DOUGLAS (Weyburn): But that had nothing to do with income; and later, in the interpretation of the regulation, the eligibility of the farmer was based on his income and whether he was primarily engaged in farming.

Mr. GARDINER: Of course the regulation provided that a man could be a resident farmer if he lived within the neighbourhood where he was farming. "Neighbourhood" has been defined very broadly. It has not been contended that a man has to live on the adjoining piece of land in order to be considered a resident farmer. He could live in the village and operate his land. My hon. friend shakes his head, but that is so.

Mr. DOUGLAS (Weyburn): Not if he had a job there.

Mr. GARDINER: If he had a farm nearby and had his home within the village limits he could draw his benefits, and many such farmers did receive these benefits. But if a man were living in a village and running a general store or an elevator; or if he were living in the village and running a full-time gasoline station, even if he did have a farm he was not permitted to collect under this act, and it was never intended that he should. This act was placed upon the statute books in order to make it possible for farmers to establish and maintain homes on farms, and for no other purpose. A home on the farm was defined broadly enough to make it possible for a man to live within the limits of a town and spend his time farming outside those limits. We have in the west many instances of farmers who live in a village in order that their children may go to school. They drive out to their farms, which may be within four or five miles of the village. They go by car, carry on their farming operations and return home for the night, while their families live within the town limits. A farmer who was spending all his time farming under those circumstances would be eligible under this act. But we have had scores of applications from men who were travelling agents for concerns of one kind and another and who happened to own farms. They have written us time after time presenting long arguments as to why they should be considered farmers, and pointing out that they were paying this one per cent. In dealing with the payment of that one per cent, may I suggest to the hon. member for Acadia—

Mr. PERLEY: Some were paid who had businesses in town and who were operating farms at the same time, were there not?

Mr. GARDINER: I think there were a few of that kind. There was one gentleman living very close to the town from which my hon. friend comes who was paid $58 more than he was entitled to, and he put that money into an envelope and sent it back. He was one of the honest men who make possible the administration of an act like this. There was another gentleman in the same vicinity, a good political friend of mine, who was not paid. We had some correspondence about that, too; I think we had at least three lawyer's letters arguing that he was entitled to payment, but he was not paid. We have all sorts of instances of

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that kind, and probably spread over the area there may be a score of instances in which we think people should return the money they received. Probably on some future occasion we may find a way of getting back some of that money. But, if in making payments to 58,000 farmers we did not make any more than one hundred mistakes, I think we were fairly successful in administering an act of this kind for the first time. So far as I know, there never has been an act similar to this on the statute books of any other country. This is the first time it has been attempted; and if we were able to pay 58,000 farmers an average of approximately $175 each without making more than a hundred mistakes, even though it may have taken seven or eight months to complete that operation, we have proven at least to our own satisfaction that this act can be made to work.

I was going to say that the hon. member for Acadia has shown some concern as to the individual farmer in some of these areas. He has been more concerned about having this act applied on an individual basis than perhaps some others who have spoken. We went over all that a year ago when we were putting this legislation through. We threshed the matter out; we argued it back and forth, but during the year we have found by experience that the arguments against putting it on an individual basis are very much stronger than the arguments in favour of doing so. One reason for saying that is to be found in the figures I gave a moment ago. I stated that about 58,000 farmers had received benefits under this legislation. The exact figures as at July 9, 1940, show that we paid 57,874 farmers in 1,889 townships in the three western provinces, at a total cost, in those provinces, of $9,763,186.21. Among those 57,874 farmers there may be 100, more or less, who were not properly farmers according to the definition contained in the regulations. Those were mistaken cases. Some of them we have written to, and received money in return; and some of them have not returned the money.

But the point I wish to make is this, that when we summed up all of the questionable cases early in the month of January, there were less than eight thousand questionable cases, affecting individuals. It did take a considerable time to deal with all of those questionable cases, because they concerned families of three or four. In some instances there were three or four male members in a family, each of whom claimed to be farming his own land. They included instances where men were running small businesses in towns, and operating farms outside those towns. They included instances of persons who were engaged professionally, and at the same time were operating farms. And so on, all along the line, we had those matters to contend with.

We had to reinvestigate those cases. We had to get declared statements from some of them. In some instances we had to examine the municipal accounts to find out who did do the business in connection with a farm. We had to examine elevator accounts. In some instances we had to go to the merchants to find out who paid the bills. Finally we worked it down to a point where, we think, we did not make many mistakes.

Then, something has been said in regard to inspection.

Mr. QUELCH: Even though there may not have been many mistakes, I think the minister will agree that there were many farmers in the west who threshed considerably less than twelve bushels to the acre, and yet were not eligible for support under this act.

Mr. GARDINER: The hon. member for Qu'Appelle led me away from that line of thought, a moment ago. I was going to reply to that suggestion. My hon. friend raised two questions, the first of which was why we did not pay individuals who happened to be on comparatively light land, living in some townships which had grown twelve bushels to the acre; and why in other instances we paid individuals living in other townships who had grown more than twelve bushels to the acre.

I believe I can best answer that by referring to what I said at the beginning of the discussion some days ago. I have with me to-night the records for three years of all the municipalities in Saskatchewan which received assistance under this act last year. I would point out, first of all, that in the whole of that province there are only two municipalities which got assistance under the act last year, which did not get assistance from the province by way of direct relief.

There has been considerable discussion as to whether or not Saskatchewan paid relief last year. The records show there are only two municipalities in the whole province which got assistance under this legislation, which did not get assistance from the province as well.

Mr. DOUGLAS (Weyburn): Not all the time, though.

Mr. GARDINER: Through part of the year.

Mr. DOUGLAS (Weyburn): Part of the year, yes.

Mr. GARDINER: They never did get assistance all the time, unless they had complete crop failures. That answers the question raised by the hon. member for Acadia. This legislation was never intended to take care

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of all the relief responsibilities of all the governing bodies in the western provinces. This legislation was intended only to take care of the responsibilities of this government. The municipalities took care of the individual case which happened to be in a municipality. I am referring to instances where there were only one or two cases in the midst of a township which had a comparatively good crop. The councils were able to collect their revenues, and were able to take care of the one or two individuals who happened to come under their charge. It was their responsibility to do so. If, under the provincial legislation which provided for taking people off light or sub-marginal lands, they permitted those lands to be farmed, then they had some responsibilities in the matter. On the other hand, when the responsibility became too great for the municipalities to handle, the province came to their help. I could read to hon. members a list of municipality after municipality which received help from this government under the Prairie Farm Assistance Act, in various amounts of thousands of dollars, by way of relief.

That was given in order to take care of those small groups of half a dozen or a dozen in a municipality who did not come under this act or who during the early part of the season had not received any assistance under the act, and therefore still required some help from the province.

There is another point raised in this connection. Here we have an individual who is required to pay one per cent on his comparatively small crop. Probably he gets nothing, because he is in one of the townships which is not included. On the other hand, over there we have another individual with a comparatively high yield, but who may be in another township the general yield of which is less than twelve bushels to the acre. That man will receive payment. I think in all instances last year persons with comparatively high yields lived in townships that had somewhere from five bushels to the acre, upwards. There would be very few instances—in fact I do not recall any—where persons had twenty or thirty bushels to the acre in townships where there was a crop failure. Those instances are practically all in the areas ranging from eight to twelve bushels to the acre. So that the most an individual could draw would be one dollar an acre on half his crop acreage, with a limit of $200.

I shall attempt to make the calculation easy. If a man had twenty thousand bushels of wheat, and wheat was a dollar a bushel, at one per cent he would pay in $200. That is all he could draw out. So the man with twenty thousand bushels of wheat would not really draw anything out of the treasury of Canada. He would put in $200, under those circumstances, and draw out $200. Last year it would be only $140. He could draw out $200.

Mr. DOUGLAS (Weyburn): He would draw out less if he had three thousand bushels?

Mr. GARDINER: If he had three thousand bushels he could not get more than $200. That is partly dealt with this year in the amendment to the legislation, as will be indicated as we go along.

But here is another instance of a man living in the middle of the township, who has twenty bushels to the acre of wheat. But he has only forty acres of wheat. He put it on the best land he had. The land had been summer fallowed the year before, and was probably fertilized. On that land he happens to grow twenty bushels to the acre. He probably has three or four hundred acres of oats and barley. Any stubble land he had he seeded in oats and barley. If it is a dry season and he is going to be hurt, he suffers more on the stubble land than on any other. And every hon. member in the committee from western Canada knows that last year farmer after farmer had twenty bushels to the acre of wheat and had no coarse grains at all. A farmer could have twenty bushels to the acre, on a very small acreage, and have no coarse grains at all, and not be as well off as a man with ten bushels to the acre alongside of him on a wheat acreage, when he had sown some of his stubble ploughing to wheat, as well as his summer fallow. That is known to every man who has farmed in western Canada.

In other words, under this act we are not paying on wheat at all. Every man who has studied the act knows that we pay, even if a man grows no wheat at all. If he grows all oats or all barley, or part oats and part barley, if he grows feed grains only he can draw just as much as he could draw if he grew only wheat. Wheat is used in the townships only as a measuring stick. And men with experience in western Canada know that, generally speaking, what happened last year was an exception. As a general rule, when the wheat crop is poor throughout an area, any other crop is also poor.

An hon. MEMBER: Poorer.

Mr. GARDINER: Poorer, as a rule. Last year was the exception because wheat was a little better than coarse grains and some farmers suffered as a result. What I am pointing out is that it is not always correct to say that because a man has a yield of twenty bushels to the acre we are not treating

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him properly when we pay him at the same rate as we pay his neighbour, because he may be farming in an entirley different way. If he is raising live stock and growing coarse grains in order to feed them; if he has a little patch of wheat and happens to have a good crop, if we wanted to check him individually we would have to check all his farming operations. In order to check the live stock and coarse grains sales of the 58,000 farmers, when nine out of ten do not keep any accounts, it would take us perhaps the next three or four years and I doubt if one-tenth of the payments would be made to date.

Mr. DOUGLAS (Weyburn): You do not take the live stock into consideration now.

Mr. GARDINER: We take live stock into consideration when we check a township. A farmer who had live stock last year in an area which had ten bushels of wheat to the acre, but who had no coarse grain, had to go out and buy coarse grains or sell his live stock. A farmer with live stock and wheat but no coarse grains needed assistance even more than a man who had a crop of eight or ten bushels to the acre but no live stock. This bill is not intended to make payments only in connection with the growing of wheat; wheat is used as the measuring stick.

A good deal has been said with regard to collecting money from persons who can never expect to get it back. I said the other night that if this legislation had been in effect for the past eighteen years—I think this will answer what was said by the hon. member for Weyburn—in thirteen of those years the crop failure sections under the 135 townships provision of last year would have been brought into effect.

Mr. DOUGLAS (Weyburn): How many under this bill?

Mr. GARDINER: I am not certain; I have not checked that. It would be a lesser number, but I do not think very much. I checked up further and found that the act would have been in force in fourteen out of twenty-one years. Then, in five of those years the emergency sections would have been brought into force because the price was under eighty cents. In those eighteen years we would have paid out $180,000,000, and through the one per cent levy on the marketed grain we would have collected $31,000,000. In other words, we would have paid out almost $6 for every $1 collected. We knew that when this bill was introduced this year. When the legislation was being put through last year, the former leader of the opposition, Doctor Manion, asked me what the average payments would be, and I said they would run from $10,000,000 to $15,000,000 a year. Last year it worked out to between $9,000,000 and $10,000,000, and that year was an average year.

He asked also what would be collected under the one per cent levy, and I said it would run from $1,500,000 to $3,000,000, the average being around $2,000,000. Last year we collected in the neighbourhood of $2,000,000 and paid out something over $9,000,000. My hon. friend asks why a farmer who is never going to be able to collect should be charged one per cent. This question was put to me in Manitoba during the election, in a municipality where they have never had a crop failure. They wanted to know why they should be asked to pay one per cent when they had never had a crop failure, did not expect to have one and would not hope to be able to collect under the legislation. I replied that we had asked the farmers of western Canada to pay about one-sixth of the amount necessary to carry this plan, while the people of Canada, including the farmers, were being asked to pay $5 for every $1 the western farmer was being asked to pay. I said "Supposing I go to Toronto or Montreal and tell them that the farmers in western Canada who grow good crops every year refuse to pay the one per cent, do you think those fellows will put up their $5?" They admitted that was clear enough. They realized that those who were successful were being asked to assist others through the difficult years when they were learning how to live in certain sections of western Canada.

Mr. PERLEY: Is there any other industry where the government asks them to do that? Is there any other industry where the government asks them to do just what the minister has now outlined?

Mr. GARDINER: I am afraid my hon. friend has not got my point. He should ask first: Is there any other industry which receives support from all the people of Canada in order to carry it through the difficult years? Under this plan, if it had been in operation for eighteen years, all Canada would have paid in $5 for every $1 collected under the one per cent.

Mr. PERLEY: Is there any provision for that to be paid back?

Mr. GARDINER: No; there is no provision for that to be paid back.

Mr. DOUGLAS (Weyburn): It is only about $4 for $1 this year.

Mr. GARDINER: The farmer puts in one per cent which starts the fund. It might happen that a time will come when the fund is large enough to warrant payment back,

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but judging from the experience of the last eighteen or twenty-one years there is no possibility of that happening. The only way in which it might be done is to follow the suggestion of the hon. member for Acadia. He has said that the farmer would not object to paying two or three per cent, but I suggest that it would have to be five or six per cent in order to take care of the whole amount being paid out under this scheme.

Mr. QUELCH: Provided that account was taken of the drought areas of western Canada. Speaking in this house two years ago, the minister admitted that we have a direct responsibility for the condition which exists in the drought areas. Therefore we should expect to make a grant to those areas.

Mr. GARDINER: My hon. friend is simply advancing my own argument, but that is not the argument he used a moment ago. He was arguing that the farmers who have crops were assisting the farmers who have no crops. I am pointing out that many other people in Canada are paying into this scheme than the farmers who have good crops. People all across Canada are paying into it for exactly the same reason as that given by the hon. member for Acadia. They are paying in because they believe that the wheat industry of western Canada is of sufficient importance to the whole of Canada to warrant their seeing to it that the farmer has an opportunity of establishing himself in his home on his farm. We have managed to persuade them to do that. I think those are most of the criticisms which were made.

One other matter I want to deal with is the inspection itself. The hon. member for Qu'Appelle described one of the inspector's activities. He said that the inspector took a square of the crop, took the heads off, took them home and threshed them. I would suggest to the hon. member that that is pretty much the method which is followed in checking hail damage in western Canada. A man takes a hoop, throws it out into the field, then counts the heads inside the hoop and counts the number damaged by the hail.

Mr. PERLEY: Fifty yards away in the same field he would not have found any heads.

Mr. GARDINER: Perhaps so, but if he did the job properly he would go over the field and take those squares at a sufficient number of places to give him the average wheat crop in that field. I am going to say this: Every inspector was asked to do that, and most of the inspectors did do it. Then we checked and found out that it had not been done carefully enough to be very useful. So that was discarded. Again I say that we are experimenting more or less with this legislation. There are probably only three men in western Canada and probably only a dozen or so in the United States who have made a life work of checking crops, and I think there are only three or four who have made enough of a reputation by it to have themselves employed by the great grain companies for the purpose of checking and estimating crops. These men travel through the whole crop area every year and they do estimate the crop very closely.

Mr. PERLEY: There is one woman whom the minister forgot to mention, Miss Hind.

Mr. GARDINER: Yes, Doctor Hind has been doing it for many years and has been very successful, too. But I am pointing out that there are very few who have had that experience in checking crops, and we selected the best men we could get. I venture to say that there were not a dozen of them whom I knew personally. We had to take people's word whether or not they were capable of doing a job of that kind, and we took the recommendations of persons who were supposed to know. These men then went out and did the job, and I would point out to the committee that in spite of the fact that this legislation was new and had never been tried out before, out of 1,913 townships that were finally passed for payment on July 9, there were 1,535 about which there was no question at all. They were passed by all those who checked them—1,500 out of about 1,900 townships. I would say that if 159 inspectors can go out and check about 1,900 townships, and 1,500 of those townships are passed by the officials who checked them, the inspectors were not such bad inspectors, and we must remember it was the first year in their experience.

Mr. JOHNSTON (Bow River): It does not necessarily follow that they were such good inspectors, because the final checking did reject some of their findings. It may be that there was overchecking.

Mr. GARDINER: I come back to the point I urged a moment ago. There has been considerable urging that I should make this an individual matter. These inspectors could drive through most of those 1,500 townships and gauge the crops as being, let us say, under five bushels to the acre in 260 townships, under eight bushels to the acre in a number of others, and no one would question it. The townships about which the hon. member for Qu'Appelle was talking were like the townships in my own constituency.

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Mr. PERLEY: I would suggest that the minister and I were were unfortunate in the inspectors sent to our districts.

Mr. GARDINER: No, I do not think so. We were in exactly the same position as the hon. member for Acadia. He was on the boundary line of the drought area; so was I; so was the hon. member for Qu'Appelle; and when you are on the boundary line you have all the questionable townships, like the townships he was speaking of, with 11·8 bushels to the acre. Is there any hon. member who would go to any township in Canada and take an oath that he could come within four points, four-tenths of a bushel, of the yield of that township?

Mr. MacNICOL: It is two-tenths, is it not?

Mr. GARDINER: Yes.

Mr. PERLEY: That was the fourth inspection.

Mr. GARDINER: We had to make more than four in some instances, and some we have not decided yet.

Mr. QUELCH: Could the government not give the farmer the benefit of the doubt in those instances?

Mr. GARDINER: He was given it in most instances because this is what happened. We started out, as the hon. member for Qu'Appelle has said, with the idea that we would make these inspections; that the result of them would be sent in to the central office in Regina, and that the central office in Regina would send on their recommendations to Ottawa. At this point I should like to explain to the hon. member for Souris that the only reason for the difficulties which existed in Manitoba and of which he spoke was this. When the director at Regina got his reports he had not been properly instructed from here, and he took it for granted that he had the right to make the decision. I was on the train between Ottawa and Toronto when I picked up the paper and noticed that the townships in Manitoba had been announced. I immediately telegraphed the director, telling him that he had no right to announce them, that he could not make the decision, that the act said that the minister had to make the decision, that the minister in that sense was the deputy minister at Ottawa, and that all the director had the right to do was to make recommendations to Ottawa, where his recommendations would be checked and decisions given accordingly. When these recommendations were checked, some of the townships he had recommended were not accepted. In other words, he did just what the hon. member for Acadia suggested a moment ago; he was inclined to give the farmer the benefit of the doubt. But the authorities here, the treasury authorities, said, and quite properly, that no one getting more than twelve bushels to the acre can be paid. If it is shown that the yield was a fraction of a bushel over twelve bushels to the acre, then under the law the bonus cannot be paid, and the auditor would not pass it. So all the recommendations had to be checked. When I returned to Ottawa we discussed the matter, and I suggested that in view of this mistake—and others said the same—we had better appoint an independent committee to do what the act had said the minister might do through the officials of his own department.

For the benefit of the hon. member for Lake Centre, may I say this. We took, as one of the members of that committee, the financial representative in the Department of Agriculture, the man who had been checking the records all the way through. Then we took the secretary of the wheat board in western Canada, which the hon. member said should be represented. He was the statistics official for agriculture in the Department of Trade and Commerce. We put him on the committee. Then we went up to what at one time was the home city of the hon. member Lake Centre, Saskatoon, and we took Professor Hope out of the university of Saskatchewan, a man whose activities are partly financed by this government. We therefore took three men of the very type that has been suggested we ought to have—not men who were going to cost the government something more, but men who were already in the employ of the government, and we asked them to check these reports. I admit that if we had done this earlier in the season, that if we had been checking all the way through, there would not have been the delays which did develop.

That is the reason why we have a provision in this bill for a board to be set up, and this board will be set up immediately after this legislation passes. It will consist of officials already being paid by the government of Canada. This is not, and it could not be, a board in the sense in which we often speak of boards. There is no reason for having a continuous board operating throughout the year. The board is only required for three or four months while the work is being done, and we consider that we should have officials of the government doing that checking. So that what we have in mind conforms with the views expressed a few moments ago. The men whom the hon. gentleman was criticizing are not in my department and I am not in a position to answer what was said this afternoon with regard to them. I should expect

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that they would have considerably more to do than was indicated by what they did in inspecting four or five or half a dozen instances of the type stated. They must have more than that to do or they would not be paid the salaries they receive. But there is a possibility that one of these men could go on this board and do that kind of work. In other words, we shall be selecting men from among our employees somewhere to make these checks in order that it may not be said that they are political checks.

In answer to what was said by the hon. member for Qu'Appelle, I might point out that the deputy minister of agriculture at Ottawa was not appointed by the present government. He was selected by the previous government, and I wish to say this for the previous government, that they picked one of the best men they could find in Canada. I do not know anything about his politics, but I would doubt very much whether he has party affiliation.

Mr. PERLEY: I was not complaining of his action as a political action. I said that when he was communicated with from Regina in this regard he might have telegraphed to some other person than he did.

Mr. GARDINER: I do not know the particulars, but I should think that if Doctor Barton communicated with Mr. Fred Dundas, the local member, it would be because Mr. Dundas telegraphed him and asked him for information. I doubt very much whether the deputy minister of the department here would know Mr. Dundas was a member of the local legislature. I would be aware, from what I know of Mr. Dundas, that he would be busy in connection with anything that had to do with his constituency, working all the time.

Mr. PERLEY: In this instance he said he did not know why they telegraphed him because he had not made any representations.

Mr. GARDINER: I was not here, as the hon. member said. I was in the west, and the story is new to me.

Mr. PERLEY: I will give the minister credit. We did get action afterwards.

Mr. GARDINER: I know all the parties, and I do not think the present deputy minister of agriculture at Ottawa would allow politics to interfere in any way with any judgment he might make in connection with the administration of the act.

Mr. PERLEY: I did not charge that at all.

Mr. GARDINER: I think that is all I wish to say in a general way in connection with the measure.. As we go through it we shall find that most of the difficulties mentioned in the discussion have been taken care of as well as it is possible to cope with them after one year's experience. Probably when we have had another year we may be able to correct some other difficulties that may arise as we go through the year.

There is one other point raised by the hon. member for Weyburn, but it has slipped my mind for the moment.

Mr. NICHOLSON: I asked the minister a question regarding the reason for the change to 171 instead of 135.

Mr. GARDINER: As I stated the other day in introducing the resolution, we took 135 last year. We were absolutely sure when taking it that Saskatchewan would be in. Saskatchewan had 260 townships, so that it did not make much difference what we took, but we took 135 at that time. We took the figure 100 in Alberta because we were practically certain at the same time that Alberta would not be in the crop failure area. We had the same idea with regard to Manitoba and it turned out to be correct in all three provinces. I said at the time that the matter was experimental, that we would experiment with it for one year and arrange about the number of townships in the next year which would be fair to all. This year we have taken fifty-four for Manitoba, 171 for Saskatchewan and ninety for Alberta, believing that these, as nearly as we can draw the line, indicate where it ought to be drawn as among the three provinces.

Mr. NICHOLSON: How did the minister arrive at 171?

Mr. GARDINER: In its relationship to Alberta. It is about double what Alberta is—not quite double—and Alberta is not quite double what Manitoba is. That is based largely on the areas which are usually afflicted by drought.

Mr. DOUGLAS (Weyburn): There are one or two matters upon which the minister has not touched. His explanation why we could not use the municipal set-up does not really hold water. The fact that it would turn to what someone in past days suggested was a Liberal machine does not meet the situation. Why build another one, then, if that was the situation? The fact remains that it could be handled through the municipal offices by a declaration made by the farmer in the spring and in the fall. In the new department which the minister has taken over, a great appeal is

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being made throughout the country, and is being responded to everywhere, for voluntary action. The people will not take kindly to appeals for voluntary effort on the one hand, and on the other for an expenditure of $200,000 and more for inspectors to go out through the country as they did last fall.

With reference to the regulations, although the minister touched very well upon some points, he did not deal with the whole situation. It is true that the act bases the definition of "farmer" upon residence, but my point was that it did not base the definition of "farmer" on his income or the proof that farming was his primary occupation. As a matter of fact, many men were eliminated from the benefits of the act who actually did farm, on the ground that during a part of the year, in the winter, they operated a blacksmith shop or something of the sort. The onus was put upon them to show that farming was their primary occupation and blacksmithing secondary. In some instances the application was granted, and in others the opposite view was maintained.

Mr. GARDINER: It will be found that the mistakes were made early in the season before the defining of the regulations was done at all. The defining was done because the mistakes were made, and explanations were sent out to all inspectors in order to see that these mistakes would not be repeated. At first some of the inspectors would say that because a man had a filling station in his front yard along the highway he was not entitled to payment. Another inspector would say that because a man was elected a delegate to the wheat pool he was not entitled. Still another inspector would say that although a particular man was blacksmithing in town, he had a farm, made most of his money on the farm and therefore should be paid. They had to define the dividing line sooner or later in order to get the cases properly settled. I admit that mistakes were made; it could not be otherwise.

Mr. DOUGLAS (Weyburn): That is natural. But it was a fact that a man who had three hundred acres in a non-bonus area was eliminated despite the fact that he might not have four bushels to the acre.

Mr. GARDINER: It was assumed that since the township was out, the responsibility for taking care of people in that township was laid on the municipality or the province as a result of the township being out. It was said that if a man lived in the township and had a half-section of land in that area, it was to be presumed that he was as well able to take care of himself as anyone else living within that area. That was the basis on which it was done. I admit that there were some difficulties in connection with the administration of that regulation, and there will probably be an attempt made to change it this year. It is partly dealt with by the amendment in the bill which limits the amount on which a man can draw to three thousand bushels provided it is not over eight bushels to the acre.

Mr. DOUGLAS (Weyburn): The burden of the minister's argument lies in the fact that the people of Canada are paying, I think he said, five to one in this scheme. Actually it does not work out that way when we consider all the facts. Last year it worked out, I think, about four to one.

Mr. GARDINER: Yes, four to one last year.

Mr. DOUGLAS (Weyburn): About $9,000,000 was spent and the farmers contributed $2,165,321. But may I remind the minister that while it is true, as he says, that those municipalities which did not come within the ambit of this act were supposed to receive provincial relief, in the drought areas of western Canada in the last few years provincial relief has been negligible. The important thing has been the emergency relief that has come from this parliament. I think it was about $13,000,000 last year and an even larger sum the year before, $18,000,000 if I remember correctly; very large sums from the dominion treasury to take care of the people in the drought area. When this bonus was paid, it is true the farmer was getting $4 for every $1 he put in, but the emergency relief was no longer paid.

Mr. GARDINER: Let me give the figures on that. In the year 1937-38 the direct relief in these same municipalities that got assistance last year—not all in the province—amounted to $8,202,753.31, and they got $7,233,289 for feed and fodder. In 1939 the amount for direct relief was $5,157,000, and for feed and fodder only $432,000. For last year for the same municipalities direct relief was $1,298,000 and nothing for feed and fodder.

Mr. GERSHAW: I point out that relief was a big factor in the administration of the act, and a hardship came about in this way. The municipality and the province would say to a man, "If you got more than twelve bushels to the acre you do not need relief and if you got less than twelve bushels to the acre you will get the bonus." The result was that the poor fellow could not get relief and he came up for investigation and in the end did not qualify, so he really suffered greatly on that ground.

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Mr. ROSS (Moose Jaw): Suggestions have been made from the other side of the house that the municipal secretaries should check up the average yield by getting a statement from the farmer. That, of course, would mean that no statement could be got until after all the threshing was done, and there have been many years in western Canada when the crop stood out all winter, the farmers being unable to thresh in the fall. If the matter is to be left to a system of that kind, some people will not be paid their bonus at all.

Mr. QUELCH: If the crop is going to stand out all winter how can anyone estimate what it will be? By the time the spring comes there will be no crop.

Mr. ROSS (Moose Jaw): Some apparently did not follow the system of estimating the crops under this act last summer at all. Some did. The system used was that when an area was found to be failing in crop, as soon as possible inspectors were sent in to judge the yield of the standing crop. When hon. members say that a municipal secretary can do that, let me say that the men who went out as inspectors started soon after daylight in the morning and worked steadily until dark at night—

Mr. QUELCH: Sometimes I think they went after dark too.

Mr. ROSS (Moose Jaw): No they did not. I watched this very carefully all the time this acreage bonus business was being inspected last summer; I watched the job that the men had to do from the Regina office, and the inspectors did an excellent job in western Canada last year. Surely hon. members will be fair enough to admit that in the early part of the season it looked as if there were going to be a very good crop over practically the whole territory except the region in which the hon. member for Weyburn and the hon. member for Assiniboia are located. The crop looked good until well on into July. Under the act only a small office staff, a small number of supervisors and inspectors, was provided to handle what looked to be a small area of dearth. Then late in July hot winds came through that part of the country and in a very few days much of the crop was ruined. Suddenly there was thrown on that office in Regina the task of trying to get supervisors and inspectors to cover a large territory. That was done to the best of their ability, and they did a really good job.

These inspectors went out—and I know it because I saw them working—and drove from early in the morning until dark checking the crop through the area. Some hon. members say, "Well such and such a field was not looked at." Of course it was not; the township average was what was being looked for. If a man went through a township taking pieces of land at regular intervals on the roads north and south and east and west, he would get the average yield of the township, and that is exactly what was done. At least fifty pieces were inspected in each township. The inspectors did not go to look for a good crop or a bad crop; they took definite distances between each check and thereby they got the average of the standing yield of the township. It is not hard for an experienced man to ascertain the yield from a standing crop. The minister said there are some men in western Canada and some in the United States—

Mr. JOHNSTON (Bow River): Three in Canada and eight in the United States.

Mr. ROSS (Moose Jaw): There may be more. These are known and noted men; I know some of them myself, I have travelled throughout western Canada with some of these men who make it their business the year round to inspect crops.

Mr. DOUGLAS (Weyburn): But they are not listed here..

Mr. ROSS (Moose Jaw): No; surely the hon. member would not expect to get that type of man.

Mr. DOUGLAS (Weyburn): That is exactly the point.

Mr. ROSS (Moose Jaw): The men they got did a very good job, because when this board of supervisors, who gathered a great deal of reliable information from many sources checked the work of these inspectors they found that in at least nine cases out of ten the inspector was correct in his yield. I believe that they did a remarkably good job for the first year that they were on this work. What municipal secretary could spend all day long for at least two weeks driving through the townships in a rural municipality? If I know anything about the municipal secretaries in western Canada, they have more work to do now than they can do in the hours they have to do it.

The crop was inspected by these men in the fall. A second inspection was made, the hon. member for Qu'Appelle said, by using a square yard and determining the number of heads and the yield per acre in that way. But a remarkably good job was done, and in most years I believe that is the fairest and best way to get the yield in wesetern Canada. From practically thirty years' experience in farming in western Canada I would say that that this last year's crop was the worst crop we ever had to estimate in any way. We

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had a high crop, with plenty of moisture in the early part of the season; a tall, luscious stem, and a root system that never had to go down for water. The result was that when the heat hit the crop, the stems were cooked. There was not a big enough root system to bring up subsoil moisture even if it had been there. Therefore many crops that looked good from the road were not good, because they had been considerably damaged by the heat. These men had the hardest crop to estimate that was ever estimated in western Canada, yet they did a remarkably good job of it. With regard to political action by these men, I want to state that they did not have time to talk to anybody, and they did not go in to talk to people while that inspection was proceeding, at least I never saw them doing so. They were inspecting field after field through the township; they had to cover the ground as rapidly as possible, because the crop was being ruined very quickly and the inspection had to be made within a few days. I think with the experience the department has had in this matter, and with the assistance of this board of supervisors, the system used last year will be followed again, and I believe it will work out well as, to my certain knowledge, it worked out last year.

Mr. QUELCH: There is just one point on which I should like to comment. In the attempt to build up an argument against payment of the bonus on an individual basis the minister has repeatedly stated that the people of Canada have given six cents for every cent the farmers have given. That is not a statement of fact, as the minister must know.

Mr. GARDINER: On a point of order, Mr. Chairman, I did not make any such statement. I did not say the people of Canada had paid six cents for every cent the farmers had paid. I stated that if the act had been in effect during the last eighteen years the people of Canada would have paid $5 for every $1 the farmer would pay under it. I did not say he had paid anything.

Mr. QUELCH: The point is not whether it is five or six.

Mr. GARDINER: The point is that I did not make the statement.

Mr. QUELCH: They are not giving it; that money has been advanced as a loan which is to be repaid. That is specifically stated in the act, which I should like to read to the minister.

Mr. GARDINER: I know what is in the act.

[Mr. Ross (Moose Jaw).]

Mr. QUELCH: I will read it, because if it is not meant in that way let us change it and make it a grant instead of a loan. Subsections 8 and 9 of section 6 read:

(8) If at any time the fund is insufficient to pay awards made under this act the Minister of Finance may, out of unappropriated moneys in the consolidated revenue fund, with the approval of the governor in council, make an advance to the fund of the amount required to meet the deficit.

(9) An advance made by the Minister of Finance under this section shall be repayable out of the fund without interest.

The money is to be repaid out of the fund. I would remind the minister of the statement made in this house last year by the then Minister of Finance, who said that if the next twenty years should be similar to the last twenty years he could see the basis for a considerable fund under this act. I do not believe he would make a statement of that kind without due thought. He must have had a reason for making it, and I suggest that reason was based on section 3 of the bill, the very point to which the hon. member for Weyburn referred. Section 3 states:

Any crop year in which the average price is less than eighty cents per bushel may be declared by the governor in council as an emergency year under this act.

Every year is not going to be an election year in Canada. I do not for a moment doubt that there will be years, when the average price is below eighty cents, when we shall not have an emergency year declared, and thereby it will be possible to build up a fund to repay advances made by the people of Canada. That is why I asked the minister if he would guarantee that in the event of the price being below eighty cents, this would be declared an emergency year. The minister has not answered that question. Is he prepared to give that assurance? I should like very much to hear it.

Mr. GARDINER: That was the question raised by the hon. member for Weyburn that I could not recall a moment ago. I can only say that the bill provides that if the average price of wheat between August 1 and November 1 is under eighty cents, then the government may declare the year to be an emergency year. That decision cannot be made until November. I am not in a position to state what the government will do in November. I am not in a position to state what will be the price of wheat or what conditions will be. I can say, however, that when the month of November rolls round, the matter will be given consideration by the government; and I think it can be

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said of the government so far that usually they have dealt with matters of this kind in a fair way.

Mr. NICHOLSON: Why was the announcement made a year ago?

Mr. GARDINER: For the reasons stated a few moments ago, that we had suffered ten crop failures. That was one of the reasons why we were not so careful last year in making payments to people who had large crops and large yields. We thought a man who had suffered ten crop failures was entitled to benefits under this legislation for at least one year, even with a good price; but we said that after one year that would not be the practice. The situation previously had been met through the payment of the eighty cent price, with a bonus averaging eighteen cents a bushel, and we thought some further assistance might be given through these payments. We have done that for one year. Now we are leaving the act as we passed it last year, and it will function in this way during the years to come.

To get back to the hon. member for Acadia and his suggestion as to there being money in the fund with which to pay back the advances made by the government, apparently I did not make myself clear. I stated that if the act had been applied exactly as it stood, taking only as emergency years those years when wheat was less than eighty cents a bushel; and if one took into account the years when the crop failure section would have come into effect, then the farmers would have collected $180,000,000 and would have paid in only $31,000,000.

Mr. QUELCH: If the five years had been declared emergency years.

Mr. GARDINER: Yes, and I do not think there would have been any doubt about those years being declared emergency years, because one of them, 1937, cost us $28,000,000, and it could not have cost us any more under this measure.

Mr. DOUGLAS (Weyburn): Part of the minister's answer goes back to the point he was making in his earlier statement. The very fact that wheat being below eighty cents a bushel does not automatically declare a year to be an emergency year is the point which has been at issue in most of the discussion to-night.

Mr. GARDINER: The provision with regard to less than five bushels to the acre does not operate automatically either. The government has to pass an order in council in each case.

Mr. DOUGLAS (Weyburn): That is true, but this could be made to apply automatically. Earlier this evening the minister took the case of the farmer in good territory and said he must be prepared to pay into this fund because it is a general scheme of all the people. The farmers of Canada do not mind doing that, but the farmers in the good areas, where they have had fairly good crops over a long period of years, are not likely to come within the crop failure scheme under section 4. But there is a fairly strong probability that some year they may come under the emergency plan under section 3. As the minister says, in eighteen years there have been five years during which they would have come under it by virtue of the fact that the price was less than eighty cents. But then they would come in only if the government passed an order in council. I am inclined to think, with the hon. member for Acadia, that if the word "shall" were substituted for the word "may" it would clear up the matter. These men then would know that after paying a one per cent levy year after year, if at any time their township had an average yield of twelve bushels or less, and the price of wheat were less than eighty cents, they would automatically come under the scheme. But they have no such assurance. The very year in which they have no crop, and in which there is no crop in their township, may be the very year in which the government decides not to declare that year an emergency year. The point raised by the minister answers his own argument.

Mr. DIEFENBAKER: I believe the minister entirely misapprehended the position I took this afternoon when I suggested the use of the grain commissioners in western Canada on this board. The minister mentioned that there has been criticism on my part of those commissioners. There was no criticism intended, nor would my words permit such an implication.

However, in fairness to the commissioners I might have mentioned this afternoon that in addition to the claims re settlements to which I did make reference, there was further work done in reference to complaints with regard to which, entirely through inadvertence, I did not elucidate. I think I should add to what I said this afternoon so far as Saskatchewan is concerned, that in addition to the claims re settlements there were ninety-three other claims dealt with in 1938 by the assistant grain commissioner in Saskatoon, and in 1939 there were twelve other claims dealt with. I mentioned claims dealt with in Manitoba, other than those for compensation, but I neglected to mention those in Saskatchewan and Alberta. In 1938 there were fifty-seven

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claims dealt with in Alberta, other than claims re settlements, and in 1939 there were forty. The total amount of claims re settlements dealt with in the three western provinces by the commissioners was approximately $11,000, and not $8,000 as I stated this afternoon, having failed to take into consideration one item on page 2 of the order for return I received. In my observations there was no criticism of the board, but there was the suggestion that, having regard to the fact that in the three western provinces there are three assistant commissioners, they would have leisure time and the necessary experience to act as a board of review.

Mr. JOHNSTON (Bow River): The minister pointed out that last year was declared an emergency year because there had been a crop failure for the preceding ten years, and that that was why people who had thirty bushels to the acre received a bonus, in addition to the price they got for their grain. That was the reason he gave for not paying more to those fellows who had a bad crop. I would point out that right there is one of the unfair features. Surely those men in the areas which were not declared under the act, but who did not have a crop at all, had a greater right to receive aid than those men in the dried-out areas who had thirty bushels to the acre.

Mr. GARDINER: They did.

Mr. JOHNSTON (Bow River): That is an unfair situation, and there should be a change.

Mr. GARDINER: I think we have already carried out the undertaking. I would suggest that hon. members should not make three or four speeches on a general section. Those matters should be left until we come to them in the bill. We have had a general discussion.

Mr. NICHOLSON: I should like to pursue the question of declaring this an emergency year.

Mr. GARDINER: I have already dealt with that.

Mr. DOUGLAS (Weyburn): I understood the minister to say that this board of review would be a board of departmental officials. Would they sit here in Ottawa?

Mr. GARDINER: They might sit in Ottawa. Last year they sat part time in Regina and part time in Ottawa, depending on what they were considering. If the matter under consideration required calling people from the area in question, they sat in Regina, and if it required taking up matters with the treasury, they sat in Ottawa.

[Mr. Diefenbaker.]

Mr. DOUGLAS (Weyburn): It would be well to have them sitting in Regina the greater part of the year. Last year some townships were passed and were then referred to the board of review in Ottawa. There was a good deal of feeling that they were being turned down by men a long distance away who were not familiar with local conditions and problems.

Mr. PERLEY: Since the first payment is made in December, I believe it would be advisable for the board of review to sit in Regina in October and November, when the survey is practically completed.

Mr. GARDINER: That is about the time it would be required to sit.

Section agreed to.

On section 3—Computation of sum awarded as assistance.

Mr. CASGRAIN: I move:

That subsection 2 in section 3 of the bill be amended by deleting the word "unorganized" in the fifth line thereof and substituting the word "other" therefor.

Mr. GARDINER: "Unorganized" is intended to cover local improvement districts, but there are some districts that are not local improvement districts and not municipalities; so we used the word "other".

Amendment agreed to.

The CHAIRMAN: Shall the section as amended carry?

Mr. DOUGLAS (Weyburn): This is the section which has to do with the emergency year. In view of some arguments advanced last year, which need not be repeated, would the minister give consideration to making 1940 an emergency year?

Mr. GARDINER: The matter has been discussed, and it has been decided to leave the bill as it is this year.

Mr. NICHOLSON: Last year the bill was passed on June 3. As the minister pointed out, we had had ten crop failures, and for that reason an emergency year was created. In the present instance we have had eleven crop failures, and it is now July 30. On Saturday I crossed Saskatchewan on a train, and I saw farmers cutting crops with their mowers in what were obviously crop-failure areas. In view of the lateness of the season I suggest that something should be done.

Mr. GARDINER: A few minutes ago I corrected a statement made by one hon. member. I did say a year ago that one of the reasons for the declaration was that we had had ten crop failures. But I added to that the

further fact that in the year previous we had paid eighty cents a bushel, which resulted in our paying a bonus of eighteen cents a bushel. That was added to the other. I said this year that we were quite prepared in the drought areas where it appeared from information we had at that time, that we were likely to have drought again, to take whatever chances we did in connection with overpayment of some people; but that we would come in, even if the price was high last year, in order to assist people who in the previous year got no benefit at all from the eighty cents, because they had no wheat. We said that in order to assist those people last year, even if wheat were above eighty cents, for one year we would do that. And we did it. This legislation is intended to take care of crop-failure areas. We should not be giving consideration every year to the fact that there was a crop failure in the previous year, when we now have legislation on the statute books to take care of crop failures from year to year.

Mr. NICHOLSON: It is now the end of July. I should think it would not be unreasonable to expect that the department might make a decision.

Mr. GARDINER: Last year declarations as to crop-failure areas were not made until representations were made by the province to the effect that there were more than 135 townships in which the crop was less than five bushels to the acre, and then only after our inspector had checked those townships, and found that there were more than 135. Already this year representations have been made by the government of Saskatchewan that there are more than 135 townships in Saskatchewan with less than five bushels to the acre. I assume they will require to check again if they are not certain that there are more than 171. When representations are made we shall check the number of townships, and if there are 171 we shall probably declare it a crop-failure area.

Mr. PERLEY: Is there any inspection being made through the west?

Mr. GARDINER: Yes.

Mr. DOUGLAS (Weyburn): What is the minister's objection to making this emergency plan automatic provided the price goes below eighty cents?

Mr. GARDINER: When I was piloting the bill through the house last year the opposition insisted that I have the consent of the governor in council before anything was done. I had considerable difficulty in getting the power to do anything as minister. Where I did get it, it was only after a battle for a number of nights.

Mr. DOUGLAS (Weyburn): It has always been "may"; it has always been optional. Why should the section not be altered to make it automatic? If it should happen that there are not 171 townships in Saskatchewan with a yield of under five bushels to the acre and the province thus be unable to qualify under section 4, perhaps the minister would be prepared to say that it could qualify under section 3 provided the price was below eighty cents.

Mr. GARDINER: I would be prepared to say that if there were no crop failure area in Saskatchewan or in any other province and the price of wheat remained below eighty cents, the government would be more likely to declare it an emergency area than we would if there were crop failure areas. That is about as far as I think I can go.

Mr. DOUGLAS (Weyburn): I hope there is no possibility of the province being shut out from the provisions of both sections.

Mr. GARDINER: There is a possibility if the crop is not so large or if the area is small.

Mr. QUELCH: According to the regulations, applications must be made by August 15, and the minister has stated that the regulations will have to be adhered to this year. For obvious reasons it is not always possible to state with any certainty whether an average yield will be above or below the base. Can the minister say what the regulations will be this year and whether the date will be set back?

Mr. GARDINER: The intention is to set back the date. I am saying that subject to the fact that these regulations have to go before the council. It is difficult to be absolutely certain by August 15.

Section as amended agreed to.

Section 4 agreed to.

On section 5—Conditions for declaring area a crop-failure area.

Mr. DOUGLAS (Weybrun): Could the minister give us some idea of what money was spent last year, divided between the two schemes under sections 3 and 4?

Mr. GARDINER: The figures up to July 9, 1940, are as follows:

	Townships	Farmers	Amount paid
$1.00 category..	1,074	35,027	$4,132,206 07
$1.50 category..	499	13,799	2,617,830 95
$2.00 category..	56	822	173,951 81
$2.50 category..	260	8,226	2,839,197 38
			$9,763,186 21

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Mr. DOUGLAS (Weyburn): Has the minister any estimate as to what areas in Saskatchewan will come under this section this year?

Mr. GARDINER: I have only what I referred to a moment ago, that is, the statement from the Saskatchewan government that there will be at least 135 townships with a yield of five bushels or less.

Mr. DOUGLAS (Weyburn): I hope this addition of thirty-six townships will not be sufficient to keep them out.

Mr. GARDINER: That statement came in about two or three weeks ago. In view of the weather that they have had since, the number will probably be up to 171 by now, but I have no definite information.

Mr. DOUGLAS (Weyburn): I do not hope that it will go up to 171, but for the sake of the people in the 135 townships I trust that they will not be eliminated. If the minister has had information from Saskatchewan that the province would qualify under the act as it now stands, I think it is too bad that it should be changed in such a way as possibly to disqualify them. I have not heard any valid reason for increasing the number of townships in Saskatchewan. According to the draft bill last year, all that was necessary to qualify was fifteen municipalities in any one province.

Mr. GARDINER: Twenty-five.

Mr. DOUGLAS (Weyburn): It was changed to fifteen. There were three separate drafts of that act, and in the second draft we got it to fifteen municipalities in any one province, or 135 townships. Alberta and Manitoba were both reduced to 100 townships and they are now being reduced further. I have no objection to that because I think it is quite justifiable in view of their experience of the last few years. But I do object to Saskatchewan being increased to nineteen municipalities or 171 townships, which may be just sufficient to keep Saskatchewan out of the operation of this section. On account of the lateness of the hour I shall not labour this point. It is hot and everyone wants to get on with the business of the house, but I do protest against the government adding four municipalities or thirty-six townships which may be just enough to rule out Saskatchewan.

Mr. QUELCH: What is the situation in Alberta with regard to the number of townships having five bushels or less to the acre?

Mr. GARDINER: I have not had any representations from Alberta up to date.

Mr. PERLEY: I should like to associate myself with the protest made by the hon member for Weyburn. Has the minister had any preliminary reports based on inspections which have taken place in Saskatchewan to indicate that that province would not come under the bill if the number of townships is increased to 171?

Mr. GARDINER: I have not had any definite information with regard to inspections. That information came to me some time ago. I assume the inspectors are now working, but I have not had any report to indicate whether the province will come under the act.

Mr. PERLEY: Will the minister give consideration to changing it back to 135 townships?

Mr. GARDINER: The matter has been definitely decided.

Mr. FAIR: A province to be safe should make application for everything there is under the act, because we know from experience that many things may happen to the crop in July and in the early part of August. I say that because experience has told us that crop experts, employed mostly by the grain companies, go round the country and usually predict a yield far above what it actually turns out to be, and the result of their forecasting is a drop in the price of grain. We have heard a good deal about the wonderful work done by the inspectors during the past year. I am not going to criticize their work, but I would point out that no inspector is able early in August to estimate what the crop yield will be. I know on my own farm last year in one field I had a yield of ten bushels to the acre and it took less than half a pound of twine to tie the crop, while in a field less than a mile away I had twenty-five bushels to the acre, and it took three and three-quarter pounds of twine to tie it up, so I feel that no expert is able to estimate anywhere nearly correctly the yield in any particular field.

Mr. McILRAITH: Could the minister tell us how many townships there are in Saskatchewan?

Mr. GARDINER: There are 301 organized municipalities with nine townships in each. That makes 2,709 townships in the organized areas in Saskatchewan. Then there is quite a number of areas that are not organized, I presume about half as many more.

Mr. QUELCH: Could the minister give us some idea how many times a crop failure would have been declared in Alberta during the past twenty years on a ninety township basis?

Mr. GARDINER: I do not think the records in connection with either of the other two provinces are kept in a way that would make it possible to give the information.

Mr. QUELCH: Would there have been two years even?

Mr. GARDINER: Yes, there have been two recently.

Mr. DOUGLAS (Weyburn): In how many years would Saskatchewan have qualified on the basis of 171 townships?

Mr. GARDINER: I am not in a position to state.

Section agreed to.

On section 6—Board of review established.

Mr. PERLEY: Section 5, subsection 3 states:

> The board shall decide, under the act and regulations, any question concerning the eligibility of any farmer or class of farmers for an award under this act.

I would ask the minister to make the eligibility of any farmer or class of farmers a little more definite.

Mr. GARDINER: I cannot say any more than I have said already, but probably it will be pretty much on the basis of last year, that a farmer will be a man who is operating his land and making his living at that. If he happens to be doing, incidental to his farming, something which does not bring in very much by way of return he would not be rejected on that account, but if he is receiving a high rate of pay at some full-time job or approximately full-time job apart from his farm, he would not be considered as maintaining his home by farming.

Mr. DOUGLAS (Weyburn): What does section 5, subsection 3 mean? It reads:

> The board shall decide . . . any question concerning the eligibility of any . . . class of farmers.

Mr. GARDINER: The class of farmers is exactly the point which the hon. member for Qu'Appelle had in mind. There are certain groups of farmers who do certain things. There is a group who live close to sidings on the railway where there is only one elevator, and the farmer may run the elevator for a few hours each day and take in the little wheat that comes in. He is really a farmer, and there is a considerable group of these men. Other men do threshing as well as farming. Anyone will agree that they are farmers. They do work that has to do with actual farming in addition to their own farm work.

Mr. DOUGLAS (Weyburn): The minister has not in mind any separate class such as market gardeners.

Mr. GARDINER: Market gardeners were ruled out last year. Certain ranchers were also ruled out. Farmers operating irrigated farms are not counted in estimating the yield in townships.

Mr. FAIR: Would a man who was running a farm for somebody else and operating on the side his own half-section be eligible for the half-section that he owned?

Mr. GARDINER: I should not like to decide that without having all the facts before me.

Mr. QUELCH: Can the minister explain what happens in a situation of this kind? I know of some instances where a father and a son live in the same house, but each has his own outfit and each was paid the bonus. In another instance, under exactly the same circumstances, the bonus was paid to only one. Just what is the determining factor?

Mr. GARDINER: The representations before the superintendent or the board would not be exactly the same in the two instances. It must have been shown in the one instance that the son was actually running his own business and operating part of the land. They might have been using the same equipment, but the son must have been operating the land either under lease or under ownership. Whether it was under lease or ownership, it did not make any difference that they were living in the same house.

Mr. QUELCH: In the one instance both father and son got the bonus. I had this information from Ottawa, but as time went on, the regulations were tightened up and only one bonus was paid. I was wondering what the regulations would be in the future.

Mr. GARDINER: Whether my hon. friend received it from Ottawa or not, it never was intended by the office at Regina or by the inspectors or by anyone else from the very beginning that the bonus should be paid to an owner unless he was operating land of his own or rented land for which he had a lease.

Mr. CASTLEDEN: I understand that the one per cent levy will go on year after year whether the government declares an emergency or not.

Mr. GARDINER: Yes, the one per cent levy goes on as long as the legislation is on the statute books.

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Mr. CASTLEDEN: It is quite possible, if an emergency is not declared for two or three years, that the rest of Canada will not have to contribute to keep western Canada going.

Mr. GARDINER: You would have to take in as much for four years more to pay what was paid out this year, and you would have to take in six times as much as would have been taken in during the last eighteen years in order to have paid it out.

Mr. PERLEY: The minister should have the board publish the regulations under section 5, subsection 3, so that everybody will understand what is meant by "farmer". The board should set out exactly what is meant.

Mr. DOUGLAS (Weyburn): The board has no power to issue regulations, has it?

Mr. GARDINER: The regulations will be issued by the minister, but on the recommendation of the board and other persons concerned in the administration.

Section agreed to.

On section 7—Regulations by minister.

Mr. DOUGLAS (Weyburn): Will the regulations of the past year continue in effect, or will new regulations be issued?

Mr. GARDINER: New regulations will be required as a result of these amendments.

Mr. DOUGLAS (Weyburn): The section reads:

The minister may with the approval of the governor in council make regulations

(g) excluding from the operation of any section of this act any lands in the spring wheat area and any grain grown thereon.

I assume that is carried out by regulation No. 7.

I would ask the minister to give consideration to paragraph (e), to which I referred earlier this evening.

Mr. GARDINER: That is one of the regulations under consideration and we are trying to draft it in such a way as to be fair.

Mr. QUELCH: Will the minister see that in future regulations and amendments made are forwarded to members, at least to those who are interested in the act. I never saw a copy of the regulations and was never informed that the regulations were made. I suggest that members should not be kept in the dark.

Mr. GARDINER: I will undertake to see that regulations when formulated are given to hon. members.

Section agreed to.

On section 8—Part of an ineligible township may be substituted for part of eligible township.

Mr. CASGRAIN: There are certain amendments which I wish to move:

That clause eight of the bill be amended by inserting the words "immediately after section six thereof" after the word "inserting" in line twenty-one.

That section seven of the act as contained in clause eight of the bill be amended by striking out the words "local improvement district" in line twenty-four and inserting the words "any other area".

That the said section be further amended by striking out the words "municipality or, in the case of an unorganized area," in lines twenty-eight and twenty-nine and inserting the words "rural municipality or, in the case of any other area,".

That paragraph (a) of section eight of the act as contained in clause eight of the bill be deleted and the following substituted therefor:—

"(a) receive in any year with respect to the same land both emergency assistance under section three and crop failure assistance under section four, and in the event that a farmer has land in a township eligible for emergency assistance and in another township land eligible for crop failure assistance, no award shall be made with respect to more than two hundred acres of cultivated land calculated on a proportionate acreage basis: Provided that where not less than one-half of the total eligible acreage of such farmer lies within a crop failure area, he may be paid an award calculated on such basis or the sum of two hundred dollars, whichever is the greater."

Mr. DOUGLAS (Weyburn): Can the minister undertake, by regulation, to have a township split where there is not a proportionate amount that can be substituted from an ineligible township?

Mr. GARDINER: The bill does not permit the splitting of a township under any other condition than that laid down. I do not know of any way in which it could be done without taking a smaller area than the township as the basis, and I would not suggest that this year.

Amendments agreed to.

Section as amended agreed to.

Sections 10 and 11 agreed to.

On section 12—Expenses.

Mr. PERLEY: I think we should have something definite with respect to expenses. The amount allowed last year was seven cents, and the men drove back and forth, running up expense accounts that were unreasonable. I have here a statement showing the salaries and expenses of 159 inspectors. They were out of proportion to the services rendered, and something should be put in this section to control these travelling expenses.

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Mr. GARDINER: The expense rates are fixed by the treasury board, seven cents a mile being allowed for that kind of work throughout the service. It is possible that some employees do abuse the provision. We keep as close a check as possible on it, and where there is any abuse we dispense with the services of the person doing the driving.

Mr. ROSS (Souris): What was the basis of remuneration of inspectors? Was it a daily basis?

Mr. GARDINER: Yes, five dollars a day.

Section agreed to.

Sections 13 and 14 agreed to.

Bill reported.

Mr. DEPUTY SPEAKER: When shall the bill be read the third time?

Mr. STIRLING. Next sitting.

Mr. GARDINER: If there is no real objection, I wish the house would allow the bill to go to the senate. I move that the bill be read the third time.

Motion agreed to, bill read the third time and passed.

SUPPLY

Hon. J. L. ILSLEY (Minister of Finance) moved that the house go into committee of supply.

He said: I spoke to the leader of the opposition (Mr. Hanson) and he said he had no objection to granting interim supply in the amount of one-twelfth. To-morrow is the last day of the month and interim supply is required. I hope the house will, by consent, suspend the eleven o'clock rule for the few minutes necessary to get interim supply through.

Motion agreed to and the house went into committee, Mr. Vien in the chair.

INTERIM SUPPLY BILL

Mr. ILSLEY moved:

Resolved, that a sum not exceeding $20,727,533.23, being one-twelfth of the amount to be voted, as set forth in the main estimates for the fiscal year ending March 31, 1941, laid before the House of Commons at the present session of parliament, be granted to His Majesty, on account, for the fiscal year ending March 31, 1941.

Mr. DOUGLAS (Weyburn): Will any supplementary estimates be brought down this session?

Mr. ILSLEY: Some may be necessary, but they will, I hope, be of a formal type. There will be no extended supplementary estimates.

Mr. DOUGLAS (Weyburn): I was thinking of the Department of National War Services.

Mr. ILSLEY: There may be some.

Motion agreed to.

Resolution reported, read the second time and concurred in.

WAYS AND MEANS

INTERIM SUPPLY

Hon. J. L. ILSLEY (Minister of Finance) moved that the house go into committee of ways and means.

Motion agreed to and the house went into committee, Mr. Vien in the chair.

Mr. ILSLEY moved:

Resolved, that towards making good the supply granted to His Majesty on account of certain expenses of the public service for the fiscal year ending March 31, 1941, the sum of $20,727,533.23 be granted out of the consolidated revenue fund of Canada.

Motion agreed to.

Resolution reported, read the second time and concurred in. Mr. Ilsley thereupon moved for leave to introduce Bill No. 122, for granting to his majesty certain sums of money for the public service for the financial year ending March 31, 1941.

Motion agreed to, bill read the first and second times and the house went into committee thereon, Mr. Vien in the chair.

Sections 1 and 2 agreed to.

Bill reported, read the third time and passed.

BUSINESS OF THE HOUSE

Mr. CRERAR moved the adjournment of the house.

He said: To-morrow it is the intention to continue with the consideration of the defence estimates. The ministers made their statements last night and to-day, and the arrangement I think is to continue with that to-morrow. We should be prepared also to take the two remaining items on the order paper if we can reach them or, should we find it necessary to take other estimates, agriculture, and pensions and national health.

Motion agreed to, and the house adjourned at 11.06 p.m.

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OFFICIAL REPORT OF DEBATES

The Unrevised Edition is issued on the morning following each day's sitting, the speeches being reported in the language in which they were delivered. Speeches in French are translated into English and appear in that form as an appendix to the daily issue. Speeches in English are translated and appear in the French edition on the day following delivery.

Extra copies of the daily edition will be supplied at five cents each or $3.75 a hundred, if the order is given on the day of sitting. Order through the Debates Office.

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EARL C. YOUNG,
Editor of Debates, Room 324.

F. W. S. GALBRAITH,
Associate Editor, Room 325.

COMPTE RENDU OFFICIEL DES DÉBATS

L'édition non revisée, publiée dans le texte original, paraît le lendemain matin de chaque séance. La version anglaise des discours prononcés en français est publiée en annexe à l'édition quotidienne du texte original.

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Pour les tirages à part de tout discours, la commande doit parvenir au même bureau des Débats, dans les dix jours de son apparition.

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Prière aux députés de renvoyer les épreuves dans les vingt-quatre heures.

Il est publié, pour l'édition anglaise, deux index séparés, l'un pour l'édition non revisée, après la clôture de la session; l'autre, concernant l'édition définitive reliée, paraît un peu plus tard. L'index se fait en cours de session et peut être consulté au bureau des Débats.

HENRI MACKAY, *LL.L.*,
rédacteur des débats français,
chambre 165.

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U.S. House Raises 10 Percent Limit on British Aid

New French Deadlock

Laval Rejects Petain's Offer

By RALPH HEINZEN
Special to The Vancouver Sun
Copyright, 1941, by British United Press

VICHY, Feb. 8.—Marshal Henri Philippe Petain announced tonight that he had invited Pierre Laval to re-enter the Vichy Government as Minister of State but that Laval had declined his offer.

Petain also said that he had asked Laval to assume a post as member of a proposed "directing committee" of the government.

However Laval, it was learned, declined to come back to Vichy except as Premier and with a cabinet of his own choice.

As a result, a dangerous deadlock in French-German relations continues.

MARSHAL'S STATEMENT

Petain's statement said:

"The marshal, in continuance of the policy of Montoire (the Franco - German collaboration policy outlined by Petain and Adolf Hitler in their Montoire meeting) proposed that Laval enter the government as a Minister of State and member of the Directing Committee.

"Laval declined the Marshal's offer.".

The offer to which Petain referred was that taken to Paris by Admiral Francois Darlan which provided that Laval become a member of a three-man or four-man executive committee of the government under Petain with Darlan in the post of Premier.

Laval, however, stood pat on his demand for quasi-dictatorial powers and backed this with a threat of non-co-operation with the Vichy regime.

Laval has demanded further that he be given sole control of Foreign Affairs and thus of all negotiations with Germany.

Returning from his second visit to Paris this morning after an all-night race through France in a one-car special train, Admiral Francois Darlan, right-hand man of Marshal Philippe Petain, conferred with Gen. Charles Huntziger, War Minister, and Marcel Peyrouton, Interior Minister.

Then he conferred with Petain for an hour, informing the aged Marshal that his effort to compromise with Laval had failed.

Petain, through Darlan, had proposed that Laval become Vice Premier, with Darlan as Premier.

MINISTERS TO MEET

It was expected that the Council of Ministers would be called into emergency session later today to aid Petain in deciding whether to accept Laval's demands or propose a new compromise.

There was a possibility that the Cabinet would submit its resignation to Petain in a gesture intended to hasten a solution of the Cabinet problem which has deadlocked relations with Germany for nearly two months since the pro-German Laval was dismissed as Foreign Minister and Vice-Premier.

Laval is reported to have made only one concession—that Darlan, not he, might be designated Petain's official heir as Chief of State.

Havas, French News and Propaganda Agency, said tonight that Vichy circles deny a report published in some Paris newspapers that Britain had sent an ultimatum to the French in Syria demanding the surrender before Feb. 10 of the Levant Division of the French Army.

(No such reports have circulated abroad, and the publication of the rumors in Paris newspapers may have been part of continued Nazi efforts to alienate as far as possible French sympathy from Britain's war cause.)

Maybe Hitler Will Decide B.C. Election Date

VICTORIA, Feb. 8.—Premier Pattullo, personally, would welcome an immediate election in British Columbia, but as yet is unprepared to say when it will be held.

"I have been challenged to hold an election," he said. "Personally I would have no hesitation in doing so and would have every confidence in the outcome.

"But I would not like to see the House dissolved and no Legislature in existence during a time that a crucial situation might arise in Britain."

The Premier pointed out that the Legislature has more than a year of life yet. If it was the last year it might be excusable to call an immediate election but he would not like to see British Columbia without a Parliament during an invasion of Britain.

"When the election comes our slogan will be the same," he said: " 'Come one, come all, this rock shall fly from its firm base as soon as I.' "

The Premier's statement was interpreted by political observers here as indicating that the provincial election is postponed at least until the fall.

Heads I.O.D.E.

NANAIMO, Feb. 8.—Mrs. L. Malpass was elected regent of Malaspina Chapter, I.O.D.E. Other officers are: Mrs. Harry Foward, Mrs. H. McCarthy, vice-president; Miss Dorothy Devlin, secretary; Miss K. Bryant, treasurer; Miss Fanny Saunders, echoes secretary; Miss Dare Dixon, educational secretary, and Miss L. Blackburn, standard bearer.

Hialeah Park Race Entries

FLORIDA

MONDAY, FEB. 10

FIRST RACE—Nursery Course:

Robert Mc	109	Son Islam	114
Misslam	111	Precision	114
Dans Choice	118	After Orchids	111
Stimstone	114	Easy Chair	114
aGrandliog'u't	111	Bagdad	114
Ruths Girl	111	Lustrous	111
Our Belief	113	Curious Roman	114
Really Flying	111	aPony Ballet	111
Warlee	111	Ohlala	114

SECOND RACE—Mile and one-half:

Dissembler	104	West Wichita	104
Steep	92	Palco	104
Petit Jean	112	Pick Out	102
Doug Brashear	109	Sure Swift	110
Chance Maker	107	Blacky Bee	110
Barbed Retort	112	Wise Will	110
Hill Blond	100	Shirley R.	102
Erins Sun	107		

THIRD RACE—Six furlongs:

Jan One	104	Old Friend	104
Burning Deck	117	Evening Dress	96
Chance Run	111	Maedixie	101
Jota	106	All Even	106
Patricia A	109	Cheetah	106
Stadium	106	Garden Gal	106
Bit o'Green	109	Old Smoothy	109
Esta	106	Blushing Bride	109

FOURTH RACE—Six furlongs:

Harry Heiman	120	Recondite	120
Gary L	120	Boat Cover	115
The Stork	120	Irish Day	120
Ingomar	120	Bossy Servant	120
Alpolly	115	Fettacairn	115
Brooklandville	120	In Question	120
Villa Platte	120	Banker Jim	120
Brave Action	120	Top Call	120

FIFTH RACE—Seven furlongs:

Gallant Hour	108	Rock Maker	118
Conscript	116	Red Meadow	98
High Omar	118	Noble Boy	110
Nightland	111	Graeme Crck'r	100
Go Home	110	Interlace	103
Wake Robin	103	Mutinous	110
Punta Final	103	Josles Pal	98
Syls Betty	103	Hougomonte	103

SIXTH RACE—Seven furlongs:

React	106	Curious Coin	124
Ained	118	Magic Stream	113
Shim Sham	105	Air Brigade	118
Clarksville	118	Unquote	117
Hardy Bud	113		

SEVENTH RACE—One and one-half miles:

Bettys Bob	105	Granduce	100
Panjab	108	Chance King	107
Portsmouth	113	Gallant Friar	109
Bell Helen	105	Howellville	109
Old River	97	Sir Reynard	110
Trystate	110	Orchard Run	108
Dunfrese	109	Life Guard	107
Black Mail	104		

EIGHTH RACE—One and one-eighth miles:

Endymion	117	Anti Air	104
Sturdy Duke	111	Dark May	108
English Harry	115	Stairs	112
Phoebus	116	Her Reigh	111
Bellringer	117	Caravel	111
Late Pass	115	Wooden Indian	116
Perlette	112	Gourmet	116
Ebony Boy	116	Peter Gene	111

LEGALS

NAVIGABLE WATERS PROTECTION ACT
R.S.C. 1927, Chapter 140

MOHAWK HANDLE COMPANY LIMITED hereby give notice that they have, under Section 7 of the said Act, deposited with the Minister of Public Works at Ottawa, and in the office of the District Registrar of the Land Registry District of New Westminster, New Westminster, B.C., a description of the site and the plans of bridge to carry transfer tracks, proposed to be built over the Brunette River, from Parcel "B," according to Sketch 4904 of Dominion Government Reserve, to Lot "B," according to Plan 6627 of Lot 1, Block 8, Suburban, City of New Westminster, B.C.

And take notice that, after the expiration of one month from the date of the first publication of this notice, the Mohawk Handle Company Limited will, under Section 7 of the said Act, apply to the Minister of Public Works at his office in the City of Ottawa, for approval of the said site and plans, and for leave to construct the said bridge.

Dated this 22nd day of January, 1941.

MOHAWK HANDLE COMPANY LIMITED
By: Burnett & McGugan,
Agents.

GOVERNMENT OF THE PROVINCE OF ALBERTA
Notice to Holders of Province of Alberta Debentures Which Matured February 15th, 1940

THE Province of Alberta will pay interest to bona fide holders of debentures of the above issue at the rate of two and one-half per centum per annum in respect of the half year ending February 15th, 1941, being at the rate of $12.50 and $6.25 respectively, for each $1,000 and $500 denomination.

Holders will be paid interest as above on presentation of their debenture or debentures for notation thereon of such payment of interest at any branch of the Imperial Bank of Canada, in the Dominion of Canada. Debentures should be accompanied by the usual ownership certificate required by the Dominion Government as in the case of coupons.

(Sgd.) HON. S. E. LOW,
Provincial Treasurer.

AUCTION SALE
Timber Sale X28174
Advertisement

THERE will be offered for sale at Public Auction, at noon on the 31st March, 1941, in the office of the District Forester, Marine Building, Vancouver, B.C., the License X28174, to cut 15,709,000 f.b.m. of fir, cedar, hemlock, balsam and white pine on an area situated on Cogburn Creek, east side of Harrison Lake, Yale Division of Yale Land District.

Four (4) years will be allowed for removal of timber.

"Provided anyone unable to attend the auction in person may submit tender to be opened at the hour of auction and treated as one bid."

Further particulars may be obtained from the Chief Forester, Victoria, B.C., or the District Forester, Marine Building, Vancouver, B.C.

VANCOUVER GENERAL HOSPITAL ANNUAL GENERAL MEETING

THE Fortieth Annual General Meeting of the Governors of the Vancouver General Hospital will be held in the Hospital Auditorium, corner of 10th Avenue and Willow Street, Vancouver, B. C., on WEDNESDAY EVENING, FEBRUARY 12TH, 1941, AT 8:15 O'CLOCK (Entrance on Willow Street).

OLIVER PHILLIPS,
Secretary.

Bill Moves Speedily on To Passage

WASHINGTON, Feb. 8.—The administration, won the major House test on the momentous war-aid bill today, when it beat down an attempt to limit total expenditures to $7,000,000,000.

WASHINGTON, Feb. 8.—The United States House of Representatives drove nearer to passage of the administration's aid-to-Britain bill today, as it dealt with amendments to the bill.

Acting at the request of administration leaders, the House decided to put a flat $1,300,000,000 ceiling on the value of military equipment, existing or appropriated for, that might be disposed of to foreign governments under the bill.

AMENDMENTS BEATEN

This amendment was accepted in an effort to clarify a 10 per cent limitation administration leaders induced the House to write into the bill Friday.

With the Democratic majority in full control, the House defeated an amendment to prohibit United States ports to be used for repair of belligerent warships.

Rep. Hamilton Fish (Rep., New York), author of the amendment, contended that such use of American harbors would "bring the war to America."

LIMITATION EASED

A short time previously the Chamber rejected a proposal that the bill be amended to prohibit the sending of United States troops outside the territorial waters of the Western Hemisphere.

Also defeated was an amendment to limit the measure to $2 billion in credits for arms purchase in this country.

The original 10 per cent limitation written into the bill Friday provided that the value of the equipment on hand or ordered from funds previously appropriated could not exceed 10 per cent of the appropriations made for defense articles in the fiscal year ending June 30.

LONDON BITTER

In explaining their reason for asking such an amendment the leaders said a subsequent study of appropriations for the fiscal year ending June 30 had shown that the limit of foreign aid might actually come to less than $300,000,000.

In their calculations Friday, they figured the total would come to approximately $1,300,000,000. This figure was arrived at by taking 10 per cent of the approximately $13,000,000,000 for United States national defense which they said had been appropriated for the current fiscal year.

Congressional authorities explained that under the leadership's original proposal, large sums for pay and feeding of the army and navy and other items not strictly "defense articles" could not be included in estimating the 10 per cent limit.

Senate Foreign Relations Committee hearings on the bill continued today, with Alf M. Landon, 1936 Republican Presidential nominee, on the stand. He denounced the bill as a "guess and be damned policy" under which Congress would abdicate and give President Roosevelt unlimited powers to police the world by force, using all U. S. resources and manpower.

John Earnshaw, 70, Dies in Wellington

NANAIMO, Feb. 8.—John Earnshaw, 70, former Dominion Immigration Department employee of Victoria, died at nearby Wellington, Friday.

He was born at Denton, Lancashire, England, and had lived in British Columbia since 1904, retiring from the immigration department service five years ago.

Earnshaw served with the Canadian forces during the First Great War and was member of the Britannia Branch of the Canadian Legion, Victoria. He also was prominent in fraternal organizations there.

He leaves his wife at Wellington; a son, C. W. Earnshaw of the Dominion Government Fisheries Patrol at Victoria; and three daughters, Mrs. Anne McCaw of Seattle, Mrs. E. C. Jackson of Wellington, and Mrs. R. P. Carr of Duncan.

Funeral services will be held here Monday.

The Argentine Post and Telegraph Department has established a radiotelephone service permitting communications between land telephones and instruments installed on small boats and airplanes.

Drink Coca-Cola Delicious and Refreshing

Why the Wesler Was Late

Needless Overhaul Of Motors

Prize Ship's Engines Unharmed; Unnecessary Work on Vessel Cost Fortune

German motorship Weser, now a Canadian motorship of another name, is loading her first cargo this week. She was captured about five months ago off the Mexican Coast. During that interval she was overhauled at Esquimalt at a cost, it is said, that may run up to about $200,000.

Was it necessary or even profitable to spend this money on the ship? She was held in port for weeks and months while the merchant services of Canada and Britain were calling for new tonnage.

Could she have gone to sea three months earlier? Was the repair job merely a highly technical and time-consuming affair that could have been done in a sixth of the time and at one-tenth of the expense?

These are questions that are interesting the waterfront communities of Vancouver and Victoria. One reason for special interest is that the ship is the first big prize of war taken in the Pacific and the most valuable capture so far made by the Canadian Navy.

'Last Word' in Ships

Another reason is that she was the "last word" in naval architecture, one of the finest and best-engined vessels ever turned out by Norddeutscher Lloyd, second largest shipping company in Germany.

When captured she was just starting away from the Mexican coast bound for Hamburg. From the moment of her capture the Navy took charge in her engine-room, as well as on the bridge.

No German ever got "below" again. Engineers of the Canadian Navy worked her up the coast very nicely and in due time she arrived in Victoria under her own power and tied up at Ogden docks.

It will now be appropriate to introduce to the reader a short, dark Welshman, aged 53, whose address when he is at home in Britain is 4 Derby Park, Rock Ferry, Cheshire. His name is K. A. Jenkin. He is a Diesel specialist. At this moment he is in Vancouver looking for a new berth.

Following the Great War, Mr. Jenkin was for many years chief engineer of a steamship. Then the internal combustion engines began to be applied to large ships and Mr. Jenkin switched over to Diesels.

For nine years, he specialized in Diesels and then turned to the operation of aircraft engines, where he was chief engineer with Imperial Airways.

In a few years he came to be what is known as a "guarantee engineer." When British Diesel builders completed a ship Mr. Jenkin was one of a number of special engineers selected to accompany the ship on the first three or six months of her voyages to various parts of the world, to get the regular crews acquainted with the vast machines and see that everything was working well on the guarantee of the builders.

A year ago Mr. Jenkins went to Shanghai on such an assignment. He finished his job in the early Autumn, the ship was formally "turned over" to the owners in Oriental waters and Mr. Jenkin turned himself towards home ready for another special job of the same kind.

In the first week of October he found himself in Montreal trying to get passage to England which was not easy and he encountered a slight delay. At that moment the Weser was captured.

Called to Victoria

Mr. Jenkin took only a passing interest in the newspaper items until an official of the Canadian National Railways, hearing that he was in town, called on him. Jenkin declares he was not looking for work in Canada, but he was willing to oblige.

He was told that the Canadian National had taken over the Weser at Victoria but that, while officials of that company were well acquainted with steam engines, they had nobody available to take charge of Diesels and they invited Jenkin to take the job. He signed on at $250 per month and soon found himself in Victoria.

The ship was still tied up at Ogden docks. Jenkin looked her over and thought her a fine piece of work. But it was when he got down into the engine-room that he really allowed his admiration to have full play. Here was a splendid ship, magnificently engined with a mechanical outfit anyone would be proud of.

He learned that she had been brought to Victoria under her own power. He looked her over carefully and found the ship apparently in perfect condition.

"She was quite OK and could have been off to sea in short order," said Mr. Jenkin to The Sun. "I could not see that she was out of condition in any important particular. They wanted her taken around to Esquimalt, two or three miles away, and I planned to take her under her own power.

"But the officials told me that this would never do. They argued it was not known for sure exactly what was the condition of the engines, and so they insisted on having her towed around to the drydock.

"I have never received such a shock in my life as when they told me they intended to take down the engines and convey parts ashore for machine-shop overhaul. I was told later that the job of taking them apart and closing them together alone ran to $70,000.

Found Nothing Wrong

"I don't pretend to know how much other money was spent or how it was spent, but I do know that they found nothing wrong, and I am certain there was never the slightest justification for all this expense and delay.

"Did I protest at the nonsense which went on there? I certainly did. I protested and kept on protesting—for all the good it did me. When I arrived and told them the engines were OK they said specifications for repairs had already been prepared. When I continued later to protest they replied that the ship was going to be there a long time anyway, and they might as well do a good job on her.

"After a few weeks a telegram came from Ottawa that the Dominion government desired the ship to be ready for early in December, but I was instructed to take no notice, and to continue with the program of so-called repairs.

"There had been brought out from Montreal a crew of about 40 which included an engineroom crew Everybody was paid full salary from the time of leaving Montreal, and a 'war bonus' was added to the months' cheques, though of course we never moved out of port. I believe that in Britain you have to get out on the high seas where the Germans have at least a theoretical chance of getting at you before you become eligible for a war bonus. There was at least as much excuse for the war bonus as for paying for repairs that never were required.

"No operating company is paying a war bonus to its crews on this coast today. It is paid on the East coast of Canada, which is regarded as a war zone. But after five days in port, the war bonus ceases even there.

"The Montreal engineroom crew turned out to have had no experience with Diesels. Six of them were sent back to Montreal, war bonus and all.

"Lloyd's agents were revising the repairs and passed the ship at dock trials on January 9 and 11. The ship belonged to the Canadian government, was insured by the Canadian government and with the government taking the risk, Lloyd's inspection was neither compulsory nor needed. If they wished her to be classified to the last technicality they could easily have waited until the end of the war."

Mr. Jenkin feels that the first error was made at Ottawa by some official there, unfamiliar with the situation, insisting on a Lloyd's inspection. But assuming that there was even a slight justification for a Lloyd's job, then in his view it should have been done in a fraction of the time actually consumed. Yarrow's undertook originally to finish the examination, or repairs, or whatever it was, in seven weeks. Mr. Jenkin insists that the work could in fact have been done by the ship's own engineers in three weeks. Mr. Jenkin continued:

'Proposed' He Resign

"I continued to protest and perhaps got pretty obnoxious about it. It was finally charged that I was too strict with the engineers, and it was proposed I should resign.

"It was a most unusual and shocking affair all through. I was thoroughly disgusted at this extravagant spending of public money. The ship could just as well have been giving service to Britain four months ago."

MacDonald New Minister To Canada

By Canadian Press

LONDON, Feb. 8. — Rt.-Hon. Malcolm MacDonald was appointed High Commissioner to Canada today.

Mr. MacDonald, son of the late Prime Minister Ramsay MacDonald, was succeeded as Minister of Health in the Churchill Government by Ernest Brown, former Minister of Labor.

Lord Moyne was appointed Secretary for the Colonies, succeeding the late Lord Lloyd.

Thomas Johnston was named Secretary for Scotland, succeeding Mr. Brown.

As High Commissioner in Ottawa, Mr. MacDonald takes the place vacated by Sir Gerald Campbell on his appointment as Minister to United States under Viscount Halifax, British Ambassador.

Mr. Macdonald is 40. He has been in the cabinet in various capacities since 1935. For three years he was Secretary of State for the Dominions and before attaining full cabinet rank was Under-Secretary for the Dominions for four years.

He has been a member of the House of Commons since 1929 and it is understood that authority will be sought to enablbe him to retain his seat.

As W. E. Guiness, Lord Moyne was Minister of Agriculture from 1925 to 1929. He was raised to the peerage in 1932.

Other appointments announced by Prime Minister Churchill include:

The Duke of Norfolk to be joint parliamentary Secretary for Agriculture and Fisheries;

Maj. Gwilyn Lloyd George to be Parliamentary Secretary of the Minister of Food;

George Tomlinson to be an additional Parliamentary Secretary to the Ministry of Labor and National Service;

Wilfred Paling to be Parliamentary Secretary to the Ministry of Pensions;

Henry Wedderburn to be additional Parliamentary Under-secretary of State for Scotland;

Capt. Charles Waterhouse to be Parliamentary Secretary to the Board of Trade;

Maj. Thomas Dugdale to be a Lord Commissioner of the Treasury and Deputy Government Whip of the House of Commons.

Ottawa Gratified By Appointment

OTTAWA, Feb. 8.—Announcement of the appointment of Hon. Malcolm MacDonald as High Commissioner to Canada in succession to Sir Gerald Campbell, was received here today with enthusiasm.

Government spokesmen said the Prime Minister had previously been advised of the intended appointment.

Sister of Royal City Woman Killed in Raid

NEW WESTMINSTER, Feb. 8.—Mrs. Cecil Myers, wife of the city market clerk, was advised Friday that her sister, Mrs. Edward Bezer, was killed in a bombing raid on Southampton. Mr. Bezer was injured.

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Dr. Lyon's Tooth Powder is a special dental powder developed for *home use* by a distinguished practising dentist. Brush your teeth with it regularly, consult your dentist periodically, eat as you should—and you will be doing *all* that you can possibly do to protect your teeth. As a neutralizer in acid mouth conditions, Dr. Lyon's is just as effective as Milk of Magnesia.
Dr. Lyon's is not only doubly efficient, but more economical to use. Even a small package lasts twice as long as a tube of tooth paste.
DR. LYON'S TOOTH POWDER

9 Men Die In Blazing 'Flophouse'

By British United Press

DALLAS, Tex., Feb. 8.—Nine men, trapped in a fire that made a blazing pyre of a Salvation Army flophouse where 50 men were sleeping, were burned to death today.

Twenty-five others were taken to hospitals for treatment, several of them are in a critical condition.

Among those who died was was Julius Benson, 45, assistant manager of the house. He went into the buildings three times to bring men out.

Some of the victims were burned; some fractured arms and legs leaping from the two-storey building.

Fire Chief L. M. Funk said that the fire started in a fumigator. Transients were compelled to leave their clothes in it overnight for "delousing."

George Baker Dies

LADYSMITH, Feb. 6.—George Baker, 73, retired farmer of Saltair, near here, died in his home. He formerly lived in Victoria. He leaves his wife, and a daughter, Mrs. F. J. Olsen, Seattle.

Funeral services will be conducted in Chemainus Anglican Church on Sunday afternoon; burial in Chemainus Cemetery. Jenkins Ltd., Nanaimo, has charge of arrangements.

Huns Raid Malta

BERLIN, Feb. 8.—Large scale raids against the British Mediterranean island fortress of Malta were announced by the High Command today.

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Send for FREE Booklet of this British-made appliance for relief from Rupture. Not an old-fashioned Truss, but a neat washable little belt with an inflated air-cushion adjusted to your needs in a second. Cannot slip out of place. So light and comfortable that you will not know you have it on. It holds the Hernia firmly so that in many cases the broken tissues reunite and the rupture is conquered forever. Doctors everywhere recommend the Beasley Appliance.
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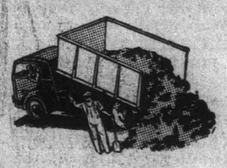
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123355

Ottawa,
March 27, 1941.

#18

Mr. E. F. Pullen,
Alexo, Alta.

Dear Mr. Pullen:

I read with much interest your letter of March 24th. Had already heard the facts therein stated, but am glad to have confirmation from such a dependable source as yourself. I referred to this matter this afternoon in a speech in the Senate which will be sent you.

Yours very truly,

AM/E.

Arthur Meighen.

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ALEXO,

ALBERTA.

March. 24th/41

Rt. Hon. Arthur Meighen
Ottawa. Ont

Dear Mr. Meighen

I have just listened to Mr. Wendell Wilkie's Toronto speech, in the course of which he pointed out the urgent need of more ships for England, without which disaster

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may well overtake
us all. This appeal
of Mr. Wilkie's followed
that of Mr. Alexander,
First Lord of the Admiralty,
a fortnight ago, in
which he said we must
have ships - and more
ships to insure survival.

When I was in Toronto
a fortnight ago, I went
on Saturday afternoon
to see some of the
Corvettes which are
being built in a
Shipyard at the foot

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of Spadina Ave. on Fleet
Street. I was surprised
& dismayed to find, that
it being Saturday afternoon,
no work was being done
on the three partly completed
ships. On Monday in
passing again this yard
work was in progress,
but 36 precious hours
had been lost.

I presume that this
same practice is
general in Canadian
Ship yards. If so, one
begins to wonder whether
we really deserve to

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have this war won for us.

I am taking the liberty of writing to you, as I am confident that if such half-hearted efforts are being continued in our ship building, you would not tolerate such inefficiency.

Yours sincerely

F. T. Fuller

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OTTAWA JOURNAL - April 12 1941

'The Battle of the Shipyards.'

HANSON BALDWIN, one of the most careful and authoritative of war students, has an arresting article on shipping in the New York *Times*. He tells of the shipping needs, naval and mercantile, of the United States and Great Britain and how they are being met.

Mr. BALDWIN introduces his article graphically. Thus:

> "Welding torches, riveting hammers, gantry cranes and draftsmen's pencils may be determining the fate of the world. . . . The 'battle of the shipyards' is literally, at the moment, the most important single factor in the war."

Supporting this claim, Mr. BALDWIN states the position:

> "In eighteen and a half months of war, the world has lost about five-twelfths as much merchant shipping as was sunk during the entire fifty-one months of the World War. British, Allied and neutral shipping losses this year of 1941 are expected to be between 3,500,000 and 5,000,000 tons; yet the total anticipated replacement capacity of both British and American yards will not be more than about 2,100,000 of ocean-going merchant ships."

Mr. BALDWIN apparently assumes that shipping losses will continue on the existing scale. Yet this must depend upon a number of factors; upon such factors of steadily increasing British effectiveness in dealing with U-boats; the possible transfer from the Mediterranean of British warships to strengthen convoy; the transfer of considerable German, Italian, Danish and other ships in United States ports to Britain's use; the possibility of United States warships to convoy United States bottoms.

But, assuming the worst—and in war the worst must be assumed and prepared for—what then? Mr. BALDWIN puts the production of British shipyards at 1,000,000 cargo ship tons. There is good reason for believing that his figures are low; that they may be low by between 250,000 and 500,000 tons. Nor does he make allowance for the possibility that, under desperate stress, Britain's production can be stepped up; nor allowance for tonnage turned out in Canada and Australia. Canada is committed to the production of 200,000 tons of cargo shipping within the coming year.

Of the United States shipbuilding program, Mr. BALDWIN says:

> "Under the present construction schedule most of 451 merchant ships will be completed by the end of 1942, and if a speed-up of the program is possible, it is likely that they will be completed before then. Twenty-two merchant ships of about 170,000 tons, it is estimated, will be delivered in the first quarter of this year; about thirty more of about 230,000 tons in the second quarter; about thirty-two of almost 250,000 tons in the third quarter and some fifty ships of more than 375,000 tons in the last quarter of this year, when the first of the British-ordered 'ugly-ducklings' (standardized ships of between 7,500 and 9,000 tons) will be delivered."

Mr. BALDWIN thinks that these planned deliveries can be very much increased, but says that in any event 1,000,000 tons of merchant shipping will come out of United States yards this year. By 1942 deliveries will be on a much vaster scale. More than 250,000 persons are now working in American shipyards. By 1943 (says BALDWIN) annual production of merchant bottoms can be boosted to 5,000,000 gross tons every twelve months.

The critical period, clearly—and let none of us imagine that it isn't critical—is now; in the six months ahead. Berlin reports of sinkings and crippling of ships continue to quote vast figures; but experience teaches that little credence may be given to these. Actually, German claims in the past have multiplied actual losses by four. On the other hand, there can be no doubt at all that HITLER, his fantastic dream of invasion frustrated, his campaign in the Middle East bogged down, his Axis partner Italy a liability and his Axis partner Japan increasingly wary, has decided to go all out to get a decision over Britain this Summer by attack at sea. That he has his reported 600 submarines, all responsible observers doubt. Yet no question can exist about his ability to make a desperate, ruthless onslaught by submarines and bombers; this may well be his last desperate throw.

It may be well, therefore, to watch the weekly Tuesday statement of the British Admiralty on shipping losses. These, more than anything else that may happen, will tell the real progress of the war. We have Mr. CHURCHILL's promise—and Mr. CHURCHILL's promises have thus far been fulfilled—that the battle of the Atlantic will be won; the submarine vanquished. That promise gives all of us confidence; but it should give us more. It should bring to Canada determination to pursue vigorously, relentlessly, her own program of cargo shipbuilding. Every yard in this country that can produce a ship, every man who can put his hand to the building of a ship, should be used, and without delay, in the last ounce of effort. That, as much as anything, perhaps more than anything, may be the most vital thing we can do at this moment to turn the scales of this war. For every ship must count.

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I am laying these views before you to solicit your support of such amendment to the Treaty as may be made by the U. S. Senate which will favor, so far as may be conformable to international law, the use of this improved waterway by Canadian, British and U. S. ships; the terms of the Treaty as now composed, do not provide this safeguard to Canadian, British and U. S. built ships and owned, officered and manned by citizens or subjects of Canada, Great Britain and of the United States.

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Memo to Mr. Hinds:

Will you kindly check Mr. Wolvin's address. Our Montreal telephone directory is quite an old one, and this address may not be correct. There is some correspondence on file down there, and also a card in the index cabinet.

E. M. E.

Box 294
Station B
Montreal

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Shipping

123363

COMPENDIUM OF REPRESENTATIONS MADE

IN RESPECT OF BILL J.

1. Letter of H. B. Smith, (President, Collingwood Shipyards Limited) with accompanying memorandum.

2. Copy of letter J. E. Walsh, General Manager Canadian Manufacturers Association, to the Prime Minister.

3. Telegram, Sidney T. Smith, President, Winnipeg Grain Exchange.

4. Telegram, N. M. Paterson, President, Paterson Steamships Limited.

5. Telegram, James B. Foote, Foote Transit Co.

6. Letter, A. E. Spendlove, Manager, Inland Shipping Company Limited, Winnipeg.

7. Letter, R. T. Evans, Winnipeg Grain Exchange.

8. Letter, Martin Griffin, explanatory of Bill.

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THE SENATE OF CANADA

COMPENDIUM OF REPRESENTATIONS MADE

IN RESPECT OF BILL J

AN ACT RESPECTING SHIPPING IN CANADA

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Read in Bureau

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123365

MEMORANDUM RE BILL J. — H. F. O'Connor

Saturday and yesterday I gave about twenty hours to examination of Bill J. and comparison of the Bill with the conventions, statutes and "Commonwealth" (I don't like that word) agreements.

It seems to have been blandly assumed, so far, that -

1. agreements between "Dominions" can confer legislative jurisdiction;

2. power to legislate with extra-territorial effect enlarges the area of legislative power;

3. by reason of United Kingdom agreement as a "commonwealth" member that Canada may and should legislate as closely as possible in like terms to United Kingdom legislation relating to Shipping, Canada may legislate as if the British Consular service and other British services all over the earth were Canadian services. The same as to the customs and other officers of other members of the "Commonwealth".

I think that affairs are twisted and that -

1. The United Kingdom must legislate to the Dominions the right, and, as against the United Kingdom and its non-Dominion possessions, the obligation, qua any extra-territorial operation of Canada's Shipping laws in Ports or as against persons which, or who, are, qua Canada, abroad.

2. That the Statute of Westminster merely extends the scope of Canada's valid laws so that now Canadian law, and not British, (in the sense of United Kingdom) law accompanies a Canadian ship to sea. Local law applies to her, and her owners, captain and crew, wherever she may be.

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3. That Bill J. as drafted misconceives throughout the power to enact of the Canadian Parliament relating to Canadian ships abroad and the intent of the British Commonwealth Shipping Agreement, which latter was, I think, that each "nation" would enact laws relating to its own ships and according like treatment to its "sister nations", the United Kingdom, of course, enacting (not yet done) so that its consular officers, etc., should act for all. If every "nation" of the Commonwealth proceeds to enact of itself, with adaptations or without them, Part I of the English Act of 1894, there will be a condition of chaos, but, fortunately, the United Kingdom is likely to prevent or disown such action.

Bill J, in the respect indicated is, in my judgment, wrongly conceived. If I am right in the views expressed it will have to be recast. Also it requires not less than one thousand corrections, major and minor.

I submit this with relation to the possibility of its being put through this session.

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123367

Memo for the Rt. Hon. Mr Meighen.

Saturday and yesterday I gave about 20 hours to examination of Bill J and comparison of the Bill with the conventions, statutes and "commonwealth" (I don't like that word) agreements.

It seems to have been blandly assumed, so far, that—

1.— agreements between "Dominions" can confer legislative jurisdiction;

2.— power to legislate with extra-territorial effect enlarges the area of legislative power;

3.— by reason of United Kingdom agreement as a "commonwealth" member that Canada may and should legislate as closely as possible in like terms to United Kingdom legislation relating

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relating to Shipping, Canada may legislate as if the British consular service and other British services all over the earth were Canadian services. The same as to the customs and other officers of other members of the "Commonwealth".

I think that affairs are twisted and that -

1.- The United Kingdom must legislate to the Dominions the right, and, as against the United Kingdom and its non-Dominion possessions, the obligation, qua and extra-territorial operation of Canada's Shipping laws in Ports or as against persons which or who are, qua Canada, abroad.

2.- That the Statute of Westminster merely extends the scope of Canada's valid laws so that now Canadian law, and not British,

in

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(in the sense of United Kingdom) law accompanies a Canadian ship to sea. Local law applies to her, and her owners, captain and crew, wherever she may be.

3.- That Bill J as drafted miscarries throughout the power to enact of the Canadian Parliament relating to Canadian ships abroad and the intent of the British Commonwealth shipping agreement, which latter was, I think, that each "nation" would enact laws relating to its own ships and according like treatment to its "sister nations," the United Kingdom, of course, enacting (not yet done) so that its consular offices be shared act-for all. If every "nation" of the Commonwealth proceeds to enact for itself, with adaptations or without them,

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123370

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Bill J, in the respect indicated is, in my judgment, wrongly conceived. If I am right in the views expressed it will have to be recast. Also it requires not less than 1000 corrections, major and minor."

I submit this with relation to the probability of its being put through this session.

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123370

MEMORANDUM BY MR. O'CONNOR

I am inclined to think that I was wrong when I said that we were "hipped" by the Statute of Westminster as to amending. With the Colonial Laws Validity Act out of the way, it is clear, I think, that any Canadian shipping legislation being no longer "null and void" as in conflict with Imperial legislation and the Statute of Westminster enabling us to repeal any Imperial legislation which applies to us, our shipping legislation, as enacted, repeals impliedly, as it could repeal expressly, the Imperial legislation with which it conflicts.

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THE SENATE
CANADA

I am inclined to think that I was wrong when I said that we were "hipped" by the Statute of Westminster as to amending. With the Colonial Laws Validity Act out of the way it is ~~at least arguable~~ clear, I think, that any Canadian shipping legislation being no longer "null and void" as in conflict with Imperial legislation and the Statute of Westminster enabling us to repeal any Imperial legislation which applies to us, our shipping legislation, as enacted, repeals impliedly, as if cited, repeal expressly, the Imperial legislation with which it conflicts.

O.E.

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COPY

123373

June 22nd, 1932.

Rt. Hon. R. B. Bennett,
Prime Minister of Canada,
Ottawa, Ont.

Dear Mr. Prime Minister:

SHIPBUILDING

The Imperial Conference approaches and Canadian Shipbuilding finds itself in a peculiar position, in that protection to which it is entitled and which previous governments have seriously considered has never been enacted due to the existence of certain provisions of the Merchante Shipping Act. This obstacle having been overcome by the Statute of Westminster, Canada now have complete control of its Coasting Laws and can prohibit vessels built elsewhere than in Canada from engaging in our Coasting trade or grant the Coasting privilege subject to the payment of customs duty.

A memorandum relating to the Shipbuilding and Ship Repair industry of Canada was presented to the Honorable the Premier of Canada and to the members of Parliment in January 1925 and a further communication was addressed to you under date of November 27, 1930, to both of which I most respectfully direct your attention.

Since the War, and due to inability to compete with British shipyards, many of the shipbuilding plants in Canada have ceased to exist and the few remaining, in a sort of operation, need protection or assistance to prevent some of them from discontinuing their operations, which include Ship Repairing. The country will probably find it necessary, in order to continue dry dock and repair facilities, to pay cash subsidies if there is no shipbuilding open to these shipyards.

In excess of $100,000,000 has been expended abroad since 1922 in the purchase of ships for Canadian trade. I do not look forward to large purchases of ships during the next ten years and particularly of canal sized vessels, as the ill-advised construction of such a large number, almost immediately prior to the opening of the Welland Canal, leaves us now with twice as many grain and bulk freight canal steamships as are required.

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123374

However, probably five to fifteen vessels for special trades will be built each year and, if this construction was reserved for Canadian companies in addition to such work as they now find, it would do much to continue these plants and possibly avoid further cash government subsidies to repair plants.

The coastwise trade of every country, with the notable exception of Great Britain, has for hundred of years been considered the special right of national, to the exclusion of foreign ships. Canada is second to no country in the extent of its coastline and probably second to only one country in the extent of its inland water navigation. It is reasonable to expect that the Government, so strongly behind a Canada First Policy, does not intend to abandon shipbuilding as one of Canada's permanent industries.

The building of ships, in addition to the labor in the Shipyard itself, includes steel plate, ships engines, boilers, auxiliaries, machinery of every description, compasses, telegraphs, anchors, chains, rope, wire, furniture, textile goods, corckery ware, table ware, linen, blankets, paint and many other things to complete ships apparel.

Arguments against protection and in favor of free trade do not apply to Ships and Shipping. While it is held that ships are goods, in the sense that they are dutiable, in their character and functions, they are menas of transportation. Their rates of carriage, in which alone the public is interested, are not determined by their cost or value, not by whether it is a first class or a third class vessel; but by competition between routes of travel or transport and the vessels cost is not a factor in the making of the rates.

Should an imposition of duties be made on foreign built ships, the shipowner alone suffers from any increased cost, and this spread over the life of a vessel is infinitesimal even if assessed to the tons of freightcarried.

I suggest that the Government should now definitely decide on the conditions to govern future shipbuilding in Canada and enter the Imperial Conference the same as if legislation had already been enacted to implement their decision.

I therefore recommend for your consideration that:

1. No vessel shall be permitted to engage in the Coasting trade of Canada, except vessels built in Canada or registered in Canada prior to (the date of the legislation).

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123375

Should the Government be unwilling to reserve for Canadian Shipyards the exclusive building of vessels for Canadian Coasting Trade, I then suggest:

2. No vessel shall be permitted to engage in the Coasting Trade of Canada, except vessels built in Canada, provided however that vessels built in Great Britain or any of the British Dominions may engage in the Coasting Trade of Canada after payment of Customs duties at the rate of 30 percentum of the cost of the vessels when new.

Should the Government be unwilling to prohibit Coasting to British vessels on the parts of the Canadian Coast, where vessels classed for full ocean service engage in trade for a part of the year and go into other world trade for the balance of the year, in competition with foreign registered vessels, I would then suggest:

3. "No vessel shall be permitted to engage in the Inland Coasting Trade of Canada, between Quebec City and the United States boundary on Lake Superior, except vessels built in Canada."

And if the Government considers it necessary, there can be added further:

"Provided however that vessels built in Great Britain or any of the British Dominions may engage in such Inland Coasting Trade after payment of Customs duties at the rate of 30 percentum of the cost of the vessel when new".

Should the imposition of a duty of 30 percentum not result in the future vessels being built in Canada, it should place in this Treasury of the Country the cash that will be necessary to subsidize the continued operation of dry docks and Ship Repair Plants.

I have discussed this letter with Mr. Carswell, the General Manager of Canadian Vickers; Mr. Enderby, General Manager of Davis Shipbuilding Co., Collingwood Shipyards Ltd. and Kingston Shipbuilding Co. and they approve of and concur in the contents hereof.

Urging ypon you an early, thorough and I hope favorable consideration of the recommendations made, I am,

Very faithfully yours,

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C O P Y

123376

February 11th, 1933.

The Hon. W. H. Borah,
Chairman,
Foreign Affairs Committee,
The Senate,
Washington, D. C.

Dear Mr. Senator:

I take the liberty of addressing you on the subject of the Treaty between the United States and Canada regarding the St.Lawrence Waterway, now pending before your Committee, for the purpose of urging upon you the importance of securing the ratification of this Treaty during the present session of the U.S.Congress.

If final decision on this Treaty be deferred to the following special session of Congress, the result, if favorable, cannot be acted upon by the Canadian Parliament before next Autumn, and in that case the beneficial results of this great public undertaking on the existing distressed condition of labor in the two countries will be necessarily postponed for a whole year.

The vast employment of labor which this undertaking will provide for will by no means be restricted to the neighborhood of the actual constructions within the valley of the St.Lawrence; the original sources of the steel materials, the iron mines of Minnesota and the coal mines of Pennsylvania and Ohio will be stimulated by renewed requirements of the steel manufacturers of Pennsylvania, Ohio and Illinois; the cement manufacturers of all neighboring States will re-open their plants; every industry throughout all the States adjacent to the Great Lakes will be stimulated by this new activity.

To postpone the beneficent effect of this great work upon the present distressed unemployment condition in the boundary States for one year by delaying ratification of this Treaty at your present session will be to neglect the most evident and available means of assistance to labor, which as everyone knows is, in other ways, the most anxious concernof The Congress.

What I say about the immediate benefits to the boundary States which will result from the immediate ratification of this Treaty, of course applies with equal force to the boundary Provinces of Canada which comprise six-tenths of its population.

The ultimate economic advantage of this undertaking to both countries is now universally admitted; why not also make immediate use of the disbursements involved in its construction by the prompt sanction of the Senate?

If this aspect of the Treaty were considered by the Senate would not that body be disposed to give special precedence to its consideration at this session?

Very truly yours,

Sgd) Francis H.Clergue

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123377

COPY

February 15th 1933.

The Hon. W. E. Borah,
Chairman,
Committee on Foreign Relations,
The Senate,
Washington, D. C.

Dear Mr. Senator :

I am glad to learn from the dispatches that your Committee is quite certain to act favorably upon the report of the Sub-committee on the St.Lawrence Waterways Treaty.

I beg however, to call your attention to the fact that there is no provision in the Treaty which reserves to the two Governments, the right to differentiate between the ships of other nations in passage through the improved waterway,- for instance, by the imposition of tolls against shipping other than that belonging to the High Contracting Parties.

If it be the intention of the Treaty to establish at once equal privileges in this improved waterway to the ships of all nations, of course there is nothing further to be said; but if it be the intention of the Parties to the Treaty to establish such rules and regulations for the operation and use of the Waterway System by means of which they can, if circumstances should at any time seem to make such a course desirable, differentiate between different classes of shipping, should there not be contained in the Treaty itself, in order to prevent acrimonious international discussions in the future, some pronouncement which would be a distinct reservation of the right to do so?

I enclose a clipping from the Montreal Gazette of this date indicating that during the coming season Scandinavian ships will be using the existing Canadian canals in transporting British anthracite coal to the Great Lakes and returning with grain. The explanation is that British ships cannot compete for this business with the Scandinavian because of the great difference in the scale of seamen's wages, and in the rigid restrictions imposed by the British Board of Trade on shipping.

With the enlarged canals open to sea shipping free of tolls, would not the Scandinavian, Greeks and Italians, who are continually buying cast-off British tramps, put them into the Lake service under conditions with which neither American or British ships could compete? The scale of seamen's wages in the nations mentioned are much less than the British scale and generally less than one-half the American and Canadian scale.

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It is no more reasonable to allow the fine advantages of this expensive channel created at the cost of the American and Canadian taxpayers to be open to this class of competition, than to allow the same class of shipping to enter the coastwise trade of the United States.

Would not this contingency be provided for by the addition to the Treaty of a clause something in this form? "The mutual rights and privileges heretofore established by "Treaty between the High Contracting Parties respecting navigation "of the waters contiguous to the boundaries of their respective "countries and of the waters of the St.Lawrence River are hereby "declared to be restricted to vessels built within the limits of "the United States and of the countries of the British Empire, and "owned and manned by the citizens or subjects of those countries; "the rules and regulations which may be promulgated by mutual "agreement of the High Contracting Parties for control of "navigation between the Harbor of Montreal and theGGreat Lakes "may provide for restrictions in the uses of the channels improved "under this Treaty and may impose tolls for the passage of "shipping there through."

Yours very truly,

(Sgd) Francis H. Clergue.

SUPERBRITE
NEW RECORD
MADE IN CANADA

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123379

February 15th, 1933

Mr. E. Hawken,
Assistant Deputy Minister
Marine Department
Ottawa, Ont.

Dear Mr. Hawken:

In looking over the memorandum I mailed you as to reasons why Coastwise trade on the Inland Waters of Canada should be reserved for ships built in Canada, it might be advisable for you to add a new paragraph under the Conclusion, about as follows:-

BELIEVE IT or NOT

If legislation makes effective the above Conclusion, Canada will have the SHIPS and will have the PURCHASE MONEY TOO. Canada will also have her shipyards and more Canadian citizens enjoying life in their own country ~~than~~ instead of abroad.

Faithfully,

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The COASTWISE TRADE on the INLAND WATERS OF CANADA should be reserved for SHIPS BUILT IN CANADA, for the following reasons:-

1. Nationally, it is imperative to have on the Canadian Register, the largest possible number of ships. Canada can control, only, ships actually registered in Canada and in times of stress or war should have a nucleus of a merchant marine. Remember that, upon the declaration of the Great War, The British Government requisitioned all British registered ships, and without notice, Canada lost the use of these vessels that had been contracted (and many especially built) under long periods of charter to the Dominion Coal Company. The transportation of coal from Nova Scotia to Montreal, Quebec, Three Rivers and other points was paralyzed.

2. Our neighbor to the south, the United States, does not permit coasting by vessels not built in the United States. It has developed a great Inland merchant marine. This United States fleet of lake vessels is available to carry Canadian grain from the Canadian head of the lakes to Buffalo and Oswego thus equalizing rates through other routes. These United States vessels carry grain at distress rates, during periods when iron ore and coal does not move freely, but, WHEN an unusual demand arises in October and November and shippers of iron ore demand additional vessels, the Canadian grain PAYS a rate, out of all proportion, to the rate paid for carriage of ore and the use of these United States vessels is most difficult (and at times impossible) to obtain. A good sized Canadian lake marine is needed for protection to the grain trade of Canada.

3. Shipbuilding is a natural industry in Canada. There is abundance of evidence, that the existing Canadian shipbuilding plants are efficient and can build ships equal to ships built anywhere in the world. Building of ships is an assembly proposition, and in addition to the labor in the shipyard itself, includes steel plate, ships engines, boilers, auxiliaries, machinery of every description, compasses, telegraphs, anchors, chains, rope, wire, furniture, textile goods, crockery ware, table ware, linen, blankets, paint and many other things to complete ships apparel.

The existing shipbuilding plants should not be abandoned. There are now operating plants at Port Arthur, Collingwood, Midland and Kingston, Ont., Montreal and Levis, Que., Halifax, N. S., and St. John, N.B. ALL of these plants are in a position to COMPETE for the building of any ship for lake trade that could be built in the British Dominions.

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4. SHIPBUILDING is associated with the REPAIRING of ships and the OPERATION OF DRYDOCKS. The building of the various drydocks in Canada was encouraged by subsidies from the Government and would not have been provided without such subsidies. The present conditions indicate that it is very doubtful if these facilities can be continued without subsidies. This is most pressing right now at Collingwood where subsidies expired some time ago and will be a pressing matter at Port Arthur where, the last payment of subsidy occurs this year. The building of ships, when obtainable, associated with the repair of ships helps such industries to live.

5. In the building of vessels limited by size to upper lake navigation and East only to Prescott, the only country, that is interested (other than Canada) is the United States, as these large vessels (if built abroad) cannot enter the lakes through the existing canals. No ship of importance has been built in the United States and entered Canada as a NEW SHIP. Every large economical lake vessel, now registered in Canada, was built in Canada, but the number of such ships has been limited due to the practise of bringing from the United States to Canada for registration, old obsolete vessels, having old engines and boilers, being of types of construction then obsolete for rapid and economical handling of cargoes and also of comparatively small carrying capacity. These old vessels have added to the capacity of the Canadian lake marine, but the addition is not an economical unit, and as time passes, does not tend toward a real benefit to Canada. In addition, these older vessels carry greater risks to life and property.

There cannot exist any good national reason against excluding from the Inland Water trade ALL VESSELS BUILT IN THE UNITED STATES.

6. Vessels built in Great Britain or in the British Dominions, for trade in the Inland Waters of Canada, are limited, as to size, by the canals through which they must pass. Canada has experienced the ill-advised construction in Great Britain, of a very large number of this canal sized type of vessel since 1922. Such additions to the Canadian lake marine has cost in excess of $100,000,000. The result today is that Canada has twice as many of such canal sized class of grain carrier as are required. These vessels have long life. There will be no demands for additions to this canal sized fleet, for the carriage of grain, for the next twenty years unless the canals are enlarged.

The only vessels (for which there may be a demand) that could be built in the British Dominions will be vessels especially designed for the carriage of oil, coal, cement, paper etc.

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7. While it is held that ships are goods, in the sense that they are dutiable, in their character and functions, they are means of transportation. In fact, when built abroad, they are a class of goods that deliver themselves in Canada and through the carriage of freight, can pay the expense of delivery and perhaps more.

The rates of carriage, in which alone the public is interested, are not determined by the cost or value of the vessel but by competition between routes of transportation.

Western Canadian grain for export now has four routes to market:- via Vancouver, via Hudson Bay, via Great Lakes through Buffalo and Oswego, and East through an all Canadian route. Much money from the National Treasury has been expended to provide these COMPETING routes.

Conclusion

Let the Coasting privilege in Canada on the Inland Waters be reserved to ships built in Canada. It is NATIONALLY CONSTRUCTIVE. It is beneficial to Ontario, Quebec and the Maritime provinces. It does not injure the grain interests of the West.

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123383 113 ✓

FRANCIS H. CLERGUE
360 ST. JAMES STREET
MONTREAL

March 11th 1933.

The Rt.Hon. Arthur Meighen,
The Senate,
OTTAWA.

My dear Senator Meighen:

Referring to my letter to you of March 10th - please substitute the enclosure for the next to the last paragraph in which my stenographer omitted the important words which are underscored in this substituted paragraph.

Yours very truly,

F. H. Clergue

Copy of letter mislaid
Retype from note book

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Bill

123384

OTTAWA, March 14, 1933.

My dear Colleague:

Thanks for yours of 11th, enclosing copy of letter to the Minister of Marine in connection with the Bill respecting the National Harbours Commission.

Yours very truly,

Hon. H. A. Stewart,
Minister of Public Works,
Ottawa, Ontario.

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123385

CANADA

OFFICE OF THE MINISTER OF PUBLIC WORKS

Ottawa March 11th, 1933.

My dear Colleague,-

I enclose, herewith, copy of a letter which I have addressed to the Minister of Marine, in connection with the Bill respecting the National Harbours Commission.

M

Believe me,

Yours faithfully,

W A Buchanan

Right Honourable Arthur Meighen,
The Senate,
Ottawa, Ont.

enc.
f

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123386

March 11th, 1933.

My dear Colleague,-

As suggested by Council, I have studied the provisions of the Bill respecting the National Harbours Commission, and desire to make the following observations for consideration by yourself and our colleagues in Council:

Section 5, of Chapter 89, of the Revised Statutes of Canada, 1927, "An Act respecting the Government Harbours, Piers and Breakwaters", reads as follows:-

> "Such construction and repairs and the works connected therewith, other than maintenance and ordinary repairs, shall be under the control and direction of the Minister of Public Works", R.S.c.112, s.5.

The provisions of this section do not apply to the harbours named in Section 3 of the Act, nor to any harbour under the management of commissioners appointed under any Act of the Parliament of Canada.

Sections 14, 15 and 16, of the Bill, vest in the Commission certain defined powers in connection with the development of harbours, and would appear to include powers to construct harbour works. If the power to construct works is to be taken from the local harbour commissions, I suggest that we should consider the advisability of having this work performed by the Public Works Department, under the provisions of Section 5 of the Act above quoted, as this Department has a staff of engineers and is otherwise specially equipped to do this class of work.

The adoption of the foregoing suggestion would avoid the necessity of the organization, and the consequent expense, of a technical staff by the proposed Commission, and thus eliminate duplication and effect a substantial saving in expenditure.

I am sending a copy of this letter to each of our Colleagues in Council.

Believe me,
Yours sincerely,

(SGD.) H. A. STEWART

Honourable Alfred Duranleau, M.P.,
Minister of Marine,
Ottawa.

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No. 3. 123387 12

CANADIAN PACIFIC TELEGRAPHS

T.O. 1X

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DL	DAY LETTER
NL	NIGHT LETTER
NM	NIGHT TELEGRAM
LCO	DEFERRED
NLT	CABLE LETTER
WLT	WEEK END LETTER

W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

STANDARD TIME

~~1 GX B 183 1 EX COUNT 5 PARAGRAPHS~~

~~GX~~ WINNIPEG MAN MARCH 15TH 1933 510PM

RT HON ARTHUR MEIGHEN,

THE SENATE, OTTAWA ONT.

REFERRING TO DESPATCH IN TODAYS FREEPRESS STATING THAT AMENDMENTS TO CANADA SHIPPING ACT NOW BEFORE THE SENATE WILL BAR TRANSHIPMENT OF CANADIAN GRAIN THROUGH BUFFALO TO OTHER CANADIAN PORTS EXCEPT IN CANADIAN VESSELS, THE WINNIPEG GRAIN EXCHANGE DESIRES TO PROTEST AGAINST ANY LEGISLATION RESTRICTING THE MOVEMENT OF CANADIAN GRAIN FROM US PORTS ON LAKEERIE TO MONTREAL AND OTHER ST LAWRENCE PORTS FOR THE FOLLOWING REASONS.

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CANADIAN PACIFIC TELEGRAPHS

T.D. 1X

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DIRECT COMMUNICATION WITH

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LCO	DEFERRED
NLT	CABLE LETTER
WLT	WEEK END LETTER

W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

STANDARD TIME

~~2ND SHT 1 GX B~~ ~~88~~

~~RT HON ARTHUR MEIGHEN OTTAWA ONT~~

1 2 3 3 8 8

1ST IT WOULD COMPEL ALL SUCH GRAIN TO BE SHIPPED THROUGH US. SEABOARD PORTS.

2ND IT WOULD TEND TO CREATE A VIRTUAL MONOPOLY IN FREIGHTS TO MONTREAL BY SHUTTING OFF THE COMPETITION OF CANAL STEAMERS FROM LAKEERIE TO MONTREAL.

3RD IT WOULD PREVENT CANADIAN GRAIN STORED AT LAKEERIE PORTS FROM REACHING EUROPEAN MARKETS WHEN OCEAN MOVEMENT IS MORE FAVORABLE VIA MONTREAL THAN VIA US SEABOARD PORTS.

4TH ANY UNDUE NONCOMPETITIVE INFLATION OF RATES TO MONTREAL WOULD UTIMATELY REACT TO THE DISADVANTAGE OF THE PRODUCER.

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CANADIAN PACIFIC TELEGRAPHS

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NL	NIGHT LETTER
NM	NIGHT TELEGRAM
LCO	DEFERRED
NLT	CABLE LETTER
WLT	WEEK END LETTER

W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

STANDARD TIME

~~3RD SHT 1 GX B 25~~

~~RT HON ARTHUR MEIGHEN, OTTAWA ONT.~~

WILL YOU PLEASE CONVEY THESE VIEWS TO PARLIAMENT TOGETHER WITH REQUEST THAT THE BILL BE MODIFIED SO AS TO MAINTAIN THE SHIPPING CONDITIONS NOW EXISTING

SIDNEY T SMITH,

PRESIDENT

~~627PM~~

12336

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123390 113

OTTAWA, March 15, 1933.

Dear Mr. Smith:

I have your letter of 10th March and have read same, with memorandum, carefully.

The subject matter of your request has been mentioned in several communications already, but none containing suggestions so specific.

It will probably be some few days before all interested will have had an opportunity of reading the Bill and of presenting any arguments in regard thereto that they may desire. We wish to have the Bill dealt with this Session, but to give every opportunity for those interested to be heard.

Yours very truly,

Arthur Meighen.

Mr. H. B. Smith,
Collingwood Shipyards Ltd.,
Toronto, Ontario.

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123391

Collingwood Shipyards Limited

DRY DOCK PROPRIETORS & STEEL SHIPBUILDERS

ENGINE & BOILER MAKERS

H. B. SMITH,
PRESIDENT

1006 ROYAL BANK BUILDING
Toronto, Ont.

10th March 1933.

The Rt. Hon. Arthur Meighen,
The Senate,
Ottawa, Canada.

Dear Mr. Meighen:

In connection with the Bill which is now before the Senate, consolidating the Canada Shipping Act, I am taking the liberty of handing you herewith a Memorandum which I recently prepared regarding Shipbuilding and Ship Repairing in Canada. I feel assured that you will read this with interest, and if you have not already given consideration to the matters which I have dealt with, that you will agree that the Shipbuilding and Ship Repairing work in Canada is in a mighty bad way and needs some real assistance.

I expect to see the draft Bill soon after it is printed, and I hope the Canadian Shipbuilders will have an opportunity of expressing their views before the Committee of the Senate who will have this matter in hand.

I was much pleased, when I had the pleasure of meeting you last week, to see you looking so strong and well. It seems to me that good health is about the most precious thing any of us can have during these strenuous times.

Very sincerely,

H. B. Smith

President.

HBS:I

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123392

February 9th, 1933

MEMORANDUM

SHIPBUILDING AND SHIP-REPAIRING IN CANADA

There is no duty on British ships entering the Canadian Coastwise Trade between Canadian ports, or on ships of any country seeking Canadian registration for the purpose of engaging in foreign trade, and a duty of 25% only is imposed on ships and other vessels built in a foreign country if British registered since September 1922 on application for license to engage in the Canadian Coasting Trade.

It is assumed that Canada has the right to impose Customs Tariff Duties against British ships built outside of Canada in the same manner in which it now imposes Customs Duties on foreign built British ships; that a British ship, no matter where built or where registered, will have the right to engage in the Coasting Trade of Canada, but in the case of a ship built outside of Canada, whether built in Great Britain or in some other part of the Commonwealth, she may be allowed to exercise that right only on payment of Customs Duties, in the same way as British ships which are foreign built are now treated. This of course is contingent on Parliament amending the law so as to make Customs Tariff Duties apply against all ships built outside of Canada, and we suggest and recommend for your consideration,-

1. No vessel shall be permitted to engage in the Coasting Trade of Canada except vessels built in Canada or registered in Canada prior to (date of legislation).

Should Parliament be unwilling to reserve for Canadian shipyards the exclusive building of vessels for the Canadian Coasting Trade, then

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it is suggested,-

2. That no vessel shall be permitted to engage in the Coasting trade of Canada except vessels built in Canada, provided however that vessels built in Great Britain or in any of the British Dominions may engage in the Coasting Trade of Canada upon payment of Customs Tariff Duties at the rate of thirty per centum (30%) of the cost of the vessel when new.

Should Parliament be unwilling to prohibit Coasting to British Vessels on the parts of the Canadian Coast where vessels classed for full Ocean service engage in trade for a part of the year and go into other world trade for the balance of the year in competition with foreign registered vessels, it is suggested,-

3. No vessel shall be permitted to engage in the Inland Coasting Trade of Canada between Quebec City and the United States boundary on Lake Superior, except vessels built in Canada. Provided however that vessels built in Great Britain or any of the British Dominions may engage in such Inland Coasting Trade, after payment of Customs Duties at the rate of thirty per centum (30%) of the cost of the vessel when new.

From 1922 to the end of 1929 vessels have been purchased abroad by Canadian owners as follows:-

From Great Britain	
142 Ships for Canadian Coastwise Trade, valued at approximately	$24,000,000.00
And prior to 1922 more than -	
140 Ships, valued at	24,000,000.00
37 Ships for Ocean Service, valued at	50,000,000.00
From United States	
232 Old Ships for Canadian Coastwise Trade, depreciated value	$23,000,000.00
And prior to 1922 more than -	
30 Ships at a depreciated value of	3,000,000.00

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Canadian Shipbuilders are manifestly at a disadvantage as regards building and repairing ships for Coastwise trade. The main reasons, so far as building ships is concerned, are that the higher wages paid in Canadian yards and the higher cost of materials, coupled with existing tariff regulations, prevent them from competing on even terms with British builders, or against old American vessels which are brought into Canada on the payment of low duties based on low valuations.

On the cost of repairs made to American ships in Canadian ports a duty of 50% is charged and collected at the first port of call. When Canadian vessels are repaired in United States yards a duty of only 25% is imposed by the Canadian Government and is payable only when and if the vessel re-enters the Canadian Coastwise Trade within a year.

The United States fully protects her Shipbuilding, Ship-Repairing and Shipping for her Coastwise trade. Foreign built or owned vessels are not allowed to enter into her Coastwise trade under any circumstances.

The Canadian Shipbuilder is required to meet both British and American competition, under the conditions indicated.

The companies engaged in Shipbuilding and Ship-Repairing in Canada are:-

Halifax Shipyards Limited, Halifax,N.S.
St.John Dry Dock Company, St.John,N.B.
Davie Shipbuilding & Repairing Co.Ltd. Quebec,P.Q.
Canadian Vickers Limited, Montreal,P.Q.
Montreal Dry Dock Company, Montreal,P.Q.
Kingston Shipbuilding Co.Ltd. Kingston,Ont.
Muir Bros. Dry Dock Co.Ltd. Port Dalhousie,Ont.
Midland Shipbuilding Co. Ltd. Midland, Ont.
Collingwood Shipyards Limited, Collingwood, Ont.
Port Arthur Shipbuilding Co.Ltd. Port Arthur,Ont.
Yarrow Bros. Limited, Victoria,B.C.
Prince Rupert Dry Dock & Shipbuilding Co. Prince Rupert, B.C.

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These shipyards have found it difficult to continue. A few of them have been partially engaged in other work, such as structural steel, bridge building, pulp and paper machinery, boilers for domestic use, steel tank work, etc. The majority, however, have been compelled to depend almost entirely on the uncertainties of repair work.

Shipbuilders are expected to maintain their plants in working order, with necessary personnel, supplies and equipment to enable them to carry out repairs at all times. During the season of navigation repairs must be promptly completed. As repair work is intermittent it is costly to maintain a competent force for it alone. Successful Shipbuilding requires both new construction and repair work to keep the yards in operation. Much has been done to improve water transportation so that the Western farmers and other shippers may ship their grain and commodities at advantageous rates.

Except for Repair work, Shipyards throughout Canada have been practically idle for a number of years, while many Ships have been purchased abroad for the Canadian Coasting Trade. Had a fair proportion of these vessels been built in Canada, Canadian trade in general would have been stimulated, for the reason that in the building and equipping of ships the whole industry of the country is directly or indirectly interested.

Thousands of workmen formerly employed in the Shipbuilding industry have been compelled to seek work elsewhere.

Canadian Railways have lost a large volume of business in transportation necessary to supply an active Shipbuilding and Ship Repair industry.

Canadian steel rolling mills and their employees would have benefitted had encouragement been given to the Shipbuilding industry.

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Immigration of both skilled and unskilled workers would have been stimulated.

If the Canadian Shipbuilding industry, through customs duties, is placed in the position to compete in building and repair work with British and American yards, the whole nation will profit.

Arguments against protection and in favor of free trade seem to have no force or effect when applied to ships and shipping. The Shipbuilding industry differs from other industries in that its product is not consumed or marketted in a country in the same sense that other manufactures are. Its operations are limited to the waters of the country, or between it and foreign countries. Ships are property, and in a sense goods, but they are essentially different in their nature and functions from other property and goods. In their character and functions they are means of transportation,- carriers of goods and passengers-. Their rates of carriage in which alone the public are interested, are not determined by either their cost or value, but by competition between routes of travel or transport. A vessel of first class on any given route cannot charge more nor will a vessel of third class receive less than the going rate determined by competition of routes, other means of transportation and factors that are independent of the vessel's cost. Once determined and made public the vessel owner must receive and convey passengers and goods on the terms specified. It is evident, therefore, that the public who travel on, or ship goods by, vessel are not concerned in the vessel's cost; the rates and tolls and the terms of carriage are not fixed or affected by the element of cost of the vessel but by competition of routes, by Statute and the other factors referred to.

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The result is, that the Ship Owner alone suffers from any increased cost of the vessel, and should the imposition of duties increase the cost, he alone must bear the burden which, spread over the vessel's life, would be a slight consideration and of no importance when compared with the advantages to be conferred on the workmen and the public at large.

The shipper cannot but benefit by lower rates of carriage which will result from the building of standard ships, designed for different trades. The occasional vessel that enters a trade in times of high rates and leaves when rates are lower will give place to ships of greater efficiency in the trade able to carry at less expense and lower rates.

No ships are built in Canada for export.

The revenue of vessels is derived from the shipping public, and in turn from the people at large. If therefore there be a compensating advantage in having Canadian ships built in Canada, the public and the shipper are entitled to it.

If the Shipbuilding industry does not receive assistance the business will further decline, until it will practically cease to exist. The situation will be that few ships will be built in Canada, and that little repair work will be done in Canadian ports. Canadian ship owners will be dependent upon American yards for repairs. Insurance rates on ships trading in Canadian ports will be increased by the absence of repair facilities.

It is respectfully submitted that by appropriate legislation a great Canadian industry may be saved to Canada and play a large part in the country's development, without injury but with benefit to the public and to the shipper.

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123398

OTTAWA, March 15, 1933.

Dear Mr. Clergue:

I am duly in receipt of your letter of 10th and have read same with all the enclosures, carefully.

The very subject mainly stressed in these letters was under discussion yesterday in the Committee of the Senate, and no doubt will be very thoroughly reviewed while this Bill is under consideration. There is a British Treaty, so far binding upon Canada, which compels us to make certain favoured nations concessions in respect of our canals. I propose to give careful attention to the question as to just what advantage we secure from this Treaty or for others of similar nature, and how far, if at all, we are permanently bound thereby. It will be my duty to make plain to the Committee all the circumstances bearing on the question.

Very sincerely yours,

Arthur Meighen.

Mr. Francis H. Clergue,
360 St. James St.,
Montreal, Quebec.

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123399

FRANCIS H. CLERGUE
360 ST. JAMES STREET
MONTREAL

March 10th,1933.

The Rt. Hon. Arthur Meighen,
The Senate,
Ottawa.

Personal

Dear Senator Meighen :

I am addressing you personally on the subject of your introduction of the Act of Parliament entitled "British Ships of Canadian Registry," and enclose clipping from the Montreal Gazette of this date which reports your introductory statement.

This Act has a certain relation to the important treaty now under negotiation between the Dominion of Canada and the United States, and which seems quite certain to be ratified by the Senate at the present Special Session of Congress in Washington; this relation I wish to point out to you, as I believe you will appreciate the importance of some suggestions which I have already made to Premier Bennett, but which may not receive his serious consideration in these very hectic times when the Premier is overwhelmed by many difficult problems.

The St.Lawrence Seaway will involve the expenditure of perhaps $300,000,000. during the next five years; the major expenditures will be made between Montreal in Quebec and Prescott in Ontario, mostly on the Canadian side, but credits to Canadian expenditures in construction of the Welland Canal will require the major amount of cash to be supplied by the U. S.

The only serious opposition in Washington has been made by the State of New York, and this has now been withdrawn by agreement reached between that State and the Washington authorities, as shown by the enclosed clipping from the New York Times of March 8th.

I have considered the development of the St.Lawrence Seaway to be the most beneficial project yet devised for the advantage of the two countries concerned; my own undertakings at Sault Ste.Marie when I laid out and built the power canals on the U.S. and Canadian sides of the International Boundary at the outlet of Lake Superior, resulted in the International Boundary Commission Treaty of 1909, and on this Treaty that now pending is founded.

I have done what I have thought to be helpful as an individual to further the progress of these negotiations in Ottawa and in Washington, and it is possible that the Department of External Affairs may have thought my personal efforts to be an interference with the function of public officers.

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But as my personal business affairs have given me quite as wide an acquaintance in Washington as in Ottawa, I have felt justified in exerting any influence I might possess in the furtherance of this meritorious project in both jurisdictions, where my experience in these bi-national waterway conditions could help to bring about a successful issue.

On October 28th,1931, I wrote Premier Bennett offering some suggestions; on October 29th the Premier answered me according to copy enclosed.

Between these dates and February 11th,1933, I advised my acquaintances in the U. S. who could be helpful in the progress of the Treaty in the Senate at Washington, and on February 11th,1933, I wrote Senator Borah, Chairman of the Committee on Foreign Relations, urging that the speedy ratification of the Treaty would have a beneficial effect on the present unemployment conditions. On February 15th I wrote again to Senator Borah and then visited Washington where I discussed with him the importance of immediate ratification and especially urged upon him the wisdom of amending the Treaty in its passage through the U.S. Senate by reserving some form of control by subsequent agreement between the two countries concerned, whereby the benefits of this bi-national waterway, to be created at the expense of the taxpayers of the two countries, might not be turned over to the monopoly of the shipping of foreign nations, whose rules of navigation were so lax and whose scales of wages were so low, as to prevent competition by U. S. or Canadian or British ships.

On my return from Washington, I wrote Senator Borah again and also Premier Bennett, and I enclose copies of these letters, and also a copy of Premier Bennett's reply of February 27th.

I am bringing this information to your notice to emphasize the importance of reserving the first advantages of this costly waterway to the shipping of the countries which propose to create it.

There are certain special benefits to accrue to Canadian steel manufacturers and shipbuilders which should not be publicly discussed before the ratification of the Treaty which I now wish to point out to you:

1st. The coastal laws of both Canada and the U.S. will not be affected by the treaty; U. S. and Canadian ships can trade between all U. S. lakeports and Montreal on equal terms, but U.S. ships cannot trade between Canadian lakeports and Montreal.

2nd. The large lakers - 10,000 to 20,000 tons capacity, which will collect cargoes on the Great Lakes and transfer them to ocean ships at Montreal, cannot be built in other countries and safely cross the ocean for service on the Great Lakes,-these must be built in Canada by the shipbuilding plants between Quebec and Port Arthur, and in the U. S. between Buffalo and Duluth.

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The present Great Lakes fleet is largely composed of ships of 2500 tons capacity, these of course must be replaced and vastly increased in number by ships of maximum capacity, which President Coverdale of the Canada Steamship Lines has shown will be able to transport 725,000 bushels of wheat on 26 feet draft, while an ocean going ship on the same draft will carry only 300,000 bushels. Coverdale's report to the Chamber of Commerce of the State of New York, was offered in opposition to this treaty before the Senate Committee.

With the completion of this Seaway, lake ships of 20,000 tons capacity can pass from Chicago, Duluth or Fort William to Montreal. Ships of this capacity have not yet been built on the Great Lakes, but with the ratification of this treaty the lake shipyards will repeat their former practice of building ships up to the projected draft of the authorized channels, while they are operated on restricted draft during the construction of the improved channels.

The shipbuilding plants in both Canadian and U. S. waters will quickly give a stimulus to industry by beginning as soon as this Treaty is ratified, the construction of large capacity lake ships, which can be profitably operated at part capacity pending the opening of the completed St.Lawrence Seaway.

It is true that there is a considerable fleet of 2500 - 3000 ton freighters now in service between the Great Lakes and Montreal which have been built in British and foreign yards, but while these small ships can be economically constructed to withstand ocean storms, ships of the larger type developed for the enlarged canals could not endure the transatlantic passage,- they would not be insurable.

I am laying these views before you to solicit your support of such amendment to the Treaty as may be made by the U. S. Senate which will favor, so far as may be conformable to international law, the use of this improved waterway byCanadian, British and U. S. ships: the terms of the Treatyas now composed, do not provide this safeguard to Canadian, British and U. S. ships and owned and manned by citizens of Canada, Great Britain and the United States.

To promptly effectuate the Treaty it is desirable that the amendment which I suggest should be adopted by the U. S. Senate, so that if ratified by the Canadian Parliament at its present session, one year in time could be saved in putting it into practicable execution.

Encls.

Sincerely yours,

F. H. Clergue.

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C O P Y

123402

Ottawa, October 29, 1931.

Dear Mr. Clergue:

I thank you very sincerely for your courtesy in sending to me the memorandum regarding the St. Lawrence Ship Waterway which was enclosed in your letter of the 28th October. I will give careful consideration to the suggestions made by you, and in the event of my requiring any further details I will take the liberty of again communicating with you.

Yours faithfully,

Sgd) R. B. Bennett

Francis H. Clergue, Esq.,
360 St. James Street,
Montreal, P. Q.

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123403

C O P Y

February 23rd,1933.

The Hon. W. E. Borah,
Chairman,
Committee on Foreign Relations,
The Senate,
Washington, D.C.

Dear Mr. Chairman:

Referring to my letters of February 11th and 15th and my conversation with you in Washington on the 20th of February regarding the pending St.Lawrence Treaty.

I note your announcement that the Treaty, now favorably reported to the Senate by your Committee,- will be subject to amendments which may be offered and adopted when the favorable report of your committee is under discussion in the Senate.

My letter to you of February 15th, of which I enclose a copy, suggests that the shipping interests of the United States and of Canada -- which of course include all British shipping-- ought to be protected by a paragraph in the text of the Treaty which would conserve to the two adjacent countries the major benefits which will result from the expenditure of their taxpayers' monies in the construction of this seaway, in some suitable formal way that would give notice to all other nations that the use of this domestic waterway between the sea and the Great Lakes is to be exclusive,- will always be subject to rules and regulations which may be mutually established and promulgated from time to time by the two High Contracting Parties.

The significance of this amendment to the Treaty is so evidently beneficial to the two parties, and so perfectly justified on moral as well as political principles, that its acceptance should be unanimous if presented to the Senate in the final passage of the Treaty.

Yours very truly,

(Sgd) F.H.Clergue

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123404

C O P Y

February 23rd,1933.

The Rt. Honourable R. B. Bennett
Premier of Canada,
OTTAWA.

My dear Mr. Premier:

I am troubling you again about the St.Lawrence Waterway Treaty.

I first wrote to offer suggestions about the preliminary negotiations between Canada and the United States on October 28th,1931, and you answered me by your letter of October 29th,1931.

Negotiations between Canada and the U. S. have resulted in the Treaty now pending in the U. S. Senate.

Hoping to help facilitate the early ratification of this Treaty by the U. S. Senate, so that your present Parliament could quickly on its part complete the Treaty, I wrote the Hon. W. E. Borah, Chairman of the Committee on Foreign Relations, on February 11th suggesting early action by his Committee and on February 13th I wrote you on this subject and enclosed to you a copy of my letter to Senator Borah.

Senator Borah's sub-committee brought in to the full committee a favorable report, and thereafter on February 15th, I again wrote Senator Borah calling his attention to what I thought to be an omission in the Treaty of any provision which would protect the two parties concerned from competition in the use of this costly waterway by the ships of other nations whose scale of wages for officers and seamen and whose regulations regarding the construction and operation of vessels were so much below the standard of Canadian and U. S. shipping as to exclude British and U. S. ships from trade in this Bi-national--not International--waterway.

Not wishing to add to your official complexities, I did not trouble you after my letter of February 13th, but I wrote to Minister Herridge on February 16th enclosing to him copies of my letters to Chairman Borah of February 11th and February 15th.

On February 21st I discussed this matter with Senator Borah in Washington, and called at the Canadian Legation, but was not able to see our Minister.

You are, of course, familiar with the present status of the Treaty, and understand the significance of Senator Borah's statement in the Senate when in announcing the favorable report of the Committee on Foreign Relations, he said that amendments would be in order when the report of the Committee was before the Senate for final action.

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The Rt.Hon. R. B. Bennett. 123405 2.

The amendment which I suggest is set out in my letter to Chairman Borah of February 15th, a copy of which I enclose: with this amendment to the Treaty the shipbuilding and shipping industry on the Canadian and United States boundary waters will be rapidly built up and continuously sustained, and I hope you will accept it, if the U. S. Senate should propose it.

Yours very truly,

(Sgd) F. H. Clergue

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123406

COPY

Ottawa.

27th February, 1933.

F. H. Clergue Esq.,
360 St. James Street,
MONTREAL - P.Q.

Dear Sir,-

I have your letter, enclosing copy of a communication which you sent to Senator Borah.

Personal communications addressed to public men in the United States may be of value to their statesmen as indicating individual Canadian views, but the official view must necessarily be presented by the Government of Canada to that of the United States.

Yours faithfully,

Sgd) R.B.Bennett.

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123407

Toronto 2, March 15th, 1933.

Rt. Hon. Arthur Meighen, K. C.,
The Senate,
Ottawa, Ont.

Dear Mr. Meighen,

Shipbuilding Industry in Canada.

We received this morning a copy of the proposed new Shipping Bill. In this connection, I am taking the liberty of enclosing you herewith copy of a letter addressed to the Rt. Hon. the Prime Minister, dated October 11th, 1932. This is a summarization of a number of letters and briefs submitted annually to the Government of the day, without results.

Mr. Bennett, in acknowledging this letter, assured us that our representations would receive consideration when the Budget is being prepared.

I trust you will find time to read our letter.

If there is any additional information that you would like to have, which we can furnish, I will be only too glad to do so.

Thanking you, and with regards,

Yours faithfully,

J. E. Walsh
General Manager.

JEW-S.
Enc.

Walsh
March 15th

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No. 2

123408 9

(copy)

Toronto 2, October 11th, 1932.

Rt. Hon.R.B.Bennett, K.C., P.C.,LL.B.,LL.D.,
Prime Minister of Canada,
Ottawa, Ont.

Dear Mr. Bennett,

Shipbuilding Industry.

Information has been submitted at different times to the Government of the day on the above subject. We believe it has been clearly established that this industry, which is an integral part of our country, is rapidly disappearing. Information in support of this statement has been prepared and submitted from time to time. Particular attention, however, is drawn to the memorandum dated January 1925, enclosed herewith.

The records since 1922 show that the vessels in use both in ocean and lake services have been built outside of Canada, particulars of which we will be glad to furnish if desired.

The position briefly is this;

1. The shipyards throughout Canada have been practically idle for years while ships for our canals and other trade have been purchased abroad.

2. Mechanics and workmen formerly employed in the industry have had to seek work elsewhere, with a loss to Canada of many of its best citizens.

3. Canadian railways have lost a large volume of business in the transportation of materials of various kinds.

4. Canadian steel rolling mills and other industries depending upon the industry have suffered.

5. With the exception of a few upper lake vessels the shipyards of Canada, in which nearly 100 million dollars are invested, have for some years past been practically dependent upon repair work, a large percentage of which has been diverted to American yards because of certain conditions which I will refer to later on.

6. The building and equipping of ships is an industry

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Rt. Hon. R.B.Bennett, K.C., P.C., LL.B., LL.D.

in which nearly every other industry in the country is directly or indirectly interested. Its encouragement would stimulate Canadian trade generally.

Gal. 3

During the progress of the war and for a time after its close, the demand for tonnage both required and justified additional capacity and additional facilities for repairs and shipbuilding plants in Canada, thus entailing further investment of capital, with the result that in the year 1923 there were fifteen fully equipped steel shipbuilding and repair plants. At the present time the shipyards of Canada employ comparatively few. If the industry was placed on a capacity footing, it would mean the employment of thousands of skilled men whose wages would be above the average. Others would find support directly or indirectly from the industry, such as in the production of furniture, furnishings, electric and other appliances, textile goods, hardware, corckery, paint, wire rope, etc. etc.

Large sums have been spent since Confederation in building and maintaining canals, deepening waterways and on other aids to navigation. These are placed without charge at the disposal of the production and transportation interests of the nation and are used free of charge by foreign vessels. The maintenance of the service is paid out of the general revenue of the country.

In this connection, the industry has been seriously discriminated against both in our coasting and customs laws. Foreign vessels under certain conditions are allowed to carry Canadian traffic between Canadian ports in competition with Canadian vessels. The coastwise trade of every country is considered the special right of national to the exclusion of foreign ships, but Canada's coastwise trade has always been open to any British ship in the same manner as to Canadian ships, and by treaty rights Norwegian and certain other ships have equal rights with Canadian ships in Canadian coastwise trade.

As an illustration of how the United States protects this industry, their coastwise laws provide that no merchandise shall be transported by water or by land under penalty of forfeiture, between points in the United States, except in a vessel built in the United States and registered there. On vessels not built in the United States and seeking registration there to engage in trade, a duty of 50% must be paid, and the same duty on repairs. It will thus be observed that under the United States law no ships may engage in coastwise trade unless built, owned and documented in the United States of America. On the other hand, for many years the Canadian fleet has been

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Rt. Hon. R.B.Bennett,K.C.,P.C.,LL.B.,LL.D.

maintained to a considerable extent by the purchase and entering at a small rate of duty of old American vessels that are not only a discredit to the Canadian fleet but whose purchase is a disadvantage to a national industry and all industries concerned.

On all repairs to American vessels made in Canada, the United States collects 50% duty at the first port of call. Canada on the other hand, on repairs to Canadian vessels in United States yards charges a duty of 25%, and payable only if and when the vessels return to Canadian coastwise trade within a year. This means that the charge is frequently not collected.

Our Canadian yards are equipped with floating docks and some of them with marine railways, and in fact are modern taking into consideration the small amount of business they have been able to do during the last few years. A well equipped yard must carry in stock from $150,000 to $500,000 worth of iron and steel to draw from, as well as lumber, timber, and woodworking machinery for immediate repairs. A yard must be prepared when a vessel comes in for repairs to put at least 300 men to work at one shift, night and day. If some action is not taken to remedy the situation there will be less and less of repair work in our shipyards and Canadian shipowners will be dependent upon American yards.for repairs. Insurance rates on ships calling at Canadian ports will be increased because of the absence of repair facilities. In a word, it is fair to suggest that unless some protection is given the industry in Canada we will find ourselves with the increased tonnage offering on the lakes dependent upon American vessels for its transportation.

As stated at the outset this matter was brought to the attention of the late Government on several occasions by this Association and other organizations directly interested. We suggested at one time the Government might consider it proper to appoint a small commission to inquire into the whole subject and in that way determine what the future of the industry is to be.

I am also attaching copy of a resolution recently adopted by the Chamber of Commerce of the District of Levis, dated July 18th, 1932, and endorsed by this Association at a meeting of our Executive Council a few days ago.

Thanking you for your consideration, and with regards, I am,

Yours faithfully,

J.E. WALSH,

Gen. General Manager.

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123400

347 Bay Street, Toronto,
March 16, 1933.

My dear Senator Black:

As stated to you in conversation last evening, I received telegram (copy enclosed) from Sidney T. Smith, President, Winnipeg Grain Exchange. Am also enclosing herewith copy of my reply.

Yours very truly,

Arthur Meighen.

Hon. Senator Frank B. Black,
Sackville, N. B.

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No. 5

16

Form 6125, replacing Form 4TW long.

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	D L
Night Message	N M
Night Letter	N L

If none of these three symbols appears after the check (number of words), this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

CANADIAN NATIONAL TELEGRAM

HEAD OFFICE, TORONTO, ONT. W. G. BARBER, GENERAL MANAGER

Exclusive Connection with WESTERN UNION TELEGRAPH CO. Cable Service to all the World Money Transferred by Telegraph

STANDARD TIME

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~~BO~~ TORONTO ONT 16 10A

RT HON ARTHUR MEIGHEN

HU

IF SYDNEY T SMITH OF WINNIPEG IS CORRECTLY QUOTED IN THE TORONTO MAIL OF MARCH SIXTEENTH I SUGGEST THAT IT WOULD BE IN ORDER TO REPLY TO HIM AND SAY THAT THE PROPOSED PROTECTION TO CANADIAN COASTAL SHIPPING IS MERELY ON A PARITY WITH THAT NOW ENJOYED BY FOREIGN SHIPS IN THEIR OWN COASTAL TRADE AND FURTHERMORE THAT WITH ABOUT TWENTY FIVE MILLION STORAGE ELEVATOR SPACE AVAILABLE AT GEORGIANBAY PORTS IT IS NOT UNREASONABLE TO PROPOSE THAT OUR TWO CANADIAN RAILWAYS SHOULD BARTICIPATE TO A GREATER DEGREE IN THE HAULAGE OF OUR OWN CANADIAN GRAIN FROM BAY PORTS TO THE SEABOARD

JAMES B FOOTE

~~1644A~~

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CANADA

No. 4.

15

FORM 6124

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	D L
Night Message	N M
Night Letter	N L

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RT HON A MEIGHAN

LEADER OF SENATE OTTAWA ONT

WE ARE MEMBERS OF WINNIPEG GRAIN EXCHANGE OWNING FIVE MEMBERSHIPS AND OTHER VESSEL OWNERS EQUALLY INTERESTED OWN AND CONTROL GREAT NUMBER OF OTHER MEMBERSHIPS WE ARE FULLY ENTITLED TO CONSIDERATION AS WELL AS MR SMITHS INTERESTS AND WE SINCERELY REQUEST YOU TO GIVE THE PROPOSED CHANGES TO THE SHIPPING ACT EVERY SUPPORT IN ITS PRESENT FORM IN THE INTEREST OF CANADA FOR CANADIANS

N M PATERSON PRESIDENT PATERSON STEAMSHIPS LTD.

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CANADA

LAKE TRANSPORTATION

No. 6

123414

17

Inland Shipping Co. Ltd.

C.B.A.C. GRAIN EXCHANGE

Winnipeg, Man.

March 16th, 1933.

The Rt. Hon. Arthur Meighen, K.C., P.C.,

Ottawa, Ont.

Dear Sir:-

With reference to telegram sent you yesterday by the President of the Winnipeg Grain Exchange, regarding "The Canada Shipping Act", as reported in this morning's Free Press, I beg to advise you that if such telegram was sent, it is not the unanimous opinion of the members of the Grain Exchange, or of the Council of the Grain Exchange.

May I refer briefly to each paragraph in the wire, as reported in the paper:-

1. "IT WOULD COMPEL ALL SUCH GRAIN TO BE SHIPPED THROUGH U.S. SEA-BOARD PORTS."

It stands to reason this must be an extravagant statement. As the new Act merely puts the same restrictions on American tonnage in Canada as the American Act puts on Canadian tonnage in the States, it surely would not mean that our grain would be diverted through United States channels, as under the new Act grain can still be shipped from Fort William via United States ports or via Canadian ports - whichever route is the cheaper.

2. "IT WOULD TEND TO CREATE A VIRTUAL MONOPOLY IN FREIGHTS TO MONTREAL BY SHUTTING OFF COMPETITION OF CANAL STEAMERS FROM LAKE ERIE TO MONTREAL."

This is a direct contradiction of paragraph No. 1. No monopoly in freights can be created as the Government, through the Board of Grain Commissioners, has power to set rates and has already exercised this power. Furthermore, Port Colborne is a Lake Erie port.

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3. "IT WOULD PREVENT CANADIAN GRAIN STORED AT LAKE ERIE PORTS FROM REACHING EUROPEAN MARKETS WHEN OCEAN MOVEMENT IS MORE FAVORABLE VIA MONTREAL THAN VIA U.S.SEA-BOARD PORTS."

This paragraph attempts to confuse the issue. It suggests that under the new Act grain could not be moved to either U.S. or Canadian Atlantic ports, which is not a fact.

Great stress is laid on the fact that grain normally moves forward to Buffalo first and then forwarded either to U.S. or Canadian ports. This is only an innovation of the last two or three years and has been encouraged by the laxity of our law, compared with the American law.

You understand the run from Fort William to Buffalo is only seventy-two hours, so that no detriment is placed in the way of grain being shipped from Fort William either to U.S. or Canadian ports - the only restriction being that if it goes from Canadian seaboard ports it will be carried in Canadian ships, and if it goes out via American ports it can be carried in either American or Canadian ships.

4. "ANY UNDUE NON-COMPETITIVE INFLATION OF RATES TO MONTREAL WOULD ULTIMATELY REACT TO THE DISADVANTAGE OF THE PRODUCER."

The sentiments expressed in this paragraph are not as altrustic as they might sound as most of the shippers have financial arrangements with the Buffalo elevators and thus benefit by the amount of grain handled by American elevators. Some of them own or partially control elevators at Buffalo.

The writer has been in the shipping business on the Great Lakes for the past twenty-four years, using both American and Canadian tonnage, and can state definitely that the contention on the shippers' part that the new Act will in any way, shape or form alter the routing of grain, deter free movement through either American or Canadian ports, or raise the freight rates one iota, is a "bugbear" very much exaggerated, but which has been wielded ardently to obscure the issue and actually protect personal interest in Buffalo, to the disadvantage of Canadian shipping.

Yours very truly,

A. E. Spendlove,
Manager.

AES/NS.

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No. 8. 123416 23

On train to Vancouver,
16th March, 1933.

The Rt. Hon. Arthur Meighen,
The Senate,
Ottawa, Ont.

Dear Sir: Re Canada Shipping Act.

The immediate incident which leads me to trouble you with a letter is a press dispatch in the Regina paper referring to the definition of "Coasting Trade of Canada" in the revision of the above statute. The paper attributes to the Government the intention to restrict the lake grain carriage to Canadian ships. This is not really the case. The motive was to enable Canada, if she saw fit, to take the stand that the Coasting Trade of Canada on the Great Lakes includes a carriage from one Canadian port to another even if the journey be broken by a trans-shipment of the cargo at an American Port. The United States have a similar law, or at least they administer their law, with a similar result; e. g., a shipment from Duluth to Buffalo is part of U. S. Coasting trade even if the shipment is trans-shipped at a Canadian port (e. g. , Midland). I cannot quote their law as I have not the book with me. In conversation with an American grain dealer he spoke of such a shipment having been attempted but discontinued because of a threat by U. S. Customs officials to confiscate the cargo. How they trace and identify such a cargo after trans-shipment, I did not accurately learn, but I think it is by the documents-- for example the contract for the sale of the grain; the invoice, Bill of Lading and insurance policy may clearly indicate that the cargo is in fact a through cargo, though it be taken from one ship at Midland and put into an elevator and then re-loaded into another ship for Buffalo. Of course, such a transaction actually alters the identity of the grain, but the Americans ignore this fact, and in fact, treat the cargo as being the same throughout, and thus debar Canadian ships from this trade. We should at least have the same right.

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Whether we enforce it is a matter of Departmental action and the Bill contains Section 774 which gives the Governor-in-Council power to exempt any particular trade from the general Section 772 (1). Therefore, if the Government of Canada should find that the ousting of American ships from the Canadian grain trade between Canadian ports (with trans-shipment at Buffalo) increases the grain rate unfairly to Canadian farmers, they can temper the wind by an O/C.

The U. S. A. interpret their coasting law in a highly national manner. For example, they will not permit the C. P. R. to book freight from Chicago to Skagway via C. P. R. steamer at Vancouver. They argue that this is a carriage from one American terminus to another and as part of it (i. e., Vancouver to Skagway) is in a Canadian bottom, it is an infringement of their law. Therefore, you find the words "any part of such carriage" in our definition. We must have at least the power to retaliate. I believe they even threaten to prevent the booking of passengers on a through contract from interior U. S. points to Alaskan points via C. P. R. steamer at Vancouver. So far they have not actually stopped it, but regard it as a concession.

Speaking of the Bill generally, I should have been glad if I had been offered an opportunity of going over it with you. There can be no denying that the English act of March 1932 (Safety & Load Line) is very confusing. It is (if one may say so) very complicated in its method and draftsmanship. It was a work of many days (with very expert departmental help) to transpose it and apply it to our Act. Whether this has been successfully done will not be known until you receive advices as to how our Bill is received in London. I trust I may be advised as to what comments are made upon it there and in Canada, as I am concerned that it should be as nearly a good job of work as possible.

I prepared a Brief for the Minister of Marine on various points and have been adding to it daily since I left Ottawa, as I read over the draft. I believe you might get some slight help from it.

I had occasion to meet the Hon. Ian MacKenzie with whom I am on friendly terms and he volunteered the remark that he would be glad to have from me any explanations on the Bill which would aid him in understanding all its provisions and particularly all changes from existing statute.

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He added that if he were not given any such explanations he (and others) might ask numerous questions and delay or embarrass the passage of the Bill. The request appeared perfectly friendly and I felt it to have been made in the hope of freeing me, as the draftsman, from the possibility of unfriendly criticism. I did not, of course, promise anything, but beg to inform you of the conversation in case you or the Minister of Marine should decide to give him the whole (or part) of the Brief prepared for the Minister. There is nothing in it which (so far as I remember) would prove embarrassing for the Government, even if it were in the hands of the Opposition.

I shall be in Vancouver tomorrow and, needless to say, will be happy (without any charge) to answer any questions which you or the Minister may think fit to pass on to me either by letter or wire. I found the work of revision very interesting, but much more laborious than I had anticipated, because of the English Act and those very troublesome international conventions which fell to be implemented.

~~With best wishes for your success with all the problems of these trying times,~~

I am,

Yours very truly,

Martin Griffin.

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123419 Shipping

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347 Bay St. Toronto,
March 16, 1933.

Dear Mr. Smith:

I received your telegram of 15th last night just before leaving. I had, however, the opportunity to advise the Chairman, Senator Black, of its receipt, and am passing a copy to him to-day. He will not receive it until about Monday as he was leaving immediately for his home in New Brunswick.

As stated to you over the telephone, you may be sure the representations made on behalf of the Winnipeg Grain Exchange will be presented to the Senate Committee which is considering this Bill. As Senator Black will doubtless advise you, and as I stated to you also over the phone, I have not the least doubt the Senate Committee will be pleased to hear any representations made by the Winnipeg Grain Exchange.

The Committee will reconvene on Tuesday morning, the 28th instant, at eleven o'clock, and will probably be meeting daily for at least two subsequent days.

Very sincerely yours,

Arthur Meighen.

Sidney T. Smith, Esq.,
President, Grain Exchange,
Winnipeg, Manitoba.

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OTTAWA, March 17, 1933.

Dear Mr. Foote:

I am in receipt of your telegram of yesterday.

You may depend upon it the view which you express and your telegram will subsequently be laid before the Committee of the Senate which has charge of this Bill.

Yours very truly,

Arthur Meighen.

Mr. James B. Foote,
Foote Transit Co.,
64 King St. E.,
Toronto, Ont.

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Shipping

OTTAWA, March 17, 1933.

Note

Dear Mr. Paterson:

I am in receipt of your telegram of yesterday.

You may depend upon it the view which you express will be laid before the Committee of the Senate which has charge of this Bill.

Yours very truly,

Arthur Meighen.

Mr. N. M. Paterson,
President,
Paterson Steamships Ltd.
Fort William, Ontario.

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Toronto 2, March 21st, 1933.

Rt. Hon. Arthur Meighen, K. C.,
The Senate,
Ottawa, Ont.

Dear Mr. Meighen,

I am very much obliged for yours of the 18th advising that if our organization desires to be heard and makes application accordingly, you feel that the Committee would be prepared to hear us. Thank you very much for your kindness, and if our Executive decides that they would like to appear I will advise you at the earliest possible moment.

With regards,

Yours faithfully,

General Manager.

JEW-S.

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12342 Shipping Bill

OTTAWA, March 18, 1933.

Dear Mr. Walsh:

I have your letter of 15th which I have read with care, and as well the enclosure.

The representations you have made will be carefully borne in mind when this Bill is before Committee. Should your organization desire to be heard, and make application accordingly, I feel sure the Committee would be prepared to hear you.

Yours very truly,

Mr. J. E. Walsh,
Canadian Manufacturers Association,
1401 Bank of Hamilton Bldg.,
Toronto, Ont.

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OTTAWA, March 21, 1933.

Dear Mr. Spendlove:

I am in receipt of your letter of 16th.

You may depend upon it the view which you express will be laid before the Committee of the Senate which has charge of this Bill.

Yours very truly,

Arthur Meighen.

Mr. A. E. Spendlove,
Inland Shipping Co. Ltd.,
Grain Exchange,
Winnipeg, Man.

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Note

OTTAWA, March 21, 1933.

Dear Mr. Clergue:

I received your very interesting letter of 16th March, which I have read with the greatest care.

I do not think you need fear anything being said in the Senate to damage the reception the Treaty may obtain in the United States. You know, of course, that it is not to be presented to our Parliament until it has first passed the American Senate.

I shall preserve your letter and may make reference to it again, but neither it nor its contents will be used in any public way.

Yours very truly,

Mr. F. H. Clergue,
360 St. James St.,
Montreal, Que.

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FRANCIS H. CLERGUE
360 ST. JAMES STREET
MONTREAL

123426

March 16th 1933.

Personal and Confidential.

The Rt. Hon. Arthur Meighen,
The Senate
Ottawa.

Dear Senator Meighen:

I have received your letter of the 15th of March in reply to mine of the 10th relating to the St.Lawrence Seaway Treaty.

I do not intend to occupy your time with prolonged correspondence on this subject, but I feel that I ought to say that in my opinion - the Treaty - even in its present form - will be of such immediate and enduring value to Canada that if ratified by Washington it should be accepted without argument, by Canada.

If, without raising disputes as to the comparative advantages to the two countries which will accrue from the functioning of this Treaty, some clause can be added by the U. S. Senate which will preserve to the two countries immediately concerned the right, by subsequent mutual agreement, to give to Canada, United States and British shipping, some preferential advantages in the use of this binational waterway, by regulations which will not be inconsistent with International Law, or with Favored Nations Treaties,- this alone will be of enormous advantage to the industrial as well as to the maritime interests of both countries.

The Treaty in its present form is of such prime importance to Canada, that nothing should be said in public discussion in the Ottawa Senate which would arouse doubt in the Washington Senate as to the equality of advantages to both countries; any suggestion of this nature, or public argument about it in Ottawa, would instantly kill the Treaty just where it stands in the U. S. Senate, and it will never again breathe the breath of life.

If the Treaty should come from Washington, ratified only in its present form, and be amended by Ottawa and then returned to Washington, my opinion is that would be the end of it.

Our Minister to Washington is of course in close touch with the State authorities there and is informed as to the official policy regarding this Treaty; but any unfriendly critic, however insignificant on the floor of the Senate, who had sufficient knowledge of the comparative benefits gained by the two parties to this Treaty, to enable him to point out Canada's superior gains, could in a speech of ten minutes defeat any project of the U.S. administration for its ratification.

A U. S. Senator correctly informed and desiring to defeat the ratification of this Treaty, could show :

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1. That the commerce making use of the St.Lawrence Seaway would consist 4/5ths of U. S. exports and imports and 1/5th Canadian.

2. That although this new and more economical facility for trans-ocean commerce would doubtless increase the development of both agricultural and industrial activities in the U. S., the immediate effect would be to proportionally diminish the earnings of the railroad transportation systems of the U. S., the fundamental securities of which are the basic investments of the United States Insurance Companies, Trust Companies and indeed of the total U. S. financial structure.

3. That the Canadian seaports from the Montreal terminus of this binational waterway will become ports of interchange of U. S. and foreign commerce likely to exceed in importance and magnitude that of Liverpool and of Hamburg, and that all of the benefits of this interchanging of traffic will be enjoyed within Canadian territory.

4. That the coastal laws of the two countries will permit Canadian ships to trade between any of the U.S. ports and Montreal, while U. S. ships cannot trade between Canadian ports and Montreal - unless, of course proceeding to sea.
- But all who are informed by experience about the differing conditions between seagoing and lakegoing ships, agree that, except for cargoes of high value or especial character, seagoing ships will profit most by exchanging cargoes at the terminus of the St.Lawrence system.-

5. That this projected St.Lawrence Seaway which can only be created by the consent of the U. S. and its contribution of one-half the cost, and which will afford the preferential benefits to Canadian shipping indicated in the foregoing, will create in Canadian territory adjoining the Northwestern States - which are the principal promoters of this project,- the most active competition in the same industrial and agricultural occupations which they expect to benefit from the St.Lawrence Seaway.

6. That while the principal U. S. railroads are to suffer grave losses in traffic, with no compensating gains, the Canadian railways, paralleling this seaway, will be electrified by the cheap hydro-electrical power created by this successful waterway competitor, built largely with contributions from the U. S. taxpayers, so that from Quebec to Montreal to Toronto to Hamilton and to Detroit, these Canadian railways will be operated at 25% less operating cost, than their competing, steam operated U. S. railroads on the South side of the boundary.

While I consider it to be most beneficial to both countries concerned that the Treaty should be amended in some inconspicuous manner by the U. S. Senate, so that at any time after its ratification, regulations may, by mutual agreement, be made effective to favor Canadian,British and U. S. shipping making use of this Seaway, I much prefer to see it ratified, as now drafted, by Washington and Ottawa, than to risk its being wrecked in Washington by any discussion in Ottawa which would necessarily involve a response from the Treaty's opponents in Washington.

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As a private person I am of course able to discuss a matter of this international significance with individual members of the U. S. Senate with whom I have personal acquaintance, but with whom our diplomatic representatives in Washington could not possibly confer,- in like manner I feel that I as a Canadian of especial experience in this matter, can give you my views more freely and fully that I could to our Prime Minister.

The opposition to this Treaty in Washington is not without power and influence; it includes all the railroads in the territory between Chicago and Boston, New York, Philadelphia and Baltimore; all the Banks, Insurance Companies and investors in this vast territory comprising the wealthiest portion of the United States who hold the securities of these railways to the amount of many billions of dollars.

If any senator in Washington were to state the case of the U. S. on the floor of the Senate regarding this Treaty as I have set it out above, it would never reach the consideration of your colleagues in Ottawa.

But notwithstanding the specially immediate advantages to Canada, the ultimate benefits will doubtless be mutual, and the U. S. railroads will before long make up from the increased development of their contiguous territory, for the immediate loss of traffic to the Seaway.

Ex-President Hoover was the active promoter of this Seaway project; President Roosevelt is only an indifferent supporter and is primarily interested in the utilization of the hydraulic power susceptible of development on the New York State boundary of the St.Lawrence River. New York City, Albany and many powerful, financial as well as political New York interests are opposed to it.

Canada cannot of course officially take any further steps in the matter; if the U.S. Senate should introduce and adopt the amendment which I proposed to the former Chairman, Senator Borah, I cannot conceive of any reason why the Canadian Parliament should not accept it with profound thanks.

But I sincerely hope that no discussion will arise in the Canadian Parliament which will disturb the apparently peaceful progress of the Treaty toward its ratification at Washington.

I will not trouble you with further correspondence; my advice is that our Government should use every effort practicable to get this Treaty through this special session of the Congress in Washington; it will never have another opportunity.
Canada's benefits are at least 3 to 1.

You will, I am sure, appreciate the caption "confidential" which I have given to this communication.

Sincerely yours,

F. H. Clergue

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No. 7.

F. C. HERTELFINGER, PRES.
F. J. WELLS, VICE PRES.

R. T. EVANS, VICE PRES. & GEN. MANAGER
R. W. STEWART, ASS'T. MANAGER & ASS'T. SEC'Y.
C. F. DEAVER, TREASURER

J. E. McGUIRE, SEC'Y & ASS'T. TREAS.
R. J. DEEGAN, ASS'T. SEC'Y.

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BRITISH AMERICA ELEVATOR COMPANY, LIMITED.

WINNIPEG, MAN., March 22, 1933.

The Hon. Arthur Meighen K.C.,
Senate Chamber,
Ottawa, Canada.

Dear Mr. Meighen:-

We understand that Senate Bill J, dealing with the Coastal Laws of Canada (I believe same being termed the Canada Shipping Act) is to come before the Senate shortly, and we as a grain exchange are interested in that phase of the situation pertaining to the transportation of commodities from one Canadian port to another Canadian port.

We note in the last issue of "Toronto Saturday Night" a statement is made to the effect that this shipping act will not emerge from the Senate this year, and I would appreciate it very much if you would wire me upon receipt of this letter your views with respect to its being passed in whole or in part at this Session as if so, we understand you advised arrangements would be made for representation of the Exchange to appear before the Senate Committee.

As we understand the proposed change in the Canada Shipping Act, it would be impossible for grain shipped from Fort William to Montreal or any other Canadian port via Buffalo to be carried ~~to~~ over any part of the ~~world~~ route in American vessels.

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J. E. MCGUIRE, SEC'Y. & ASS'T. TREAS.
R. J. DEEGAN, ASS'T SEC'Y.
123430
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BRITISH AMERICA ELEVATOR COMPANY, LIMITED.

WINNIPEG, MAN.

The Hon. Arthur Meighen, cont'd.

Buffalo has played an important part, and one advantageous to Canadian wheat producers in the exporting of Canadian grain. Grain put into Buffalo has been available for shipment via U.S. ports or Canadian ports whichever offered the cheaper transportation.

In a highly competitive market such as the world grain market, the difference of even a fraction of a cent per bushel will determine the movement of grain. Thus the competition between the two routes has tended to maintain the advantage ~~boasted~~ possessed by Canada over certain other exporting countries, and to promote the sale abroad of Canadian grain, and since all expenses incurred in the marketing of the grain must be figured as deductions from the going world price, the return to the producers increases as these expenses decline, or is reduced as these expenses rise.

Legislation which had the effect of destroying the competition between the two transportation routes available out of Buffalo and other Lake Erie ports on the American side, or which forced the shipper to determine before shipping from Fort William by which of two routes the grain should be transported, must restrict the market for Canadian grain to an appreciable extent.

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J. E. MCGUIRE, SEC'Y. & ASS'T. TREAS.
R. J. DEEGAN, ASS'T SEC'Y

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BRITISH AMERICA ELEVATOR COMPANY, LIMITED.

WINNIPEG, MAN.

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The Hon. Arthur Meighen, cont'd.

If it also had the effect of enabling the rates charged by Canadian coastal ships to be raised, it would inflict on the producers a loss to be calculated, not merely on the grain deflected from the U.S. route, but on the whole volume of Canadian grain shipped from Canadian ports.

The arguments against the proposed legislation may be briefly summarized as follows,-

1. It would compel all such grain to be shipped through United States seaboard ports.

2. It would tend to create a virtual monopoly in freights to Montreal by ~~shedding~~ shutting off the competition of canal steamers from Lake Erie to Montreal.

3. It would prevent Canadian grain stored at Lake Erie ports from reaching European markets when ocean movement is more favorable via Montreal than via U.S. seaboard ports.

4. Any undue non-competitive inflation of rates to Montreal would ultimately react to the disadvantage of the producer.

You can readily see from the above that we are interested only in so far as grain prices might be affected should the Act be brought into effect, as we now understand the anticipated change, and would like your consideration of the matter from that standpoint.

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R. J. DEEGAN, ASS'T SEC'Y

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BRITISH AMERICA ELEVATOR COMPANY, LIMITED.

WINNIPEG, MAN.

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The Hon. Arthur Meighen, cont'd.

~~With kindest regards, I am,~~

Yours very truly,

R T Evans

RTE/ED.

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W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

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Copy of this TELEGRAM has also been sent our parliament House Office for delivery.

C.P.R. TELEGRAPH

HON ARTHUR H MEIGHEN,

THE SENATE, OTTAWA ONT

SHIPPING INTERESTS HERE RESPECTFULLY URGE THAT ACTION BE DELAYED ON SHIPPING BILL TO ALLOW ADEQUATE CONSIDERATION BY INTERESTS CONCERNED STOP ASSURANCE HAS REPEATEDLY BEEN GIVEN THAT OPPORTUNITY FOR STUDY WOULD BE AFFORDED AND WE SUGGEST THAT ANNOTATED COPIES BE MADE AVAILABLE AND BILL POSTPONED TO NEXT SESSION.

J H HAMILTON,

SEC VANCOUVER CHAMBER OF SHIPPING

1235AM 24TH

123433

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CANADA

123434

FRANCIS H. CLERGUE
360 ST. JAMES STREET
MONTREAL

March 24th 1933.

The Right Hon. Arthur Meighen,
The Senate,
Ottawa.

Dear Senator Meighen :

The St.Lawrence-Deep Waterway Treaty seems likely to be ratified in Washington immediately, and as a protective provision safeguarding the special rights of Canadian, British and U. S. ships is now lacking in the terms of the Treaty, I have telegraphed Senator Borah today according to copy enclosed.

My object is explained in the telegram, as well as in previous correspondence with Senator Borah, but in case the text of the pending Treaty and that of 1909 are not at the moment available to you, I quote in full :

Article 1. Treaty of 1909.

"The High Contracting Parties agree that the navigation of "all navigable boundary waters shall forever continue free and open "for the purposes of commerce to the inhabitants and to the ships, "vessels, and boats of both countries equally, subject, however, "to any laws and regulations of either country, within its own "territory, not inconsistent with such privilege of free navigation "and applying equally and without discrimination to the inhabitants, "ships, vessels, and boats of both countries.
" It is further agreed that so long as the treaty shall remain "in force, this same right of navigation shall extend to the waters "of Lake Michigan and to all canals connecting boundary waters, and "now existing or which may hereafter be constructed on either side "of the line. Either of the High Contracting Parties may adopt "rules and regulations governing the use of such canals within its "own territory and may charge tolls for the use thereof, but all "such rules and regulations and all tolls charged shall apply alike "to the subjects or citizens of the High Contracting Parties and the "ships, vessels, and boats of both of the High Contracting Parties, "and they shall be placed on terms of equality in the use thereof."

Article VII, Pending Treaty.

"The High Contracting Parties agree that the rights of "navigation accorded under the provisions of existing treaties between "the United States of America and His Majesty shall be maintained, "notwithstanding the provisions for termination contained in any of "such treaties, and declare that these treaties confer upon the "citizens or subjects and upon the ships, vessels and boats of each "High Contracting Party, rights of navigation in the St.Lawrence River, "and the Great Lakes System, including the canals now existing or which "may hereafter be constructed."

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As you know I regard the ratification of this treaty, in corrected form, as the most helpful aid to present unemployment conditions; but what is of vastly greater and of more permanent benefit to Canada is the artificial improvement of this natural artery between the midcontinent and the Great Seas.

So far as transit of commerce between the Great Lakes and the Great Seas is to be considered, the United States now and for all future time will inevitably benefit in about the same proportion as the respective territorial populations bear to each other - perhaps five to one in favor of the U.S.; so far as supplying watershed to sustain this waterway, Canada furnishes at least five to one; so far as cost of artificially improving this natural artery of commerce is concerned, Canada agrees to contribute one-half. These conditions would seem to balance very heavily against Canada, but there is a counterweight which should bring the scale to an equitable balance, consisting of four elements:

1st. Under Article I of the Treaty of 1909, Canada may impose tolls on traffic through canals within Canadian territory, equal, of course, on British, U. S. and Canadian ships,- but it is necessarily implied that differential tolls may be imposed on ships of other nations; this condition practically enables Canada to restrict commerce using this waterway to British, Canadian and U. S. ships.

2nd. As this commerce will consist of U. S. traffic in the proportion of about five to one, and the two termini of the canal system are within Canadian territory, the tolls to be established can easily be made to cover the carrying charges of the total Canadian construction costs, while still encouraging the largest use of the canals,- 5/6ths of these tolls will be paid into Canada's treasury by ships carrying U. S. cargoes.

3rd. As the coastal laws of the two countries are not effected by the pending treaty, it follows that ships flying the Canadian and British flags may freely trade between Montreal and all the U. S. lake ports, while U. S. ships cannot trade between Montreal and Canadian lake ports. This incidental advantage will be of great importance to the shipbuilding and ship operating industries of Canada if, as I believe will result, the principal use of this waterway will consist of cargoes brought to and from Montreal for export and import, transfer to and from ocean going ships taking place in Montreal,- just as between ships in Liverpool and Hamburg- and to and from railroad terminals and ships in New York.

4th. This interchange of commerce at Montreal should build that port up to the most important on the Continent; the present dock system there which is now fully used in favorable seasons, will need to be extended and greatly enlarged, with specially designed storehouses for the economical handling of import and export package cargoes, with bonding facilities and probably a "free port" section will need to be established for the convenient disposition of foreign goods.

A lighterage system as extensive as that in New York Harbor and Liverpool will need to be established.

The present fleet of combined passenger and package freight ships which now sail from Montreal to several British and continental ports

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will be amplified by regular direct sailings to many other foreign ports and when these sailings are profitably established from Montreal in the season of open navigation they will be continued from St.John and Halifax in Winter.

Weighed against each other the advantages individual to each country would seem to strike an equitable balance.

There is one geographical section which evidently stands to gain beyond all others, and that is the Province of Quebec which strange to say, is actively antagonistic to the St.Lawrence Waterway project; within the limits of its City of Montreal will be expended more than one hundred millions of dollars in the construction of this waterway and in the provision of the necessary port facilities for handling the terminal traffic of the Waterway; the present harbor activities will rapidly and progressively increase until Montreal's commerce will exceed that of any other ocean port.

I am outlining to you the St.Lawrence Waterway case quite fully from the Canadian viewpoint, dear Senator Meighen, in advance of its presentation before Parliament so that you may have the foregoing information to meet the criticism of objectors.

Yours very truly

J.L.Ilsley

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Collingwood Shipyards Limited

~~DRY DOCK PROPRIETORS & STEEL SHIPBUILDERS~~

~~ENGINE & BOILER MAKERS~~

also copy herein attached

H. B. SMITH
PRESIDENT

~~1006 ROYAL BANK BUILDING~~

Toronto, Ont. 25th March, 1933

Rt.-Hon. Arthur Meighen,
The Senate,
Ottawa, Canada.

My dear Senator:

In connection with the Act respecting Shipping in Canada which is now before the Senate, I am enclosing herewith a Memorandum which I recently prepared regarding SHIPBUILDING AND SHIP REPAIRING IN CANADA. I feel assured that you will read this Memo with interest, and if you have not already given consideration to the matters dealt with therein, I am sure you will agree that Shipbuilding and Ship Repair work in Canada is in a mighty bad way and needs some real assistance.

C. & Lic.

Section 770 of the Bill provides that no foreign-built British ship shall be entitled to engage in the Coasting Trade of Canada until it has first obtained a license for that purpose; and Section 771 provides that a license to such foreign-built British ship shall only be issued upon the payment of a duty of 25%. This has been in effect for many years and is alright so far as it goes, but the duty should be raised to at at least 30%. My contention is that all ships built outside of Canada and desiring to engage in the Canadian Coasting Trade should only be allowed to exercise that right on payment of Customs Duties, - in the same way as British ships which are foreign-built have been treated.

There is surely just as much reason for imposing duty on a ship built outside of Canada that desires to enter the Canadian Coasting Trade as there is in imposing a duty on a foreign-built motor car or a railway locomotive coming into Canada.

While it is true that there are a super abundance of ships on the Great Lakes and that it may be years before any more are built for Grain trade, yet it is equally true that from time to time special ships, such as Oil Tankers, Self-Loading and Un-Loading ships, are built in England for Canadian Coastwise Trade. An Import Duty of 30% on these ships would put the Canadian Builders on a competitive basis, and a few contracts would help the Shipbuilding Industry very much.

Anything you may do to assist the cause of the Shipbuilding Industry will be much appreciated.

Faithfully yours,

H. B. Smith.

H. B. Smith
President.

~~HBS:I~~

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MEMORANDUM

February 9th, 1933

SHIPBUILDING AND SHIP-REPAIRING IN CANADA

There is no duty on British ships entering the Canadian Coastwise Trade between Canadian ports, or on ships of any Country seeking Canadian registration for the purpose of engaging in foreign trade, and a duty of 25% only is imposed on ships and other vessels built in a foreign country if British registered since September 1922 on application for license to engage in the Canadian Coasting Trade.

It is assumed that Canada has the right to impose Customs Tariff Duties against British ships built outside of Canada, in the same manner in which it now imposes Customs Duties on foreign-built British ships; that a British ship, no matter where built or where registered, will have the right to engage in the Coasting Trade of Canada, but in the case of a ship built outside of Canada, whether built in Great Britain or in some other part of the Commonwealth, she may be allowed to exercise that right only on payment of Customs Duties, in the same way as British ships which are foreign-built are now treated. This of course is contingent on Parliament amending the law so as to make Customs Tariff Duties apply against all ships built outside of Canada, and we suggest and recommend for your consideration;-

2nd

1. No vessel shall be permitted to engage in the Coasting Trade of Canada except vessels built in Canada or registered in Canada prior to (date of legislation).

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Should Parliament be unwilling to reserve for Canadian Shipyards the exclusive building of vessels for the Canadian Coasting Trade, then it is suggested,-

2. No vessel shall be permitted to engage in the Coasting Trade of Canada except vessels built in Canada, provided however that vessels built in Great Britain or in any of the British Dominions may engage in the Coasting Trade of Canada upon payment of Customs Tariff Duties at the rate of thirty per centum (30%) of the cost of the vessel when new.

Should Parliament be unwilling to prohibit Coasting to British vessels on the parts of the Canadian Coast where vessels classed for full Ocean service engage in trade for a part of the year and go into other world trade for the balance of the year in competition with foreign registered vessels, it is suggested,-

3. No vessel shall be permitted to engage in the Inland Coasting trade of Canada between Quebec City and the United States boundary on Lake Superior, except vessels built in Canada, provided however that vessels built in Great Britain or any of the British Dominions may engage in such Inland Coasting Trade after payment of Customs Duties at the rate of thirty per centum (30%) on the cost of the vessel when new.

From 1922 to the end of 1929 vessels have been purchased abroad by Canadian owners as follows:

From Great Britain:

142 Ships for Canadian Coastwise Trade, valued at approximately	$24,000,000.00
And prior to 1922, more than 140 ships valued at	24,000,000.00
37 Ships for Ocean Service, valued at	50,000,000.00

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From United States:

232 Old Ships for Canadian Coastwise Trade, depreciated value $23,000,000.00

And prior to 1922, more than 50 ships at a depreciated value of 3,000,000.00

Canadian Shipbuilders are manifestly at a disadvantage as regards building and repairing ships for Coastwise Trade. The main reasons, so far as building ships is concerned, are that the higher wages paid in Canadian yards and the higher cost of materials, coupled with existing tariff regulations, prevent them from competing on even terms with British builders, or against old American vessels which are brought into Canada on the payment of low duties based on low valuations.

On the cost of repairs made to American ships in Canadian ports, a duty of 50% is charged and collected at the first American port of call. When Canadian vessels are repaired in United States yards a duty of only 25% is imposed by the Canadian Government and is payable only when and if the vessel re-enters the Canadian Coasting Trade within a year.

The United States fully protects her Shipbuilding, Ship-Repairing and Shipping for her Coastwise Trade. Foreign-built or owned vessels are not allowed to enter into her Coasting Trade under any circumstances.

The Canadian Shipbuilder is required to meet both British and American competition, under the conditions indicated.

The companies engaged in Shipbuilding and Ship Repairing in Canada are:-

Halifax Shipyards Limited,	Halifax, N.S.
St.John Dry Dock Company,	St.John, N.B.
Davie Shipbuilding & Repairing Co.	Quebec, P.Q.
Canadian Vickers Limited,	Montreal, P.Q.
Montreal Dry Dock Co.Limited,	Montreal, P.Q.
Kingston Shipbuilding Co.Ltd.	Kingston, Ont.
Muir Bros. Dry Dock Co.Ltd.	Port Dalhousie, Ont.

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Midland Shipbuilding Co. Limited, Midland, Ont.
Collingwood Shipyards Limited, Collingwood, Ont.
Port Arthur Shipbuilding Co. Ltd. Port Arthur, Ont.
Yarrow Bros. Limited, Victoria, B.C.
Prince Rupert Dry Dock & Ship'g. Co. Prince Rupert, B.C.

These Shipyards have found it difficult to continue. A few of them have been partially engaged in other work, such as structural steel, bridge building, pulp and paper machinery, boilers for domestic use, steel tank work, etc. The majority however have been compelled to depend almost entirely on the uncertainties of repair work.

Shipbuilders are expected to maintain their plants in working order, with necessary personnel, supplies and equipment to enable them to carry out repairs at all times. During the season of navigation repairs must be promptly completed. As repair work is intermittent it is costly to maintain a competent force for it alone. Successful shipbuilding requires both new construction and repair work to keep the yards in operation. Much has been done to improve water transportation so that the Western farmers and other shippers may ship their grain and commodities at advantageous rates.

Except for Repair work, Shipyards throughout Canada have been practically idle for a number of years, while many ships have been purchased abroad for the Canadian Coastwise Trade. Had a fair proportion of these vessels been built in Canada, Canadian trade in general would have been stimulated, for the reason that in the building and equipping of ships the whole industry of the country is directly or indirectly interested.

Thousands of workmen formerly employed in the Shipbuilding Industry have been compelled to seek work elsewhere.

Canadian Railways have lost a large volume of business in transportation necessary to supply an active Shipbuilding and Ship Repair Industry.

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Canadian Steel Rolling Mills and their employees would have benefitted had encouragement been given to the Shipbuilding Industry.

Immigration of both skilled and unskilled workers would have been stimulated.

If the Canadian Shipbuilding Industry, through Customs Duties, is placed in the position to compete in building and repair work with British and American yards, the whole nation will profit.

Arguments against protection and in favor of free trade seem to have no force or effect when applied to ships and shipping. The Shipbuilding industry differs from other industries in that its product is not consumed or marketed in a country in the same sense that other manufactures are. Its operations are limited to the waters of the country, or between it and foreign countries. Ships are property, and in a sense goods, but they are essentially different in their nature and functions from other property and goods. In their character and functions they are means of transportation, -carriers of goods and passengers. Their rates of carriage in which alone the public are interested are not determined by either their cost or value, but by competition between routes of travel or transport. A vessel of first-class on any given route cannot charge more,nor will a vessel of third class receive less than the going rate determined by competition of routes, other means of transportation and factors that are independent of the vessel's cost. Once determined and made public the vessel owner must receive and convey passengers and goods on the terms specified. It is evident, therefore, that the public who travel on or ship goods by vessel are not concerned in the vessel's cost; the rates and tolls and the terms of carriage are not fixed or affected by the element of cost of the vessel but

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by competition of routes, by Statute and the other factors referred to. The result is, that the Ship Owner alone suffers from any increased cost of the vessel, and should the imposition of duties increase the cost, he alone must bear the burden, which, spread over the vessel's life would be a slight consideration and of no importance when compared with the advantages to be conferred on the workmen and the public at large.

The shipper cannot but benefit by lower rates of carriage which will result from the building of standard ships designed for different trades. The occasional vessel that enters a trade in time of high rates and leaves when rates are lower will give place to ships of greater efficiency in the trade able to carry at less expense and lower rates.

No ships are built in Canada for export.

The revenue of vessels is derived from the shipping public and in turn from the people at large. If therefore there be a compensating advantage in having Canadian ships built in Canada, the public and the shipper are entitled to it.

If the Shipbuilding Industry does not receive assistance the business will further decline, until it will practically cease to exist. The situation will be that few ships will be built in Canada and that little repair work will be done in Canadian ports. Canadian Ship Owners will be dependent upon American yards for repairs. Insurance rates on ships trading in Canadian ports will be increased by the absence of repair facilities.

It is respectfully submitted that by appropriate legislation a great Canadian Industry may be saved to Canada and play a large part in the country's development, without injury but with benefit to the public and to the shipper.

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Shipping
113 120444

OTTAWA, March 25, 1933.

Dear Mr. Young:

I have your letter of 16th with enclosure of editorial. For once in your history you are entirely wrong this time. The prestige of "British" ships the world over is great, and shipping people everywhere are, so far as we can learn, unanimously of the view that it would be a great mistake to lose the asset that this name is to our shipping. The other parts of the Empire are doing the same, and Canada would certainly cut a rather sorry figure seeking to go off by itself. Aside from the value, which shipping people should be able to estimate better than others, I do not like the idea of gradually snuffling off every sign and signal that there is a British Empire in existence. Certainly Canada has shown that her policy is "Canada First", and that can never be in doubt.

Yours very truly,

Ellison Young, Esq.,
The Border Cities Star,
Windsor, Ont.

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LARGEST EVENING CIRCULATION IN WESTERN ONTARIO

The Border Cities Star

A NEWSPAPER
DEVOTED TO COMMUNITY SERVICE

Windsor, Ontario

123445

March 16th, 1933.

The Rt. Hon. Arthur Meighen,
The Senate,
Ottawa, Canada.

My dear Mr. Meighen:

The enclosed appeared in our paper a few days ago. It occurred to me that you might be interested in seeing it.

With kindest regards,

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Ellison Young

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"Canada Second"

There's no such thing as Canadian nationality, and, it appears, there's going to be no such thing as a Canadian ship, either.

Mr. Meighen introduced the new shipping bill in the Senate this week. It is designed, Ottawa explains, to remove "Canadian ships and shipping from under the wing of the Imperial Shipping Act, and under all-Canadian legislation. The Dominion's ships, under the new act, will be known as 'British ships of Canadian registry'."

The Government leader, introducing the bill, said: "We have as much right to the title of 'British ships' as the United Kingdom. The question arose as to whether we should retain the title of 'British ships' or adopt a new title of 'Canadian ships.' It was decided to retain the title 'British ships' and in that way a oneness of the great British Mercantile Marine is, by the very fact of the title, maintained. Our ships become 'British ships of Canadian registry'."

The decision of Mr. Meighen—and presumably of Mr. Bennett—may please Toronto imperialists and a few others here and there, but we cannot imagine that it will score very heavily throughout the country. For the life of us we can't see why a nation as large and important as Canada cannot have "Canadian ships." Why this continual and apparently studied endeavor to keep our country in a secondary position? We could understand it if it came from across the sea, but are bewildered when we see Canadian statesmen continually lending themselves to this sort of thing.

In the last general election campaign we heard a good deal of a policy called "Canada First." The present Government seems to have quite forgotten this slogan in drawing up the new shipping bill.

Disarmament

Lord Londonderry, Secretary for ... of the whole-hearted

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OTTAWA, March 25, 1933.

Dear Mr. Saunders:

I am just in receipt of your letter of 18th March.

You may depend upon it the view which you express and the Resolution enclosed will subsequently be laid before the Committee of the Senate which has charge of this Bill.

Yours very truly,

Mr. E.A. Saunders,
Secretary,
Board of Trade,
Halifax, N. S.

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252 Argyle Ave.,
Ottawa, Ont.,
March 25th, 1933.

The Right Honourable,
Senator Arthur Meighen, K.C. P.C.
Senate,
Ottawa, Ont.

113

Dear Senator Meighen:-

Re Bill "J",
Re coasting law provisions thereof.

I am enclosing a memorandum which I have prepared relating to the coasting laws of Canada and their relation to the problems of the all Canadian lake carrier.

For many years the all Canadian lake carriers have endeavoured to obtain protection against the encroachments by the American carrier on the Canadian traffic on the Great Lakes system, but up to date without results.

It was hoped Bill "J" would provide this protection. It does to the extent of reserving to ships of British register, the all Canadian route even with the circumventions of the past few years known as the Buffalo route.

But there is still lacking the prohibition to the operations of American controlled Canadian companies operating British register ships, except perhaps, by the indirect method of incorporating into the new Canadian Act, the general registration regulations of the English Act. These include the principle of the "Polzeath" case no doubt, but those principles have been the established law pertaining to Canada even under the present Canada Shipping Act. Even with this hidden prohibition as we might call it, the American controlled companies have continued to operate.

No doubt if the prohibitions requested by the all Canadian carriers are incorporated into the new revision by the use of the clauses relating thereto as appeared in Bill 74 of last year, and which are omitted from Bill "J", the desired result will be obtained. It would at least be direct instead of indirect as formerly. The omitted clauses are: the definition of foreign controlled companies (sec.2) and the prohibition to foreign controlled ships of British register of engaging in the coasting trade, (sec.3, ss,2).

Yours very sincerely,

F. Hugh Keefer

F. Hugh Keefer.

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MEMORANDUM RE COASTING LAWS (CANADA SHIPPING ACT) AS RELATING TO THE INLAND WATERS OR GREAT LAKES.

HISTORY

The coasting laws of Canada as set out in the Canada Shipping Act, R. S. C. 1927, Chapter 186, Part, XVI, were first enacted in Canada in 1870, by Chapter XIV, of the Statutes of that year. Previous to 1870 the coasting laws were set out in the Imperial Merchant Shipping Acts and Customs Acts and were applicable to Canada.

The preamble to the Canadian Act of 1870 is as follows:

"WHEREAS by an Act of the Parliament of the United Kingdom passed in the 32nd year of her Majesty's reign and entitled "An Act for amending the law relating to the coasting trade and Merchant Shipping in British possessions", it is among other things in effect enacted, that after the commencement of the said Act, the Legislature of a British possession by an Act or Ordinance, from time to time may regulate the coasting trade of that British possession subject, in every case to certain conditions mentioned in the said Acts and embodied and enacted in this Act, and that section one hundred and sixty three of the Act of the Parliament of the United Kingdom known as "The Customs Consolidation Act" 1853, which is in the following words "No goods or passengers shall be carried from one port in any British possession in Asia, Africa or America to another port of the same possession except in British Ships", shall be repealed as and from the date in the case of each British possession, at which either an Act or Ordinance with respect to the coasting trade, made within two years after the commencement of the Act first above recited, in such British possession, comes into operation, or if there is no such Act or Ordinance, at which the said two years expire; and that the first cited Act shall be proclaimed in every British possession by the Governor thereof, as soon as maybe after he receives notice of the said Act and shall come into operation in that British possession on the day of such proclamation, which day is in the said Act referred to as the commencement thereof; AND WHEREAS the said Act was so proclaimed by the Governor of Canada on the twenty-third day of October now last past; AND WHEREAS it is expedient to exercise in the manner hereinafter, the powers vested as aforesaid in the Parliament of Canada".

Prior to this time the coasting trade of the United Kingdom was limited to British ships but was about to be opened to all ships and but for the passing of the Imperial Act of 32 Vic. Chap. 11, giving power to the British possessions to enact and regulate their own coasting laws within two years, after the passing of the Imperial Act, the coasting trade of the possessions would have also been opened to ships of all nations.

The Canadian Act of 1870, by section 1, thereof, defined the

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coasting trade, the definition being in practically the same language as section 935 of the present Act which reads as follows:

> "No goods or passengers shall be carried by water from one port of Canada to another, except in British ships",

and it has remained as such up to the present time.

The 1870 Act gave power to the Governor-in-Council by section 2,

> "To declare that the foregoing provisions of this Act shall not while such order-in-council is in force, apply to the ships or vessels of any foreign country in which British ships are admitted to the coasting trade of such country and to carry goods and passengers from one port or place in such country to another and may from time to time revoke or alter such order-in-council".

This power of suspension of the coasting laws remained as such until 1923 when the present section 938 reading as follows:

> "The Governor-in-Council may from time to time by order-in-council declare that the foregoing provisions of this part shall not, for the period specified in such order-in-council, apply either throughout Canada or in any specified waters of Canada, to the ships or vessels, or to any specified ascertainable class or number of the ships or vessels of any foreign country",

was enacted. The 1923 amendment enlarged the powers of suspension to cover "ships or vessels of any foreign country" and "throughout Canadaor in any specified waters of Canada", thereby giving power to let in the American fleet on the Great Lakes in competition with the Canadian fleet.

The only other change made from the original Act of 1870 was one made in 1903, when by section 933, of the present Shipping Act, foreign built ships of British register since 1st September 1902, were prohibited from engaging in the coasting tra de of Canada, unless licensed therefore and on payment of a 25% ad valorem duty; and a further amendment in 1924 treating vessels captured or seized by British forces during the Great War or ceeded by enemy states to Great Britain or British Nationals by the reparations Commission, as entitled to the rights of a British ship.

Other than above, the provisions of Part XVI of the Canada Shipping Act have remained as originally enacted in 1870.

DEVELOPMENT OF GREAT LAKES TRAFFIC.

Vast changes have taken place on the Great Lakes water route since the original coasting law of 1870. The first elevator for grain at the Head of the Lakes was constructed and operated in 1884. Since that time the grain trade of Canada has advanced by leaps and bounds, with the elevator capacity at the Head of the Lakes increasing to 26 million bushels storage capacity in 1911, and to nearly 90 millions storage in 1931. The movement of Canadian grain down the Great Lakes route has correspondingly increased to the vast amount of 404 million bushels in the peak year

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of 1928.

In addition to the movement of Canadian grain over the Great Lakes system, there has also been large increases in the movement of American grain over that route and to a considerable amount (185 million bushels in 1928) by means of the Canadian route for export.

Of recent years the route via Vancouver has developed into a very important factor in the movement of Canadian grain, with the movement via that route increasing from 25 millions bushels in 1923 to 104 millions in 1932, taking that increasing amount away from the Great Lakes route.

The Hudson Bay route may be also a factor in the grain traffic but time only will tell as to the effect of that route.

Other bulk commodity movements of American products on the Inland water system are important as having a bearing on the transportation facilities and rates. The iron ore movement has increased from 3½ million tons in 1885 to 64 million tons in the peak year of 1929; coal to 39 odd million tons in 1929 and stone to 16 odd million tons in the same year. These bulk movements are almost entirely limited to ships of American register as they are almost entirely in the American coasting trade. Such of these movements as are of an international character are open to Canadian ships but the amount is very small. The result has been that a large American fleet has developed with numerous bulk cargo ships of immense tonnage capacity on the Upper Lakes. This fleet is many times larger both in numbers and in carrying capacity as compared with the Canadian fleet. The coal movement is for the greater part a west bound movement whilst the other bulk commodities is an east bound movement with the iron ore and stone trade being at its maximum in the summer months of July August and September, as against the spring and fall movement of grain.

The Canadian east bound movement of grain has proven to be a very attractive one for American ships. This traffic as from the Head of the Lakes to Canadian ports direct, being limited to ships of British register, the practice grew up previous to 1903, of American built ships transferring to British register, thereby entitling them to the benefits of the Canadian coasting trade. This was prevented in 1903 by the amendment to the Canadain coasting laws, prohibiting foreign built ships of British register from engaging in that trade except such as were of British register previous to 1st September 1902.

Of more recent years with the continued attractions of the extensive Canadian grain movement on the lakes, American interests have evolved a further method of evading the principles of the Canadian coasting law, by forming companies under Canadian law, purchasing the cheaper built bulk carrier specially designed for the shallow canals of the St. Lawrence River and operating these ships under the guise of Canadian corporate ownership but with control management and direction from places outside of Canada, principally Buffalo. Some 37 of these ships are engaged in the

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Canadian trade to the detriment of the all Canadian owned and operated fleet.

PORT OF BUFFALO.

The position of the Port of Buffalo is of particular mention in the Canadian grain trade on the Great Lakes. Its geographical situation is like the hub of a wheel. It can ship via the St. Lawrence route according to the attractiveness of that route and can also ship via the New York State Barge canal or by the all rail route to American Atlantic ports with several competing lines of railways for the all rail route. Its proximity to the great Atlantic sea ports of New York, Philadelphia, Boston and Baltimore affords special advantages over Canadian ports such as Montreal and in winter, the Maritime ports, in being able to fill demand space in Atlantic liners and distress and tramp tonnage out of those American seaboard ports.

Also the American Customs laws by affording milling of grain in bond, enables Buffalo to carry on a large milling industry in Canadian grain with the result that this port is the largest milling centre on the continent and has some 45 million bushels of elevator storage capacity, the largest on the lower lakes.

This has the effect of attracting to Buffalo large quantities of Canadian grain which for the most part is transported in, ships of American register, over 85% of that movement being in that class of ships. Of the total movement of Canadian grain over the Great Lakes system, to both American and Canadian ports, from 40 to 50% moves in ships of other than British register. For the period 1913 to 1931 nearly half of the movement was via the port of Buffal

There has also developed a considerable movement of grain of Canadian origin, from the Port of Buffalo to the Port of Montreal, ranging from 9 to 50 million bushels per year being carried for the most part in ships of British register of which ships owned and operated by American controlled Canadian Companies play a considerable part. Such latter class of ships are operated by American concerns who either operate American ships on the Upper Lakes, or who work in conjunction with those who do.

This would seem to be in direct violation of the principles of the Canadian coasting law, it being in reality a movement between two Canadian ports; but being carried on as an international movement from the head of the lakes to Buffalo and a similar class of movement from Buffalo to Montreal, it has in the past, been open to both American and Canadian ships.

UNITED STATES COASTING LAW.

The coasting law of the United States is very clear and definite as to its definition. It does not permit a movement such as Head of the Lakes-Buffalo-Montreal if conditions and territory were reversed, except in American ships. Under that law, the transport of American grain from Upper Lakes ports such as Chicago, Milwaukee or Duluth to Georgian Bay ports or Port Colborne, thence

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thence to American Atlantic ports, is restricted to ships of United States register, though when consigned to Canadian ports for storage, is open to ships of British register.

As an instance of the strict enforcement by the United States of its coasting laws, in 1932, a considerable amount of American grain was in storage at Georgian Bay ports. In former years this grain would be routed from bay ports by rail to either Montreal or American Atlantic ports for export; but in 1932 the routing of this grain was changed to Buffalo by water and only ships of American register were entitled to carry it.

The United States law is also definite and clear as to ownership, providing when corporate ownership is involved, 75% of the capital stock or voting power thereof, must be held by United States citizens free from any fiduciary relationship or trust in favor of other than United States citizens; also limiting the amount of foreign ownership of stock to 25% directly or indirectly. It also provides in cases of corporate ownership, that the president and managing directors must be United States citizens and in all instances the ship must be built in the United States; its command and all officers in charge of a watch, including pilots, must also be United States citizens. The same percentage of ownership applies to partnerships or associations. For other than the coasting trade, majority ownership applies.

The protection given to American ships is very jealously guarded and rigidly enforced. So much so that some years ago one of the large Canadian steamship companies owned majority capital stock in an American company operating two ships of American registry in the American coasting trade. Knowledge of this came to governmental officials and the Canadian company was given but seven days to comply with the law with the result the ships had to be disposed of at a very considerable loss.

During the war Canada and the United States suspended their coasting laws in favor of each other. In 1919 the United States discontinued this privilege to ships of British register and upon inquiry being made through official Canadian sources to Washington, the reason was given as "apparent scarcity of business on the Lakes for American ships". (Reference, Hansard, 1919, p,1110).

A great number of British register ships owned by all Canadian companies have been idle on the Great Lakes for the past few years due to lack of business, yet American controlled companies continue to operate British register ships in violation of the law as to ownership due to lack of adequate provision therefore in Canadian shipping laws and American ships continue to carry Canadian grain in contravention of the Canadian coasting law, again due to adequate provision or clarity in the law to prevent or prohibit such infractions.

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BILL #74 OF 1932, TO AMEND THE CANADA SHIPPINGACT.

This Bill was designed to meet the annual demands for years back, by the Canadian Lake interests to have the Canadian coasting law put on a parity with that of the United States.

It proposed by section 1,thereof to more clearly define the coasting law in similar manner as defined by the United States law.

It proposes by section 2, to define foreign control in relation to corporate ownership by fixing the requisite ownership required to be by British subjects at 75% and limiting the amount of foreign ownership to 25%, for the purposes of the Canadian coasting trade. It followed the United States law in this respect.

It proposed by section 3, to limit the coasting trade to British register ships and to prohibit ships owned by foreign controlled corporations from engaging therein, and by subsections 3,4,&5, to change the penalties for infractions thereof by placing such on a tonnage basis, and also to make provision for enforcement of penalties. Again following the United States law.

The definition of the coasting trade was limited to the "inland waters of Canada". This was a result of opposition from certain interests in the Maritime provinces who alleged that in the coal movement in that area, ships were under charter and the percentage of ownership was not known.

Objection to the percentage of ownership control was also made by the Imperial Oil Company who operate tankers in the coasting trade and also by the C.P.R who operate passenger steamers carrying merchandise on the Upper Lakes, also in the coasting trade but these objections were overcome by exemting that class of trade from the operation of the control principle.

Also objection generally to the Bill was made by the sailors engaged on ships owned and operated by foreign controlled companies engaging in the grain trade on the grounds that the passing of the Bill would throw them out of employment. Such would not be the case as the all Canadian ships lying idle would immediately be put into commission and any such alleged unemployment would have been immediately absorbed into those ships as well as further employment in the lines of trade as would be augmented by the idle all Canadian ships being brought into commission.

Any ships owned and operated by foreign controlled companies would still be entitled to engage in the international trade on the Great Lakes system, which trade is of considerable volume e.g. the movement of American grain via the Canadian route, the pulp and pulpwood, sugar and other commodities moving westward from the St. Lawrence River to American ports.

GRAIN RATES.

The western grain interests make strong objection to any change in the coasting law on the ground that such will result in

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increased grain rates on grain moving east via the great lakes, and that the all Canadian lake fleet will combine to put up these rates.

The matter of lake freight rates has since 1923 always been under governmental control by reason of the passing in that year of

(1) The Inland Water Freight Rates Act. R S.C. cap. 208.
(2) Power by the Governor in council of suspending the coasting laws thereby permitting American ships to coast in Canada and compete with the all Canadian ships.
(3) The Combines Act, R.S.C. chap. 26.

c/ge flash

INLAND WATER FREIGHT RATES ACT.

This Act gives power to the Board of Grain Commissioners for Canada to fix maximum rates on grain for export from the head of the lakes. Where rates exceed the maximum as so fixed, penalties are provided such as imprisionment and fine, and prohibition to the carrier of collecting any excess freight over the maximum fixed by the Board.

The above Act was passed in 1923 as a result of the recommendations of the Royal Commission of Inquiry and report on "Lake Grain rates" and appears in recommendation (1), page 53, of that report.

SUSPENSION OF COASTING LAWS.

This was also recommended in the Lake Grain Rates report as recommendation (2) page 53, of that report. The amendment to the Canada Shipping Act in 1923 enlarged the powers of suspension of the coasting laws to include ships of any foreign country. This power was exercised during the years 1923 to 1928 both inclusive, during which years some 37 odd million bushels of Canadian grain moved between two Canadian ports direct in American ships.

HANDICAP OF CANADIAN CARRIER.

The movement of Canadian grain from the head of the lakes is an easterly one with very little reverse movement available to Canadian ships as compared to the large coal movement west bound between American lake ports, permitted only in American ships. This results in the American carrier after discharge of west bound cargo at American lakehead, if no return cargo is available there, of proceeding to Canadian lakehead, a short run, and taking return cargo of Canadian grain at rates prohibitive to the Canadian carrier restricted to a one way movement. Even more so is the advantage to the American carrier in the movement of American coal to Canadian lakehead which for the most part is in American ships.

The large iron ore movement, with its profitable rates, quick despatch at both ends, peak movement in the summer months when very little Canadian grain moves, further enables the large American carrier to come into the Canadian grain trade in the spring and fall rush of that trade, and carry at rates prohibitive to the Canadian carrier.

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The Canadian carrier also suffers lengthy delays under load at Montreal, due to lack of ocean space at times, and to lack of elevator storage capacity at that port. These delays averaged in 1929, over 13 days per trip, over 10 days in 1930, over 9 days in 1931 and over 4 days in 1932. The average time spent in lower lake ports by the American carrier over a similar period was less than one day. No additional charge for these delays can be made by the Canadian carrier, due to lack of demurrage clause in Bills of Lading by reason of opposition thereto by the grain interests. Delays at Montreal cost the carrier ¼¢ per bushel per day. The results are obvious.

The net result of the competition of the American carrier with its advantages over the Canadian carrier is that surplus American tonnage is dumped on the Canadian market in unfair competition, with heretofore no protection at all to the Canadian industry.

CANADIAN GREAT LAKES FLEET.

The present Canadian fleet consists of 177 ships of the lower lake type called "canallers", with a total tonnage of 325,853 gross tons, limited to the St. Lawrence canal draft of 14', and 52 ships of the upper lake type with a total tonnage of 250,742, gross tons. Total fleet, 229 ships, of 576,595 gross tons, exclusive of passenger ships and oil tankers.

With proper deductions for other trades the grain carrying capacity per season is 240 million bushels for the Montreal route and 72 millions to Bay and lower lake ports as far as Kingston, or a total of over 300 million bushels per season for the Canadian route.

As the average amount of Canadian grain transported over the great lakes system for the years 1919 to 1931 incl, is some 256 million bushels, it can be observed that ample carrying capacity exists for the requirements of the entire Canadian crop as moves down the great lakes. With Vancouver yearly increasing its tonnage away from the great lakes route, it is even more so within the ability of the all Canadian fleet to take care of any demands that may be made upon it. Sir Alexander Gibb in the National Ports Survey report at page 79, section 160, states that the lake and canal fleet is far in excess of present requirements.

The American lake fleet is many times larger than the Canadian.

A digest of the figures of bulk commodity movements on the great lakes seems to show that during the years of peak movements in the iron ore and coal trades, rates on grain were high and lower as that peak falls off. This was the result when in past years the Canadian grain trade was so much dependent on the American carriers. The Canadian fleet has developed to such an extent that the grain trade need no longer be at the mercy of the foreign carrier as heretofore.

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BILL "J", SENATE.

Under this Bill which is a complete revision of the shipping laws, so far as the coasting trade is concerned, only part of Bill 74 of 1932, is included.

The more clear definition of the coasting trade is provided in section 3, (12) in similar terms as in Bill 74, except that Bill "J" does not limit the coasting trade to the Inland waters of Canada as did Bill 74.

Section 772 of Bill "J" follows the provisions of section 3 of Bill 74, except subsection (2) thereof is omitted as is also the definition of a foreign controlled company as provided by section 2, of Bill 74.

Ottawa,
March,
1933.

F. Hugh Keefer.

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Toronto, March 27, 1933.

113

Mr. R.T. Evans,
British America Elevator Co.,
Grain Exchange,
Winnipeg, Man.

UNDERSTAND INTENTION IS DEAL FINALLY WITH SHIPPING BILL THIS SESSION BETTER WIRE CHAIRMAN BLACK OF DESIRE TO BE HEARD AND SUGGEST SOME TUESDAY WEDNESDAY OR THURSDAY STOP WRITING

ARTHUR MEIGHEN

COLLECT

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Shipping

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OTTAWA, March 27, 1933.

Dear Mr. Evans:

I just received your letter of 22nd and have sent the following reply:

"Understand intention is deal finally with Shipping Bill this Session. Better wire Chairman Black of desire to be heard and suggestisome Tuesday, Wednesday or Thursday. Writing."

I follow carefully the arguments you advance against reserving coastwise shipping when a transshipment at an American port intervenes as for Canadian vessels only. Very strong arguments have been advanced the other way. I understand, however, that the Bill does not finally effect this objective, but merely empowers the Government to effect it.

I am not quite clear as to argument 3 on the third page.

The representations you have made will in any event be brought before the Committee, but probably those whose views you represent will want to be heard.

Yours very truly,

Mr. R. T. Evans,
British America Elevator Co.,
GrainExchange,
Winnipeg, Man.

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Note

1 2 3 4 5 6 Offprinting

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OTTAWA, March 27, 1933.

Dear Mr. Griffin:

I have your letter of 16th March which I have read with very great care and interest.

I have not yet had an opportunity to study Bill J in detail, but have given it some hurried consideration. It struck me at once that it was a carefully provided measure, and others who have been able to give more time to it have expressed the same view and in most laudatory terms.

I understand thoroughly what you have placed before me in your letter, and need only add that you seem to have your father's power of lucid exposition.

Very sincerely yours,

Mr. Martin Griffin, K. C.,
Barrister,
Vancouver, B. C.

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On train to Vancouver

12346 16 March 1933

To the Rt Hon Arthur Meighen 8

The Senate

Ottawa

re Canada Shipping Act.

Dear Sir

The immediate incident which leads me to trouble you with a letter is a press despatch in the Regina paper referring to the definition of "Coasting Trade of Canada" in the revision of the above statute. The paper attributes to the Government the intention to restrict the lake grain carriage to Canadian ships. This is not really the case. The motive was to enable Canada, if so saw fit, to take the stand that the Coasting Trade of Canada, on the great Lakes includes a carriage from one Canadian port to another even if the journey be broken by a trans-shipment of the cargo at an American Port. The United States have a similar law, or at least

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they administer their law, with a similar result: e.g. a shipment from Duluth to Buffalo is part of U.S. coasting trade even if the shipment is trans-shipped at a canadian port (e.g. Midland). I cannot quote their law as I have not the book with me. In conversation with an American grain dealer he spoke of such a shipment having been attempted but discontinued because of a threat by U.S. customs officials to confiscate the cargo. How they trace & identify such a cargo after trans-shipment I did not accurately learn but I think it is by the documents - for example the contract for the sale of the grain; the invoice, Bill of lading & insurance policy may clearly indicate that the cargo is in fact a through cargo though it be taken from one ship at Midland & put into an elevator & then re-loaded into another ship for Buffalo.

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Of course such a transaction actually alters the identity of the grain but the Americans ignore this fact & in fact treat the cargo as being the same throughout & thus debar Canadian ships from this trade. We should at least have the same right. Whether we enforce it is a matter of Departmental action and the Bill contains section ~~766~~ 774 which gives the Governor - - - Council power to exempt any particular trade from the general section ~~766~~ 772(1)x. Therefore if the Government of Canada should find ~~that~~ the ousting of American ships from the Canadian grain trade between Canadian ports (with trans-shipment as Buffalo) increases to grain rate unfairly to Canadian farmers they can transfer the coastal by an O/C.

The U.S.A. interpret their coasting law in a highly national manner. For example they will not permit the C.P.R. to book freight from Chicago to Skagway - via C.P.R. steamer at Vancouver. They

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argue that this is a [illegible] from one American terminus to another and as part of it (i.e. Vancouver to Skagway) is in a Canadian bottom it is an infringement of their law. Therefore you find the words "any part of such carriage" in our definition. We must have at least the power to retaliate. I believe they even threaten to prevent the booking of passengers on a through contract from interior U.S. points to Alaskan points via C.P.R. steamer at Vancouver. So far they have not actually stopped it but regard it as a concession.

Speaking of the Bill generally; I should have been glad if I had been offered an opportunity of going over it with you. There can be no denying that the English act of March 1932 (Safety & Load Line) is very confusing. It is (if one may say so) very complicated in its method & draftsmanship. It was

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a work of many days (with very expert departmental help) to transpose it and apply it to our Act. Whether this has been successfully done will not be known until you receive advices as to how our Bill is received in London. I trust I may be advised as to what comments are made upon it there and in Canada as I am concerned that it should be as nearly a good job of work as possible.

I prepared a Brief for the Minister of Marine on various points and have been adding to it daily since I left Ottawa, as I read over the draft. I believe you might get some slight help from it.

I had occasion to meet the Hon Ian Mackenzie with whom I am on friendly terms and he volunteered the remark that he would be glad to have from me any explanatories on the Bill which

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would aid him in understanding all its provisions and particularly all changes from existing statute. He added that if he were not given any such explanations he (& others) might ask numerous questions & delay & embarrass the passage of the Bill. The request appeared perfectly friendly & I felt it to have been made in the hope of freeing me, as the draftsman, from the possibility of unfriendly criticism. I did not, of course promise anything but beg to inform you of the conversation in case you or the Minister of Marine should decide to give him the whole (or part) of the Brief prepared for the Minister. There is nothing in it which (so far as I remember) would prove embarrassing for the Government, even if it were in the hands of the Opposition.

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I shall be in Vancouver tomorrow and, needless to say, will be happy (without any charge) to answer any questions which you or the Minister may think fit to pass on to me either by letter or wire. I found the work of revision very interesting but much more laborious than I had anticipated because of the English Act and those very troublesome international conventions which fell to be implemented.

With best wishes for your success with all the problems of these trying times.

I am

Yours Very truly

Martin Griffin

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With apologies for Jonah -

Would suggest you have it typed before trying to read it

Martin Luffin

Ottawa

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OTTAWA, March 28, 1933.

Dear Mr. Foote:

I have your letter of 25th and have noted carefully the representations you make herein, supplementary to what you have made already by telegram. I will see that these views are presented.

Yours truly,

Arthur Meighen.

Mr. J. B. Foote,
Foote Transit Company Ltd.,
64 King St. East,
Toronto, Ont.

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Foote Transit Company Limited

54 King St. East

Toronto 2, Canada March 25, 1933.

new file re shipping

113

The Rt. Hon. Arthur Meighen,
The Senate,
OTTAWA, Canada.

Dear Sir: Re: Bill "J" - An Act representing Shipping in Canada.

Further to the proposed revision of the Canada Shipping Act which will I understand come before the Committee of the Senate sometime next week, I beg to say that as a Lake Vessel Owner and Operator the Bill, generally speaking, appeals to me.

There is, however, one feature which if in order I would like to see enlarged upon, that is to say, Section 3, Clause 5, the definition of a "British Ship" and the Ownership thereof.

If it were possible to confine the Ownership to the Seventy-five Percent British Subject Clause, I feel that it would be a forward step and a great protection to Canadian Shipbuilding and Ship Owners. If necessary the Clause might be modified to cover only ships on the Great Lakes (excluding Tankers and Oil Carriers; and be not made retroactive so as to affect ships now in the Great Lakes trade which were built largely by Foreign Owners with a duly Incorporated Company in Canada).

The thought behind this suggestion is to once again put our shipyards into operation when there is a demand for new tonnage; as the Towns of Collingwood, Midland and Port Arthur where shipyards are located are now very heavily burdened by reason of relief extended to unemployed ship workers, sailors, etc.

Again, rather than let a prospective purchaser of a ship for some selfish motive buy a large Carrier in the United States at a distressed price, and endeavour to transfer her to British Registry at a low valuation for Customs purposes, the whole situation would be vastly improved for Canadian Lake trade and shipping generally, if the valuation were based on a reproductive basis of a ship of the same kind and type in Canada at the present time.

Trusting I have made a fair presentation of my viewpoint on the situation, I am,

Yours very truly,

J. B. Foote

JBF/D PRESIDENT.

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OTTAWA, March 28, 1933.

Dear Mr. Clergue:

I have your letter of 24th March; also personal letter of that date, and as well c opy of your letter to Senator Borah. All of these I have read carefully.

What I would like to get in connection with this matter is a sort of a balance sheet position. I would like the cost and annual charges set off against the benefits, and in estimating the benefits, of course, losses entailed to other transportation institutions should be taken into account in some fair and reasonable way. In this connection I will enclose a Brief against the project from the standpoint of the United States, written by

To the principal feature covered by your letters I have given some study, and am very glad indeed to have the forceful argument you present.

Yours very truly,

Mr. F. H. Clergue,
360 St. James St.,
Montreal, Quebec.

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FRANCIS H. CLERGUE
360 ST. JAMES STREET
MONTREAL

March 24th 1933.

Personal.

The Rt. Hon. Arthur Meighen,
The Senate,
Ottawa.

Dear Senator Meighen :

I enclose for your personal information a copy of my letter of this date to Senator Borah- former Chairman of the Committee on Foreign Relations, now minority leader of the Committee on Foreign Relations.

As you know, I consider the immediate ratification of this Treaty the most beneficial public measure which can now be taken to assist Canadian progress, as well as to benefit the much larger population in the adjacent States of the Union.

Senator Borah, as Chairman of the Foreign Relations Committee, brought in a report favoring the ratification of this Treaty, and ex-President Hoover sent in a special message urging its ratification before the last Congress expired.

President Roosevelt has now, in turn, advised its ratification at the present Special Session.

Unless the Treaty as now composed is amended in Washington, as I suggest in my telegram to Senator Borah, the major benefits of navigation will not be enjoyed by Canadian and U. S. shipping.

Today's - Saturday's - despatches indicate possible action by the Senate Committee under the new Chairman, Senator Pitman, on Monday.

FHC/B.
Encl.

Yours very truly,

F. H. Clergue

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March 28th 1933.

The Hon. W. E. Borah,
The Senate,
Washington, D. C.

Dear Senator Borah :

I enclose copy of telegram addressed to you this morning relating to the impending action by the Senate on the Great Lakes-St.Lawrence Treaty.

The immediate benefit to both countries which will result from the speedy ratification of this Treaty will, of course, be the employment of labor and in the supply of materials involved in its construction; but the ultimate benefits are of vastly greater importance to the two countries concerned.

By this artificial improvement, this natural artery of communication between the Atlantic ocean and the mid-continent will bring one-fourth of the population of the two countries and their industries in direct communication with the International Seas; so far as legislation at Washington and at Ottawa is concerned, this waterway ought to be considered only as a bi-national means of contact with the Great Oceans, and the term international ought to be eliminated in the discussion of this treaty.

The discussions of this subject which have taken place - from the establishment of the "International Joint Commission" under the treaty of 1909, up to the present date, have neglected to give attention to the fact that this St.Lawrence boundary is only bi-national and not international. The river Danube - touching the boundary of several states is an international waterway, the Mediterranean Sea, the Black Sea and even the Caspian Sea are international waters. But the St.Lawrence River and the Great Lakes which are its sources, are only bi-national, and the improvement proposed by the pending treaty, which will be created at the cost of the taxpayers of the two adjoining countries ought, in common justice, to benefit first the transportation facilities furnished by these countries.

The watershed which supplies this medium of transportation,by flotation,originates in Canadian territory; the commerce which will chiefly benefit from itsnecessarily originates in the denser population existing on the southern and western boundary of this natural waterway which it is now proposed to improve.

In considering this treaty, I urge you to give serious attention to the importance of some provision which will - so far as may be consistent with International Law and Favored Nations Treaties, limit the navigational facilities of this improved waterway to ships owned, manned and officered by citizens or subjects of the United States, Canada and the British Empire.

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The Treaty of 1909 originated from the development of the water power where Lake Superior drops to the level of Lake Huron at Sault Ste.Marie, which was developed simultaneously on the Canadian and the American sides; in the process of this development it was found necessary to create controlling works at the outlet of Lake Superior which would provide an equitable division of the power created by these falling waters.

Controversy arose between conflicting international interests, and the first arguments in court were held before Justice Taft, then a Circuit Court Judge in the United States, and it happened that when the Treaty of 1909 was signed, Mr. Justice Taft, then President of the United States, signed this Treaty.

The benefit which will result from the construction of this bi-national waterway may be justly regarded as proportional to the population of the two countries who will enjoy its benefits; this population in the Central and North-western United States may be now estimated at 30,000,000,- engaged in all kinds of activities, while the Canadian population presently concerned in this development number less than 5,000,000. The Maritime Provinces of Canada, the Province of Quebec and the Province of British Columbia are not directly concerned in this improvement in navigational connection with the oceans, since all of them already have direct contact with the tides of the oceans. The Pacific coast of Canada is now enjoying direct ocean communication with the north and south Atlantic seas, by means of the Panama Canal constructed at the cost of U. S. taxpayers, whose ships pay the same rates of toll for passage as the Canadian, the British and those of all other nations.

While the two countries undertake to divide equally the cost of construction of this bi-national waterway, the material benefits to be enjoyed by the United States are presently six to one against those gained by Canadians. A major benefit which American interests will enjoy is the provision of the water supply which makes this means of communication available; this is due to the physical typography by which the St.Lawrence River system is furnished with water from the northern side of this river system; the Great Lakes and the St.Lawrence River only exist as reservoirs and a flowing stream by reason of the supply of water furnished from Canada; the contribution of the watershed on the southern side of the Great Lakes to the St.Lawrence River may be regarded as negligible, since most of the rainfall on the southern side of the Great Lakes and St.Lawrence system naturally flows southerly toward the Atlantic coast and the Gulf of Mexico.

The monetary contribution of Canada toward the improvement of this natural artery is one-half of the total, while under present conditions it will enjoy one-sixth of the material benefits; at the same time, by its geographical position, it is supplying perhaps nine-tenths of the water flow necessary to sustain it. The pending treaty provides for an equal division of all of the hydraulic utilization of this water flow, nine-tenths of which may be said to originate within Canadian territory and is voluntarily offered in equal division by Canada.

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L23475

The State of Virginia is now demanding participation in the benefits of the Mussel Shoals Hydraulic Development in the State of Tennessee, basing its claim on the fact that 5% of the water supplied which originates that hydraulic development, flows from the territory in that State. On the same basis, Canada could very justly claim that the entire cost of the St.Lawrence development should be provided for from United States sources.

While discussion of details as to material contributions and mutual benefits ought not to delay the immediate ratification of this Treaty, it is most important that all the provisions of Art.I, of the Treaty of 1909, should be expressly perpetuated by the pending Treaty.

FHC/B.
Encl.

Yours very truly,

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COPY

123476

MONTREAL MARCH 24 1933

HON. W. E. BORAH
THE SENATE,
WASHINGTON D.C.

AS PRESS DESPATCHES INDICATE EARLY ACTION ON GREAT LAKES ST.LAWRENCE TREATY I BEG TO REMIND YOU OF AMENDMENT SUGGESTED IN MY LETTER TO YOU FEBRUARY FIFTEENTH AND NOW SUGGEST THAT THE PURPOSE OF THAT AMENDMENT COULD BE ACCOMPLISHED MORE SIMPLY IN MANNER FOLLOWING (STOP) AMEND ARTICLE SEVEN OF PENDING TREATY BY INSERTING BETWEEN THE WORD "NAVIGATION" IN THE FIRST LINE AND THE WORD "ACCORDED" IN THE SECOND LINE THE FOLLOWING WORDS QUOTE " AND ALL OTHER RIGHTS AND PRIVILEGES" QUOTATION ENDS (STOP) TREATY NINETEEN NINE ARTICLE ONE PROVIDES ALL SAFEGUARDS NECESSARY IF PERPETUATED BY AMENDMENT SUGGESTED (STOP) AS NOW COMPOSED ARTICLE SEVEN OF PENDING TREATY RESTRICTS TERMS OF ARTICLE ONE OF NINETEEN NINE TREATY TO QUOTE RIGHTS OF NAVIGATION QUOTATION ENDS.

DAY LETTERGRAM

F. H. SIEVERGUE

CEC: A

COPY

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123477

March 28, 1933.

Memorandum to Senator Black:

Those communicating with me regarding the subject of Coastwise shipping and its being reserved notwithstanding trans-shipment for Canadian vessels only, are as follows:

1. National Association of Marine Engineers (Mr. Thomas O'Reilly and Mr. W. A. MacDonald). These were heard to-day but might wish to reappear.

2. Horace B. Smith, 1006 Royal Bank Bldg., Toronto., (on phase of above question which touches encouragement of shipbuilding in Canada.)

3. Sidney T. Smith, President, Grain Exchange, Winnipeg.

4. N. M. Paterson, President, Paterson Steamships Limited, Fort William.

5. James B. Foote, Foote Transit Co., 64 King St. East, Toronto.

6. A. E. Spendlove, Manager, Inland Shipping Co. Ltd., Grain Exchange, Winnipeg.

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CANADA

123478 Keefer

new file

252 Argyle Ave.,
Ottawa, Ont.,
March 28th 1933.

The Right Honourable,
Senator Arthur Meighen, K.C. P.C.
Senate,
Ottawa.

Dear Senator Meighen:-

Re Bill "J".
Re Coasting Laws.

With reference to my remarks before the Committee on Banking and Commerce this morning.

Bill 74 (House of Commons) of last year contained the following definition of foreign controlled companies:

Bill 74, Section 2. " Section nine hundred and thirty two of the said Act is further amended by adding thereto the following paragraph:-
"(c) 'foreign controlled company' means any corporation--
(i) of which less than seventy five per-cent of the directors are British subjects; or
(ii) of which less than seventy-five per-cent of the issued capital stock is vested in British subjects free from any trust or fiduciary obligation in favor of a foreign controlled company; or
(iii) of which more than twenty-five per cent of the voting power is in the hands of persons who are not British subjects, or who exercise their voting powers directly or indirectly on behalf of persons who are not British subjects; or
(iv) which is controlled by any means whatever by persons who are not British subjects; or
(v) which is managed by a foreign controlled company or of which the majority of the executive employees are appointed by a foreign controlled company; or
(vi) which is not established in and subject to the laws of some part of His Majesty's Dominions and which has not its principal place of business therein."

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and as to the application thereof the following:

> Bill 74, Section 3. Section nine hundred and thirty five of the said Act is repealed and the following is substituted therefore:-
> "935".
> "(2) Notwithstanding the provisions of this Act, a British ship shall not be entitled to engage in the coasting trade of Canada if the ship is owned by or for the benefit of a foreign controlled company or for the benefit of any person not qualified to be the owner of a British ship."

Neither of these sections appear in Bill "J", though the balance of Bill 74 appears in the Bill now before the committee, except that in Bill 74, the definition of the coasting trade was limited to the "Inland waters of Canada".

The attitude of the all Canadian Great Lakes carrier, so called, for years past has been to have the Canadian statute law give the same protection to Canadian shipping as is given by the American statute law to American shipping.

Bill 74 follows the American law in principle which law provides where corporate ownership is involved, the percentage of stock ownership or control required to be vested in United States citizens must be 75% for the coasting trade of the United States. For other than the coasting trade, majority control is sufficient.

The Merchant Shipping Acts (Imperial) and the "Polzeath" case decided thereunder, only provides that where the affairs of a company incorporated under English law, are managed and directed by majority stock control, exercised from outside the jurisdiction, the registration of the ship owned by that company, was illegal, by reason of the fact that the head office of the company was not in reality within the jurisdiction.

As this matter is one affecting lake shipping and with next Tuesday, April 4th being the date allocated to hear the various interests in that respect, I presume the matter will be further discussed on that date.

I represent the majority in tonnage of the all Canadian lakes fleet namely, Canada Steamship Lines Ltd., Paterson Steamships Limited, with other all Canadian fleet owners such as Matthews Steamships Limited, Foote Transit Company Ltd., Carter Wood Lines Ltd, also supporting the move to protect Canadian shipping.

Yours very sincerely

F. Hugh Keefer

F. Hugh Keefer.

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123480

OTTAWA, March 30, 1933.

Dear Mr. Keefer:

I beg to acknowledge your letter of 28th; also your previous letter and memorandum.

As you will already know, I have asked that the memorandum be circularized among all members of the Committee, as I think it is of very considerable usefulness.

Will see that the representations you have made reach the Committee, but am sure you will attend to this part yourself.

Yours very truly,

Arthur Meighen.

Mr. F. Hugh Keefer,
252 Argyle Ave.,
Ottawa, Ont.

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F. B. WELLS, VICE PRES.

R. T. EVANS, VICE PRES. & GEN. MANAGER
R. W. STEWART, ASS'T. MANAGER & ASS'T. SEC'Y.
C. F. DEAVER, TREASURER

J. E. McGUIRE, SEC'Y. & ASS'T. TREAS.
T. J. DEEGAN, ASS'T. SEC'Y

123481

113

BRITISH AMERICA ELEVATOR COMPANY, LIMITED.

WINNIPEG, MAN.

March 30, 1933.

The Hon. Arthur Meighen, K.C.,
The Senate Chamber, Ottawa.

Dear Mr. Meighen,-

I have your favor of the 27th, and very much appreciate the trouble that you have gone to in wiring me with respect to the Shipping Bill.

Mr. Sidney Smith, President of the Winnipeg Grain Exchange did anticipate appearing before the Senate Committee, but I now understand that he has found it impossible to do so on Tuesday, due to a Bank of Nova Scotia Directors' meeting in Montreal on that date. I believe however that he is endeavoring to secure the privilege of appearing the following day.

I note what you say with reference to Clause 5 on the third page of my letter and in looking at this, I will admit that it is rather ambiguous and would probably have explained the matter more clearly had it read,-

> "It would prevent Canadian grain stored at United States Lake Erie ports from reaching European markets on a competitive rate when ocean movement is more favorable via Montreal than via U.S.A. seaboard ports."

With kindest personal regards, I remain,

Yours very truly,

R T Evans

RTE/ND.

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123482

OTTAWA, March 30, 1933.

Dear Mr. Donovan:

I have your letter of 27th March which I have read with very great interest. Have taken occasion to circularize the various members of the Banking and Commerce Committee with the detailed figures given in your memorandum, as I thought they were of immediate importance and interest.

Meantime, I am taking careful note of the representations you have made and will see that they reach the Committee.

Yours very truly,

Arthur Meighen.

Mr. Geo. R. Donovan,
Union Transit Company Limited,
64 King St. East,
Toronto, Ont.

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TELEPHONE
ELGIN 3351
CABLES: SCHUPTORON.

123483

NIGHTS, SUNDAYS AND HOLIDAYS.
LLOYDBROOK 0352.

UNION TRANSIT COMPANY, LIMITED.

64 KING STREET EAST.

TORONTO 2, CANADA.

new file

March 27.1933.

Rt.Hon. Arthur Meighen, P.C, K.C.,
The Senate,
OTTAWA,
Ontario.

Dear Mr. Meighen,

Re - Bill "J" - The Canada Shipping Act

The past four years have left the Canadian Lake Vessel Owner pretty flat on his back, and we are watching the progress of this Bill with keen interest.

We are not afraid of free trade in shipping with the United States, nor reciprocity in shipping, but when their Coasting Laws shut us out of their territory absolutely, and our Coasting Laws allow them to stalk on our preserves, the Canadian is in the position of a man trying to fight with one hand tied behind his back.

The most important change in the proposed Act, of course, is Section III, Clause 12, defining Coasting Trade in Canada. I enclose herewith a statement compiled from the statistics of the Lake Shippers Clearance Association, Fort William, showing the extent to which American vessels have participated in the transportation of Canadian Grain ex Fort William and Port Arthur for the last six years. The addition of this business, or a large part of it, to Canadian ships will be of great assistance to the industry.

I understand that consideration is being given to copying the American law in respect of the 75% Ownership Clause. It no doubt would be a hardship on American Capital invested in Canadian ships to make such legislation retroactive, but one cannot help feeling that so far as future registrations are concerned, it would be advisable to adopt a similar law for Canada. In times of peace as well as in times of strained relations so many irritating incidents crop up in shipping that it must be in the best interests of Canada to have her coastwise shipping controlled and 75% owned by her own citizens.

I think also that we might well emulate the United States in stipulating that, insofar as future tonnage is concerned, a vessel to engage in coastwise trade in Canada must have been built in Canada or a British Dominion. At the present time we have on our Canadian Registry many ships of United States origin, and so far as I know they were all of obsolete type when imported. Some of them were salvage jobs and paid a very low rate of duty. In fact this has been a favored

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Rt.Hon. Arthur Meighen, P.C., K.C. March 27.1933.

method of transferring ships from one registry to the other with a minimum of expense. This practice has seriously handicapped Canadian Shipyards, and looking to the future of the industry, this policy would appear short-sighted. The more secondhand tonnage the Americans can unload upon the Canadians, the freer they are to build new tonnage, and while the tendency of the Canadian Government appears to have been to discourage this practice by cutting the steam on such ships and so forth, legitimate Canadian shipping on the Lakes has been practically powerless against this form of dumping. If this phase of the question has not come before you, I respectfully commend it to your serious consideration.

You no doubt have observed that the whole trend of Maritime Nations is to scrap old tonnage and renew with modern ships: This is economy in the long run, in fact is necessary to existence, and Canada might well get in step with such practice.

Yours very truly,

Geo. R. Donovan

(Geo.R.Donovan)
Vice-President.

GRD/G.

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Figures have already been submitted to Committee

Submitted by Union Transit Co. 123485

WATER SHIPMENTS OF GRAIN EX PORT ARTHUR AND FORT WILLIAM COMPILED FROM THE REPORTS OF LAKE SHIPPERS CLEARANCE ASSOCIATION.

Season		TOTAL	Percentage
1927	Canadian boats to Canadian ports	129,912,426	44.7
	" " " American "	17,337,075	5.9
	American boats to Canadian ports	7,542,345	2.6
	" " " American "	136,380,527	46.8
		291,172,373	100%
1928	Canadian boats to Canadian ports	178,506,400	44.2
	" " " American "	26,563,669	6.6
	American boats to Canadian ports	19,082,143	4.7
	" " " American "	179,652,127	44.5
		403,804,339	100%
1929	Canadian boats to Canadian ports	104,685,100	53.1
	" " " American "	21,321,267	10.8
	American boats to American ports	71,193,058	36.1
		197,199,425	100%
1930	Canadian boats to Canadian ports	117,255,555	53.4
	" " " American "	5,856,884	2.7
	American boats to American ports	96,642,483	43.9
		219,754,922	100%
1931	Canadian boats to Canadian ports	127,580,919	62.3
	" " " American "	4,611,769	2.3
	American boats to American ports	72,421,040	35.4
		204,613,728	100%
1932	Canadian boats to Canadian ports	154,747,964	76.1
	" " " American "	1,044,361	.5
	American boats to American ports	47,542,164	23.4
		203,334,489	100%

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TECUMSEH | WALKERVILLE | EAST WINDSOR | WINDSOR | RIVERSIDE | SANDWICH | OJIBWAY | LA SALLE

123486

LARGEST EVENING CIRCULATION IN WESTERN ONTARIO

The Border Cities Star

A NEWSPAPER
DEVOTED TO COMMUNITY SERVICE

Windsor, Ontario

113

March 30th,1933.

The Right Hon. Arthur Meighen,
The Senate,
Ottawa, Ontario.

My dear Mr. Meighen:

Thanks for yours of the 25th.

Over many years I have been pretty consistently impressed with the force of your arguments. On this question of shipping, however, I must beg to disagree. It seems to me that Canada must be emphasized more and more and this emphasis cannot be accomplished by continually placing ourselves in a secondary position.

With kind regards,

E
Y
/
E

Ellison Young

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CANADA

113

123487

OTTAWA, March 30, 1923.

Dear Mr. Buckworth:

I have your letter of 28th March and have noted carefully the representations which you make, and will see that they reach the Committee of Banking and Commerce which is dealing with the above measure.

Yours very truly,

Arthur Meighen.

Mr. A. B. Buckworth,
Mathews Steamship Co. Ltd.,
Toronto 2, Ontario.

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CABLE ADDRESS
"MATHLINE"
A.B.C. CODE 4TH EDITION
WESTERN UNION

123488

TELEPHONES
ELGIN 4076
ELGIN 5663

Mathews Steamship Company Limited

OFFICES
706-709 C.P.R. BUILDING

G. T. CLARKSON, RECEIVER AND MANAGER
A. B. BUCKWORTH, GENERAL MANAGER

UPPER LAKE STEAMERS

Mathewston, Riverton
Royalton, Laketon
Berryton, Bayton

new file

LOWER LAKE STEAMERS

Livingston, Arlington
Waterton, Yorkton
Northton, Easton
Brookton, Wiarton
Malton

Toronto 2, March 28, 1933.
CANADA

The Right Honourable Arthur Meighen,
The Senate,
Ottawa, Canada.

Dear Senator:

RE: Bill "J". An Act Respecting
Shipping in Canada.

We have read over the proposed bill, and wish to assure you, that this has been very favourably received by the Canadian Shipping Interests, who will be under deep obligation to the Government, if this Bill is made law.

May we suggest that Section 3, Clause 5, be enlarged upon as follows:

If it were possible to confine the ownership to the seventy-five percent British Subject Clause, I feel that it would be a forward step and a great protection to Canadian Shipbuilding. and Ship Owners. If necessary, the clause might be modified to cover only ships onthe Great Lakes, (excluding Tankers and Oil Carriers; and be not made retroactive, so as to affect ships now in the Great Lakes Trade, which were built largely by Foreign Owners, with a duly Incorporated Company in Canada).

The thought behind this suggestion is to once again put our shipyards into operation, when there is a demand for new tonnage, as the Towns of Collingwood, Midland and Port Arthur where shipyards are located, are now very heavily burdened by reason of relief extended to unemployed ship workers, sailors, etc.

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MATHEWS STEAMSHIP COMPANY LIMITED
706 - 709 C.P.R. BUILDING
TORONTO, CANADA

123489

The Right Honourable Arthur Meighen, cont. No.2.

Again, rather than let a prospective purchaser of a ship for some selfish motive, buy a large carrier in the United States at a distressed price, and endeavour to transfer her to British Registry at a low valuation for Customs Purposes, the whole situation would be vastly improved for Canadian Lake Trade, and shipping generally, if the valuation were based on a reproductive basis of a ship of the same kind and type in Canada at the present time.

ABB:A.

Yours very truly,

A. B. Buchanan

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OTTAWA, March 30, 1928.

Dear Mr. Black:

I have your letter of 29th with copy of telegram from the Board of Trade, Halifax.

The Government feel they should go on with this Bill this Session. If not, all our time and work will be lost, and it is real work. There will be plenty of time for the Halifax Board of Trade to be heard. The Bill has been available for them and I feel sure in their possession for several days now--possibly for two weeks. It will likely be before the Committee for about three weeks yet.

Please advise the Halifax Board of Trade accordingly.

Yours very truly,

Arthur Meighen.

Hon. W. A. Black,
House of Commons,
Ottawa, Ont.

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123491

House of Commons
Canada

Ottawa, Ontario
March 29th
1933

Right Honourable Arthur Meighen, K.C.,P.C.,
The Senate,
Ottawa.

Dear Mr. Meighen,-

I forwarded a copy of the Shipping Bill to the Board of Trade, Halifax, and this morning received the enclosed telegram from the Secretary of that Board.

I agree with the Halifax Board of Trade that this Bill should not be passed by Parliament this session as it is too lengthy and too important to be dealt with hastily.

Yours very truly,

WAB/L
Encl.

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123492

COPY OF TELEGRAM.

HALIFAX MARCH 28, 1933.

HON. W. A. BLACK,
OTTAWA, ONT.

HAVE WIRED MINISTER OF FINANCE AS FOLLOWS "KINDLY ADVISE IF INTENTION OF GOVERNMENT TO DEAL WITH SENATE BILL J THIS SESSION STOP COUNCIL THIS BOARD CONSIDERS MATTER VITAL IMPORTANCE TO SHIPPING MEN OF CANADA WHO SHOULD BE GIVEN OPPORTUNTTY STUDY AND AS BILL IS VOLUMINOUS REQUEST YOUR GREAT INFLUENCE IN OBTAINING DELAY CONSIDERING SHOULD NOT BE PUT THROUGH PRESENT SITTING" STOP REQUEST YOUR VERY GREAT INFLUENCE WITH MR. QUINN IN MATTER.

(SGD) E. A. SAUNDERS,
SECRETARY BOARD TRADE.

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THOS. HARLING
PRESIDENT

123493

W. H. HARLING
VICE-PRESIDENT

THOS. HARLING & SON, LIMITED

STEAMSHIP AGENTS - FREIGHT BROKERS

221 ST. SACRAMENT STREET

MONTREAL

CABLES
"HARLING" MONTREAL
"HARLING" ST. JOHN, N.B.
CODES
SCOTTS 10TH ED., WATKINS,
WESTERN UNION, BOE.

ST. JOHN, N.B.
94 PRINCE WILLIAM STREET

March 31st, 1933.

113

Rt. Hon. Senator Arthur Meighen,
Parliament Buildings,
Ottawa, Ontario.

Dear Senator:-

I have your letter of yesterday and was quite aware that the Canada Shipping Act had been drafted by a Vancouver lawyer well versed in Admiralty Law, and he appears to have made a really efficient draft.

The Shipping Interests here, however, are somewhat disturbed, as they fear that amendments might be urged by special interests, and it is already noted that there is a difference of opinion between Grain Exporters and Canadian Inland Shipping Interests in reference to the employment of alien tonnage. The subject is an exceedingly important one, but I have no doubt that every effort will be made to pass a thoroughly satisfactory act.

Yours very truly,

Thos Harling

TH:EH

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123494

OTTAWA, March 30, 1933.

Dear Mr. Harling:

I have your letter of 28th. Also Hon. Smeaton White has spoken to me on the same subject. You are, however, under a misapprehension. The Bill is already drafted, after the fullest consultation with the officials of the Marine Department conversant with the subject matter. It has been a very big undertaking and the man in charge was Mr. Martin Griffin, expert on admiralty law, of Vancouver. The Bill is well advanced now before the Committee of Banking and Commerce.

Yours very truly,

Mr. Thos. Harling,
Thos. Harling & Son Ltd.,
221 St. Sacrament St.,
Montreal, Que.

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THOS. HARLING
PRESIDENT

W. H. HARLING
VICE-PRESIDENT

123495

THOS. HARLING & SON, LIMITED

STEAMSHIP AGENTS — FREIGHT BROKERS

221 ST. SACRAMENT STREET
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CABLES
"HARLING" MONTREAL
"HARLING" ST.JOHN,N.B.
CODES
SCOTTS 10TH ED., WATKINS,
WESTERN UNION, BOE.

ST. JOHN,N.B.
94 PRINCE WILLIAM STREET

PRIVATE.

March 28th, 1933.

113

Senator Arthur Meighen,
Senate Chamber,
Parliament Buildings,
Ottawa, Ontario.

Dear Senator:-

It has been reported to the Shipping Federation that the Senate are about to consider the new Canada Shipping Act, which has been prepared in a very voluminous Document covering a great number of items, and as this Legislation is of much importance both to Inland and Ocean Steamship interests, it is most essential to have the subject thoroughly examined before being submitted to Parliament. No doubt the Deputy Minister of Marine will submit proposals but in my opinion it is necessary to call in Experts with wide Shipping knowledge.

I am desirous of placing my services at the disposal of the Government in this connection and have no doubt that Senators A. J. Brown and Smeaton White, and also the Honourable H. H. Stevens and Dr. Manion would endorse this suggestion, as they all know of my long connection with Steamship Interests both on the Atlantic and Pacific and more recently at Port Churchill.

I should be glad to go to Ottawa and discuss the matter with you, but as it is understood that you are to take up the question tomorrow, I am writing you to save time, and hope that you will not consider it presumptuous on my part to address you direct.

Yours sincerely,

Thos Harling

TH.EH

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The Officers (MERCHANT NAVY) Federation of Canada Limited

23496

Cablegrams-Radiograms,
Shipoficer-Montreal,
Codes:-Bentley's

2325 Beaconsfield Ave.
N. D. G.

Montreal, Canada April 1st, 1933.

Right Honorable Senator Meighen,P.Q.
Senate of Canada,
Ottawa, Ontario.

Right Honorable Sir:-

We submit the following in connection with the New Canada Shipping Ace,for your consideration,-

Section 127 (I) We recomend that all barges of 500 Registered Net Tons or over when engaged in our Inland Lake,Canal River or Coasting trade be compelled to carry a Certificated Master and if over 1000 Registered Net Tons be compelled to carry a Certificated Mate,and such vessels should not be excluded as in the exemptions from the carrying of certificated Masters and Mates.

In fact practicaly all barges on the Inland Waters waters have neither masts or sails,but they have power plants on board to operate wenches, windlass,pumps,electric lights,steering gear and in fact have mostly the equipment of any other power ship with the exception of propelling machiners.

These barges are towed through the lakes and Rivers on long hawsers and in some cases canal themselves where the locks are close together. These barges are required to be made seaworthy in ever respect for the intended voyage,with cargo properly stowed and hatches properly battened,and we contend that to permit such a vessel to operate with our experienced Officers creates an unwarranted hazard both to the barge and its crew and also to other vessels in meeting and passing where channels are narrow.

Therefor wesubmit that they ought to be officered in accordance with the above recomendation,for the safety of life and property on board and for the safety of life and property of others in the fairway.

Section 147 (I) We are of the opinion that in the second line the words "Home Trade Ships" should follow foreign going ships and preceed, granted under this Act.

We can see no valid reason why a Home Trade Certificate should be subject to renewal every five years,in Canada any more than a Canadian Foreign Going Certificate,both are professional certificates granted on the scientific Navigating knowledge and qualifying in Seamanship. There is no more suggestion of declining disability of a Home Trade Certificate than there is in a Foreign Going Certificate holder,and we fail to find comparrison for limitation of Certificates in other British Home Trade Certificates,and we therefor recomend that these certificates be given for life,similiar to Foreigh Going and Engineers certificates.

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Sheet. No.2.

Section 176, 177 and 178 page 68 and 69 re shipping of seamen. The terms of engagement are entirely to severe and are not practical or workable for Lake ships or ships on our Inland Waters trade.

In many cases the crews are of short employment only a few days at a time,and in many cases these crews who are mostly of Canadian Born and residents through out the Lakes districts go home and are not in touch with shipping offices,but find their means of reemployment through other channels.

As an organization we have functioned in the spotting of these men and supplying to the Officers crews on short notice as is required in the Lake trade,and the wording of these clauses does not fit the requirements in the best interest of either the men or the ship.

We firmly believe that the crews should be shipped or signed on and off before a shipping master,but we object to a penalty for supplying a seaman to a ship,when that supply is both in the interest of the seaman and the ship. No shipping office has ever assumed the responsibility of searching all over the country for men to fill positions on ships and incur the expense necessary thereto. They ship the men who are within call and that is all that can be reasonably expected.

And we submit that as in the past we have the privileege of supply as the agent or representatives of the Master,Mate or Engineer and to execute their request upon their instructions.

These clauses we submit should be reframed to meet this situation which has been in existance for all time. The Owner in practice very rarely engages the crew or any seaman,Masters Engage their mates and the Mate engages the seamen, the Chief Engineer engages the Second and his whole crew in lake practice,and never has the Master or Mate to interfere with the engagement of the Engineers crew. And while the Owner or Manager appoints the Master and the Chief Engineer they rarely go further than this.

We submit also that these sections deprives labor of its proper function in organization to search and find employment allocate same with such ability as the grades and ratings require with the necessary experience,and under the wording of these clauses it places an arbitrary power with the Shipping Master to place employment without the obligation to secure same,and through such both the ship and the men may suffer.

We submit that the Loadline which was agreed to as between various nations and of which Canada is a part,be extended to the Inland Waters of Canada,either in its present formula or one to be computed satisfactory to the Minister,and that this be adopted without delay. Also that in it a stipulation be made that ships shall be made seaworthy before leaving port,and that all ships shall place and fit hatches,batten same down before deck loads are placed thereon if proceeding to sea or on voyages in which open water is passed through. Reference S.S.JOHN J. BOLAND Jr.,lost on Lake Erie late summer 1932 with foundering and the loss of four lives.

No mention is made of the manning of ships on the Inland Great Lakes,and ships are lost as much from undermanning as from over loading, and I submit that all ships engaged in the Inland Waters

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Should be sufficently manned and provided with such number of crew(seamen) as will insure reasonable periods of watch having due regard to the length of the voyage,the duties imposed on each member of the crew and other related conditions.

I am already informed that some lake Companies are now cutting off the watchmen on their lake steamers. The watchmen perform the services of "look-out" and stand their watch. Last year the first time in my history of 40 years service and connection with the business,several of the Lake Companies cut of the watchmen,in some cases all the deckhands, cut out one fireman from a three man job,cut one oiler off from a two man job leaveing no change of watch,cut one wheelmen and forceing the second mate to steer his watch,leaveing no man at all on the lookout,and in all reduceihg a 19/20 man crew to 13 men. Without legislation to controll the crew number in necessatity the ship becomes a living hazard to those on board.

Section 136- (5) meets the situation in so far as the Engineers are conserned,but it should read to include the whole crew compliment as suggested.

We commend the construction of the Section for preference on Coasting to British Registered ships which also incorporates ownership,and while we are of the opinion that we should be identified as British as many advantages in shipping may be derived therefrom,still we feel that a preference should be given to British ~~Registered~~ Ships of Canadian Registry in our Canadian domestic Coastal and Inland Waters trade. and also that a preference should be given to British Registered Ships of the commonwealth in inter-empire trade as against ships of all other nations.

In our Canadian Coastal trade,very often British Ships arrive in the spring and are manned by other than Canadians,operate here all seaspn and depart in the fall,thereby depriving Canadians of employment and ships of hire and earnings,which means a years income lost to both. The British ship pays a much lower wage than Canadians and does not maintain the same standard on board,and due to the cheapness Canadians charter them rather than employ Canadian ships,also these ships pay no taxes or tolls in Canada or for the use of our Canals which are maintained at the cost of Canadians.

This holds good also with Certificates as under the present law a person may aquire a Masters,Mate or Engineer Certificate in India,validated by the Board of Trade in England and is then valid in Canada,and there are thousands of such certificated persons. Under these conditions a person with such a certificate from any part of the British Empire may enter Canada and take a position on one of our InlandLake boats although he may never have seen the country before,which leaves the Canadiam with absolutely no protection although he may have served all his life on the Inland Lakes in Canada. This condition we requested to be rectified and suggested in addition to what we previously cited that the holder of such a certificate should be dominciled in Canada for three years before his Certificate would be valid in our domestic Lake and Coastal trade.But the new act does not contain our suggestion.

We submit the above for the consideration of your committee as in the interest of Canadians for Canada.

Yours very truly,

McM/H. R

Officers Merchant Marine Federation of Canada.

Capt. D. N. McMaster Gen. Manager.

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Wm. CASPER, *Président*,
536 Theodore, MONTREAL

N. LAZURE. *Secrétaire*,
7400 Drolet, MONTREAL
CAlumet 8738

123499

Association Nationale *des* Ingénieurs *de* Marine *du* Canada

National Association *of* Marine Engineers *of* Canada Inc.

CONSEIL — No 5 — COUNCIL
CENTRAL DIVISION.

GREAT LAKES, St. LAWRENCE TO QUEBEC.

Montreal, Que., April 1st, 1933.

Right Honorable Senator Meighton, P.Q.
Senate of Canada,
Ottawa, Ontario.

Right Honorable Sir:-

Referring to the New Canada Shipping Act and Sections 176, 177 we recomend that after the word mate be inserted Engineer". in each case.

As is customery the Engineer engages his own help and selects same either through the shipping office or his representative which is his association in many cased, and it is felt that his interest along this line should be protected and the privilege continued.

Yours very truly,
National Association of Marine Engineers of Canada
Central Division.

per H.N. McMaster, Secretary & Business Mgr.

McM/H.

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The Officers (MERCHANT NAVY) Federation of Canada Limited

23500

Cablegrams-Radiograms,
Shipoficer-Montreal,
Codes:-Bentley's

2325 Beaconsfield Ave.
N. D. G.

Montreal, Canada April Ist,1933.

Right Honorable Senator Meighen,P.C.
Senate of Canada,
Ottawa, Ontario.

Right Honorable Sir:-

We submit the following in connection with the New Canada Shipping Act,for your consideration, now before the Senate.

Section 128 - (2) Rank, We recomend should be amended to read after, lowr grades- excepting Foreign Going and Home Trade certificate holders shall qualify as to a proficient knowledge of the channels on the Inland Lakes,connecting rivers and bays and the Inland Waters Rules,Regulations and operating conditions,before they be permitted to act in position in accordance with their Grade of Certificate. That such Certificate be indorsed as valid for such waters by the Minister after an examination held by a duly qualified Examiner appointed by the Minister. This shall apply to all Certificates granted under the Governments of the British Commonwealth of Nations."

We are of the opinion that a Master or Mate holding positions on our ships on our Inland Lakes should serve time on vessels operating on the Inland Great Lakes and Rivers,so as to become familiar with channels and conditions which are distinctly different from any other part of the world,inasmuch as the Inland Great Lakes have their own particular Rules of the Road applicable to Canadian and Amercian tonnage operating thereon,and which affects all ships which enter these waters to operate.

It has taken many years of service to aquire the expert knowledge necessary to efficently assume with competency the responsibilities of Officering our Great Inland Waters fleet,in accordance with recognised and adopted methods of operation,which compells the most exact handling of ships.

And we submit that without this training(borne out by practice of men with certificates who have not had this training) that they are not competent to Officer an Inland lake ship to carry out the usual functions in operation and no amount of technical navigating training otherwise, replaced the local knowledge necessary to operate the Inland Lake ships in its regular lake,River and Canal trade.

Respectfully submitted,
Yours very truly,
Officers(Merchant Navy)Federation of Canada.

per H.N. McMaster, General Manager.

McM/H.

A Canadian organization dedicated to the service and protection of Marine Certificated Officers and their Certificates throughout the world

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Collingwood Board of Trade

123501

OFFICE OF THE SECRETARY

Collingwood, Ontario,
April 3rd, 1933.

The Honourable Arthur Meighen,
Leader of the Senate,
Dominion Government,
Ottawa, Ont.

Dear Sir:-

I have been instructed by the Collingwood Board of Trade to forward you the enclosed copy of a resolution passed at a meeting of the Board on Wednesday, the 29th March, 1933.

Yours truly,

Secretary,
C.Inglis.

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Collingwood Board of Trade

123502

OFFICE OF THE SECRETARY

THAT the Board of Trade of the Town of Collingwood, a lake port that is vitally interested in the matter of the preservation of Canadian shipping, herewith submits:

(1). Its appreciation of the aim to amend and consolidate the Canada Shipping Act, as evidenced by Bill "J".

(2). Its concern in the promotion of the Act, especially Clauses Nos. 770 - 775 inclusive, dealing with the coastwise trade.

(3). We beg to submit that all foreign ships be excluded from Canada's coastwise trade, or as an alternative that in No. 771 the word 25% be erased and 50% substituted therefor.

(4). Its disapproval of No. 774, on the ground that it endangers the whole force of the section respecting the coastal laws, as set out in the preceding sections.

(5). That the careful studied opinion of the Board is that Canadian shipping has long and heavily suffered owing to the inequality of the shipping laws of the Dominion of Canada and the United States.

(6). That the assistance heretofore rendered Canadian shipping is far from adequate in the matter of coastal regulations.

(7). That this Board herewith urges that the coastwise shipping be confined to Canadian ships and seamen.

(8). That there is at present ample tonnage on the Canadian lakes registered to meet requirements.

(9). That should there be an increased demand, Canadian Shipyards, which are fully equipped, can construct all necessary new vessels.

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(10). That there are thousands of capable and qualified mariners to man Canada's shipping.

(11). That many millions of dollars are invested in Canadian ships, elevators and docking facilities.

(12). That Canadian seamen, and Canadian shipping and transportation investments and interests suffer heavily from foreign competition and in some instances, it is believed bold evasion of the Canada Shipping Act.

(13). That it is the firm belief of the Board that the objection of possible increased freight rates is a fallacy advanced entirely for purely selfish purposes and could be taken care of by Order in Council from time to time.

(14). That, if sufficiently stringent, regulations would prevent routing of large quantities of Canadian grain by United States ports, thereby saving the business for Canadian shipping, including ships, elevator terminals, railways, and seamen.

(15). That in the opinion of this Association, it is desirable that the Canadian Customs Act and Schedules should be so amended that upon repairs done or equipment purchased in any foreign port, for any Canadian registered vessel, except to enable such vessel to complete her voyage, there shall be payable an Ad Valorem duty of 50% upon the cost of such repairs and equipment and that such duty shall be payable at the first Canadian port of call.

(16). We humbly pray that the above suggestions, or others which

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Collingwood Board of Trade

123504

OFFICE OF THE SECRETARY

may lead to absolute protection of Canadian shipping, be incorporated in Bill "J".

The above is a copy of a resolution passed at a regular meeting of the Collingwood Board of Trade held on March 29th, 1933.

Secretary.

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OTTAWA, 4 April, 1933.

Dear Sir,

I am in receipt of your letters of the 1st instant containing suggested amendments to the Shipping Bill now before the Senate.

When the Committee reaches the clauses referred to the suggestions you make will be given consideration.

Yours very truly,

Arthur Meighen.

H.N.McMaster, Esq.,
General Manager,
Officers (Merchant Navy) Federation,
2325 Beaconsfield Avenue,
Montreal, P.Q.

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123506

OTTAWA, April 7, 1933.

Dear Mr. Inglis:

I have your letter of 3rd. Am very glad indeed to have the representations of the Collingwood Board of Trade. The principal features of their series of requests were covered in the evidence of Mr. Horace B. Smith given before the Committee on Tuesday last. You may rest assured Mr. Smith left nothing out in his argument in favour of Canadian shipping and Canadian shipbuilding. All that is contained in the Resolution will be carefully kept in mind and given thorough consideration.

Yours very truly,

Arthur Meighen.

Mr. C. Inglis,
Bank of Montreal,
Collingwood, Ont.

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Bank of Montreal,

Collingwood, Ont.

April 3rd, 1933.

The Honourable Arthur Meighen,

Leader of the Senate,

Dominion Government,

Ottawa, Ont.

Dear Senator Meighen:-

You will probably recollect me as Manager of the Bank of Montreal at Weston and I had the pleasure of meeting you several times at Mr. Gardiner's and Mrs. MacGregor's. You will notice that I am now located in Collingwood and as I am Vice President and Secretary of the local Board of Trade, I have taken the liberty of writing you this personal note in connection with the enclosed resolution in the hope that you might possibly be able to give it a little more of your time than you ordinarily would.

With kind regards,

I am,

Yours very truly,

C. Inglis.

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Ottawa, 8 avril 1933.

Monsieur W.ROBITAILLE,
Secrétaire,
Club Ouvrier Saint-Edouard,
6638,rue de Laroche,
Montréal,
Qué.

Cher monsieur,

J'ai bien reçu votre lettre du 5 courant, par laquelle vous me communiquez une Résolution de votre Club au sujet du Bill de la Marine marchande, actuellement devant le Sénat.

Le Comité sénatorial des Banques et du Commerce fait une étude approfondie de ce projet de loi.

Votre tout dévoué,

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123509

OTTAWA, 8 April, 1933.

Dear Sir,

I have your letter of the 5th instant containing a Resolution of your Club respecting the Shipping Bill now before the Senate.

The subject is receiving the very earnest consideration of the Senate Committee on Banking and Commerce.

Yours very truly,

Arthur Meighen.

Mr. W.Robitaille,
Secretary, Club Ouvrier St. Edouard,
6638 De Laroche, Montreal, P.Q.

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J. A. MASSE, Président
6248 St. André St., CR. 5550

Réunions à tous les mardis soirs
428 De Fleurimont

W. ROBITAILLE, Sec. Corr.
1 2 3 5 4 6 Laroche

Club Ouvrier St. Edouard

Montreal 5 Avril 1933

Hon Arthur Meighen,
Président du Sénat,
Ottawa, Ontario.

Monsieur,

A l'assemblée régulière du Club Ouvrier St Edouard tenue le 3 du mois courant, après avoir étudié le projet de loi actuellement devant le Sénat, en rapport avec la marine marchande, il a été résolu, que dans l'intérêt général des ouvriers, de demander au gouvernement de prendre des mesures pour limiter aux navires enregistrés au Canada, le transport des commodités entre ports canadiens, de façon à éliminer la concurrence des bateaux étrangers, et, qui, sera

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KODAK SAFETY FILM

de nature à protéger un grand nombre d'ouvriers.

[12351]

Espérant que notre demande sera prise en bonne considération, nous demeurons,

Vos tous dévoués,

Club Ouvrier St Edouard

M. Robitaille

Secrétaire

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At a regular meeting of the "Club Ouvrier St. Edouard, held the 3rd instant, after having studied the bill actually before the Senate, concerning the merchant marine, it was resolved that in the general interest of the labourers to request the government to take steps to limit to ships registered in Canada, the transport of commodities between Canadian ports, in a manner to eliminate the foreign vessels and which would be in the nature of protecting a large number of labourers.

Hoping that our request will be given favourable consideration, ...

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CANADA STEAMSHIP LINES LIMITED

MONTREAL

10th., April, 1933.

To the Honourable Chairman,
Standing Committee on Banking & Commerce,
The Senate,
Ottawa, Ontario.

RE: BILL J.

Honourable Mr. Chairman and Senators:-

The Canada Steamship Lines Limited, owning and operating 104 ships in the Inland waters of Canada, and the Gulf of St. Lawrence, respectfully begs to submit, for your consideration, the following statement in regard to the proposed changes to the Canada Shipping Act.

We are in favour of a very considerable number of the proposed changes and will briefly state our approval of these Sections of the Act where we think it is necessary to offset objections which have been raised by others to the inclusion of the respective Sections.

Certain Sections we also feel require more or less amendment before they should become part of the Statutes of Canada and others are entirely objectionable and we submit should be removed from the Bill.

On the whole, the new Bill is definitely an advancement over the present Canada Shipping Act, inasmuch as it clarifies a number of matters which were uncertain and ambiguous.

In our opinion, the two most important matters are those relating to the Coasting Trade of Canada and the ownership of Canadian tonnage, and these we will deal with in the order they appear in the Act.

Commencing with the opening Part of the Act, under the heading of "Interpretation", very few of these require any comment from us, being perfectly satisfactory. There is, however, the following to be said in regard to Section 3.

INTERPRETATIONS - SECTION 3.

We have no changes to recommend in respect to the expressions and meanings assigned to the various words and clauses interpreted under this Section.

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Subsection 12. Coasting Trade of Canada.

We desire to give our unqualified approval to this interpretation. It is the equal of, and will be no different in practice from, the present laws of the United States of America.

Subsection 38. "Home-trade voyage". We do not object to the present limit of Coasting waters, viz. 40 degrees South Latitude (Bahia Blanca, South America) being changed to the 36th. parallel of North Latitude.

Subsection 41. "Inland waters of Canada". The definite limit of the line drawn between Father Point and Point Orient is not objected to by us and is preferable to having two different boundary lines as the limits of Inland waters as in the present Act.

PART I.

Section 18. Qualification for owning British Ships.

At the present time the Act permits American-owned ships to be registered as Canadian and to participate in the Coasting Trade of Canada. We ask for regulatory measures, similar to those which apply to American ships under their own Navigation Act.

Subsection (d) affords some measure of protection, but it is questionable whether it is sufficiently definite in defining the meaning of bodies corporate, having their principal place of business in His Majesty's Dominions.

We believe it could be made more definite and clear that the directing power, as well as the financial and operating management of the Company, shall be in Canada, so that it will be impossible to evade the requirements of the Act by merely maintaining a registered office, or an agency, or an operating office, subject to the control and direction of a management or ownership located in a foreign country.

Arguments have been advanced, by those not in favour of the change in the new Act, that by restricting the Coasting Trade of Canada to British vessels it will create a monopoly which will tend to increase freight rates, and in fact, result in a proportionate loss to the Producer.

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SECTION 18 (Cont'd).

No monopoly can well exist where tonnage of available Steamships represents a cargo-carrying capacity at least twenty-five percent in excess of the greatest peak load of traffic borne.

In addition to this, there is the protection afforded by the Inland Water Freight Rates Act, Chapter 208, of - 1927.

Under this Act, Sections 4 and 5 provide for the filing of grain freight contracts with the Board of Grain Commissioners. Provision is made that whenever, in the opinion of the Board, the freight charges are not reasonable, or are excessive, or amount to unjust discrimination against any person, the Board may prescribe such maximum rates as it considers reasonable. Very explicit rules are laid down to provide for variation in the rates as may be required during certain periods of the season, and there is no doubt that full protection is afforded to the producers and exporters in regard to grain transported for foreign or export trade.

There is the further protection of competition of other routes, viz.:-

(a) The Vancouver route.
(b) Via Buffalo and Rail to the Seaboard. (Summer and Winter movement).
(c) Via Buffalo and Erie Barge Canal. (Navigable season movement).
(d) Via Oswego and Albany.
(e) Hudson's Bay route.

Further to this, both under the Customs Act and the Canada Shipping Act, (present Act, section 938 - new Act, section 774) the Governor-in-Council has power immediately to suspend the Coasting Law. We believe that the authority given under these Acts should not be exercised without the fullest investigation of the conditions prevailing at the time that such request or application is made by any Association or body for the temporary suspension of the Coasting Law.

It is our belief that the grain producer is not interested in any way in the rates charged for Lake freight, the grain having passed out of the producer's hands before freighting contracts are made. Even although the producer were interested, the reasons given above show that he would be fully protected from any rates which he might consider were unjustifiable.

We are producing in a separate memorandum a statement of Lake vessels, all of which are classed, or have been classed, for the carriage of grain cargoes.

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PART III. Sections 127-165. MASTERS AND MATES AND ENGINEERS.

We have no objection to qualifications of Masters and Engineers as stated in Bill J., nor to the provision that if a Second Mate is carried he must be a certificated man.

Section 147. We have no objection, nor have any Masters or Mates with whom we have conferred, any objection, to applying for renewal of certificates after five years, provided the object is, as stated by the Department of Marine, that it will be required merely to verify the number of certificates in use and those which have elapsed through Death, or other reason.

PART IV: Sections 166-343. SEAMEN.

We desire to protest most emphatically the consolidation of the former Part IV of the Canada Shipping Act, Chapter 186, entitled "Shipping of Seamen on Inland Waters", which has now been merged into one Section covering Seamen on foreign and home-trade ships.

The conditions under which Seamen are engaged on Inland waters, the number of ports at which many of them call, and the brevity of a voyage or round trip, make it impracticable to observe regulations which may be entirely suitable for foreign-going vessels.

Special regulations and laws for shipping of Seamen on Inland waters have been in force, not only since the Canada Shipping Act, Chapter 118 of 1906, was passed, but before that date, shipping on Inland waters was not governed by the regulations which applied to foreign vessels.

In the present Act, Chapter 186, there are fifty-five sections dealing exclusively with the shipping of Seamen on Inland waters, and while several of these Sections may be out of date, the present Act, with some slight adjustments, is satisfactory.

Lake practice and conditions are so different from Ocean service that it is impossible to make regulations to cover both branches of service without doing injustice to one, and in the case of Bill J., it is the Inland waters ship which suffers.

In many ways the employment of men and Lake conditions are little different from ordinary commercial or industrial practice.

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PART IV: (Cont'd).

We do not wish to deal at length with every clause relating to Inland water navigation now included in Part IV of Bill J. It probably will be sufficient for us to say that we wish a separate Part entitled "Shipping of Seamen on Inland waters" reinstated in the Act as in the present Act, Chapter 186, with some amendments we may suggest as being necessary.

We will enumerate the numbers of the Sections in Part IV, Bill J., from which all reference to Inland navigation should be deleted and whichever Parts are satisfactory should be transferred to a new Section.

Section 188. There is nothing objectionable in this Section except that on account of the reference to Inland water ships and Minor water ships, all subsequent Sections become applicable to these two classes of vessels and, therefore, the words "Inland waters ships" and "Minor waters ships" should be deleted.

The following Sections contain some clauses we consider objectionable if made to apply to Inland and Minor water ships:-

190 - 193 - 194 - 195 - 196 - 200 - 206 - 207 - 208-
210 - 211 - 212 - 215 - 225 - 229 - 231 - 252 - 304 -
305 - 306 - 310 - 314 - 317.

Of the above-mentioned Sections it is necessary in some instances to emphasize the undesirability or impracticability to comply with the requirements of the Act.

Section 196. "No Officer of Customs shall clear any ship until the Shipping Master's certificate is produced to him". West of Montreal the Customs Officer acts as Shipping Master and there will be no difficulty, but in Montreal, vessels frequently arrive during the night and clear within a few hours, and it might cause delay to a Steamer during the process of obtaining the Shipping Master's certificate.

Section 210. "Where a Seaman is discharged before a Shipping Master in Canada, he shall receive his wages through, or in the presence of the Shipping Master, unless a competent Court otherwise direst." It would be decidedly inconvenient to take the crew to the Shipping Master's office to pay wages, and it would be costly to requisition a Shipping Master to come aboard to see the men receive their pay.

Section 212 - requires that a Seaman before being paid off, shall be given a full account of his wages. This would be inconvenient and unnecessary for Inland ships.

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PART IV (Cont'd).

SECTION 225. If, by reason of a wreck or loss of a ship, a Seaman's employment terminates before the date stated in agreement the Seaman shall be entitled to receive two months' pay unless other employment can be secured.

This Section is in accordance with the International agreement for Sea-going vessels, but it is not suited to Inland and Minor waters, nor are these waters embodied in the International agreement. In the present Act, Chapter 186, Section 338, it is provided that if the services of a Seaman terminate by reason of the wreck or loss of the ship, the Seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

We respectfully request that this clause be reinserted in a separate Part reserved for the Shipping of Seamen on Inland Waters.

SECTION 229.:- stipulates that after signing the crew's agreement a Seaman, when discharged, if he has not earned one month's wages, is entitled to compensation not exceeding one month's wages and may recover that compensation as though it were wages duly earned. This was in the old Act, not only under Section 160, but also in Section 337, Part IV, relating to Inland Seamen.

On account of the short distance covered during voyages on the Great Lakes and Minor waters, it quite frequently happens that the duration of the trips extend for only periods of a few days; sometimes one week and invariably less than one month. It often becomes necessary to pay off the crews at the end of a trip, either through lack of cargoes, or the prospect of excessive delay in port. It is therefore neither logical nor practicable, under these conditions, to render a vessel liable for the payment of one month's wages.

Section 229 should not be operative, as regards Inland and Minor water voyages, and it also should not be applicable to home-trade voyages.

SECTION 231 - requires that a Master shall pay each Seaman his wages, if demanded, within three days after delivery of the cargo, or upon Seaman's discharge, whichever first happens.

In the Inland Waters a Steamer may be discharged of her entire cargo twice weekly, such as in the Montreal-Toronto trade, or once every week, such as in the Lake Erie, or Lake Ontario to Montreal grain and coal trade. Between Montreal and Quebec the Steamers discharge once every day. It can readily be seen how impracticable it would be to pay wages on demand within three days after the discharge of every cargo. Section 231 should not be applicable, therefore, to Steamers trading in the Inland and Minor waters.

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Section 240. The power of the Court to rescind contracts appears very objectionable. This Section seems to invite dispute and litigation should Seamen get into the hands of unscrupulous lawyers, resulting in the expense of defending suits and Court costs to be shared by Ship Owners. This Section appears to be a new addition and we recommend that it be deleted.

Under Part IV of both the present and former Canada Shipping Act , a Master, under all conditions, is permitted to sign on members of the crew and discharge same before a respectable witness, or he may, if he so desires, sign and discharge them in the presence of a Shipping Master or Officer of Customs.

Should it be compulsory to sign on crews and discharge same in the presence of a Shipping Master or Customs Officer, and pay all wages similarly, the expense incurred by the payment of Shipping Masters' and Customs Officers' fees would amount to a contribution, by our Company alone of upwards of $10,000.00 each season of navigation, on account of the frequency with which we have to lay off and re-engage crews.

This is the primary reason why the Shipping of Inland Seamen should be in a separate Part with almost similar provisions in the Sections as are contained in the present Act, Chapter 186.

PART V: Sections 344-365, REPATRIATION OF DISTRESSED SEAMEN.

This Part more particularly applies to Sea-going vessels. There are some Sections which would apply to vessels trading to United States Ports on the Great Lakes, but we have no objection to any of these Sections.

PART VI: Sections 366-373. SICK MARINERS & MARINE HOSPITALS.

The principal objection to the levy of Sick Mariners duty as applied at present is the fact that all benefits terminate at the end of each calendar year, unless a Seaman be already in hospital.

As regards vessels on Inland waters, the duty only becomes payable after a vessel arrives at a port in Quebec, from a port in the United States. If a vessel trades from ports in Ontario to ports in the Province of Quebec, no dues would be collected. In consequence of this, there is considerable dissatisfaction amongst Seamen, who find that some Seamen are entitled to hospital treatment by reason that their vessel has made a call at a port in the United States and paid Sick Mariners duty, whereas the Steamer on which they are sailing has made only trips between Ontario and Quebec and, therefore, has not contributed duty.

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PART VI: (Cont'd).

It would be preferable if all Steamers arriving in the Province of Quebec were treated exactly alike in this respect, so that all Seamen, in case of illness, would be entitled to hospital treatment. Instead, however, of a compulsory payment of three amounts of Sick Mariners duty, based on a rate of two cents per nett registered ton, it should be sufficient if two payments were collected from all Steamers. We, therefore, respectfully recommend this change provided the maximum payment during twelve months is fixed at two contributions per vessel.

In advocating that the duration of the benefits should continue twelve months from the first payment, we might state that we have known a case where the dues were collected during December on the last trip of the season, and a Seaman, who took sick during the laying up period, but did not apply for hospital treatment until the third day of January, was refused admission to the hospital, because he had not applied before the 31st. of December.

We would also point out the difference in the Act regarding a vessel arriving from a place out of Canada. According to Section 367, subsection (b), certain ships will only pay duty once on the same voyage. This privilege is accorded to a vessel, coming from a place out of Canada, which may arrive at Prince Edward Island, then a port in New Brunswick and another in Nova Scotia. According to the Act, the Master, if coming from Ontario, would require to pay duty at each Maritime Province at which he called, even on the same voyage, that is, discharging or loading part cargo enroute.

The same conditions should govern for a vessel calling at more than one Maritime Province on the same voyage, regardless of whether the vessel arrived from a place out of Canada, or from Ontario.

PART VII - Sections 374-452. PILOTAGE DISTRICT & AUTHORITIES.

Section 385 refers to a possible establishment of a pilotage district between Lake Ontario and Lachine. We have no objection to the wording of Section 385 as it occurs in Bill J. We do not, however, see that the establishment of a pilotage district in these waters is required.

We believe there may be considerable difficulty in successfully controlling pilotage between Lake Ontario and Lachine, principally for the reason that about half the number of vessels proceeding to and from Lake Ontario do so via Cape Vincent, which is American water, the remainder passing by Kingston. For a considerable distance the vessels are navigated in American channels, approximately fifty miles downbound and forty-four westbound, if proceeding via Cape Vincent, and fourteen miles less if passing to the North of Wolfe Island via Kingston.

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It seems likely to cause considerable complication to frame rules to which vessels of the United States and pilots of that Country would be subject, in like manner to Canadian pilots.

We are satisfied to leave the clause in Bill J. as at present without making any regulations beyond the requirement of a certificate of competency as provided in new Section 385.

Section 416. SHIPS EXEMPT FROM THE PAYMENT OF PILOTAGE DUES.

We respectfully request that subsection (v) of Section 477 of Chapter 113, which was repealed on the 20th. July, 1908, be reinstated in the Act, and included as a Part of Section 416 of Bill J. We recommend the exact wording of the former Act, with the exception of the word "exclusively", which it is important should be deleted. The clause would then read :-

> "having a draft when loaded not exceeding sixteen feet, and employed in voyages between any port or ports on Lake Ontario, Lake Erie, Lake Huron, Lake Superior, Lake Michigan, or on any of the waters connecting those lakes and any port or ports on the river St. Lawrence, or between any ports on the river St.Lawrence."

Masters of vessels trading in the Gulf of St. Lawrence, carrying cargoes of pulpwood and woodpulp,are holders of Coasting certificates, which they obtain only after the required experience in Coasting waters and a full understanding of the International Rules of the Road. These men are fully acquainted with the route from the lower St. Lawrence to Quebec and are capable to pilot their own ships between Father Point and Quebec. There are other vessels which trade from ports in Nova Scotia to Montreal and occasionally make trips to the Great Lakes and return. These vessels, if only making trips between a Maritime Province and Quebec or Montreal, are, by law, exempt from the compulsory payment of pilotage, but should they proceed beyond Montreal to the Great Lakes they become liable to compulsory payment of pilotage whether a pilot is taken or not.

May we respectfully point out that there is no justification why vessels trading between the Province of Quebec and any port of the United States of America on the Atlantic, North of New York, should be exempt from the compulsory payment of pilotage, while Masters of Steamers, who have for years been trading between Great Lakes ports and the lower St.Lawrence, and are fully accustomed to the route and conversant with the International Rules of the Road, should be compelled to pay pilotage.

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Section 416 (Cont'd).

Furthermore, as a considerable portion of the pulpwood trade is carried from ports on the North shore of the St.Lawrence river, it is decidedly inconvenient for a vessel to cross over to Father Point to pick up a pilot, and in periods of gales and stormy weather, it adds to the perils of the voyage.

We have no intention, and never have had any intention, to permit out Masters to navigate the River St. Lawrence below Quebec without pilots, unless they are absolutely familiar with the route, and, therefore, we are prepared to make the statement that we are, in no way, suggesting anything that would be a menace to the navigation of Ocean-going Steamships by the reinstatement of the aforementioned subsection, so that the class of vessels referred to may be included amongst those which shall be exempted ships.

PART XI: Sections 696-710. PUBLIC HARBOURS & HARBOUR MASTERS.

Section 707 is new and provides for payment by a ship moored or anchored in a harbour in excess of a period of thirty consecutive days. It is evident that this not only includes a Steamer laid up in the Summer months, but will include all ships laid up during the idle Winter season.

The new Section will incur heavy expense to owners of ships which are required to be laid up through lack of business and, naturally, during the seasons that there is the least business and the most vessels are inactive in port, earning no revenue, the greater will be the charges incurred for moorage dues.

There are Steamers in the passenger trade only navigating three months during each year, which means that if laid up in a Public Harbour they will be compelled to contribute eight months moorage dues.

We estimate that the fleet of the Canada Steamship Lines, consisting of 104 vessels, will, in an ordinary season, be required to contribute in excess of $ 48,000.00 for moorage or anchorage dues, if this section is included in the Act.

We feel bound to strenuously protest such a heavy charge being incurred when there is absolutely no revenue to be derived which will offset this heavy liability. We have no objection to a small Harbour fee being charged for a Steamer, such as prevails in some ports at present, amounting to $20.00 or $40.00 for the use of a Winter berth, for the season, but we feel that the present is a most inopportune time to add to the burdens of the ship-owner by imposing such a heavy charge for the protection afforded by a Harbour during periods of inactivity.

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PART XII: Sections 711-744. PORT WARDENS.

Section 714, Subsection (3). This relates to the carriage of grain cargoes on Inland vessels. The three last words "by efficient means", are liable to cause controversy from time to time, as to the exact meaning.

If the paragraph ended at the word "Shifting", it would still provide for reasonable precautions being taken, and we recommend that the three last words "by efficient means" be struck out.

Section 718. Although this appeared in the old Act, it is quite unfair in reference to a vessel arriving from the Great Lakes, to say that the absence of the Port Warden, at the time when hatches are removed, shall be considered "prima facie" evidence of improper stowage or negligence.

Damage to cargo, as a rule, is not generally discovered until the discharge of the cargo has been in process for some time and frequently not until the cargo is almost discharged. The Section, therefore, is most objectionable, particularly in regard to voyages on the Inland waters.

It states in Section 711, in regard to the application of this Part, that it does not apply to the Harbours of Quebec or Montreal. It would, however, apply to such grain-unloading ports as Port Colborne, Kingston, Goderich and the ports in the Georgian Bay, and in these ports there is no person filling the office of Port Warden.

We recommend that Section 718 be struck out entirely.

PART XIII: Sections 745-769. NAVIGATION COLLISIONS, LIMITATION OF LIABILITY.

Section 760 - This imposes upon Carriers the obligation to carry passengers or goods, whether desirable or not. This Section appears in the present Act, but we believe is obsolete and should be deleted.

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PART XIII (Cont'd)

SECTION 761 - requires diligence in the safe-keeping and punctual conveyance of goods. We respectfully suggest the omission of the words "and punctual conveyance" as being liable to cause controversy.

The section is a copy of the former Acts, but we submit that delays in navigation frequently occur quite beyond the control of the Carrier, there having been no want of evidence to this fact during recent years, particularly in regard to grain congestion.

It is due to our experience with the transportation of grain cargoes that we object to the reference to "punctual conveyance" being included. It is the practice to ship most cargoes of grain from the Head of the Lakes in large Upper Lake vessels, transhipping same at Port Colborne, Kingston or Prescott.

It has frequently happened that through circumstances, quite beyond the control of the Carriers, transhipment has been delayed. For instance; the congestion which has prevailed at Montreal has backed up and its effect has reached the transhipping point of Port Colborne, where Lake Steamers have been delayed in unloading. The inability to unload Canal Steamers promptly at Montreal has prevented them reaching Port Colborne to relieve the situation, thereby causing unpreventable delay to grain in transit. In addition to this, numerous mishaps occur in the canals which tend to prevent the "punctual conveyance of goods".

It is the custom of the trade for Carriers to convey goods as punctually as possible and, therefore, it seems unwise to have this included as a law, leaving the way open for legal action to be taken when the cause of delay resulted from circumstances beyond the control of the Carriers. We think no harm will result, nor any undue delay be caused in the transportation of cargoes, merely because of the fact that the words "punctual conveyance" are struck out from the Section.

Should it not be considered advisable merely to strike out the words "punctual conveyance" then we respectfully suggest that the entire Section 761 be removed from the Act. The conditions of the Section are already taken care of under The Water Carriage of Goods Act, and in the customary Bills of Lading.

SECTION 762. This section, which limits liability for loss of personal baggage of passengers, we believe should be deleted. As has been stated in the Preliminary Memorandum prepared in explanation of the amendments to the Act "the conditions of passenger traffic under many circumstances make it seem hardly fair to expect the Carrier to be an insurer of passengers' luggage". The Manager of the Shipping Federation has already stated to the Honorable Members of the Committee that he is in accord with our opinion that both sections 760 and 762 should be deleted.

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PART XIV: Sections 770-775. COASTING TRADE IN CANADA.

We approve of the five Sections in this Part, but in regard to Section 774, dealing with the power to suspend Coasting Laws, we repeat that the authority contained in this Part should not be exercised without the fullest investigation of prevailing conditions, as outlined in Page 3 of this Memorandum.

PART XV: Sections 776-784. DELIVERY OF GOODS.

Reference is made in Section 776, under the delivery of goods, that subject to there being nothing in the charter party, bill of lading or agreement, to the contrary, the time to take delivery shall be seventy-two hours. After that time the owner of the Steamer is permitted to land the goods on some wharf or in a warehouse. It may happen, however, that there may be no available warehouse or grain elevator to receive the cargo and, therefore, it appears right that provision should be made for the payment of demurrage for delay caused by failure to discharge the ship.

We suggest the addition of a clause which shall state that a consignee failing to take delivery of a cargo within the period of seventy-two hours from the time of arrival, Sundays and legal holidays excepted, shall be liable for demurrage, this charge to be based on the earnings of the vessel at a daily rate calculated on the freight which would have been earned had the vessel been discharged within the period of seventy-two hours.

Sections 777,784. These two Sections are new to the Canada Shipping Act, but we approve of both being included in the new Act.

PART XVII: Sections 808-821. SUPPLEMENTAL.

Section 816 is new to the Canada Shipping Act, but is taken from the Merchant Shipping Act. We believe the rights given to certain Officers or Shipping Master to go aboard a Steamer and demand the production of Log books and documents can be very objectionable, especially in cases of collisions, and we do not consider that this is a desirable Section to include in the Act.

We suggest the inclusion, in some Part of the Act, of a new Section by which foreign vessels, other than vessels of the United States of America, engaged in trade through Canadian canals and Inland waters, should furnish a Bond as a guarantee of damage they might cause to canals, other ships or property.

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PART XVII: (Cont'd).

Having regard to the number of foreign vessels using the St. Lawrence Canals, the Welland Ship Canal and St.Mary's Canal, and the possibility of extensive damage being caused by any one of these vessels engaged in trading in the Inland waters of Canada, every such Steamer, when arriving at Montreal on the first trip of each Season of Navigation, should be required to furnish a substantial Bond of not less than $10,000.00 obtained from an approved Bonding Company as a guarantee in case of loss of life, damage to other vessels, or damage to canals and to other property.

Even if extended to include United States vessels, it could not be considered as an unfriendly act, in view of the fact that our ships are compelled to furnish a Bond covering every Port of Call on the Great Lakes in the United States of America.

We may say that Canadian vessels are required to furnish a Bond of $5,000.00 at Ports of Call in the United States. We are particularly desirous of directing attention to the necessity of obtaining protection from the ubiquitous Scandinavian and other foreign vessels engaged in our waters and canals, which vessels for the most part leave our waters prior to the close of each season of navigation and, therefore, are out of reach.

Respectfully submitted,

CANADA STEAMSHIP LINES LIMITED.

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ESTIMATED COST OF MOORAGE IN PUBLIC HARBOURS OF CANADA STEAMSHIP LINES' FLEET OVER PERIOD OF TWELVE MONTHS, BASED ON YEAR OF 1932 OPERATIONS, IF FLEET BECAME LIABLE FOR MOORAGE DUES AS PROPOSED IN SECTION 707.

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STEAMER	MONTHLY CHARGE	NO. OF MONTHS	COSTS.
41 Canallers.	$ 55.00	4	$ 9,020.00
15 "	55.00	12	9,900.00
ASHCROFT	168.00	6	1,008.00
BRENTWOOD	90.00	6	540.00
COLLINGWOOD	96.50	6	579.00
DONNACONA	181.25	6	1,087.50
EMPEROR	144.38	4	577.52
GLENEAGLES	178.80	6	1,072.80
GLENROSS	75.46	12	905.52
GODERICH	136.08	4	544.32
HAGARTY	162.25	4	649.00
HUGUENOT	70.20	12	842.40
LEMOYNE	221.55	6	1,329.30
MARTIAN	86.50	6	519.00
MIDLAND KING	90.00	6	540.00
MIDLAND PRINCE	128.15	4	512.60
OSLER	142.80	6	856.80
PORTSMOUTH	77.44	12	929.28
PRESCOTT	128.00	6	768.00
RENFREW	76.14	12	913.68
RENVOYLE	83,38	7	583.66
SASKATCHEWAN	50.54	12	606.48
VALCARTIER	86.64	6	519.84
WESTMOUNT	159.50	4	638.00
STADACONA	174.60	6	1,047.60
5 "CITIES"	40.00	4	800.00
ARVIDA	37.45	12	449.40
HAMONIC	87.50	4	350.00
HURONIC	69.02	4	276.08
NORONIC	94.12	8	752.96
CAPE ETERNITY	51.87	12	622.44
CAPE TRINITY	46.20	12	554.40
CAYUGA	56.43	6	338.58
CHIPPEWA	55.62	8	444.96
CORONA	43.20	12	518.40
KINGSTON	51.84	8	414.72
TORONTO	48.42	8	387.36
BATISCAN	49.40	12	592.80
RAPIDS KING	46.20	12	554.40
RAPIDS PRINCE	36.45	8	291.60
RICHELIEU	77.52	8	620.16
SAGUENAY	55.00	12	660.00
ST. LAWRENCE	112.20	8	897.60
TADOUSSAC	122.50	7	857.50
QUEBEC	122.50	7	857.50
TURBINIA	41.25	12	495.00
			$ 48,226.16

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SEASON	TOTAL GRAIN SHIPPED FROM MONTREAL RECEIVED EX VESSEL & RAIL.	CARRYING CAPACITY UPPER LAKERS AVAILABLE DELIVER GRAIN AT PT. COLBORNE.	CARRYING CAPACITY CANAL STRS. AVAILABLE LOAD PT. COLBORNE & UNLOAD MONTREAL.	CARRYING CAPACITY PACKAGE FRT. STRS. CARRYING GRAIN DIRECT FT. WM./MTL.
	BUSHELS	BUSHELS	BUSHELS	BUSHELS.
1923	120,107,990	165,233,000	172,221,000	2,488,000
1924	165,139,399	182,558,000	181,062,000	3,640,000
1925	166,212,335	203,103,000	199,500,000	3,640,000
1926	135,897,882	216,318,000	180,285,000	8,344,000
1927	195,247,914	278,963,000	201,495,000	9,496,000
1928	211,295,379	278,963,000	231,630 000	9,496,000
1929	90,674,208	281,826,000	274,449,000	10,072,000
1930	81,669,864	287,636,000	289,506 000	10,072,000
1931	89,512 312	287,636,000	285 742,000	10,072 000
1932	109,164,344	287,636,000	285,742,000	10,072,000

It can be figured that some of the Canal Steamers would be required for other trades, but the above quantity of grain shown as possible to deliver at Port Colborne, could still be carried by diverting the Upper Lake Steamers to Georgiam Bay Ports and carrying by rail to Montreal.

Some exportation of grain has been made via Quebec, and during the last two years via Sorel, but the available tonnage shown above, which was not required to transport grain to Montreal, far exceeds the additional shipments from Quebec and Sorel.

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CANADIAN UPPER LAKE GRAIN VESSELS.

	WHERE BUILT	WHEN BUILT	REBUILT	TRANSFERRED TO CANADIAN REGISTRY	GRAIN CAPACITY BUSHELS	
ALGOME CENTRAL STEAMSHIP CO.						
HOME SMITH	U.S.A.	1901	1920.	1918.	210,000	
J.F.TAYLOR	U.S.A.	1901	1919.	1918.	210,000	
W.C.FRANZ	U.S.A.	1901	1918	1918.	210,000	
						630,000.
ARROW STEAMSHIP COMPANY:						
ROBT.P.DURHAM	Canada	1902	1929	1902.	205,000	
						205,000
CANADA STEAMSHIP LINES LIMITED:						
ASHCROFT	Canada	1924			420,000	
BRENTWOOD	"	1903			208,000	
COLLINGWOOD	"	1907			239,000	
DONNACONA	"	1914			460,000	
EMPEROR	"	1910			350,000	
GLENEAGLES	"	1925			433,000	
GLENROSS	England	1925	Lengthened /26.1925.		190,000	
GODERICH	U.S.A.	1908		prior 1917.	330,000	
HAGARTY	Canada	1914			375,000	
HUGUENOT	U.S.A.	1890		1922.	130,000	
LEMOYNE	Canada	1926			550,000	
MARTIAN	U.S.A.	1901		prior 1917.	209,000	
MIDLAND KING	Canada	1903			222,000	
OSLER	"	1907			324,000	
PORTSMOUTH	U.S.A.	1896	1923	1923.	184,000	
PRESCOTT	U.S.A.	1903		1918	326,000	
RENFREW	U.S.A.	1893		prior 1917.	138,000	
RENVOYLE	England	1925		1925.	163,000	
SASKATCHEWAN	U.S.A.	1890		prior 1917.	125,000	
STADACONA	Canada	1929			443,000	
VALCARTIER	U.S.A.	1903		prior 1917.	212,000	
WESTMOUNT	Canada	1917			375,000	
						6,406,000
GREAT LAKES TRANSIT CORPORATION:						
JAMES B.EADS	U.S.A.	1894	1920	1927.	210,000	
JOHN ERICSON	U.S.A.	1896		1930.	192,000	
RALPH BUDD	U.S.A.	1906		1929.	223,000	
BGE.ALEX.HOLLEY	do	1896		1930.	216,000	
BGE. GLENBOGIE	do	1902		1925.	201,000	
BGE. 137	do	1896		1927.	191,000	
						1,233,000

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CANADIAN UPPER LAKE GRAIN VESSELS.

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	WHERE BUILT	WHEN BUILT	REBUILT	TRANSFERRED TO CANADIAN REGISTRY.	GRAIN CAPACITY BUSHELS	
LAKE ERIE COAL COMPANY:						
ALEX.LESLIE	USA	1901		1927.	210,000	
						210,000
MATHEWS STEAMSHIP COMPANY:						
BAYTON	USA	1904		1922.	260,000	
BERRYTON	USA	1908		1922.	345,000	
LAKETON	USA	1903		1917.	260,000	
MATHEWSTON	Canada	1922			415,000	
RIVERTON	USA	1896	1915	1915.	275,000	
ROYALTON	Canada	1924			415,000	
						1,970,000
NORTHLAND STEAMSHIP CO.LTD.						
SARNIAN	USA	1895		prior 1917.	150,000	
						150,000
PATERSON STEAMSHIPS LTD.						
BRICOLDOC	USA	1902		1927.	255,000	
CANADOC	USA	1899	1913.	1927.	252,000	
FORTWILLDOC	USA	1901	1925.	1927.	285,000	
MANTADOC	USA	1903	1925.	1927.	260,000	
ONTADOC	USA	1903	1925	1927.	250,000	
PRINDOC	USA	1901	1916	1927.	215,000	
QUEDOC	USA	1890	1923	1918.	151,000	
SASKADOC	USA	1900	1913	1927.	252,000	
SOODOC	USA	1902	1925	1927.	260,000	
VANDOC	USA	1898	1912	1927.	260,000	
WINDOC	USA	1899	1912	1927.	260,000	
						2,700,000
WESTERN NAVIGATION CO.LTD.:						
ANNA C.MINCH	USA	1903	1914	1926.	226,000	
						226,000
						13,730,000.

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CANADIAN UPPER LAKE VESSELS
REMOVED FROM GRAIN TRADE
DURING YEARS 1923-1932.

STEAMER	WHERE BUILT	YEAR BUILT	OPERATED IN CANADIAN GRAIN TRADE	GRAIN CAPACITY BUSHELS.
MIDLAND PRINCE	Canada	1907	1907 to 1928	320,000.
MAPLECOURT	U.S.A.	1894	1922 to 1929	128,200.
GLENBRAE	U.S.A.	1890	1919 to 1925	150,000.
GLENCAIRN	U.S.A.	1893	1920 to 1925	150,000.
GLENLYON	U.S.A.	1893	prior 1917 to 1925	175,000.
GLENMOUNT	U.S.A.	1887	prior 1917 to 1926	140,000.
ALTADOC	U.S.A.	1901	1926 to 1928	210,000.
				1,273,000.

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CANADIAN LOWER LAKE GRAIN VESSELS.

OWNERS.	STEAMER.	GRAIN CAPACITY.	
ABITIBI POWER & PAPER CO. LIMITED.	WAHCONDAH	50,000	50,000
AUBE STEAMSHIP COMPANY.	AUBE	60,000	60,000
BIRCHBAY STEAMSHIP CO. LTD.	TEAKBAY	95,000	95,000
CANADA STEAMSHIP LINES LIMITED.	ACADIAN	82,000	
	# ANTICOSTI	72,000	
	# BARRIE	85,000	
	CAMROSE	70,000	
	CANMORE	70,000	
	CHANDLER	70,000	
	CHAPLEAU	70,000	
	CHATSWORTH	70,000	
	COURTRIGHT	70,000	
	DON. STEWART	82,000	
	DUNDAS	80,000	
	ELGIN	80,000	
	FAIRMOUNT	82,000	
	# GRAINMOTOR	100,000	
	# GRANBY	73,000	
	# HAMILTON	78,000	
	HASTINGS	80,000	
	KINDERSLEY	73,000	
	# KINMOUNT	82,000	
	KIPAWA	68,000	
	# KNOWLTON	73,000	
	LANARK	80,000	
	LENNOX	80,000	
	# MAGOG	73,000	
	MAPLEHEATH	84,000	
	# MAPLEHILL	69,000	
	MAPLETON	75,000	
	# MEAFORD	85,000	
	NORFOLK	80,000	
	OXFORD	80,000	
	# PENETANG	85,000	
	ROSEMOUNT	72,000	
	# SHERBROOKE	73,000	
	STARMOUNT	84,000	
	THUNDER BAY	68,000	
	VINMOUNT	64,000	
	WATERLOO	80,000	
	WINONA	63,000	
			2,986,000

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CANADIAN LOWER LAKE GRAIN VESSELS.

OWNERS.	STEAMER	GRAIN CAPACITY	
CANADIAN LAKE CARRIERS LIMITED.	TRENORA	86,000	86,000
CANADIAN TERMINAL SYSTEM LIMITED.	RAHANE	76,000	76,000
CARTER WOOD LINES LTD.	CHEMONG	82,000	
	DRUMMOE	82,000	164,000
CRAWFORD & COMPANY.	BRULIN	76,000	76,000
EASTERN STEAMSHIP COMPANY. (Boland & Cornelius, Mgrs. Buffalo).	A.C.FIELD	90,000	
	CHAS.R.HUNTLEY	90,000	
	EDWIN T.DOUGLASS	90,000	
	FRANK B.BAIRD	90,000	
	GEO.L.TORIAN	90,000	
	JAS.STEWART	90,000	
	J.A.HOLLOWAY	90,000	
	J.B.RICHARDS	90,000	
	J.J.RAMMACHER	90,000	
	J.S.PILLSBURY	90,000	
	JUDGE HART	90,000	
	JUDGE KENEFICK	90,000	
	N.B.MacPHERSON	90,000	
	N.P.CLEMENT	90,000	
	RT.W.POMEROY	90,000	
	SHELTON WEED	90,000	
	SHIRLEY G.TAYLOR	90,000	
	W.F.NISBET	90,000	
	WM.C.WARREN	90,000	
	WM.H.DANIELS	90,000	
THE ESSEX TRANSIT CO.LTD.	ARAGON	66,000	1,800,000
			66,000
FAIRPORT S.S.CO.LIMITED (Jenkins,Mgrs.Cleveland).	FAIRLAKE	95,000	
	FAIRRIVER	95,000	190,000
FOOTE TRANSIT CO.LIMITED.	F.V.MASSEY	92,000	92,000

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CANADIAN LOWER LAKE GRAIN VESSELS.

OWNERS.	STEAMER	GRAIN CAPACITY	
HALL CORPORATION CO. OF CANADA.	LYCLIFFE HALL	92,000	
	CONNISCLIFFE HALL	92,000	
	EAGLESCLIFFE HALL	92,000	
	GEO. L. EATON	92,000	
	JOHN H. PRICE	97,000	
	MEADCLIFFE HALL	92,000	
	MONT LOUIS	93,000	
	ROCKCLIFFE HALL	92,000	
	WESTCLIFFE HALL	92,000	
			834,000
INLAND STEAMSHIP CO. LIMITED.	DAMIA	95,000	
	SARACEN	95,000	
			190,000
INLAND WATERS NAVIGATION CO. LTD.	TURRET CAPE	64,000	
			64,000
INTERNATIONAL WATERWAYS NAVIGATION CO. LIMITED.	BELVOIR	85,000	
			85,000
KEYSTONE TRANSPORTS LTD.	KEYBAR	82,000	
	# KEYBELL	76,000	
	KEYNOR	82,000	
	KEYPORT	80,000	
	KEYSTATE	82,000	
	KEYVIVE	80,000	
	KEYWEST	80,000	
			562,000
LAKE STEAMSHIP CO. LTD.	BIRCHTON	85,000	
	CEDARTON	85,000	
	OAKTON	85,000	
			255,000
LAKES & ST. LAWRENCE NAVIGATION CO. LTD.	CASCO	95,000	
			95,000
MATHEWS STEAMSHIP CO. LTD.	ARLINGTON	75,000	
	#BROOKTON	70,000	
	EASTON	80,000	
	FULTON	87,000	
	LIVINGSTON	84,000	
	MALTON	66,000	
	NORTHTON	85,000	
	SOUTHTON	92,000	
	WATERTON	84,000	
	WIARTON	70,000	
	YORKTON	80,000	873,000

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CANADIAN LOWER LAKE GRAIN VESSELS.

OWNERS	STEAMER	GRAIN CAPACITY	
MONT LOUIS S.S.CO.	WALTER B.REYNOLDS	93,000	
			93,000
NORTHWEST TRANSPORTATION CO.	GEORGIAN	75,000	
	SUPERIOR	56,000	
			131,000
PATERSON STEAMSHIPS LTD.	CARTIERDOC	95,000	
	COTEAUDOC	95,000	
	FARRANDOC	93,000	
	GANANDOC	95,000	
	HAMILDOC	95,000	
	KINGDOC	94,000	
	LACHINEDOC	95,000	
	LAVALDOC	95,000	
	LAURENDOC	96,000	
	MONDOC	95,000	
	NEWBRUNDOC	95,000	
	NOVADOC	95,000	
	PRESCODOC	96,000	
	SARNIADOC	95,000	
	SORELDOC	95,000	
	THORDOC	62,000	
	TORONDOC	95,000	
	TROISDOC	96,000	
	WELLANDOC	94,000	
			1,771,000
PORT COLBORNE & ST.LAW. NAVIGATION CO.LTD.	BENMAPLE	75,000	
			75,000
QUEBEC & ONTARIO TRANSPORTATION CO.LTD.	CHICAGO TRIBUNE	82,000	
	NEW YORK NEWS	82,000	
			164,000
RED BARGE LINE LIMITED.	# RED CHIEF	115,000	
	" RED CLOUD	115,000	
	" RED FERN	115,000	
	" RED HEAD	115,000	
	" RED RIVER	115,000	
	" RED WOOD	115,000	
			690,000
SARNIA STEAMSHIPS LTD.	C.H.HOUSON	95,000	
	JOHN J.BOLAND JR.	95,000	
	JOHN O.MCKELLAR	95,000	
	JOS.P.BURKE	95,000	
	RALPH GILCHRIST	95,000	
	SCOTT MISENER	95,000	
			570,000

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CANADIAN LOWER LAKE GRAIN VESSELS.

OWNERS	STEAMER	GRAIN CAPACITY	
ST.LAWRENCE STEAMSHIPS LTD.	ALGONQUIN	95,000	
	CHEYENNE	95,000	
	IMARI	95,000	
	SIOUX	95,000	
			380,000
TREVISA S.S. CO. LIMITED.	TREVISA	80,000	
			80,000
UNION TRANSIT CO. LIMITED.	D.B.HANNA	80,000	
	GEO.R. DONOVAN	80,000	
	JAS.B.FOOTE	80,000	
	WM.SCHUPP	92,000	
			332,000
WATER TRANSPORTS LTD.	DEEPWATER	86,000	
	STILLWATER	86,000	
	SUREWATER	83,000	
	SWIFTWATER	83,000	
			338,000
WELLAND STEAMSHIPS LTD. (Mgrs. Jenkins, Cleveland).	LOCKWELL	95,000	
	PORTWELL	95,000	
	STARWELL	95,000	
			285,000
			13,607,000.

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PACKAGE FREIGHT VESSELS

ENGAGED IN CARRYING GRAIN DIRECT FORT WILLIAM-MONTREAL.

	STEAMER	GRAIN CAPACITY	
CANADA STEAMSHIP LINES LIMITED.	BEAVERTON.	63,000	
	CALGARIAN	59,000	
	CANADIAN	63,000	
	EDMONTON	63,000	
	# FERNIE	72,000	
	KENORA	63,000	
	LETHBRIDGE	72,000	
	# SASKATOON	72,000	
	# SELKIRK	72,000	
	# WEYBURN	72,000	
	# WINNIPEG	72,000	
			743,000
TREE LINE NAVIGATION CO.	ASHBAY	52,000	
	BEECHBAY	52,000	
	CEDARBAY	51,000	
	ELMBAY	52,000	
	MAPLEBAY	51,000	
	OAKBAY	52,000	
	PINEBAY	52,000	
	POPLARBAY	52,000	
	SPRUCEBAY	51,000	
	WILLOWBAY	51,000	
			516,000
			1,259,000.

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FROM: THE RIGHT HONOURABLE THE PRIME MINISTER OF NEW ZEALAND.

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA.

Wellington, 10th April, 1933.

Your telegram of the 4th April. Vessels registered in New Zealand are by virtue of Section 310 of the New Zealand Shipping and Seamen's Act, 1908, deemed to be British ships and this provision will continue.

FORBES.

Shipping

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Ottawa

70, Beverley Street,

Mount Royal, Quebec, April 10, 1933.

Right Honourable Arthur Meighen, K. C., P. C.,

The Senate of Canada,

Ottawa, Ontario.

Dear Sir:

As one who has had practical experience in the operation of fresh and salt water cargo vessels, and who has made an extensive study of the economics of Great Lakes-St. Lawrence shipping — especially with the Seaway Project in mind — I have felt impelled to send you a few observations relative to the pending revision of the law governing coastwise trading. I hope you will find them helpful.

In making the study of shipping referred to, I determined to have an accurate picture of traffic conditions; therefore I prepared a comprehensive set of statistics covering the movement during ten normal years — post-war and pre-depression years — of the outstanding commodity handled by Canadian and by American vessels — grain. I am enclosing herewith three specimen sheets of these tables, the complete set of which numbers sixty-seven sheets. Possibly, you may consider that several sets would be of considerable assistance to the members of the Senate Shipping Committee. If so, I shall be glad to supply as many as may be required.

Yours very truly,

J. R. Kirkwood

TRK

ENCL 4

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GREAT LAKES SHIPPING

Some Observations.

From a perusal of the press reports of the evidence given before the Senate Shipping Committee, one may well be amazed at the absolute disregard by witnesses of the desirability of giving the Committee a complete picture of the important shipping problems of the Great Lakes. Rather, the sole efforts of some of those who testified were directed towards benefits or protection for their own individual interests — or for interests undisclosed — regardless of the welfare, as a group, of all who are occupied in one way or another in the business of shipping and transporting grain, and other commodities, on the Great Lakes.

Now that the Canada Shipping Act is being revised and brought up to date, at long last, it is highly important that the major problems of shipping on the Great Lakes be dealt with in the paramount interest of the citizens of Canada as a whole. This should be impressed by the Committee on self-seeking witnesses who may be concerned only with pressing their own demands. They should be told firmly to bring within their perspectives all phases of the problems for which legislation is desired, and then to come before the Committee with broad-minded representations for the benefit of the many instead of the few.

American vessels have, for a long time, absolutely dominated shipping on the Great Lakes. The manifest superiority of the traffic-load factor enjoyed by owners of these craft — participation in most of which traffic is denied Canadian vessels by the U. S. coastwise law — has enabled the American interests to build up their fleet until now its tonnage outnumbers by ten-to-one that of the Canadian fleet on the Upper Lakes.

The Canadian grain trade has often been in the unenviable position of being actually compelled to ship in American bottoms a large percentage of traffic because Canadian tonnage available was unable to lift, with despatch, the peak loads sent forward from Fort William-Port Arthur.

This is not merely a matter of opinion but is supported by the records. For instance, in 1928 the aggregate deadweight capacity of Canada's Upper-Lakes fleet of bulk carriers (5,000 tons d.w. and over) was approximately 330,000 tons. Had the whole of this fleet been employed in the grain trade, the maximum load lifted per voyage would not have exceeded 13,000,000 bushels of wheat. Reckoning the average round voyage to Port Colborne or Buffalo at 11 days, the monthly carrying capacity of this fleet would be less than 38,000,000 bushels.

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Records compiled by the writer from official figures show that in 1928 there was scarcely a single month during the navigation season when the Canadian Upper-Lakes fleet could have lifted the full volume of grain shipped from Fort William-Port Arthur. During the most active month, November, no less than 109,000,000 bushels was forwarded And 1928 was not the only year, nor was November the only month, during which the entire capacity of these Canadian vessels was quite insufficient to move, as required, the traffic offered.

In view of the foregoing, the problem is raised by the proposed legislation (to exclude American lake-carriers from even partial participation in the Canadian coastwise trade, via Buffalo) as to whether grain growers and/or grain shippers would be penalized because of the possibility — indeed the probability — of a shortage in Canadian bottoms at peak seasons, with the inevitable increases in freight rates.

Of course, were the new British Preference for Canadian export routes inoperative, (I believe it will not be maintained for long) grain shippers could use American vessels to Buffalo and American seaports for export to the United Kingdom and thus protect themselves against potential demands of Canadian vessels for high freights. This seems to be the greatest problem. However, it is not one incapable of solution. But, before offering a suggestion, it is well to consider other aspects.

It is of paramount importance to deal with the problem of building up the Canadian fleet on the Upper Lakes that we may no longer be so dependant upon foreign ships to move a too large proportion of our peak loads of grain traffic.

One recalls with chagrin the drastic action taken by American vessel-owners in 1923 — and their defiance of the Canadian Government — when, upon being requested to file with the Board of Grain Commissioners true copies of their bills of lading, or charters, showing freights charged, they withdrew completely their vessel tonnage from participation in the important lake movement of Canadian grain. One remembers also the rather abject manner in which the then Canadian Minister of Trade and Commerce was compelled to "knuckle down" and surrender to these foreign shipping men after a long series of futile telegrams and useless journeys begging acceptance of the government's ruling.

The chief factors that prevented a greater growth of carrying capacity of bulk carriers under the Canadian flag have been: (a) The very uneven traffic load available, with its peaks in April-May-June and October-November-December; and its valley in July-August-September. (b) The ability of American owners to utilize at will in the Canadian grain trade — especially when freight rates are attractive — their vessels normally engaged in the carriage between American ports of iron ore, stone, coal and grain.

In short, owners of Canadian vessels have been, more or less, at the absolute mercy of

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of American lake-shipping interests. When Canadian cargoes were scarce, and freights were low, our friends to the South were content to leave with Canadian steamers practically all of the low-rate traffic. When Canadian grain-freights experienced a rise, due to increase in the volume of traffic available, American owners put their vessels into the Canadian trade to skim whatever cream was available.

The record is impressive of American-vessel participation in the Canadian-grain traffic during ten representative crop years, 1919-20 to 1928-29. It is graphically shown in the enclosed table, "Monthly Carryings of Canadian Vessels and United States Vessels," compiled by the writer. This table speaks for itself and merits close study.

Before amending the coastwise law, the Administration and Parliament should come to a decision as to a policy with respect to Canadian shipping on the Great Lakes. The questions are: Shall Canada's lake shipping be aided to expand by affording the reasonable protection against American vessels of an invulnerable coastwise law ? Or, shall Canada be content to depend upon a foreign-flag lakes fleet to move more than one-half of her peak-season grain traffic ?

If the latter policy should be adopted, it would not likely be long until Canadian-flag bulk carriers were practically forced off the Lakes, due to the crushing strength of their powerful American competitors who have many important economic factors in their favour. One has but to look at the financial statements of the larger Canadian inland-shipping concerns to realize that there is very little fight left in them.

It is not difficult to imagine that once our American friends were able to secure virtual control of the traffic in Canadian grain, the grain trade and the grain producer would certainly be made to pay freights which would yield a satisfactory profit to American vessels; and, no doubt, American export routes, via Buffalo, would be so favoured as to become prosperous at the expense of Canadian ports on the St. Lawrence and on the Atlantic.

Moreover, if American lake-shipping secured control of the traffic in Canadian grain, the way would be open for discrimination against individual Canadian shippers of this commodity; and the Canadian Government would have no authority to control such evils.

One of the outstanding features of the proposed Coastwise Trading legislation is that it is fair, since it would give no greater protection to Canadian vessels than is already afforded by the United States law to vessels operating under the U.S. flag. I recall that several years ago when the business began to develop of transporting motor cars by water from Detroit, a Canadian steamship owner (I think it was James Playfair) had American-made automobiles ferried across the river to Windsor and there loaded aboard his Canadian steamers for furtherance to Duluth.

This was a case similar to that of American vessels carrying grain to Buffalo for furtherance to Montreal. The Canadian vessels actually carried two or three cargoes of

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motors from Windsor (ex Detroit) to Duluth, before the American authorities advised them to cease forthwith or be subject to a heavy penalty. Thus the American traffic in automobiles was preserved for American-flag shipping.

There seems to be no good reason why Canadian lake-shipping should not be afforded the protection possible from a sound Coastwise Act. Certainly, it is the only class of shipping in Canada that does not — and never did — secure direct aid from the federal treasury in the form of cash subventions.

If it should happen that the available capacity of the fleet were unable to lift the grain as required, then the Governor-in-Council could suspend temporarily the Coastwise Act to enable American vessels to participate for a time in the Canadian trade. This has been done successfully with respect to the movement of grain to Canadian ports for winter storage in American bottoms.

Proposals for Duty on British-built Vessels.

In conclusion, I desire to refer to the strong representations made by witnesses speaking for Canadian inland-shipyards, and certain steamship interests who have investments in such shipyards, to secure approval of a customs duty on British-built ships which, otherwise, would be excluded from trading between Canadian ports.

Two witnesses made the ridiculous statement that the admittedly higher capital cost of Canadian-built steamers would have no effect on freight rates which, it was said, "are established by competition." In answer to such a silly argument it is sufficient to state that one of these witnesses happens to be the general manager of a steamship company which quite recently declared its inability to pay interest on its bonds — a type of mortgage security representing a good deal of the money tied up in high-capital-cost vessels and other assets.

Without a shadow of a doubt, it is to the advantage of Canadian inland shipping, to the grain growers and grain shippers, and to Canadian ports and railroads, to employ vessels built at the lowest possible capital cost, and according to the latest and best shipbuilding practice such as is well understood in Great Britain.

It is not incorrect to state that Canadian shipyards on the Great Lakes have always enjoyed protection against British shipyards in the construction of the big bulk carriers. It is not the protection of a customs duty, to be sure; but it is even a more efficient barrier. I refer to the 14-ft. canal system, which limits to about 2,900 tons deadweight the capacity of ships that may be constructed in Britain for use on the Great Lakes. Manifestly, such small craft are unable to compete successfully with bulk carriers like those built on the Upper Lakes of 10, 12 or 15 thousand tons capacity. So far as the 14-ft. canals are concerned, there are more than sufficient vessels to serve these waterways until the advent of the St. Lawrence Seaway, when they will no longer be required.

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The real competition for Canadian shipyards on the Lakes lies with the American yards in the same territory. This is proved by the fact that of forty-three large steamers comprising the Canadian Upper-Lakes fleet, no less than twenty-five were built in U.S. shipyards. And yet, the Canadian yards have been protected by a tariff against American-built vessels.

It seems to be quite evident that Canadian shipyards are pretty well destined to get along with a minimum of ship construction, and to depend upon repair work and side lines to enable them to carry on. Even were the Canadian yards able to secure, with the aid of adequate tariff protection against all competitors, all of the available ship-construction business, they would not prosper in this field since there is such a limited demand in Canada for new-vessel tonnage.

Certainly, the Canadian yards are unable to compete for world business as are our British cousins engaged in this industry. In this respect Canada is much like the United States, which builds no commercial tonnage for foreign countries. However, the relations between Canada and the Mother Country — political and commercial — are not analagous to those of Great Britain and the United States. It is much better for Canada to buy at low cost in Britain the ships needed to transport wheat at low rates — to supply the important British, and other markets, for this important commodity.

.....

70, Beverley Street,
Mount Royal, Quebec.
April 10, 1933.

THOMAS R. KIRKWOOD

T.R. Kirkwood

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EASTBOUND LAKE MOVEMENT OF CANADIAN GRAIN LOADED AT FORT WILLIAM-PORT ARTHUR
DESTINATION PORTS AND NATIONALITY OF CARRIERS
(bushels)
CROP YEAR 1928-29

Compiled by T.R.K. from Official Records of Board of Grain Commissioners for Canada, Fort William.

DESTINATION	Can.	U.S.	WHEAT	OATS	BARLEY	FLAX	RYE	TOTAL
November 8-14th, 1928.								
Montreal	5		343,500					343,500
Port Colborne	14		2,773,825	663,521	523,323	47,671	226,514	4,234,854
Buffalo	1	36	10,313,484		1,686,299			11,999,783
Fairport		3	900,370					900,370
Toledo	1	1	527,621					527,621
Erie	1		318,790					318,790
Europe, direct	1	1#	103,014					103,014
U.K., direct	2		115,054					115,054
Sarnia*		1	194,879					194,879
Goderich*	4		613,032	89,798	69,223			772,053
Owen Sound*	1			99,093		30,000		129,093
Midland*	7		1,028,754	85,908	116,931			1,231,593
Depot Harbour*	4		1,440,699					1,440,699
Subtotal	41	42	18,673,022	938,320	2,395,776	77,671	226,514	22,311,303
November 15-21st.								
Montreal	4		206,997	132,766				339,763
Port Colborne	12		2,579,820	611,498	41,126	158,551	63,005	3,454,000
Toronto	1		70,000	46,285				116,285
Buffalo	3	32	9,302,975		1,903,135		60,101	11,266,211
Erie		3	1,208,343					1,208,343
Toledo		2	588,071					588,071
Fairport		4	1,023,225					1,023,225
Europe, direct		3#	163,962					163,962
Sarnia*	1	2	680,419					680,419
Goderich*	1	1	346,812			126,560		473,372
Midland*	5	2	1,736,307	118,983				1,855,290
Depot Harbour*	2		433,026		131,381		152,964	717,371
Subtotal	29	49	18,339,957	909,532	2,075,642	285,111	276,070	21,886,312
November 22-30th.								
Montreal	1		23,206				59,243	82,449
Port Colborne	17	2	4,650,415	189,760	130,224	102,116	360,343	5,432,858
Toronto	4		150,751	229,265				380,016
Buffalo	1	44	12,030,379		3,080,404		80,000	15,190,783
Cleveland		2				283,206		283,206
Erie		10	2,863,932		1,341,788			4,205,720
Toledo		2	645,074					645,074
Fairport		9	2,299,383		103,710			2,403,093
Milwaukee		1				102,802		102,802
Europe, direct		2#	115,200					115,200
Sarnia*		10	3,256,672				459,601	3,716,273
Walkerville*	1						93,553	93,553
Goderich*	7	10	3,414,729	638,125	243,962			4,296,816
Owen Sound*	6	1	807,909	620,576	216,681			1,645,166
Midland*	15	4	4,216,750	529,945	320,359		165,456	5,232,510
Port McNicoll*	1	3	1,401,670					1,401,670
Tiffin*		3	125,516		926,066		109,049	1,160,631
Depot Harbour*	2		775,666		106,680			882,346
Subtotal	55	103	36,777,252	2,207,671	6,469,874	488,124	1,327,245	47,270,166
SUMMARY FOR NOVEMBER:								
Pt.Col.-Tor.-Mont.-Quebec			13,273,631	2,805,290	843,480	308,338	794,383	18,025,122
Buffalo and other U.S.			52,634,346		8,827,823	433,076	140,101	62,035,346
Europe & U.K., direct			497,230					497,230
Bay Ports*			23,131,768	2,440,214	2,301,798	156,560	1,133,046	29,163,386
Total			89,536,975	5,245,504	11,973,101	897,974	2,067,530	109,721,084

Total Grain Shipped in:
Canadian vessels - 38,084,738 bushels.
United States " # - 71,636,346 "
Includes 6 Norwegian.

Average Size Full Cargoes of Wheat:
Canadian vessels - 233,241 bushels.
United States " - 318,515 "

December 1-7th.								
Port Colborne	6	4	2,895,464	113,550				3,009,014
Buffalo	2	22	6,771,670		929,418	37,636	335,245	8,073,969
Fairport		3	726,089					726,089
Toledo		1	382,592					382,592

(Continued on page 57)

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123546

MONTHLY CARRYINGS OF CANADIAN VESSELS AND UNITED STATES VESSELS
LAKE SHIPMENTS OF CANADIAN GRAIN EX FORT WILLIAM-PORT ARTHUR
CROP YEARS 1919-20 TO 1928-29

Summarized from Statistics Compiled by T.R.K. from Official Records of Board of Grain Commissioners for Canada, Fort William, Ontario. (bushels)

VESSELS	YEAR	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL	RATIO
Canadian	1919						13,466,169	23,547,336	19,283,458	6,552,173	62,849,136	94.5%
United States	"								1,583,715	2,100,512	3,685,227	5.5
Canadian	1920	5,422,690	13,926,356	4,717,520	5,644,547	7,061,602	6,128,687	16,342,811	19,195,893	8,257,273	86,697,379	64.7%
United States	"		2,090,527				761,622	9,952,845	19,686,070	14,641,659	47,132,723	35.3
Canadian	1921	9,241,076	16,194,275	14,665,775	11,453,449	12,003,050	14,175,364	17,746,443	22,543,407	7,569,291	125,592,130	58,1%
United States	"	4,857,069	4,457,359	1,496,686	1,072,181	498,259	9,114,672	19,814,810	36,049,121	12,944,975	90,305,132	41.9
Canadian	1922	9,614,855	19,244,504	12,331,387	12,661,321	8,104,586	18,803,514	22,303,339	23,912,178	8,865,463	135,841,147	49.4%
United States	"	6,423,413	9,182,608	926,868	4,133,691	1,944,603	14,127,686	31,399,575	55,577,411	13,337,271	137,053,126	50.6
Canadian	1923		23,806,756	18,806,931	13,069,483	11,430,661	15,816,079	37,753,335	36,963,512	10,634,232	168,280,989	57.2%
United States	"		10,218,511	6,241,944	1,405,938		5,487,183	21,333,773	54,806,521	26,817,758	126,311,628	42.8
Canadian	1924	13,613,444	26,800,366	17,026,802	16,389,123	9,724,569	12,354,673	22,359,142	27,747,819	13,059,948	159,075,886	58.5%
United States	"	18,379,306	17,480,236	9,085,204	8,648,814	3,147,899	3,085,763	14,792,774	22,337,501	16,156,334	113,113,831	41.5
Canadian	1925	11,316,383	16,813,304	12,501,445	14,787,428	9,908,043	19,598,459	29,543,021	29,609,353	12,976,741	157,054,177	51.6%
United States	"	14,048,629	2,679,332	4,317,329	9,474,637	3,864,297	18,763,442	31,521,689	39,514,012	23,299,931	147,483,298	48.4
Canadian	1926		28,871,770	25,851,733	19,756,847	14,498,933	21,175,079	34,712,829	26,689,778	6,657,656	178,214,625	60.3%
United States	"		16,935,148	12,808,498	1,774,236	130,614	3,459,942	20,129,277	45,510,795	16,757,656	117,506,166	39.7
Canadian	1927	15,620,681	16,184,905	11,476,864	9,380,832	11,336,939	10,667,625	22,291,873	35,571,894	7,720,167	140,251,780	50 %
United States	"	25,117,360	13,767,103	1,201,648	1,757,769	4,243,441	5,714,008	24,188,523	51,084,642	13,094,577	140,169,071	50
Canadian	1928		24,192,725	26,774,944	25,130,111	22,249,627	13,543,924	31,991,411	38,084,738	5,679,349	187,646,829	48.4%
United States	"		19,899,422	9,781,687	17,015,911	6,336,801	16,992,007	37,908,969	71,636,346	17,667,793	197,238,936	51.6
Canadian	1929	18,840,410	23,326,953	14,286,265	10,857,225						67,310,853	66.3%
United States	"	12,891,427	9,850,693	7,196,774	4,398,080						34,336,974	33.7
10 YEARS - TOTALS												
Canadian Vessels		83,669,539	209,361,914	158,439,666	139,130,366	106,318,010	145,729,573	258,591,540	279,602,030	87,972,293	1,468,814,931	56.0%
United States "		81,717,204	106,560,939	53,056,638	49,681,257	20,165,914	77,506,325	211,042,235	397,787,134	156,818,466	1,154,336,112	44.0
Ratio: Canadian vessels		50.6%	66.0%	70.4%	73.6%	84.0%	65.2%	55.6%	41.2%	35.9%		
United States "		49.4	34.0	29.6	26.4	16.0	34.8	44.4	58.8	64.1		

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123547

TOTAL DIRECT WATER-SHIPMENTS OF CANADIAN GRAIN TO CANADIAN AND UNITED STATES PORTS
SHOWING RELATIVE IMPORTANCE IN HANDLINGS OF THIS TRAFFIC
CROP YEARS 1919-20 TO 1928-29.

Summarized from Statistics Compiled by T.R.K. from Official Records of Board of Grain Commissioners for Canada, Fort William, Ontario. (Quantities in bushels.)

SHIPPED TO:	1919-20	1920-21	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28	1928-29	TOTAL-10 Y.
CAN. ALL-WATER ROUTE											
Toronto	-	-	-	-	-	-	-	-	-	945,126	945,126
Kingston	-	-	-	468,899	661,804	-	483,214	240,980	-	-	1,854,897
Quebec	-	-	463,002	239,696	1,089,649	469,945	1,573,027	926,420	874,751	2,000,471	7,636,961
Montreal	3,654,194	4,278,956	3,948,373	8,776,238	13,442,877	17,560,703	15,180,172	13,515,593	14,564,351	13,371,694	108,293,151
Port Colborne	22,215,896	24,050,664	39,509,393	52,085,337	64,760,789	57,622,179	76,267,788	58,192,218	73,141,907	71,716,807	539,562,978
	25,870,090	28,329,620	43,920,768	61,570,170	79,955,119	75,652,827	93,504,201	72,875,211	88,581,009	88,034,098	658,293,113
BAY PORTS											
Walkerville*	-	-	-	-	-	-	-	-	-	93,553	93,553
Collingwood	-	-	-	351,942	-	-	-	-	-	-	351,942
Sarnia	-	-	-	-	-	-	-	-	2,819,391	8,315,499	11,134,890
Depot Harbour	658,029	-	-	934,132	2,755,214	232,278	-	-	1,487,935	8,147,590	14,215,178
Owen Sound	-	-	-	-	-	-	2,121,324	3,887,372	5,397,750	5,501,276	16,907,722
Tiffin	13,678,267	13,647,773	12,659,916	6,158,380	19,397,193	10,201,058	11,784,388	8,784,123	6,666,028	9,756,607	112,733,733
Midland	9,358,411	14,335,468	12,039,023	23,255,672	19,483,605	9,865,507	15,581,004	9,871,552	12,620,761	28,037,067	154,448,070
Goderich	11,960,805	13,941,095	15,356,589	17,877,834	20,711,052	13,221,661	18,031,202	16,895,496	13,017,377	15,656,185	156,669,296
Port McNicoll	36,179,540	29,229,373	25,633,096	24,498,478	23,402,313	15,233,635	24,072,354	14,490,135	9,887,529	13,974,716	216,601,169
	71,835,052	71,153,709	65,688,624	73,076,438	85,749,377	48,754,139	71,590,272	53,928,678	51,896,771	89,482,493	683,155,553
UNITED STATES PORTS											
New York, direct	-	-	-	-	130,200	-	-	-	-	-	130,200
Sandusky	-	210,000	-	-	-	-	-	-	-	-	210,000
Detroit	-	411,439	-	106,989	209,500	-	-	-	-	-	727,928
Milwaukee	-	350,544	90,000	-	102,165	163,989	163,779	205,090	-	102,802	1,178,369
Cleveland	-	895,799	-	-	541,006	378,400	264,755	1,027,031	669,339	1,076,769	4,853,099
Port Huron	344,832	-	818,706	3,806,828	254,661	672,401	-	-	-	-	5,897,428
Chicago	649,812	1,733,182	114,016	1,046,319	1,066,316	483,362	869,815	432,428	573,622	146,532	7,115,404
Toledo	90,769	1,964,756	2,075,595	5,816,172	10,203,636	1,007,628	991,216	1,145,442	2,778,457	3,357,820	29,431,491
Fairport	-	-	442,500	2,437,672	2,082,554	-	6,996,276	6,662,113	7,362,300	8,835,686	34,819,101
Erie	-	-	2,612,089	11,100,571	8,953,701	761,680	951,774	3,054,482	5,717,843	8,110,131	41,262,271
Buffalo	6,607,050	65,856,990	108,763,621	114,345,502	147,591,153	102,830,483	149,070,397	144,705,496	151,129,148	163,988,039	1,154,887,879
	7,692,463	71,422,710	114,916,527	138,660,053	171,134,892	106,297,943	159,308,012	157,232,082	168,230,709	185,617,779	1,280,513,170
OVERSEAS, Direct	-	-	-	-	196,300	-	194,735	193,750	-	604,422	1,189,207
ALL CANADIAN PORTS	97,705,142	99,483,329	109,609,392	134,646,608	165,704,496	124,406,966	165,094,473	126,803,889	140,477,780	177,516,591	1,341,448,666
ALL PORTS	105,397,605	170,906,039	224,525,919	273,306,661	337,035,688	230,704,909	324,597,220	284,229,721	308,708,489	363,738,792	2,623,151,043

* Rye.

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MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 194)

123548

MONTHLY LAKE SHIPMENTS OF CANADIAN GRAIN, ex FORT WILLIAM-PORT ARTHUR, CROP YEARS 1919-20 TO 1928-29
SHOWING COMPARITIVE MOVEMENT OF TRAFFIC VIA CANADIAN ALL-WATER ROUTE, BAY PORTS, UNITED STATES PORTS AND OVERSEAS DIRECT
Summarized from Statistics Compiled by T.R.K. from Official Records of Board of Grain Commissioners for Canada, Fort William, Ont. (in bushels)

BY WAY OF	1919-20	1920-21	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28	1928-29	TOTAL 10-Y
CAN. ALL-WATER ROUTE:											
August						7,377,916	8,957,592	6,603,283	9,453,944	10,603,400	42,996,135
September	4,326,574	2,235,158	3,663,864	6,899,942	7,000,316	4,561,058	12,158,982	7,989,598	7,615,892	4,505,656	60,957,040
October	6,254,533	3,305,235	5,273,305	7,772,854	12,372,791	12,105,367	11,401,327	12,514,448	15,200,065	14,963,179	101,163,104
November	4,378,730	2,832,512	5,170,128	7,560,048	9,946,144	9,373,757	9,815,215	8,113,712	11,850,573	18,025,122	87,065,941
December	842,871	541,508	589,839	2,145,328	3,596,981	2,503,060	1,686,732	2,053,368	2,239,393	4,390,201	20,589,281
April	1,684,233	5,029,213	4,723,353		9,353,723	7,644,019		9,512,707		11,777,140	49,724,388
May	3,837,306	5,139,541	6,519,827	11,520,172	13,641,364	9,725,879	20,428,079	10,606,993	13,887,720	8,184,349	103,491,230
June	2,207,111	4,241,051	5,482,120	11,222,468	12,029,962	8,849,083	16,035,953	8,125,571	15,555,453	10,299,338	94,048,110
July	1,464,128	2,665,653	7,731,291	7,340,841	12,013,838	13,512,688	13,020,321	7,355,531	12,777,969	5,285,713	83,167,973
August	874,604	2,339,749	4,767,041	7,108,517							15,089,911
	25,870,090	28,329,620	43,920,768	61,570,170	79,955,119	75,652,827	93,504,201	72,875,211	88,581,009	88,034,098	658,293,113
BAY PORTS:											
August						2,100,577	550,578	2,297,559	389,536	10,839,251	16,177,501
September	9,139,595	1,701,249	10,511,500	11,288,225	5,571,434	6,859,566	7,224,159	5,171,580	1,187,715	8,239,920	66,894,943
October	17,292,803	6,173,678	11,212,674	14,530,485	22,609,277	8,259,680	17,725,936	15,244,993	4,339,627	16,813,196	134,202,349
November	14,904,728	14,189,640	15,661,856	16,152,130	24,532,991	17,048,164	18,195,943	17,439,514	22,470,547	29,163,386	189,758,899
December	5,373,291	7,602,043	6,979,452	6,720,135	8,258,248	10,255,329	10,944,638	4,968,001	7,732,667	5,831,217	74,665,021
April	3,738,457	3,091,087	4,070,238		5,324,224	1,011,271		3,997,565		2,863,838	24,096,680
May	9,021,208	10,480,814	10,309,216	12,092,084	11,237,433	1,805,296	7,744,366	2,490,536	4,369,597	11,637,717	81,188,267
June	2,084,350	9,719,746	2,384,551	6,892,706	3,840,385	818,633	6,679,783	1,467,829	3,181,892	2,446,498	39,516,373
July	4,180,419	8,619,796	2,317,962	3,567,440	4,375,385	595,623	2,524,869	851,101	8,225,190	1,647,470	36,905,255
August	6,100,201	9,575,656	2,241,175	1,833,233							19,750,265
	71,835,052	71,153,709	65,688,624	73,076,438	85,749,377	48,754,139	71,590,272	53,928,678	51,896,771	89,482,493	683,155,553
UNITED STATES PORTS:											
August						3,393,975	4,264,170	5,728,705	5,736,900	7,143,777	26,267,527
September		2,953,902	9,114,672	14,743,033	8,731,512	4,019,812	18,978,760	11,473,843	7,578,026	17,790,355	95,383,915
October		16,816,743	21,075,274	31,399,575	24,105,040	16,786,869	31,937,447	27,082,665	26,940,704	38,016,813	234,161,130
November	1,584,715	21,859,811	37,760,544	55,777,411	57,094,598	23,663,399	40,917,472	46,453,597	52,335,416	62,035,346	399,482,309
December	2,436,523	14,755,381	12,944,975	13,337,271	25,596,761	16,457,893	23,645,302	16,393,943	10,842,684	13,125,724	149,536,457
April		5,977,845	7,244,677		17,314,803	16,709,722		27,227,769		17,090,859	91,565,675
May	3,158,369	5,031,279	11,598,069	10,413,011	19,401,805	7,961,461	17,634,473	16,854,479	25,834,830	13,355,580	131,243,356
June	426,059	2,201,664	5,391,584	6,933,701	10,241,659	7,151,058	15,944,495	3,085,112	17,819,286	8,737,203	77,931,821
July		1,240,181	6,745,759	3,567,140	8,648,714	10,153,754	5,985,893	2,931,969	21,142,863	8,322,122	68,738,395
August	86,797	585,904	3,040,973	2,488,911							6,202,585
	7,692,463	71,422,710	114,916,527	138,660,053	171,134,892	106,297,943	159,308,012	157,232,082	168,230,709	185,617,779	1,280,513,170
OVERSEAS, Direct:					196,300		194,735	193,750		604,422	1,189,207
TOTAL VIA CAN. ROUTES	97,705,142	99,483,329	109,609,392	134,646,608	165,704,496	124,406,966	165,094,473	126,803,889	140,477,780	177,516,591	1,341,448,666
ALL ROUTES	105,397,605	170,906,039	224,525,919	273,306,661	337,035,688	230,704,909	324,597,220	284,229,721	308,708,489	363,738,792	2,623,151,043

123549 113

OTTAWA, April 10, 1933.

Dear Mr. Hamilton:

I have your letter of 7th. This is a letter which I am very glad to receive. It analyses the Bill carefully and makes specific proposals, all of which are well supported.

The minimum penalty set out in the Bill gave me some trouble, and for this reason I asked the Committee of the Senate to rise and not finally deal with the measure until an opportunity for fuller review were given. Your letter arrives in the course of such review.

I cannot make any commitment in the matter, but certainly can assure you that your representations will be very carefully and immediately considered.

Sincerely yours,

Mr. Chester B. Hamilton,
Hamilton Gear & Machine Co ,
62-100 Van Horne St.,
Toronto, Ont.

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123550
113

OTTAWA, April 10, 1933.

Dear Mr. McMaster:

I have your two letters of April 5th and have read same carefully. The representations you have made will be placed before the Committee, and you may depend upon it very careful consideration will be given to them.

Yours very truly,

Mr. N. N. McMaster,

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123550

OTTAWA, April 11, 1933.

O'Connor

Dear Mr. Hamilton:

I have your letter of 10th with respect to Bill J.--the Shipping Bill.

Your representations will have careful consideration at the hands of the Committee.

Yours very truly,

Mr. C. B. Hamilton,
United Montreal Pilots,
Room 113, 3 St. Nicolas,
Montreal, Que.

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123552

UNITED MONTREAL PILOTS

CHAMBRE 113, No. 3 ST-NICOLAS
MONTREAL
CANADA

April 10th, 1933.

Right Honourable Senator Arthur Meighen, P.C.
The Senate
Parliament Bldgs
Ottawa
Ont.

RE: BILL "J" OF THE SENATE (SHIPPING)

Dear Sir:-

Enclosed please find supplementary memorandum with reference to article 416 of the said bill on behalf of the Pilots of the District of Montreal, against the exemption from pilotage dues asked for by ships trading between lower provinces, ports to Ontario and vice & versa.

Yours very truly,

C. B. Howden
Secretary
To the Committee.

Mr. O'Connor

CBH/MC

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SUPPLEMENTARY MEMORANDUM -
RE: ARTICLE 416 - Bill "J" - OF THE SENATE

123553

Supplementary Memorandum to be submitted to the Honourable the Banking & Commerce Committee of the Senate now considering Bill "J" of the Senate entitled an Act respecting Shipping in Canada as against the contentions 1933 for the inclusion of the word "ONTARIO" in subsection (ii) of section "E" of article 416 of the said Bill in order to exempt from pilotage dues Ships trading between lower provinces ports to Ontario and vice versa.

As Against the said contentions and in the best interests of navigation the Pilots Committee of the Pilotage District of Montreal, respectfully submits the following:

That in regard to the question of abolishing the compulsory payment of pilotage dues for ships trading to and from the upper lakes that is to say by adding the word Ontario in subsection (ii) of section "E" of article 416 we are aware that the shipping Federation of Canada has been opposed to such dangerous innovation in the past, and we do not believe that they have changed their opinion on the subject, they cannot be favourable to such policy, which if insisted upon especially between Montreal & Quebec will be detrimental to their own, as well as to the general interests of shipping in that part of the St-Lawrence river.

As to the experience that a man must acquire so as to be able to carry on the navigation of the river with success we shall say this: that no man will qualify thoroughly, as pilot for that part of the river (between Montreal & Quebec) unless he has been properly trained through a solid apprenticeship of several years in the service, during which he shall confine himself only to the study of local conditions under the guidance of fully qualified and experienced men of the trade.

The navigation between Montreal & Quebec is carried for the greater part through very narrow waters of long dredged channels such as necessitate all the time the immediate attention of a fully qualified man who has acquired as stated above a full knowledge of all the local conditions as they exist.

The vessels when coming from above Montreal are sailing under different rules which are very much different from the rules governing below Montreal 'within our pilotage district) and it is a well known fact that when those inland and coasting vessels arrive at the foot of Lachine canal from the upper St-Lawrence after having gone through the long arduous and nerve raking work of canelling them through the several locks and bridges, that the nerves and moral of their officers are not in a state and condition so as to permit them to successfully undertake the pilotage of these vessels within the limits of our district below Montreal and we can say the same thing for these ships when they are coming back from down below upward above Quebec.

Within the limits of our Montreal pilotage district where there are special local rules established, by the authority, for meeting and overtaking ships which rules have to be strickly observed and which are to be thoroughly understood such as local men only will be able to do by the fact that they are daily working under their guidance.

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Of those ships which were trading from Montreal down the St.Lawrence to the lower Provinces very few have taken advantage of the exemption within the limits of our district and of those other ships that were trading from or to the upper lakes above Montreal from or to the lower St.Lawrence or to the lower Provinces, under the exemption before 1908 they were in many occations the cause of serious accidents and misshaps causing serious troubles, which brought about the repealing of same exemption in 1908 repealing which did not go far enough.

We do not see what advantages will accrue to the best interest of the shipping on the St.Lawrence (between Montreal & Quebec) in such relaxation of the laws governing pilotage as suggested.

We cannot see anything but disaster and we feel it is our duty, as faithful servants of all those interested in the good navigation and the good reputation of the St.Lawrence route to place ourselves on record as opposed to such innovation within the limits of our pilotage district of Montreal.

There is no idea of descrimination against Ontario or any other Province but this particular end of the river St.Lawrence has to be specially protected so as to guarantee that all -those interested in the development of trade and commerce within that main artery, shall receive at all times all the necessary protection for the successful carrying out of same.

Since privileges of exemption were and are granted to other Provinces we are well aware that it is not right to discriminate, unless serious reasons prevail, which we hope we have sufficiently established in this present memorandum.

Should the Honourable Committee of the Senate decide to add, as above suggested, the word "Ontario" in said subsection (ii) of section "E" of article 416 of Bill "J" (an Act respecting Shipping in Canada), we the pilots Committee of the Pilotage District of Montreal, representing the licensed pilots for the pilotage district of Montreal, respectfully submit, that for the reasons above mentioned and having in view the protection of the best interests of navigation on the St.Lawrence route between Montreal & Quebec, that exception be made by special provisions for such district.

Therefore we beg to submit and strongly recommend to your Committee that a subsection be added at the end of article 416 of Bille "J"(an act respecting Shipping in Canada) which subsection should read as follow, to wit:

> Notwithstanding anything contained herein, ships such as stipulated in subsection (ii) (iii) and 1V" shall not be exempted from the payment of pilotage dues within the limits of the pilotage district of Montreal."

The whole respectfully submitted.

THE PILOTS COMMITTEE OF THE PILOTAGE DISTRICT OF MONTREAL.

MONTREAL, APRIL 10th,1933.

Per C B Boulin
SECRETARY

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123555

O'Connor

OTTAWA, April 11, 1933.

Dear Mr. Barber:

I have your letter of 10th with respect to Bill J., the Shipping Bill.

What you represent will have careful consideration at the hands of the Committee.

Yours very truly,

Mr. H. J. Barber, M. P.,
House of Commons,
Ottawa, Ontario.

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123556

House of Commons
Canada

Ottawa;
April.10th.1933.

Rt.Hon.Arthur Meighen,
Senate of Canada.
Ottawa.

Dear Mr Meighen;

I notice by section 127 of the Shipping Bill that sailing vessels up to 150 tons are exempt from having qualified officers.

I would like to suggest that this section also apply to Ferry Boats operated by steam or gasolins. I am of the opinion that they should have a definite definition of their own with reasonable qualifications and not be classed under the heading of passenger steamers or cargo steamers.

I have in mind a little Ferry operating across the Fraser,from Rosedale to Agassiz,in my district; It seems unfair to put it in the same class as the steamers plying between Vancouver and Victoria.

Trusting that you will consider this when dealing with this particular section.

Yours truly.

H.J.Barber,M.P.

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123557

Yarmouth N.S. Apl 12/933

Hon Arthur Meighen
Senate of Canada. Ottawa.

Dear Sir

Enclosed I hand you resolution of Maritime Ship owners Association for which I would ask your kind attention

Yours Truly
C Macaloney
Sectrary

sent to Hon. Mr. Duranleau

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123558

OTTAWA, April 12, 1933.

My dear Colleague:

I am in receipt of your letter of the 11th instant with its enclosure--copy of a letter of Eric W. Suffield to you.

I have written to Mr. Suffield in the terms of the enclosed copy which is sent for your information.

Yours sincerely,

Hon. H. H. Stevens,
Minister of Trade and Commerce,
Ottawa, Ontario.

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123559

OTTAWA, April 12, 1933.

Dear Sir: Re Bill "J" - The Shipping Act

I have received from the Hon. H. H. Stevens a copy of your letter to him of April 5th. The information communicated thereby is of interest and will be put before those having the Shipping Bill under consideration.

Yours very truly,

Arthur Meighen.

Eric W. Suffield, Esq.,
730-13th Ave. E.,
Vancouver, B. C.

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THE DEPARTMENT OF

123560

TRADE AND COMMERCE
CANADA

OFFICE OF THE MINISTER

OTTAWA April 11, 1933.

Rt. Hon. Arthur Meighen, P.C.,
The Senate,
O t t a w a .

Dear Mr. Meighen:

I enclose a letter which I have received, which you might glance over and see whether or nor the complaint made is justified.

Yours sincerely,

H. H. Stevens

Enclo.

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C O P Y

123561

730 - 13th Ave. East,
VANCOUVER, B.C.

April 5th, 1933.

Honourable H. H. Stevens,
Minister of Trade and Commerce,
O T T A W A.

Dear Sir:

I wish, through you, to lodge a protest against the new Canadian Shipping Act.

I am a returned soldier, having enlisted at the age of sixteen (signing on as nineteen) in the 31st Battalion in Calgary, coming back at the age of twenty-one, having served three years in France and the remainder in hospital in England due to being severely gassed.

I had absolutely no training for any proposition or work prior to the war, so followed the sea and eventually passed my examination for Coast Passenger Master with no help from the Civil Re-establishment (Soldiers) or any form of Governmental aid. Now I understand that the Government is proposing to pass an Act whereby we shall have to sit every five years for re-examination. There are in the Company employing me, a great number of returned men who deserve better treatment than this will entail.

If the examinations were of the slightest use for the improvement of our every day work there could be no complaint, but as the nagivation of this coast is to a great extent local knowledge and hence the longer one is employed, in my capacity, the more proficient one becomes, it seems futile.

It would seem that this Act will kill any chance of Canadian born becoming officers on ships on this coast as I understand that Board of Trade (Foreign Certificates) require no re-examination, which will tend to deter Canadians from following the coastal trade as a profession. We have practically no deep water vessels on which to serve the time necessary to procure Foreign Trade Certificate.

If the Act had read that future entrants for examination would be required to sit every five years there would have been some fairness as then the entrant would know what was before him prior to entering the profession. Sir, I hope that you will see your way clear to do something to make the Government reconsider their decision. Would it be imposing too much on your generosity to ask for a reply.

Sincerely yours,

(Sgd.) ERIC W. SUFFIELD

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123562

OTTAWA, April 12, 1933.

Dear Mr. McMaster: Re Bill "J"

I am in receipt of your two letters of the 5th instant, for which I thank you. The information communicated therein is of interest and it will be put before those having the Shipping Bill under consideration.

Yours very truly,

Arthur Meighen.

H. N. McMaster, Esq.,
2325 Beaconsfield Ave.,
Montreal, Que.

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123563

The Officers (MERCHANT NAVY) Federation of Canada Limited

Cablegrams-Radiograms,
Shipoficer-Montreal,
Codes:-Bentley's

2325 Beaconsfield Ave.
N. D. G.

Montreal, Canada APRIL 5th, 1933.

Right Honorable Senator Meighen, P.C.
Senate of Canada,
Ottawa, Ont.

Right Honorable Sir:-

We wish to take exception to a press dispatch in connection with Bill J., Shipping Act., in which Mr, Charles J. Burchell, K.C. appeared for and on behalf of the Dominion Steel and Coal Corporation Ltd., under yesterdays date.

May we inform you that the Dominion Coal Company Ltd. which is controlled by the above named Company is not nowor has never has been favorable to Canadian Labor in shipping, nor to at times British Registered ships having employed Foreign tonnage with foreigh crews, and attempted to and has been successful in operating this Foreign tonnage with its Foreign crew in our Canadian Coastwise trade and no later than in 1921.

While it operated this foreign tonnage it had laid up, British Registered tonnage which had a sprinkling of Canadians mixed with British Crews which had been operating on our coast. At least three of such British Registered ships were laid up at Halifax most of the 1931 season. In 1932 they operated British Registered ships on our Coast with British Crew brought out for the purpose while several of their presumed own ships were laid up in Nova Scotia.

My contention is that this Company has had the least consideration of Canadian Labor of any of our Canadian Companies, they have resorted to almost every means to employ foreigners with foreign ships in preference to our Canadian Ships and Canadian crews, and my communications with the Government will bear this out on spacific cases. The S.S. SELJE was a notorious case. British built and swinging her back and forth from British registry to Norwegian to deafeat our Canadian Coastal laws. The records are in Ottawa for your inspection.

My recomendation was supported by these Canadian Organizations that such practices ought to be stopped, that all British built ships, operating in Canada ought to be dutyable based on their appraised value, if engageing in our Domestic Coastal trade. Such British built British Registered ships arrive here with all manner of foreign crews on board, chinese, norwegian, coolies and all sorts of human element and coast here in our domestic trade, who survise on a very inferior level of living to Canadians and has an influence to lower the standard of the Canadian Seafarer, and while they are acting as a crew on such a ship our immigration laws cannot deal with them, and I submit that they ought not to be permitted to mix and operate in Canada on the same basis

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as Canadians,and the Dominion Coal Company has always operated under a condition such as this to avoid employing Canadians,and then they expect and use their influence to compell Canadians to consume their product,both by the Canadian population and the Government consumeing agehcies,and all such coal product is carried to the consumeing market from Nova Scotia by Ships and crews which are other than Canadian.

I submit such Companies ought to be compelled to employ Canadian Registered ships manned by Canadian Crews and Officers in this Domestic trade,and that they should adjust their economic structure to meet this condition. They are an emportand factor in our Canadian Atlantic and St.Lawrence trade,and it should be no more difficult for them to comply we the laws now suggested than other shipping Companies,and in such times as these when Governments are paying relief for unemployed, while other than Canadians find steady employment in Canada under their past system.

They even have an advantage over the large lake ship of equal size on capital invested,inas much as the lake ship is compelled through climatic conditions to lay up for four months of the year,they have the opportunity to compete with world tonnage,and the ships they have been useing can be seen loading grain each fall for foreign and U.K.ports after they finish the St.Lawrence trade.

Therefor we are in favir of a duty or tax on foreign built or British Built ships that engage in our Canadian Coastal trade even if built for Canadian Owners and Canadian Operators.

We are also of the opinion that our immigration laws should apply to any ship that engages in our Canadian Coastal trade and employment on such ship be considered on the same basis as if employed in or entering Canada.

Respectfully submitted,

yours truly,
Officers (Merchant Navy) Federation of Canada

Per H.N.McMaster, General Manager

McM/H.

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Wm. CASPER, *Président*,
536 Theodore, MONTREAL

123565

N. LAZURE, *Secrétaire*,
7400 Drolet, MONTREAL
CAlumet 8738

Association Nationale *des* Ingénieurs *de* Marine *du* Canada

N·A OF M·E OF CANADA

National Association *of* Marine Engineers *of* Canada, INC.

CONSEIL — No 5 — COUNCIL

CENTRAL DIVISION.

Montreal, Que., April 5th, 19 33

Right Honorable Senator Meighen, P.Q.
Senate of Canada,
Ottawa, Ontario.

Right Honorable Sir:-

We beg to draw your attention to Section 573 of the New Canada Shipping Act. wherein it specifies that all dredge, rock drill, floating elevator, pile driver or such vessel shall be inspected as to boilers and machiners, and life saving equipment, but no provision is made to have such power plants in charge of a Certificated Marine Engineer.

We contend that all such floating power plants should be in charge of a certificated Engineer, not below the grade of Third Class Marine, Engineer, and if such power plant has a nominal horse power equal to that of a steamship which is required to carry a higher grade of Marine Engineer Certificate, thennsuch floating power plant to be in charge of such Marine Certificated Engineer as the Nominal Horse Power for Steamships of equal power. (N.H.P.) shall require.

All such power plants while on shore, on docks or elsewhere located in the Provinces require a Certificated Engineer under Provincial laws, but if the same power plant is shifted to a floating vessel and operated along side any dock or elsewhere under the Federal law it is exempt, comming as it does under federal jurisdiction being afloat in channels or harbors.

We contecd that in the interest of safety to life and property, and many of such vessels have many men working on them, that an engineer holding a Canadian Marine Engineers certificate should should be in charge at the time of inspection, and that the Inspector representing the Steamship Inspection Board should record his name and the number of his certificate, and that any subsquent change of engineer should be obliged to record the change in the same manner as the change of Engineer of any steamship.

We also submit that to bring it in uniform with Provincial laws it is necessary to prevent evasion. Casualties to such power plants occur in operation and not at inspection where it has cost the loss of life and property, and we recomend that this regulation be incorporated in the new act, so as to bring these floating crafts under the jurisdiction of the Steamship Inspection Board.

Respectfully submitted,

H.N. McMaster, Secretary, and
Business Manager, Central Division

McM/H.

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OTTAWA, April 12, 1933.

Dear Mr. Reid:

I have yours of 11th. Am sending you the Shipping Bill to-day. There are no notations on the opposite page. It is the usual custom to have them, but the officials have not been able to get it done in this case.

You will be able to answer most of your own questions after you have given about six months' study to this Bill.

Yours very truly,

Mr. R. A. Reid,
Kent Building,
Toronto, Ont.

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123567

ROBERT A. REID, LL.B., D.C.L.
Advocate, Barrister,
Counsellor at Law.

TELEPHONE ADELAIDE 263

CABLE ADDRESS, "REIDLAW, TORONTO."
(ALL STANDARD CODES USED)

KENT BUILDING, 156 YONGE STREET,
TORONTO, CANADA.

April 11th/1933

Dear Senator Meighen:

I would like to have a copy of the Shipping Bill, now before the Senate; also a copy of the Brief or explanation of each section, if any, which, I understand, accompanies a new Bill of this kind, showing the reasons for it, or its change and amendments; also a copy of the proceedings before

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the Senate Committee where it is being discussed.

I notice by today's newspapers that the Bill has encountered a number of constitutional arrays. I thought as much. Could you give me a list of those objections?

What provision is made in the Bill for the enforcement of Canadian laws relating to shipping on the High Seas and in foreign ports, and how is it proposed to enforce those laws?

What provisions are made for the protection of the ship herself, her cargo and freight, and her passengers and crew, on the high seas and in foreign ports.

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and how are these provisions to be enforced? By the Navy of Canada?

What provision is there for protection against insults by foreign nations to the flag of a Canadian ship, and against attacks by and punishment of pirates, and how are these to be enforced?

How is the law of "Prize", under the Shipping and International Law, to be enforced by Canada during war?

Suppose I am a purchaser of a cargo of figs, olives &c at Smyrna, say, and my ship lying in harbour at Smyrna,

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is attached by Robbers or Pirates, and under orders of Kemal Pasha my crew is insulted and robbed, my cargo looted, and my ship set afire, what provision is there for me to punish such conduct under the Canadian Law of Shipping, and how is it to be enforced?

I am not satisfied with an apology, and damages, say, in such case, but I insist, as a Canadian national that Kemal Pasha, he ~~but~~ punished, and damn well punished.

What must I do? What provision is there

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in the new Shipping Law of Canada to provide me with the means of such redress, and how am I to enforce it, both by the Shipping Law of Canada and International Law?

Further, I insist upon a naval demonstration in the Bosphorus, and that Smyrna be occupied, so as to compel redress for me. What must I do, and how can Canada enforce my rights? Put this before your committee for an answer!!

Sincerely yours,

Robert A. Reid

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OTTAWA, April 17, 1933.

Dear Mr. Wolvin:

I have yours of 13th. The suggestion you have made has already been before the Committee and I can assure you we are giving careful attention to same. I shall be down myself early next week again but meantime the matter is not by any means being overlooked at Ottawa.

Yours very truly,

Mr. R. M. Wolvin,
Montreal, Que.

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123573

Roy M. Wolvin
Montreal

April 13, 1933

The Rt. Hon. Arthur Meighen
The Senate
Ottawa, Canada

Dear Mr. Meighen:

I very much appreciated the opportunity to make a statement before the Senate Committee and the very nice way in which I was received - thanks to you.

I rather felt a little bit like waving a Canadian flag over that bill and suggesting that if we found more words like "CANADIAN REGISTER" , "CANADIAN OWNED and CANADIAN BUILT" in the bill itself, it would not be so necessary to turn the cover to find out to which country the Shipping Bill applied.

I understand that the Committee has adjourned indefinitely and has appointed a Sub-Committee consisting of your good self, Senator Dandenaud and Senator Black to study the legislation, consult with the Department of Justice and the Government and to determine whether all or any of the legislation will be proceeded with this year.

I believe that in the past the question of this trans-shipment of grain at Buffalo has been put up to the Department of Justice. To the best of my knowledge this question was never put up in the proper way and if my memory is correct, the answer was evasively formed in that it dealt with an action against the master of a ship when the master of this American ship was not in a Canadian port and violating the law.

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By this I mean that if the American ship loaded grain at Ft. William and discharged it at Buffalo and it then moved from Buffalo to Montreal in a Canadian ship, the American captain would not be present. I believe, however, that if the proper information was obtained on such a shipment of grain when it left Ft. William and the Department quietly followed that grain knowing both through the Lake Shippers' Clearance Ass'n., the Agent for the shipper and possibly through other sources, that the grain was destined for Montreal and ascertained the Canadian boat on which it left Buffalo for Montreal; then, with proper information I believe the Department would have to confiscate that grain at Montreal.

I would strongly urge that this matter be cleaned up immediately by an amendment to the old Shipping Act if a new one is not to be dealt with at this Session. If the shipbuilding companies now in financial difficulties are to be rehabilitated, I think it is most necessary to clean this matter up.

Now, I want to further urge you to please deal with the shipbuilding end of this business. At least state at the present time that no more ships will be permitted to engage in the inland coasting trade of Canada that are built in any ~~other~~ country other than a British dominion. Do not fail on this and please try to go the limit and exclude any ship not built in Canada or exclude any ship not built in Canada except one built in a British dominion and such ship subject to payment of a duty of 30% on her price when new or substitute a tax per ton of say 7¢ per 2000 lbs. carriage. This latter suggestion is merely to avoid the question of duty if it becomes a budget matter.

Thanking you very much for your careful consideration, I am,

Yours faithfully,

S McBolvin

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THE SENATE
CANADA

113

File
shipping

OTTAWA, April 17, 1933.

Dear Mr. O'Connor:

Enclosed is letter from George R. Donovan, which may be of value in the work you are doing in conjunction with Marine Department officials regarding proposed amendments to the Canada Shipping Act for this Session.

Yours very truly,

Mr. W.F. O'Connor,
Ottawa, Ontario.

Recently wrote

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OTTAWA, April 17, 1933.

Dear Mr. Donovan: Re Shipping Bill

I have your letter of 12th. Will very carefully keep in mind the representations which you make with respect to an interim Bill this Session, should it not prove possible to deal with the entire measure. I quite see the force of the arguments you present, and will keep them in mind.

Yours very truly,

Mr. Geo. R. Donovan,
Union Transit Company Limited,
64 King St. East,
Toronto, Ont.

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TELEPHONE
ELGIN 3351
CABLES: SCHUPTORON.

123577

NIGHTS, SUNDAYS
AND HOLIDAYS.
LLOYDBROOK 0352.

UNION TRANSIT COMPANY, LIMITED.

64 KING STREET EAST.

TORONTO 2, CANADA.

Mr. Meighen has acknowledged

April 12.1933.

Rt.Hon. Arthur Meighen, P.C., K.C.,
The Senate,
OTTAWA,
Ontario.

Dear Senator Meighen,

If there is little or no prospect of dealing finally with Bill J. at this Session of Parliament, as our Toronto papers indicate, would it not be possible to amend the present Canada Shipping Act in respect of those features which are so vital to inland coastal shipping ?

To my mind these are as follows :-

✓ 1. Re-defining "Coasting Trade in Canada" as it is now set out in Section 3, Clause 12 (Page 3) of Bill J.

✓ 2. Barring foreign-built vessels, not already on the Canadian Registry, from engaging in inland coasting trade.

✓ 3. Adopting "75% Ownership Clause" as applied to limited stock companies in respect of future tonnage.

The operating results of the past four years have been so disheartening that Canadian Lake Vessel Owners are deeply concerned over the possibility that the present Session may close without measures being taken to improve conditions in their industry. They feel that legislation along these lines will injure no Canadian interests, and will be of decided benefit to lake shipping.

Coal and wheat are basic commodities which, to be traded in freely, require minimum carrying charges, and these are afforded naturally through the St.Lawrence route in the imports of British Coal and the export of Canadian grain. These commodities undoubtedly constitute the backbone of Canada's trade with the United Kingdom, and legislation which will in any way facilitate or encourage their exchange, is of tremendous national importance apart altogether from the interests of lake shipping. We should try to load grain into every ocean tramp steamer that brings coal into Montreal for it is only by furnishing return cargoes that carrying charges on both commodities can be kept at their present low levels.

The West is apparently accustomed to thinking in terms of wheat only, and fails to grasp the fact that anything which would materially reduce the flow of British coal into Montreal (such as higher freight rates), would immediately react upon their export sales and sterling exchange. It is therefore very much to their interest to have Canadian grain shipped through the St.Lawrence.

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Rt.Hon.Arthur Meighen. April 12.1933.

The St.Lawrence has other advantages than cheap ocean space which attract export grain. Our terminal and loading out charges are lower than New York, and the Canadian lake vessel is not under demurrage whereas the Erie Canal barge is. For these reasons alone I do not share the misgivings of Mr. Sidney Smith, representing the Winnipeg Grain Exchange, that the amendment to the Coasting Laws might defeat its own end and divert a still larger proportion of Canadian grain through Buffalo.

I have talked with several Lake Vessel Owners since the Senate Committee was in session last week, and assure you that any action taken by them to have legislation regarding our Coasting Laws passed at this Session of Parliament, will be deeply appreciated by us all.

Yours very truly,

(Geo. R. Donovan.)
Vice-President.

GRD/G.

PROGRESS SOUND MADE IN CANADA

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TORONTO, April 17, 1933.

My dear Prime Minister:

If you can get time, would you be good enough to read the attached letter just received from Mr. Burchell, K. C., and as well a short article which he appends thereto. I may say his suggestion here is in strict line with some observations made before our Committee by Alex. Johnston, Ex-Deputy Minister of Marine.

I left word with Miss Miller last Wednesday night that it would be some little time before we could figure out just the right form of cablegram to send overseas on this subject. I am not even yet ready to submit it, but will be shortly. Meantime, I thought I would like you to have a chance to think over Mr. Burchell's suggestion.

I may say I have written Mr. Burchell indicating to him the big difficulty which has been bothering me and which I outlined to Council, and have asked him for his observations if he would care to make them.

Will be communicating with you again in a few days or, at the latest, as soon as I get back.

Please have the enclosures sent to my office at the Senate.

Yours sincerely,

Rt. Hon. R. B. Bennett, P. C.,
Prime Minister of Canada,
Ottawa, Ontario.

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123580

347 Bay St., Toronto,
April 17, 1933.

Dear Mr. Burchell: Re Bill "J"

I just received your letter of 11th. It was forwarded to me here. — sent to R.B. Bennett.

The fact is I had it on my notes to write you anyway. My purpose was, however, only to thank you for the very excellent memorandum which you were good enough to leave with the Committee, explanatory of the history of the measure and of its natural outgrowth from a series of conferences and agreements. Your memorandum also was of value as indicating the principles which had to be followed and certain special phases to which the Committee should give its most careful attention. I found the work you thus did for us exceedingly useful, and I feel I should tell you how sincerely it has been appreciated.

I note carefully both the contents of your letter and of the article written by youself which you were good enough to enclose. The particular suggestion you make is a most important one and I can assure you will be thoroughly considered.

There is a phase of this whole problem which has bothered me recently. Perhaps you will not misunderstand me if I outline the difficulty to you;—In scores of sections of the present Bill there are duties and obligations imposed upon persons and bodies wholly outside the jurisdiction of Canadian law. I refer to British Consular officers, registrars and other officials in different parts of the Empire, naval courts, etc. On the face of it it seems presumptuous to pass such legislation

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in anticipation of any legislative act of the Imperial Parliament and indeed of the Parliaments of the other Dominions, imposing upon their respecti e officials and other bodies under their respective Parliaments, the duty of responding to such Canadian legislative demands. The presumption seems all the greater in the face of the fact that our Criminal Code makes it an indictable offence for anyone upon whom an obligation by law is specifically imposed neglecting to fulfil that obligation.

From this distance it looks to me as if the draughtsman of the Statute had regarded an agreement as a sufficient base of power and had not looked to the adequate implementing of the obligation of such agreement by Statutory enactment. The importance of the above observation is enhanced when one reflects that the mere passing of this Act cuts the moorings in respect of shipping legislation, leaving us without the mechanics of the Merchant Shipping Act, and dependent solely on our own Statute. Until the obligations are authoritatively imposed on these persons and bodies who are beyond Canadian jurisdiction, it would seem that Canada might on this subject land in a chasm without any adequate Statutory mechanism by way of shipping law.

The above is merely an indication of the immediate big difficulty which looms in front. If you have any observations upon it that you would care to make, they certainly would be gladly received.

Very sincerely yours,

Mr. C. J. Burchell, K. C.,
Burchell, Smith, Parker & Fogo,
Chronicle Building,
Halifax, N. S.

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THE SENATE
CANADA

123582
113

File
Shipping

TORONTO, April 17, 1933.

Dear Mr. O'Connor:

Bennett

Enclosed is copy of letter I have just dictated to the Prime Minister. I still think a communication will have to be sent, and would be glad to have your views in full as to its terms.

Yours very truly,

Mr. W. F. O'Connor,
Ottawa, Ontario.

Recd in W.F.'c

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123583

TORONTO, April 17, 1933.

My dear Prime Minister:

If you can get time, would you be good enough to read the attached letter just received from Mr. Burchell, K. C., and as well a short article which he appends thereto. I may say his suggestion here is in strict line with some observations made before our Committee by Alex. Johnston, Ex-Deputy Minister of Marine.

I left word with Miss Millar last Wednesday night that it would be some little time before we could figure out just the right form of cablegram to send overseas on this subject. I am not even yet ready to submit it, but will be shortly. Meantime, I thought I would like you to have a chance to think over Mr. Burchell's suggestion.

I may say I have written Mr. Burchell indicating to him the big difficulty which has been bothering me and which I outlined to Council, and have asked him for his observations if he would care to make them.

Will be communicating with you again in a few days or, at the latest, as soon as I get back.

Please have the enclosures sent to my office at the Senate.

Yours sincerely,

Rt. Hon. R. B. Bennett, P. C.,
Prime Minister of Canada,
Ottawa, Ontario.

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CANADA

KODAK SAFETY FILM

123584

TORONTO, April 17, 1933.

Dear Mr. O'Connor:

Enclosed is copy of letter I have just dictated to the Prime Minister. I still think a communication will have to be sent, and would be glad to have your views in full as to its terms.

Yours very truly,

Mr. W. F. O'Connor,
Ottawa, Ontario.

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123585

113

OTTAWA, April 17, 1933.

Dear Mr. O'Connor:

Enclosed is letter from George R. Donovan, which may be of value in the work you are doing in conjunction with Marine Department officials regarding proposed amendments to the Canada Shipping Act for this Session.

Yours very truly,

Mr. W.F. O'Connor,
Ottawa, Ontario.

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123586

OTTAWA, April 17, 1933.

Dear Sir:

I have your letter of 12th and am pleased to have your views on this very important matter. Have noted carefully what you say and will keep your representations in mind.

Sincerely yours,

Mr. Seraphin Guimet,
76 St. Gabriel St.,
Montreal, Que.

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SÉRAPHIN OUIMET
I. C., BA., SC., A. G. P.
MEMBER ASS. C. S. C. E.
HON. MEMBER N. I OF I.

1 2 3 5 6 7

TELEPHONE MAIN 6530

Séraphin Ouimet

CIVIL ENGINEER
LAND SURVEYOR

76 ST. GABRIEL ST.
OFFICE 2ND STORY

Montreal, April 12th, 192.

The Honourable Arthur Meighen,
Parliament Building,
Ottawa.

Dear Sir:-

I have been interested in the declarations of the Senator N.E. Foster and Mr. Sidney Smith of the Winnipeg Grain Exchange, concerning the "Bill of Marine".

Senator Foster claims that it is a duty to the Canadian Government to take the necessary measures to control wheat towards our sea ports in having our point of distribution well equipped.

Mr. Smith concluded the same that the line of least resistance should be through our canadian ports. Unfortunately Montreal is not equipped 12 months a year with Railway and Marine elevators. So the 50 millions dollars going to the American Railways should be devided between our transcontinental railways and our canals towards Montreal during a full year.

Montreal will make competition to Buffalo because it is 75 miles shorter to the american sea ports than Buffalo and 260 miles shorter to reach Halifax and St-John than by the Transcontinental or the Intercolonial.

The finance is all organized to make such a Railway Terminal in Montreal. Such a terminal should be decided right away by the Government at this session, in order to give the

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maximum of result in a practical way to the "Bill of Marine", the Imperial Agreements and the saving of our Railways.

I wonder if that aspect will interest the Senate, I will be pleased to give a complete study of many years on that subject.

Yours very truly,

Arthur Meighen
P.C.

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123589

113

OTTAWA, 18 April, 1933.

Dear Sir,

re Shipping Bill.

This will acknowledge receipt of your letter of the 11th instant directed to the Right Honourable Mr. Meighen.

Mr. Meighen will return to Ottawa on the 25th instant when your letter will receive his attention.

Yours faithfully,

Private Secretary.

H.Macaloney, Esq.,
Secretary, Maritime Ship Owners Assn.,
Parrsboro, N.S.

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123590

113

OTTAWA, 18 April, 1933.

Dear Sir,

This will acknowledge receipt of your letter of the 11th instant directed to the Right Honourable Mr. Meighen, with respect to the Shipping Bill.

Sent to Mr. Duncan

Mr. Meighen will return to Ottawa on the 25th instant, hen your letter will receive his attention.

Yours faithfully,

A.H.Hinds.
Private Secretary.

H.N.McMaster, Esq.,
General Manager, Officers Merchant Navy Federation,
2325 Beaconsfield Avenue, N.D.G.,
Montreal, P.Q.

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123593

OTTAWA, 25 April, 1933.

My dear Colleague,

I enclose a letter I have received from Mr. W.P.Purney, barrister, of Shelburne, N.S., with respect to a seizure in 1926 of two ships.

I know nothing of the matter apart from the statements contained in the correspondence.

Yours very truly,

The Honourable E.B.Ryckman, P.C., M.P.,
Minister of National Revenue,
OTTAWA.

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123592

OTTAWA, 25 April, 1933.

Dear Sir,

I have your letter of the 19th instant.

The matter is one coming within the Department of National Revenue and about all I can do is to bring it to the attention of the Minister in charge of the Department, which I shall be glad to do.

Yours very truly,

Arthur Meighen.

W.P.Purney, Esq.,
Barrister, etc.,
Shelburne, N.S.

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123593

OTTAWA, April 26, 1928.

Dear Mr. Kirkwood:

I have your letter of 10th enclosing memorandum on certain aspects of the Great Lakes shipping. Am pleased indeed to have this from you and will give it careful study.

I may say a new Bill dealing only with such phases of the subject as are already within the compass of the present Canada Shipping Act is under consideration.

Yours truly,

Mr. T. R. Kirkwood,

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MINISTER OF NATIONAL REVENUE
CANADA

Ottawa, 27th April, 1933.

Private.

113

Dear Mr. Meighen,

I wish to acknowledge your letter of the 25th instant, with enclosure from Mr. W. P. Purney of Shelburne, N. S., and am enclosing a copy of a letter which I have today addressed to him.

Yours faithfully,

E. B. Ryckman

The Right Honourable Arthur Meighen,
The Senate,
Ottawa.

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HM

Ottawa, 27th April, 1933.

Private.

Dear Sir,

The Right Honourable Arthur Meighen has just brought to my attention your letter of the 19th instant, in connection with the seizure of the S.S. "Seal" and the Schooner "St. Clair Theriault" on April 26th, 1926, for a breach of the Customs Act.

The person who gave the information to our Customs Officers which led to the seizure of these vessels was one John T. O'Leary, Chief of Police of Shelburne, N. S., and we cannot legally recognize any other person as the informant.

O'Leary claimed to have had information from several sources, including Mrs. Lizzie Palmer Downie of Jordan Bay, N. S., and I understand that he offered to divide his informant's award with her and the various other informers.

It has been stated that Mrs. Downie was the only person to give O'Leary information but be that as it may you can appreciate that as far as our Department are concerned, we must deal with the person who advises us regardless of the original source of that information although it may happen that the information may have passed through many hands before being communicated to Customs.

/2.....

W. P. Purney, Esq.,
Barrister-at-Law,
Shelburne, N. S.

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W. P. Purney, Esq.....

The question of Mrs. Downie's claim has been the subject of a good deal of correspondence since 1926 and while it would appear that O'Leary might have been more generous in his treatment of her, nevertheless, I feel that the matter is one to be settled between O'Leary and Mrs. Downie and that no claim can be made against this Department. We have endeavoured in every way to bring pressure upon O'Leary to make a fair division with Mrs. Downie but he has merely referred our Collector to his Solicitor.

Yours faithfully,

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THE SENATE
CANADA

OTTAWA, April 27, 1933.

Dear Mr. O'Connor:

You will wish to read the attached letter from Dr. Skelton, with memorandum. It may be of value in the work of next Session, and also in the framing of reply to Mr. Griffin.

Yours very truly,

Geo. E. Meighen

Mr. W. F. O'Connor,
Ottawa, Ont.

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123597

OFFICE OF
THE UNDER-SECRETARY OF STATE
FOR EXTERNAL AFFAIRS
CANADA

ET

Ottawa, 25th April, 1933

My dear Mr. Meighen,

In accordance with instructions received from the Prime Minister while in England, I brought copies of the Merchant Shipping Bill to the attention of Mr. Runciman, President of the Board of Trade, and Mr. H.M. Cleminson of the Shipowners' Parliamentary Committee, and the Shipping Federation.

When I left England the Board of Trade had not completed their examination of the Bill, but expected to do so in the last week in April, and to forward their comments to the High Commissioner's Office. The High Commissioner's Office will forward them to Ottawa by mail and also cable a brief summary.

Just before leaving England I received from Mr. Cleminson and Mr. Martin Hill a note which Mr. Hill had prepared in conjunction with Sir Norman Hill, who is Vice-Chairman of the Shipowners' Parliamentary Committee. I enclose two copies herewith. I expect to hear this week whether the Shipping Federation, who are also examining the Bill, have any comments to make.

I also enclose two copies of a short memorandum from Mr. Cleminson.

I understand that it is probable that you will not proceed with the Bill this session.

Yours sincerely,

O.D. Skelton

The Rt. Hon. Arthur Meighen,
The Senate,
Ottawa.

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COPY

CUNARD HOUSE
88,Leadenhall Street,
London,E.C.3

Tel. Avenue 1212.

123598

DEVON LODGE,
RYDENS ROAD,
WALTON-ON-THAMES.

April 13th,1933

Dear Dr.Skelton,

I am sending through my friends of the Cunard and as promised two copies of the note and a covering letter from Cleminson. May I repeat what I told you on Monday,namely, that the note is very much of a provisional document and that there may be errors and misunderstandings in it due partly to the hurried nature of the job and partly to my incomplete knowledge of Canadian existing law. Further, I have as yet had no opportunity to go into the Bill with the Board of Trade who I know are proceeding with but have not completed their own investigation of the Bill.

It was a pleasure to have had this opportunity of meeting you.

Yours faithfully,
(SIGNED) MARTIN HILL

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SHIPOWNERS' PARLIAMENTARY COMMITTEE 23599

Telegraphic Address -
"Logboard Stock,London"

Telephone Avenue 7360

28 St.Mary Ave.

London,E.C.3

12th April,1933

Dr.Skelton,
(c/o Canadian Legation,
1 Rue Francois Premier,
PARIS,France.)
s.s."Berengaria"

Dear Dr.Skelton,

Following our conversation between yourself,Mr.Martin Hill and myself yesterday,Mr.Hill has been hard at work in co-operation with my own people and under the guidance of Sir Norman Hill,and I am thus able to enclose the note* which you were good enough to ask for. Neither the note which we handed you yesterday nor the present note have of course been before the Shipowners' Parliamentary Committee, of which Sir Norman Hill is Vice-Chairman. Nor have I had any special observations yet from the Shipping Federation who are specially concerned in questions affecting personnel. But the Federation are looking through the parts of the Bill on which they can speak as experts and on the 21st instant we have a meeting of our Committee and I will telegraph you after that meeting if there are any substantial points appearing to call for it.

May I again ask you to thank Mr. Bennett for giving us the opportunity of looking at the Bill and making such observations as time has permitted?

Yours sincerely,

ENCLOSURE

J.H. M.Cleminson

* in duplicate

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COPY

123600

SHIPOWNERS' PARLIAMENTARY COMMITTEE

CANADIAN MERCHANT SHIPPING BILL

This Bill is now before the Senate of Canada and has been read a second time and sent to Committee. It is understood that it is the desire of the Government to pass it through all stages at an early date. In an explanatory Memorandum it is pointed out that up to the time of the Statute of Westminster, the legislative autonomy of Canada in Merchant Shipping matters was limited. Canada, together with the other Dominions now having full freedom to legislate on such matters, this Bill is designed to give effect to such freedom.

The draftsman appears to have proceeded along the lines of the production of a Bill based upon (a) the British Merchant Shipping Acts 1894 to 1932, (b) certain other United Kingdom Acts of Parliament, for example, the Maritime Conventions Act 1911 and (c) the existing Canadian Shipping Act. From this combination of existing legislation, the draftsman has produced a Bill which in the main is apparently intended to apply only to ships registered in Canada, but which to a subsidiary and important extent is made applicable to all other ships of whatever registry whilst within the Canadian jurisdiction.

While this, as stated, appears to be the intention of the Bill, it needs as is shown by the detailed notes which follow herein, some clarification to make its detailed application clear. It is highly desirable that the Bill should be right not only in substance but in form as, being the first of its kind since the Statute of Westminster was passed, it will probably be used as a precedent by other Dominions. The aim of the draftsman should be to produce a Bill dealing generally with Canadian registered ships, and taking such additional powers as are appropriate in regard to other ships, whether British or foreign, whilst within Canadian jurisdiction.

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The difficulty that lies in the verbatim reproduction of existing British Acts is due to the fact that these were framed under conditions when the Parliament at Westminster was legislating for all British ships, so that the general sections of such Acts did not, as future Acts must do, distinguish between ships registered in the United Kingdom and in other parts of the Empire. Existing British Acts deal with ships other than "British" (in the widest sense) by particular special sections and not by the general sections and the same applies to existing Regulations made by virtue of the Acts. When the United Kingdom Parliament recognised Dominion status, Dominion ships became for legislative purposes foreign ships and more recent United Kingdom legislation has recognised that fact by limiting itself to ships registered in the United Kingdom so far as General provisions are concerned.

N.B.

In the present Bill, no doubt unintentionally and due to the difficulty of applying verbatim the existing Acts, it is frequently difficult to determine the extent of application of a particular provision as will be seen from the following detailed notes.

Definitions and Part I (Recording). Nothing requiring comment seems to arise upon the definitions with which the Bill opens, nor upon the provisions of Part 1.

Part II. Registry. The definition of a "British ship" is in accord with that of the United Kingdom Merchant Shipping Acts, Under the United Kingdom Act of 1894, Section 2, every British ship shall, unless exempted from registry, be registered under that Act. Under Section 19 of the Canadian Bill, every British ship not registered in some other part of His Majesty's Dominion shall, unless exempted from registry, be registered under the Canadian Act. Clause 19 appears to leave to the owner the choice of that part of the Commonwealth in which to register his ship. Clause 19 seems to cover the ground satisfactorily

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insofar as concerns the future position in Canada of British ships registered elsewhere than in Canada. But the point arises as to whether Section 2 of the Merchant Shipping Act 1894 does not require amendment by the United Kingdom Parliament. There seems to be no United Kingdom legislation on this point, except such as is contained in the Statute of Westminster, which

(1) puts an end to the application to Canada of the Colonial Laws Validity Act 1865;

(2) gives the Canadian Parliament power to make laws having extra-territorial operation;

(3) lays down that no law thereafter made by the Parliament of a Dominion shall be void on the ground that it is repugnant to the Law of England or to the provisions of any future or existing Act of Parliament of the United Kingdom or to any further rule or regulation made under any such Act, and

(4) lays down that the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Order, Act Rule, or Regulation insofar as the same is a part of the law of the Dominion.

Apart from this over-riding point on Part II, there appears to be no comment to make, inasmuch as the detailed provisions of Part II are in accord with the corresponding provisions in the British Merchant Shipping Act 1894 and 1906. In the main, the detailed provisions of this part apply to ships registered in Canada only, but as these provisions and the provisions of existing British law appear to be identical, no question appears to arise on any section between Section 21 and Section 104, subject to the undermentioned comment on Sections 58 and 59.

Sections 58 and 59 - References to "insolvency". In English law mere insolvency would not involve transfer of property.

Section 105 lays down the National colours for all ships and boats belonging to any British subject "resident in Canada". Query, is a British Company with its registered office in the United

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Kingdom, but with a place of business in Canada, resident in Canada within the meaning of this Section? This Section ought to be confined to Canadian Registered Ships. It is to be noted, however, that the flying of the Canadian flag is not compulsory.

Section 109(b). The reference in the third paragraph on page 48 to Section 107 of this Act appears to be a mis-print for 108.

Section 116(deck cargo) is the same as Section 85 of the Merchant Shipping Act 1894.

Part III. The intention is apparently to limit the application of Part III to (1) British ships registered in Canada, and (2) other British ships going from any place in Canada on any voyage.

Section 127 providing for the carriage of certificated officers by such ships appears to be in accord with existing Canadian law.

Section 129(recognition of Commonwealth certificates) appears to be novel, and raises a query as to whether the basis of reciprocity laid down is sufficiently comprehensive. If so, the remainder of this part of the Act, although differing in arrangement and to some extent in effect to the United Kingdom existing law, does not seem to give rise to objection.

Section 130 provides for the United Kingdom Board of Trade Certificate of competency having the same force as similar Certificates granted by the Canadian Authorities.

A question may arise under Section 136 which provides for the carriage of certificated engineers by ships not only registered but also "owned in Canada". The reason for the extension from registration to ownership is not clear.

Part IV. Seamen. It is extraordinarily difficult to

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follow the application of this part of the Act, and the effect of Section 340 extending the foregoing provisions of Part IV relating to shipping and discharge of seamen (i.e. presumably Sections 166 to 339 inclusive) to ships in the Merchant Service of every foreign country is most obscure. Apart from the provisions of this Section, the general intention appears to be to apply the foregoing Sections to British ships registered in Canada only. But this general principle is not consistently followed; in some cases it is clearly departed from so as to bring in other ships, and in some cases it is not clear whether other ships are brought in or not.

For example:-

A <u>Application limited to Ships Registered in Canada</u>

(1) Shipping offices and Shipping Masters, Sections 166/182.

(2) Apprentices to Sea Service, Sections 183/187

(3) Property of deceased Seamen, Sections 241/249

(4) Provisions, health and accommodation, Sections 250/253

(5) Provisions as to discipline, Sections 260/277

(6) Punishment of stowaways, Section 279

(7) Official Logs, Sections 281/284

(8) Change of Master, Section 286

(9) Inquiry into cause of death, Section 289.

B <u>Application extended</u>

(1) Engagement of Seamen extended to;

(a) All British ships wherever registered engaging any seamen in Canada, Section 188.

(b) All foreign-going ships entering, in Canada, into agreements with crew, Section 191.

(2) Discharge of seamen extended to:-

(a) All foreign going ships whether registered in Canada or elsewhere discharging seamen in Canada on termination of voyage, Section 206.

(3) Search for deserters, etc. extended to:-

(a) all British ships, Sections 331/339

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C. Application left in doubt:

(1) Payment of Wages, Sections 210/216

(2) Advances and Allotments, Sections 217/221

(3) Rights of Seamen re Wages, Sections 222/231 (except Sections 225 and 231, which are expressly made to apply to ships registered in Canada only;

(4) Mode of recovering Wages, Sections 232/239

(5) Power of Courts to rescind Contracts, Section 240

(6) Facilities for complaints, Section 254

(7) Protection of Seamen from Imposition, Sections 255/259

(8) Enticing to Desert, Sections 278/9

(9) Employment of Children and Young persons, Section 285

(10) Ships alleged to be Unseaworthy, Section 287 (but not Section 288 on same subject which is limited to ships registered in Canada)

(11) Offences and Penalties, Sections 290/339 except Sections 294,295,302,314,316,318,319,320,321,326,331, which are expressly limited to ships registered in Canada and Sections 304 and 305 which are definitely general in application.

The individual Sections 166 to 339 are all, so far as phraseology is concerned and apart from the question of application, in accord with either the existing U.K. law or existing Canadian law, with the following exceptions:-

Section 207 - The extent of the application of this Section is doubtful but if, as appears, it is intended to apply to all British ships, then it is necessary to add after the word "minister" the words "or any form approved by the proper authority in that part of the British Commonwealth in which the ship is registered".

Section 209 permitting a seaman to claim his discharge in certain circumstances does not appear to be derived from any provision of existing law.

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Section 225 (2) (payment of two months wages after wreck) follows the exact wording of the United Kingdom Merchant Shipping Act 1925, on which the decision of the House of Lords in the case of the "Celtic" was based. The decision in that case was that a seaman was entitled to two months' wages, although the ship on which he was engaged would, but for the wreck, have arrived at its port of final destination the day after the wreck. In effect, the crew of the "Celtic" were in a better position because the vessel had been wrecked, than they would have been if the voyage had been successfully terminated. Other cases in the United Kingdom Courts appear to show that the word "wreck" in this Section would be given a much wider interpretation than intended by the framers of the Convention, and would cover cases, ~~not only of total or constructive total loss, but collision cases~~ not only of total or constructive total loss, but collision cases where the ship sustained damage necessitating repair. The words "wreck or loss" used in this Section may be compared with the words "loss or foundering" used in Article 2 of the Convention, and on which no question of any extension to cases other than total loss cases could arise. The wording of Section 225 (2) of the Bill should be replaced by the actual wording of Article 2 of the Convention.

Section 233. It appears to be necessary to ascertain whether existing Canadian law gives the right of suing for wages in Canadian Courts to any seaman as this Section appears to do.

Section 239 (4) (which empowers the Court to give a sum in the nature of damages to a Master the payment of whose wages is delayed unreasonably) appears to be a provision of existing Canadian Law, but goes further than any existing provision of the Merchant Shipping Acts.

Section 285. The definitions of "child" and "young person" in the Canadian Bill accord with the corresponding definitions in the United Kingdom Acts of 1920 and 1925. This Section as a whole is similarly in accord.

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Part V. is limited to seamen belonging to British ships registered in Canada except in the case of Section 344, which empowers the Governor in Council to adopt and carry out schemes imposed by any part of the British Commonwealth.

Sections 350 and 351 (medical expenses in case of injury etc) appear to be of general application, but so far as phraseology is concerned are in accord with existing Merchant Shipping Act law.

Sections 354 and 355 (payment of wages to seamen left behind) appear to be of general application, but not open to objection.

Section 360 (disposal of fines) from its nature would appear to be intended to apply to Canadian registered ships, but the extent of its actual application is not clear.

Section 365 (assistance to shipwrecked seamen) appears to be of general application.

Part VI, Sick Mariners and Marine Hospitals, deals with domestic matters, and calls for no comment.

Part VII, Pilotage, deals with domestic matters, and appears to incorporate existing Canadian law on such matters.

Sections 416 and 417 exempt from the payment of pilotage dues inter alia steamships registered in any part of His Majesty's Dominions engaged in certain voyages.

This lays Canada open to the charge of discrimination and would make it more difficult to maintain equality of treatment for Canadian and other British ships in foreign ports. Where a foreign ship is equally competent to navigate without a pilot, it would seem wise to allow similar exemptions.

Section 425 provides that masters or mates of ships registered in Canada may receive pilotage certificates in certain cases.

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The granting of pilotage certificates in Great Britain to masters and mates is restricted to "British subjects". The refusal of certificates to fully competent masters and officers of other countries has given rise to trouble. It may be necessary to consider whether the test should not be one of competence rather than nationality.

Part VIII. Safety. Sections 453 and 456 empower the Canadian Authorities to appoint Surveyors and a Board of Surveyors, and the Board is empowered to make Regulations.

Sections 466 gives the Governor in Council power to make Regulations such as may be necessary to give effect to the provisions of the Conventions on Safety of Life at Sea and Load Line. Such Regulations are to conform in all respects to the requirements of these Conventions, and to have statutory force.

Sections 468 to 475 (inclusive) apply to Canadian registered ships. Section 468 provides for inspection of hull, equipment and machinery of Canadian ships, i.e. including passenger and cargo ships.

Under British law there is no annual inspection of a cargo ship apart from the annual survey for load line under the 1932 Act. Overhaul by Lloyds is very strict, and there is an obligation to have vessels surveyed after every accident. It is appreciated that this Section applies only to ships registered in Canada but it is thought that Canada will not be anxious to impose any unnecessary burden on her ships. Sections 476 to 478 apply to Safety Convention ships not registered in Canada, and are adopted from the corresponding provisions in the U.K. Act of 1932, and appear to be satisfactory.

Section 481 forbidding submersion of loadlines is the same as Section 23 of the Merchant Shipping Act 1932.

Sections 482 and 483 apply to ships registered in Canada only.

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Section 484 appears to be of general application, but its application should surely be confined to Canadian registered ships. It lays down that passenger steamers shall carry a copy of Part VIII of the Canadian Act and printed notices of location of life boats, etc.

Sections 487 to 503 deal with Wireless, Section 487 (providing for the carriage of radio telegraph installations by certain ships) being in accord with the corresponding provisions of the U.K. Act of 1932, except with regard to obligations to carry wireless in the coasting trade which do not correspond with those under United Kingdom law (see M.S. (W.T.) Act 1919, Section 1 (1), 2nd para.),and Rules.

Section 498,providing for reciprocity, corresponds with Section 19 of the U.K. Act, and appears satisfactory.

In the intervening Sections, the only matter appearing to require comment is Section 490 (f), which is of general application within the Canadian jurisdiction, and empowers the Canadian Authorities to regulate the use of ships' wireless while in their waters.

Sections 504 to 518 deal with the Load Line Convention, and apply to ships registered in Canada only. Section 505, applying the load line provisions to ships going to places <u>not in Canada</u> or between any places not in Canada does not correspond with United Kingdom law which applies the load line provisions also to vessels in the Coasting Trade subject only to certain exceptions (see M.S. Act 1932, Sections 40 and 41).

Sections 519 to 523 deal with Load Line ships, not registered in Canada, and follow the wording of the U.K.Act of 1932, and seem to be satisfactory as a basis of reciprocity. Sections 521 to 523 do not appear to be material so far as

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British owners are concerned. They apply to the ships of countries which have not adopted the Load Line Convention.

Section 524 empowers the Governor to make Regulations relative to timber ships, and seems satisfactory inasmuch as such Regulations must give effect to the corresponding provisions of the Convention. Under the U.K.law,however, there is no limitation as in Section 524, of the application of Timber Deck Cargo Regulations to vessels carrying cargo "out of" the United Kingdom (see Section 61 of Merchant Shipping Act 1932 and Timber Deck Cargo Regulations attached). Further, there is no provision in United Kingdom law corresponding to that in Section 524 (4) requiring a vessel to receive a special certificate of suitability for the carriage of Timber Deck Cargo.

Sections 527 to 528 apply only to Canadian registered ships, or to ships the subject of Section 521.

Sections 530 and 531 apply to ships registered in Canada only.

Section 532 (distress signals) appears to be of general application, but satisfactory inasmuch as its purpose is to produce Regulations giving effect to the Safety Convention.

Sections 534 to 540 apply to ships registered in Canada only, except apparently Sub-Section 5 of Section 539, imposing a penalty for carriage of dangerous goods contrary to regulation, the application of which is not entirely clear.

Sections 541 to 548 (detention in cases of unseaworthiness) appear to be of general application, but to correspond with existing British law.

Sections 549 to 562 (Inspection Fees, Customs Officers' duties,etc). appear to give rise to no comment.

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Sections 563 and 564 give the Canadian Authorities power to make Regulations applying to machinery on shipboard and akin to those which are made here under the U.K. Factory Acts. These Sections appear to be of general application, but whether such general power is a term of existing Canadian law is not known and requires ascertainment. There appears to be no provision for acceptance of certificates issued under the U.K. Factory Acts.

Section 565 is of general application and calls for the marking of packages weighing one ton and upwards and imposes penalties for failure.

Section 568 reads: "The Governor in Council may direct that this Part or any of the provisions thereof shall apply to any ship or class of ship registered elsewhere than in Canada whilst within the territorial waters of Canada."

The effect and extent of Section 568 is particularly obscure, but is clearly of great importance. Presumably, it refers to the whole of the foregoing provisions of this part of the Act, namely from Section 453 onwards. Its effect on the reciprocal sections needs careful consideration. Indeed, in view of the existence of such reciprocal sections, it must be queried whether a wide general power as given by this Section is desirable or necessary.

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Section 580 deals with the provision of equivalents.

Section 580 deals with the provision of equivalents on similar lines to Merchant Shipping Act 1932.

Part IX (Wrecks, Salvage and Inquiries) is largely domestic, and generally appears to be based on existing Canadian Law. It seems to call for no individual comment.

Part X (Lighthouses) XI (Harbours) and XII (Port Wardens) are also domestic matters and call for no comment.

Part XIII The provisions of Section 745 to 756 (Collisions and Collision Regulations etc) appear to accord with existing British and/or Canadian Law. Section 757 imposing a time limit for proceedings in collision cases accords with the Maritime Conventions Act 1911.

Section 761 is apparently a provision of existing Canadian law, but the necessity of incorporating it here is not clear, nor is its effect. This Section lays down that carriers by water shall be bound to use due care and diligence in the safe keeping and punctual conveyance of goods, subject to the provisions "herein made". There are no provisions in this Bill on this subject, other than those relative to limitation of liability, and the object of putting in a Section like this is not clear when the main law on the subject is to be found in another Statute, namely the Canadian Water-Carriage of Goods Act. Indeed the presence of this section

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here in very general words is to be deprecated inasmuch as it may well lead in practice to ambiguity of intent when read side by side with the Water-carriage of Goods Act and its detailed provisions, particularly as it is understood that the Act of 1910 is later in point of time than R.S.c 186. It is noted that in the course of the debate in the Senate on March 8th 1933 the Right Hon. Arthur Meighan said "Another Act, the Water Carriage of Goods Act, is of such a nature that it would be appropriate to embody it here, but inasmuch as there may be reason for the repeal of this Act within a relatively short space of time, it has not been thought fit to make it a part of the present Bill". It is suggested however that advantage should be taken of this admittedly appropriate opportunity to substitute for the existing Act a further part of this Bill bringing into operation the Convention on Bills of lading (the "Hague Rules") on lines akin to those followed by Great Britain in the Carriage of Goods by Sea Act, 1925. General Empire acceptance and introduction into Law of the Hague Rules is supported by resolutions of the Imperial Conference, and British Commercial and Shipping interests would undoubtedly welcome action by Canada in this regard and by way of this opportunity.

Section 762 (relating to valuables) applies <u>only</u> to personal luggage of passengers.

There appears to be in this Bill no <u>corresponding</u> Section to Section 502 of Merchant Shipping Act 1894, limiting the Ship-owners' liability in the case of gold, silver etc. generally, and in the case of fire.

Section 763 (limitation of liability for life claims and damage to property on ship) appears to correspond with Section 503 of the Merchant Shipping Act 1894, and Section 764 (damage to property elsewhere than on ship) with Section 1 of the Merchant Shipping Act 1900. Sections 765 and 766

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(calculation of tonnage for limitation purposes) appear similarly to be in accord with existing U.K. law.

Part XIV Coasting Trade. These provisions appear to be in accord with existing Canadian law, and to be satisfactory so far as British ships registered elsewhere than in Canada are concerned.

Part XV. Delivery of Goods. These provisions appear generally to follow the provisions of United Kingdom Merchant Shipping Acts, and therefore to be satisfactory.

Part XVI. Legal Proceedings. Nothing in this Part seems to require comment.

Part XVII. Supplemental. Sections 808 to 810 (Stevedores and trimmers) do not appear to be open to objection, as being generally in accord with existing law.

Section 811 as a general reciprocity section enables the Governor in Council to exempt British ships registered elsewhere than in Canada from any of the provisions of the Act if satisfied that such ships are complying with substantially the same provisions by reason of the requirements of the law of that part of the Empire in which they are registered. In phraseology this section accords with the United Kingdom existing Law.

April 1933.

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Shipping

123615

Bill 5

Mandatory provisions affecting British consular and other officers.

Sec. 43. British registrars.

51. " "

52(2). " " and consuls.

Penalty provided for non-compliance.

75.(vi)&(x) British registrars. Section purports to provide that on re-registration abroad there need be no re-survey. Other mandatory requirements.

77(2)&(4). British registrars and consuls.

80 et seq. Will be read with 75 et seq. as extending to registrars abroad. Qualified

82.- qualification "registered in Canada" does not appear in related sections; thus my comment to "80 et seq." above is reenforced.

85.- British registrars.

94.- British and Dominion Parliaments. Canadian ~~Disposition~~ of revenues of United Kingdom ~~&~~ other Dominions.

101 & 103 Non-Canadian British subjects and others abroad. No limitation to ships of Canadian registry or to ships in Canadian waters.

107 British naval officers, and customs and consular officers. Usurpation of exclusive jurisdiction to legislate by Canada.

242. & 245 British consuls and customs officers.

These are not all and they result from a survey of less than one-third of the Bill. There are scores of like and other defects.

J.C.

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SHIPOWNERS' PARLIAMENTARY COMMITTEE

The Executive of the Committee has had the opportunity of considering as far as time would permit the Canadian Merchant Shipping Bill in its original and first amended form and has had before it the statement of Senator Meighen when introducing the Bill.

The Schedules have not been available nor has there been an opportunity of comparing the Bill with existing Canadian and other Dominion Statutes except as set out in the draft bill itself.

Senator Meighen's statement that the Bill is mainly an attempt to reproduce the provisions of the Merchant Shipping Act and existing Canadian law appears to be borne out by a perusal of the Bill. Admittedly consideration of a Bill of this character is difficult and laborious. It is recalled that when the Merchant Shipping Act of 1894 was in draft it was believed by the Draftsman to be mainly pure codification. Nevertheless a closer examination of the draft revealed the fact that there were more than 500 changes each more or less substantial.

Most of the difficulties and doubts that arise on a first perusal of the Bill are attributable to the fact that it reproduces more or less literally provisions of the Merchang Shipping Act in the form that they necessarily took while the Imperial Parliament was legislating for all British ships, wherever they were registered. Since independent Dominion status has been recognized it has, it is understood, been the practice of the U.K. legislature to legislate generally only in regard to vessels registered in the U.K. And in the same way the U.K. has, since the recognition of Dominion status, applied its rules and regulations, including those made under more general Statutory provisions, only to ships registered in the United Kingdom. The United Kingdom, under the Merchant Shipping Acts prior to 1894 and under that Act, had power to legislate directly and indirectly through rules and regulations in regard to all British ships. If the United Kingdom wanted to deal with other than British ships it did

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so only whilst they were in United Kingdom ports and by special sections in the Acts. It did not deal with them under any general rules and regulations.

Accordingly when the United Kingdom recognised Dominion Status, equal freedom from United Kingdom legislation was accorded to Dominion ships as had previously been accorded to foreign ships. Dominion ships like foreign ships would only be made subject to United Kingdom laws if and in so far as they were advisedly and specifically subjected to United Kingdom laws, and the application of such provisions would be confined to the time within which such vessels are within the jurisdiction. The laws which are to be applied to vessels not registered in the United Kingdom are generally strictly confined and are confined not merely to certain classes of legislation such as safety measures, but strictly confined to specific provisions.

It follows that existing United Kingdom Acts in so far as they deal with British ships generally have become out of date and as Parliament has not had time to revise these Statutes it is not unnatural that the need for adaptation should have escaped the attention of a Draftsman wishing to keep as close a correspondence as possible between the Dominion and United Kingdom legislation. It is therefore desirable that the drafting of the Canadian Bill should be brought into line with the present day developments on the above lines, that is to say, that the Bill in general should deal with ships registered in Canada; ships registered outside of Canada, whether British or foreign, being dealt with whilst they are within Canadian jurisdiction, by such additional powers as may be required. This would involve a certain amount of recasting, and perhaps this could be done concurrently with a revision of our own Merchant Shipping Acts as regards Dominion ships.

H.M.C.

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123618

SHIPOWNERS' PARLIAMENTARY COMMITTEE

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H.M.C.

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123620

113

OTTAWA, April 27, 1933.

Dear Mr. O'Connor:

Re Canada Shipping Act.

I am enclosing letter from Mr. Griffin which you have already glanced over. I think I should have something in the way of a concrete answer to the viewpoint presented by Mr. Griffin. He is the draughtsman of the Bill and I should answer him somewhat fully. Possibly you will prepare a reply and submit it to me.

Yours very truly,

Mr. W. F. O'Connor, K. C.,
Ottawa, Ontario.

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123621

113

OTTAWA, April 27, 1933.

Dear Mr. O'Connor:

You will wish to read the attached letter from Dr. Skelton, with memorandum. It may be of value in the work of next Session, and also in the framing of reply to Mr. Griffin.

Yours very truly,

Mr. W. F. O'Connor,
Ottawa, Ont.

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123622 113

Ottawa

Toronto, April 29, 1933.

The Secretary,
Shipping Federation of Canada,
218 Board of Trade Bldg.,
Montreal, Que.

Dear Sir:

I have your letter of 27th and have read the enclosed copy of letter to Hon. Frank Black with care. The representations you make will have thorough consideration.

Very sincerely yours,

Arthur Meighen.

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123623

THE SHIPPING FEDERATION OF CANADA · INCORPORATED 1903 ·

218 BOARD OF TRADE BUILDING
MONTREAL

LS.8 - 43

April 27th. 1933.

Dear Senator Meighen,-

I am taking the liberty of enclosing copy of communication which the Federation has today addressed to the Hon. Frank B. Black, Chairman of the Standing Committee on Banking and Commerce.

I would ask your favourable consideration of the views of shipping, as expressed in our communication to Senator Black.

I am,

Yours very truly,

M.

Manager and Secretary.

Rt. Hon. Senator Arthur Meighen, P.C., B.A.,
The Senate,
Ottawa, Ont.

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ALL COMMUNICATIONS TO BE ADDRESSED TO THE FEDERATION

THE SHIPPING FEDERATION OF CANADA

INCORPORATED

218 BOARD OF TRADE BLDG.

123624

TELEGRAPHIC ADDRESS: SHIPFED, MONTREAL
TELEPHONE MARQUETTE 4994

LS.8 - 43.

MONTREAL, April 26th. 1933.

The Hon. Frank B. Black,
Chairman,
Standing Committee on Banking & Commerce,
The Senate,
Ottawa, Ont.

Sir,-

I am directed by the Shipping Federation of Canada, an organization representing ocean lines and steamship companies operating coastal services on the East and West Coasts, to submit to you the following views in respect to the proposal made before your Committee that the Canada Shipping Act be amended to provide that British built ships engaged in the coasting trade of Canada be subject to duty of 25%.

Notwithstanding certain statements made during the hearings of the Committee that rates of carriage depend solely on competition, and that the cost of the vessel has no relation to freight rates, we respectfully contend that with regard to coastal services, either on the East or West Coasts of Canada, the first cost of the vessel is a most important factor, and one which must be taken into consideration by the shipowner when fixing rates for his service of transportation. In the case of passenger vessels, ships employed in special coastal trades such as carrying coal and oil, and, generally, in any steamship service whether coastwise or ocean, the original cost of the vessel has much bearing on the transportation charge, in that the shipowner has to set aside, out of earnings, large sums annually for insurance, depreciation, and interest on capital investment, all of which expenses must increase in proportion to any increase in the cost of the ship itself. You will recall that a specific case, cited in the evidence before the Committee, was to the effect that any provision in the Act whereby duty would be placed on British built ships, would materially increase the cost of carrying coal from Nova Scotia to St. Lawrence ports. We are strongly of the view that in all coastwise services, both on the Atlantic and Pacific, the imposition of duty on British built ships would force, eventually, increases in transportation rates.

We beg to emphasise the fact that at the present time owners of coastal vessels, on both coasts, are finding it extremely difficult, owing to prevailing trade conditions, to maintain services essential to our domestic trade, and we therefore urge the inadvisability of amending the Shipping Act in any way which would impose further burdens on an industry already heavily embarrassed. In regard to grain carrying on the Great Lakes, for which class of shipping the Federation has no authority to speak, it may be that special conditions in that trade

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warrant the view that any duty placed on British built ships would not affect the rates payable by grain shippers. In the case of other coastal services, however, we contend that a different situation exists, and that in these trades the proposed impost would inevitably lead to an increase in the charges paid by shippers for the transportation of their merchandise.

I have the honour to be,
Sir,
Your obedient servant,

ALWM/M

Manager and Secretary.

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123626

DEPARTMENT OF MARINE AND FISHERIES
OTTAWA, CANADA

LIABILITIES OF CARRIERS BY WATER

Carriage of Goods by Sea Act, 1924

(14 and 15 Geo. V, Cap. 22) as passed by the Imperial Parliament, compared with

Existing Canadian Law

as embodied in Part XVII of the Canada Shipping Act (R.S.C. 1906 Cap. 113,) and the Water-Carriage of Goods Act, (9-10 Edw. VII, Cap. 61, as amended by 1-2 Geo. V, Cap. 27).

Prepared under the direction of
A. JOHNSTON,
Deputy Minister of Marine and Fisheries
by
H. E. A. HAWKEN

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123627

DEPARTMENT OF MARINE AND FISHERIES

OTTAWA, CANADA

LIABILITIES OF CARRIERS BY WATER

Carriage of Goods by Sea Act, 1924

(14 and 15 Geo. V, Cap. 22) as passed by the Imperial Parliament, compared with

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123628

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1925

123629

CARRIAGE OF GOODS BY SEA ACT, 1924

(14 & 15 Geo. V, Cap. 22)[1] *as passed by the Imperial Parliament,*

COMPARED WITH

EXISTING CANADIAN LAW

as embodied in Part XVII of the Canada Shipping Act (Cap. 113, R.S.C. 1906)[2] *and the Water-Carriage of Goods Act 9-10 (Edw. VII, Cap. 61)*[3] *as amended by 1-2 Geo. V, Cap. 27*

FOREWORD

1. History of the Imperial legislation:—

The Dominions Royal Commission in its final report of March, 1917, unanimously recommended for the reasons which were set out in detail in that report, that legislation on the lines of the Harter Act of the United States should be passed in the United Kingdom, the Union of South Africa and Newfoundland.

On the 26th July, 1918, the Imperial War Conference passed resolutions which recommended the appointment of an Imperial Investigation Board to inquire into and report, inter alia, on all matters connected with ocean freights and facilities, etc., and, on the 15th June, 1920, the then Prime Minister of the Imperial Government, Mr. D. Lloyd George, appointed the Imperial Shipping Committee. Sir George Perley, who was nominated by the Government of the Dominion of Canada, was a member of that Committee.[4]

The report of the Imperial Shipping Committee, dated the 25th February, 1921, unanimously recommended that there should be uniform legislation throughout the Empire on the lines of the existing Acts dealing with shipowners' liability but based on the Canadian Water-Carriage of Goods Act, 1910, with certain specified reservations.

The Maritime Law Committee of the International Law Association realizing that legislation in the United Kingdom and the British Dominions would not have a universal character, set to work to prepare an International Code, and a draft code was submitted in July, 1921, after meetings had been held in London and elsewhere by the interested parties,—shippers, consignees, bankers, underwriters and shipowners,—to consider the situation, and, eventually at a conference of the International Law Association held at the Hague in September, 1921, the *Hague Rules*, 1921, were agreed upon and resolutions were adopted recommending their coming into effect on all shipments after the 31st January, 1922.

The opposition of certain bodies to the *Hague Rules* in the precise form agreed upon at The Hague in 1921, and the insistence in certain quarters upon a compulsory rather than on a voluntary code led to further meetings between ship-owning and cargo interests culminating in an International Conference on Maritime Law held at Brussels in October, 1922, which was attended by representatives of 24 maritime states, when an agreement was reached by the delegates to recommend to their respective governments to adopt as a basis of a convention a draft convention for the unification of certain rules relating to Bills of Lading.

The Convention is based on the Hague Rules, 1921, and is substantially similar to those Rules.

[1] See page 15.
[2] See page 21.
[3] See page 23.
[4] Hon. P. C. Larkin is the present Canadian representative.

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2. History of Canadian Legislation:—

By the "Act respecting Carriers by Water" passed in 1874 (37 Vic., Cap. 25) the Canadian Parliament defined in certain respects the liabilities and rights of carriers by water. This enactment now forms Part XVII of the Canada Shipping Act.[1]

By Cap. 61, 9-10 Edward VII (Statutes of 1910), the Canadian Parliament enacted "The Water-Carriage of Goods Act.")[2] This Act is based on the Harter Act of the United States and similar legislation passed in New Zealand and Australia.[3]

BRITISH ACT	CANADIAN ACT
Section 1. Subject to the provisions of this Act, the Rules shall have effect in relation to and in connection with the carriage of goods *by sea* in ships carrying goods from any port in Great Britain or Northern Ireland to any other port whether in or outside Great Britain or Northern Ireland.	*Section 3.* This Act applies to ships carrying goods from any port in Canada to any other port in Canada, or from any port in Canada to any port outside of Canada, and to goods carried by such ships, or *received to be carried* by such ships.

The British Act restricts the application of the Rules to *sea carriage* only. The Canadian Act extends to *all water carriage.*

BRITISH ACT	CANADIAN ACT
Section 2. There shall not be implied in any contract for the carriage of goods by sea to which the Rules apply any absolute undertaking by the carrier of the goods to *provide a seaworthy ship.*	*Section 4.* Where any bill of lading or similar document of title to goods contains any clause, covenant or agreement whereby— .... (*b*) any obligations of the owner or charterer of any ship to exercise due diligence to properly man, equip, and supply the ship, *and make and keep the ship seaworthy,* and make and keep the ship's hold, refrigerating and cool chambers and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation, are in any wise lessened, weakened or avoided; .... such clause, covenant or agreement shall be illegal, null and void, and of no effect, unless such clause, covenant or agreement is in accordance with the other provisions of this Act.

Section 4 of the Canadian Act in declaring certain exceptions void, does not, in terms, impose upon the shipowner and others the obligation to use the care and due diligence which he cannot relieve himself from. The common law, however, imposes this obligation, and Section 963 of the Canada Shipping Act gives it statutory form.

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1 See page 21.
2 See page 23.
3 Sea Carriage of Goods Act, 1904. An Act to bring Australian law into agreement with the British Act has lately been passed in Australia.

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BRITISH ACT	CANADIAN ACT
Section 3. (1) Every bill of lading, or similar document of title, issued in Great Britain or Northern Ireland which contains or is evidence of any contract to which the Rules apply *shall contain an express statement that it is to have effect subject to the provisions of the said Rules,* as applied by this Act.	*Section 5* Every bill of lading, or similar document of title to goods, relating to the carriage of goods from any place in Canada to any place outside of Canada *shall contain a clause to the effect that the shipment is subject to all the terms and provisions of, and all the exemptions from liability contained in, this Act;* and any stipulation or agreement purporting to oust or lessen the jurisdiction of any court having jurisdiction at the port of loading in Canada in respect of the bill of lading or document, shall be illegal, null and void, and of no effect.

In his memorandum on the Canadian Water-Carriage of Goods Act, the late Mr. Peers Davidson, K.C., says that this clause was "possibly prompted by the clause found in many bills of lading, particularly English bills, giving exclusive jurisdiction to courts without Canada, in respect of any dispute between the interested parties, and, at times stipulating that all such disputes be determined by British or some foreign law. Our courts have dealt with such clauses, and, apparently, with approval."

"On the other hand, the United States courts have refused to recognize such clauses, on the ground that such stipulations are contrary to public policy.

"Our section 5 will probably leave to be determined the question as to whether 'British law' or 'the law of England' or the foreign law invoked, as the case may be, if applied as required by the bill of lading, would oust or lessen the jurisdiction of the Canadian courts, in view of the fact that they might, nevertheless, retain jurisdiction respecting the matters at issue, subject to the obligation to apply the English or foreign law.

"It is possible that our courts would hold in the affirmative, and would refuse to recognize such a clause, on the grounds of public policy, following the decisions in United States.

"The jurisdiction of English or foreign courts is, of course, unaffected."

BRITISH ACT	CANADIAN ACT
Section 4. Article VI of the Rules shall, in relation to the carriage of goods by sea in ships carrying goods from any port in Great Britain or Northern Ireland to any other port in Great Britain or Northern Ireland or to a port in the Irish Free State, have effect as though the said Article referred to goods of any class instead of to particular goods, and as though the proviso to the second paragraph of the said Article were omitted.	*Section 3.* This Act applies to ships carrying goods from any port in Canada to any other port in Canada, or from any port in Canada to any port outside of Canada, and to goods carried by such ships, or received to be carried by such ships.

Section 4 of the British Act is one of the amendments recommended by the Select Committee of the House of Lords who were appointed to join with a Committee of the House of Commons to consider the Bill. The effect of this Section is to relieve the coasting trade of Great Britain and Northern Ireland from the necessity of issuing Bills of Lading.

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BRITISH ACT

Section 5.

Where under the custom of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper, and the fact that the weight is so ascertained or accepted is stated in the bill of lading, then, notwithstanding anything in the Rules, the bill of lading shall not be deemed to be prima facie evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper.

CANADIAN ACT

Section 3.

This Act applies to ships carrying goods from any port in Canada to any other port in Canada, or from any port in Canada to any port outside of Canada, and to goods carried by such ships, or received to be carried by such ships.

The object of Section 5 of the British Act is to relieve the carrier from the obligation of having to guarantee the weights of bulk cargo where under the custom of any trade the weight of such bulk cargo inserted in the Bill of Lading is a weight ascertained or accepted by a third party other than the carrier or the shipper. This amendment was also inserted by the Select Joint Committee to meet the demands of the coal-carrying trade who objected to the obligation thrown upon them by Article III (5) of the Rules.

The Canadian Act does not appear to differentiate between package freight or parcel cargoes, and bulk cargoes.

BRITISH ACT

Section 6.

(1) This Act may be cited as the Carriage of Goods *by sea* Act, 1924.

(2) Nothing in this Act shall affect the operation of sections four hundred and forty-six to four hundred and fifty,[1] both inclusive, five hundred and two, and five hundred and three[2] of the Merchant Shipping Act, 1894, as amended by any subsequent enactment, or the operation of any other enactment for the time being in force limiting the liability of the owners of seagoing vessels.

(3) The Rules shall not by virtue of this Act apply to any contract for the carriage of goods by sea made before such day, not being earlier than the thirtieth day of June, nineteen hundred and twenty-four, as His Majesty may by Order in Council direct,[3] nor to any bill of lading or similar document of title issued, whether before or after such day as aforesaid in pursuance of any such contract as aforesaid.

CANADIAN ACT

Section 1.

This Act may be cited as the *Water-Carriage of Goods Act.*

Section 964, Canada Shipping Act.

Carriers by water shall be liable for the loss of or damage to goods entrusted to them for conveyance, except that they shall not be liable when such loss or damage happens,—

(*a*) without their actual fault or privity, or without the fault or neglect of their agents, servants or employees; or,

(*b*) by reason of fire or the dangers of navigation; or,

(*c*) from any defect in or from the nature of the goods themselves; or,

(*d*) from armed robbery or other irresistible force.

Section 15.

This Act shall not apply to any bill of lading or similar document of title to goods made pursuant to a contract entered into before this Act comes into force.

Section 16.

This Act shall come into force on the first day of September, one thousand nine hundred and ten.

[1] Dangerous goods—See also Sec. 722, Canada Shipping Act. Page 26.
[2] Limitation of Liability—See also Sec. 921, Canada Shipping Act. Page 28.
[3] Made effective from January 1, 1925, by Order in Council dated October 9, 1924. *See* footnote, page 16.

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SCHEDULE

Rules relating to Bills of Lading

ARTICLE I

DEFINITIONS

In these Rules the following expressions have the meanings hereby assigned to them respectively, that is to say:—

(*a*) "Carrier" includes *the owner* or *the charterer* who enters into a contract of carriage with a shipper:

(*b*) "Contract of carriage" applies only to contracts of carriage covered by a bill of lading or any similar document of title, in so far as such document relates to the carriage of goods by sea, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charter-party from the moment at which such bill of lading or similar document of title regulates the relations between a carrier and a holder of the same:

(*c*) "Goods" includes goods, wares, merchandises and articles of every kind whatsoever, except live animals and cargo which by the contract of carriage is stated as being carried on deck and is so carried:

(*d*) "Ship" means any vessel used for the carriage of goods by sea:

(*e*) "Carriage of goods" covers the period from the time when the goods are loaded on to the time when they are discharged from the ship.

Canadian Law

(*a*) "Carrier" is not defined in the Canadian Acts. The expression used in Part XVII of the Canada Shipping Act is "Carriers by Water."

Sec 9 of the Water Carriage of Goods Act places the obligation to issue a bill of lading upon the *Owner, Charterer, Master* or *Agent.*

(*b*) "Contract of carriage" is not defined in the Canadian Acts.

(*c*) "Goods" is defined:

Sec. 961 (*a*) Canada Shipping Act—"goods" means and includes goods, wares, merchandise, and articles of any kind whatsoever:

(*b*) "valuable securities" includes every document forming the title or evidence of the title to any property of any kind whatsoever.

Sec. 2 (*a*) Water Carriage of Goods Act—(as amended in 1911) "goods" includes goods, wares, merchandise, and articles of any kind whatsoever, except live animals; and lumber, deals and other articles usually described as 'wood goods.'

Deck cargo other than the above is not excluded.

(*d*) "Ship."—Water Carriage of Goods Act *Sec. 2* (*b*) "ship" includes every description of vessel used in navigation not propelled by oars;

(*e*) "Carriage of goods" is not defined but under Canadian law the shipowner is responsible from the time the goods *are received* to be carried in or by the ship until the goods *are delivered* (Sec. 4. Water Carriage of Goods Act).

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ARTICLE II

RISKS

Subject to the provisions of Article VI, under every contract of carriage of goods by sea the carrier, in relation to the loading, handling, stowage, carriage, custody, care, and discharge of such goods, shall be subject to the responsibilities and liabilities, and entitled to the rights and immunities hereinafter set forth.

By Article VI a carrier is allowed in certain circumstances to make agreements in terms other than those of the Rules. Under the Water Carriage of Goods Act (Secs. 4 and 12) there can be no contracting *out* and every term in a bill of lading or similar document lessening the liabilities imposed by the Act is illegal, null and void and of no effect.

ARTICLE III

RESPONSIBILITIES AND LIABILITIES

1. The carrier shall be bound, *before and at the beginning of the voyage*, to exercise due diligence to,—

(*a*) *Make* the ship seaworthy;

(*b*) Properly man, equip, and supply the ship;

(*c*) *Make* the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation.

2. Subject to the provisions of Article IV, the carrier shall properly and *carefully* load, *handle*, stow, carry, keep, care for and discharge the goods carried.

3. After receiving the goods into his charge, the carrier, or the master or agent of the carrier, shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things,—

(*a*) The leading marks necessary for identification of the goods as the same are furnished in writing by the shipper *before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings*

1. In his memorandum on the Water Carriage of Goods Act, Mr. Peers Davidson, K.C., says:—

"Sec. 4 of the Water Carriage of Goods Act in declaring certain exceptions void, does not in terms, impose upon the shipowner and others the obligation to use the care and due diligence, which he cannot relieve himself from. The common law, however, imposes this obligation, and Section 963 of the Canada Shipping Act gives it statutory form. Carriers would be subject to one or the other."

(*a*) to make and *keep* the ship seaworthy:

(*c*) to make and *keep*.

The Canadian Acts set no time limit such as "before and at the beginning of the voyage" and by the inclusion of the word "keep" the liability of the ship is increased.

2. The language of Section 4 (*a*) of the Water Carriage of Goods Act is "liability for loss or damage to goods arising from negligence, fault or failure in the proper loading, stowage, *custody*, care or *delivery* of goods received. . . . to be carried in or by the ship" and Section 4 (*c*) requires "the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to care for, preserve, and properly deliver them."

3. Section 9 of the Water Carriage of Goods Act provides:—

"Every owner, charterer, master or agent of any ship carrying goods, shall on demand issue to the shipper of such goods a bill of lading showing, among other things, the marks necessary for identification as furnished in writing by the shipper, the number of packages or pieces, or the quantity or the weight, as the case may be, and the apparent order and condition of the goods *as delivered to or*

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ARTICLE III—*Con.*

in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage.

(*b*) Either the number of packages or pieces, or the quantity, or weight, as the case may be, as furnished in writing by the shipper;

(*c*) *The apparent order and condition of the goods:*

Provided that no carrier, master or agent of the carrier, shall be bound to state or show in the bill of lading any marks, number, quantity, or weight which he has reasonable ground for suspecting not accurately to represent the goods actually received, or which he has no reasonable means of checking.

4. Such a bill of lading shall be prima facie evidence of the receipt by the carrier of the goods as therein described in accordance with paragraph 3 (*a*), (*b*), and (*c*).

5. The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity, and weight, as furnished by him, and the shipper shall indemnify the carrier against all loss, damages, and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

6. Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, or, if the loss or damage be not apparent, within three days, such removal shall be prima facie evidence of the delivery by the carrier of the goods as described in the bill of lading.

The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or inspection.

In any event the carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after delivery of the goods or the date when the goods should have been delivered.

In the case of any actual or apprehended loss or damage the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods.

received by such owner, charterer, master or agent; and such bill of lading shall be prima facie evidence of the receipt of the goods as therein described."

A similar provision is not found in Canadian law.

4. Section 9, Water Carriage of Goods Act.

5. Not in Canadian law.

6. Not in Canadian law.

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ARTICLE III—*Con.*

7. After the goods are loaded the bill of lading to be issued by the carrier, master or agent of the carrier, to the shipper shall, if the shipper so demands, be a "shipped" bill of lading, provided that if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue of the "shipped" bill of lading, but at the option of the carrier such document of title may be noted at the port of shipment by the carrier, master, or agent with the name or names of the ship or ships upon which the goods have been shipped and the date or dates of shipment, and when so noted the same shall for the purpose of this Article be deemed to constitute a "shipped" bill of lading.

8. Any clause, covenant or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with goods arising from negligence, fault or failure in the duties and obligations provided in this Article or lessening such liability otherwise than as provided in these Rules, shall be null and void and of no effect.

A benefit of insurance or similar clause shall be deemed to be a clause relieving the carrier from liability.

7. While Section 3 of the Water Carriage of Goods Act applies to goods received for shipment, Section 9 only makes provision for one bill of lading. Presumably there would be no objection under the Canadian Act, to a carrier who had issued a bill of lading when the goods were received for shipment, subsequently indorsing it with the name of the ship on which the goods were forwarded and the date of shipment.

8. Section 4 of the Water Carriage of Goods Act. There is no mention anywhere in this Act or in the Canada Shipping Act that a "benefit of insurance or similar clause shall be deemed to be a clause relieving the carrier from liability."

ARTICLE IV

RIGHTS AND IMMUNITIES

1. Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless caused by want of due diligence on the part of the carrier to make the ship seaworthy, and to secure that the ship is properly manned, equipped and supplied, and to make the holds, refrigerating and cool chambers and all other parts of the ship in which goods are carried fit and safe for their reception, carriage and preservation in accordance with the provisions of paragraph 1 of Article III.

Whenever loss or damage has resulted from unseaworthiness, the burden of proving the exercise of due diligence shall be on the carrier or other person claiming exemption under this section.

2. Neither the carrier nor the ship shall be responsible for loss or damage arising or resulting from:—

(*a*) Act, neglect, or default of the master, mariner, pilot, or the servants of the carrier in the navigation or in the management of the ship;

(*b*) Fire, unless caused by the actual fault or privity of the carrier;

Section 6 of the Water Carriage of Goods Act exempts the carrier from liability provided he "exercises due diligence to make the ship in all respects seaworthy and properly manned, equipped and supplied." See also Section 4 (*b*) with regard to making and *keeping* the ship's hold, refrigerating and cooling chambers, etc., fit.

The last part of this clause, placing the burden of proof of unseaworthiness under the Rules upon the carrier or other person claiming exemption, is not found in Canadian law.

Under the Water Carriage of Goods Act (Sec. 6 and 7):—

(*a*) Faults or errors in navigation or in the management of the ship (Sec. 6).

(*b*) Fire (Sec. 7).

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ARTICLE IV—*Con.*

(*c*) Perils, dangers and accidents of the sea or other navigable waters;

(*d*) Act of God;

(*e*) Act of war;

(*f*) Act of public enemies;

(*g*) Arrest or restraint of princes, rulers or people, or seizure under legal process;

(*h*) Quarantine restrictions;

ARTICLE IV

(*i*) Act or omission of the shipper or owner of the goods, his agent or representative;

(*j*) Strikes or lock-outs or stoppage or restraint of labour from whatever cause, whether partial or general;

(*k*) Riots and civil commotions;

(*l*) Saving or attempting to save life or property at sea;

(*m*) Wastage in bulk or weight or any other loss or damage arising from inherent defect, quality, or vice of the goods;

(*n*) Insufficiency of packing;

(*o*) Insufficiency or inadequacy of marks;

(*p*) Latent defects not discoverable by due diligence;

(*q*) Any other cause arising without the actual fault or privity of the carrier, or without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.

3. The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault or neglect of the shipper, his agents or his servants.

4. Any deviation in saving or attempting to save life or property at sea, or any reasonable deviation shall not be deemed to be an infringement or breach of these Rules or of the contract of carriage, and the carrier shall not be liable for any loss or damage resulting therefrom.

(*c*) Dangers of the sea or other navigable waters (Sec. 7).—The words "perils," "accidents" do not appear.

(*d*) Acts of God (Sec. 7).

(*e*) Not in Canadian Act.

(*f*) Acts of public enemies (Sec. 7).

(*g*) "Arrest or restraint of princes, rulers, or people" is not in the Canadian Act. "Seizure under legal process" appears (Sec. 7).

(*h*) Not in Canadian Act.

(*i*) Same in Canadian Act (Sec. 7).

(*j*) Canadian Acts (Sec. 7) "strikes" only.

(*k*) Not in Canadian Act.

(*l*) Same in Canadian Act (Sec. 7).

(*m*) Canadian Act (Sec. 7) "inherent defect, quality or vice of the thing carried."

(*n*) Same in Canadian Act (Sec. 7).

(*o*) Not in Canadian Act.

(*p*) Same in Canadian Act (Sec. 6).

(*q*) Practically the same in Canadian Act (Sec. 7), but the Canadian Act does not by enactment state where the onus of proof shall be placed.

3. No similar provision in the Water Carriage of Goods Act.

4. Section 7 of the Water Carriage of Goods Act provides for "saving or attempting to save life or property at sea, or from any deviation in rendering such service, or *other* reasonable deviation."[1]

[1] In connection with Sec. 7 of the Water Carriage of Goods Act see also R.S.C. of 1886, Chap. 82, Sec. 2, par. 4—page 25—and as revised in 1906, R.S.C., Chap. 113, Secs. 961 to 966—page 21—also Sec. 502, par. 2 (ii) Merchant Shipping Act, 1894.

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ARTICLE IV—*Con.*

5. Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with goods in an amount exceeding *100 pounds per package* or *unit, or the equivalent of that sum in other currency,* unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading.

This declaration if embodied in the bill of lading shall be primâ facie evidence, but shall not be binding or conclusive on the carrier.

By agreement between the carrier, master or agent of the carrier and the shipper another maximum amount than that mentioned in this paragraph may be fixed, provided that such maximum shall not be less than the figure above named.

Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with goods if the nature or value thereof has been knowingly misstated by the shipper in the bill of lading.

6. Goods of an inflammable, explosive or dangerous nature to the shipment whereof the carrier, master or agent of the carrier, has not consented, with knowledge of their nature and character, may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment.

If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

5. Section 8 of the Water Carriage of Goods Act provides:—

8. "The ship, the owner, charterer, master or agent shall not be liable for loss or damage to or in connection with goods for a greater amount than *one hundred dollars* per package, unless a higher value is stated in the bill of lading or other shipping document, nor for any loss or damage whatever if the nature or value of such goods has been falsely stated by the shipper, unless such false statement has been made by inadvertence or error. The declaration by the shipper as to the nature and value of the goods shall not be considered as binding or conclusive on the ship, her owner, charterer, master or agent."

6. Sections 13 and 14 of the Water Carriage of Goods Act provide:—

13. "Every one who knowingly ships goods of an inflammable or explosive nature, or of a dangerous nature, without before shipping the goods making full disclosure in writing of their nature to, and obtaining the permission in writing of, the agent, master or person in charge of the ship, is liable to a fine of one thousand dollars."

14. "Goods of an inflammable or explosive nature, or of a dangerous nature, shipped without such permission from the agent, master or person in charge of the ship, may, at any time before delivery, be destroyed or rendered innocuous, by the master or person in charge of the ship, without compensation to the owner, shipper or consignee of the goods; and the person so shipping the goods shall be liable for all damages directly or indirectly arising out of such shipment."

See also Secs. 713, 722 and 723 of the Canada Shipping Act at page 26.

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ARTICLE V

SURRENDER OF RIGHTS AND IMMUNITIES, AND INCREASE OF RESPONSIBILITIES AND LIABILITIES

A Carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities or to increase any of his responsibilities and liabilities under the Rules contained in any of these Articles, provided such surrender or increase shall be embodied in the bill of lading issued to the shipper.

The provisions of these Rules shall not be applicable to charterparties, but if bills of lading are issued in the case of a ship under a charterparty they shall comply with the terms of these Rules. Nothing in these Rules shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

The Canadian Act contains no clause of a similar nature. Apparently under Canadian law in the case of goods for export if a bill of lading is demanded (Section 9) it must issue subject (Sec. 5) to all the terms and conditions and all the exemptions from liability contained in the Canadian Act. Presumably a shipper and carrier could enter into a private agreement at any rate as far as coastwise trade is concerned.

ARTICLE VI

SPECIAL CONDITIONS

Notwithstanding the provisions of the preceding Articles, a carrier, master or agent of the carrier, and a shipper shall in regard to any particular goods be at liberty to enter into any agreement in any terms as to the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect of such goods, or his obligation as to seaworthiness, so far as this stipulation is not contrary to public policy, or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care and discharge of the goods carried by sea, provided that in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a non-negotiable document and shall be marked as such.

Any agreement so entered into shall have full legal effect:

Provided that this Article shall not apply to ordinary commercial shipments made in the ordinary course of trade, but only to other shipments where the character or condition of the property to be carried or the circumstances, terms and conditions under which the carriage is to be performed, are such as reasonably to justify a special agreement.

No one can contract out under the Canadian Act. See Section 4 of the Water Carriage of Goods Act.

While there can be no contracting out under Canadian law, presumably there is nothing to prevent a carrier accepting greater responsibilities or liabilities than imposed on him by law.

ARTICLE VII

LIMITATION ON THE APPLICATION OF THE RULES

Nothing herein contained shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation or exemption as to the responsibilty and

The Water Carriage of Goods Act covers goods from their reception to their delivery. See Section 4.

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ARTICLE VII—*Con.*

liability of the carrier or the ship for the loss or damage to or in connection with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by sea.

ARTICLE VIII

LIMITATION OF LIABILITY

The provisions of these Rules shall not affect the rights and obligations of the carrier under any statute for the time being in force relating to the limitation of the liability of owners of sea-going vessels.

See Section 921 of the Canada Shipping Act at page 28.

ARTICLE IX

The monetary units mentioned in these Rules are to be taken to be gold value.

Not in Canadian law.

There are several clauses in the Canadian Water Carriage of Goods Act which are not paralleled in the British Act and the Rules. They are as follows:—

"5. Every bill of lading or similar document of title to goods relating to the carriage of goods from any place in Canada to any place outside of Canada shall contain a clause to the effect that the shipment is subject to all the terms and provisions of and all the exemptions from liability contained in, this Act; and any stipulation or agreement purporting to oust or lessen the jurisdiction of any court having jurisdiction at the port of loading in Canada in respect of the bill of lading or document of title, shall be illegal, null and void and of no effect."

"11. When a ship arrives at a port where goods carried by the ship are to be delivered, the owner, charterer, master or agent of the ship shall forthwith give such notice as is customary at the port, to the consignees of goods to be delivered there, that the ship has arrived.

"12. Every one, who, being the owner, charterer, master or agent of a ship,—

(*a*) inserts in any bill of lading or similar document of title to goods any clause, covenant or agreement declared by this Act to be illegal; or makes, signs, or executes any bill of lading or similar document of title to goods containing any clause, covenant or agreement declared by this Act to be illegal;

without incorporating verbatim, in conspicuous type, in the same bill of lading or similar document of title to goods, section 4 of this Act; or,

(*b*) refuses to issue to a shipper of goods a bill of lading as provided by this Act; or,

(*c*) refuses or neglects to give the notice of arrival of the ship required by this Act;

is liable to a fine not exceeding one thousand dollars, with cost of prosecution; and the ship may be libelled therefor in any Admiralty District in Canada within which the ship is found.

2. Such proportion of any penalty imposed under this section as the the court deems proper, together with full costs, shall be paid to the person injured, and the balance shall belong to His Majesty for the public uses of Canada."

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CARRIAGE OF GOODS BY SEA ACT, 1924

[14 & 15 Geo. V. Ch. 22]

A.D. 1924.

ARRANGEMENT OF SECTIONS

Section

1. Application of Rules in Schedule.
2. Absolute warranty of seaworthiness not to be implied in contracts to which Rules apply.
3. Statement as to application of Rules to be included in bills of lading.
4. Modification of Article VI of Rules in relation to coasting trade.
5. Modification of Rules 4 and 5 of Article III in relation to bulk cargoes.
6. Short title, saving, and operation.

SCHEDULE.

CHAPTER 22

An Act to amend the law with respect to the carriage of goods by sea. [1st August, 1924.]

WHEREAS at the International Conference on Maritime Law held at Brussels in October, 1922, the delegates at the Conference, including the delegates representing His Majesty, agreed unanimously to recommend their respective Governments to adopt as the basis of a convention a draft convention for the unification of certain rules relating to bills of lading:

And whereas at a meeting held at Brussels in October, 1923, the rules contained in the said draft convention were amended by the Committee appointed by the said Conference:

And whereas it is expedient that the said rules as so amended and as set out with modifications in the Schedule to this Act (in this Act referred to as "the Rules") should, subject to the provisions of this Act, be given the force of law with a view to establishing the responsibilities, liabilities, rights and immunities attaching to carriers under bills of lading:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Application of Rules in Schedule.

1. Subject to the provisions of this Act, the Rules shall have effect in relation to and in connection with the carriage of goods by sea in ships carrying goods from any port in Great Britain or Northern Ireland to any other port whether in or outside Great Britain or Northern Ireland.

Absolute warranty of seaworthiness not to be implied in contracts to which Rules apply.

2. There shall not be implied in any contract for the carriage of goods by sea to which the Rules apply any absolute undertaking by the carrier of the goods to provide a seaworthy ship.

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Statement as to application of Rules to be included in bills of lading.

3. Every bill of lading, or similar document of title, issued in Great Britain or Northern Ireland which contains or is evidence of any contract to which the Rules apply shall contain an express statement that it is to have effect subject to the provisions of the said Rules as applied by this Act.

Modification of Article VI of Rules in relation to coasting trade.

4. Article VI of the Rules shall, in relation to the carriage of goods by sea in ships carrying goods from any port in Great Britain or Northern Ireland to any other port in Great Britain or Northern Ireland or to a port in the Irish Free State, have effect as though the said Article referred to goods of any class instead of to particular goods and as though the proviso to the second paragraph of the said Article were omitted.

Modification of Rules 4 and 5 of Article III in relation to bulk cargoes.

5. Where under the custom of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper and the fact that the weight is so ascertained or accepted is stated in the bill of lading, then, notwithstanding anything in the Rules, the bill of lading shall not be deemed to be primâ facie evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper.

Short title, saving, and operation.

6. (1) This Act may be cited as the Carriage of Goods by Sea Act, 1924.

57 & 58 Vict. c. 60.

(2) Nothing in this Act shall affect the operation of sections four hnudred and forty-six to four hundred and fifty, both inclusive, five hundred and two, and five hundred and three of the Merchant Shipping Act, 1894, as amended by any subsequent enactment, or the operation of any other enactment for the time being in force limiting the liability of the owners of seagoing vessels.

(3) The Rules shall not by virtue of this Act apply to any contract for the carriage of goods by sea made before such day, not being earlier than the thirtieth day of June, nineteen hundred and twenty-four, as His Majesty may by Order in Council direct, nor to any bill of lading or similar document of title issued, whether before or after such day as aforesaid, in pursuance of any such contract as aforesaid.*

SCHEDULE

Rules relating to Bills of Lading

Article I.

DEFINITIONS

In these Rules the following expressions have the meanings hereby assigned to them respectively, that is to say—

(*a*) "Carrier" includes the owner or the charterer who enters into a contract of carriage with a shipper.

* By Order in Council dated 9th October, 1924, "The Carriage of Goods by Sea Order, 1924," was made under which the Rules were made effective 1st January, 1925.

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(*b*) "Contract of carriage" applies only to contracts of carriage covered by a bill of lading or any similar document of title, in so far as such document relates to the carriage of goods by sea, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charter-party from the moment at which such bill of lading or similar document of title regulates the relation between a carrier and a holder of the same:

(*c*) "Goods" includes goods, wares, merchandise, and articles of every kind whatsoever, except live animals and cargo which by the contract of carriage is stated as being carried on deck and is so carried:

(*d*) "Ship" means any vessel used for the carriage of goods by sea:

(*e*) "Carriage of goods" covers the period from the time when the goods are loaded on to the time when they are discharged from the ship.

Article II

RISKS

Subject to the provisions of Article VI., under every contract of carriage of goods by sea the carrier, in relation to the loading, handling, stowage, carriage, custody, care, and discharge of such goods, shall be subject to the responsibilities and liabilities, and entitled to the rights and immunities hereinafter set forth.

Article III

RESPONSIBILITIES AND LIABILITIES

1. The carrier shall be bound, before and at the beginning of the voyage, to exercise due diligence to—

(*a*) Make the ship seaworthy:

(*b*) Properly man, equip, and supply the ship:

(*c*) Make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation.

2. Subject to the provisions of Article IV., the carrier shall properly and carefully load, handle, stow, carry, keep, care for and discharge the goods carried.

3. After receiving the goods into his charge, the carrier, or the master or agent of the carrier, shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things—

(*a*) The leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage;

(*b*) Either the number of packages or pieces, or the quantity, or weight, as the case may be, as furnished in writing by the shipper;

(*c*) The apparent order and condition of the goods:

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Provided that no carrier, master or agent of the carrier, shall be bound to state or show in the bill of lading any marks, number, quantity, or weight which he has reasonable ground for suspecting not accurately to represent the goods actually received, or which he has had no reasonable means of checking.

4. Such a bill of lading shall be primâ facie evidence of the receipt by the carrier of the goods as therein described in accordance with paragraph 3 (*a*), (*b*), and (*c*).

5. The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity, and weight, as furnished by him, and the shipper shall indemnify the carrier against all loss, damages, and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

6. Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, or, if the loss or damage be not apparent, within three days, such removal shall be primâ facie evidence of the delivery by the carrier of the goods as described in the bill of lading.

The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or inspection.

In any event the carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after delivery of the goods or the date when the goods should have been delivered.

In the case of any actual or apprehended loss or damage the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods.

7. After the goods are loaded the bill of lading to be issued by the carrier, master or agent of the carrier, to the shipper shall, if the shipper so demands, be a "shipped" bill of lading, provided that if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue of the "shipped" bill of lading, but at the option of the carrier such document of title may be noted at the port of shipment by the carrier, master, or agent with the name or names of the ship or ships upon which the goods have been shipped and the date or dates of shipment, and when so noted the same shall for the purpose of this Article be deemed to constitute a "shipped" bill of lading.

8. Any clause, covenant or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with goods arising from negligence, fault or failure in the duties and obligations provided in this Article or lessening such liability otherwise than as provided in these Rules, shall be null and void and of no effect.

A benefit of insurance or similar clause shall be deemed to be a clause relieving the carrier from liability.

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ARTICLE IV.

RIGHTS AND IMMUNITIES

1. Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless caused by want of due diligence on the part of the carrier to make the ship seaworthy, and to secure that the ship is properly manned, equipped and supplied, and to make the holds, refrigerating and cool chambers and all other parts of the ship in which goods are carried fit and safe for their reception, carriage and preservation in accordance with the provisions of paragraph 1 of Article III.

Whenever loss or damage has resulted from unseaworthiness, the burden of proving the exercise of due diligence shall be on the carrier or other person claiming exemption under this section.

2. Neither the carrier nor the ship shall be responsible for loss or damage arising or resulting from—

(*a*) Act, neglect, or default of the master, mariner, pilot, or the servants of the carrier in the navigation or in the management of the ship:

(*b*) Fire, unless caused by the actual fault or privity of the carrier:

(*c*) Perils, dangers and accidents of the sea or other navigable waters:

(*d*) Act of God:

(*e*) Act of war:

(*f*) Act of public enemies:

(*g*) Arrest or restraint of princes, rulers or people, or seizure under legal process:

(*h*) Quarantine restrictions:

(*i*) Act or omission of the shipper or owner of the goods, his agent or representative:

(*j*) Strikes or lock-outs or stoppage or restraint of labour from whatever cause, whether partial or general:

(*k*) Riots and civil commotions:

(*l*) Saving or attempting to save life or property at sea:

(*m*) Wastage in bulk or weight or any other loss or damage arising from inherent defect, quality, or vice of the goods:

(*n*) Insufficiency of packing:

(*o*) Insufficiency of inadequacy of marks:

(*p*) Latent defects not discoverable by due diligence:

(*q*) Any other cause arising without the actual fault or privity of the carrier, or without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.

3. The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault or neglect of the shipper, his agents or his servants.

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4. Any deviation in saving or attempting to save life or property at sea, or any reasonable deviation shall not be deemed to be an infringement or breach of these Rules or of the contract of carriage, and the carrier shall not be liable for any loss or damage resulting therefrom.

5. Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with goods in an amount exceeding 100*l.* per package or unit, or the equivalent of that sum in other currency, unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading.

This declaration if embodied in the bill of lading shall be primâ facie evidence, but shall not be binding or conclusive on the carrier.

By agreement between the carrier, master or agent of the carrier and the shipper another maximum amount than that mentioned in this paragraph may be fixed, provided that such maximum shall not be less than the figure above named.

Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with goods if the nature or value thereof has been knowingly misstated by the shipper in the bill of lading.

6. Goods of an inflammable, explosive or dangerous nature to the shipment whereof the carrier, master or agent of the carrier, has not consented, with knowledge of their nature and character, may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment.

If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

Article V

SURRENDER OF RIGHTS AND IMMUNITIES, AND INCREASE OF RESPONSIBILITIES AND LIABILITIES

A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities or to increase any of his responsibilities and liabilities under the Rules contained in any of these Articles, provided such surrender or increase shall be embodied in the bill of lading issued to the shipper.

The provisions of these Rules shall not be applicable to charter-parties, but if bills of lading are issued in the case of a ship under a charter-party they shall comply with the terms of these Rules. Nothing in these Rules shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

Article VI

SPECIAL CONDITIONS

Notwithstanding the provisions of the preceding Articles, a carrier, master or agent of the carrier, and a shipper shall in regard to any particular goods be at liberty to enter into any agreement in any terms as to the responsibility and liability of the carrier for such

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goods, and as to the rights and immunities of the carrier in respect of such goods, or his obligation as to seaworthiness so far as this stipulation is not contrary to public policy, or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care, and discharge of the goods carried by sea, provided that in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a non-negotiable document and shall be marked as such.

Any agreement so entered into shall have full legal effect:

Provided that this Article shall not apply to ordinary commercial shipments made in the ordinary course of trade, but only to other shipments where the character or condition of the property to be carried or the circumstances, terms and conditions under which the carriage is to be performed, are such as reasonably to justify a special agreement.

Article VII

LIMITATIONS ON THE APPLICATION OF THE RULES

Nothing herein contained shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation or exemption as to the responsibility and liability of the carrier or the ship for the loss or damage to or in connection with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by sea.

Article VIII

LIMITATION OF LIABILITY

The provisions of these Rules shall not affect the rights and obligations of the carrier under any statute for the time being in force relating to the limitation of the liability of owners of sea-going vessels.

Article IX

The monetary units mentioned in these Rules are to be taken to be gold value.

PART XVII

Chap. 186 R.S.C. 1927

CANADA SHIPPING ACT

LIABILITIES OF CARRIERS BY WATER

Interpretation

961. In this Part, unless the context otherwise requires,— Definitions.

(*a*) 'goods' means and includes goods, wares, merchandise, and articles of any kind whatsoever; "Goods."

(*b*) 'valuable securities' includes every document forming the title or evidence of the title to any property of any kind whatsoever. R.S., c. 82, s. 1. "Valuable securities."

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Responsibility of Carriers

Must convey passengers and goods.

962. Carriers by water shall, at the times and in the manner and on the terms of which they have respectively given public notice, receive and convey according to such notice all persons applying for passage, and all goods offered for conveyance, unless, in either case, there is reasonable and sufficient cause for not doing so. R.S., c. 82, s. 2.

Responsibility for goods.

963. Carriers by water shall be responsible not only for goods received on board their vessels, but also for goods delivered to them for conveyance by any such vessel, and they shall be bound to use due care and diligence in the safe-keeping and punctual conveyance of such goods, subject to the provisions hereinafter made. R.S., c. 82, s. 2.

Loss or damage, liability for.

964. Carriers by water shall be liable for the loss of or damage to goods entrusted to them for conveyance, except that they shall not be liable when such loss or damage happens,—

(*a*) without their actual fault or privity, or without the fault or neglect of their agents, servants or employees; or,

(*b*) by reason of fire or the dangers of navigation; or,

(*c*) from any defect in or from the nature of the goods themselves; or,

(*d*) from armed robbery or other irresistible force R.S., c. 82, s. 2.

Responsibility as to gold and silver.

965. Carriers by water shall not be liable for any total or partial loss of gold or silver, diamonds, watches, jewels or precious stones, money or valuable securities or articles of great value not being ordinary merchandise, by reason of any robbery, theft, removal or secreting thereof, unless the true nature and value thereof has, at the time of delivery for conveyance, been declared by the owner or shipper thereof to the carrier or his agent or servant, and entered in the bill of lading or otherwise in writing. R.S., c. 82, s. 2.

Personal baggage of passengers.

966. Carriers by water shall be liable for the loss of or damage to the personal baggage of passengers by their vessels: Provided that such liability shall not extend to any greater amount than five hundred dollars, or to the loss of or damage to any such valuable articles as are mentioned in the last preceding section, unless the true nature and value of such articles so lost or damaged have been declared and entered, as provided by the said section. R.S., c. 82, s. 3.

123649 Chap 207 R.S.C. 1927

CHAP. 61

An Act respecting the Water-Carriage of Goods.

[*Assented to 4th May, 1910.*]

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as the *Water Carriage of Goods Act.*

Interpretation.

2. In this Act, unless the context otherwise requires:—

"Goods."

(*a*) "goods," includes goods, wares, merchandise, and articles of any kind whatsoever[1], ~~but does not include live animals,~~ **except live animals and lumber, deals and other articles usually described as 'wood-goods'.**

"Ship."

(*b*) "ship" includes every description of vessel used in navigation not propelled by oars;

"Port."

(*c*) "port" means a place where ships may discharge or load cargo.

Application of Act.

3. This Act applies to ships carrying goods from any port in Canada to any other port in Canada, or from any port in Canada to any port outside of Canada, and to goods carried by such ships, or received to be carried by such ships.

Certain clauses prohibited in bill of lading.

4. Where any bill of lading or similar document of title to goods contains any clause, covenant or agreement whereby—

(*a*) the owner, charterer, master or agent of any ship, or the ship itself, is relieved from liability for loss or damage to goods arising from negligence, fault, or failure in the proper loading, stowage, custody, care or delivery of goods received by them or any of them to be carried in or by the ship; or,

(b) any obligations of the owner or charterer of any ship to exercise due diligence to properly man, equip, and supply the ship, and make and keep the ship seaworthy, and make and keep the ship's hold, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation, are in any wise lessened, weakened or avoided; or,

(*c*) the obligations of the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to care for, preserve, and properly deliver them, are in any wise lessened, weakened or avoided;

such clause, covenant or agreement shall be illegal, null and void, and of no effect, unless such clause, covenant or agreement is in accordance with the other provisions of this Act.

Express reference to be made to this Act.

5. Every bill of lading, or similar document of title to goods, relating to the carriage of goods from any place in Canada to any place outside of Canada shall contain a clause to the effect that the shipment is subject to all the terms and provisions of, and all the

[1] The change in this section was made by Cap. 27—Statutes of 1911.

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Jurisdiction.

exemptions from liability contained in, this Act; and any stipulation or agreement purporting to oust or lessen the jurisdiction of any court having jurisdiction at the port of loading in Canada in respect of the bill of lading or document, shall be illegal, null and void, and of no effect.

Limitation of owner's liabilty.

6. If the owner of any ship transporting merchandise or property from any port in Canada exercises due diligence to make the ship in all respects seaworthy and properly manned, equipped and supplied, neither the ship nor the owner, agent or charterer shall become or be held responsible for loss or damage resulting from faults or errors in navigation or in the management of the ship, or from latent defect

Loss for which the ship, the owner, etc., is not liable.

7. The ship, the owner, charterer, agent or master shall not be held liable for loss arising from fire, dangers of the sea or other navigable waters, acts of God or public enemies, or inherent defect, quality or vice of the thing carried, or from insufficiency of package, or seizure under legal process, or for loss resulting from any act of omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save life or property at sea, or from any deviation in rendering such service, or other reasonable deviation, or from strikes, or for loss arising without their actual fault or privity or without the fault or neglect of their agents, servants or employees.

Limit of liability as to value of goods.

8. The ship, the owner, charterer, master or agent shall not be liable for loss or damage to or in connection with goods for a greater amount than one hundred dollars per package, unless a higher value is stated in the bill of lading or other shipping document, nor for any loss or damage whatever if the nature or value of such goods has been falsely stated by the shipper, unless such false statement ha been made by inadvertence or error. The declaration by the shipper as to the nature and value of the goods shall not be considered as binding or conclusive on the ship, her owner, charterer, master or agent.

Effect of declaration.

Bill of lading to be issued to shipper.

9. Every owner, charterer, master or agent of any ship carrying goods, shall on demand issue to the shipper of such goods a bill of lading showing, among other things, the marks necessary for identification as furnished in writing by the shipper, the number of packages or pieces, or the quantity or the weight, as the case may be, and the apparent order and condition of the goods as delivered to or received by such owner, charterer, master or agent; and such bill of lading shall be *prima facie* evidence of the receipt of the goods as therein described.

Contents.

Effect as evidence.

10. Repealed. Cap 27-1911.

Notice of arrival of ship.

11. When a ship arrives at a port where goods carried by the ship are to be delivered, the owner, charterer, master or agent of the ship shall forthwith give such notice as is customary at the port, to the consignees of goods to be delivered there, that the ship has arrived.

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Offences.

12. Every one who, being the owner, charterer, master or agent of a ship,—

Making illegal or defective bills of lading.

(*a*) inserts in any bill of lading or similar document of title to goods any clause, covenant or agreement declared by this Act to be illegal; or makes, signs, or executes any bill of lading or similar document of title to goods containing any clause, covenant or agreement declared by this Act to be illegal;

without incorporating *verbatim*, in conspicuous type, in the same bill of lading or similar document of title to goods section 4 of this Act; or,

Refusal to issue.

(*b*) refuses to issue to a shipper of goods a bill of lading as provided by this Act; or,

Refusal to give notice.

(*c*) refuses or neglects to give the notice of arrival of the ship required by this Act;

Penalty.

is liable to a fine not exceeding one thousand dollars, with cost of prosecution; and the ship may be libelled therefor in any Admiralty District in Canada within which the ship is found.

Disposal of penalty.

2. Such proportion of any penalty imposed under this section as the court deems proper together with full costs, shall be paid to the person injured, and the balance shall belong to His Majesty for the public uses of Canada.

Shipping inflammable explosives or dangerous goods.

13. Every one who knowingly ships goods of an inflammable or explosive nature, or of a dangerous nature, without before shipping the goods making full disclosure in writing of their nature to, and obtaining the permission in writing of, the agent, master or person in charge of the ship, is liable to a fine of one thousand dollars.

Penalty. Master may destroy such goods, if shipped without disclosure.

14. Goods of an inflammable or explosive nature, or of a dangerous nature, shipped without such permission from the agent, master or person in charge of the ship, may, at any time before delivery, be destroyed or rendered innocuous, by the master or person in charge of the ship, without compensation to the owner, shipper or consignee of the goods; and the person so shipping the goods shall be liable for all damages directly or indirectly arising out of such shipment.

Shipper liable for damages.

Act not retroactive.

15. This Act shall not apply to any bill of lading or similar document of title to goods made pursuant to a contract entered into before this Act comes into force.

Commencement of Act.

16. This Act shall come into force on the first day of September, one thousand nine hundred and ten.

CHAPTER 82

An Act respecting the liability of Carriers by Water

A.D. 1886.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

1. In this Act, unless the context otherwise requires,—

"Goods."

(*a*) The expression "goods" means and includes goods, wares, merchandise, and articles of any kind whatsoever;

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"Valuable securities."

(*b*) The expression "valuable securities" includes every document forming the title or evidence of the title to any property of any kind whatsoever. 37 V, c. 25, s. 3.

Carrier by water to receive and convey passengers and goods.

2. Carriers by water shall, at the times and in the manner and on the terms of which they have respectively given public notice, receive and convey according to such notice, all persons applying for passage, and all goods offered for conveyance, unless in either case there is reasonable and sufficient cause for not doing so:

Responsibility asto goods received by and delivered to them.

2. They shall be responsible not only for goods received on board their vessels, but also for goods delivered to them for conveyance by any such vessel, and they shall be bound to use due care and diligence in the safe keeping and punctual conveyance of such goods, subject to the provisions hereinafter made:

Loss or damage.

3. They shall be liable for the loss of or damage to goods intrusted to them for conveyance as aforesaid:

Proviso: Exception in certain cases.

4. Provided, that they shall not be liable to any extent whatsoever to make good any loss or damage happening without their actual fault or privity, or the fault or neglect of their agents, servants or employees,—

Fire, etc.

(*a*) To any goods on board any such vessel, or delivered to them for conveyance therein, by reason of fire or the dangers of navigation;

Nature of goods. Robbery.

(*b*) Arising from any defect in or from the nature of the goods themselves, or from armed robbery or other irresistible force;

Valuables, unless value has been declared.

(*c*) To any gold, silver, diamonds, watches, jewels or precious stones, money or valuable securities or article of great value not being ordinary merchandise, by reason of any robbery, theft, embezzlement, removal or secreting thereof, unless the true nature and value thereof has, at the time of delivery for conveyance, been declared by the owner or shipper thereof to the carrier or his agent or servant, and entered in the bill of lading or otherwise in writing. 37 V, c. 25, s. 1.

As tolloss or damage to personal baggage of passengers.

Liability limited.

3. Carriers by water shall be liable for the loss of or damage to the personal baggage of passengers by their vessels; and the oath or affirmation of any such passenger shall be *prima facie* evidence of the loss of or damage to such articles, and of their value; Provided that such liability shall not extend to any greater amount than five hundred dollars, or to the loss of or damage to any such valuable articles as are mentioned in the next preceding section, unless the true nature and value of such articles so lost or damaged have been declared and entered, as provided by the said section. 37 V, c. 25, s. 2.

CANADA SHIPPING ACT

713. The master or owner of any ship registered in Canada not carrying passengers may refuse to take on board any package or parcel which he suspects to contain goods of a dangerous nature, and may require it to be opened to ascertain the fact. R.S., c. 77, s. 17.

722. Every person who sends or attempts to send by, or not being the master or owner of the ship, carries or attempts to carry in any ship registered in Canada from any port or place in Canada, any dangerous goods without distinctly marking their nature on the

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outside of the package containing the same, and giving written notice of the nature of such goods, and of the name and address of the sender thereof, to the master or owner of the ship, at or before the time of sending the same to be shipped or taking the same on board the ship, shall, for every such offence, incur a penalty not exceeding five hundred dollars: Provided that if such person shows that he was merely an agent in the shipment of any such goods as aforesaid, and was not aware and did not suspect and had no reason to suspect that the goods shipped by him were of a dangerous nature, the penalty to which he is liable shall not exceed forty dollars.

2. Every person who knowingly sends, or attempts to send by, or carries or attempts to carry in any ship registered in Canada, from any port or place in Canada, any dangerous goods, or goods of a dangerous nature under a false description, or falsely describes the sender or carrier thereof, shall incur a penalty not exceeding two thousand dollars.

3. When any dangerous goods or any goods which, in the judgment of the master or owner, are goods of a dangerous nature, are, within the limits of Canada, sent on board any ship registered in Canada, without being so marked, or without such notice being given, the master or owner of such ship may cause such goods to be thrown overboard; and neither the master nor the owner of the ship shall, in respect of such throwing overboard, be subject to any liability, civil or criminal, in any court in Canada.

4. When any dangerous goods are sent or attempted to be sent, or carried or attempted to be carried on board any ship registered in Canada, within the limits of Canada, without being marked as aforesaid, or without such notice having been given, as aforesaid, and, when any such goods are sent or attempted to be sent under a false description, or the sender or carrier thereof is falsely described, any court of record, on application by or on behalf of the owner, charterer or master of the ship, may declare such goods forfeited, and when forfeited, they shall be disposed of as the court directs

5. This section shall not, except in so far as it is not inconsistent with the provisions of the next following section, apply to ships carrying passengers. R.S., c. 77, ss. 14, 15, 16, 18 and 19; 54-55 V, c. 38, s. 1.

723. Every person who knowingly sends or attempts to send by, or carries or attempts to carry in any ship registered in Canada and carrying passengers to or from any port in Canada, or in any ship registered elsewhere than in Canada, but carrying passengers between any places in Canada, or from any place in Canada to any place out of Canada, any gunpowder, except as hereafter provided, dynamite, nitro-glycerine, or any dangerous explosive, is guilty of an indictable offence, and shall be liable to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, or to both; and such goods shall be forfeited to the Crown, and shall be dealt with accordingly: Provided that,—

(*a*) any such ship may carry gunpowder in sufficient quantity to make necessary signals for one round voyage or trip, if such gunpowder is stored or carried in such a place and in such a maner as are approved by a steamboat inspector;

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(*b*) the Minister may grant a permit to any steamboat which is engaged chiefly in the carriage of freight and only incidentally in the carriage of passengers, and which is specially fitted for the carriage of explosives, to carry explosives upon such terms and conditions and in such manner as are specified in the said permit; but if the terms and conditions of such permit are not performed and complied with, this section shall apply to such steamboat, as if the said permit had not been granted.

2. No prosecution under this section shall be instituted except by or with the consent of the Minister. 54-55, V, c. 38, s. 1.

921. The owners of any ship, whether British, Canadian or foreign, shall not, whenever without their actual fault or privity,—

(*a*) any loss of life or personal injury is caused to any person being carried in such ship; or,

(*b*) any damage or loss is caused to any goods, merchandise or other things whatsoever on board any such ship; or,

(*c*) any loss of life or personal injury is, by reason of the improper navigation of such ship as aforesaid, caused to any person in any other ship or boat; or,

(*d*) any loss or damage, is, by reason of the improper navigation of such ship as aforesaid, caused to any other ship or boat, or to any goods, merchandise or other things whatsoever on board any other ship or boat;

be answerable in damages in respect of loss of life or personal injury, either alone or together with loss or damage to ships, boats, goods, merchandise or other things, or in respect of loss or damage to ships, goods, merchandise or other things, whether there is in addition loss of life or personal injury or not, to an aggregate amount exceeding thirty-eight dollars and ninety-two cents for each ton of the ship's tonnage. R.S., c. 79, s. 12.

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CANADA SHIPPING ACT

	PRESENT ACT R.S.C. 186	PROPOSED ACT SENATE BILL J
1	Section 932, Sub-section A.	Section 3, Sub-sections 5 and 6.

Are there any changes other than the enactment in Bill J of the provisions of the Merchants Shipping Act 1894 and amending acts with respect to qualification for ownership of British ships.

2 Section 932, Sub-section B. — Section 3, Sub-section 12.
Does this change merely define more clearly what constitutes Coasting Trade of Canada, making clear that when the route is via a foreign port by land and water or water only such route is considered to be within the Coasting Trade of Canada.

3 Section 6. — Sections 18, 19 and 20.
Do the proposed sections merely state the provisions of the Merchants Shipping Act 1894 and amending acts dealing with qualifications for ownership of a British ship? If not, would be glad to know what other provisions are made.

4 Section 943. — Section 671.
Is there any significance in changing the word "hereinafter" in the present section to "herein" in the proposed section.

5 Section 945 and 946. — Section 672.
Does the proposed section merely consolidate the two present sections? If not, please state what other changes are made.

6 Section 944 and 903. — Section 763 and 764.
The provisions of Section 944 appear to have been eliminated. Why has this action been necessary?
It is also noted that apparently a limit of $72.92 for each ton of the ship's tonnage is proposed where there is loss of life or personal injury alone or together with loss or damage to vessels, goods, merchandise or other things. What is the basis for this change?

7 Section 934. — Section 771.
As the proposed section appears to eliminate the basis for duty purposes as including "rigging and boilers" why is this change being made, as it would appear that the value for duty purposes would be reduced if rigging and boilers are not included.

8 Section 935. — Section 772.
The proposed provisions change the penalty from $400 to 50¢ per ton of registered tonnage of the vessel or $500, whichever is the greater, and adds a penalty of $200 for each passenger or $500, whichever is the greater. There appear to be other changes involved. Will be glad to have an explanation of these other changes.

9 Section 937. — Section "?"
It would appear that the present sections respecting recovery and enforcement are eliminated. Why is this action being taken?

10 Section 940
Why is this section being eliminated?

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To be printed
Pilotage

BOARD OF TRADE
HALIFAX, N.S.

March 18th, 1933.

113

Hon. Arthur Meighan,
OTTAWA, Ont.

Sir,

I enclose copy of resolution unanimously passed by the Council of the Halifax Board of Trade.

The unfairness in connection with charge of pilotage in the St. Lawrence manifests itself in said resolution, and I would ask your favourable consideration to the request that same be abolished.

Trusting the matter will have your usual prompt and careful attention.

I have the honour to be,
Sir,
Your obedient servant,

E. A. Saunders

E. A. SAUNDERS,
Secretary.

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RESOLUTION WITH REFERENCE TO PILOTAGE CHARGES ON THE ST.LAWRENCE RIVER, PASSED UNANIMOUSLY BY THE COUNCIL OFTHE HALIFAX BOARD OF TRADE-MARCH 14th, 1933.

WHEREAS under the provisions of the Canada Shipping Act R S C 1927, Chapter 186, St.Lawrence River Pilotage dues are payable by ships navigating between ports in the Maritime Provinces and ports in the Province of Ontario:

AND WHEREAS by section 457, ss.C ii of said Act, ships employed in trading between any one or more of the provinces of Quebec, New Brunswick, Nova Scotia and Prince Edward Island and any other or others of them are exempt from payment of said dues:

AND WHEREAS payment of said dues is illogical and without merit, and a great injustice and hardship to ships navigating between the Maritime Provinces and the Province of Ontario in that if said ships sailing from the Maritime Provinces were bound only for the Port of Montreal, or were proceeding from the Port of Montreal to the Maritime Provinces, said dues would not be payable, but because said ships proceed to and from Ports in the Great Lakes they are subject to said dues:

AND WHEREAS the imposition of said dues is a great impediment to inter-provincial trade:

NOW BE IT RESOLVED that the Halifax Board of Trade and the undersigned interested parties place themselves on record as strongly urging and petitioning the Government of the Dominion of Canada and the Minister of Marine that section 457 ss C ii of said Act be amended by inserting the word "Ontario before the word "Quebec" in the second line thereof.

(sgd) Inter Provincial Steamship Lines, Ltd.
F.K.Warren President

(Sgd) I.H.Mathers & Sons
H.I.Mathers, Pres.

Halifax Harbour Commission
B.C.Phinney, Chairman

Furness Withy Co.Ltd.
C.N.Bryant, Mgr.

T.A.S.DeWolf & Son

A.G.Jones & Company

Dominion Coal Co.Limited
I.W.Cameron, Mgr.

Pickford & Black, Ltd.
Walter A.Black, Dir.

Newfoundland-Canada Steamships, Ltd.
W.A.Shaw, Mgr.

C.R.Lorway,
Sydney, N.S.

F.K.Warren,
Steamship Agent.

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OTTAWA, March 30, 1933.

Dear Mr. Walsh:

I have your letter of 29th and note your comments both as respects the "Water Carriage of Goods Act", and the "British Carriage of Goods by Sea Act".

I think it is probable that the recommendations you have made will not be lost.

Yours truly,

Arthur Meighen.

Mr. J. E. Walsh,
Canadian Manufacturers Association,
Toronto 5, Ont.

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123659

Toronto 2, March 29th, 1933.

Rt. Hon. Arthur Meighen, K.C.,
The Senate,
Ottawa, Ont.

Dear Mr. Meighen,

Transportation - Canada Shipping Act.
Senate Bill "J".

With reference to Senate Bill "J" would advise that we understand suggestions have been made to the Senate that the provisions of the "Water Carriage of Goods Act" (Chap. 207, R.S.C. 1927) and the "British Carriage of Goods by Sea Act" 1924 (Reference 14 and 15, Geo. V., Ch. 22) be included in this Bill.

The Water Carriage of Goods Act, as you doubtless know, was enacted in Canada in 1910 following representations made by this Association seeking to place Canadian shippers and exporters on a parity with the United States shippers and exporters, who, under the so-called Harter Act of that country, were given greater protection than was at that time accorded Canadian shippers and exporters, as a result of which goods were flowing through United States ports. The enactment of the Canadian Water Carriage of Goods Act was, therefore, an important measure in the interests of Canadian shippers and exporters. While it is true that the Canada Shipping Act, (Ch. 186, R.S.C.), and proposed Bill "J" contain some clauses with respect to liability of carriers in the transportation and care of goods, the Water Carriage of Goods Act contains a greater number of clauses and makes clear that the carrier may not contract out in respect to certain matters. These two Acts have always been kept separate and we believe should be continued as separate measures.

The British Carriage of Goods by Sea Act 1924 embodies, with some modifications, the so-called Hague rules which, as you doubtless know, were the subject of international conference at the Hague in 1921 and were, by an international convention in Brussels in 1922, modified. These rules, generally speaking, cover the various matters which may be contained in a bill of lading. While a number of countries, including Great Britain, have adopted these rules with modifications, they have not been adopted in Canada nor in the United States. The question of their adoption has been under consideration in the United States for some years, but owing to objections raised by organizations of exporters and shippers who sought to protect their interests under the Harter Act, the United States Congress has not yet

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Rt. Hon. Arthur Meighen, K.C.

passed legislation although they have considered several Bills. We have, on behalf of our members interested in exporting, taken up with the Government of the day, the question of refraining from taking action in this matter until such time as we knew what the United States was prepared to adopt, as otherwise you will at once see our exporters would be prejudiced if the United States adopted a measure which modified the Hague rules in the interests of their exporters. We believe that this position should be maintained and no action taken to adopt the Hague rules or the British Carriage of Goods by Sea Act 1924 until we know what the United States is prepared to adopt.

In view of what is hereinbefore stated, we would earnestly urge that the Canadian Water Carriage of Goods Act should not be embodied in Bill "J" nor that any provisions of the so-called Hague rules or the British Carriage of Goods by Sea Act 1924 be embodied in this Bill or enacted until such time as the matter has been settled in the United States.

In 1925 Mr. H. E. A. Hawken, now Deputy Minister of Marine and Fisheries, prepared a pamphlet, and in case you have not a copy available, we are enclosing one herewith from which you will see that comparison is made between the British Carriage of Goods by Sea Act 1924 and the Canadian Acts (Water Carriage of Goods Act and Canada Shipping Act). This clearly shows that there are a number of points in the Canadian Acts which are in favour of the shipper or exporter which are not contained in the British Act and we earnestly believe that there should be no curtailment of the present Canadian Acts in this regard.

Yours faithfully,

J. E. Walsh
General Manager.

JEW-S.
Enc.

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12366,13

FRANCIS H. CLERGUE
360 ST. JAMES STREET
MONTREAL

April 7th,1933.

The Rt. Hon. Arthur Meighen,

The Senate,

OTTAWA.

My dear Senator Meighen :

Please pardon my delay in responding to your letter of March 28th in which was enclosed Aishton's brief for the Railroads against the St.Lawrence Seaway project, and which I now return herewith.

This brief is a summary of Aishton's argument in behalf of the railroads as delivered before the U. S. Senate Committee, at Washington, which brought in a favorable report -- 3 to 1.

This summary is composed in such a candid and apparently so just a form, as to carry conviction to the mind of a disinterested juryman - the legislator concerned only in giving effect to a public measure which is for the common benefit.

I had delayed my comments on Aishton's brief until I could find time to answer all his points seriatim, but meanwhile startling events are transpiring in international affairs, which are having an effect upon the passage of this treaty through the Washington Senate, which I had not anticipated, but which will possibly postpone action at the present special session there until the next regular session, six months later.

No one can offer logical proof to show that the U. S. railroads connecting the Great Lakes region with the Atlantic Seaboard will not suffer severe losses by the construction of the St.Lawrence Seaway; all the facts prove that the vast commerce which will make use of this more economical route for transportation, will benefit those whose products will make use of it, at the consequent loss to the U. S. railroads of a serious portion of their present traffic.

From Baltimore to Boston all the U. S. seaports will likewise suffer from the loss of foreign and domestic commerce which will be diverted through this new artery which will bring the Atlantic ocean to Buffalo, Cleveland, Detroit, Chicago and Duluth.

But at the moment the powerful midwest States which will benefit most from the completion of this project are able to force the ratification of this treaty, if it be forced before the present Special Session; if it be deferred until the next session - which Aishton's supporters are attempting to bring about, I regard the treaty as lost.

The U. S. Railroad situation is even worse than that of Canada, and within six months that condition will have become so

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The Rt. Hon. Arthur Meighen.

2.

critical that no influence will be strong enough to force approval of any treaty which can so clearly be shown to damage disastrously the major railroads and the principal seaports of the U. S., to the great gain and permanent profit of the harbors and railways of Canada.

Of course, you would like me to convince you of the results as last stated, but this is another argument which I intend to elaborate very soon for your consideration.

I am sending you this preliminary comment in haste, because of the newspaper suggestion that Premier Bennett is likely to visit Washington quite soon, and because I believe that this so important undertaking, in Canadian interests can only be brought about by ratification of the treaty by the U. S. Senate at the present Special Session, and that this can only be accomplished by the personal request of Premier Bennett made to President Roosevelt that he will enforce its immediate ratification.

I shall submit to you my critical comment on Ashton's brief, so far as it effects Canadian interests, in a few days.

Yours sincerely,

FHC/B.
Encl.

F. H. Clergue.

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Toronto 2, April 11th, 1933.

Rt. Hon. Arthur Meighen, K. C.,
The Senate,
Ottawa, Ont.

Dear Sir,-

Transportation - Canada Shipping Act.
Bill "J".

In the compendium of representations made in respect to Bill "J" is included a letter from Martin Griffin in which he indicates that he has prepared a brief presumably giving reasons for the various changes in the proposed Bill. As there are a number of sections in which we are interested as shippers, I am taking the liberty of attaching hereto a memorandum covering a number of questions asking why certain changes are being made. Assuming that this brief has been filed with you, would it be too much to ask for answers to these questions?

We have already been advised by you that our representations in respect to the Water Carriage of Goods Act would be considered at the proper time.

With an explanation of the various changes we have mentioned we will be put in a position to satisfy our members that the Bill does not take away certain established conditions, particularly as to the liability of carriers and the responsibility of shippers.

Thanking you for your consideration.

Yours faithfully,

General Manager.

JEW-S.
Enc.

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MEMORANDUM

I have been asked to reply to - why crews of ships should not sign on Articles of Agreement and be discharged before a Shipping Master. or other Official (Government)

It would appear to me sitting in this Committee room since the beginning of the inquiry into this new Bill, that there are amongst us some who ask the guidance, the supervision and protection of the Government of Canada in everything applying or appertaining to the welfare of Canadian Shipping and Commerce; that is, just as far as their ships and trade is concerned, but when the question of the personnel of these ships is concerned, they would like, nay - they want to be a law unto themselves.

These people representing as they do their own particular Shipping Company, stand in a particularly unenviable position, when they ask that their ship's crew shall be engaged haphazardly, with no law governing them and no one to say them nay.

The members of their Ships' crews, from the Captain down to the lowest deck boy or waiter, are to be considered in the light of just so many cogs in a huge wheel. That is their wish.

They desire, these people, they ask in fact, that they and only they shall have jurisdiction over their crews. They want absolute control that they might do with them as they will - hire and fire at their pleasure, make their own terms, scale of wages, food, etc., and let the Government go hang.

For 14 years I have watched with great pride the growth of the Canadian Mercantile Marine. I have watched the betterment of the body of men representing the seamen with no less pride. For 14 years - since the Government chose me to represent them as Shipping Master of Montreal, I have worked in the interest of seamen and owners alike, and I say now in this year of 1933 every gentleman here should have and feel the same pride in the splendid body of men who man the ships of our Canadian Mercantile Marine.

In 1914 - if I am not mistaken, the conception of our great Mercantile Marine, on a higher scale, was born in the brain of the then Minister of Marine, The Hon. C. C. Ballantyne, whose idea it was to carry the flag of Canada to every corner of the globe. And with this inception immediately came the uplifting of the Canadian seaman. Previous to this he used to "Ride on a steamboat, or go decking on a grain barge, etc." - today he is a "seaman" and wishes to be known as a "seaman."

If these same men who are proud to be known as seamen are to go backward instead of forward, to be known and looked upon as day labourers on a grain barge, or, a package freight boat, then the supervision of the Government, the signing on

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of crews on Articles of Agreement and an honourable discharge at the end of the voyage or season is not wanted. But who wants these conditions. No right-thinking man who has the welfare of this great Dominion at heart wants it, I am sure.

We don't want to go backward - we want to go forward!

We don't want to go back to the days of pimps, of wharf rats, boarding houses, blood money. But I am unafraid to say that once the jurisdiction of the Government is lifted or denied, the shipowners of a particular breed will be found who will rejoice in this backward movement.

Honourable Gentlemen, I have no fish to fry other than the pride in my profession - the welfare of my staff and the welfare of every Shipping Master in the Dominion whom at this moment I represent.

I may say that I have had this last few days the opportunity of talking with a number of gentlemen representing the shipping owners and shipping interests of Montreal, and I can truthfully say there has not been raised a voice against this particular measure until this moment.

To sign an Agreement before a Shipping Master under the Shipping Act compiled by this Government is beneficial to the seaman from a standpoint of protection, to the Master from a point of discipline, to the owner from practically every standpoint. The majority of the men want it, the majority of the Masters want it, and the majority of owners want it.

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(1) If this duty is not carried out before an official what record have we for tracing a seaman.

(2) What is to prevent anyone from falsifying his records of service.

(3) What is to prevent a man with false records appearing before an Examiner and obtaining a Certificate of Competency: He may be a butcher, baker, candlestick maker. He is clever enough to pass an examination, but with no practical knowledge he is a menace to navigation.

(4) The Examinations of Masters and Mates require that any man's service must be verified by the Articles of Agreement - What if there are none, or if these are made up on the ship. Who has a record? Who knows who is on that ship?

(5) Case in Point - A ship leaves Sault for Port William - two or three join ship at Sault - Ship is never heard of again - Who knows who was on the ship?

(6) The shipowner will tell you he can verify the man's service by the pay roll. In the above case there is no pay roll. And if there is a pay roll and a man who - say - deserted his ship, who was insubordinate, drunken - can in a year or two years time go to the

owner/

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owner of the ship and ask for a discharge because he wants to pass an examination. Has this shipowner a record of his character and ability? But he gets a good discharge all the same.

In my capacity of Shipping Master I have seen fine, clean looking young men being unable to get a ship because he could show no discharges, and his excuse was - The Master was not compelled to give him one.

In my capacity of Examiner I have seen numberless men turned down, because their service, character and ability could not be verified and the excuse - because they were neither signed on or discharged officially.

The British Board of Trade whose Regulations are admittedly good, require every seaman to sign Articles of Agreement and be discharged before a Shipping Master, even these small vessels trading to the Continent or say from the Tyne to London, a matter of 30 hours steaming. These are known as weekly ships and sign weekly Articles. The Registrar General of Shipping can put his finger on any Seaman or any ship with either fresh or Salt water under their keel, and I should like it to be the same in Canada.

Question of Fees - $40.00 per season per ship. } Mare estimate

Question of Inconvenience & detention

Not during my service as Shipping Master has any ship been detained or inconvenienced. If a change of crew has to be made when no Official is obtainable the Master is given licence to sign his man or men on board & report same at the first opportunity and the same with discharge of Seamen

Ottawa, 10th April, 1933.

D.O. Grey
Shipping Master
Montreal

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TORONTO, April 17, 1933.

Dear Mr. Turnbull: Re Shipping Bill

I have your letter of 12th.

The phase of this Bill which gives you concern is one that we have been hearing a lot of evidence on, and certainly it is one of the most important features of the proposed measure.

I cannot say what the view of the Committee will be, but so far as I have heard comments, everyone has been of the opinion that the weight of evidence was overwhelmingly on the side of those who thought that the application of the same coastwise shipping in Canada as is in force in the United States would not result in any increase in rates, but would result in a diversion of tonnage from American vessels to Canadian vessels.

In any event anyone who desires to beheard will be heard, that is if there is reason to feel that he has any special knowledge of the subject. Besides, the Bill contains a suspensive clause such as you suggest. Furthermore, rates can be controlled by the Grain Board absolutely insofar as Canadian shipping is concerned.

Yours very truly,

Mr. F. W. Turnbull, M. P.,
House of Commons,
Ottawa, Ontario.

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House of Commons
Canada

OTTAWA, 12th April, 1933.

Right Honorable Arthur Meighen,
The Senate,
OTTAWA.

My dear Senator Meighen,-

- Re Shipping Bill -

There is some considerable fear that the Shipping Bill, requiring wheat to be transported in Canadian bottoms, will result in an increase in the lake rates on wheat and possibly a tie-up in the traffic. I fear the effect of any increase which can be attributed to this cause.

It is of the utmost importance that the Western wheat grower should receive every cent that he can get out of the very low price now available for his product. A cent a bushel means a very considerable sum of money, which has always been used by the Westerner to buy products made largely in the east. The purchase of these products gives Westward trade, both for the boats and the railways, so it seems to me of the utmost importance that the buying power of the West should be increased as much as possible. You will remember that when Mr. King passed a similar Bill some years ago, he was eventually obliged, by reason of freight rate increases, to ask the American boats to disregard the law. I hope that we are not going to be placed in the same position. I would therefore urge that the fullest opportunity be given to Westerners to express their views on this subject and that whatever is done, provision will be made against advantage

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Right Honorable Arthur Meighen, ...

being taken by the lake carriers. I would like to see every bushel of wheat handled by Canadian boats, manned by Canadian seamen, but I do not see any reason why, when we try to give them the traffic, they should also attempt to make us pay extra.

If it is determined to proceed with the Bill, I would suggest that a clause be inserted therein authorizing the Governor-in-Council to suspend the coast shipping law as applied to the Great Lakes from time to time when it appears that undue rates are being charged, or when it appears that sufficient bottoms are not available to carry the grain. I think that the ship owners should be given to distinctly understand that any attempt on their part to increase freight rates will result to their disadvantage.

Yours truly,

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F.H.Clergue,

360 St. James Street,

Montreal, P.Q.

Answering your telegram today, Mr. Meighen absent from Ottawa until twenty fifth instant.

Secretary.

Charge Rt. Hon. Arthur Meighen,

The Senate, Ottawa.

C 23670

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123672

FRANCIS H. CLERGUE
360 ST. JAMES STREET
MONTREAL

Personal.

April 18th, 1933.

Rt.Hon. Arthur Meighen,
The Senate,
Ottawa.

Dear Senator Meighen :

The St.Lawrence Seaway Treaty, as you will have noted, is in "peril of the seas" at Washington, and I would like to confer with you in Ottawa on this matter, which I believe to be of such great importance to all Canada, at the earliest date you can give me. Please telegraph or telephone my office - 360 St.James Street - Lancaster 9610 - when you can see me.

You, as Chairman of the Special Committee appointed to consider the revision of the Shipping Act, must be particularly concerned about the progress of this Treaty in Washington the ratification of which will benefit Canadian shipping more than any other measure possible.

After you have listened to my "story", I shall ask Premier Bennett to hear me. The only salvation possible for this Treaty will be the personal intervention of Premier Bennett with President Roosevelt during his visit to the President in Washington.

Please telegraph me on receipt of this when I can see you in Ottawa.

Yours sincerely,

FHC/B.

F. H. Clergue.

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123673

OTTAWA, April 27, 1933.

My dear Colleague:

I am handing you the following in the belief that if transmitted to your Mr. Hawken a perusal of them might prove of value in consideration of Shipping Bill amendments:

1. Resolution of Maritime Ship-Owners' Association.

2. Letter of H. N. McMaster, Montreal.

3. Memorandum by T. R. Kirkwood on Great Lakes Shipping.

Yours very truly,

Hon. Alfred Duranleau,
Minister of Marine,
Ottawa, Ontario.

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CANADA

123674

113

OTTAWA, April 27, 1933.

Dear Mr. Clergue:

I have to thank you very much for your letter of 8th instant with enclosure.

Yours very truly,

Mr. F. H. Clergue,
360 St. James St.,
Montreal, Que.

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FRANCIS H. CLERGUE
360 ST. JAMES STREET
MONTREAL

123675

April 8th, 1933.

The Right Hon. Arthur Meighen,
The Senate,
OTTAWA.

Dear Senator Meighen :

Enclosed you will find my analysis of the first of Mr. Aishton's propositions, which I consider the vitals of his brief; the second I will answer soon.

Yours very truly,

F. H. Clergue.

FHC/B.
Encl.

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123676

THE SENATE
CANADA

OTTAWA, April 27, 1933.

Dear Mr. O'Connor:

Re Canada Shipping Act.

I am enclosing letter from Mr. Griffin which you have already glanced over. I think I should have something in the way of a concrete answer to the viewpoint presented by Mr. Griffin. He is the draughtsman of the Bill and I should answer him somewhat fully. Possibly you will prepare a reply and submit it to me.

Yours very truly,

Mr. W. F. O'Connor, K. C.,
Ottawa, Ontario.

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123677

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609 Bank of Nova Scotia Bldg.
Vancouver, B.C.

April 20th, 1933.

Senator The Rt. Hon. Arthur Meighen, P.C.,
Parliament Bldgs.,
Ottawa.

re Canada Shipping Act.

Dear Sir:-

I have just read over the Minutes of evidence taken before the Senate Committee on the 10th instant in reference to this Bill, and regret that you should have been forced to adjourn in consequence of the doubt created as to our position with the British Consuls.

I was quite conscious of this point from the time I started the revision. It was obvious that Canada could not legally impose on British Consuls any duties, but it was also quite obvious that Great Britain must have intended that we should have the benefit of their services, and the Deputy Minister of Marine instructed me to proceed on that basis and that Canada either had or would obtain the consent of the British Government to our continued utilization of her Consular service. However, to avoid anything in the nature of a liberty, I changed all the positive language of the Merchant Shipping Act into permissive language. For example, in Section 345 (2) you will find that the master of the steamship is to deliver to the proper officer (Consul) "if he will receive the same" the effects of the seaman, etc.

In Section 348 the Captain "shall request the proper authority to endorse, etc." And in Section 354 the seaman's wages are to be paid to the British consular officer abroad "if such consular officer will receive the same".

It was all intentionally left permissive, and the idea was that the British Government, probably through the Board of Trade, would communicate with their consular officers and instruct them to accord to Canadian ships the same service which they had always been according them in times past, with the alteration that hereafter they would be performed in accordance with the language of the Canada Shipping Act instead of the Merchant Shipping Act.

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123678

The only practical effect of all this would be that the Consul would report and account to the Minister of Marine in connection with Canadian ships instead of to the Board of Trade.

I was further informed that the moment the draft was ready it was to go to England for consideration by the Government of the United Kingdom. It naturally would include the question of the employment of the consular officer. It could never have been intended that Canada should, for the service of her few foreign-going ships, provide herself with a consular service all over the world when she does not provide such service for her citizens all over the world.

Mr. W. F. O'Connor, K.C., of Ottawa, is apparently of the opinion that the Government of the United Kingdom cannot give its instructions to its consuls save by legislation (see page 159 near the bottom). I agree that the United Kingdom could do it that way, but cannot agree that the United Kingdom could not confer the same right upon us by a simple circular letter addressed to her consuls abroad, which would then dovetail in with our legislation and become a perfectly harmonious whole.

It is too bad that lawyers should disagree, but I cannot concur in the interpretation put by Mr. O'Connor as to the effect of the Statute of Westminster. At the bottom of page 157 he says: "a right which we had to repeal that Imperial Act (the Merchant Shipping Act of 1894) in certain respects is now gone by virtue of the Statute of Westminster, and we are now sewed up, with no such power to adapt our shipping law as we had under two sections of the 1894 Act " (meaning Sections 735, 736).

I think this is not correct. Section 2 (2) of the Statute of Westminster gives Canada the unlimited and unqualified power to repeal or amend any Imperial Act which applies to Canada. The Merchant Shipping Act of 1894 gave us a limited power of repeal in the two sections above referred to; now we have an unlimited power of repeal or amendment. We could adopt the whole of the Merchant Shipping Act of 1894 if we like, or any parts of it, so that it cannot properly be said that any power of repeal which we heretofore enjoyed has been taken away by the Statute of Westminster. In Bill J. we repeal the Merchant

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Shipping Act entirely (as to Canada) and substitute Canadian legislation in (substantially) the same terms; leaving the Merchant Shipping Act, of course, in full force as to the other parts of the Empire.

Yours very truly,

MG/R.

Martin Burrell

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123680

113

OTTAWA, May 8, 1933.

Dear Mr. White:

I received your memo. You are absolutely right! Am glad to say though that in the revised Bill, that is, in the later measure which may be introduced this week, the definition runs along the exact line suggested by yourself.

Yours very truly,

R. S. White, Esq., M. P.,
House of Commons,
Ottawa, Ontario.

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123681

CANADA SHIPPING ACT

Comparison between Coasting Laws of Canada and Coasting Laws of the United States of Canada.

CANADA SHIPPING ACT.Chap.186.Part XVl

Sec. 935	No goods or passengers shall be carried by water,from one port of Canada to another, except in British ships.	As now in effect.

New Canada Shipping Act

Page 3. 12	"Coasting trade of Canada"means the transportation by water or by land and water of goods or passengers from one place in Canada to the same or another place in Canada,whether or not such transportation is direct or via a foreign port outside of Canada and includes any part of such transportation.	Proposed to be put in effect.

Extract from Navigation Laws of the United States 1923

Foreign vessels barred from Coastal Trade

Page 186'	No merchandise shall be transported by water under penalty of forfeiture thereof from one port of the United States to another port of the United States,either directly or via a foreign port,or for any part of the voyage in any other vessel than a vessel of the United States.

The U.S. verbiage appears to be ~~more~~ clearer, more definite & more easily understood. "or passengers" could be inserted after the word "merchandise" in the U.S. clause.

R S White

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123682

OTTAWA, 2 May, 1933.

Dear Sir,

I have your letter of the 25th ultimo, with enclosures, with regard to Bill J, respecting Shipping in Canada.

This Bill having been withdrawn for the present Session I am passing your recommendations to the Minister of Marine for consideration in connection with the new Bill which will doubtless be introduced at a later Session of Parliament.

Yours very truly,

Arthur Meighen.

P.O'Donovan, Esq.,
National Secy., Canadian Association of Seamen,
615 Hastings Street West, Vancouver, B.C.

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Draft 123683 by
Mr O Connor

THE SENATE
CANADA

Ottawa, 2nd May, 1933.

Dear Mr. Griffin: Re Senate Bill J.

Having duly received your letter of 20th April I regret that an earlier reply than this has not been possible.

I am not sure that you have fully appreciated the objections raised to the present form of Senate Bill J.

The difficulty concerning relations with British consuls, which you mention as known to you from the first, is of merely a subsidiary character. Nor does consideration of the mandatory or permissive nature of the phrasing of the Bill, with relation to extra-Canadian contacts, avoid the objections to the Bill, although I must tell you that in quite a number of instances the Bill provides mandatorily rather than permissively with relation to British consuls, registrars and officers of ships of war.

Even if it could be conceded that the proposed legislation is in every case with such relation permissive the main objection raised would survive, that objection being that the scheme of the Bill does not coincide with the intent of the Commonwealth committee,

(which)

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THE SENATE
CANADA

which intent was that interlocking legislation should be enacted by the various Dominions and the United Kingdom, whereas Canada purports by Bill J to enact many provisions which should be enacted, if at all, by the United Kingdom and by the Dominions other than Canada. The chief objection to the Bill may be summarized thus--That as drafted it follows too closely the terminology of the Imperial Act of 1894, with the result that it gives too sparingly and takes too profusely, in so far as extra-Canadian considerations and contacts are concerned.

There is no insoluble difficulty with respect to any intent or action on the part of the United Kingdom to provide for Canada and the other Dominions consular and other services. The United Kingdom has already agreed to do that and alone can do that. Doubtless, British consuls, by appointment of the respective Dominions, will, when proper arrangements have been made, become consuls of the respective Dominions as well. To effect the desired purpose permissive or other legislation by Canada would be as unnecessary and ineffective as it would be in the case of ~~it were necessary to provide by statute for~~ consular relations

(between)

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between Canada and, say, Spain. The United Kingdom and the Dominions, however, being fellow members of one Commonwealth and fellow subjects of one King, will probably desire to grant, receive and exchange, inter se services by, for instance, consuls, other than ordinary consular services. In so far as any such plan for granting, receiving and exchanging may be perfected it ought to be, as section 26 of the Commonwealth Shipping Agreement envisages, carried into effect by interlocking United Kingdom and Dominion legislation, the United Kingdom and each Dominion legislating, each with relation to its own ships and its own ports and waters.

No permissive legislation of Canada is required to,or can, enable a British consul to accord purely consular services to any Canadian ship. To that consul, under the new order Canadian ships will be, strictly, foreign ships. His government will, statutorily or otherwise instruct him in that regard. Perhaps, as already mentioned, he may become, by arrangement, a British Commonwealth consul.

(I)

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THE SENATE
CANADA

I note that it was your understanding that the draft as prepared by you should be sent to England for consideration by the Government of the United Kingdom. This was done, and, as well, British shipping interests were advised and supplied with copies of the Bill.

The Board of Trade of the United Kingdom has not yet expressed its views relating to the Bill. The British shipping interests have been heard from within the past week. Their views were mailed to Canada before those of the Senate Committee were known to them. It is interesting that as received the opinion of the British Shipowners Parliamentary Committee are in accord with those of the Senate Committee that had Bill J in charge.

The Shipowners Parliamentary Committee after stating numerous deficiencies of and desirable improvements (from their standpoint) proceeded to generalize thus--"Most of the difficulties and doubts that arise on a first perusal of the Bill are attributable to the fact that it reproduces more or less literally provisions of the Merchant Shipping Act in the form that they necessarily took while the Imperial Parliament was legislating for all British ships wherever they were

(registered).

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THE SENATE
CANADA

registered.....It follows that existing United Kingdom Acts, in so far as they deal with British ships, generally have become out of date, and as Parliament has not had time to revise those statutes it is not unnatural that the need for adoption should have escaped the attention of a draftsman wishing to keep as close a correspondence as possible between the Dominion and United Kingdom legislation." They consider that the Bill should be redrafted, adding "and perhaps this could be done concurrently with a revision of our own Merchant Shipping Acts as regards Dominion ships."

Mr. O'Connor informs me that he is not in disagreement with your opinion that the United Kingdom can instruct its consuls to serve Canada by direction as well as by legislation, but he takes the stand that the United Kingdom has agreed to legislate and that legislation is especially desirable in case of possible if not inevitable proceedings in Court. I cannot see that page 159 of the Minutes of the Senate Committee evidences that Mr. O'Connor expressed the view that only by statute could British consuls be put at the service of Canada. Further, as to Mr. O'Connor's words reported on page 157 of the Minutes, these read

(in)

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in , and not apart from their setting, apply strictly to the effect of the statute of Westminster upon any legislative power of Canada derived solely from sections 735 and 736 of the Imperial Shipping Act of 1894. ~~He referred to a section that~~ During his remarks before the Senate Committee he cited section 91 of the Act of 1894, reading--"This Part of this Act shall apply to the whole of Her Majesty's Dominions and to all places where Her Majesty has jurisdiction", and conceded that Canada was now free to override it, by formally repealing it, whereupon however, the whole of Part 1 of the 1894 Act would cease to be available to Canada and unless and until Canada legislated thereafter for herself, Canada would probably be held to have no ship registration law. He, I am sure, does not disagree with what you say in the last two paragraphs of page 2 of your letter to me. He concedes that Canada can repeal or amend as you contend, but he contends that once having repealed or amended Canada shall have provided Canadian law in place of Imperial law and cannot get back to the Imperial Law. This condition, his point is, results from the repeal of sections 735 and 736, whereunder we could restore as well as amend

(or)

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or repeal sheltering ourselves, if and as we willed, under Imperial law. All the Dominions except Canada, Ireland and South Africa reserved to themselves the right to continue under the operation of sections 735 and 736 until by their own legislation they repealed these sections. Finally, Mr. O'Connor made it plain that much of what he said to the Senate Committee was advice ex abundantia cautela and that he hoped that it was wrong.

I might add that Mr. Johnston, former Deputy Minister of Marine, Mr. Burchell, K.C., and Mr. Plaxton, K.C., (the latter being of the Department of Justice) who were present at and participated in the Commonwealth conference concerning shipping, have expressed agreement with Mr. O'Connor's contention that it was the intent of the conference that various Bills should be prepared and submitted by and between the United Kingdom and the Dominions. It appears therefore that the introduction of Bill J into Parliament was, possibly, premature.

Yours faithfully,

Martin Griffin, Esq., K.C.,
609 Bank of Nova Scotia Bldg.,
V ancouver, B.C.

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123690

OTTAWA, 2 May, 1933.

My dear Colleague,

I am enclosing herewith a communication, with enclosures, received from The Canadian Association of Seamen, Vancouver, B.C., with respect to the Shipping Bill.

I have advised Mr. O'Donovan that the Bill has been withdrawn for the present Session and that the recommendations of his Association have been passed to you for consideration in connection with the new Bill to be introduced at a later Session.

Yours very truly,

Arthur Meighen.

The Honourable Alfred Duranleau, P.C., M.P.,
Minister of Marine,
Ottawa.

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123691

OTTAWA, May 2, 1933.

Dear Mr. Walsh:

Reply to your letter of April 20th was held over as it was apparent that Senate Bill "J" would be withdrawn.

As the Bill will have to be redrafted, and doubtless, you will have a number of enquiries with relation to the redrafted Bill, unless, indeed, it be so perfectly plain and acceptable that I shall be deprived of the pleasure of hearing from you, I suggest that you let the construction of sections 761 and 762 of Bill "J" stand over for the present. They may not appear in the redrafted Bill, or, if they do, they may appear in such a setting as to make their meaning and reasonableness so apparent that you will be content.

Yours faithfully,

Mr. J. E. Walsh,
General Manager,
Canadian Manufacturers' Association,
Toronto, Ontario.

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123692

Toronto 2, April 20th, 1933.

113

Rt. Hon. Arthur Meighen, K.C.,
The Senate,
Ottawa, Ont.

Dear Mr. Meighen,

Transportation - Canada Shipping Act.
Bill "J"

W7.0c
?

Thanks very much for yours of the 12th re Senate Bill "J". I am sorry that Sections 671 and 672 were mentioned in Questions 4 and 5 of the memorandum I sent you on the 11th, which was wrong. This should have read Sections 761 and 762. I will be glad to be advised in regard to these Sections.

Question 8. The changes suggested are, as far as I can see, satisfactory.

Question 10. We appreciate the object in dropping Section 940.

Yours faithfully,

J. E. Walsh
General Manager.

JEW-S.

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123693

OTTAWA, April 12, 1933.

Dear Mr. Walsh: Re Senate Bill "J"

Replying to your letter of the 11th instant, the ten questions propounded in the enclosure which accompanied it are as fully as is possible at this time, answered, in the order of their statement, as follows:

1. A sufficient answer possibly would be "No", but I should add that the advisability of defining at all a British ship is under consideration. The Imperial Act does not so define.

2. All the paragraphs of section 3 are definitions, and the phrase "coasting trade of Canada", wherever it appears in the Bill, will have the meaning (which must be related to the context) which is assigned to it by section 3 (12) of the Bill. It cannot be admitted that the phrase means "merely" what is suggested.

3. If sections 18, 19 and 20 of Bill J. remain as they now appear in the Bill, they will represent not merely provisions of the Imperial Act of 1894 but adaptations of them to Canadian purposes. They extend, in terms, to "obligation to register" as well as to "qualifications for ownership". There is, besides, a body of non-statutory maritime law which relates to British ships and ships generally, whereunder a ship may be a British ship although of foreign registry, or a foreign ship although of British registry. It is obviously impossible to set forth this "common law of the sea" in the short compass of a letter.

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4. and 5. Please cite again the sections of Bill J. to which you intended to refer. Those cited are inapplicable.

6. It is, as you know, possibly, proposed to add to the Bill special provisions relating to the carriage of goods. The object of Section 768 is to limit the extent of damages awardable in case of loss of life or personal injury. The tonnage basis of $72.97 is the equivalent of the amount in pounds which is provided by the Imperial Act.

7. See Section 3(39) and (51) of the Bill. Rigging is part of the hull and boilers are part of the machinery.

8. The changes have been suggested by the Department of Marine as an improvement. Your view with relation to them would be appreciated. Kindly state more specifically what "other changes" you would like to have explained.

9. See Part XVI of the Bill, which is enacted to produce uniformity as agreed, under the Commonwealth Shipping Agreement.

10. The dropping of Section 940 is proposed tentatively, as a matter of policy, for the advantage of Canadian Shipping. Your views with relation to the matter would be appreciated.

Yours very truly,

Arthur Meighen.

J. E. Walsh, Esq.,
General Manager,
Canadian Manufacturers' Association,
Toronto, Ontario.

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123695

113

OTTAWA, May 3, 1922.

Dear Col.Phinney:

Your telegram of 25th was immediately handed to Mr. O'Connor for his consideration, and inadvertently, acknowledgment has not been made. This delay I much regret. I can assure you, however, that the representations you have made have already been very carefully considered. It is not too much to say that when the new Act does come under preparation, it will probably be not out of line with your suggestions.

Yours very truly,

Col.
Halifax, N. S.

L. C. Phinney, Esq.,

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LCO	DEFERRED
NLT	CABLE LETTER
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W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

RA202 MEIGHAN OTTAWA ONT 2ND SHEET IP

STANDARD TIME 1933 APR 25 PM 6 43

PORTS AND PARTICULARLY GREAT LAKES STOP THIS LATTER FEATURE IS ONE OF MATTERS INVESTIGATED BY SIR ALEXANDER GIBB AND HE STRESSED THE IMPORTANCE OF THE STRATEGIC POSITION OF PORT OF HALIFAX FOR THIS PURPOSE STOP ONE IMPORTANT RESULT HAS BEEN THAT PRICE OF FEEDS WHICH IS MOST IMPORTANT MATTER IN MARITIME PROVINCES HAS BEEN GREATLY REDUCED BEAUCE OF COMPETITIVE RATES WITH RAIL CARRIAGE STOP ANOTHER IMPORTANT RESULT IS THE DEVELOPMENT OF HALIFAX AS A WAREHOUSING AND DISTRIBUTING CENTRE FOR EXPORT

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CANADA

CANADIAN PACIFIC TELEGRAPHS

T.D. 1

CANADIAN PACIFIC COMMUNICATIONS

DIRECT COMMUNICATION WITH

THE INTERNATIONAL SYSTEM - IMPERIAL AND INTERNATIONAL

POSTAL TELEGRAPH - MACKAY RADIO COMMUNICATIONS LIMITED -

COMMERCIAL CABLES - ALL AMERICA CABLES IMPERIAL CABLES - BRITISH PACIFIC CABLE

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W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

STANDARD TIME

RAA202ARTHUR MEIGHAN OTTAWA ONT 3RD SHEET

1933 APR 25 PM 6 43

GRAIN PRODUCTS STOP THE DEVELOPMENT OF THIS TRAFFIC DURING PAST THREE YEARS HAS BROUGHT SUBSTANTIAL REVENUES TO THE PORT AND A MARKED EXTENSION OF USE OF PORT FACILITIES HAS RESULTED STOP OWING TO LACK OF SUITABLE CANADIAN SALT WATER SHIPS WE BELIEVE DEVELOPMENT OF PORT ALONG ABOVE LINES WILL NOT ONLY BE RETARDED BUT WILL REVERT TO FORMER CONDITION IF IT IS DETERMINED THAT ONLY CANADIAN SHIPS DUTY PAID CAN ENTER INTO THIS CLASS OF TRADE STOP

123698

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CANADA

CANADIAN PACIFIC TELEGRAPHS

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W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

RAA202 ARTHUR MEIGHAN OTTAWA ONT 4TH SHEET 77 STANDARD TIME 1933 APR 25 PM 6 45

LAKE CARRIERS ARE NOT SUITABLE AS GENERAL CARGO CARRIERS BETWEEN GREATLAKES AND HALIFAX WITH RESULT THAT THIS TRADE IS CONDUCTED LARGELY BY BRITISH OCEAN GOING SHIPS STOP IF IT IS DECIDED THAT SHIPS MUST BE OF CANADIAN REGISTRY AND DUTY PAID IN CANADA BEFORE THEY CAN ENTER THE GREATLAKES MARITIME SERVICE IT WOULD BE NECESSARY TO EITHER BUILD CANADIAN SHIPS FOR THIS PURPOSE OR TO PURCHASE FOREIGN SHIPS AND PAY DUTY BUT A CASUAL STUDY INDICATES THAT

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W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

RAA202 ARTHUR MEIGHAN OTTAWA ONT 9TH SHEET 79 STANDARD TIME 1933 APR 25 PM 6 45

THIS WILL BE IMPRACTICABLE AS THERE ARE ONLY FIVE OR SIX MONTHS IN THE YEAR WHEN THESE SHIPS COULD BE EMPLOYED IN THIS CLASS OF TRADE AND IT WOULD BE MOST DIFFICULT TO FIND EMPLOYMENT FOR THEM DURING BALANCE OF YEAR STOP THEREFORE FROM A PRACTICAL STANDPOINT IT HAS ONLY BEEN FEASIBLE TO BUILD UP THIS TRADE THROUGH CHARTERING SHIPS OF BRITISH REGISTRY PARTICULARLY FOR SINGLE TRIPS WHEN SHIPS HAVE BEEN AVAILABLE FOR A RETURN CHARTER OR FOR A

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W. MINER, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

RAA202 MEIGHAN OTTAWA ONT 6TH SHEET 72 1933 APR 25 PM 6 43

STANDARD TIME

ROUND TRIP TO FILL IN AN UNEMPLOYED PERIOD STOP EFFORTS ARE BEING MADE BY CERTAIN COMPANIES TO DEVELOP A CONTINUOUS SERVICE DURING OPEN NAVIGATION IN THE LAKES TO AND FROM HALIFAX AND OTHER MARITIME PORTS BUT THIS DEVELOPMENT TO DATE DOES NOT WARRANT ANY EXTENSIVE CAPITAL INVESTMENT IN THE BUILDING OF CANADIAN SHIPS OR PURCHASING OTHER SHIPS AND PAYING CANADIAN DUTY STOP WE UNDERSTAND THE MAJOR PROBLEM IN THIS REGARD IS IN

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W. D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL.

RAA202 MEAGHAN OTTAWA ONT 7 ~~EASTERN STANDARD~~ TIME 1933 APR 25 PM 6 43

RESPECT TO THE LAKE BOATS AND OF COURSE WE ARE NOT CONCERNED WITH THIS FEATURE STOP WE HOWEVER ARE MOST DEEPLY CONCERNED WITH RESTRICTIONS WHICH MIGHT APPLY TO SALT WATER BOATS SUCH AS ARE REQUIRED TO TRADE BETWEEN HALIFAX AND THE LAKES AND WE RESPECTFULLY URGE THAT IF DRASTIC REGULATIONS SUCH AS ARE SUGGESTED ARE MADE IN RESPECT TO LAKE BOATS THAT THE BILL SPECIFICALLY EXCLUDE SALT WATER BOATS TRADING BETWEEN MARITIME PORTS SAINTLAWRENCE PORTS AND LAKE PORTS

E C PHINNEY PRESIDENT

L 2 3 7 0 2

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CANADIAN PACIFIC TELEGRAPHS

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CLASS OF SERVICE DESIRED	
Day Message	
Day Letter	
Night Message	
Night Letter	

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MONEY TRANSFERRED BY TELEGRAPH TO PRINCIPAL POINTS IN CANADA AND THE UNITED STATES

CANADIAN PACIFIC COMMUNICATIONS

CABLE CONNECTIONS TO ALL PARTS OF THE WORLD
RADIOGRAMS TO SHIPS

NO.	CASH OR CHG.
TIME FILED	
CHECK	

W. D. NEIL, General Manager of Communications, Montreal

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.
Veuillez expédier la dépêche suivante aux conditions mentionées au verso auxquelles je consens par les présentes.

CONFIRMATION

HALIFAX N.S. APRIL 25, 1933.

113

123703

RT. HON. ARTHUR MEIGHAN
THE SENATE
OTTAWA, ONT.

NIGHT LETTER

UNDERSTAND PUBLIC HEARING FRIDAY DEALING WITH PROVISIONS SHIPPING BILL stop IT IS IMPOSSIBLE FOR US TO HAVE REPRESENTATIVE AT OTTAWA FRIDAY AND THEREFORE WE BRING TO YOUR ATTENTION FOLLOWING POINTS stop DURING LAST THREE YEARS THERE HAS BEEN RAPID DEVELOPMENT OF PORT OF HALIFAX AS A TRANSSHIPPING PORT AND DISTRIBUTING CENTRE WHICH IS BROUGHT ABOUT BY DEVELOPING A GREATER USE OF COASTING SERVICES THEREBY INCREASING TRAFFIC BETWEEN HALIFAX SAINT LAWRENCE RIVER PORTS AND PARTICULARLY GREAT LAKES stop THIS LATTER FEATURE IS ONE OF MATTERS INVESTIGATED BY SIR ALEXANDER GIBB AND HE STRESSED THE IMPORTANCE OF THE STRATEGIC POSITION OF PORT OF HALIFAX FOR THIS PURPOSE stop ONE IMPORTANT RESULT HAS BEEN THAT PRICE OF FEEDS WHICH IS MOST IMPORTANT MATTER IN MARITIME PROVINCES HAS BEEN GREATLY REDUCED BECAUSE OF COMPETITIVE RATES WITH RAIL CARRIAGE stop ANOTHER IMPORTANT RESULT IS THE DEVELOPMENT OF HALIFAX AS A WAREHOUSING AND DISTRIBUTING CENTRE FOR EXPORT

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W. D. NEIL, General Manager of Communications, Montreal

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.
Veuillez expédier la dépêche suivante aux conditions mentionées au verso auxquelles je consens par les présentes.

GRAIN PRODUCTS stop THE DEVELOPMENT OF THIS TRAFFIC DURING PAST THREE YEARS
HAS BROUGHT SUBSTANTIAL REVENUES TO THE PORT AND A MARKED EXTENSION OF USE
OF PORT FACILITIES HAS RESULTED stop OWING TO LACK OF SUITABLE CANADIAN
SALT WATER SHIPS WE BELIEVE DEVELOPMENT OF PORT ALONG ABOVE LINES WILL NOT
ONLY BE RETARDED BUT WILL REVERT TO FORMER CONDITION IF IT IS DETERMINED
THAT ONLY CANADIAN SHIPS DUTY PAID CAN ENTER INTO THIS CLASS OF TRADE stop
LAKE CARRIERS ARE NOT SUITABLE AS GENERAL CARGO CARRIERS BETWEEN GREAT LAKES
AND HALIFAX WITH RESULT THAT THIS TRADE IS CONDUCTED LARGELY BY BRITISH
OCEAN GOING SHIPS stop IF IT IS DECIDED THAT SHIPS MUST BE OF CANADIAN
REGISTRY AND DUTY PAID IN CANADA BEFORE THEY CAN ENTER THE GREAT LAKES-MARITIME
SERVICE IT WOULD BE NECESSARY TO EITHER BUILD CANADIAN SHIPS FOR THIS PURPOSE
OR TO PURCHASE FOREIGN SHIPS AND PAY DUTY BUT A CASUAL STUDY INDICATES THAT
THIS WILL BE IMPRACTICABLE AS THERE ARE ONLY FIVE OR SIX MONTHS IN THE YEAR
WHEN THESE SHIPS COULD BE EMPLOYED IN THIS CLASS OF TRADE AND IT WOULD BE
VERY DIFFICULT TO FIND EMPLOYMENT FOR THEM DURING BALANCE OF YEAR stop
THEREFORE FROM A PRACTICAL STANDPOINT IT HAS ONLY BEEN FEASIBLE TO BUILD UP
THIS TRADE THROUGH CHARTERING SHIPS OF BRITISH REGISTRY PARTICULARLY FOR
WHOLE TRIPS WHEN SHIPS HAVE BEEN AVAILABLE FOR A RETURN CHARTER OR FOR A

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Day Letter	
Night Message	
Night Letter	

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NO.	CASH OR CHG.
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CHECK	

W. D. NEIL, General Manager of Communications, Montreal

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.
Veuillez expédier la dépêche suivante aux conditions mentionées au verso auxquelles je consens par les présentes.

ROUND TRIP TO FILL IN AN UNEMPLOYED PERIOD stop EFFORTS ARE BEING MADE BY CERTAIN COMPANIES TO DEVELOP A CONTINUOUS SERVICE DURING OPEN NAVIGATION IN THE LAKES TO AND FROM HALIFAX AND OTHER MARITIME PORTS BUT THIS DEVELOPMENT TO DATE DOES NOT WARRANT ANY EXTENSIVE CAPITAL INVESTMENT IN THE BUILDING OF CANADIAN SHIPS OR PURCHASING OTHER SHIPS AND PAYING CANADIAN DUTY stop WE UNDERSTAND THE MAJOR PROBLEM IN THIS REGARD IS IN RESPECT TO THE LAKE BOATS AND OF COURSE WE ARE NOT CONCERNED WITH THIS FEATURE stop WE HOWEVER ARE MOST DEEPLY CONCERNED WITH RESTRICTIONS WHICH MIGHT APPLY TO SALT WATER BOATS SUCH AS ARE REQUIRED TO TRADE BETWEEN HALIFAX AND THE LAKES AND WE RESPECTFULLY URGE THAT IF DRASTIC REGULATIONS SUCH AS ARE SUGGESTED ARE MADE IN RESPECT TO LAKE BOATS THAT THE BILL SPECIFICALLY EXCLUDE SALT WATER BOATS TRADING BETWEEN MARITIME PORTS SAINT LAWRENCE PORTS AND LAKE PORTS.

E. C. PHINNEY, PRESIDENT
HALIFAX HARBOUR COMMISSIONERS

Prepay and Charge
H. H. C.

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CANADA

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Toronto 2, May 4th, 1933.

Rt. Hon. Arthur Meighen, K. C.,
The Senate,
Ottawa, Ont.

Dear Mr. Meighen,

Transportation - Canada Shipping Act.
Bill "J"

Many thanks for your favour of the 2nd. I appreciate very much your writing me.

With regards,

Yours faithfully,

General Manager.

J. E. Walsh.

JEW-S.

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CANADA

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OTTAWA, May 4, 1933.

Dear Mr. Lucas:

I duly received your letter of 27th. Owing to the pressure upon my time just now, I have not been able to read the enclosures, but I thank you very much for sending them down, as I feel sure I will find them valuable later.

I will ascertain if there are any records of the Shipping Committee's hearings which can be sent, and if so, same will be enclosed herewith.

I became convinced, and upon this conviction the Shipping Committee acted, that as yet the Bill in the form presented was premature. It seems to me the better plan to carry out the common intent as evidenced by the British Commonwealth Shipping Agreement would be to have each Dominion and the United Kingdom move along parallel lines, each legislating with respect to its own ships and its own ports and waters, and each vesting powers and imposing duties in accordance with this principle.

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As respects the inclusion in the Bill of a revision of the Carriage of Goods by Sea Act, this matter may again be under consideration when a revised Bill is being prepared. As yet I can not say that any final decision has been made with regard thereto. Your representations will be kept carefully in mind.

The Bill as presented was one of very great length and the Committee were of the view that sufficient time did not remain to enable that full and thorough consideration which it was most desirable should be given. In the meantime, it was not desired to take what might be described, should the Bill pass, as purely Canadian Shipping out from under the provisions of the Imperial Act, until we are entirely satisfied as to the adequacy in every respect of the substituted legislation.

Yours very truly,

F. G. T. Lucas, Esq., K. C.,
Marine Building,
Vancouver, B. C.

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123709

LUCAS & LUCAS
BARRISTERS, SOLICITORS, ETC.

F.G.T. LUCAS, K.C. E.A. LUCAS

CABLES "LUCRI"

MARINE BUILDING
VANCOUVER, B.C.
CANADA

Personal and
Confidential.

April 27th, 1933.

The Right Honourable Arthur Meighan,
c/o Hydro Electric Power Commission,
190 University Avenue,
Toronto 2, Canada.

My dear Mr. Meighan:-

At the meeting of the Canadian Bar Association at Calgary last summer, I delivered an address on the subject of Sea Carriage of Goods Contracts. This address has now been printed in the Fortnightly Law Journal and presuming that you might be interested, I am sending you the three copies of the Law Journal in which the address appears.

There has been some mention made in the press that the subject of the Carriage of Goods by Sea Act was to have been included in the new Canada Shipping Act and that the matter was still under advisement. May I say that the subject matter of this Act appears to me to be entirely foreign to the whole principle of the Canada Shipping Act and should not be included under any circumstances. The sole purpose of the Sea Carriage of Goods Act was to give effect to the Hague Rules and thereby establish if possible, amongst the seafaring nations of the world, and for the benefit not only of shipowners and shippers but of

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underwriters, bankers and all parties interested in the import and export trade, a bill of lading which would be a truly negotiable document.

I have developed this idea fully in the address which is printed and which I enclose.

I have now received from the Editors of the Law Journal a request to prepare for them an article dealing with the disposal by the Senate this year of the Canada Shipping Act.

I have followed the proceedings as closely as may be in Hansard and the press reports, but frankly I find myself completely at sea in attempting to prepare such an article as the Editors request, and I invoke your assistance. Are there in existence any recorded proceedings of the committee which dealt with the new Shipping Act in the Senate, which would be available to me, and am I asking too much in suggesting that you might write me giving me some idea as to what the rock was upon which this Bill foundered?

Within the very restricted and limited scope and field of my activities and influence, I have been actively agitating and pressing for action by the Dominion Government leading towards a uniform Shipping Act for the Empire.

When the Right Honourable McKenzie King returned from the Conference in 1926 announcing his doctrine of equal status, those who, like myself, were professionally engaged in

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shipping matters realized the danger that lay before us if the doctrine of equal status were implemented by legislation before there was an agreement between the Mother Country and the self-governing dominions as to a uniform Shipping Act.

Starting through the Foreign Trade Bureau of the Vancouver Board of Trade, I initiated a resolution which passed the Vancouver Board of Trade and went to the meeting of the Canadian Chamber of Commerce held in Vancouver in 1927, in which it was recommended that action be taken. At the request of the great shipping interests here, I reduced my brief on this subject to a printed article which was printed in 1927 and reprinted in pamphlet form which was spread throughout British shipping throughout the Empire, and I received many personal commendations from some of the heads of the shipping interests in the Old Country, and from such men as D. Roger Englar, Chief Counsel for the New York Board of Underwriters, and also I got very favorable mention editorially, in trade and shipping journals. I enclose you for your perusal, a copy of this reprint which I think you will find of interest.

Nothing was done at that time, so again in 1929 I attended at the meeting of the Canadian Chamber of Commerce in Calgary where, armed with a renewal resolution from the Vancouver Board of Trade, I again got a unanimous endorsation

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from the Canadian Chamber of Commerce that action should be taken.

The Conference in London, in October, 1929 at which our Canadian delegate was the Honourable Mr. Lapointe, appeared to be advancing very materially along the lines required and the shipping agreement of December 10th, 1931 has likewise advanced our interests materially.

Knowing Mr. Griffin who drafted the Act, very well indeed, and knowing him to be a keen lawyer of wide and successful experience in litigation in shipping matters, you can understand how I hesitate to write an article of this nature without first hand knowledge, and I would therefore like to have a confidential letter from yourself advising to the extent that you are at liberty or desire to go, as to the difficulties which arose and which prevented progress this year.

The shippers and shipowners are much concerned, and are vastly puzzled, and it might be that an article properly drawn, based on first hand information, and presenting sound reasons for delay and for such reconsideration and recasting of the Act as may be necessary, will do sufficient good to justify the work necessary in its preparation.

I am writing this letter to you at your Toronto

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address in order that it may be treated confidentially and form no part of departmental or parliamentary files or correspondence.

Yours sincerely,

F. T. Ryan

FGTL/MB.
Enc.

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Memo for Rt. Hon. Senator Meighen

If Mr Lucas' letter had been written to me I should be chary indeed in replying. In so far as you do reply you could frame a reply, I think, from the draft letter already prepared as an answer to Mr Griffin.

It is going to be very difficult for you to avoid possible responsibility, some time, for what you may write to Mr Lucas. It is a rare man who will not shelter himself as "misled" when cornered.

Mr Lucas' letter is quite impressive in so far as it relates to his connection with shipping and his familiarity with shipping law. He can hardly expect aid from an "outsider" such as you except as to the reasons for withdrawing Bill J. These reasons appear in the Griffin-draft reply.

As to the carriage of goods Act there is much in what he says and Dominion-provincial jurisdiction re bills of lading will have to be considered. I would tell him merely that no conclusion has been reached as between divergent views whether or not the goods carriage provisions will appear in any re-drafted Shipping Act.

He seems to be subject to a common error, that because a man is a good lawyer he must be a good draftsman

W.L.M.K.

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Reprint from "Harbour & Shipping," October, 1927.

Empire Shipping and Imperial Conference

By F. G. T. Lucas, Barrister.

The recently-enunciated doctrine of "Equal Status for the Component Dominions of the British Empire, carries within it the danger of divergent legislation on Shipping, in contravention of the long-established principle of "One Shipping Law for the Empire." Commercial interests in Australia and Canada suggest a conference in London with a view to establishing a safe and permanent basis for future action on this vital matter. The facts of the case are clearly set forth in the following article by Mr. F. G. T. Lucas.

There has been for all time ,and there is today, but one law for British ships in the seven seas, namely the law of Great Britain; and there has been and is today but one dominant parliament having full legislative sanction and authority over the merchant shipping of the Empire and that is the parliament of Great Britain.

This principle has become so axiomatic that it comes as a distinct surprise, indeed somewhat of a shock, to most of us, that the present-day trend of political events in the British Empire is such as to carry within it the germ of disintegration of this fundamental principle and to affect in a prejuidcal manner the maintenance and dominance of Empire shipping on the seven seas.

Yet so evident is the danger that the Canadian Chamber of Commerce, a body representative of the important commercial interests in the entire Dominion, passed a resolution at its recent convention, held at Vancouver in September ,which has for its object a preservation of the integrity of the principle of our present shipping laws and a prevention of any serious divergence by the various components of the Empire by reason of the recently enunciated policy of "self determination" accorded to the Dominions.

By Acts of the Parliament of Great Britain passed from time to time, certain authorities and sanctions have been vested in certain of the self-governing dominions to legislate in a most prescribed and limited fashion with respect to shipping carried on within the respective territorial limits of those Dominions, but in no case extending beyond the three mile limit of their respective shore lines. This, however, has given to the Dominions no jurisdiction to enact any legislation which is at variance with the legislation of the British Parliment or which purports in any way to deal with British shipping beyond the strict confines of their own territorial jurisdictions.

The late Mr. Justice Clement of the Supreme Court of British Columbia in his work published in 1916, states:

> " . . . . . while Canadians may own ships, and ships may be registered in Canadian ports, there is no such thing in law as a Canadian ship. National character is one apparent aim of the Imperial legislation, and all ships registered within the Empire are British ships, some indeed with home ports in the colonies, but all recognized the world over as possessing national character and entitled to fly the British flag."

Some years before the war, these limitations and restrictions upon the right of Canada to legislate with regard to merchant shipping appeared to chafe and cause irritation between members of the governments of Canada and of Great Britain. In correspondence passing between Downing Street and Ottawa at that time ,certain assertions of right were made by Canadian ministers and rejected by Downing Street, and such rejection was eventually accepted by Canada upon the advice of the Canadian Minister of Justice.

The incident is of sufficient significance to warrant quoting extracts. In a letter written by the Assist Under-Secretary of State (Great Britain) to the Honourable L. P. Brodeur, Clerk to the Privy Council (Canada) in January, 1911, in answer to certain assertions which had been made previously by Mr. Brodeur in this matter, is contained the following assertion:

> "The British North America Act, 1867, did not confer upon the Parliament of Canada any right as to shipping matters to repeal or alter an Imperial Act which extended to Canada. . . . . It would be convenient, moreover, if a draft of such legislation regarding the coasting trade or registered vessels could be sent to us (semi-officially if you prefer it) before it was introduced into your parliament, as it would tend to avoid delay and difficulty such as have occurred in connection with New Zealand and Australian legislation."

This apparent assumption of control by Downing Street over the legislation of the Parliament of Canada would seem to have given rise to considerable resentment on the part of the members of the government at that time, and the advice of the Minister of Justice was sought. In a memorandum written by the Honourable A. L. Aylesworth, the Minister of Justice, delivered to the Privy Council (Canada) in 1914, Mr. Aylesworth says:

> "I have very carefully considered Mr. Just's letter of January 21st, 1911 (from which the above quotations are extracts) and I must say that I agree in the view he expresses.
>
> "In regard to what should be done in respect of confirmatory legislation, I think it would not be advisable that there should be any general confirmation of the enactments at present on the Canadian statute book."

Correspondence passing between Downing Street and the Government of Australia and New Zealand show even much greater irritation. In a communication between Honourable Alfred Deakin, then Premier of Australia, dated June 15th, 1908, and directed to the then Governor-General for communication to London and in reference to a direction from Downing Street to Australia on a par with the above communication from Downing Street to Ottawa, Mr. Deakin says:

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"Before doing so, however, I desire to call attention to two passages in the documents which accompany the Secretary's of State's despatch phrased in a manner absolutely without precedent in all the correspondence which has taken place between the Imperial government and the government of the Commonwealth; there are the concluding words of Sir Walter Howell's memorandum. 'No question can arise as to withholding assent when the measure is finally passed by the Commonwealth parliament," or rather the implication contained in that phrase, and the abrupt declaration contained in the note on Clause 369; 'This is a limitation of a power expressly given by the Imperial Act, and cannot be agreed to,'

"As they occur in a memorandum forwarded by the Secretary of State they are presumably endorsed by him, but ministers hope that the fact is that they were transmitted without being closely examined and that the natural presumption as to their endorsement is now well founded. Their occurrence in this communication has aroused considerable feeling in Australia as they seem to indicate that the question of deciding whether or not the Federal Parliament has exceeded the powers conferred on it by the Constitution is to be determined by an official of a government department in Great Britain."

Notwithstanding this forceful language the controversy had to end at the time with an acknowledgment of the general principle by all concerned, that for the control of British shipping throughout the world, there could be but one dominant parliament, and but one governing act.

In the turbulent years that followed, questions such as these were laid aside and forgotten. Now, however, the Empire is re-adjusting itself and these matters again come forward.

Before the war, the doctrine of the "Round Table" as voiced by the publications edited and issued by Mr. Lionel Curtis, to provide for a government for the Empire by a forum of central Dominions, had gained considerable standing and weight throughout the Empire. These doctrines and principles have been abandoned and replaced by a new theory of the imperial structure.

The new principle of Empire enunciated by the Premiers of the Dominions at the Imperial Conference, 1926, was stated and crystalized in these words, which have received general acceptance throughout the length and breadth of the Empire namely:

"That they, (the self-governing Dominions and Great Britain) are autonomous communities within the Empire, equal in status, in no way subordinate one to another in any respect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations."

Notwithstanding the general acceptance of those newly-stated principles of Empire, it was amply demonstrated in the debate which ensued in the Parliament at Ottawa at the last session, that, insofar at least as Canada is concerned, this statement of Empire status can not be taken at its face value.

It is demonstrably clear, for instance, that notwithstanding that statement, the Canadian Parliament can not amend its constitution, it has no power to enact extra-territorial legislation ,and it has not legislative control of merchant shipping outside the three mile limit.

It is also apparent, however, that where technical and legal impediments or obstacles stand in the way of the ultimate realization of the above status or development of Empire, such technical or legal impediments or obstacles will, step by step, and in good and regular order, be adjusted to meet the requirements of our people; and if not capable of adjustment, then they will be altogether discarded.

This probable development of legislation regulating the Empire introduces to us a very serious problem in the matter of our merchant shipping. It may well be inferred from the negotiations occorring in pre-war days above referred to, that should the doctrine of equal status be carried to its logical conclusion the legislation of the self-governing dominions will rapidly diverge.

The members of the Imperial Conference, foreseeing the necessity for solving these problems, proposd that a sub-conference be held to study and report upon merchant shipping, and a committee be appointed to tackle the other points. No arrangement, has, as yet, been made for either of these.

Giving attention to these matters the Vancouver Board of Trade in the early months of this year, decided to take action to secure the calling of the sub-conference referred to, in order that before any harm could be done to the shipping of the Empire, by the breaking up of the existing conditions of affairs, a new and proper scheme of things should be devised to take its place.

It was therefore decided to present a resolution dealing with this matter at the annual meeting of the Canadian Chamber of Commerce, which was then being arranged to be held in Vancouver.

In the meantime, communication was had with Australia, where newspaper reports had it that action was being taken along similar lines. By a communication received from the Secretary of the Sidney Chamber of Commerce, the Vancouver Board of Trade was notified that at the annual conference of the Associated Chambers of Commerce of the Commonwealth of Australia, held in Perth in March last, the following resolution was passed:

"That it be recommended to the Federal Government that a conference be held in London of representatives of the United Kingdom, the Dominions and colonies of the British Empire, with a view to the inroduction and enactment of one shipping law for the Empire."

Armed with this material the Vancouver Board of Trade presented its resolution to the Canadian Chamber of Commerce and it was passed unanimously by the Chamber by a resolution in the following language:

"That it be recommended to the Dominion Parliament that a conference be hel din London of representatives of the United Kingdom, the Dominions and Colonies of the British Empire, with a view to the introduction and enactment of one shipping law for the Empire, and there be included in this conference, not only members of governments and government officials but also an equal representation of the business men connected with the active mercantile and shipping operations in each Dominion and be selected by the Associated Boards of Trade, Chambers of Commerce or like Boards thereof."

If and when such sub-conference is called it will be seen how difficult is the problem with which we are confronted; to design a plan which will be an improvement on, or will be equal to the present status of our merchant shipping laws. Whether a solution is found or not, action such as has been initiated in Canada by the Vancouver Board of Trade and the Canadian Chamber of Commerce is necessary to clear away the doubts and apprehensions as to the future which to-day are troubling the shipping and marine interests of the Empire.

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THE LATE CHIEF JUSTICE ANGLIN

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—LORD MACMILLAN.

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WEDNESDAY, MARCH 15th, 1933

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FORTNIGHTLY NOTES.

REVIVOR OF A PERSONAL ACTION.

In the issue of the 1st of March we commented on *Brady* v. *C.P.R.*, ante p. 225, where, if you remember, the Court held that a personal representative might revive an action for personal injuries commenced before the death of the plaintiff although death arose out of those injuries and might at the same time maintain an action under Lord Campbell's Act for the death of the plaintiff in the first action. A kind subscriber has pointed out to us that *Brady* v. *C.P.R.* is not the first case on the point. In *Bowler* v. *Blake* (1929), 64 O.L.R. 499, the Ontario Court held exactly the same thing. Both judgments proceed on the same principle, but in *Bowler* v. *Blake*, which was a judgment after trial, the Court holds that in the revived action the personal representative can only recover damages sustained up until the time of death including an allowance for the physical injury and pain and suffering. In the second action under Lord Campbell's Act, the plaintiff could only recover on behalf of the deceased's mother, the only beneficiary, an amount equivalent to the mother's reasonable expectation of pecuniary benefit from the continuance of the deceased's life Unfortunately *Bowler* v. *Blake* like *Brady* v. *C.P.R.* is only a decision of a single Judge and was not taken to appeal.

* * *

DAMAGES FOR DEATH.

While the construction placed in both these cases upon the section of the Trustee Act dealing with revivor of actions seems logical enough and can evidently be supported by good authority, we must confess we are still a doubting Thomas. The principle contended for and to which effect is given looks to us too much like a violation of the principle so emphatically laid down in the House of Lords in *Admiralty Com'rs* v. *The Amerika*, [1917] A.C. 38, that you cannot recover damages of any kind for the death of a person, not even, as was held in that case, the pensions payable to dependents as a result of that death. Particularly the allowance for physical injury in *Bowler* v. *Blake*, seems to us to come very close to a violation of that principle. The physical injury was a fatal injury, and it seems difficult to differentiate between the injury prior to death and that culminating in death. However, as the cases stand, the obvious moral, in the case of serious injury not immediately resulting in death, is to start an action without delay. But it seems a little harsh and anomalous that an action begun before death may be revived, whereas one cannot be begun after the death, except under Lord Campbell's Act. We all ought to be used, however, to legislative anomalies by now.

* * *

SEA CARRIAGE OF GOODS.

With the signing of the Deep Water Way Treaty, and its impending ratification as soon as the U. S. can clear away the more pressing domestic problem of salvaging the remains of its financial house of cards, all but two Provinces in Canada will become sea-port Provinces. We think this therefore a most

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opportune time to sponsor—if indeed any sponsorship is necessary—an article by F. G. T. Lucas, K.C., on Sea Carriage of Goods. Until we read this article, which originally was delivered as an address to the Canadian Bar Association, we must confess that the subject was one on which we knew nothing. Now we feel that we have at least a grasp of the essential problems of the subject. Probably we are far from any such achievement, but the article is so lucid that when you have read it you will no doubt feel the same way. The point that strikes us emphatically is, however, that Canada having led the world once is now lagging far behind in legislative action to clarify a situation which seems to have been rescued from a very parlous condition by Canadian initiative. The Dominion should put its house in order on this subject without further delay.

* * *

Two things strike us about the case of *Rex* v. *Mondt*, post p. 273. The first is irrelevant and possibly frivolous. That is, that in reporting the case in the Osgoode Hall news in the local press, the case always appeared as *Rex* v. *Joseph "Toots" Mondt*. We understand that the accused is a wrestler or some such athlete, but that scarcely excuses the importation of the lingo of the sporting page into the legal news, especially as such nicknames are, we believe, adopted for propaganda or publicity purposes. Although we know that our neighbours south of the line are publicity hounds, we doubt whether the publicity of being tried for manslaughter is desirable this side of the line. However, we have no doubt that the accused, who is, we are informed, an American, having won his appeal, has a better opinion of British justice, than he had at the conclusion of the trial, if we are to judge by the incidents that occurred there set out in the judgments. Perhaps the prosecuting Counsel considered that as the accused was an American, the trial should be conducted as nearly as possible in the manner that he imagined it would have been in an American Court, in order to make the accused feel at home. The strictures of the Court are severe and in view of the high duties of Crown Counsel appear amply justified.

A Nickname and a Mistrial.

* * *

The second point that strikes us is that in this case the Court or the legislature or both acting in concert appear to have rectified the error—with all deference we have always thought it error—into which the Court fell in *Rex* v. *Stark* (1927), 60 O.L.R. 375, where, if you remember, it was decided that a count for criminal negligence might be added to a count for manslaughter. In order, we believe, to facilitate and implement this gross method of obtaining convictions from juries who disregarded their sworn duty, the legislature by amendment to the Cr. Code made criminal negligence a lesser included offence in manslaughter. But now according to *Rex* v. *Mondt*, the addition of a count for criminal negligence to a count for manslaughter is unnecessary and improper. The acquittal on the count of manslaughter is *autrefois acquit*, as it were on the criminal negligence charge. Of course this is the purest fiction, but so also is the fact that death having resulted from an accident a man may be guilty of criminal negligence in causing that death and not guilty of manslaughter. However, if we persist in encouraging perjury, by retaining the jury for purely sentimental and wholly illogical reasons, we must expect fictions to bolster the anachronism.

Criminal Negligence and Manslaughter.

* * *

In our last issue we recorded the retirement of the Chief Justice of Canada. Scarcely was the ink dry on the page ere the dreaded Fury plied her shears and the well earned rest to which our great jurist had retreated became the long last rest that awaits us all. We have recorded elsewhere the attainments of Chief Justice Anglin. Long and faithfully had he served his Country and it gives us an added feeling of sadness to think that he was not allowed to reap on earth in a few years of leisure the full earthly reward of that service. Life is sweet and we are sure we all look forward, after the turmoil of active life, to a little respite of calm after the storm, to enjoy in restrospect those memories which, as we grow older, we find more and more are the only realities that we can carry with us to the end. And as we grow older we also find that the most cherished memories are those of service done. Rapt in that memory a man can die in peace, and indeed that must have been the happy lot of the late Chief Justice. For of no man can it be more truly said that his life was replete with service well done.

The Late Chief Justice Anglin.

* * *

Osgoode Hall, too, mourns, besides the Chief Justice, who spent many years within its historic walls, two who also served, though it was their lot to serve in a humbler capacity. Clarence Bell and Edmund Harley, both in the administrative branch of the Court, had by the length of their services become part and parcel of Osgoode Hall. Without them the Hall will seem almost strange. Without them the Court will, like Osgoode itself, go on and others will take their places and do their work. But to those of us who knew them the grim but kindly old building set in its wide lawns, now grey with clasp of winter, where they spent the best years of their lives, will bear an added touch of sadness. And though soon the grass will grow green and the flower beds bloom with the colour of the tulips of early spring, to us it will only seem the brave gesture of a grandmother who despite her show of gaiety wipes away a secret tear for two beloved children who have been summoned to the Supreme Court of all.

Clarence Bell and Edmund Harley.

R.M.W.C.

"I do not think the law can be in a less creditable condition than that of an enormous mass of isolated decisions and statistics assuming unstated principles, cases and statutes alike being accessible only by elaborate indexes."

—Mr. Justice Stephen.

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RECENT CANADIAN CASES

SUPREME COURT OF CANADA.

Rinfret, J.
Lamont, J.
Smith, J.
Crocket, J.
St. Jacques, J. (ad hoc).

PITRE v. THE KING.

Criminal Law—*Evidence of accomplice—Direction to jury—Corroboration.*

Once more in this case the Supreme Court was called upon to state the proper direction to a jury as to corroboration in the case of the evidence of an accomplice in a criminal prosecution. The trial Judge had practically directed the jury that they were bound to acquit unless they found corroboration of the accomplices evidence. This the Court held to be wrong. The proper rule is to tell the jury that it is within their legal province to convict on the uncorroborated evidence of an accomplice, but should be warned that it is dangerous to do so, and they may also be advised to acquit if they do not find corroboration: *Rex* v. *Baskerville*, [1916] 2 K.B. 658; *Rex* v. *Beebe* (1925), 19 Cr. App. R. 22; *Gouin* v. *The King*, [1926] S.C.R. 539. Accordingly the accused's appeal from the judgment of the Supreme Court of N.B., Appeal Division, 2 F.L.J. 98, setting aside a verdict of acquittal at the trial, was dismissed.

Counsel for the Appellant: **C. T. Richard**, of Bathurst, N.B.

Counsel for the Respondent: **Hon. C. D. Richards, K.C.**, of Fredericton, Attorney-General.

ALBERTA.

APPELLATE DIVISION.

Harvey, C.J.A.
Clarke, J.A.
Mitchell, J.A.
Lunney, J.A.
McGillivray, J.A.

MILLER v. C.P.R., [1933] 1 W.W.R. 233.

Practice—*Amendment—Character of plaintiff—Action for death—Widow and executrix—Whether change of cause of action.*

This action was brought by A. D. Miller against the defendant for damages in respect of the death of David Miller as the result of a collision between a train operated by the defendant and a motor car in which David Miller was a passenger. The statement of claim alleged that the plaintiff was a widow, described the deceased David Miller as her lawful husband and alleged negligence of the defendant as the cause of death.

The correct name of the plaintiff was Iona Miller and she was the executrix named in the will of the deceased and probate had issued before commencement of the action.

On applying for an order for directions the plaintiff moved for leave to amend the style of cause by adding after the name of the plaintiff the words "otherwise known as Iona Miller" and to further add to the statement of claim by describing the plaintiff as executrix.

The defendant resisted the application and asked that the action be dismissed. The Master before whom the application was made dismissed the action but Ford, J., to whom an appeal was taken reversed the Master's decision and allowed the amendments. The defendant then brought this appeal.

McGillivray, J.A., giving the judgment of the majority of the Court, accepted the general rule with regard to amendments laid down in *Clarapede* v. *Commercial Union Ass'n* (1884), 32 W.R. 262, to the effect that however late the proposed amendment it should be allowed if it can be made without injustice to the other side.

Counsel for the defendant argued that the action as framed was clearly one at common law, that the maxim *actio personalis moritur cum persona* applied and that no action at the instance of the plaintiff lay except under the Fatal Accidents Act, R.S.A. 1922, c. 196, of which Act she had not seen fit to take advantage; and as the time within which such an action might be brought had long gone by, to allow the amendments sought would be to allow the plaintiff to set up an entirely new cause of action as though it had been brought at the date of the issue of the statement of claim and thus deprive the defendant of the benefit of pleading the time limitation within which such an action must be brought.

The learned Judge in dismissing the appeal discussed the various sections of the Fatal Accidents Act applicable to the case at bar and held that the allegations in the statement of claim brought the action within the Act and that to allow the amendments would not substitute a new cause of action and further that it was sufficient that the action was in fact brought by the executrix even though it was not so pleaded. "That the statute does not make it one of the constitutive elements of the plaintiff's right that he should plead his appointment as executor." *Sentinel Review Co. Ltd.* v. *Robinson*, [1928] S.C.R. 852, 3 D.L.R. 97, applied; *Shtitz* v. *C.N.R.*, [1927] 1 W.W.R. 193, 1 D.L.R. 951, 21 S.L.R. 345, distinguished.

The learned Judge also held that while Rule 72 of the Alberta Rules of Court provides that the statement of claim shall set forth the capacity in which the plaintiff sues if it be a representative capacity, still failure to comply with this formality is a mere irregularity as to which an amendment clearly may be allowed by Rule 273.

Counsel for the Plaintiff: **T. J. O'Connor**, of Calgary.

Counsel for the Defendant: **J. McCaig**, of Calgary.

ALBERTA.

APPELLATE DIVISION.

Harvey, C.J.A.
Clarke, J.A.
Mitchell, J.A.
Lunney, J.A.
McGillivray, J.A.

RE FRASER & HALPIN, [1933] 1 W.W.R. 255.

Criminal Law—*Autrefois acquit—Dismissal of prior charge—No evidence tendered—Prohibition—When appropriate.*

This was an application for an order that a police magistrate be prohibited from proceeding with a preliminary inquiry based on an information laid by one Fraser, charging Halpin *et al.*, with publishing a defamatory libel.

It appeared from the material properly before the Court that the accused had been previously charged by a different person with the identical defamatory libel set out in the information in the present case and had been committed for trial; but upon appearing for trial no charge was preferred against them whereupon the trial Judge had said, "The case is dismissed and the defendants are discharged."

McGillivray, J.A., giving the judgment of the Court, held that "there being no charge against the applicants when they appeared before" the trial Judge he "was not justified in declaring that the charge was 'dismissed,' if indeed he intended to do more than to strike the name of the case off the list."

Without deciding whether or not an accused person may insist upon his case being brought before the Court to which he was committed by the preferring of a charge and there being dealt with according to law, the learned Judge held that "until such time as a charge is preferred and dealt with by trial or stay the accused, having been duly committed for trial cannot again be committed for trial." Further, "once a magistrate seized of a case has conducted a preliminary inquiry and committed the accused for trial no other magistrate has a legal right to hold another preliminary inquiry in respect of the same charge . . . . the magistrate who took the preliminary evidence is *functus officio* and all other magistrates are barred from inquiry in respect of the same matter."

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The learned Judge held, however, that the application for prohibition must be dismissed on the ground amongst others that the writ of prohibition was for the purpose of preventing an inferior Court from usurping a jurisdiction with which it is not legally vested: *Re Clifford & O'Sullivan*, [1921] 2 A.C. 570, 90 L.J.P.C. 244, and that "There is no lack of jurisdiction manifest on the face of the proceedings and since it has not been made to appear, in the material properly before this Court that it was established before the magistrate that the applicants had already been committed for trial for the same offence, and since it was not established by this material that with such knowledge the magistrate proposed to proceed with the preliminary hearing it is not open to the Court to grant the applicants' prayer for a writ of prohibition," but added that it was "to be assumed that with this Court's opinion before him as to the illegality of proceeding with the second preliminary the magistrate will accept that opinion and refuse to proceed." See *Rex* v. *Solloway, Rex* v. *Mills*, [1930] 1 W.W.R. 486, 24 Alta. L.R. 404, 53 Can. C.C. 180.

Counsel for the Applicants: **J. S. McCormick**, of Lacombe.

No one contra.

NEW BRUNSWICK.

APPEAL DIVISION.

Hazen, C.J.
Grimmer, J.
Baxter, J.

CLARK v. BANK OF NOVA SCOTIA, 5 M.P.R. 405.

Fraud and Misrepresentation—*Negligent statement—No fraud—No action.*

W., a potato broker, negotiated for the sale of ten carloads of potatoes to one M. in Monteal, who provided for a guarantee with the Dominion Bank. This bank had no branch office at the place of shipment, but it notified the defendant bank that such a guarantee had been given. The manager of the defendant bank telephoned W. that the guarantee had been received for an amount not to exceed $8,000. W. notified the plaintiff that he could ship the potatoes, which he did, making a draft attached to the bill of lading. The plaintiff discounted the draft with the Royal Bank of Canada. The draft was forwarded to the defendant bank and sent to the Dominion Bank at Montreal, but M. refused to accept the potatoes, because they were not the quality ordered, and the Dominion Bank refused to pay the guarantee. The potatoes were eventually sold by the railway company. The plaintiff then sued the bank on the ground that it had negligently represented to him that it had received the guarantee that it could pay any bills of exchange that might be drawn by the plaintiff, whereas in fact such guarantee extended only to Grade 1 potatoes. The jury found that the defendant did not agree to pay the bill of exchange and that there was no privity of contract between the plaintiff and the defendant and as there had been no fraud a merely negligent statement could not give any cause of action.

Grimmer, J., at p. 422, said:—"Upon the trial the plaintiff abandoned his claim for fraudulent misrepresentation and therefore the remaining claim that the plaintiff had been damaged by the negligent misrepresentation of the defendant must fail, for, as I understand the law, a negligent statement does not give any cause of action. It must be a fraudulent misrepresentation. The defendant bank had no contract with W. or his principals and was therefore under no contractual obligation to them. No duty was owing from the defendant bank to the plaintiff and there can be no action for misrepresentation unless it arises through or is based upon fraud: *Derry* v. *Peek* (1889), 14 App. Cas. 337; *Banbury* v. *Bank of Montreal*, [1918] A.C. 626, at pp.707-13."

Reference also to *Re Southport West Lancashire Banking Co.* (1885), 1 T.L.R. 204; *Stevens* v. *Merchants Bank of Canada* (1920), 30 Man. L.R. 46, 49 D.L.R. 528, as to the necessity of proof of the bank manager's authority.

Counsel for the Appellant: **C. J. Jones**, of Woodstock.

Counsel for the Respondent: **P. J. Hughes, K.C.**, of Fredericton.

NEW BRUNSWICK.

APPEAL DIVISION.

Grimmer, J.

REX v. DeLORY, March 2nd, 1933.

Criminal Law—*Breaking and entering—Intent—Direction to jury.*

This was an appeal from the verdict of a jury and a sentence of two years imposed upon the defendant on a charge of breaking and entering with the intent to commit a common assault. The defendant had pursued one Grant, who stole a bottle of liquor from him, to the dwelling house of the informant Fullerton. Grant had hidden in bushes near Fullerton's house. The defendant proceeded to break in the doors of Fullerton's house, and upon making an entry therein held up a rock in his hand and said to Fullerton "I am going to kill you." He then assaulted Fullerton and was eventually expelled from the house. The defence was that there was no intent to assault Fullerton when the defendant forced open the doors, but his intent was to assault Grant and recover his bottle.

Grimmer, J., said:—"There is undisputed evidence of the offence of breaking and entering and of the assault upon Fullerton and even had it been the purpose of the defendant in committing the offence to obtain the return of a bottle of liquor that had been taken from him by Grant, it could in no way justify what he did in breaking and entering Fullerton's house and committing the assault. . . . I therefore think it would have been misdirection had the trial Judge charged as he was requested to do by counsel for the defendant, *viz.*, that if he the defendant broke into the house to obtain the return of the bottle from Grant or even to assault Grant, the jury should find the defendant not guilty."

It was further held that the best evidence of intent is that the defendant actually committed the felony alleged to have been intended by him.

Counsel for the Appellant: **P. J. Hughes, K.C.**, of Fredericton.

Counsel for the Crown: **Hon. C. D. Richards, K.C.**, of Fredericton, Attorney-General.

NEW BRUNSWICK.

APPEAL DIVISION.

Baxter, J.

REX v. KITCHEN, March 2nd, 1933.

Criminal Law—*Charge to jury—Sufficiency—No detailed criticism.*

This was an appeal from a judgment of Slipp, Co. Ct. J., of the York County Court.

A warehouse belonging to K. was broken into and goods stolen similar to others found in a cache near the defendant's store. Price, a witness for the Crown, was asked by the defendant to go to the cache of stolen goods and get some cigars and cigarettes for him. Price did so and the defendant concealed them under his coat. The defendant had been employed in Kitchen Bros. warehouse and was familiar with the building and its contents. He roomed a short distance away. He was in the vicinity on the night in question at a late hour.

The trial Judge charged the jury that recent possession of the stolen goods permitted jury to make an inference as to the crime having been committed.

Baxter, J., said:—"Lord Alverstone, C.J., in *Rex* v. *Stoddard*, 2 Cr. App. R. 246, says 'Every summing up must be regarded in the light of the conduct of the trial and the questions which have been raised by the counsel for the prosecution and for the defence respectively. This Court does not sit to consider whether this or that phrase was the best that might have been chosen or whether a direction which has been attacked might have been fuller or more conveniently expressed, or whether other topics which might have been dealt with on other occasions should have been introduced. This Court sits here to administer justice and to deal with valid objections to matters which may have led to a miscarriage of justice.' Judged by this test we think the charge of the learned Judge was sufficiently explicit and that the jury had before them a sufficiently accurate statement of the law in relation to the facts in evidence."

Leave to appeal refused.

Counsel for the Appellant: **J. J. F. Winslow, K.C.**, and **C. R. Hawkins**, both of Fredericton.

Counsel for the Crown: **C. L. Dougherty**, of Fredericton.

123723

NEW BRUNSWICK.

COUNTY COURT.

McLatchy, Co.Ct.J.

LeBLANC v. THOMAS, 5 M.P.R. 401.

Bills of Exchange—*Cheque—Illegal consideration—Given for purposes of gambling.*

Four persons were playing poker, two of them being the parties to the action. During the game, the defendant being in need of money, wrote a cheque for $20, which the plaintiff cashed. He wrote a second cheque for $20, which the plaintiff also cashed. The defendant stopped payment of the second cheque. The plaintiff sued him in the Magistrate's Court and recovered judgment. On appeal it was held that the defendant was entitled to judgment on the ground that the cheque was given for an illegal consideration being a gambling transaction and was void under 9 Anne, c. 41, as amended by 5 & 6 William IV., c. 41, s. 1, which is in force in this Province.

The learned Judge refused to follow *Miller* v. *Martin*, [1923] 1 W.W.R. 64, and set aside the judgment of the Magistrate.

Counsel for the Defendant: **E. B. McLatchy**, of Campbellton.

Counsel for the Plaintiff: **J. T. Troy**, of Dalhousie.

ONTARIO.

COURT OF APPEAL.

Mulock, C.J.O.
Middleton, J.A.
Masten, J.A.

RE LYMAN BROS. LTD., [1933] O.W.N. 123.

Taxes—*Business assessment—Company—Liquidation—After assessment but before levy.*

Appeal by the city from the judgment of Grant, J.A., [1932] O.R. 419, holding that the company was not liable for business tax. The learned Judge held that, as the company was not in business in 1931, the year of levy, having gone into liquidation in the previous year, the year of assessment, the company was not liable for business tax and the claim therefor lodged with the liquidator was properly disallowed. The Court allowed the appeal. On the wording of s. 306(1) of the Municipal Act, as amended by 1930 (Ont.), c. 44, s. 12, the municipality is required to levy on the whole ratable property according to the last revised assessment roll. Business assessment is ratable property. The company having been assessed for business assessment in 1930, the city was bound to levy therefor in 1931. Mulock, C.J.O., also pointed out that s. 9 of the Assessment Act providing for business assessment does not provide for a tax-payer ceasing to be assessable on the termination of his occupation, though he is not assessable unless in occupation.

Counsel for the Appellant: **F. P. Kent**, of Toronto.

Counsel for the Respondent: **J. M. Bullen**, of Toronto.

ONTARIO.

COURT OF APPEAL.

Latchford, C.J.
Magee, J.A.
Middleton, J.A.
Masten, J.A.
Fisher, J.A.

REX v. MONDT, [1933] O.W.N. 101.

Criminal Law—*Motor accident—Manslaughter—Criminal negligence—Two counts—Acquittal and conviction.*

The accused was indicted on two counts as the result of the death of a passenger in a car with which the car driven by the accused collided. The first count was manslaughter, and the second causing grievous bodily harm by an unlawful act or negligence (s. 284). The jury acquitted on the first count and convicted on the second. On appeal the Court, Latchford, C.J., dissenting, quashed the conviction. Apparently certain grave irregularities occurred in the presentation of the Crown's case, and it was mainly on these grounds that Middleton and Fisher, JJ.A., with whom Masten, J.A., agreed, proceeded in setting aside the verdict. But Magee, J.A., went on the ground that as under s. 951(3) of the Cr. Code, as enacted by 1930 (Can.), c. 11, s. 25, upon the manslaughter count the jury might have found the accused guilty of the lesser included offence under s. 284, the second count was unnecessary and improper. No distinction could be found between the negligence or unlawful act which would have brought the offence within s. 284, and would not amount to manslaughter. Under s. 284, the gist of the offence is the grievous bodily harm. If that harm kills the victim it is manslaughter. There was no suggestion in this case that the death was not the result of the grevious bodily harm done, and therefore the acquittal on the first count negatives any facts justifying a finding under s. 284 by the application of s. 951(3), and the conviction upon the second count becomes unsupportable. *Rex* v. *Stringer*, [1933] W.N. 28, distinguished. Middleton, J.A., after finding a substantial miscarriage of justice at the trial, also concluded that while the acquittal on the first count stood unchallenged the accused should not be put in jeopardy again on the second count. The conviction was accordingly quashed.

Counsel for the Appellant: **D. L. McCarthy, K.C.**, and **S. A. Hayden**, both of Toronto.

Counsel for the Crown: **J. Sedgwick**, of Toronto.

SASKATCHEWAN.

DISTRICT COURT.

Doak, D.C.J.

ROBERTS v. McMANNIS, [1933] 1 W.W.R. 193.

Landlord and Tenant—*Oral lease—Liability for fire—Negligent origin.*

This was an action against a tenant for waste. The lease was an oral one and was to last from the summer of 1931 until May 1, 1932, unless a sale of the premises was sooner effected. The waste alleged was the failure to keep the flues of the furnace free from soot as a result of which a fire occurred. The learned Judge held the tenant liable. The Land Titles Act, s. 99(*b*), implies a covenant on the part of tenants "to keep—and yield up the demised land in good and tenantable repair, accidents and damages to buildings from fire, storm and tempest or other casualty and reasonable wear and tear excepted." Without deciding whether this section applied to oral leases or not, the learned Judge held that the liability was the same as at common law, remarking ". . . when we find the word (fire) used in conjunction with the words 'storm and tempest,' which are in themselves purely accidental causes, and followed by the words 'or other casualty,' it is apparent that the word 'fire' must be interpreted by the maxim *noscitur a sociis* and be limited in its meaning to such fires as are purely accidental and not due to any act or default of the tenant. The result of this is that, so far at least as the tenant for a term of years is concerned, s. 99 (*b*) of the Land Titles Act has not made any change in his responsibility for fires, which is still governed by the Statute of Marlborough, 52 Hen. III., c. 23, s. 2, as limited by s. 86 of the Imperial Act, 14 Geo. III., c. 78, which provides, in effect, that no person is responsible for any fire which shall accidentally begin." The tenancy in the present case being for a fixed period, it was a case of a tenant for years, and there being proof of negligence, he was held responsible. See *Yellowly* v. *Gower* (1855), 11 Ex. 274; *Morris* v. *Cairncross* (1907), 14 O.L.R. 544.

Counsel for the Plaintiff: **C. S. Davis**, of Prince Albert.

Counsel for the Defendant: **W. G. Elder**, of Prince Albert.

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CONTRACTS FOR THE CARRIAGE OF GOODS BY SEA

An address delivered by F. G. T. LUCAS, K.C., *of Vancouver, at the Annual Meeting of the Canadian Bar Association, held at Calgary, Alberta, September 1st,* 1932.

For many years an extraordinary series of controversies have been waged over the endeavour of ship owners to exempt themselves in their bills of lading from every possible liability to deliver their cargoes safely at the termination of the ocean voyage.

Bills of lading are amongst the most important commercial documents upon which it may be said that, to a large extent, the whole export and import trade of the country depends. From being originally comparatively simple documents, expressed in a short form, they have gradually grown, by the piling of exception upon exception and condition (in many instances to meet new legal decisions as they were given), into most complicated documents in which there is no sort of uniformity either of design or in substance.

To add to this confusion, freedom in the right to contract has been interfered with by legislation, unevenly in several countries, rendering legal rights both in foreign and inter-empire trading entirely uncertain.

Much may be done by simple and definite legislation to stimulate and make easy the relations between the merchant who sells the goods, the dealer who buys them, the ship owner who carries them, the underwriter who insures them, and the banker who advances money on the strength of the shipping documents, even where these several parties are in widely separated parts of the world.

There are certain simple forward steps which Canada might well take at this time which would bring empire trade along more smoothly, more easily.

This is my theme. This is why I am writing of the situation that exists regarding shipping documents and the law with respect to the carriage of goods by sea.

The ocean bill of lading, while in the first place merely evidence of the contract of carriage between the shipper of the goods and the ship owner, has become by custom and usage, and is now recognized by the authority of a long series of judicial decisions, as a symbol for the goods described in it. It has become something of a document of title. It is capable of being transferred by endorsement. Upon endorsement it may pass the title to the goods if it is the intention of the parties that it should do so. In the consummation of C.I.F. contracts it is a document of title and does not pass title to the goods upon endorsement and delivery. It has in short become in the language of Lord Justice Bowen:—"The key which in the hands of the rightful owner, will unlock the door of the warehouse affoat or ashore where the goods may happen to be" (*a*).

Originally the bill of lading was a very simple document in which the carrier undertook to carry the shipper's goods to their destination for the agreed freight and by the agreed or most direct route, the Act of God or the King's enemies only excepted; and underlying all such contracts was the common law warranty of seaworthiness not merely that the owner would do his best to make the ship seaworthy, but that she was in fact seaworthy.

It was about 50 or 60 years ago that the ship owner began the practice of inserting clauses in his bill of lading exempting himself from perils, accidents, mischance, and then from liability for damage attributable to the negligence and carelessness of the ship's officers and crew, and so on, and in the end making provisions against every kind and description of responsibility.

For example:—

1. Clauses relieving the owner from the absolute warranty of seaworthiness have long been held valid.

2. An exception that the owner was not to be liable for "negligence or default of masters and mariners or others performing their duties" was held valid (*b*).

3. A clause reading "not liable for loss of goods under any circumstances whatsoever" was held to cover wilful default and misfeasance by the ship owners' servants, and the ship owner not liable (*c*).

4. A clause which came to be known as "benefit of insurance clause" gave to the ship owner the benefit of any insurance placed by the shipper upon his cargo. In the event of loss occurring by the fault of the ship owner which would have left him liable to pay damages to the cargo owner, the insurance company was deprived of its right of action against the ship owner to which by the doctrine of subrogation he was entitled. The insertion of this clause was held to nullify the insurance company's right to sue the ship owner (*d*).

Then the insurance companies adopted the device of not paying the policy, but of lending the money to its insured, taking from him a "loan receipt." This fictitious device was tested in the Courts of the United States and there held valid (*e*) and (*f*). This is present Canadian practice.

5. Deviation from the contract voyage left the ship-owner liable to the cargo owner for loss whether it was the result of the deviation or not. To meet this situation the ship owners introduced clauses in the bills of lading giving liberty to deviate, which clauses grew in length and wealth of detail to their present-day dimensions. The contests in law over these exceptions were most persistent.

The law was settled in 1893 in the case of *Glynn* v. *Margetson & Co.* (*g*). A vessel lying at Malaga on the south-east coast of Spain took on a cargo of oranges destined for Liverpool. The bill of lading in issue contained the following clause:—" . . . . with liberty to proceed to and stay at any port or ports in any rotation in the Mediterranean, Levant . . . . or on the coast of Africa, Spain . . . . for the purpose of delivering coals, cargo or passengers, or for any other purpose whatsoever."

Instead of departing for Liverpool the ship voyaged northward up the east coast of Spain to Burrania, then retraced her course to Valencia, and thence to Liverpool, where on account of the delay occasioned by the lengthened voyage, the oranges were found to be damaged. It was contended for the ship that she was within her rights under the bill of lading.

The case went to the House of Lords where before a very strong Court consisting of Lord Herschell, Lord Halsbury, Lord Macnaghten and Lord Shand the ship owner's contentions were rejected.

Dealing with this exception, Lord Herschell said (pp. 354-5):—"My Lords, the main object and intent, as I have said, of this charterparty, is the carriage of oranges from Malaga to Liverpool. That is the matter with which the shipper is concerned . . . . Where general words are used in a printed form which are obviously intended to apply, so far as they are applicable to the circumstances of a particular contract, which particular contract is to be embodied in or introduced into that printed form, I think you are justified in looking *at the main object and intent* of the contract and in limiting the general words used, having in view *that object and intent.*"

In the years following *Glynn* v. *Margetson & Co.* the deviation clause was amended and extended; and is now most commonly met with in the form appearing in the ocean bills I have now before me, in which one must conclude that the former restriction upon the movement of ships has been successfully abrogated. It reads:—The ship . . . . shall be at liberty . . . . to proceed to and call at any ports or places whatsoever, although in contrary direction to or out of or beyond the accustomed route to the port of destination once or oftener in any order and for any purpose whatsoever, and all such ports, places and sailings shall *be deemed to be included within the intended voyage.*"

But it was not only the fact that bills of lading grew to be such voluminous and involved documents that has rendered them so objectionable but the fact that no two were alike. There was no thought of uniformity or system about them. Every shipping line went its own way until we came to have between 300 and 400 printed bills of lading in common and every day use with all of the well-known shipping lines. Each one is different from the others, although there is enough similarity between them to be very mischievous. For although most of them look alike, a careful reading will disclose material differences and it is unsafe to pass an opinion on any one without a careful reading of every paragraph, every line and sentence.

Several typical bills now lie before me. One—a large flimsy sheet—has endorsed on the back thirty-two paragraphs of exemptions in small type, 11,500 words; it has eleven rubber stamps endorsed upon its face; a magnifying glass is required to read it. If full effect were given to such a bill of lading there is left no form of liability on the part of the ship owner to safely deliver the cargo to the holder of the bill of lading. In fact, it might be said that the only thing the ship owner could not do would be to go down to the wharf on the arrival of the ship and convert the cargo to his own use.

The whole situation with respect to these documents thus became very involved and very unsatisfactory and gave rise to endless litigation with consequent heavy cost, as a reference to the Law Reports will testify.

(*To be continued.*)

(*a*) *Sanders* v. *Maclean*, 11 Q.B.D. 327, at p. 341.

(*b*) *The Duero* (1869), L.R. 2 A. & E. 393.
(*c*) *Taubman* v. *Pacific S.S. Co.* (1872), 26 L.T. 704.
(*d*) Carver, 7th ed., sec. 105.
(*e*) *The Luckenbach Case* (1918), 248 U.S. 139.
(*f*) *The Turret Crown*, 293 Federal Reports 778.
(*g*) *Glynn* v. *Margetson & Co.*, [1893] A.C. 351.

123725

COPYRIGHT IN THE EMPIRE

The development of the means by which literary, dramatic, musical and artistic works can be reproduced, and the universal popularity to-day of the "talkies," has made the law of copyright a subject of considerable importance, not only in this country, but also in Great Britain and the other countries of the Empire. Not only is it necessary frequently to determine whether or not a work which originated either in Great Britain or one of the other Dominions or Colonies is protected in this country, but the question may also arise as to the protection afforded in Great Britain or the other Dominions or Colonies to a work of Canadian origin. The answer to these questions involves a consideration of the Imperial legislation on the subject.

As regards English legislation, it is enacted by s. 1 (1) of the Copyright Act, 1911, that copyright shall subsist throughout the parts of His Majesty's Dominions to which the Act extends in any published work which was first published within such parts of His Majesty's Dominions as aforesaid, and in any unpublished work, the author of which was at the date of the making of the work a British subject or resident within such parts of His Majesty's Dominions as aforesaid. By s. 25 (1) it is enacted that the Act shall extend throughout His Majesty's Dominions, but that it shall not extend to a self-governing Dominion unless declared by the Legislature of that Dominion to be in force therein with or without modification, and by s. 25 (2) it is provided that if the Secretary of State certifies by notice in the London Gazette that any self-governing Dominion has passed legislation under which works, the authors whereof were at the date of the making of the works British subjects resident elsewhere than in the Dominion, or (not being British subjects) were resident in the parts of His Majesty's Dominions to which the Act extends, enjoy within the Dominion rights substantially identical with those conferred by the Act, then, whilst such legislation continues in force, the Dominion shall, for the purposes of the rights conferred by the Act, be treated as if it were a Dominion to which the Act extends. It is further enacted by s. 26 (3) that where the law of a self-governing Dominion to which the Act does not extend provides adequate protection within the Dominion for the works of authors who at the time of the making of the work were British subjects resident elsewhere than in that Dominion,

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His Majesty in Council may, for the purpose of giving reciprocal protection, direct that the Act shall, within the parts of His Majesty's Dominions to which the Act extends, apply to works the authors whereof were, at the time of the making of the work, resident within the first-mentioned Dominion, and to works first published in that Dominion.

The self-governing Dominions are, for the purposes of the Act, the Commonwealth of Australia, the Dominion of Canada, the Irish Free State (by virtue of an Order in Council dated October 27th, 1930), Newfoundland, the Dominion of New Zealand, and the Union of South Africa. The Act extends to Australia, Newfoundland, and South Africa, as it has been declared to be in force pursuant to s. 25 (1) in Australia by the Commonwealth Copyright Act, 1912, in Newfoundland by the Newfoundland Copyright Act, 1912, and in South Africa by the Union of South Africa (Patents, Designs, Trade Marks and Copyright) Act, 1916; and Canada and New Zealand are Dominions to which the Act extends by reason of s. 25 (2), as in those Dominions legislation has been passed according to the provisions of that subsection. In the Irish Free State the Act has been repealed, but inasmuch as the law of the Irish Free State provides adequate protection for the works of authors who at the time of the making of the work were British subjects resident in those parts of His Majesty's Dominions to which the Copyright Act extends (except self-governing Dominions), the Copyright (Irish Free State) Order, 1930, was made pursuant to s. 26 (3), directing that the Act, including the provisions as to existing works, shall, with certain limitations, apply to works first published in the Irish Free State, and to unpublished works of authors who were at the date of the making of the work resident within the Irish Free State.

As regards Dominion legislation, the law of copyright is governed in Australia, Newfoundland, and South Africa by the statutes to which reference has already been made, in Canada by the Copyright Act, 1921, the Copyright Act, 1923, and the Copyright Amendment Act, 1931, in the Irish Free State by the Industrial and Commercial Property (Protection) Acts of 1927 and 1929, and in New Zealand by the Copyright Act, 1913, and the Copyright Amendment Act, 1924. The self-governing Dominions by these statutes confer copyright upon works first published in other parts of His Majesty's Dominions, and upon unpublished works of which the authors were British subjects or resident within His Majesty's Dominions in terms similar to those contained in the English Copyright Act. The Legislature of a self-governing Dominion has power to repeal, at any time, any of the enactments relating to copyright passed by the Parliament of the United Kingdom, including the Copyright Act, 1911, so far as they are operative within that Dominion: see s. 26 (1) and the Statute of Westminster, 1931, s. 2 (2), and there is also given, by s. 27 of the Copyright Act, to British possessions other than self-governing Dominions a limited power to modify or add to any of the provisions of the Act in its application to such possession. In India modifications have in exercise of this power been introduced by the Indian Copyright Act, 1914.

By s. 28 of the Act of 1911 it is also enacted that His Majesty may, by Order in Council, extend the Act to territories under his protection, and the Act has accordingly been extended to (*inter alia*) Bechuanaland Protectorate, Cyprus, Gambia Protectorate, Kenya, Nigeria Protectorate, Nyasaland Protectorate, Palestine (Mandated Territory), Sierra Leone Protectorate, Somaliland Protectorate, Tanganyika Territory (Mandated Territory).

The law on the subject of copyright will be found in the latest volume of the Hailsham Edition of Lord Halsbury's Laws of England. The form of the title "Copyright" shows that the changes made in the law of copyright by the Copyright Act, 1911, rendered it necessary to recast entirely and rewrite the title. In view of the Imperial character of many of the problems which are bound to require solution, and having regard to the fact that "The Laws of England" is used throughout the Empire, it is evident that the opportunity has been seized to give due prominence to the law of copyright in the British Commonwealth of Nations, not only by the interesting and helpful references that have been made to the various enactments passed by the Parliaments of the Dominions, but also by a liberal citation in the notes of cases decided by the Courts overseas.

APPOINTMENTS, ANNOUNCEMENTS.

MR. JUSTICE L. BOYER.

Mr. Justice L. Boyer, of the Quebec Superior Court, has been appointed a Judge in Bankruptcy. Mr. Justice Boyer will take the place left vacant upon the retirement of the Mr. Justice L. E. Panneton.

HON. P. B. MIGNAULT.

The announcement has been made that Hon. P. B. Mignault, former Justice of the Supreme Court of Canada, will lecture for the McGill Faculty of Law at Osgoode Hall, Toronto, this spring, as an exchange lecturer.

OBITUARY.

We regret very much to announce the following deaths amongst members of the profession:

Rt. Hon. F. A. Anglin, of Ottawa.

Right Honourable Francis Alexander Anglin, former Chief Justice of the Supreme Court of Canada, died at his home in Ottawa, on Thursday, March 3rd. His death occurred just two days after he had vacated the office of Chief Justice of Canada. Rt. Hon. F. A. Anglin was in his sixty-eighth year.

N. P. Graydon, K.C., of London.

The death occurred in New York City on Sunday, March 12th, of N. P. Graydon, K.C., of London, Ont. Mr. Graydon was seventy-three years of age.

E. Harley, K.C., of Toronto.

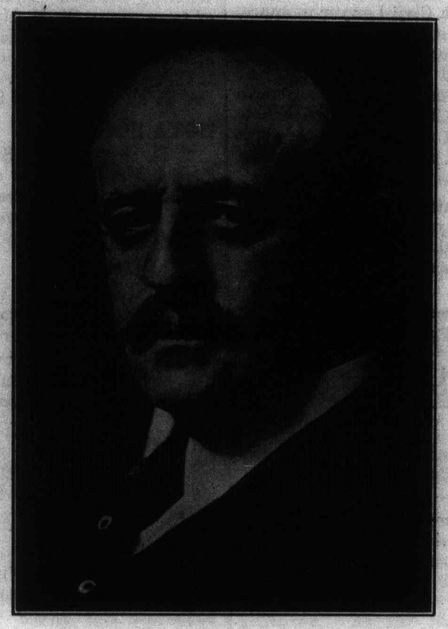
Edmund Harley, K.C., Senior Registrar at Osgoode Hall, died at the Toronto General Hospital on Saturday, March 4th, from pneumonia. Mr. Harley, who had been at Osgoode Hall for thirty-five years, was in his seventieth year.

123727

THE LATE CHIEF JUSTICE ANGLIN

Following almost immediately upon the news of the retirement of Chief Justice Anglin from his presidency of Canada's Supreme Court came word of his serious illness. It became apparent that his chances of recovery were slight in view of the state of his health for some years past, and on March 3rd the sad news of his death came as a shock to the Profession, in spite of its not being unexpected. It was hard to realize that another of Canada's great jurists had passed beyond.

The Right Honourable Francis Alexander Anglin, P.C., was born at St. John, New Brunswick, on April 2nd, 1865, and was in his sixty-eighth year at his death, not old as longevity goes upon the Bench. He had been Chief Justice of Canada and Privy Councillor since 1924. His appointment, in succession to Sir Louis Davies, to the highest judicial post in the Dominion was hailed by the Press of Canada with unanimous approval. His appointment was regarded as an excellent example of promotion by merit in the higher circles of the judiciary rather than by seniority, a method of selection meeting with favourable comment because of the high achievement shown by Chief Justice Anglin in his passage from lowly beginnings to the highest judicial office in Canada. There are, of course, men, including England's present Lord Chief Justice, who started life under less favourable auspices. The Anglins are an old and notable family of the Maritimes; shrewd and clever people also, who know how to achieve. The late Chief Justice's father was the Hon. T. W. Anglin, who amongst other things, was Speaker of the Canadian House of Commons from 1874 to 1878.



THE LATE CHIEF JUSTICE ANGLIN.

A Roman Catholic, he was educated at St. Mary's College, Montreal, and took his Arts Degree at the University of Ottawa when he was twenty years of age. Three years later he graduated as gold medalist at Osgoode Hall. After being called to the bar he commenced practice in Toronto and came rapidly to the fore. From 1896-9 he was clerk of the Surrogate Court of Ontario and took silk in 1902. As an advocate he was a persuasive and admirable speaker, excelling in legal argument and exposition and better with a Judge alone than with a jury, though successful with both. Those were the days when a technicality was a sheet anchor and amendments were things only spoken of with bated breath.

He had been a silk for two years only, when in 1904, he was elevated to the Bench in the Exchequer Division of the High Court of Ontario, newly created in the previous year. Five years later he was made a Judge of the Supreme Court of Canada. At every step he not only justified his promotion but demonstrated that the sponsors of his ability had made a singularly happy choice. Their faith in him was amply borne out by his judicial and scholarly achievements. It became apparent that he might have succeeded in other walks of life. That he had turned his talents to the Law is our good fortune.

In 1923, he was the Canadian nominee for the International Court of Justice. 1924 was his crowning year of honours: Chief Justice of Canada; member of the Privy Council; and at Rome, in December, he received from the Pontiff a signal honour, and was made Knight Commander of the Order of St. Gregory the Great. Early in 1925 he was elected a Bencher of the Inner Temple; and in 1930 he received the degree of Doctor of Laws from the University of New Brunswick, a prophet who received honour in his own country.

There is no need to mention the value of the services of the late Chief Justice as a member of the Judicial Committee on which he frequently sat as Judge at the hearing of Canadian appeals. His Canadian colleagues on that supreme committee were Sir Charles Fitzpatrick, Mr. Justice Duff, Sir William Mulock, Chief Justice of Ontario, who, as Chief Justice, confessed that he was well pleased that the Judicial Committee was there to put him right if and when his judgments erred.

The late Chief Justice needs no monument to record the outstanding qualities which were the cause of his success on the Bench, and at the Bar. His many judgments, models of logic and erudition are indeed a monument in which future generations will read more indelibly than on any stone the record of his attainments. A profound and accurate knowledge of the law; an analytical mind; painstaking in method and logical in deduction; a man of uncommonly quick perception, he possessed in large measure the power of sifting the modicum of relevance from the mass of irrelevance which Judges must consider and endure even in the most skilfully presented cases. His judg-

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ments have stood well the acid tests of appeal and time.

The late Chief Justice was also a legal author of no mean repute. His best known work is perhaps that on the "Limitation of Actions against Trustees," a recognized and authoritative textbook on the subject. The paper read by him at the annual meeting of the Bar Association in 1922 is an excellent example of his expository method and deals with some of the differences between the law of Quebec under the Civil Code and the Common Law as administered in the other Provinces. The Chief Justice showed in his paper and elsewhere, a learned appreciation of those differences. Much of Equity in the Common Law jurisdictions was drawn from the Roman Law, and it is therefore easier for a Common Lawyer to understand the Civil Law than for a Civil Lawyer to appreciate the Common Law. But it is essential for a member of the Supreme Court Bench to understand and appreciate both systems, and perhaps no Judge of that Court of great traditions has displayed to as great an extent as the late Chief Justice an almost equal facility in dealing with cases under either system. Truly, Canada to-day mourns a great Jurist well worthy of her traditions.

Our sympathies are extended to his widow, formerly Miss Harriet Fraser, of Fraserfield, his son and two daughters, to his brother, Arthur W. Anglin, K.C., of Toronto, and to his sister, the great actress, Miss Margaret Anglin.

NOTES FROM THE PROVINCES.

ALBERTA

G. H. Steer, K.C., of Edmonton, has been elected President of the Edmonton Club.

J. W. Heffernan, K.C., formerly of Edmonton, has been appointed President of a consolidation of twenty-eight oil and gas corporations in the United States.

MANITOBA

The following are the officers and members of the Council of the Manitoba Bar Association for 1933: Hon. President, Chief Justice Prendergast; President, H. J. Riley, K.C., of Winnipeg; First Vice-President, J. C. Miller, K.C., of Portage La Prairie; Second Vice-President, A. E. Johnston, K.C., of Winnipeg; Secretary, F. J. Turner, of Winnipeg; Treasurer, R. B. MacInnes, K.C., of Winnipeg.

Members of Council: H. A. Bergman, K.C., W. R. Cottingham, K.C., B. V. Richardson, A. L. Dysart, A. C. Campbell, K.C., B. C. Parker, K.C., J. T. Thorson, K.C., F. M. Burbidge, K.C., R. M. Fisher, K.C., W. P. Fillmore, K.C., J. Preudhomme, K.C., C. K. Guild, K.C., and W. Hollands, K.C., all of Winnipeg; N. W. Kerr, K.C., and A. G. Buckingham, K.C., of Brandon; E. E. Spencer, K.C., and A. McAulay, of Morden; C. L. St. John, K.C., and R. Harrison, of Minnedosa; E. N. McGirr, K.C., and J. N. McFadden, of Dauphin; J. C. Miller, K.C., and E. G. Porter, K.C., of Portage La Prairie.

Ex-officio members: Mr. Justice Montague, J. C. Collinson, K.C., and J. R. Johnson, all of Winnipeg; G. A. Eakins, K.C., of Minnedosa; F. G. Taylor, K.C., of Portage La Prairie, and A. G. Buckingham, K.C., of Brandon.

NEW BRUNSWICK

A. M. Chamberland, of Grand Falls, has moved to Edmundston to take over the practice of the late M. D. Cormier, K.C., M.P. Mr. Chamberland's office will be in the Registry Office Building.

The quarterly meeting of the council of the New Brunswick Barristers' Society was held in Fredericton recently in the office of R. P. Hartley, Deputy Attorney-General. Among those present from out of town were: W. H. Harrison, K.C., of Saint John; I. C. Rand, K.C., of Moncton; W. A. Ross, of Saint John; J. H. Drummie, of Saint John; C. F. Inches, K.C., of Saint John; G. F. Nicholson, of St. Stephen, and E. E. B. Smith, of St. Stephen.

NOVA SCOTIA

T. D. McDonald, of Stellarton, final year law student, has been selected as Dalhousie's candidate for the two-man debating team which will go to England about October 1st, as guests of the National Union of Students of England and Wales.

ONTARIO

Congratulations are being extended to E. T. Malone, K.C., of Toronto, who celebrated his seventy-eighth birthday on Thursday, February 9th.

E. S. Graham has taken over the practice of the late Mr. R. J. Stewart of Kincardine.

His Honour Judge J. J. Coughlin, Senior Judge of Essex County, who was very seriously injured recently, is reported to be recovering at the Hotel Dieu Hospital, Windsor.

G. R. Brett, formerly of the firm of McHugh, McHugh and Brett, of Windsor, has opened an office in Leamington for the practice of law.

Peter White, K.C., of Toronto, has been retained to assist F. C. McBurney, City Solicitor of Niagara Falls, in supporting the application of the American Cyanamid Co. for annexation to the city of Niagara Falls.

At the annual meeting of the County Judges of Essex, Lambton, Kent, Middlesex, Elgin and Oxford, held in London recently, His Honour Judge A. E. Taylor, of Sarnia, was elected President, succeeding His Honour Judge J. J. Coughlin, of Windsor. His Honour Judge A. A. Ingram, of Middlesex County, was elected Secretary, succeeding His Honour Judge D. C. Ross, of St. Thomas.

Congratulations are being extended to Judge Emerson Coatsworth, Senior Police Magistrate, Toronto, who celebrated his seventy-ninth birthday on Thursday, March 9th.

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G. Hamilton, K.C., of Toronto, has been elected President of the Port Credit Conservative Association.

QUEBEC

J. W. Weldon, K.C., of Montreal, has formed a law partnership with A. C. Casgrain, K.C., S. C. Demers, K.C., and V. M. Lynch-Staunton.

SASKATCHEWAN

J. C. Malone, of Regina, who is Vice-President and Legal Counsel in Saskatchewan for Associated Breweries of Canada Limited, has taken over the management of the Regina Brewing Company.

A. E. Bence, K.C., of Saskatoon, has been appointed Chancellor of the new diocese of Saskatoon.

LOWER CANADA JOTTINGS.

BAILIFF'S LIFE NO BED OF ROSES.

Three times in the last few days Montreal bailiffs, attempting to execute judgments by the sale of moveables have been prevented from doing so by mobs of unemployed, sympathetic to the unfortunate debtor concerned. In one of these cases in the district of Verdun, over 300 members of the Verdun Unemployed Association gathered at the time of the sale and despite the protests of the harassed bailiff, refused to allow prospective bidders to enter the debtor's premises. When he renewed his protests, he was threatened with a forcible bath in the debtor's tub which stood in readiness. Whereupon the judicial officer subsided and started the sale with bids ranging from one cent to eight cents on a Victrola boasting fifty records. Outraged in his pride and feelings at this bidding, the bailiff suspended the sale and departed amidst the cheers of the mob.

This incident provided amusing reading to a sympathetic public, but its consequences may be quite serious. Encouraged by their success in this instance, the unemployed no doubt will again come to the assistance of their fellow citizens in similar trouble without considering the fact that in so doing they are obstructing officers of the law in the performance of their duty—an offence which calls for punitive measures by the authorities. Verily, this depression has much to answer for!

UNPOPULAR LEGISLATION.

The bill presented in the Quebec Legislature last week by Lucien Dugas, Liberal member for Joliette, seeking to amend the Civil Code as to restrict instalment buying, has aroused a storm of protest in and out of the House, and also much discussion on the part of members of the Bar. Briefly, Mr. Dugas' idea is first to limit to two years the period in which goods bought must be paid for, secondly to notify intermediaries of the nature of the instalment contract, and lastly to make the initial payment equal 20% of the price of the goods purchased. Mr. Dugas argues that the limited period protects both the vendor and the purchaser, stating that people unable to pay within this time should not buy the article in question. Landlords are not left in doubt by the clause relative to the intermediaries, and the 20% initial payment would eliminate a great deal of hap-hazard buying and abuse of the privilege of instalment purchases.

Opponents of the measure, including Prime Minister Taschereau, contend that its adoption would mean the ruin of many industries such as the furniture trade which at the present time manufactures $100,000,000.00 worth of goods which are disposed of by instalment buying. As far as can be learned, members of the Bar are also against this bill, interpreting it largely as a restriction of trade, an unwise thing at any time, but especially so now when many businesses are practically at a standstill. Further argument is expected when the measure goes before the public bills committee.

MUNICIPAL COMMISSION IN LIMELIGHT.

Mr. Justice Trahan, of the Superior Court, is about to complete the much delayed hearing at Hull in which the validity of the Quebec Municipal Commission is impugned by the troubled town of Aylmer which objected to its being put in default some months ago. It contends also that the law bringing the Municipal Commission into being was unconstitutional. Judge Trahan heard the preliminary arguments in the month of February, adjourning at the request of counsel for the town of Aylmer.

COMPENSATION ACT UPHELD IN APPEAL.

Holding that the Quebec Workmen's Compensation Act is an administrative rather than a judicial body, the Court of Appeal has just maintained the appeal of the Attorney-General of Quebec from the judgment of Mr. Justice Delorimier, of the Superior Court, who had ruled that the Workmen's Compensation Commission Act *in toto* was *ultra vires* of the Provincial Legislature.

It is unnecessary to give even the substance of this important judgment as there are very few Quebec lawyers who have not read it in detail. At the same time, it can be stated that it more or less sounds the death-knell to the hopes of many members of the Bar who have sought to have the Commission put out of legal existence, thus bringing back into the hands of advocates those cases which formed such a large part of their practice. Readers of this column will recall the meeting which was called to protest against the proposed legislation dealing with workmen's compensation. At the time, many lawyers were of opinion that the Act constituted a usurpation of the rights and privileges of members of the Bar; but the Quebec solons thought otherwise, and they are now upheld by their Lordships in appeal. At the moment of writing, however, it is being said that the matter is not yet finished, and that the case will be carried to the Supreme Court.

BAR ELECTIONS.

Vigorous campaigning for the coveted office of Secretary of the Bar of Montreal is now proceeding and a keenly contested election is anticipated. Candidates in the field to date are E. Rinfret and P. Monty. As has often happened in former years, a dark horse may put in an appearance during the last days of the campaign, upsetting the calculations of those who pride themselves upon predicting the results. So far no candidates have come forward for the other offices. Their names will be announced later.

FRANK DEVLIN GENEST.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 194)

PUBLIC ARCHIVES
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A QUEBEC INSURANCE CASE

Interest of some of our subscribers having been aroused by the Quebec case of *Marcoux* v. *Travelers Ins. Co.* we reprint herewith the note of that case in the Canadian Insurance Law Service Bulletin of January 28th, 1933.

QUEBEC.

GEORGE MARCOUX v. TRAVELERS INS. CO.

Editor's Note: The text of the Judgment in the above noted case is printed hereunder in full, as this case was printed at great length in the newspapers and has raised considerable comment amongst the various Life Insurance interests.

This case came in apparent conflict with another decision given the day previously in the case of *Banque Canadienne Nationale* v. *Aetna Life Insurance Company and Mrs. Joseph E. Poulin*. The *Poulin* case follows the decision in the case of *La Banque Canadienne Nationale* v. *Dame Blanche Carette* which is reported in 1931 S.C.R. page 33, which is printed in full in the Canadian Insurance Law Service Bulletin Number 87, printed on February 14th, 1931, and is based on the provisions of article 1301 of the Quebec Civil Code which reads as follows:—

"A wife cannot bind herself either with or for her husband, otherwise than as being common as to property; any such obligation contracted by her in any other quality is void and of no effect, saving the rights of creditors who contract in good faith."

The *Marcoux* case, as will be seen from the judgment, would appear to be in direct contravention of the terms of section 12 of the Husbands' and Parents' Life Insurance Act, which reads as follows:

"Revocation of benefits—Declaration—Any person who has effected an insurance or who has appropriated a policy of insurance, for the benefit of a wife or of a wife and child or children, or of a child or children, at any time and from time to time thereafter, may revoke the benefit conferred by such insurance or appropriation, either as to one or more or as to all of the persons intended to be benefited, and may declare in the revocation that the policy shall be for the benefit only of the persons not excluded by the revocation, or for the benefit of such persons not excluded, jointly with another or others, or entirely for the benefit of another or others, not originally named or benefited.

Proviso—Such other or others must be a person or persons for whose benefit an insurance may be effected or appropriated under these provisions. R.S. (1909), 7387."

The Judge in his judgment justifies his position by applying to the facts the provisions of Article 813 of the Quebec Civil Code, which reads as follows:—

"Gifts may be revoked by reason of ingratitude, without a stipulation to that effect:

1. If the donee have attempted the life of the donor;

2. If he have been guilty towards him of ill usage, crimes, or grievous injuries;

3. If he refuse him maintenance, regard being had to the nature of the gift and the circumstances of the parties.

Gifts by contract of marriage are subject to this revocation, and so are remuneratory or onerous gifts in so far as they exceed the value of the services or of the charges."

The text of the judgment is as follows:—

The Court, having heard the parties by counsel on petitioner's petition on revocation of benefit and surrender of value of said policy;

After having examined the proceedings, the proof of record and deliberated;

Whereas the petitioner alleges: that he took out an insurance policy in the Company mis-en-cause on the 19th of June, 1922, as more fully appears by said policy herewith filed as Petitioner's exhibit No. 1; that he has since then complied with all the requirements of the policy which will entitle him to the cash surrender value thereof, being an amount in excess of two thousand dollars ($2,000.00) as will appear by terms of the said policy; that he has effected this insurance for the benefit of his wife and that he has the right to revoke the benefit so conferred as will appear by the Husbands' and Parents' Act, R.S.Q., ch. 244, Sec. 12, and that he is seeking by this petition this right of revocation and desires to revoke the right so conferred on his wife and to obtain the payment of the cash surrender value of said policy to himself and the authorization of said Petitioner to give a valid discharge for the moneys so paid to the Company mis-en-cause; that his wife has abandoned him, taking away their children with her and that she has been guilty towards him of ill-usage, delite graves and grievous injuries (art. 813 C.C. par. 2); that the Insurance Company mis-en-cause is willing to pay the said cash surrender value of the said policy, but will not do so unless they be so ordered by the Court; that his wife has never signified her assent to or acceptance of the said contract of insurance Petitioner's exhibit No. 1, or any rights or benefits which might have been conferred on her thereunder (art. 1029 C.C.); that without cause, his wife abandoned her husband the petitioner, over three years ago, namely: in March, 1930, taking away with her children issue of their marriage and that she has left for parts unknown and that her whereabouts cannot be ascertained and that from the time of her desertion of the conjugal domicile until the present time she has been continuously away and that she is hiding at present and rendering service of this process impossible;

Seeing the affidavit in support of said petition;

Doth grant the said motion for the reasons above stated; and doth revoke the benefit which Petitioner conferred on his said wife and doth order the Company mis-en-cause to pay to the Petitioner the cash surrender value of said policy conformably to the terms thereof and doth empower the Petitioner to sign whatever papers may be necessary, so as to give a valid discharge to the Company mis-en-cause; the whole with costs against the mis-en-cause.

(Signed) LOUIS BOYER,
J.S.C.

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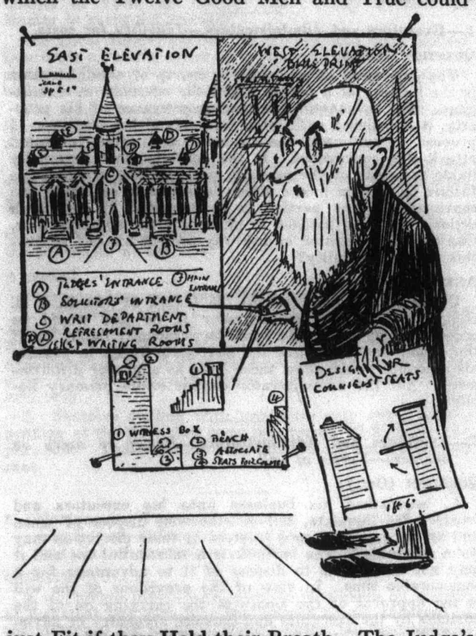
FORENSIC FABLES.

THE DISTINGUISHED ARCHITECT AND THE PALACE OF JUSTICE.

There was Once a Distinguished Architect who Won an Open Competition for the Best Design for a Palace of Justice. He was an R.A. His Plans Carried Out the Best Architectural Traditions. The Palace of Justice, which Cost Several Millions, was in the Norman-Jacobean-Early-English Style. Each of the Thirty Courts was Extremely Lofty. The Gallery for the Waiting Jurors was Approached by a Tortuous Stairway. The Jury-Box was a Structure into which the Twelve Good Men and True could



just Fit if they Held their Breath. The Judge's Seat was Half-Way up the Wall. The Seats for Counsel were so Arranged that they Could not Get In or Out without Injuring Each Other; and the Desks so Sloped that their Briefs and Papers Fell to the Floor unless Held on by Main Force. The Witness Occupied a Box so Far Removed from both Counsel and the Jury that the Witness had to Shout his Answers if he was to be Heard. The Doors Clapped Noisily when they were Opened or Shut. The Floors Contained Concealed Steps down which the Unwary Fell with a Crash. Everybody Agreed that the Palace of Justice was a Miserable Failure. When a Great Many Years had gone by the Palace of Justice, owing to some Defect in its Patent Heating Apparatus, was Burned to the Ground. There was Universal Rejoicing, for it was Felt that now At Last the Errors of the Distinguished Architect Could be Put Right. Were they? They were Not. The Authorities Unearthed the Distinguished Architect (now in a State of Senile Decay) and Paid him an Immense Sum of Money to Reproduce his Old Plans. Thus the New Palace of Justice Proved to be the Twin of its Predecessor, except that the Courts were Ten Feet Higher and the Judge was Placed Still Nearer to the Ceiling.

Moral.—*It Might be Worse.*

O.

CORRESPONDENCE.

The opinions expressed by correspondents are not necessarily those of The Fortnightly Law Journal.

RE SUTCLIFFE & ROYAL BANK.

To the Editor of The Fortnightly Law Journal:

I was interested in that bank case of Sutcliffe and the Royal Bank. The vital facts, however, did not appear in the report in the Weekly Notes.

The bank, of course, occupies a dual capacity. It takes one man's money and lends it to another, its profit are the difference between the two rates of interest. It is only a banker when it takes your money. It is a mortgagee lender or creditor when it lends. In the case in question it did not appear that it had actually credited the borrower with a certain sum in the books, though from other facts and figures it would appear that this was actually done. Repayment was secured by collateral, but in addition the debtor was to repay all sums which he received from his creditors. So there was a running account or line of credit, but the balance was never to exceed the amount of credit.

The bank only made the provision that the sums received should be paid into the account so that they might at any time appropriate any money standing to the credit of the customer; it was really forced repayment; but the point is: that once credited, it has been lent although they were in actual though not legal possession. It was the customer's money. He was entitled to draw against it, and could have been appropriated by marked cheque before the bank stepped in (which would show the title).

What priority had the bank therefore. It couldn't be a case of set off. The distinction between set off and counterbalance is, I think, merely that in one case there is an admitted debt the point being whether it is entitled to be set off, and the other is a mere claim, not established.

LEGIS.

"The lawyer needs a good deal of commonsense to keep the experts in their place. The layman may retort to that that he needs a good deal of commonsense to keep the lawyers in their place."

—Sir Frederick Pollock.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 194)

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PRACTICAL POINTS.

Under this heading replies are given in brief form to questions of law and practice submitted by holders of Annual Subscriptions. Questions submitted should be as brief as the circumstances will allow; the reply will be in similar form. Questions should be typewritten—the name and address of the subscriber being stated.

This exceptional and far reaching service is available free to all annual subscribers.

Enquiries should be addressed to The Fortnightly Law Journal, 226 Bay St., Toronto 2, Ont.

1.—Bailment.—*Lien of bailee—Factor—No agreement for lien.*

QUESTION (Ont.):

P. received four refrigerators from G., the manufacturer, and having no showroom of his own arranged with M. for showroom privileges, agreeing to pay commission on sales made.

Three refrigerators were sold but no commission was paid. The fourth refrigerator is still in the showroom but P. is confined to jail and is no longer in business. G. informs M. that the refrigerators were held by P. on consignment and demands return of the remaining refrigerator. M. claims that he is entitled to withhold delivery of that refrigerator until his claims for commission payable in lieu of rent are satisfied.

Has M. a right to retain that refrigerator?

ANSWER:

Undoubtedly under s. 2 of the Factors Act, R.S.O. 1927, c. 168, M. would have all the rights of a bailee for reward. But such bailee has no lien for mere storage in the absence of special contract which appears to be this case: 1 Hals., 2nd ed., p. 753, para. 1238.

2.—Criminal Law.—*Common assault—Civil action.*

QUESTION (Alta.):

Code ss. 291, 732, 734. Party prosecutes without solicitor. Defendant fined small fine and costs. Evidence clearly indicates should not have been tried summarily. Civil action barred by s. 734. Party ignorant of this provision, but later is informed. Injuries proved in evidence. (732(2)). No money to appeal.

What steps may be taken to re-open this matter after lapse of few months owing to ignorance of injured party unrepresented at trial? Any way to admit civil suit in spite of s. 734?

ANSWER:

There are two points to work on:

1. Section 734 was held *ultra vires* in *Rice* v. *Messinger* (1929), 51 Can. C.C. 147, refusing to follow a line of cases the other way.

2. Section 734 applies only to common assault. The offence in your case was more than common assault. The bar of civil remedy is strictly confined to the exact case it covers. See the cases collected in Chitty's Abridgement of Canadian Criminal Cases, pp. 146 *et seq.*

3.—Distress.—*Goods removed—No rent due at date of removal.*

QUESTION (Ont.):

1. If a tenant moves out without giving notice to his landlord before his next rent is payable, is the landlord entitled to make a seizure under s. 47 of the Landlord and Tenant Act?

2. If the landlord is entitled to make a seizure as aforesaid, would his rights be paramount to those of a chattel mortgagee?

ANSWER:

1. The whole question is whether there was a fraudulent or clandestine removal to evade distress. Where the rent was not due it does not seem that the removal was to evade distress as no distress could be taken at the time of removal: *Hoyt* v. *Stockton* (1870), 13 N.B.R. 60 (18 E. & E. Dig., p. 361); *Clark* v. *Green* (1907), 37 N.B.R. 525 (18 E. & E. Dig., p. 361); *Whitelock* v. *Cook* (1900), 31 O.R. 463 (18 E. & E. Dig., p. 361); *Watson* v. *Main* (1799), 3 Esp. 15 (18 E. & E. Dig., p. 361), and cases in 18 E. & E. Dig., p. 362.

2. It would seem that under the wording of the last sentence of s. 47 (1) the landlord has the same right of distress, e.g., in priority to a chattel mortgagee, as if the goods had still been on the premises. See also *Ziulkowski* v. *Rabuka* (1921), 59 D.L.R. 682 (18 E. & E. Dig., p. 361). But see *Martin* v. *Hutchinson* (1891), 21 O.R. 388 (18 E. & E. Dig., p. 362).

4.—Executors and Administrators.—*Liability for costs.*

QUESTION (Ont.):

The only asset of an estate in course of administration is the liability of a person under the covenant in a mortgage. The covenantor has made conveyance of his property, it is believed with intent to defraud his creditors. I propose to sue upon the covenant and after judgment attack this conveyance. Is the administrator personally liable for costs of the opposite party in the event of his failure to succeed in the action launched to set aside this conveyance? The parties to be benefited by any such action are not in position to indemnify the administrator. Can the administrator in any way protect himself against this personal liability?

ANSWER:

Under *Re Dingman* (1915), 35 O.L.R. 51 (24 E. & E. Dig., p. 694), the administrator if he lost would be ordered to pay costs. He would be personally liable, but if the action was warranted the Surrogate Judge in passing his accounts would allow these costs as a proper disbursement. But the administrator cannot evade primary liability.

5.—Executors and Administrators.—*Power to carry on business—Terms of will.*

QUESTION (Ont.):

A. bequeathed his business unto his executors and trustees "to liquidate, sell or otherwise dispose of when and as my executors and trustees in their discretion may deem advisable." The business is a substantial one and it may not be possible to dispose of it to advantage for a considerable time. In view of the provisions of the will is the approval of the Court to the carrying on of the business by the executors and trustees necessary or advisable? Please refer us to any authorities applicable.

ANSWER:

Under *Brain* v. *Brain* (1904), 9 O.L.R. 1 (24 E. & E. Dig., p. 557), it would appear advisable though not necessary on the wording of the will in your case to get the approval of the Court to carrying on the business. See also *Union Bk.* v. *Clark* (1910), 43 S.C.R. 299, particularly at p. 303.

6.—Landlord and Tenant.—*Straw covenant—Flax—Right to remove.*

QUESTION (Ont.):

I am acting for the lessee of property in a lease which contains a covenant that the lessee "will not remove or permit to be removed from the premises any straw of any kind . . . ." The lessee grew a crop of flax on the land and was forbidden by the lessors to remove it. This prevented the flax from being taken to the mill to be worked up and my client was thus unable to market the "tow" (the fibre) in the stalk. This has resulted in a considerable loss to him. Has he a right of action against the lessors or does the flax stalk fall under the general term "straw" and thus under the term of the lease forbidding its removal? This would seem rather an injustice, owing to the very nature of the crop of flax.

ANSWER:

It would seem from the nature of flax that it is not included in the term "straw" but no case can be found in which the point is decided. The definition of "straw" in the Encyclopedia Brittanica is the stalks or stems of grain plants. Flax is not a grain plant. But it seems doubtful whether the lessors, having merely forbidden him from removing it, the lessee would have any cause of action. It would be otherwise if they had forcibly prevented removal or something like that.

7.—Mechanics' Liens.—*Sale—Vesting order—Jurisdiction.*

QUESTION (Ont.):

In a mechanics' lien judgment issued in the form provided by the Act respecting lands situate outside the County of York, the County Court Judge directed the Master to carry out the sale.

The Local Master carried out the sale and upon completion made a vesting order upon the application of the purchaser. That order was issued by the Local Registrar and registered in the Registry Office.

The trial was held before the amendment of 1932 came into effect, but the sale and other proceedings were carried on after that amendment came into effect.

The Local Master made no order as to parties to conveyance and no conveyance other than above vesting order was provided.

Do you think the Local Master had jurisdiction to make that vesting order so as to furnish a good title to the purchaser at the sale?

ANSWER:

There are two answers to this question:

1. Probably under s. 32 (1) of the Mechanics' Lien Act, R.S.O. 1927, c. 173, and s. 75 of the Judicature Act, R.S.O. 1927, c. 88, the Master had power before the 1932 amendment of the Mechanics' Lien Act to grant a vesting order and the 1932 amendment is to that extent declaratory only.

2. Statutes dealing with procedure only affect actions pending at the time they come into force: 27 Hals., p. 161, para. 308. Therefore the 1932 amendment applies in your case.

8.—Mortgages.—*Tentative payment of principal—Non-completion—Subsequent mortgagee—Personal representative of mortgagor—Rights.*

QUESTION (Ont.):

A mortgagor makes a payment to mortgagee on account of principal and asks that the amount be not endorsed on the mortgage for the time being. Later, the mortgagee at the request of the mortgagor, returns the instalment of principal and subsequent thereto, the mortgagor pays interest on the principal and on the amount returned. Later the mortgagor places a second mortgage on the same lands. Later the mortgagor dies.

The subsequent mortgagee and the widow now claim that the first mortgagee must rank as an ordinary creditor as to the amount of the payment. At the time the payment was returned to the mortgagor, he the mortgagor was solvent and there was no subsequent encumbrancer. What is the position of the first mortgagee as to this payment?

ANSWER:

There is no discoverable ground for the claim of the widow and subsequent mortgagee. The mortgagor and mortgagee agreed that the tentative payment was only to be applied on the mortgage if the mortgagor so directed and he didn't. Would the mortgagee have been in any better position if he had taken a cheque from the mortgagor and later destroyed it at the mortgagor's request as agreed. The money never became the property of the mortgagee so the return of it was not a payment which could be attacked as preferential or fraudulent. On this point the case is the exact converse of *Re Sutcliffe & Sons, Ex p. Royal Bank*, [1933] O.W.N. 63, 2 F.L.J. 240. The subsequent mortgagee would take with notice of the account between the first mortgagee and the mortgagor.

9.—Municipal Corporations.—*Township—Tax licences—Power to impose—Recovery of payment.*

QUESTION (Ont.):

Has a township council the right to charge a fee of seventy-five dollars annually, to taxis doing business within the township? If not, could people who have paid under the impression that they had to pay sue the township for the return of fees paid?

ANSWER:

The answer to both your questions is probably No. The only authority to license taxis is to be found in the Municipal Act, s. 408 (1) (towns and villages), s. 414 (4) (towns, villages and townships bordering on or within ten miles of a city of 100,000), s. 415a (f) (certain townships in unorganized territory, *vide* 1929 (Ont.), c. 58, s. 11), and s. 431 (1) (Police Commission of city). The only townships within s. 414 are those near Toronto. Unless, therefore, your township comes within s. 415a, it has no right to impose this licence fee. On the question of recovery, the money seems to have been paid under mistake of law and is not recoverable: 21 Hals., pp. 32 *et seq.*

10.—Negligence.—*Dangerous machine—Failure to explain safety devices.*

QUESTION (Ont.):

A manufacturer delivered to a prospective purchaser on approval a washing machine with wringer attached. Safety devices were provided to release roller of wringer in event of emergency. No explanation of the danger or safety device operation was given at the time of delivery by the sales agent. The purchaser suffered severe injury to hand and arm through being caught in rollers and seeks to hold liable the manufacturer.

Would the failure to explain danger of operation and the operation of safety device constitute negligence as basis for above action for damages?

ANSWER:

Yes. The provision of safety devices demonstrates (*a*) the inherently dangerous nature of the machine and (*b*) the manufacturer's knowledge of the danger. Therefore there was a duty to warn of the danger or to explain the operation of the safety devices, which is the same thing. See 36 E. & E. Dig., pp. 56 *et seq.*, cases 353-63, and 2 Smith's Leading Cases, 13th ed., pp. 108-9.

11.—Negligence.—*Selling dangerous article—Liability for injury.*

QUESTION (Ont.):

A. purchases a set of hair waving combs and there are no instructions on the box to indicate how these combs were to be used, nor any sign to indicate that they were inflammable.

A. puts the combs in her hair and turns on an electric heater to help to dry her hair while the combs are in her hair. The heat from the heater caused the combs to melt in A.'s hair and burned A.'s hair very badly.

Is the vendor of the combs in any way liable for the injury sustained by A?

ANSWER:

It would seem that A. has a clear right to recover under the rule stated in *Heaven* v. *Pender* (1883), 11 Q.B.D. 503, *per* Cotton, L.J., at p. 517 (36 E. & E. Dig., p. 8). See also *Blacker* v. *Lake* (1912), 106 L.T. 533 (36 E. & E. Dig., p. 56), and the cases collected in 36 E. & E. Digest, pp. 56 *et seq.*

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12.—Sale of Goods.—*Conditional sale—Motor car—Lien for repairs—Pledge—Sale—Advertisement.*

QUESTION (Ont.):

A motor car was sold under a conditional sales contract and a lien was taken on the car securing the unpaid balance. Subsequently the purchaser damaged the car and ordered it repaired, then disappeared.

The repairs were made on September 15th and on October 18th the repairman advised the lien note holder as to the repairs. On November 16th the repairman's property in his garage was seized for rent and remained locked up until November 24th, when the rent was paid. On this date the car was advertised for sale by public auction to take place the following day (November 25th) and was sold to the repairman who bid the car in at $135, and moved the car to another garage. On December 19th the car was taken to a sales garage where an advance of $100 was made, the car being the security. Employees of the sales garage, (commission salesmen) drove the car at various times for their own uses and demonstrated it to prospective buyers. On January 13th the lien holder seized the car in respect to his lien, but did not move the car from the premises of the sales garage. On January 24th the car was again advertised by the repairman for sale by auction on January 28th, for the amount of repairs and storage.

By authority of this advertisement the car was sold and was purchased by the repairman for $110, while the car was still under seizure in respect to the lien note.

(1) Is the repairman's lien broken?

(2) When was it broken?

(3) Has the sales garage any lien against the car, either for storage or in respect to their $100 payment to the repairman?

(4) Is the advertisement of one week sufficient notice, having regard to the fact that storage is claimed?

ANSWER:

(1) and (2). The repairman's lien would only be a lien for the amount of the repairs: *Automobile & Supply Co.* v. *Hands Ltd.* (1913), 28 O.L.R. 586 (29 E. & E. Dig., pp. 19-20); *Re Capital Tobacco Co.* (1925), 29 O.W.N. 137, and is a lien under the Mechanics' Lien Act, R.S.O. 1927, c. 173, s. 48, and a lien in possession: *Katzman* v. *Mannie* (1919), 46 O.L.R. 121 (32 E. & E. Dig., p. 220). It was clearly broken when the repairman pledged the car to the sales garage for $100: See *Hackett* v. *Coghill* (1903), 2 O.W.R. 1077, affirmed 3 O.W.R. 827.

(3) The sale garage would be pledgee of the goods but would take subject to the conditional seller's rights if the statute was properly complied with.

(4) If the repairman's lien had not been lost, the advertisement would have complied with the Mechanics' Lien Act, s. 48, in so far as time is concerned, if one week's notice had been given. But only four days' notice was given and the amount of the debt—storage charges for which there was no lien being included—was incorrectly stated. Therefore the advertisement was clearly bad.

13.—Sale of Land.—*Vendor's rights—Action on covenant—Inability to re-convey—Paramount title.*

QUESTION (Man.):

A. sold a farm under agreement of sale to B., who therein covenanted to assume and pay off a mortgage on said land as part of the purchase price. A. subsequently executed a vendor's assignment of his equity under the agreement to C. who also became the registered owner of the land subject to said mortgage and agreement. C. being indebted to a bank executed a further vendor's assignment of the equity under said agreement to the bank, and also executed a transfer covering the title (which was not registered). C. took a note from B. covering the amount payable under the agreement (over and above the mortgage) which note was discounted by said bank. The note bears a memo "collateral to land agreement" so the bank cannot claim to be the holder in due course without notice. B. made default in paying the mortgage and the mortgagee took sale proceedings, and in default of redemption acquired title. The purchaser now repudiates liability under his note claiming that the bank is not in a position to convey title. In other words he is setting up his default as an excuse for non-payment. Is the bank entitled to judgment against B. under the note? In *Lebel* v. *Dobbie*, [1919] 2 W.W.R. 483, confirmed [1920] 1 W.W.R. 818, it was held the purchaser who had covenanted to pay taxes and failed to do so, in consequence of which the town became the registered owner of the property in question, could not successfully resist an action by the vendor on the covenant for payment. It seems to the writer, however, doubt is thrown on this judgment by the decision in *Royal Trust* v. *Kennedy*, [1930] S.C.R. 602.

I do not know whether the *Lebel* case was cited or considered in connection with the *Kennedy* case, as there is not any reference to it in the judgment. The writer feels that the judgment in the *Lebel* case is the more logical, and is under the impression that there is another judgment to the same effect, but has not been able to locate it.

See statement at p. 177, 5th ed., Maclaren on Bills, Notes, etc., reading as follows: "2. When a stockholder in a joint stock company had given notes for his stock, which he afterwards forfeited by not complying with the conditions of the association, it was held that there was not a failure of consideration, and it was no defence to an action on the notes: *Glassford* v. *McFaul*, 1 Rob. & Jos. Dig. 557 (1840)."

ANSWER:

There are two cases in Ontario (both prior to the *Royal Trust* case) which support the *Lebel* case. They are *Hutton* v. *Dent* (1922), 53 O.L.R. 105, 70 D.L.R. 582, affirmed on another point [1923] S.C.R. 716, [1924] 1 D.L.R. 401; and *Servais* v. *Shear* (1928), 63 O.L.R. 381, [1929] 2 D.L.R. 633 (E. & E. Dig., Supp. 7 title Limitation of Actions p. 21). The *Royal Trust* case proceeded on the principle that the vendor was primarily liable for the taxes and could not set up the tax sale as being caused by the purchaser's default. In your case C. was not primarily liable for the mortgage and the *Royal Trust* case may be distinguished on that ground. There do not seem to be any later cases.

14.—Wills.—*Legacies charged on land—Death of devisee—Action to realize legacies.*

QUESTION (Ont.):

A. left land to B. subject to a life estate, and also subject to payment of certain legacies by B. after he had "come into possession." B. was a son of the life tenant who died in 1926, and B. always lived with her on the lands. B. is now dead. A mortgage has subsequently been registered. The original will of A. has not been probated, but is registered. B. left a will but it has not been probated as there are no assets in this estate.

1. When did B. "come into possession?"

2. Against whom should action be taken to realize the legacies?

3. Would it be necessary to probate A.'s or B.'s will or both?

ANSWER:

1. Clearly on the life tenant's death.

2. and 3. The action would have to be taken against B.'s personal representative. If the executor will not prove the will an application for the administration of B.'s estate will have to be made. The mortgagee will have to be made a party.

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THE FORTNIGHTLY LAW JOURNAL—
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THE NEW CHIEF JUSTICE OF CANADA

Pages 294 to 295

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SATURDAY, APRIL 1st, 1933

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FORTNIGHTLY NOTES.

THE NEW CHIEF JUSTICE OF CANADA.

We have heard a lot recently about proposals to abolish appeals to the Privy Council, and we remain unalterably opposed to any such suggestions, which we can only think are not put forward with any legal advantage in view but merely for political purposes by those whose highest aim in life is to cut Canada out from the Empire. But the proponents of this so-called reform use subtle arguments to cloak their ultimate purposes, and not the least subtle or least cogent of those arguments is the present strength of the Supreme Court of Canada. When we look back through the annals of that Court as revealed in their nakedness in the reports of its judgments we cannot fail to note lamentably weak periods in its existence. To-day, perhaps, it has attained greater judicial heights than ever in its history. The strength of a Court lies, of course, in the strength of its members. But unless it has as leader a man of high legal attainment it is not likely that the full strength of its individual members will be achieved. If we have been fortunate in having for the last few years an outstanding lawyer as Chief Justice of Canada to bring out the full juristic strength of the other members of this Court—and it is agreed on all hands that the late Chief Justice Anglin admirably fulfilled that task—so in his successor it will be agreed that his mantle has fallen upon shoulders better fitted than any others to carry on the great task. A recital of his achievements which we have attempted elsewhere in this issue demonstrates that his abilities have already withstood the acid test. We have grown used to expecting great things from the Supreme Court of Canada, and with Chief Justice Duff to lead the Court we know we shall not be disappointed. His promotion was well deserved on the grounds of seniority and perhaps more to the point on ample grounds of merit.

* * *

MR. JUSTICE HUGHES.

But even the best leader cannot succeed unless there is the right stuff in those whom it is his duty to lead. So it is gratifying to Ontario lawyers to find that in the choice of the new Judge of the Supreme Court from that Province, a man has been chosen from whom we may expect able backing for the new Chief Justice. Frank Hughes, although he has only just passed his majority at the Bar, has established for himself an enviable forensic reputation. Although by no means one of the senior members of the Bar, he had already approached within measurable distance of being numbered among the select few who are regarded as leaders of the Bar. Of late his work had been largely as defence counsel for motor vehicle insurance companies in running down cases, and in the art of defence in such cases it is safe to say that he was second to none. And the enviable reputation that he had gained in those cases naturally led to his being retained in many other cases, with no less success. It is not to be thought from this, however, that his work lay altogether in the trial Courts. The reports bear witness to his many skilful successes—and sometimes

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we may add undeserved failures—in the Court of Appeal, and even before the tribunal of which he is now a member. We are quite sure that the profession will find Mr. Justice Hughes not only legally sound but humanly sympathetic. We shall give you a sketch of his career at an early date.

* * *

MR. JUSTICE ARMOUR.

The newly created Tariff Commission robbed Ontario of one of the best of the recent appointees to the Bench of its Supreme Court. Our loss was the Tariff Commission's gain. But in the selection of Mr. Justice Sedgewick's successor, that loss, if it has not been turned to gain—which would be difficult indeed—has at least been ameliorated. Eric N. Armour, K.C., the new appointee, brings to his new duties an ability well fitted for the task both by heredity—he is a son of the late Chief Justice Armour—and by merit. Of Mr. Justice Armour's father we know that there was never a greater Chief Justice of Ontario. Mr. Justice Armour himself has inherited many of the traits that made his father famous. He has a keenly analytical mind and is a real student of the law. Of recent years he has been Crown Attorney in Toronto, and we know that he never missed an opportunity to ground himself thoroughly in all the difficult problems of law that crop up in carrying on the duties of that office. And the less generally understood the problem was, the more care Eric Armour took to understand it himself, and in some cases to prove that understanding and communicate it to the profession by writing a treatise on the point. It was our pleasure as one time editor of the Canadian Criminal Cases to publish several of those treatises. Recently, too, when we were discussing confessions in these notes, he wrote us a letter, which we published, setting out the whole law on the point (1 F.L.J. 119).

* * *

BLOWING HOT AND COLD.

Several points of live interest occur in *Beattie* v. *U.S. Fidelity and Guarantee Co.*, post p. 286. The first point, one that will give the motor vehicle insurance companies furiously to think, is that a company cannot undertake the defence of an insured, subject to a reservation that it, the insurer, may repudiate liability in the event of an adverse decision. The Court holds that under the policy the duty of defending the insured was put upon the insurer but that that duty only arose in the event of the insurer being liable on the policy. Therefore the insurer's insistence on the right of undertaking the defence was an admission of liability wholly inconsistent with the reservation of the right to repudiate on the ground of non-liability and therefore the reservation was unavailing. This seems eminently logical. The point may, of course, turn on the wording of the particular policy. But whether it is or not, it shows that the all too prevalent view that one can maintain two diametrically opposed stands provided one simply says one intends to do so is not always safe. In these liability policies the insurers, especially in this matter of defence of litigation against the insured, have the insured completely at their mercy and one is not sorry therefore to see them paid in some degree at least in their own coin.

* * *

HOIST WITH ITS OWN PETARD.

Another point we notice raised in that case is the fact that the passenger in Beattie's car, having consented to drive with him although she knew that Beattie was intoxicated, was held by the trial Judge to have accepted the risk. We dealt with this point in our recent article on Identification of Negligence. But in the Court of Appeal the insurer was not permitted to raise that defence against the passenger. In presenting the insured's defence against the passenger the insurer did not raise that particular point and the passenger recovered against the insured. When the passenger sought to recover against the insurer, however, it raised this defence and tried to evade the plea of *res judicata* by arguing that it was not bound by the judgment against the insured and the passenger was therefore liable to prove her case against the insured again. This the Court of Appeal held was not so. The judgment in the passenger's action against the insured bound not only the parties but their privies and the insurer was bound as a privy. If that had not been so, it seems to us that the insured would have had an excellent action against the insurer for negligence in conducting his defence. This case, however, may go farther and if so we shall await with interest the reaction of a higher Court.

* * *

ACCELERATED RENT AS A PREFERENCE.

The Saskatchewan Court of Appeal has given us something to ponder over in *New Regina Trading Co.* v. *C.C.M.T.A.*, post p. 289. We have come to consider the landlord's preference for accelerated rent in bankruptcy a matter beyond argument. But this judgment holds that the acceleration clause must be disregarded as, if given effect to, it would give the landlord a fraudulent preference. As far as we can remember the cases under the Canadian Bankruptcy Act this is an entirely new point. The matter of the landlord's preference is of course dealt with under provincial law, but this judgment does not mention any particular or peculiar statutory provisions touching the question. When one comes to think of it, such an acceleration clause seems to be in the nature of a clause fixing liquidated damages for the lessee's failure to carry out the lease. In that case it is difficult to see where a fraudulent preference comes in. If under the provincial law the landlord is given a preferential lien for accelerated rent—as is the case in Ontario—he should it would appear be entitled to rank as a secured creditor, secured of course on the distrainable assets, for the amount of these liquidated damages. Wherein does the element of fraud or of preference lie? If the lease stipulated for security for the accelerated rent there would of course be the intention to prefer and be preferred in the stipulation for security, and the stipulation would also contemplate insolvency as a condition precedent to the giving of that security. But the lease only stipulates that the accelerated rent shall become due and the statute gives the security. The fundamentals of a fraudulent preference seem to be entirely lacking. The point however is well worth noting.

R.M.W.C.

123741

RECENT CANADIAN CASES

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APPELLATE DIVISION.

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Clarke, J.A.
Mitchell, J.A.
Lunney, J.A.
McGillivray, J.A.

BEATTIE v. U.S. FIDELITY & GUARANTEE CO., [1933] 1 W.W.R. 334.

Insurance—*Motor vehicle—Third party risk—Insurer defending—Action against insurer—Election and estoppel—Public policy—Intoxication of driver.*

Lindal was a passenger in Beattie's motor car being driven by Beattie when she sustained injuries as the result of a collision caused by Beattie's alleged negligence. Lindal sued Beattie who carried insurance in the defendant companies. Beattie promptly notified the defendants of the accident and they made full investigation after which they informed him that they would defend the action for him but in the event of an adverse judgment would repudiate liability on the ground of his intoxication at the time of the collision, relying on statutory condition 5 of Schedule D of the Alberta Insurance Act, 1926, c. 31.

The companies also suggested that Beattie consult independent counsel, which he did, whereupon his counsel insisted that the companies could not undertake the defence subject to such a reservation of liability. They also insisted that if he intermeddled with the conduct of the defence by the defendants he might lose any right to indemnity because of statutory condition 8. The companies, however, continued the defence of the action but did not raise the issue of Beattie's intoxication. Judgment went against Beattie and a writ of execution was returned *nulla bona* whereupon Lindal brought an action against the defendants under s. 180 of the Alberta Insurance Act, 1926, and Beattie also brought action against the insurers claiming indemnity from the Lindal judgment and for damages to his automobile. In both these actions the defendants raised the issue of Beattie's intoxication and claimed that they were relieved from liability because of statutory condition 5. Both actions were tried together before Ives, J., who found that Beattie was intoxicated and dismissed both actions on that ground. Both plaintiffs appealed.

It was argued on behalf of the plaintiffs that statutory condition 5 only applied to the intoxication of some one other than the owner who might have been driving the automobile and that it did not apply to the owner. Harvey, C.J.A., Mitchell and Lunney, JJ.A., however, allowing the appeal, held that even if the condition did apply to Beattie the defendants were precluded from relying on it in Beattie's action against them because they had elected to defend the Lindal action against him. "Under the policy sued on the insurer is not given the right to defend an action brought against the insured as it was in *North Lethbridge Garage Ltd.* v. *Continental Casualty Co.*, [1930] 1 W.W.R. 491, 24 Alta. L.R. 390. It has, however, imposed on it the duty of doing so . . . . The duty exists only if there is a liability under the policy. To maintain, therefore, that they were not liable and at the same time insist on their right to defend the action was taking two positions absolutely antagonistic to and inconsistent with each other:" *W. Can. Acc. Ins. Co.* v. *Parrott* (1921), 61 S.C.R. 595, applied; *Vandepitte* v. *Preferred Acc. Ins. Co.* [1932] 3 W.W.R. 573, distinguished. Counsel for the defendants raised the point that the trial Judge while finding that Beattie was intoxicated, also expressly found "that Lindal knew what his condition was; and she accepted the risk when she drove with him" and that in Lindal's as well as Beattie's action it must be proved that Beattie was liable regardless of that fact having been established in the prior action, and that the trial Judge having found that she accepted the risk means that Beattie was not liable.

Dealing with this point the learned Chief Justice relied on a statement in 13 Hals., p. 542, "A judgment *in personam* is conclusive proof as against parties and privies of the truth of the facts upon which such judgment is based" and cited with approval by Mr. Justice Lamont in *Continental Casualty Co.* v. *Yorke*, [1930] S.C.R. 180, and held that the defendants while not parties in the original action were the real defenders and would therefore, he thought, come within the class described as privies.

The learned Chief Justice also raised the point whether the policy, in so far as indemnifying against the consequences of driving while intoxicated, a criminal act, would not be invalid on the ground of public policy. No defence on this ground was set up in the pleadings but the learned Chief Justice, relying on *N.W. Salt Co.* v. *Electrolytic Alkali Co.*, [1913] 3 K.B. 422, and *Montefiore* v. *Menday Motor Components Co.*, [1918] 2 K.B. 241, held that the Court should deal with the matter of its own motion, if the illegality appeared on the evidence.

The Chief Justice, Mitchell and Lunney, JJ.A., Clarke and McGillivray, JJ.A., dissenting, held that the policy was not invalid on the ground of public policy in so far as indemnifying against the consequence of driving while intoxicated. The learned trial Judge found that Beattie was intoxicated. Driving while intoxicated is a crime. But this finding of intoxication was only for the purpose of bringing him within condition 5 as furnishing a defence under it. Beattie had not been convicted nor even charged with a crime. If he was not guilty of the crime this ground of defence falls to the ground. No case had come to the notice of the Chief Justice where the contract had been declared void on this ground in the absence of a conviction of the crime. *Tinline* v. *Whitecross Ins. Co.*, [1921] 3 K.B. 327; *O'Hearn* v. *Yorkshire Ins. Co.* (1921), 50 O.L.R. 377, and 51 O.L.R. 130; *James* v. *Br. Gen. Ins. Co.*, [1927] 2 K.B. 311, distinguished.

McFillivray, J.A., with whom Clarke, J.A., agreed, dissenting, held on the last point that "This conduct is none the less criminal and against public interest because a provincial Legislature has required that such a risk shall be excluded from automobile accident indemnity policies and so I am of the opinion that this appellant's contention may be disposed of shortly on the ground that the facts which constitute this crime having been clearly set up in the defence and established to the satisfaction of the trial Judge, this Court should hold that neither estoppel nor election nor contract to waive may be invoked to assist the appellant in his action for indemnity against a loss or liability arising from his criminal conduct."

Counsel for the Appellant, Beattie: **H. H. Parlee, K.C.**, of Edmonton.

Counsel for the Appellant, Lindal: **N. D. Maclean, K.C.**, and **W. A. Short**, both of Edmonton.

Counsel for the Respondents: **S. Wood** and **H. J. Macdonald**, both of Edmonton.

ALBERTA.

APPELLATE DIVISION.

Harvey, C.J.A.
Clarke, J.A.
Mitchell, J.A.
Lunney, J.A.
McGillivray, J.A.

POWELL v. WORKMEN'S COMPENSATION BOARD, January 30th, 1933.

Judgments and Orders—*Declaration—Status of Plaintiff—Relief.*

The plaintiff in this action claimed $6,436.80 compensation in respect of injuries received, and an order directing that compensation be paid him as long as he continued to suffer from injuries referred to in the statement of claim. There was an alternative claim for $10,000 damages and a prayer for a declaratory judgment declaring that the Workmen's Compensation Act (Accident Fund) R.S.A. 1922, c. 177, was *ultra vires*.

On the trial of the action the questions of law involved were referred to the Appellate Division and counsel for the Attorney-General intervened.

As to the main cause of action alleged, the Court did

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not call counsel for the Board, holding that the Act gave the Board the power to deal with the matter as it had done. On the question of the declaratory judgment as to the validity of the Act, the main question involved, counsel for the Attorney-General took the objection that this was not a case in which a declaratory judgment could be given on the ground that there was no relief that the plaintiff could obtain in this action or in any other action by having the Act declared *ultra vires*. The only possible relief that the plaintiff could get by having the Act declared *ultra vires* would be that he might have restored to him an action against his employer, if he had one, but there was no suggestion in the statement of claim that Powell had any cause of action against his employer, negligence never having been at any time suggested.

The Court adopted this contention and gave oral judgment to the effect that under the statement of claim the plaintiff had no status to ask for a declaratory judgment. *Guaranty Trust Co. of New York* v. *Hannay & Co.*, [1915] 2 K.B. 536; *Smith* v. *A.-G. Ont.*, [1924] S.C.R. 331; *Dyson* v. *Attorney-General*, [1911] 1 K.B. 410; *Wigg* v. *Attorney-General for Irish Free State*, [1927] A.C. 674, 96 L.J.P.C. 88. The case of *Spooner Oils* v. *Turner Valley Gas Conservation Bd.*, [1932] 3 W.W.R. 477, was also referred to as an example of a case in which a declaratory judgment would be made, the plaintiff in that case having a special interest in getting a declaration which would give him relief at a later date.

Counsel for Workmen's Compensation Board: **J. Cormack, K.C.**, of Edmonton.

Counsel for the Attorney-General: **W. S. Gray, K.C.**, of Edmonton.

Counsel for the Plaintiff: **D. A. Lane**, of Calgary.

ALBERTA.

APPELLATE DIVISION.

Harvey, C.J.A.
Clarke, J.A.
Mitchell, J.A.
Lunney, J.A.
McGillivray, J.A.

CASEY v. CONTINENTAL CASUALTY CO., [1933] 1 W.W.R. 282.

Insurance—*Accident—Cause of death—Disease from broken leg—Misrepresentation of age—Condition—Election and estoppel—Validity of condition.*

The insured under an accident policy broke his leg. A few days later infection set in resulting in uraemia from which death occurred. The policy provided under s. 5 of "Miscellaneous Provisions" that it "shall not cover any person under the age of 18 years or over the age of 65. Any premium paid to the company for any period not covered by the policy will be returned upon request." In the insurance application dated June, 1925, it was stated that the insured's age was 54. The proof of loss submitted to the company showed that the deecased was 70 at his death and was 64 when the policy was taken out. The policy also provided that it was given "against loss of life . . . . resulting from personal bodily injury . . . . which is effected solely and independent of all other causes by the happening of a purely accidental event." When proof of loss was submitted the defendant discovered the alleged misrepresentation and returned the premiums paid since May 25th, 1926, the date it claimed the insured had reached 65, but this amount was not accepted by the beneficiary, the cheque being produced at the trial.

Ives, J., before whom the action was tried, dismissed it on the ground of misrepresentation of his age by the insured and that death occurred from the infection, not from the accident.

Harvey, C.J.A., giving the judgment of the Court allowing the appeal, held that the death was covered by the terms of the policy because "the broken leg, without which death would not have ensued when it did, was caused by nothing but the accident and that being so the death is covered by the terms of the policy."

The learned Chief Justice further held, assuming the misrepresentation as to age to have been made wilfully by the insured, "The result was not that the policy was, therefore, *ipso facto* void but that when the insured learned the true fact it could at its option avoid it."

The facts showed that the defendant had exercised its election and had chosen to treat the policy as valid and subsisting until insured reached the age of 65 years and then treat it as terminated. "Election once made is final and binding and it follows that the defendant having elected to treat the policy as valid and retain the premium for a portion of the term cannot now elect to treat it as invalid from the beginning as it could have done when it first learned of the misrepresentations." *Clough* v. *L. & N.W. Railway Co.* (1871), L.R. 7 Ex. 26, at p. 34; 41 L.J. Ex. 17, referred to; *Millican* v. *Scottish Metropolitan Ass'ce Co.*, [1923] 2 W.W.R. 25, 19 Alta. L.R. 514, followed.

In dealing with the effect of s. 5 of the miscellaneous provisions, the learned Chief Justice held that in view of the wording of the policy and of subsequent receipts and also the provisions of the Alberta statute that the policy must be considered a single contract and therefore the said s. 5 could not be effective other than as a condition by virtue of which a policy unconditional on its face became terminated and further that not being set out in the manner prescribed by the statute it is ineffective.

Counsel for the Appellant: **R. S. McKay**, of Calgary.

Counsel for the Respondent: **A. L. Smith, K.C.**, and **C. E. Smith**, both of Calgary.

NOVA SCOTIA.

SUPREME COURT.

Chisholm, C.J.
Mellish, J.
Paton, J.
Hall, J.

NOVA SCOTIA ACCEPTANCE CORP. v. GENERAL INS. CO., December 24th, 1932.

Insurance—*Motor vehicle—Fire—Representation—Change material to risk.*

The defendant issued a policy in the name of L., insuring his motor car against loss by fire, transportation and theft, with loss payable to L. and the plaintiff, assignees of a conditional sale agreement covering the car.

In the application for the insurance signed by L. it was stated that the car was and would be usually kept in a private garage at Lattie's Brook. L. never had a garage and the car was not kept in one. It was always kept in the open, unlocked and unprotected, either at L.'s store or house or at a place on the main public road near the end of a by-road which led to L.'s house where it was at the time of the fire. This place is about a quarter to a half mile from L.'s house and about a mile and a quarter or so from his store. The nearest house is about three hundred yards away. The car could be seen from this house and also from another house in the vicinity. The evidence further showed that the car had been left there for at least a week before the fire and had not been in use owing to some defect in the wiring.

The defendant company denied liability, claiming that there was a change material to the risk within the meaning of Stat. Con. 3, R.S.N.S. 1923, c. 211, by reason of the fact that the car was kept in the place indicated above and not in a private garage. The defendant offered no expert evidence to show that the statement in the application was material to the risk.

Held, on appeal from the decision of Graham, J., dismissing the action (Ross, J., dissenting, refusing to decide the question of materiality without evidence on the point), that there was misrepresentation of a circumstance which was material to be made known to the defendant company in order to enable it to judge the risk.

Counsel for the Appellant: **C. B. Smith, K.C.**, of Halifax.

Counsel for the Respondent: **L. A. Lovett, K.C.**, of Halifax.

ONTARIO.

COURT OF APPEAL.

Mulock, C.J.O.
Middleton, J.A.
Davis, J.A.

REX v. FELDMAN, [1933] O.W.N. 178.

Bankruptcy—*Prosecution—Necessity for Court order.*

The accused was charged with an offence under s. 191 (*o*) of the Bankruptcy Act, and convicted. He appealed on the ground that an order under s. 195 was a condition precedent to prosecution and no such order had been made, citing *Rex* v. *Marcovitz* (1932) 41 O.W.N. 299, 14 C.B.R. 117. The Court dismissed the appeal. *Rex* v. *Marcovitz, supra*, was based on Baggalay, L.J.'s judgment in *Ex p. Marsden, Re Marsden* (1876), 2 Ch. D. 786. But the learned Lord Justice's remarks were *obiter* and unsupported. The only effect of s. 195 was to protect the estate from being made liable for the costs of an indiscreet prosecution and protect the funds which stand behind a public prosecution. The absence of an order under s. 195 did not signify it was only a question of costs: *Rex* v. *Graham* (1868), 18 L.T. 184. Reference also to Archbold's Criminal Pleading, 28th ed., p. 1294; *Re Howes, Ex p. White*, [1902] 2 K.B. 290. *Rex* v. *Marcovitz, supra*, was therefore overruled, and the appeal dismissed.

Counsel for the Appellant: **R. H. Greer, K.C., and J. W. Broudy**, both of Toronto.

Counsel for the Crown: **J. Sedgwick**, of Toronto.

ONTARIO.

SUPREME COURT.

Kingstone, J.

MILSAP v. BLEWETT, [1933] O.W.N. 184.

Mortgages—*Foreclosure—Less than month's default—Power of sale clause—Effect.*

This was an action for foreclosure, defended on the ground that as the power of sale in the mortgage provided for a one month's default, an action for foreclosure could not, as this one was, be brought until after one month's default. The defendant was in arrears for interest and taxes. Kingstone, J., rejected this defence which was founded on *Parker* v. *Vine Growers Ass'n* (1876), 23 Gr. 179. He distinguished that case on the ground that it was based on the special wording of an acceleration clause in the mortgage there in question. The power of sale was a special power independent of the right to foreclosure and its kindred concurrent remedies and the wording of the power of sale clauses did not affect the exercise of the right to foreclose. Reference to the Short Forms of Mortgages Act, R.S.O. 1927, c. 145, Sch. B., clause 14; 21 Hals., para. 235; 7 C.E.D. (Ont.), p. 512; *Lamb* v. *McCormick* (1857), 6 Gr. 240. Judgment therefore for the plaintiff.

Counsel for the Plaintiff: **W. F. Nickle, K.C.**, of Kingston.

Counsel for the Defendant: **E. J. Butler, K.C.**, of Belleville.

PRINCE EDWARD ISLAND.

SUPREME COURT.

Arsenault, J.

GARDNER v. CHARLOTTETOWN, February 21st, 1933.

Trial—*Issues raised by pleadings—Plaintiff's burden—Failure to discharge—Non-suit.*

In this action the plaintiff sued for possession of certain lands and then went on to allege an illegal tax sale of the same by the city and purchase by the defendant Nicholson, and further that Nicholson took possession of the lands and ousted the plaintiff. At the trial the plaintiff proved title and rested his case. The city moved for non-suit and the defendant Nicholson moved for judgment. The learned Judge held that as the plaintiff had alleged the tax sale and purchase, and possession by Nicholson, and the defendants had put these facts in issue by their pleadings, the onus was on the plaintiff to prove them. As to Nicholson he had set up a title in him and alleged its illegality. None of these things had the plaintiff proved. Therefore while if they had sued for possession only the onus might have shifted to Nicholson to show better title, having assumed the burden and not discharged it the defendant's must succeed in their motions.

Counsel for the Plaintiff: **J. J. Johnston, K.C.**, of Charlottetown.

Counsel for Defendant, City of Charlottetown: **K. M. Martin, K.C.**, of Charlottetown.

Counsel for Defendant, Nicholson: **K. J. Martin, K.C.**, of Charlottetown.

PRINCE EDWARD ISLAND.

SUPREME COURT.

Arsenault, J.

REX v. ROBERTS, February 14th, 1933.

Intoxicating Liquors—*Having—Burden of proof—Proof of selling—No amendment.*

This was an appeal from a conviction of the Stipendiary Magistrate, McKinnon, whereby the appellant was fined $500 or six months for a first offence under the Prohibition Act.

The chief witness for the prosecution related that he went to the appellant's home in company with a friend and asked for liquor. The appellant told him he had no liquor but said that there was some in the adjoining field and to go help himself. He went and brought back a bottle of liquor. He then handed the appellant $1.50.

The field in which the liquor was found did not belong to the appellant but to a neighbour. The appellant said that on crossing the field that day he saw the liquor there and that was how he knew it was there. There was no proof that the liquor found did not have the Prohibition Commission Vendor's label on the bottle.

The learned Judge seriously doubted the appellant's story, but the burden was on the prosecution to prove two facts: (1) that the liquor sold to the witness was in the appellant's possession, and (2) that the liquor did not have a vendor's label on it. The prosecution failed to prove these facts. Had the charge been for selling instead of for having the prosecution would have succeeded on the evidence before the magistrate. The prosecution could have applied for an amendment, which the magistrate could have made, but the learned Judge had no such powers of amendment. He therefore reluctantly allowed the appeal and set aside conviction, but without costs as the appellant had no such merits as entitled him to costs.

Counsel for the Appellant: **R. R. Bell**, of Charlottetown.

Counsel for the Crown: **M. A. Farmer**, of Charlottetown.

PRINCE EDWARD ISLAND.

SUPREME COURT.

Saunders, J.

PROWSE v. JENKINS, February 14th, 1933.

Costs—*Claim and counterclaim—Equal amounts—Claim taking little time—Counterclaim much longer.*

The plaintiff sued on a promissory note for $176.75. The defendant counterclaimed for damages in an equal amount. At the trial the ultimate result was that the plaintiff recovered the amount of the note $176.75, and the defendant was allowed the full amount of his counterclaim, namely $176.75. The plaintiff's case occupied only a small part of the day while the counterclaim occupied practically the entire time of the Court. Both parties claimed costs.

The Court held that when a claim and a counterclaim were tried together they were to be treated as separate actions. Therefore, as the plaintiff succeeded on his note, he was entitled to the costs of proving his case. The defendant having succeeded on his counterclaim was therefore entitled to his costs of establishing it. The difference between the amounts of the bills would be the ultimate amount allowed for costs.

It was easy to imagine many results happening in cases of claim and counterclaim; but when they were tried as separate actions no difficulty should be experienced in settling costs.

Counsel for the Plaintiff: **R. N. McNeill, K.C.**, of Charlottetown.

Counsel for the Defendant: **J. O. C. Campbell**, of Charlottetown.

QUEBEC.

SUPERIOR COURT.

Denis, J.

MORRIS v. OLMSTEAD, November 21st, 1932.

Motor Vehicles—*Liability of owner—Loan of car.*

The defendant, Olmstead, driving a car belonging to his ex-employer, Coderre Ltd., which the latter had lent him, struck plaintiff's infant daughter causing severe injuries. Subsequent to the accident, defendant pleaded guilty to a

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charge of driving while under the influence of liquor. He did not plead to the action in damages.

The main question involved was the liability of the owner of the car who adduced evidence that the defendant Olmstead was no longer in its employ, but that it had lent him the car.

The learned trial Judge dismissed plaintiff's action against the car owner, holding that the driver at the time of the accident was not in its employ or under its control (1054 C.C.); that although the car owner had lent its car to the driver, it had no reason to believe that he was not a competent, reliable and trustworthy individual; that under the law and jurisprudence of Quebec as it now stands, defendant owner could not be held liable to the plaintiff *es qualité* either under art. 1054 or art. 1053 of the Civil Code.

Counsel for the Plaintiff: **J. Jenkins, of Montreal.**

Counsel for the Defendant: **F. P. Brais, K.C., of Montreal.**

SASKATCHEWAN.

COURT OF APPEAL.

Haultain, C.J.S.
Martin, J.A.
Mackenzie, J.A.

COMMERCIAL CORPORATION SECURITIES LTD. v. NICHOLS, February 20th, 1933.

Conflict of Laws—*Conditional sale—Seizure and sale in another Province—Lex loci contractus—Non-compliance with law of place of seizure.*

This was an action by a finance company for judgment for the balance owing on a conditional sale agreement of a car after re-possession and sale. The original sale took place in Saskatchewan, but some time later the purchaser took the car to Alberta and it was there that it was seized upon default of payments and sold by the plaintiff. The defendant asserted therefore that the plaintiff before the sale should have procured a Judge's or Master's order in compliance with the Extra-Judicial Seizures and Conditional Sales Act of Alberta, and since this had not been done, the contract was rescinded and no action lay for the balance. Further, it was contended that even if Saskatchewan law governed, no notice of the sale in compliance with the Conditional Sales Act (Sask.) had been given and a clause in the agreement waiving notice was inoperative. The Court held otherwise. The Law of Saskatchewan, being the *lex loci contractus*, and not the law of Alberta, governed the transaction and therefore compliance with the Alberta Act was not a condition precedent for a suit for the deficiency. Speaking *obiter*, however, Mackenzie, J.A., made this observation: "Had the plaintiff found it incumbent to bring this action . . . . in Alberta, my view might have been otherwise; since then it could better have been urged that before the plaintiff could sell it should have complied in all matters of procedure with the Alberta law."

The failure to give notice was no bar to recovery as the defendant had waived it in the contract and effect will be given to such a waiver clause: *Advance Rumely* v. *Cotton*, 12 S.L.R. 327, at p. 334.

Counsel for the Appellants: **L. McK. Robinson, K.C., of Regina.**

Counsel for the Respondent: **A. R. Tingley, K.C., of Regina.**

SASKATCHEWAN.

COURT OF APPEAL.

Haultain, C.J.S.
Turgeon, J.A.
Martin, J.A.
Mackenzie, J.A.

NEW REGINA TRADING CO. v. C.C.M.T.A., February 20th, 1933.

Bankruptcy—*Landlord's preference—Acceleration clause.*

This was an appeal by the defendant from a judgment of Taylor, J., reported 2 F.L.J. 38. The plaintiff's tenant made a voluntary assignment on April 10th, the rent being paid up to the 30th, and the trustee entered. There was a clause in the lease which provided that in the event of the bankruptcy or winding-up, or steps towards that end, of the tenant "the then current rent, together with rent for three months thereafter, shall immediately become due and payable." The plaintiff therefore claimed a preference for three months' rent as due by virtue of this clause under the Landlord and Tenant Act giving a prior claim to three months' rent "accrued due prior to the date of the assignment." The Court disagreed with this contention holding that the acceleration clause must be disregarded since such a clause would give a fraudulent preference: *Ex p. MacKay*, L.R. 8 Ch. 643.

The plaintiff also claimed under the Landlord and Tenant Act for three months' rent in lieu of notice. This was disallowed on the ground that on April 24th the plaintiff had demanded possession of the premises and had disclaimed the lease and refused to permit the trustee to occupy the premises for three months; but in fact had taken possession and collected rentals from sub-tenants.

Counsel for the Appellants: **F. L. Bastedo, K.C., of Regina.**

Counsel for the Respondent: **G. H. Barr, K.C., of Regina.**

SASKATCHEWAN.

DISTRICT COURT.

Doak, D.C.J.

CHERRY v. SMITH, [1933] 1 W.W.R. 205.

Landlord and Tenant—*Term—Liability for fire—Negligent origin.*

This case decides substantially the same points of law as *Roberts* v. *McMannis*, 2 F.L.J. 273. The lease here was for the summer season at a resort and was thus held to be for a term of years since the term was "certain and prefixed": Co. Litt. 45. One of the defendants had been cleaning a sweater by dipping it into a pan of gasoline and the other defendant, the tenant, lit a match in the same room causing an explosion and fire which destroyed the premises. Such action was held by the learned Judge to amount to negligence on the part of both parties, and, in the case of the tenant, to waste and they were therefore both liable. The learned Judge refrained from expressing an opinion as to whether this was voluntary or permissive waste, the tenant being liable in any case (*Yellowby* v. *Gower* (1855), 11 Ex. 274), though the test was stated to be:—

"If the fire was the result of some positive act of the defendant, Smith (the tenant), either wilful or negligent, then the fire which destroyed the premises is attributable to him as voluntary waste; and, on the other hand, if it was due to his failure to take some precaution to prevent the fire, then it was an act of permissive waste."

Counsel for the Plaintiff: **J. G. Diefenbaker, K.C., of Prince Albert.**

Counsel for the Defendants: **C. S. Davis, of Prince Albert.**

People keep us advised of everything, such as a happening in a class on contracts in the Law School of the University of Wisconsin last week. In recitation, one of the students was stumbling along about something or other when the professor asked him unexpectedly: "What is your authority for that statement?" The young man didn't have any, and paused. A wag sitting behind him whispered: "Tell him 'Culbertson on Contract'." So the grateful student told the professor: "'Culbertson on Contract.'" Everybody tittered at the young man except the professor, who never titters. He just said: "Quite right, and that makes you vulnerable," leaving the student to figure out what that meant.

—*Readers Digest.*

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CONTRACTS FOR THE CARRIAGE OF GOODS BY SEA

By F. G. T. Lucas, K.C., of Vancouver.

(*Continued from p. 275.*)

The first legislative action to meet this development was the Harter Act of the U.S. It was introduced in 1893 by a Mr. Harter, a representative from Ohio. He himself described the bill as a purely protectionist measure directed at British ship owners, for at that time British bottoms were carrying approximately ninety per centum of American sea freights. The Bill was very short and had it been passed as introduced would have taken away from the ship owner for all practical purposes, the right to exempt himself from any liability. Before the Act went through the ship owning interests were heard and amendments were introduced to provide that if he used due diligence to make his ship seaworthy, he should be released from a large measure of the total responsibility.

In 1904 Australia passed a similar Act followed by New Zealand, and in 1910 Canada passed the Water Carriage of Goods Act. Each of these Acts is different from the others, although all are aimed at the same objective, namely limiting the ship owners' right to exempt themselves from liability.

None of these Acts have succeeded in simplifying the forms of bills of lading nor have they resulted in bringing about any uniformity whatsoever. The contrary is the case. None aimed at uniformity. In none did the principle of creating a negotiable document appear. These voluminous, involved, complicated bills of lading are the ones now in use in Canada, and they are restricted as to shipping rights only so far as the Water Carriage of Goods Act applies to them. In 1917 the Dominions Royal Commission recommended uniform legislation throughout the Empire on the lines of the Canadian Water Carriage of Goods Act. Then followed the most remarkable series of conferences over the form to be given to a commercial document that there is any record of that I know.

The question was discussed by the Imperial Shipping Committee in February, 1921. This committee unanimously recommended uniform legislation throughout the Empire on the lines of the Canadian Act. This recommendation was adopted by the Empire Conference which met in the summer of 1921, and the Governments represented at that Conference were therefore committed to introduce legislation on the subject of bills of lading on the lines of the Canadian Act.

Before this date many meetings had been held in England and much negotiation had taken place between shippers, ship owners and others interested in the matter with the object of arriving at an agreement as to the terms of bills of lading. Meetings and conferences had also been held with representatives of foreign countries for the purpose of obtaining, if possible, an international agreement on the point. As a consequence of these meetings the International Law Association met at The Hague, in 1921, to deal with this subject.

At this meeting there were present one hundred and forty-six representatives representing fifteen of the principal maritime nations of the world. There were representatives there of the ship owners, shippers, and all maritime shipping interests. The objective that this great committee aimed at was to draft a set of rules for use in determining shippers' and carriers' rights and responsibilities under a bill of lading such as to validate the bill of lading as a negotiable document. This objective was attained and the resulting document became known as The Hague Rules, 1921.

The principle then agreed upon was to create a set of responsibilities and liabilities on the part of the ship owners which would be a minimum below which ship owners could not contract themselves, and in the same bill of lading to establish a set of rights and immunities to the ship owners beyond which ship owners could not contract themselves.

The Rules were again discussed at a Conference in Brussels in 1922. This time there were present representatives of thirty-five maritime nations including the United States. Every interest was represented. A most extensive survey was made of the whole subject and the rules were examined in every detail and amended in but few respects. The result was an amending code called The Hague Rules 1922, evolved and unanimously adopted.

Then on January 11, 1923, a letter was addressed to the Board of Trade (London) signed by every important organization in Great Britain having to do with shipping, the ship owners, the traders, and shippers, the bankers, the underwriters, and the general commercial interests as represented by Chambers of Commerce (*h*). They urged the Government to implement its undertaking to introduce this legislation and recalled the pledge given in 1920 by the Dominions' Premiers to enact uniform shipping legislation throughout the Empire.

And so that year the Sea Carriage of Goods Act was introduced and passed in 1924, and came into effect January 1st, 1925. The Act is a short one; only six sections. It makes the Rules a schedule to the Act.

The Act is based upon a defined and simple principle.

Every bill of lading to which the Act applies, that is to say, issued in England, Scotland and Northern Ireland, must conform to the Act and include the Rules. (Section 3.)

The Rules define in one part the responsibilities and liabilities of ship owners, and they may not contract themselves out of that and still call their contract a bill of lading. (Article III.)

They then define in the next part the rights and immunities of the ship owners, and they may not by contract give themselves greater rights and immunities than are therein contained and still call their contract a bill of lading, (Article IV.)

The Act then provides that ship owners and shippers may enter into any contract they please with all the exceptions they wish, but such document shall *not* be called a bill of lading and is *not* negotiable. (Article VI.)

(*h*) Proceedings of the Committee of the House of Commons (England) on the Carriage of Goods by Sea Bill. Printed July 16, 1923.

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Therefore, in future, all consignees, brokers, dealers into whose hands these bills of lading may come, bankers who have advanced money on them, and underwriters who have insured them, know with all the certainty and exactness that the Act gives,

1. That the terms of carriage are fixed at the named minimum of responsibility and the maximum of immunity.

2. That the Bill is a standard uniform document incapable of being altered to the detriment of the holder by original parties, by rubber stamp or otherwise.

The Act has made the bill of lading a truly negotiable document. The new bills prepared pursuant to the Act are noteworthy for their brevity and simplicity compared with the older forms. A typical bill now consists of eleven short paragraphs only, with a total of 1200 words.

One of the serious criticisms levelled at the proposal to give these rules the effect of an Act of Parliament, was that they were not drawn in the language of an Act of Parliament; were described as having been drawn in "Bills of Lading English," and at one of the controversies it was alleged that Lord Justice Scrutton had severely criticized the new draft Act on the ground that it had not been drafted in the language of an Act of Parliament. Upon this criticism being drawn to the attention of Lord Justice Scrutton he replied:—"I am reported as saying that my principal objection is that the Rules were not drafted in the ordinary form of an Act of Parliament. Well, I am tempted to say 'good gracious' the idea that a Judge who has been struggling with Acts of Parliament for the last 10 years . . . . should think that the ordinary form of English Acts of Parliament is the ideal form of a business agreement . . . . I have not the slightest idea to adopt, in fact I would wish to avoid the form of the English Act of Parliament . . . . for these purposes" (*h*).

While the bill of lading under the new Act is quite different from the bill under the Water Carriage of Goods Act, the practical working out of overseas shipments and the liability of ship owners is not greatly disturbed.

(*To be continued.*)

(*h*) Proceedings of the Committee of the House of Commons (England) on the Carriage of Goods by Sea Bill. Printed July 16, 1923.

ENTERTAINMENT RISKS.

1. *Spectators as Invitees.*

A good deal of attention has evidently been paid recently to risks incident to entertainment or amusement of the public, including risks to by-standers or passers-by from the playing of games by other members of the public. A review of this particular branch of the law of tort shows distinct divergencies of opinion in the Courts as to the extent of the rights and liabilities of the various parties, and it is hoped that a careful analysis of the principles and cases may tend towards bringing order out of chaos and a more intelligent understanding of the principles involved.

For this purpose the subject will be divided into four classes. The division is really into three main classes, one of which is sub-divided into two subsidiary classes. These three classes are: (1) risks incident to the building or place to which spectators are admitted for reward to view the performance; (2) risks incident to the performance to which the public are admitted for reward as spectators or to a degree participators; and (3) risks to by-standers or passers-by other than spectators for reward incident to the participation of other members of the public in a sport or amusement. Of these three classes it is intended further to subdivide class (2) into (*a*) the risks to members of the public merely as spectators, and (*b*) the risks incident to participation by members of the public in the entertainment *e.g.*, patronage of the many amusement devices, alleged to produce a thrill, set up at all fairs or exhibitions and in amusement parks. Each class will be dealt with in a separate article.

There can be little doubt that the audience or spectators in the first class of cases, *i.e.*, where the question for consideration is the risks incident to the building or place to which the spectators are admitted for reward to view the performance, are invitees, or at least licensees with an interest, which according to *Fairman* v. *Perpetual Building Inv. Co.*, [1923] A.C. 74, is the equivalent of an invitee. Upon that hypothesis which cannot be safely challenged, the proprietor of the place of entertainment owes to the invitee a duty to take reasonable care to see that he, the invitee, is not exposed to unusual or unexpected danger of which the proprietor knows or ought to know. That was settled long ago in *Indermaur* v. *Dames* (1866), L.R. 1 C.P. 274; (1867), L.R. 2 C.P. 311. The dangers against which the proprietor must protect the invitee are dangers more or less hidden and not obvious according to Vaughan Williams, L.J., in *Lowery* v. *Walker*, [1910] 1 K.B. 173 (reversed on another point, [1911] A.C. 10) a statement of the law which has been universally accepted.

No further discussion of this point would be needed were it not for the question raised by *Francis* v. *Cockrell* (1870), L.R. 5 Q.B. 501, whether the employment by the proprietor of a competent independent contractor exonerates the proprietor from liability for the negligence of the contractor, decided by that case against any such contention on the part of the proprietor.

Grant, J.A., in his judgment in *Balne* v. *Sunnyside Amusement Co.*, [1931] O.R. 549, at p. 565, [1931] 4 D.L.R. 487, says that the textwriters are not in agreement on this point. But the well known writers on Tort seem to be fairly well agreed on the extent of the exoneration of an invitor from liability by employment of an independent contractor. Pollock, the dean of writers on Tort, says, 13th ed., p. 530:—"I can see no reason for thinking that the duty declared in *Indermaur* v. *Dames* can be escaped by delegating its performance to an independent contractor." Perhaps the disagreement mentioned by Grant, J.A., lies in the fact that Pollock alone goes as far as to suggest that where the action is purely in tort the employment without negligence of an independent contractor does not answer the duty held in *Indermaur* v. *Dames* to be cast upon a proprietor of premises in regard to an invitee.

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Salmond treats the liability in respect to an invitee for reward as being in contract not in tort, and further points out that it has never been settled whether the liability in tort towards an invitee is a positive one to keep his premises in a safe state, or a more or less negative one only to warn against dangers of which he knows or ought to know. In dealing, however, with the question of the exoneration of a person on whom a duty lies, by the employment of an independent contractor, where the independent contractor though competent is guilty of negligence, in his work on Torts, 7th ed., p. 138, he says:—

"If the duty is merely one of exercising due care, he on whom the duty is imposed does not in ordinary cases delegate his duty but actually performs it, when he employs a competent independent contractor to do the work . . . . The employer cannot be held liable, therefore, on the ground that he has delegated his duty instead of performing it personally. The only logical reason that can be given for his liability is that the law has, on considerations of public policy, established in such cases an exceptional rule of vicarious responsibility."

To this extent then Salmond's views disagree with those of Pollock. On the other hand Salmond seems to consider that the true duty of a proprietor towards an invitee is more than one of exercising due care, and is the more positive one of keeping his premises in a safe condition at his peril. In that case he probably would agree with Pollock that this positive duty, which makes the invitor an insurer against all dangers or defects except those of which he did not know, unless he ought to have known of them, is one which cannot be discharged by the employment of a competent independent contractor, but extends also to responsibility for the acts of even an independent contractor. This positive duty is not discharged by the employment of an independent contractor unless that contractor discharges the duty.

In Clerk and Lindsell on Torts, 8th ed., p. 441, the duty toward an invitee for reward is put on a higher plane than that owing to a simple invitee, and seems to be put on the basis of contract, rather than in tort. It is there said:—"To a visitor who not only comes on business but actually pays to be allowed to enter the premises the occupier owes a somewhat higher duty. In consideration of the payment the occupier is held to give an implied warranty that due care and skill have been employed in the construction or maintenance of the premises. He is not responsible for any damage arising from latent defects undiscoverable by the exercise of reasonable care and skill but he does take upon himself the liability for any damage caused by any negligence on the part of himself or any independent contractor engaged by him in the construction or maintenance of the premises."

If this were a pure question of tort, it would seem that the principle of *novus actus interveniens* and the well established rule in tort of non-liability for negligence of an independent contractor would settle the matter in favour of the invitor. But in the cases where the invitee is an invitee for reward, that is has paid for his invitation, an element of contract enters in and what is a duty to the simple invitee, becomes a warranty with regard to the invitee for reward. What is the invitor's duty to keep his premises in safe condition, becomes, where the invitee has paid for his admission, a warranty of safety and that warranty extends to all defects discoverable upon reasonable inspection and to acts of even an independent contractor. This principle is well illustrated by the carrier cases, the leading one of which is *Readhead* v. *M.R. Co.* (1869), L.R. 4 Q.B. 379. There the duty of a common carrier to his passenger is laid down. The carrier is not an insurer—a contractual liability even there—but is a warrantor—again in contract arising from the implied contract to carry safely—that his carriages, ways, stations, etc., are as free from defects as reasonable care and skill can make them.

No distinction can be drawn between the duty of a carrier who for reward invites passengers to travel upon his railway or bus, and a theatre or amusement proprietor who invites spectators to use his premises to view a performance or entertainment, unless perhaps that there is a greater inherent danger in the operations carried on by the carrier. But in that case, if anything, a greater degree of care should be required of the proprietor of the premises where a performance or entertainment is taking place, because the spectators in that case anticipate less risk. Again the duty of the carrier extends to stations, platforms, stairs and other means of access to and from the mode of carriage and to that extent the carrier's and the proprietor's duties cannot be distinguished.

A careful reading of *Francis* v. *Cockrell* (1870), L.R. 5 Q.B. 501, will show that that case is based on the implied contract between the invitor and invitee, and follows the reasoning in *Readhead* v. *M.R. Co.*, *supra*, and an earlier carrier case of *Grote* v. *Chester & Holyhead R. Co.* (1848), 2 Ex. 251, where the railway company was held liable to a passenger for the negligence of competent engineers employed by the railway company in the construction of a bridge which collapsed resulting in the injury of the plaintiff.

To digress for a moment. This distinction might be of importance in determining the liabilities of a motor vehicle owner carrying passengers for hire on the one hand and carrying gratuitous passengers on the other hand. The liability of the former being in contract would extend to defects in the vehicle discoverable on reasonable inspection, or negligence of the manufacturer; but the liability of the latter would only extend to defects of which the owner knew or ought to have known, and employment of a competent mechanic to look after the vehicle, or its purchase from a reliable manufacturer would be a complete answer.

To bring this point within the sphere of this article, take the case of a park to which the public are admitted free. The only duty of the proprietor to the public is in tort, and that duty is no higher than the ordinary duty of invitor to invitee laid down in *Indermaur* v. *Dames*. See the judgment of Middle-

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ton, J.A., in *Nickell* v. *Windsor* (1926), 59 O.L.R. 618, at p. 625, [1927] 1 D.L.R. 379. In *Blair* v. *Toronto* (1927), 32 O.W.N. 167, an action was brought against a municipality for injuries sustained by falling down a step at the entrance to a public lavatory. Riddell, J.A., there holds that the city having undertaken to provide the lavatory, though under no duty to do so, was bound to fulfil the duty towards invitees. The note of the case is not clear, but "the architects" are mentioned as having given evidence of the sill of the doorway or step being an indication or warning of the step, and it may be assumed that the city raised the defence of the employment of competent architects. But this defence if raised availed them nothing. The duty being purely in tort, this decision would place the duty towards a simple invitee on the same basis as that of an invitee for reward. The only possible conclusion then is that in all cases of invitees the law has assimilated the duty of the proprietor to a contractual liability, and, in the case of non-contractual invitees, in the words quoted from Salmond "established . . . . an exceptional rule of vicarious responsibility."

(*To be continued.*)

NOTES FROM THE PROVINCES.

ALBERTA.

C. S. Campbell, of Edmonton, was admitted to the Bar of Alberta by Mr. Justice Ewing in Supreme Court recently.

A. B. Gerein, of the firm of Fraser and Gerein, of Regina, has left for Germany to take a course in International Law and Sociology. Mr. Gerein was awarded a scholarship by the University of Muenster, Germany.

BRITISH COLUMBIA.

P. M. Kerr, Magistrate in Vancouver's Police Court since 1929, has tendered his resignation to the Attorney-General and to the City Council, in recognition of the need for economy in civic administration.

W. J. Bowser, K.C., former Premier and Attorney-General for British Columbia, will emerge from retirement to accept leadership of a coalition party in the coming provincial elections.

T. A. Chandler, who has been connected with the legal firm of McPhillips, Duncan and McPhillips, of Vancouver, for the last three years, is leaving Vancouver for Quesnel, where he will be associated with E. J. Avison.

H. F. McLeod, Supreme and County Court Registrar of Prince Rupert, is retiring.

MANITOBA.

Mr. Justice A. C. Galt, of the Court of King's Bench, is retiring, on account of ill-health. Mr. Justice Galt celebrated his eightieth birthday on Friday, March 17th.

J. S. Lamont, N. H. Layton and W. Swystun have formed a partnership under the firm name of Lamont, Layton and Swystun, with offices in the McArthur Building, Winnipeg.

NOVA SCOTIA.

V. C. MacDonald, Professor at Dalhousie University, will lecture at McGill University late in March. He will give three lectures on subjects which he teaches at Dalhousie, including Law of Torts, Bankruptcy, Sales, Agency and Partnership.

R. S. McLellan, K.C., of Sydney, has been appointed by the Provincial Government to act in their behalf in checking the Reserve Relief Report.

J. A. T. McDonald, of Sydney, and R. T. Donald, of Malpeque, P.E.I., were declared winners in the Smith Shield Competition held at Dalhousie University recently. This shield is awarded annually to the two most outstanding participants in the Dalhousie Moot Court proceedings.

E. J. Theriault, of Digby, has again been appointed Solicitor for the Town of Digby.

T. Sedgewick, of New Glasgow, has opened an office in the Stalker Building for the practice of law.

ONTARIO.

We sincerely congratulate D'Arcy Hinds on his promotion to Senior Registrar of the Supreme Court of Ontario, a promotion in which merit as well as seniority played its part. D'Arcy is familiarly known as the Poet of the Courts, and his geniality can never be fazed. We are sure that his appointment is more than popular with the Profession. His smiling countenance, that almost always hides a real Irish temper, is a perpetual ray of sunshine at Osgoode Hall to cheer the tired practitioner's weary way.

Mr. Justice A. C. Kingstone, of the Supreme Court, has been named by the Ontario Government to hold a judicial inquiry into matters pertaining to the administration of justice in the Dorland case.

W. F. O'Connor, K.C., of Toronto, has been chosen to represent the employees on the board which is to investigate the proposed twenty per cent. cut for railway employees.

The Huron County Law Association recently tendered Mr. Justice Kerwin a complimentary banquet at the Hotel Bedford, on the occasion of his first visit to Goderich to preside at the Assizes.

Mr. Justice Kelly, of the Supreme Court, was the guest of honour at a banquet tendered by the Kent Law Association recently. H. D. Smith, K.C., Crown Attorney and President of the Association, proposed a toast to the Bench, which was responded to by Mr. Justice Kelly; C. E. Beeston proposed a toast to the Bar which was responded to by D. G. Kerr, of Chatham, and Miss Saunders, of St. Thomas. P. S. Shillington, of Blenheim, was toastmaster.

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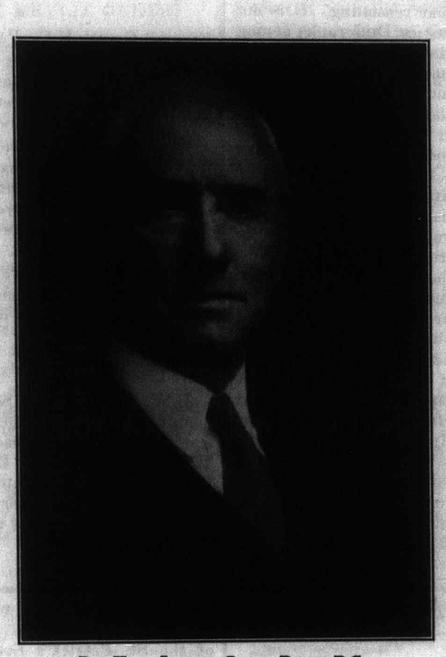
THE NEW CHIEF JUSTICE OF CANADA

RT. HON. LYMAN POORE DUFF, P.C.

It is given to few of us to know Canada from coast to coast as thoroughly as the new Chief Justice of Canada, a not unfitting qualification for the president of our highest Canadian Court. Born in Ontario, January 7th, 1865, Lyman Poore Duff, son of a clergyman, spent his early years in Nova Scotia on the Atlantic Coast, and then went to British Columbia to commence in his chosen profession a career to which each succeeding year has added its lustre. But between the extreme east of his youth and the west where he struck his stride Chief Justice Duff fitted himself for his life's work by an outstanding career in both Arts and Law at Toronto University, where he was gold medalist in both classics and mathematics.



RT. HON. LYMAN POORE DUFF, P.C.

Whether clergymen's sons necessarily make brilliant lawyers may be open to doubt, but the fact remains that the Osler family in Canada, who also had a distinguished representative in another profession, and Sir John Simon in England, like the new Chief Justice, claim the paternity of the church. His career at the Bar, although not lengthy, was marked by notable successes. In 1903 he was engaged with Edward Blake and Christopher Robinson, both names to conjure with in the annals of Canadian legal history, on the Alaska Boundary Arbitration, and proceeding to England made a name for himself as junior in that great international controversy, which after events have shown was not lost by lack of forensic ability. He had previously acted as counsel in many outstanding cases in British Columbia, and in 1904 he was elevated to the Bench of that Province as a reward of merit, probably the youngest man on whom the honour was ever conferred in Canada. However, he did not long remain in the provincial sphere of action. In less than two years he was promoted to the Supreme Court of Canada, where he has had a long and very distinguished career.

Since his appointment to the Supreme Court of Canada his work has not been confined to mere judicial service upon the Bench of that Court, though his extrajudicial services have always been given without honorarium or tangible reward. The work he performed while occupying the position of Central Appeal Judge, during the war years of 1916 to 1918, under the Military Service Act, was so extensive, exacting and onerous that it can never be fully appreciated, except possibly by those who were immediately associated with him. With him alone rested the fateful question of exemption or non-exemption from military service in those heroic days, when the Empire fought so magnificently for her life. Work—and very hard work—is with him its own reward. When, in 1918, he was finally appointed a member of His Majesty's Privy Council, a general sentiment of satisfaction was felt throughout Canada. In England, where his legal talents had long been known and appreciated, there was gratification at his appointment to the Judicial Committee. He has attended the sittings of that august tribunal on numerous occasions since his appointment and has written opinions for that body which are examples of the finest traditions in English legal literature. His judgments on cases which he hears in the Canadian Supreme Court are always carefully read by the profession and his words and opinions carry the greatest weight in any Court.

During the War he also sat on another important Commission, associated with the late Sir William Meredith, C.J.O. Among other public bodies, Chief Justice Duff is a member of the Senate of the University of Toronto and is also Chairman of the Rhodes Scholarship Selection Committee for the Province of Ontario. Another honour which he highly prizes is that of having been elected Honorary Bencher of Gray's Inn—one of the Inns of Court.

He has just completed another of his extrajudicial duties as Chairman of the Transportation Commission, a Royal Commission to enquire into, report and advise upon the Railway situation in Canada. Truly a monumental task ably done by the man probably most fitted for the task, as the detailed report full of highly constructive criticism demonstrates.

The new Chief Justice has a keenly analytical mind, as is evidenced by the lucidity and logic of his judgments. When he has felt it necessary to dissent from his brothers of the Court—and they have occasionally disagreed with him—the Privy Council on an appeal from the Supreme Court has not infrequently justified and upheld his dissent. In the opinion of the Bar of Canada there can be no doubt that he is Canada's outstanding Judge in point of legal attainment. A former Lord Chancellor once said that he would

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put Mr. Justice Duff's—as he then was—legal acumen on a par with that of either Mr. Justice Holmes or Mr. Justice Brandeis of the U.S. Supreme Court—which is high praise indeed.

Personally, the new Chief Justice has a most attractive and winning manner. Young members of the Bar, appearing for the first time before the Supreme Court in Ottawa, are at once put at ease by his sympathetic demeanour. Amongst the learning acquired in course of his thorough education is a knowledge of the higher mathematics, to which he devoted much study at university and with which he has kept closely in touch by reading almost all the eminent masters on the subject. This accounts in great measure for the orderly development of his points in writing his judgments, for logic and mathematics have much in common in the development of clear reasoning. It is not too much to say that Chief Justice Duff ranks among the very first minds in Canada on the subject of mathematics. Political economy is also a hobby with him. In some of the more important phases of this branch of thought—particularly the incidence of taxation—he has shown much research, as evidenced in his judgments, and his knowledge and extent of reading are well known.

He is intensely familiar with the biography of all outstanding men of the English-speaking world, both of the present and past generation, and his conversational powers in this respect are the subject of admiration among those with whom he is brought in contact. He is really a most voracious and catholic reader. But possibly his most endearing trait is his broad humanity. He is intensely human and charitable in the real sense of the term, and on that account there are many who love and revere him, without a thought of the side of his nature illustrated by his mental achievement. Many of his acts of kindness—perhaps most of them—are known only to the recipients.

Much to the disappointment of his friends and admirers, he has rarely appeared as a speaker, but the grace and brilliance displayed on these infrequent occasions have proved beyond doubt that he would have distinguished himself in this regard, had time and the essential inclination permitted.

LOWER CANADA JOTTINGS.

THE GRAND JURY.

Since our remarks in the March 1st issue anent the abolition of the Grand Jury, a bill has been presented at Quebec towards this end. Although the measure provides for the absolute elimination of this body from our Criminal Courts, an aggrieved citizen who has been refused a warrant by a magistrate can appeal from this decision, the only change in existing procedure being that his request is put before the petit jury. In effect, then, the new legislation adds to the burden of the petit jurors.

R. L. Calder, K.C., interviewed on the subject by the representative of a local paper, views the passing of the Grand Jury with regret, stating in his usual trenchant manner that instead of doing away with this jury, it should have its erstwhile powers restored by giving it back the right of original presentment. Whereupon, the journalist in question draws the conclusion from Mr. Calder's remarks that the Bar as a whole are against the scrapping of the Grand Jury. Although lack of space prevents us quoting a number of prominent criminal lawyers whom we interviewed, we can say on the contrary that the general opinion is opposed to that of Mr. Calder. The chief reasons given are the elimination of unnecessary procedure and a great saving to the taxpayer.

Judge Lacroix of the Court of Sessions, a champion of the new measure, sums the situation up as follows:—"I certainly cannot see the necessity of a Grand Jury to-day. Perhaps it might have had its use 30 or 40 years ago, when there were fewer Judges, and it was necessary to call in the people to help out. There are sufficient Judges to handle things to-day, and surely a Judge trained to making decisions is competent to make them."

* * *

EUGENE GODIN, K.C., PASSES.

In the death this week of Eugene Godin, K.C., head of the firm of Godin, Dussault, Cadotte & Lafontaine, the French-Canadian section of the Bar lost one of its most distinguished representatives.

Born in Three Rivers in 1864, the son of J. H. C. Godin, the late Mr. Godin received his preliminary education at Three Rivers Seminary, then proceeded to Laval University, Montreal. He was admitted to the Bar in 1888 and was honoured by being made King's Counsel in 1910.

During the Great War, Mr. Godin was appointed Registrar for the Province of Quebec in Conscription matters, fulfilling the difficult duties of that office with distinction.

* * *

NEW LEGAL FIRM.

J. W. Weldon, K.C., Solicitor for the City of Westmount, formerly practicing alone, has become associated with the firm headed by A. C. Casgrain, K.C. The new firm is now known as Casgrain, Weldon, Demers & Lynch-Staunton. Prior to his elevation to the Bench of the Superior Court, Hon. Mr. Justice Errol McDougall was a member of this firm.

* * *

ST. PATRICK'S DAY.

Bench and Bar were well represented in the various recent functions held to celebrate the birthday of Ireland's Patron Saint. At the 99th annual dinner of the St. Patrick's Society of Montreal the guest speakers were Mr. Justice Frank Curran and Mr. Justice J. C. Walsh of the Superior Court, both of whom ably upheld the tradition that a true Irishman's speech should be replete with wit. J. P. Callaghan, of the Bar of Montreal, President of St. Patrick's Society, was in the Chair.

Irish members of the Bar to the number of twenty-five also participated in the annual parade on Sunday, March 19th.

* * *

INSTALMENT BUYING.

General satisfaction, particularly amongst lawyers, was experienced when it was announced that the Robert Taschereau bill, designed to permit a landlord to seize all moveables on the leased premises, whether paid for or not, had received short shrift at the hands of the Quebec Legislators. Surprisingly enough, support for the measure came from the Council of the Bar of Montreal, represented by A. Blain, K.C. It was Mr. Blain's contention that the article in the Civil Code exempting goods sold on credit from seizure by the landlord was not in harmony with the principles of the code—a rather vague and general statement, if we may be permitted to say so.

Opponents of the bill, and there were many, included L. Garneau, K.C., representing numerous Montreal commercial firms, J. G. Ahearn, K.C., on behalf of all machinery companies, and R. Messier, Secretary of the Quebec Board of the Canadian Retail Merchants' Association. These enemies of the bill and others argued that the restriction of instalment buying would affect business adversely, and at the same time fail to protect the landlord as intended. The Legislators agreed.

FRANK DEVLIN GENEST.

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OF A NAME.

Of that great legal tribe, whose legal genius is made manifest in many members in our own day and generation, was Thomas Chitty the Great, born in 1802, who began to practice as a special pleader at the age of nineteen, and trained in his pupil-room innumerable lawyers of note. His chambers were at 1, King's Bench Walk, and amongst those who there learned the art of pleading were Lord Cairns, Lord O'Hagan, Chief Justice Whiteside, Willes, J., Quain, J., Lord Herschell, Sir James Hannen, Sir A. L. Smith, and Mathew, L.J. Not a bad record, with three Lord Chancellors—two of England and one of Ireland—a Chief Justice of Ireland, a President of the Probate Division, a Master of the Rolls, a Lord Justice, and two puisne Judges. One of his sons, T. E. Chitty, was joint-editor of the fifth and sixth editions of *Smith's Leading Cases*, and was father of Sir T. Willes Chitty. The younger brother of T. E., known to the legal world as Chitty, J., and Chitty, L.J., stroked the Oxford boat in his undergraduate days.

And Thomas Chitty the Great was not the first Chitty to acquire legal fame. His father was Joseph Chitty the elder, born in 1776, and who died in 1841. He was the author of *Chitty on Bills of Exchange*, and his eldest son, Joseph, wrote *Chitty on Contracts*. Joseph the Elder and Charles Lamb were great friends, and Lamb was in the habit of referring to his friend's pupils as "Chitterlings."

—*English Law Journal.*

PUBLISHER'S NOTE: Mr. R. M. Willes Chitty, Editor of *The Fortnightly Law Journal*, is the son of the late Sir T. Willes Chitty, and the great, great grandson of Joseph Chitty the elder.

"I will assert the freedom of an Englishman; I will maintain the dignity of man. I will vindicate and glory in the principles which raised this country to her present eminence among the nations of the earth."

—ERSKINE, *Defence of Horne Tooke.*

FORENSIC FABLES.

THE LEARNED YOUTH, UNCLE ROBERT AND THE CONSULTATION.

Are Virtue and Industry always Rewarded? They are not. A Learned Youth was Once Entrusted with a Difficult Matter. The Solicitor Instructing him was his Uncle Robert. The Learned Youth Gave his Whole Mind to the Problems Laid before him, and Advised, at length, as to (1) the Cause of Action (if any); (2) the Party or Parties to be Sued; (3) the Possibility of Enforcing a Judgment in the Union of Socialist Soviet Republics; (4) whether the Writ could be Served out of the Jurisdiction; and (5) Generally. Later on the Learned Youth Prepared a Statement of Claim of a very Imposing Character. On the Eve of the Trial a Consultation Took Place in the Chambers of the Great Man who was to Lead the Learned Youth. The Lay Client, Uncle Robert, and Everybody Else Attended.

When the Great Man Opened the Ball by Announcing that in his Opinion the Action was Entirely Misconceived, Uncle Robert Exhibited Symptoms of Incipient Cerebral Hæmorrhage.

Was Uncle Robert Consoled when the Great Man, after Listening Attentively to a Dissertation from the Learned Youth, Humbly Admitted that the Learned Youth had been Perfectly Right throughout? No. Even after Judgment had been Recovered, with Costs, Uncle Robert Continued to Think and Speak of the Learned Youth as the Idiot who had Nearly Let him Down.

Moral.—*Relations are Readily Strained.* O.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 194)

PUBLIC ARCHIVES
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NOTER-UP FOR HALSBURY'S LAWS OF ENGLAND AND THE ENGLISH AND EMPIRE DIGEST.

BANKERS AND BANKING.

Banker and Customer—Cheques—Signatures forged by customer's wife—Ratification and estoppel—Loss of right of action owing to death of forger.—GREENWOOD (Pauper) v. MARTINS BANK, LTD. (74 L. Jo. 78).

The House of Lords, in affirming the decision of the Court of Appeal in this case (see 72 L. Jo. 424) *held that all the elements essential to estoppel were present, and there being no contract between the respondents and the appellant's wife as the holder of a bill of exchange by presenting it for payment to warrant its genuineness, the appellant was liable for his wife's tort.*

As to estoppel with respect to cheques: See HALSBURY (2nd ed.), Vol. 1, para. 1360; DIGEST, Vol. 3, p. 230.

HUSBAND AND WIFE.

Summary Jurisdiction—Separation Agreement—Husband's Covenants Fulfilled—Wife's Summons—Wilful Neglect to Maintain—Agreement no Bar.—MATTHEWS v. MATTHEWS (74 L. Jo. 25).

Under a separation agreement a husband agreed to establish his wife in a business and to pay a certain sum by instalments, which he had done. The wife agreed to make no further claim on the husband for maintenance. The wife's business failed and she took out a summons for maintenance. Held that the agreement did not exclude the jurisdiction to make an order. Such agreements must be considered so as to arrive at their evidential value.

As to grounds for wife's application: See HALSBURY, Vol. 16, para. 1213; Supplement for 1932, *ibid.* p. 87; DIGEST, Vol. 27, p. 557.

APPOINTMENTS, ANNOUNCEMENTS.

RT. HON. L. P. DUFF.

The announcement has been made of the appointment of Rt. Hon. Lyman P. Duff, Judge of the Supreme Court of Canada, as Chief Justice of Canada. Mr. Justice Duff succeeds the late Chief Justice F. A. Anglin.

NEW SUPREME COURT OF CANADA JUDGE.

The appointment of Frank J. Hughes, K.C., of Toronto, as a Puisne Judge of the Supreme Court of Canada has been announced. Mr. Hughes succeeds to the vacancy caused by the promotion of Mr. Justice Duff.

NEW SUPREME COURT OF ONTARIO JUDGE.

Eric Armour, K.C., of Toronto, has been appointed a Judge of the Supreme Court of Ontario. Mr. Armour replaces Mr. Justice G. H. Sedgewick, who resigned from the Supreme Court Bench to become Chairman of the Tariff Board.

MR. JUSTICE G. F. GIBSONE.

Mr. Justice G. F. Gibsone, of the Superior Court of Quebec, has been appointed Chairman of the Conciliation Board which will investigate the wage dispute between the railways and their employees.

NEW MANITOBA JUDGE.

Announcement of the appointment of Fawcett G. Taylor, K.C., of Portage La Prairie, as a Judge of the Supreme Court of Manitoba has been made. Mr. Taylor is leader of the Conservative party in Manitoba.

NEW CROWN ATTORNEY FOR TORONTO.

Announcement of the appointment of J. W. McFadden, K.C., of Toronto, as Crown Attorney for Toronto and the County of York has been made. Mr. McFadden, who has been Assistant Crown Attorney for some years, succeeds Eric Armour, K.C., who has been elevated to the Ontario Supreme Court.

OBITUARY.

We regret very much to announce the following deaths amongst members of the profession:

E. H. Godin, K.C., of Montreal.

The death occurred at Montreal on Sunday, March 19th, of Eugene H. Godin, K.C. He was head of the Montreal firm of Godin, Dussault, Cadotte and Lafontaine. Mr. Godin, who was Military Service Registrar for the Province during the Great War, was sixty-eight years of age.

W. E. Gundy, of Windsor, Ont.

Suddenly, on Monday, March 20th, at his home in Windsor, Ont., the death occurred of William E. Gundy. The death of Mr. Gundy, a former Police Magistrate, occurred on the sixty-sixth anniversary of his birthday.

J. A. Hudon, of Quebec.

The death occurred at the St. Sacrament Hospital, on Sunday, March 12th, of J. A. Hudon, of Quebec. Mr. Hudon, who was acting Assistant Attorney-General of Quebec, was in his fifty-eighth year.

A. C. McMaster, K.C., of Toronto.

Arthur C. McMaster, K.C., of Toronto, died suddenly at his home on Sunday, March 26th. Mr. McMaster, who was senior member of the legal firm of McMaster, Montgomery, Fleury & Company, was in his sixty-sixth year.

K. Munro, of Port Arthur, Ont.

Suddenly, on Tuesday, March 14th, the death occurred of Keith Munro, of Port Arthur, Ont. Mr. Munro, who was Registrar of the High Court of Justice and Clerk of the Peace at Port Arthur, was forty-five years of age.

M. A. Secord, K.C., of Galt, Ont.

Suddenly, on Tuesday, March 14th, the death occurred of Melvin A. Secord, of Galt, Ont. Mr. Secord was sixty-two years of age.

W. V. M. Shaver, of Hamilton, Ont.

W. Victor M. Shaver, of Hamilton, Ont., died very suddenly on Thursday, March 16th. Mr. Shaver was forty-eight years of age.

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PRACTICAL POINTS.

Under this heading replies are given in brief form to questions of law and practice submitted by holders of Annual Subscriptions. Questions submitted should be as brief as the circumstances will allow; the reply will be in similar form. Questions should be typewritten—the name and address of the subscriber being stated.

This exceptional and far reaching service is available free to all annual subscribers.

Enquiries should be addressed to The Fortnightly Law Journal, 226 Bay St., Toronto 2, Ont.

1.—Chose in Action.—*Assignment—Two choses in action—Assignment of only one—Implication.*

QUESTION (Man.):

A. is the vendor in an agreement for the sale of land.

By vendor's assignment A. assigns to B. all his right, title and interest in the said agreement, and by such assignment A. covenants that in case of default by the purchaser, he will pay to the assignee any sum or sums so in default.

By further assignment, B. assigns to C. all his right, title and interest in the said agreement, but does not covenant that he will pay in case of default. The prior assignment is not referred to except by way of recital.

The purchaser makes default, and the question arises: Can C. or his assigns take action against A. on A.'s covenant in the first assignment that he will pay in case of default? In other words, does A.'s covenant to this effect pass by subsequent assignment without words expressly so stating? Has A. a good defence to such an action upon his covenant?

ANSWER:

B. had two choses in action which he could assign: (1) his rights under the agreement, (2) A.'s guarantee of payment of the purchase price. The assignment given to C. included (1) but not (2). The only case in point is *Rygus* v. *Zawitkowski*, [1928] 1 D.L.R. 521, 1 W.W.R. 332, 22 S.L.R. 305, E. & E. Dig. Supp. No. 7, Vol. 35, p. 6, case sb.

2.—Conflict of Laws.—*Foreign divorce—Validity—Domicil—Evidence.*

QUESTION (Ont.):

A. and B., husband and wife, separated about thirty-five years ago. A few years later A. lived and was domiciled in one of the American States and obtained a decree of divorce. Papers and divorce proceedings not personally served on B. B. has sued C. and question of the validity of the divorce is in issue. Is not divorce valid in Ontario? Is there any way that validity of divorce can be established without bringing expert witness from State where divorce granted or taking evidence on commission? Both of these courses would involve considerable expense which it is desired to avoid if possible. Please refer us to any authorities applicable.

ANSWER:

It seems doubtful whether our Courts would recognize this divorce, as B. was not personally served: Rayden and Mortimer on Divorce, 3rd ed., p. 442, para. 23. Otherwise a divorce valid according to the law of domicile at the time of divorce is valid here: Rayden *op cit.*, p. 441, paras. 21-2. As to proof of the judgment itself, it would seem sufficient to prove the signature of the Judge and the seal of the Court, the onus would then be on the other side to show the foreign law impugning the validity of that judgment: 6 Hals., 2nd ed., pp. 334, 341.

3.—Distress.—*Husband and wife—Exemptions.*

QUESTION (Ont.):

Husband and wife live together upon the premises of which the husband is tenant. Distress for rent is made and included in the distress are certain chattels claimed to be the property of the wife. The husband's claim to the statutory exemptions is satisfied. The wife now makes claim to her property under seizure as exempt. Is the wife entitled to any of the exemptions?

ANSWER:

Under s. 30(1) of the Landlord and Tenant Act the landlord can distrain on the goods of both husband and wife. Under ss. 29 and 30(1) there would only be one set of exemptions. See also ss. 32-3.

4.—Dower.—*Detention—Forum—Damages.*

QUESTION (Ont.):

A. owned certain lands which he conveyed to B., who conveyed to C. At time of conveyance to B., A.'s wife did not join in conveyance to B. A. is now dead and widow is suing C. for her dower. Action brought in Supreme Court. Value of dower if claim upheld only about $200. Should not action have been brought in County Court? As well as claiming dower widow claims damages for detention of dower. Must she not fail in respect of this claim in view of fact that husband did not die seized of the lands? Please favour us with any authorities applicable.

ANSWER:

The widow's action is the same as for recovery of land and if the amount of the dower is less than $500 a County Court action is the proper remedy: County Court Act, R.S.O. 1927, c. 91, s. 19 (*e*); Holmested's Judicature Act, 4th ed., p. 394. No damages are recoverable unless husband dies seised: Holmested *op cit.*, p. 11 and *ibid.*

5.—Guarantee.—*Unlimited in amount—Validity—Certainty.*

QUESTION (Ont.):

A company by agreement under seal appointed S. as sales representative of their products and agreed to sell to him at wholesale prices "such goods reasonably required by him for sale." In consideration of the execution of that agreement by the company, three sureties A., B. and C. "jointly, severally and unconditionally promise, agree and guarantee to pay for such goods."

Is such contract of guarantee or surety void for uncertainty? Can A., B. and C. escape liability on the guarantee contract because their liability is not ascertained or limited or fixed to a sum certain?

The only case we have been able to find on this point is in 26 E. & E. Dig., p. 12, s. 18, *Johnson* v. *Morgan*. Citation of other and more modern cases would be appreciated.

ANSWER:

An unlimited guarantee was held good in *Wood* v. *Benson* (1831), 2 Cr. & J. 94 (26 E. & E. Dig., p. 19, case 83); *Re Duncan, Ex p. Littlejohn* (1843), 3 Mont. D. & De G. 182 (26 E. & E. Dig., p. 20, case 96); *Thackwell* v. *Gardiner* (1851), 5 De G. & Sm. 58 (26 E. & E. Dig., p. 21, case 102); *Broom* v. *Batchelor* (1856), 1 H. & N. 255 (26 E. & E. Dig., p. 21, case 103). In *Westhead* v. *Sproson* (1861), 6 H. & N. 728 (26 E. & E. Dig., p. 13, case 20), a similar guarantee was held unenforceable, but only on the ground that there was not there, as there is in your case, a binding contract by the principal creditor to supply goods to the principal debtor. An unlimited guarantee is no more and no less uncertain or certain than a limited guarantee as the amount of liability is only in either case determinable by the ascertainment of the principal liability. Guarantee is a collateral or accessory contract and therefore the rule as to certainty cannot apply until the liability thereon is crystallized. The moment therefore the liability of the debtor is ascertained the liability of the guarantor becomes certain and *id certum est quod certum reddi potest.*

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6.—Landlord and Tenant.—*Preferential lien—Bulk sale.*

QUESTION (Ont.):

In the event of a sale in bulk under the Bulk Sales Act of Ontario, is the landlord entitled to priority for rent to the extent of three months immediately preceding the date of the sale?

The Bulk Sales Act, not being insolvency or bankrupt legislation, the writer is of the opinion that a landlord has no right to priority for rent for any period and must rank as an ordinary creditor and be paid *pro rata* with the other creditors.

ANSWER:

Yes: *Wilkinson* v. *French* (1931), 40 O.W.N. 573. Were it not for this judgment one would be inclined to agree with your contention.

7.—Negligence.—*Defective premises—Collapse of grating—Invitee—Duty of proprietor.*

QUESTION (Ont.):

A. owns a large store heated by hot air with a large register set in the floor of the main aisle. While shopping in A.'s store, B., a lady customer of average weight, steps on the register and it breaks causing an injury to B.'s leg. Is A. liable in a damage action brought by B., and if so, to what extent? Kindly quote authorities.

ANSWER:

B. is an invitee and A. owes her a duty to have his premises reasonably safe: *Indermaur* v. *Dames* (1866), L.R. 1 C.P. 274; (1867), L.R. 2 C.P. 311 (36 E. & E. Dig., pp. 35-6, case 208). The fact that the grating gave way under her weight demonstrates that *prima facie* the premises were not reasonably safe. But the onus is still on B. to show that this was a danger of which he knew or ought to have known, *i.e.*, B. would have to prove that the cause of the collapse was something that A. might have ascertained by reasonable inspection. If that is shown and A. cannot then show reasonable inspection or no negligence A. is liable to B.

8.—Partnership.—*Dissolution—Sale—Right of partner to bid.*

QUESTION (Ont.):

Upon the dissolution of the partnership and in connection with the winding up of the partnership business, the business is advertised for sale as a going concern. There is no provision for a reserve bid in the notice for sale. Is it possible for one of the partners to buy in the business, or, inasmuch as he having been a co-owner of the business, is he subject to the same restrictions as the vendor of goods at an ordinary auction sale?

ANSWER:

A partner can only bid at the sale of the assets if given leave to do so by the Court: 22 Hals., p. 103. See also *Livingston* v. *Livingston* (1914), 32 O.L.R. 440 (36 E. & E. Dig., p. 520, case 0).

9.—Sale of Goods.—*Bulk sale—Trustee — Distribution — Business tax—Priority.*

QUESTION (Ont.):

Where a retail business is being disposed of under the Bulk Sales Act, does a business tax owing to the municipality rank as a preferred claim? Under the Act distribution is to be made as under the Assignments and Preferences Act. The point is dealt with in a note in 1 C.E.D., p. 540. The inference would appear to be that under the Bankruptcy Act a business tax is not a preferred claim, but that it is a preferred claim under the Bulk Sales Act. Is that inference correct?

ANSWER:

The Assessment Act was amended subsequent to *Re Cecilian* (1922), 51 O.L.R. 649 (E. & E. Dig. Supp. 7, title Bankruptcy, p. 27, case c iii), so that case is now no longer good law and the note in 1 C.E.D., p. 540, is equally overruled. See *Re Can. Hart Products* (1927), 60 O.L.R. 219; *Re Can. Preserving Co.* (1928), 33 O.W.N. 434. The real question in your case is whether a trustee under the Bulk Sales Act is a trustee within the phrase "any trustee or authorized trustee in bankruptcy" in s. 112 (11). The master has held that phrase to mean no more than "any trustee in bankruptcy:" *Re P. W. Ellis Co. Ltd.* (1929), 36 O.W.N. 202. That interpretation gives no effect to the wording of the Act, and the *ejusdem generis* rule would not, if it applied, preclude a trustee under the Bulk Sales Act from being within the section. The argument against the correctness of the *Ellis* case and in favour of a preference under s. 112 (11) for business tax is very weighty.

10.—Statutes.—*Amendment—Effect—Customs Act.*

QUESTION (P.E.I.):

On October 30th, 1932, about eight miles off P.E. Island, a motor boat was seized by the Customs authorities. The boat contained 181 cases of illicit alcohol and was registered in Canada.

Section 151 (7) of the Customs Act as amended in 1928 provided as follows:—"For the purposes of this Section and Section 207 of this Act 'Territorial Waters of Canada' shall mean the waters forming part of the territory of the Dominion of Canada and the waters adjacent to the Dominion within three marine miles thereof, in the case of any vessel, and within twelve marine miles thereof, in the case of any vessel registered in Canada."

The Statutes of 1931 amended s. 151 (7) as follows:—"5 (1). Subsection seven of section 151 of the said Act, as enacted by Chapter one of Chapter 16 of the Statutes of 1928, is repealed, and the following is substituted therefor:—

"(7) For the purposes of this section and section 207 of this Act, 'Territorial Waters of Canada' shall mean the waters forming part of the territory of the Dominion of Canada and the waters adjacent to the Dominion within three marine miles thereof, in the case of any vessel, and within twelve marine miles thereof, in the case of any vessel registered in Canada, or any other vessel which is owned by any person domiciled in Canada.

"(2) This section shall come into force on a day to be fixed by proclamation of the Governor in Council published in the Canada Gazette."

This Act was assented to on August 3rd, 1931, and the proclamation was issued November 1st, 1932, two days after the seizure of the vessel.

Now my difficulty lies in the interpretation of the 1931 amendment. Was subsection 7 of s. 151 repealed on August 3rd, 1931, or on November 1st, 1932? Was s. 151 (7) as amended in 1928 in force on October 30th, 1932, or did the law as to territorial waters stand on October 30th, 1932, is it did before the amendment in 1928, *i.e.*, that the international limit of three miles only applied? I do not know whether the quotation marks as they appear in the 1931 amendments have any bearing on the question of interpretation, but I have put them exactly as they appear in the Act.

I would very much like to know the history behind these legislative amendments and am writing the Customs Department for their reasons. I don't know whether the decision of the Privy Council in *Dunphy* v. *Croft* was in the minds of the Department or not.

ANSWER:

There is not much doubt how a Court would construe s. 5 of 1931, amending s-s. (7). "Section" in s. 5 (2) clearly refers to s. 5. The numbering of the subsections as (1) and (2) clearly shows that, and "section" is not an appropriate designation of the new s-s. (7). Therefor, s. 5 of 1931, does not come into force except as provided, and that includes the repeal of the old s-s. (7). Again, if the above is not correct, the new s-s. (7) is only really an amendment of the old, and the Court might, if driven to it, say that the unamended part of the subsection was never repealed. Either way s-s. (7) as it affects you, *i.e.*, as enacted by 1928, c. 16, was in force at the crucial date.

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MR. JUSTICE F. J. HUGHES

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SATURDAY, APRIL 15th, 1933

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FORTNIGHTLY NOTES.

We are happy to extend our congratulations to F. G. Taylor, K.C., on his appointment to be Judge of the King's Bench of Manitoba, and to the Bar of Manitoba on the excellent choice of Col. Taylor to succeed Galt, J., who has retired. Mr. Justice Taylor is a native of Manitoba and has long been connected with the legal and political life of the Province. He has also a distinguished overseas record, winning the D.S.O. in 1917, and being also mentioned in dispatches later in that year. He has been thirty-three years at the Bar and thirteen years in the Manitoba legislature, eleven of them as leader of the Conservative Party. But his activities in the political sphere did not prevent Col. Taylor from carrying on active practice of the law, and he has established an enviable reputation as a lawyer, which leads us confidently to expect that the King's Bench, the trial division of the Manitoba Courts, will be strengthened by his appointment. Galt, J., whom Taylor, J., succeeds, had a long and distinguished career upon the Bench, and we are sure that the Profession in Manitoba will feel many regrets at his retirement. He has, however, left behind him an imperishable record of sound judgments, and though his voice will no longer be heard in judgment in the Courts, citations of his words in judgment will supply its missing place.

MR. JUSTICE TAYLOR.

* * *

A point upon which it seems to us the Bankruptcy Act has fallen down is illustrated by *Re Buck, Mather v. C.C.M.T.A.*, post p. 305. The question there was whether a creditor was a secured creditor under the Act and so could be compelled to value his security. The decision was that though the creditor was in fact secured, he could not be compelled to value his security because that security was not security upon the estate of the debtor. It has always seemed to us that under similar circumstances some protection should be given to the unsecured creditors by compelling the secured creditor to resort first to the securities not held on the estate of the bankrupt, before coming in and ranking upon the estate of the bankrupt ahead of the unsecured creditors who have no other resort, and who often see a secured creditor paid in full by first absorbing the whole of the debtor's estate and then resorting to his collateral security. The banks are the worst offenders in this respect. They are in a position to protect themselves in a manner that trade creditors cannot. Perhaps it is right that it should be so, because they must protect their depositors' money, but there is no reason why they should not be made to resort to their securities in the opposite order and so preserve as much as possible for the unsecured creditors. The law in the doctrine of marshalling recognizes this situation as between secured creditors, one of whom has two securities to resort to, and the other only one of those securities. There seems to be little reason for not extending some principle analogous to this doctrine to the case we have visualized.

SECURED CREDITORS IN BANKRUPTCY.

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The question of ownership of chattels is very often one of difficulty, especially in the case of husband and wife. One of the well recognized rules in solving this riddle of ownership is illustrated by *Jardine* v. *Callbeck*, post p. 304. There certain goods had been seized under execution, and the wife of the execution debtor claimed them, backing her claim by showing that the land upon which the goods were found belonged to her. Upon proof of ownership of the land the wife claimed the benefit of the presumption of her ownership of the chattels seized. This seems to be a well recognized principle. There is certainly a presumption of possession arising from such circumstances and possession is certainly with regard to chattels *prima facie* proof of ownership—title can often not be proved any other way—it would seem that the presumption of ownership must follow the presumption of possession. This question of ownership and possession of chattels is in a transition stage at the present time. Much more attention is being devoted to it than was the case even a century ago. Modern business conditions have brought into being such Acts as the Sale of Goods Acts, the Bills of Sale and Chattel Mortgages Acts, and the Conditional Sales Acts. These, it seems to us, are but milestones on the road of progress in the general law of Personal Property. What the ultimate goal is, it is impossible to say. But even though much has been done to clarify this situation, it is quite safe to say that there is a great deal more to do before that goal is reached.

OWNERSHIP OF CHATTELS.

* * *

When divorce jurisdiction was given to the Ontario Courts the rule makers set to work to see that no collusive divorces should be granted. They therefore ruled that no judgment should be entered upon admissions, as is possible in ordinary cases. This raised in *Elliott* v. *Elliott*, post p. 304, the interesting question whether admissions made in an examination for discovery constituted admissions such as were intended by the rule. This case decides that they do not. This seems reasonable. The admissions intended were admissions made in pleadings and admissions made upon oath are in a different category. The Courts cannot put themselves in the anomalous position of saying that anybody who admits adultery when under oath *prima facie* commits perjury. As the Court points out the rule in question is one of practice not of evidence. Adultery must be proved in some way by evidence under oath, that is all the rule intends, and the mode of such proof, or out of whose mouth it shall be proved is not within the scope of the rule.

ADMISSIONS IN DIVORCE ACTIONS.

* * *

Another interesting point in that case is the question whether a witness not having been warned that he or she was not bound under the statute to answer questions as to having committed adultery, such evidence was inadmissible as privileged. The Court held that the privilege must be claimed to be effective, but adds a rider that the witness should be warned. This seems to be a common sense rule. Occasionally, however, a more complicated situation arises for which we have never found an authoritative answer. A witness is asked to disclose a privileged communication, *e.g.*, between solicitor and client. The witness is willing to answer, but the person for whose benefit the privilege was largely established, *e.g.*, the client, objects. Ordinarily the privilege must be claimed by the witness. But in these circumstances the witness does not wish to do so—though perhaps his conduct is open to censure—and the question is whether the other party to the privilege can claim it and so prevent the witness from answering. A solicitor disclosing such a communication against his client's wishes or instructions would be guilty of unprofessional conduct no doubt, but that scarcely affects the admissibility of his evidence. If he is unscrupulous his erstwhile client may be seriously injured by his disclosure. It would seem therefore that the client ought to be able to claim the privilege.

WITNESSES' PRIVILEGE.

* * *

Some little time ago one of the students at Osgoode Hall wrote a letter to the students' newspaper, criticizing the Law Society for lowering the standard of admission to the school, his attitude being that the traditions of the Profession should be upheld, and lowering the standard of admission was obviously detrimental to any such object. To that letter a local lawyer replied through the local press. The student proponent put forward the idealistic point of view, the graduate opponent the materialistic side. We have intended to give some extended comment on this controversy, but pressure of time and space have prevented us from doing so. We have not abandoned that project, but cannot yet definitely promise when it will be carried into execution. We must say, however, that coldly impartial discussion is impossible. We cannot regard the law as a business, and we favour naturally the idealist attitude. We do suggest however that the proper remedy for all these troubles—at the risk of destroying your interest before the threatened article appears—is the severance of the two professions here combined under the one designation of lawyer. This split we believe is bound to come and the sooner the better.

LEGAL EDUCATION: STANDARD OF ADMISSION.

* * *

Last year we pointed out that we considered the moratorium legislation in Ontario was founded on a wrong principle, and this year when that legislature was threatening an extension of the moratorium both in point of scope as well as time, we pointed out the probable conflict with constitutional principles. The legislature has brought down and passed its extending statute which scarcely lived up to its advance notices, and only one voice seems to have been raised in opposition in the house. We think that that opposition deserves thankful recognition by the Profession, and while we could not reprint the speech in full, we have given you a resumé thereof. As we go to press, however, we notice that another bill has been introduced into the legislature for the prevention of forfeiture of any equity of redemption without payment made therefor. This bill seems to be even more vicious in effect than that sponsored by the Government.

MORATORIUM LEGISLATION.

R.M.W.C.

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RECENT CANADIAN CASES

SUPREME COURT OF CANADA.

Rinfret, J., In Chambers.

BURT BUSINESS FORMS LTD. v. JOHNSON, [1933] S.C.R. 128.

Practice—*Appeal—Supreme Court—From Exchequer Court—No amount in controversy—Rights—Value—Appeal without leave.*

In this case the appellant desired to appeal from a judgment of the Exchequer Court in which no actual amount was in controversy, but in which patent claims worth, according to affidavits filed, in excess of $500 were involved. The motion was made under s. 83 of the Exchequer Court Act, R.S.C. 1927, c. 34. Rinfret, J., after referring to *Burnett* v. *Hutchins Car Roofing Co.* (1917), 54 S.C.R. 610; *Borrowman* v. *Permutit Co.*, [1925] S.C.R. 685; (1926), 43 R.P.C. 356; *Sun Life Ass'ce Co.* v. *Superintendent of Insurance*, [1930] S.C.R. 612, [1931] 4 D.L.R. 43, concluded that the appeal was competent without leave under s. 82 of the Act. Accordingly the learned Judge doubted his right to give leave under s. 83, where an appeal lay without leave under s. 82. He therefore notified the parties of this opinion and allowed the appellant to appeal in the ordinary way under s. 82, holding this motion meanwhile before him without expressing any opinion on whether it was a proper case for the granting of leave under s. 83. If the full Court disagreed with his opinion as to the competency of the appeal without leave under s. 82, the motion could be renewed by either party on notice.

Counsel for the Appellant: H. Gérin-Lajoie, K.C., of Montreal.

Counsel for the Respondent: O. M. Biggar, K.C., of Ottawa.

ALBERTA.

SUPREME COURT.

Simmons, C.J.T.D.

DEADY v. BRUNER & ADAMS, [1933] 1 W.W.R. 398.

Specific Performance—*Part of contract only—Provision for personal services—Indivisibility.*

The parties entered into a contract whereby the plaintiff entered the employ of the defendants at a certain salary and under certain circumstances was to receive an interest in the business. After two years' service the defendants dismissed the plaintiff and he brought this action for the interest in the business promised him, but not for wrongful dismissal.

Simmons, C.J., held that the contract was indivisible and that "a contract which included a provision for personal services to be rendered which is not divisible or separable from the other terms of the contract is one for which specific performance cannot be obtained." *Ogden* v. *Fossick* (1862), 4 De G.F. & J. 426, 32 L.J. Ch. 73 (42 E. & E. Dig., p. 430, case 32), followed.

Counsel for the Plaintiff: E. A. Dunbar, K.C., of Calgary.

Counsel for the Defendants: I. W. McArdle, of Calgary.

BRITISH COLUMBIA.

SUPREME COURT.

Fisher, J.

HAINES v. WILLIAMS, [1933] 1 W.W.R. 478.

Motor Vehicles—*Right of way—When not applicable—Stopping at through street.*

This case appears to be a further step in clarifying the rights and duties of the motor car driver on the left at a street intersection. It had been held previously on different occasions that in order to displace the statutory right-of-way belonging to the driver on the right, the driver on the left must have made a substantial entry into the intersection. In the present case the learned trial Judge makes it clear that the onus of proof is primarily upon the driver to the left, and that he must have made a reasonable as well as a substantial prior entry into the intersection.

Briefly the facts were that Haines came to a stop-sign at the entrance to a through street. He proceeded across the intersection going at 5-6 miles per hour and when he was almost across the intersection he was struck by the Williams car coming from the right about 25 miles per hour. The Haines car travelled 55 feet from the stop sign to the point of impact while the Williams car was at least 220 feet away from the point of impact when the Haines car started out from the stop sign. It appeared that the Haines car did not come to a complete stop at the stop sign.

With respect to the duty imposed upon the driver to the left, Mr. Justice Fisher said:—"He must show that he reached the intersecting street substantially ahead of the one having the right of way and that the way appeared to be clear, or in other words he must show, as suggested by Martin, J.A., in *Kennedy Lbr. Co. Ltd.* v. *Porter*, [1932] 1 W.W.R. 230 (Sask.), (E. & E. Dig. Supp. No. 8, tit. Street & Aerial Traffic, p. 22, case c v), that he had made a reasonable as well as a substantial prior entry upon the crossing of the intersection . . . ."

With respect to the duty of Haines to bring his car to a complete stop his Lordship said:—"I think that a driver, who has ceased to go forward long enough for him to make, and has made, the necessary observations as to all the then existing relevant circumstances, on the 'through highway' and elsewhere around him, has come to a 'full stop' according to the requirements of the by-law wh' still leaves open the question as to his right to proceed, be determined according to the then existing circumstances. I am satisfied Haines stopped long enough to make, and also did make, the necessary observations. I therefore find as a fact that Haines came to a 'full stop' at the stop sign."

After considering other phases of the case, the learned trial Judge held Williams two-thirds at fault and Haines one-third.

Counsel for the Plaintiff: H. S. Wood, K.C., and H. I. Bird, both of Vancouver.

Counsel for the Defendant: F. K. Collins and C. J. S. Farrand, both of Vancouver.

BRITISH COLUMBIA.

SUPREME COURT.

Murphy, J.

CORKILL v. VANCOUVER RECREATION PARKS LTD., [1933] 1 W.W.R. 413.

Husband and Wife—*Husband's action—Loss of servitium and consortium.*

A point which is sometimes overlooked by legal practitioners came up for consideration in the above case. A husband and wife sued for damages for injury to the wife. The wife claimed special damages as well as general damages, and the husband claimed damages for loss of *servitium and consortium.*

The defendant disputed its liability to the husband for his loss of his wife's society and companionship, though it admitted the husband could recover damages for the loss of his wife's services as housekeeper.

Murphy, J., quoted with approval the law set out in Salmond on Torts, 7th ed., p. 513, as follows:—"It is a tort actionable at the suit of a husband to take away, imprison or do physical harm to his wife if the act is wrongful as against the wife and the husband is thereby deprived of her society or services. A husband has a right as against third parties to the *consortium et servitium* of his wife, just as a master has a similar right to the *servitium* of his servant. Any tortious act, therefore, committed against the wife is actionable at the suit of her husband, if he can prove that he was thereby deprived for any period of her society or services."

The wife was in a highly nervous condition as a result of the accident and the trial Judge allowed $200 for loss of *consortium.*

Counsel for the Plaintiffs: J. O. Gill, of Vancouver.

Counsel for the Defendant: A. Bull, K.C., of Vancouver.

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ONTARIO.

SUPREME COURT.

Logie, J.

ELLIOTT v. ELLIOTT, [1933] O.R. 206.

Husband and Wife—*Divorce—Admissions—Examination for discovery—Privilege.*

Two questions were raised in this case, first whether admissions in examination of the defendants for discovery were admissions within the meaning of Divorce Rule 14, and secondly whether those admissions, if not within that rule, were excluded under s. 7 of the Evidence Act, R.S.O. 1927, c. 107, as amended by 1932 (Ont.), c. 53, s. 11, whereby a witness is not liable to be asked or compellable to answer any question tending to show that the witness has been guilty of adultery, unless the witness has previously given evidence in disproof of adultery. The learned Judge dealing with the first point held that Rule 14 was not a rule of evidence. The admissions covered by Divorce Rule 14 were those dealt with by Rule 142 as well as admissions by Counsel at the trial. Therefore admissions in an examination for discovery were not such as were intended to be excluded as grounds for judgment by Rule 14. As to the second point, the learned Judge held that the privilege was the witness's privilege and unless claimed by the witness, the evidence whether given at the trial or on discovery was admissible. As a matter of practice the trial Judge should inform the witness of the privilege and on examination for discovery counsel should also do so. Decree *nisi* for the plaintiff accordingly.

Counsel for the Plaintiff: **H. D. McNair.**

No one contra.

ONTARIO.

SUPREME COURT.

Rose, C.J.

MORRICE v. MORRICE, [1933] O.W.N. 180.

Husband and Wife—*Divorce—Evidence—Condonation—Corroboration.*

In this case the plaintiff gave evidence of non-access in support of his allegation that there had been no condonation of the acts of adultery charged. This evidence was not corroborated. Rose, C.J., said that he reserved judgment because he was not certain whether there was a rule against accepting such evidence without corroboration. But on examination of the authorities on the point he concluded that there was no such rule. As therefore he felt no doubt as to the fact of adultery he gave judgment for the plaintiff for a decree *nisi.*

Counsel for the Plaintiff: **G. M. Dodman** and **W. B. Beardall,** both of Chatham.

Counsel for the Defendants: **J. P. Moore, K.C.,** of London.

PRINCE EDWARD ISLAND.

SUPREME COURT.

Saunders, J.

JARDINE v. CALLBECK, March 22nd, 1933.

Execution—*Claim by owner of lands where goods seized—Wife of debtor—Onus.*

The sheriff of Queen's County having seized under an execution of this Court issued at the suit of the execution creditor and having received the claim of Margaret Callbeck, the wife of the judgment debtor, applied to this Court for an interpleader order.

The claimant having consented to have the matter disposed of summarily was called upon to prove her title to the goods she had claimed, but evidence having been submitted by her that she owned the land and premises on which the goods were seized by the sheriff, it was submitted by her counsel that the onus was then thrown on the execution creditor to prove that the judgment debtor owned the goods seized.

Saunders, J.: "I agree with this proposition. Under our Married Woman's Property Act, a married woman can hold property as freely as if she were a *femme sole* and it being proven that the claimant owns the lands on which the goods were seized, it must be presumed that she is in apparent possession of the goods and the burden must be on the execution creditor to prove that the goods actually belong to the judgment debtor."

Counsel for the Execution Creditor: **M. M. Bell,** of Summerside, and **M. McKinnon,** of Charlottetown.

Counsel for the Claimant: **N. W. Lowther,** of Charlottetown.

Counsel for the Sheriff: **J. A. McDonald, K.C.,** of Charlottetown.

SASKATCHEWAN.

COURT OF APPEAL.

Haultain, C.J.S.
Martin, J.A.
Mackenzie, J.A.

RE MACDONALD, [1933] 1 W.W.R. 421.

Executors and Administrators—*Solicitor-executor—Remuneration.*

The question raised by this appeal was the proper remuneration to be allowed to a solicitor-executor under the terms of the Trustee Act. Section 76 provides that where a solicitor is a personal representative and has rendered necessary professional services to the estate, regard may be had in fixing his allowance to that circumstance and the allowance shall be increased by such an amount as may be deemed fair and reasonable.

The administration of the estate here had extended over some 16 years. At death, the estate was valued at $116,761.00. Receipts totalled $178,537.00 and disbursements $166,766.00. The estate consisted of farm and urban properties, life insurance, judgments, stocks, and monies in hand. Most of the work had been done by the solicitor, including the supervision of a business and apartment block for 6 years, and due largely to the fact that the other three executors resided at widely separated points he had during the course of administration written some 4,300 letters. There had also been litigation and trouble with some of the farm property, the burden of looking after which the solicitor had largely assumed.

In respect of the litigation, the passing of accounts and the taxation of costs, the solicitor was allowed by the taxing master a total of $4,444.75. The question on this appeal was the remuneration to the executors and its apportionment. The Court, taking the above circumstances into account, fixed $16,000 as the proper amount, less the sum of $1,562.28 which had been taxed by the solicitor in respect of general administration. Of this sum, the solicitor was allowed $12,000 (less the $1,562.28) as a fair allowance under s. 76, the Court approving the test laid down by Teetzel, J., in *Re Toronto General Trusts & Central Ontario Ry. Co.* (1906), 6 O.W.R. 350.

Counsel for the Solicitor: **P. H. Gordon, K.C.,** of Regina.

Counsel for the other Executors: **W. P. Cumming,** of Regina.

Counsel for the Beneficiaries: **J. L. McDougall,** of Regina.

SASKATCHEWAN.

COURT OF KING'S BENCH.

Taylor, J.

CULVER v. CULVER, [1933] 1 W.W.R. 435.

Infants—*Adoption—Custody—Divorce of adopting parents—Domicil of infant.*

A number of interesting points of private international law came up in this motion by the plaintiff, the husband, for an order for the custody of a child following a decree *nisi* in a divorce suit.

The complicating factor was that the child was an adopted one, the principals to this suit having some years previously secured an adoption order from the District Court of Calgary. At that time the child was domiciled in Alberta, while the adopting parents were domiciled in Saskatchewan and at once brought the child here.

In these circumstances, the learned Judge felt impelled "to the conclusion that in these proceedings no decision can be given effectually determining the nature of the relationship between the alleged adopting parents who alone are before the Court and the adopted child". It was pointed out that to make an order for custody now would conclude the question of relationship and yet the principal parties herein might later have children in which event serious questions of relationship and succession relative to this

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child might arise. This was particularly the case since both the Alberta and Saskatchewan Acts relating to Adoption were directed "towards putting an adopted child in the status of a child of wedded parents," the adopted child having "the good fortune to have the right to inherit from its adopted parents as well as from its natural parents." The situation was therefore strikingly analogous to that which arose in *Bednall* v. *Bednall,* [1927] P. 225 (E. & E. Dig. Supp. No. 8, tit. Husband & Wife, p. 40, case 5871 a), and *Green* v. *Green,* [1929] P. 101 (E. & E. Dig. Supp. No. 8, tit. Husband & Wife, p. 40, case 5871 b).

The learned Judge also made these comments on the position generally: "Does the domicile of an adopted child follow that of the adopting father? Has the Court in one province the right to make an order for adoption the effect of which will be to change the domicile of the child affected by the order from that province to another? . . . . . The question must arise in such cases as this case, as it has to be determined in divorce proceedings, as to the jurisdiction of the provincial Court to make adoption orders. I would infer from the reasons for judgment of Chief Justice Haultain in the *Burnfiel Case,* [1926] 1 W.W.R. 657 (E. & E. Dig. Supp. No. 8, tit. Descent and Distribution, p. 2, case ai), that in his opinion an order for adoption can effectually be made only in the Court of the country in which both the adopting parents and the adopted child are domiciled at the time of the order."

However, exercising the general jurisdiction of the Court over the guardianship of infants, the learned Judge made an order herein as from the circumstances seemed expedient.

Counsel for the Plaintiff: **E. G. Jones,** of Hodgeville.

SASKATCHEWAN.

COURT OF KING'S BENCH.

Maclean, J.

RE BUCK, MATHER v. C.C.M.T.A., March 11th, 1933.

Bankruptcy—*Secured creditor—Debtor guarantor—Security on principal debtor's property.*

The appellant was a creditor of the debtor Buck, and the respondent is the trustee of Buck's estate. The respondent disallowed the appellant's claim, on the ground that the appellant refused to value certain security held by him. The question to be determined was whether the security held by the appellant makes him a secured creditor under s. 2 (ii) of the Bankruptcy Act.

In April, 1929, Buck by an agreement for sale in writing, agreed to sell to Miller Bros. certain land, to be paid for in instalments. Buck was the registered owner. In June, 1929, Buck assigned his interest in the land and the moneys owing under the agreement to the appellant, who is now the registered owner of that land. With the assignment and transfer there passed to the appellant the vendor's lien: *Brandon* v. *Dale,* [1930] 1 W.W.R. 277, at p. 280.

Buck guaranteed payment by Miller Bros. Miller Bros. defaulted and the appellant demanded payment. The agreement contains the usual acceleration clause. The demand by the appellant was made on Buck prior to Buck's bankruptcy. Buck as surety or guarantor for Miller Bros. then became debtor to the appellant.

The appellant held as security title to the land and a vendor's lien thereon, also Miller Bros'. covenant to pay. There was no evidence that Buck's transaction with the appellant was in the nature of the borrowing of money and securing repayment by transferring the land and assigning the Miller Bros'. debt as security.

If Buck were to pay the appellant he could demand reassignment of the agreement and re-conveyance of the land, but not until he has paid in full. But that right was a right accruing to Buck as surety for Miller Bros., not as a debtor to the appellant. Reference to *Dixon* v. *Steel,* 70 L.J. Ch. 794 (26 E. & E. Dig., p. 108, case 754), and *South* v. *Bloxham,* 34 L.J. Ch. 369 (26 E. & E. Dig., p. 118, case 838).

These cases might appear at first to be contradictory, but when each was interpreted according to the facts of the case, it was beyond dispute that a surety had certain rights in respect to securities held by the creditor. These rights were discussed very fully in *Merchants Bank* v. *McKay,* 15 S.C.R. 672 (26 E. & E. Dig., p. 184, case t), and in *Trust & Loan Co.* v. *Wurtele,* 35 S.C.R. 663. Although the transaction in the latter case was governed by the provisions of the Quebec Civil Code, still there was no substantial difference between the law applicable there and the law applicable in this Province. The surety always had the right to require that the creditor shall not negligently dissipate the securities. He had the right to have any moneys realized on the securities applied in reduction of his contingent liability. And he might have the right to be completely released as decided in the *Wurtele* case. But these rights did not vest and there was no judicial authority showing any right which vests in the surety any property in the securities.

The facts in *Re Hallet & Co., Ex p. Cocks, Biddulph & Co.,* [1894] 2 Q.B. 256 (26 E. & E. Dig., pp. 100 and 101, case 693), although somewhat different, were sufficiently analogous to the facts here, that that decision could be safely taken as a guide. The securities held by the appellant were not in any sense a mortgage charge or lien privilege on any part of Buck's property.

The respondent was therefore in error in requiring the appellant to value the security and in error in disallowing his claim. Judgment for the plaintiff with costs.

Counsel for the Appellant: **F. H. McLorg, K.C.,** of Saskatoon.

Counsel for the Respondent: **A. Moxon, K.C.,** of Saskatoon.

NOTER-UP FOR HALSBURY'S LAWS OF ENGLAND AND THE ENGLISH AND EMPIRE DIGEST.

NEGLIGENCE.

Negligence—Injury to Infant—Infant in charge of Grandfather—Contributory Negligence of Grandfather—Doctrine of Identification.—OLIVER v. BIRMINGHAM AND MIDLAND MOTOR OMNIBUS CO., LTD. (74 L. Jo. 80).

Where an infant in charge of his grandfather was injured by the defendant's omnibus and the jury found that the grandfather was guilty of contributory negligence, a Divisional Court held that the doctrine of identification was no longer part of the law of the land and the infant was entitled to recover damages notwithstanding the negligence of his grandfather.

As to negligence of person in control of child: See HALSBURY, Vol. 21, para. 767; DIGEST, Vol. 36, p. 72.

SHIPPING AND NAVIGATION.

Shipping—Necessaries supplied by Ship's Agents—Authority to pay Freight to Ship's Agents—Equitable Assignment of Freight—Practice—Joining of Assignors as Plaintiffs.—THE ZIGURDS (No. 3) (74 L. Jo. 61).

Where in pursuance of a verbal agreement to assign freight the master, with the consent of the managing owner of a steamship, signs an authority to pay the freight to shipping agents who have supplied necessaries this document is an equitable assignment. The Court can dispense with the joining of the assignor as plaintiff if satisfied there is no fraud or harsh treatment at the hands of the assignee.

As to assignment of freight: See HALSBURY, Vol. 26, para. 413; Supplement for 1932, *ibid.* p. 45; DIGEST, Vol. 41, p. 638.

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CONTRACTS FOR THE CARRIAGE OF GOODS BY SEA

By F. G. T. Lucas, K.C., of Vancouver.

(*Continued from p.* 292.)

The principal handicaps we are still under in Canada compared with other Dominions engaged in overseas Empire trade are lack of uniformity, insecurity in interpretation of documents, with the consequent difficulty in obtaining banking and underwriting facilities, as well as endless difficulty in tendering documents in C.I.F. contracts, and in determining legal rights thereunder.

There are, of course, numerous essential differences between the new bills and the old. I will cite four by way of example.

1. Seaworthiness—By the new Act the absolute warranty of seaworthiness of the vessel is abrogated, and in its place there is an obligation to use due diligence to make the ship seaworthy. (Section 2.) The Canadian Act provides that a clause which absolves the ship owner from using due diligence to make and keep the ship seaworthy shall be null and void. The Harter Act is similarly worded but uses the word "make" only, not the phrase "make and keep."

2. Negligence—The rules have drawn a fairly well defined line of demarcation which never existed before—the shipper now having to stand the risks ordinarily associated with the perils of the sea; the ship owner now having to take proper care of the cargo is liable only if by careless handling, stowage, etc., the cargo is damaged or lost. (Article IV.)

This rule came before the Court in the case of *Gosse Millard* v. *Canadian Government Merchant Marine* (*i*), and substantially that case has settled the interpretation to be placed upon the phrase "in the management of the ship," as follows—that if the act complained of be done in relation to the ship as a ship, even although it should also affect the cargo, then such act is deemed to be an act done in the management of the ship, and the ship owner receives the benefit of the Rule and is therefore protected from liability. If, on the other hand, the act complained of is an act done in relation to the cargo on board, then even though it might also affect the ship it is deemed not to be an act in the management of the ship and therefore the Rule does not apply and the ship owner receives no protection. This division of responsibility should tend to simplify the problem of division of risk for the purpose of insurance.

3. The benefit of insurance clause is declared to be a clause relieving the ship owner and therefore null and void, and so that ridiculous situation is disposed of for good where the new Act is in force.

4. The juggling with the deviation clauses has been effectively stopped. Article IV, s. 2 (*l*), exempts the ship from liability for loss arising from "saving or attempting to save life or property at sea," and Article IV, s. 4, prescribes that "any reasonable deviation shall not be deemed to be an infringement or breach of these Rules or of the contract of carriage." This clause was criticized as being so indefinite as to cause great difficulty.

Already, however, it has been judicially interpreted and settled in the case of *Stag Line Limited* v. *Foscolo* (*j*) which went to the House of Lords after passing McKinnon, J., as trial Judge, and in the Court of Appeal, Scrutton, L.J., Greer, L.J., and Slesser, L.J., and in the House of Lords where it was heard by a Court consisting of Lord Buckmaster, Lord Warrington of Clyffe, Lord Atkin, Lord Russell of Killowen and Lord Macmillan.

A ship had left Swansea destined to Constantinople, and going down the Bristol Channel deviated to St. Ives on the North Coast of Cornwall to disembark an engineer who had remained on board for the purpose of testing a newly installed superheater. On leaving St. Ives the ship continued down the coast and ran on Vyneck Rock and was lost. It was contended by the ship owner that this was a reasonable deviation within the meaning of the Rule, but it was held to be unreasonable and the ship owner was held liable.

The judgments are long and it is not possible to do justice to them in this brief reference. Suffice it to say that they have laid down a code for the interpretation of this clause which is definite and will undoubtedly govern the practice. Lord Atkin says (p. 340):—

"This case assumes importance because it involves a question of construction of the Carriage of Goods by Sea Act, 1924 . . . . The position in law seems to be that—The plaintiffs are *prima facie* entitled to say that the goods were not carried safely: The defendants are then *prima facie* entitled on the exception of loss by perils of the sea: and the plaintiffs are *prima facie* entitled to rely upon a deviation and a deviation must be authorized by the charterparty or the Act and an unauthorized deviation displaces the Act. I am satisfied the general principles of English law are still applicable to the carriage of goods by sea except as modified by the Act."

The new Bill is now law in Great Britain and everywhere throughout the British Dominion, except Canada. We are still working along with the old Water Carriage of Goods Act, 1910.

Now it might be thought that the British ship owners who seemingly were hardest hit by this legislation would have been objecting to it. On the contrary, they were amongst its strongest advocates.

When the Bill was before the committee of the House of Commons all interests concerned appeared by their representatives to give evidence supporting its approval and adoption, shipping interests were represented as also were banking interests, underwriting interests, and the interests of general traders as represented by the Chambers of Commerce and Boards of Trade, and a resume of the list of witnesses would lead one to believe that he was reading Who's Who of the important commercial interests of Great Britain in that year. The opinion of all interests concerned in support of the Bill was substantially unanimous.

(*i*) *Gosse Millard* v. *Canadian Govt. Merchant Marine*, [1929] A.C. 223 (see 41 E. & E. Dig., p. 434, case 2721).

(*j*) *Stag Line Ltd.* v. *Foscolo*, [1932] A.C. 328 (E. & E. Dig. Supp. No. 8, tit. Shipping, p. 13, case 3162 a).

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A Bill was introduced into Congress to implement the action of the U.S. delegates to the Brussels Convention in 1922. There it received the unanimous support of the ship owning and banking interests and the underwriters, and was opposed only by certain of the shipping interests. It died on the order paper of that year, and has never been re-introduced (*l*).

The only reason for delay in Canada that has been officially made known is that the government was waiting to see what steps the U.S. government would first take in this direction; and this because of a suggested possibility that previous action on our part might result in diversion of traffic from Canadian to U.S. ports.

There is no such possibility on the Pacific coast ports, and I am advised there is no different situation on the Atlantic. This attitude would seem therefore to imply a lack of understanding of the situation.

In any event we were one of the instigators of the movement for uniform legislation within the Empire—an enormous amount of work has been done; a splendid result has been accomplished. The experience of the best shipping lines since its adoption in 1925 has been most favourable. The rest of the Empire now has this new short concise Bill which I have referred to. We in Canada still have the antiquated forms which we have always had.

If what I have been saying seems to some of you to be a far away subject, and one of but secondary concern to all but those living on the Atlantic or Pacific seaboards, I wish you could see Vancouver Harbour every morning as I do from my office window, one, two, three great ships in from the sea that were not there the afternoon before.

I wish you could have been with me the day the Australian Cricket Team played in the early summer on the Brockton Point ground in Stanley Park. These grounds are on the shores of the 1st Narrows, the entrance to the Vancouver Harbour. During the course of the play that afternoon, no less than seven great liners passed one after the other into the harbour of Vancouver from all the world or out to sea.

For here the trade routes of the Pacific are converging. Through this port is being handled the seaborne commerce of Western Canada. One cannot live in this atmosphere without coming to realize the all-important need to do everything that human ingenuity can contrive to make and keep easy and safe Canada's trade upon the seas.

(*l*) Proceedings in the Committee on the Merchant Marine and Fisheries. House of Representatives (U.S.A.) February 13, 1923.

ENTERTAINMENT RISKS.

(*Continued from p.* 294.)

(2) *Performance Risks.*

(*a*) *To Spectators.*

In this, as in the previous class discussed, the relationship of spectator and proprietor is that of invitee and invitor, and the liability is evidently a contractual one arising out of the implied contract for which the payment of an admission fee is the consideration. The sole question of importance and of paramount importance is the extent and scope of the term of the contract to be implied.

Writers have attempted to apply the rule of *volenti non fit injuria* to spectators risks, stating that the spectator assumes the risks naturally incident to the degree of danger attaching to the particular performance that he goes to watch. But it must be obvious that such a rule of tort can not be applied to an obligation arising out of contract, albeit an implied contract. What is mistaken for the *volenti* rule is the relaxation of the rigour of the implied term of the contract as to the safety of the spectator proportionately to the varying quality of the danger inherent in the performance to be witnessed. That this point is not clearly understood by even the Courts is demonstrated by the fact that the phraseology of the judgments continually lapses into terms familiar to tort and not apt to describe liabilities arising out of contract. But since *Hall* v. *Brooklands*, [1933] 1 K.B. 205, which will be discussed later, it can no longer be doubted that the liability we are discussing here is one arising out of contract, just as much as the liability crystallized in *Readhead* v. *M.R. Co.* (1869), L.R. 4 Q.B. 379 (8 E. & E. Dig., p. 71, case 480), the leading common carrier case mentioned in the first part of this article.

The earliest case we have found on this subject is *Welsh* v. *Canterbury* (1894), 10 T.L.R. 478 (42 E. & E. Dig., p. 909, case 55). There a spectator had been injured by a chair dropped by Blondin the famous tightrope walker. Two points are of interest in that case which is very briefly reported. First, the defence of contributory negligence was raised, based on the fact that the injured spectator sat under the rope. Mathew, J., in answer to that said "were not the chairs placed under the rope by the defendants, and is not that an invitation to the public to sit there?" Secondly, in giving judgment for the plaintiff the learned Judge said there was clearly an implied contract that spectators should be safe.

In view of the later cases we cannot help feeling that this case was wrongly decided. The principles of course are correct, first that the plaintiff was an invitee and secondly that the duty of the proprietor to the invitee is measured by the implied term of the contract of admission warranting the safety of the premises. But as will appear from the later discussion the warranty does not seem to extend to negligence of the performers unless such negligence can be imputed to the proprietor or is negligence for which he is responsible.

In *Cox* v. *Coulson*, [1916] 2 K.B. 177 (42 E. & E. Dig., p. 909, case 53), the next case to be considered, *Welsh* v. *Canterbury*, *supra*, is considered in the argument, both sides citing it. The plaintiff's counsel argued that that case was authority for the proposi-

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tion that the defendant may be held liable for the acts of a person who is not his servant, and that Blondin was not the proprietor's servant, for the latter pleaded Blondin's negligence. We cannot help feeling however that the Court which decided *Cox* v. *Coulson*, would not have decided *Welsh* v. *Canterbury* in the manner that it was decided, except perhaps on the ground that the danger in *Welsh* v. *Canterbury* was more patent to the proprietor than that in *Cox* v. *Coulson*.

In *Cox* v. *Coulson*, the spectator paid for a seat to watch a performance put on by a travelling company. Although the gross takings were divided between the proprietor and the manager of the travelling company the Court expressly held that there was no partnership. During the performance one of the actors discharged a pistol loaded with blank cartridge. Unfortunately, however, a cartridge of a smaller size was in the barrel of the pistol and as the pistol was pointed towards the audience this smaller cartridge was fired out and struck the plaintiff. At the trial the liability of the defendant was placed upon the analogy of the warranty implied in the case of *Parnaby* v. *Lancaster Canal Co.* (1839), 11 Ad. & El. 223, at p. 230 (36 E. & E. Dig., p. 43, case 261), approved by the House of Lords in *Mersey Docks Trustees* v. *Gibbs* (1866), L.R. 1 H.L. 93 (36 E. & E. Dig., p. 19, case 85). That warranty implied in a contract between a canal user who paid rates for that use and the company that operated the canal imposed under the common law a duty—again that curious mixing tort and contract—on the company not, perhaps, to repair the canal, or absolutely to free it from obstructions, but to take reasonable care so long as it kept it open for the use of all that might navigate it that they might navigate it without damage to their lives and property. This is much the same duty held in *Hastings* v. *Clinton*, [1924] S.C.R. 195 (26 E. & E. Dig., p. 576, case a), to be imposed upon a municipality in the maintenance and repair of a highway. This warranty the Court of Appeal held was too wide and sent the case back for a new trial. Swinfen-Eady, L.J., says:—"If there are incidents in a play which are intrinsically dangerous unless carefully performed, especially if they involve the use of firearms, and which the manager knew or ought to have known of, then, in my opinion, it is an implied term of the contract between the playgoer and the other contracting party that such contracting party will use reasonable care and diligence to see that such incidents are performed without risk to the playgoer. He is not, however, under liability for any accident which he could not have prevented by the exercise of reasonable care or supervision, but which happens through some carelessness or want of skill on the part of a member of the company. He does not warrant that there shall be no such negligence or want of skill." Pickford and Bankes, L.JJ., expressed their views in different language but with the same tenor.

This means, if we interpret it right, that the proprietor's contract is not that of insurer that nothing dangerous shall occur, but a warranty that no danger shall occur which might have been prevented by the exercise of reasonable care and supervision. And as Pickford, L.J., points out the greater the danger intrinsic in the performance the greater the care and supervision necessary to come within the term reasonable.

Without referring to *Welsh* v. *Canterbury*, 10 T.L.R. 478 (42 E. & E. Dig., p. 909, case 55); Bankes, L.J., says speaking of the case of a tightrope walker performing on a rope over the audience:—"In such a case the provision of a net under the rope to protect the audience in case the performer fell seems so obvious a precaution to take that in the absence of it the premises could not be said to be reasonably safe." That *obiter* prompted our assumption of the ground on which the Court in *Cox* v. *Coulson*, [1916] 2 K.B. 177 (42 E. & E. Dig., p. 909, case 53), passed over *Welsh* v. *Canterbury* without comment.

The next case in this class is *Hall* v. *Brooklands*, [1933] 1 K.B. 205. In that case two cars racing down the finishing straight at Brooklands, at over 100 m.p.h. collided, and one of them was thrown through the air a distance of over twenty feet and fell among the spectators, killing some and seriously injuring others, among them the plaintiff. In the Court of Appeal the judgment for the plaintiff was set aside and the action dismissed. Scrutton, L.J., says that two questions arise (1) the duty of the proprietor who takes money from a spectator for the privilege of viewing the races, and (2) whether the defendant in this case had discharged the duty.

After carefully considering the authorities which he finds are not clear on the point, he holds that considering the positions of motors and motor racing at the present time it is not a failure to use reasonable care not to inform spectators of a motor race of the risks attendant upon running cars at speeds of 100 m.p.h., especially when on the facts it was shown that in twenty-three years no car had ever reached a spectator watching a race at that track. Also no car during that period had broken through the railing and therefore it was not a want of reasonable care not to have strengthened that railing against a danger which had not occurred in twenty-three years.

Incidentally the evidence showed that the car was thrown over the railing and strengthening that railing would not have been effective.

Greer, L.J., holds that it is clear law that there is no absolute warranty that the premises are safe, only that reasonable care and skill have been used to make them safe. Both parties must intend that the person paying for his licence to see a cricket match or a race takes upon himself the risk of unlikely or improbable accident provided the proprietor has not neglected to take the usual precautions. The contract between the proprietor and spectator must be judged by what any reasonable member of the public must have intended should be the term of the contract. The learned Lord Justice adds a further implied term to the contract beyond the implied warranty of safety, that the spectator agrees to take the risk of the kind of accident that happened in this case, an accident not to be reasonably anticipated by the proprietor.

Slesser, L.J., agrees that the liability is in contract, and despite *obiter* to the contrary higher than where the liability arises purely in tort. He then bases his opinion of the non-liability of the defendant on the ground that this accident was not a danger of which the defendant ought to have known. In other words

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not having happened before it was not of a nature that ought to have been anticipated and so guarded against—if indeed it could have been guarded against.

Finally in this class of invitees for reward we come to *Pidington* v. *Hastings* (1932), The Times Newspaper, March 12th, p. 4 (E. & E. Dig., Supp. No. 8, tit. Negligence, p. 3, case 243 b). There a polo pony in a game jumped the low board surrounding the field and ran among the spectators. A lady spectator was injured, her thumb being broken. She sued the secretary of the club, a member of the committee, and the polo player. As to the first two defendants, the Lord Chief Justice dismissed the action, partly on technical grounds that the action was brought against them as representatives of the club, which could not be done since the club was a company, partly on the substantial ground that there was no evidence of liability on the part of the club. His Lordship also thought there was no evidence of liability on the part of the committee, and dismissed the action against the defendants as representatives of that body. Against the polo player the action proceeded, but the jury acquitted him of all blame. Juries do not give reasons, but the plain reason in this case is that the plaintiff as a term of her contract assumed the risk of this unusual accident. In *Hall* v. *Brooklands*, Scrutton, L.J., mentions *Pidington* v. *Hastings*, *supra*, and finds the result in accordance with his reasoning in the former case.

The consideration of this class would not be complete without a word about *Cleghorn* v. *Oldham* (1927), 43 T.L.R. 465 (36 E. & E. Dig., pp. 15-16, case 60). The difference in that case was that no question of invitor and invitee was concerned. The plaintiff was a spectator on a golf course carrying the defendant's clubs. The defendant struck the plaintiff on the head whilst swinging a club. The jury found the defendant negligent, and negatived the defence of *volens*. Swift, J., giving judgment for the plaintiff on this verdict held there was no reason to excuse the defendant because the accident occurred in course of recreation and that the plaintiff, not having assumed the risk of such an accident, was entitled to recover.

That case was purely one of negligence. But as it concerns spectators it must be included in this part of the article. Perhaps it would fall more appropriately in the next part dealing with spectators as participants. The question however was one that might have been settled either way, and it fitted better with the scheme of things to include it in this part.

(*To be continued.*)

MORATORIUM LEGISLATION

We have written on this subject before and may be forced to again. This time, however, we do not wish to write in disapproval, but in commendation of the lone voice raised in the Ontario legislature against the bill which as we write has received its third reading. It needed a good deal of political courage for W. Heighington, sitting on the government side of the house, to be the lone opponent of this government measure, paraded by that government with much advance propaganda as a panacea for all the ills of the depression. We cannot reprint Mr. Heighington's speech in full, space will not permit. But after pointing out that mortgages are one of the oldest and most essential forms of dealing in property, and part of the bed rock of our economic structure, he goes on to criticize this interference with interest as well as principal collections as a novel departure from normal legislative functions. He shows that England never enacted any such legislation even in times far more stringent than those we are passing through now. This he follows by quotations from the press showing that this legislation is of the vote catching type. Further, he demonstrates that this is not the time for the destruction of security and confidence which is the only effect this legislation can produce. Then he sums up his criticism of the bill and these counts of his indictment are so succinctly put that we quote them in full:—

"1. It discriminates between one class of creditor and another—depriving some of lawful remedies, and setting up unjust preferences for others.

"2. It removes some of the operating profit of trust funds, fraternal benefit organizations, loan and trust corporations, and a large part of those of life insurance companies, tending to bring prejudicial results to these ventures and to many investors of all classes.

"3 It delays any revival of the building trade.

"4 In an attempt to preserve the equity of the debtor, it may destroy the equitable rights of the creditor. Where equities are equal the law prevails. This may even remove the remedy at law.

"5. In so far as it withholds the use of our Courts to enforce just rights it may result in the withdrawal of investment funds from Ontario and loss of credit and good standing of this Province in the eyes of the world.

"6. By penalizing the unfortunate debtor with the expenses of presenting his rights to the Court, and causing further loss to the creditor by payment of his expenses in protecting his investment, it drags both parties to the contract into further debt and difficulty. It places the burden of relief in particular cases on the shoulders of an individual rather than the taxpayers as a whole.

"7. It is in possible conflict with the provisions of the B.N.A. Act which leave the subject of "interest" exclusively to the Dominion Parliament. Not even "property and civil rights" within the Province can permit the Province to do indirectly that what it is not permitted to do directly.

"8. For that which is ascertained and simple in our economic system, it substitutes that which is complicated and discouraging resulting in loss of confidence.

"9. It delegates to the county Judges the duties and responsibilities vested in and which should be exercisable by the legislature alone.

"10. In the balance of convenience, the greatest good to the greatest number, it is conclusively shown that the number who will be benefited is overwhelmingly outnumbered by those who will lose by it—in some cases the very basis of their livelihood."

The bill itself as brought down has been much emasculated since its advance notice was heralded with much pomp and ceremony. But even in its present from it can only prolong this economic disturbance.

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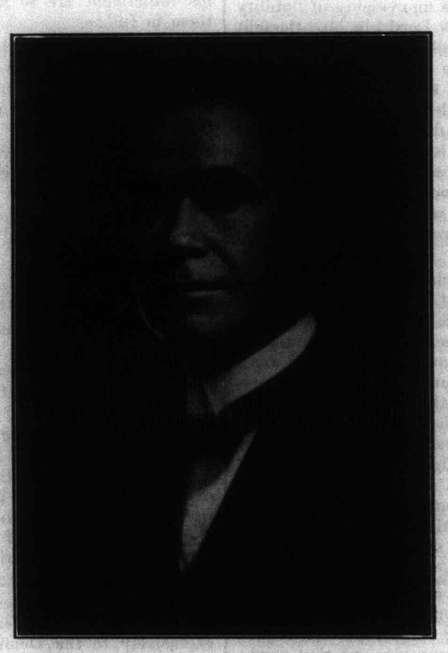
SUPREME COURT OF CANADA JUDGES

THE HONOURABLE FRANK JOSEPH HUGHES

When the Government of Canada had decided to appoint Frank Joseph Hughes, K.C., of the Toronto Bar, to the Bench of the Supreme Court of Canada, there was something peculiarly fitting that St. Patrick's Day should have been selected as the date of the Order-in-Council, having in mind the strong Irish background of the new Judge. On March 17th, 1933, he was gazetted, coincident with the elevation of the Right Honourable Lyman Poore Duff to the position of Chief Justice of Canada, consequent upon the death of the former incumbent of the latter position, the late Right Honourable Francis Alexander Anglin. Since the establishment of Canada's highest legal tribunal in 1876, thirty-one Judges have been appointed to its roster. In the great majority of cases these have been drawn from the membership of the various Provincial Courts. In two instances a Deputy Minister of Justice has been promoted to this Court. In four other cases, members of the Cabinet of the day have been translated to fill vacancies in its ranks. In the past thirty years there has been but one practising barrister called to Canada's Court of last resort. He was the Honourable Pierre Basile Mignault, a Member of the Montreal Bar, now retired from the Court but still practising as counsel at the age of seventy-nine. It was therefore a mark of distinction for Mr. Hughes to be selected to be the second appointee from the active ranks of the profession in three decades. His call came at the age of forty-nine and there have been but three younger appointees in the last forty years of the Courts' existence. The present Chief Justice was but forty-one when he was elevated from the Supreme Court of British Columbia; the late Mr. Justice Wallace Nesbitt, who retired after three years' service, and the present Mr. Justice Rinfret were each forty-five years of age when called to the Bench of our highest Court.



THE HONOURABLE FRANK JOSEPH HUGHES.

Like the present Minister of Justice, Mr. Hughes is a native of the County of Wellington, Ontario, which has produced many eminent men in all walks of life, including the judiciary (Mr. Justice Nicol Jeffrey is one of the latter). One of the most notable native sons "outside the law" was James Jerome Hill—commonly known as "Jim" Hill—perhaps the greatest railroad builder in the history of America. Then there was Edward Johnson, internationally known singer; Arthur Cutten, intrepid wheat operator of Chicago; and last, but not least, the late Colonel John McCrea, author of the immortal poem "In Flanders Fields." Frank Joseph Hughes was born on November 26th, 1883, and started his scholastic career in the Separate Schools of the Royal City, from which he graduated to the Collegiate Institute. Then began an intensive era of higher education to fit the youth for his life's work. This extended through three of the chief institutions of learning of the Province—albeit they covered different branches of academic endeavour; the Ontario Normal College, Queen's University and Osgoode Hall. After the Normal College there was a period of teaching—as was befitting—in which avocation the future Judge emulated several other members of the Supreme Court of Canada, both past and present, who in their younger days filled the role of dominie. When young Hughes matriculated at Queen's University he was permitted by the Faculty to enter at once upon the Second Year's Curriculum. Then followed a period of the imbibing and dissemination of knowledge, for the young man combined teaching with studying. He graduated from Queen's as a Bachelor of Arts in 1907. He fulfilled a teaching engagement at the Regiopolis College at Kingston, and the Guelph Collegiate Institute for five years and left to take up the study of law. He was first articled to W. E. Buckingham, K.C., of Guelph, after which he transferred to Toronto and became indentured to the well-known Mulock firm—founded by the venerable Chief Justice of Ontario of the present day—nearly sixty years ago. Hughes gained his admission to the Bar in 1911 at the age of twenty-seven, after a thorough grounding of years of intensive study.

For five years Mr. Hughes acted as Assistant Crown Attorney of the County of York, and for a short period in 1921 he filled the position of Crown Attorney. Soon after graduation in law he formed the legal partnership of Hughes, Agar & Thompson, which has continued with slight variations down to the present day. During his twenty years of practice Mr. Hughes has displayed an unusual ability for absorbing work, which with his fine mental endowment soon brought honours. The writer of a recent article in the Toronto press says of him:—"Mr. Hughes combines industry, integrity and intelligence with enthusiasm and eloquence."

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It was Henry Ford who said that "all the world is on wheels" and every member of the legal profession knows how great is the mass of litigation at the present time arising out of automobile accidents. Mr. Hughes' firm early became identified with several of the leading insurance companies operating almost exclusively in that field. They came to be known as specialists in that branch of law and to-day have, admittedly, the largest clientéle of the Province in that phase of legal practice. It has been as counsel on appeal that the new Judge has been most conspicuous—and successful—although he has conducted much trial work. He is endowed with a pleasing personality which has ever been present in his Court work. A fellow member of the Toronto Bar recently said of him that he had never known him to become flustered in a case or lose his temper. This by no means implies that he cannot show firmness and aggressiveness when occasion requires, but that he prefers the *suaviter in modo* whenever possible. While handling—as has been said—a great mass of cases connected with motor vehicle litigation, the firm has also had a very extensive general practice covering the theatrical and commercial fields. One of the largest actions in which Mr. Hughes was engaged in recent years was that brought by the Manufacturers' Finance Corporation against a number of insurance companies. Two of the largest of these were represented by Mr. Hughes, successfully. He also represented the enormous theatrical interests of the late A. J. Small, of Toronto. After ten years of strenuous work of this nature the calm seclusion of the bench will certainly present a contrast to the new Judge. It is also a matter of congratulation on the part of Canada's highest Court that it numbers in its membership one so thoroughly versed in a branch of law to-day so frequently traversed.

But the human side of the Judge's nature is also well developed. On the very day on which press despatches announced that he had been raised to the highest judicial plane of the Dominion, and when one might have expected him to remain at home to receive congratulations upon his appointment, he could have been seen engaged in a miniature "bonspiel" at the curling rink in which his side were victorious. Nor have politics entirely intrigued him. The common saying with regard to a Judge that "he got his position through politics" can never be applied to Mr. Justice Hughes. Even if his inclination had lain in that direction, so great has been the volume of his business, that he would have been compelled to choose between the law and politics. There was no time for both—and he chose the law. But he has also found leisure for community affairs which are worth while. He has given much of his time and energy to St. Michael's Hospital in Toronto, of which he is a Director. He has also taken a prominent part in the councils of the Knights of Columbus, of which he has been Grand Knight. His Lordship has much of the wit and good fellowship of his race. He has an extensive knowledge of literature which renders his companionship most enjoyable. He has a fund of legal earning, added to a wide knowledge of public problems and the aptitude of a thorough business man. In 1928 he was created a King's Counsel by the Provincial Government and in 1931 he was elected to a position much coveted by members of the profession in Ontario—Bencher of the Law Society of Upper Canada. His five year term in that position will unfortunately be but half completed when he makes his inevitable removal from the Bar and from the Queen City to take up his residence at the Capital of Canada. His Lordship will be able to indulge his liking for the noble game of golf on the extensive links which surround the political metropolis. It is a matter for admiration that one in the very zenith of his powers, mental and physical, should unselfishly vacate a field so lucrative and retire to the modest stipend meted out to our judiciary—even of the highest rank. The country is witnessing a sacrifice which has few parallels in the professional history of Canada.

NOTES FROM THE PROVINCES.

ALBERTA.

His Honour Judge Jackson, of the District Court of Lethbridge, was tendered a banquet by the Lethbridge Bar Association recently. His Honour Judge Jackson, who has completed twenty years on the Bench, was presented with a silver flower bowl.

J. N. Ritchie, K.C., Chairman of the Lethbridge Bar Association, was toastmaster. A toast to the Bench was proposed by S. J. Shepherd, K.C., and was responded to by Mr. Justice Tweedie and His Honour Judge Greene. A toast to the guest of honour was proposed by H. W. Church, K.C., who made the presentation, His Honour Judge Jackson responding. A. B. Hogg and A. M. Sinclair, K.C., proposed a toast to "Our Guests," which was responded to by J. D. Matheson, K.C., of Macleod.

Miss Helen Steeves, of Calgary, has opened an office for the practice of law. Miss Steeves was formerly with the firm of Ford and Miller, of Calgary.

BRITISH COLUMBIA.

The retirement was announced on March 31st of Mr. Justice Francis Brooke Gregory, of Victoria, B.C., one of the Judges of the Supreme Court of British Columbia. His retirement was occasioned by failing health.

Mr. Justice Gregory, who will be seventy-one on August 25th, has been a Judge of the Supreme Court for twenty-four years, having been appointed in 1909.

The following barristers were elected Benchers of the Law Society of British Columbia at the elections held recently: A. H. MacNeill, K.C., of Vancouver, R. L. Reid, K.C., of Vancouver, C. B. Garland, of Nelson, W. J. Whiteside, K.C., of New Westminster, H. B. Robertson, K.C., of Vancouver, L. Crease, K.C., of Victoria, W. E. Burns, K.C., C. W. Craig, K.C., J. W. De B. Farris, K.C., D. E. McTaggart, and G. R. Long, all of Vancouver, and G. L. Cassady, of New Westminster.

MANITOBA.

R. W. Craig, K.C., of Winnipeg, has resigned as

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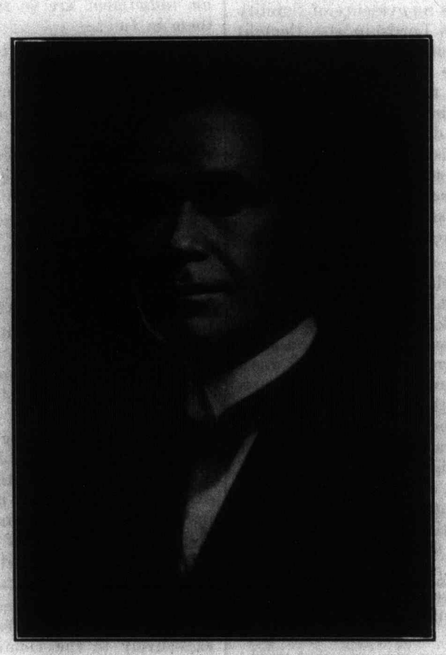
SUPREME COURT OF CANADA JUDGES

THE HONOURABLE FRANK JOSEPH HUGHES

When the Government of Canada had decided to appoint Frank Joseph Hughes, K.C., of the Toronto Bar, to the Bench of the Supreme Court of Canada, there was something peculiarly fitting that St. Patrick's Day should have been selected as the date of the Order-in-Council, having in mind the strong Irish background of the new Judge. On March 17th, 1933, he was gazetted, coincident with the elevation of the Right Honourable Lyman Poore Duff to the position of Chief Justice of Canada, consequent upon the death of the former incumbent of the latter position, the late Right Honourable Francis Alexander Anglin. Since the establishment of Canada's highest legal tribunal in 1876, thirty-one Judges have been appointed to its roster. In the great majority of cases these have been drawn from the membership of the various Provincial Courts. In two instances a Deputy Minister of Justice has been promoted to this Court. In four other cases, members of the Cabinet of the day have been translated to fill vacancies in its ranks. In the past thirty years there has been but one practising barrister called to Canada's Court of last resort. He was the Honourable Pierre Basile Mignault, a Member of the Montreal Bar, now retired from the Court but still practising as counsel at the age of seventy-nine. It was therefore a mark of distinction for Mr. Hughes to be selected to be the second appointee from the active ranks of the profession in three decades. His call came at the age of forty-nine and there have been but three younger appointees in the last forty years of the Courts' existence. The present Chief Justice was but forty-one when he was elevated from the Supreme Court of British Columbia; the late Mr. Justice Wallace Nesbitt, who retired after three years' service, and the present Mr. Justice Rinfret were each forty-five years of age when called to the Bench of our highest Court.



THE HONOURABLE FRANK JOSEPH HUGHES.

Like the present Minister of Justice, Mr. Hughes is a native of the County of Wellington, Ontario, which has produced many eminent men in all walks of life, including the judiciary (Mr. Justice Nicol Jeffrey is one of the latter). One of the most notable native sons "outside the law" was James Jerome Hill—commonly known as "Jim" Hill—perhaps the greatest railroad builder in the history of America. Then there was Edward Johnson, internationally known singer; Arthur Cutten, intrepid wheat operator of Chicago; and last, but not least, the late Colonel John McCrea, author of the immortal poem "In Flanders Fields." Frank Joseph Hughes was born on November 26th, 1883, and started his scholastic career in the Separate Schools of the Royal City, from which he graduated to the Collegiate Institute. Then began an intensive era of higher education to fit the youth for his life's work. This extended through three of the chief institutions of learning of the Province—albeit they covered different branches of academic endeavour; the Ontario Normal College, Queen's University and Osgoode Hall. After the Normal College there was a period of teaching—as was befitting—in which avocation the future Judge emulated several other members of the Supreme Court of Canada, both past and present, who in their younger days filled the role of dominie. When young Hughes matriculated at Queen's University he was permitted by the Faculty to enter at once upon the Second Year's Curriculum. Then followed a period of the imbibing and dissemination of knowledge, for the young man combined teaching with studying. He graduated from Queen's as a Bachelor of Arts in 1907. He fulfilled a teaching engagement at the Regiopolis College at Kingston, and the Guelph Collegiate Institute for five years and left to take up the study of law. He was first articled to W. E. Buckingham, K.C., of Guelph, after which he transferred to Toronto and became indentured to the well-known Mulock firm—founded by the venerable Chief Justice of Ontario of the present day—nearly sixty years ago. Hughes gained his admission to the Bar in 1911 at the age of twenty-seven, after a thorough grounding of years of intensive study.

For five years Mr. Hughes acted as Assistant Crown Attorney of the County of York, and for a short period in 1921 he filled the position of Crown Attorney. Soon after graduation in law he formed the legal partnership of Hughes, Agar & Thompson, which has continued with slight variations down to the present day. During his twenty years of practice Mr. Hughes has displayed an unusual ability for absorbing work, which with his fine mental endowment soon brought honours. The writer of a recent article in the Toronto press says of him:—"Mr. Hughes combines industry, integrity and intelligence with enthusiasm and eloquence."

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It was Henry Ford who said that "all the world is on wheels" and every member of the legal profession knows how great is the mass of litigation at the present time arising out of automobile accidents. Mr. Hughes' firm early became identified with several of the leading insurance companies operating almost exclusively in that field. They came to be known as specialists in that branch of law and to-day have, admittedly, the largest clientéle of the Province in that phase of legal practice. It has been as counsel on appeal that the new Judge has been most conspicuous—and successful—although he has conducted much trial work. He is endowed with a pleasing personality which has ever been present in his Court work. A fellow member of the Toronto Bar recently said of him that he had never known him to become flustered in a case or lose his temper. This by no means implies that he cannot show firmness and aggressiveness when occasion requires, but that he prefers the *suaviter in modo* whenever possible. While handling—as has been said—a great mass of cases connected with motor vehicle litigation, the firm has also had a very extensive general practice covering the theatrical and commercial fields. One of the largest actions in which Mr. Hughes was engaged in recent years was that brought by the Manufacturers' Finance Corporation against a number of insurance companies. Two of the largest of these were represented by Mr. Hughes, successfully. He also represented the enormous theatrical interests of the late A. J. Small, of Toronto. After ten years of strenuous work of this nature the calm seclusion of the bench will certainly present a contrast to the new Judge. It is also a matter of congratulation on the part of Canada's highest Court that it numbers in its membership one so thoroughly versed in a branch of law to-day so frequently traversed.

But the human side of the Judge's nature is also well developed. On the very day on which press despatches announced that he had been raised to the highest judicial plane of the Dominion, and when one might have expected him to remain at home to receive congratulations upon his appointment, he could have been seen engaged in a miniature "bonspiel" at the curling rink in which his side were victorious. Nor have politics entirely intrigued him. The common saying with regard to a Judge that "he got his position through politics" can never be applied to Mr. Justice Hughes. Even if his inclination had lain in that direction, so great has been the volume of his business, that he would have been compelled to choose between the law and politics. There was no time for both—and he chose the law. But he has also found leisure for community affairs which are worth while. He has given much of his time and energy to St. Michael's Hospital in Toronto, of which he is a Director. He has also taken a prominent part in the councils of the Knights of Columbus, of which he has been Grand Knight. His Lordship has much of the wit and good fellowship of his race. He has an extensive knowledge of literature which renders his companionship most enjoyable. He has a fund of legal earning, added to a wide knowledge of public problems and the aptitude of a thorough business man. In 1928 he was created a King's Counsel by the Provincial Government and in 1931 he was elected to a position much coveted by members of the profession in Ontario—Bencher of the Law Society of Upper Canada. His five year term in that position will unfortunately be but half completed when he makes his inevitable removal from the Bar and from the Queen City to take up his residence at the Capital of Canada. His Lordship will be able to indulge his liking for the noble game of golf on the extensive links which surround the political metropolis. It is a matter for admiration that one in the very zenith of his powers, mental and physical, should unselfishly vacate a field so lucrative and retire to the modest stipend meted out to our judiciary—even of the highest rank. The country is witnessing a sacrifice which has few parallels in the professional history of Canada.

NOTES FROM THE PROVINCES.

ALBERTA.

His Honour Judge Jackson, of the District Court of Lethbridge, was tendered a banquet by the Lethbridge Bar Association recently. His Honour Judge Jackson, who has completed twenty years on the Bench, was presented with a silver flower bowl.

J. N. Ritchie, K.C., Chairman of the Lethbridge Bar Association, was toastmaster. A toast to the Bench was proposed by S. J. Shepherd, K.C., and was responded to by Mr. Justice Tweedie and His Honour Judge Greene. A toast to the guest of honour was proposed by H. W. Church, K.C., who made the presentation, His Honour Judge Jackson responding. A. B. Hogg and A. M. Sinclair, K.C., proposed a toast to "Our Guests," which was responded to by J. D. Matheson, K.C., of Macleod.

Miss Helen Steeves, of Calgary, has opened an office for the practice of law. Miss Steeves was formerly with the firm of Ford and Miller, of Calgary.

BRITISH COLUMBIA.

The retirement was announced on March 31st of Mr. Justice Francis Brooke Gregory, of Victoria, B.C., one of the Judges of the Supreme Court of British Columbia. His retirement was occasioned by failing health.

Mr. Justice Gregory, who will be seventy-one on August 25th, has been a Judge of the Supreme Court for twenty-four years, having been appointed in 1909.

The following barristers were elected Benchers of the Law Society of British Columbia at the elections held recently: A. H. MacNeill, K.C., of Vancouver, R. L. Reid, K.C., of Vancouver, C. B. Garland, of Nelson, W. J. Whiteside, K.C., of New Westminster, H. B. Robertson, K.C., of Vancouver, L. Crease, K.C., of Victoria, W. E. Burns, K.C., C. W. Craig, K.C., J. W. De B. Farris, K.C., D. E. McTaggart, and G. R. Long, all of Vancouver, and G. L. Cassady, of New Westminster.

MANITOBA.

R. W. Craig, K.C., of Winnipeg, has resigned as

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Chairman of the Board of Governors of the University of Manitoba.

NEW BRUNSWICK.

R. P. Hartley, of Fredericton, has been appointed a King's Counsel. Mr. Hartley, who is Registrar of the Supreme Court and Deputy Attorney-General, is the youngest King's Counsel in the Province.

NOVA SCOTIA.

The election of officers of the Nova Scotia Barristers Society was held recently at the annual meeting in the Court House. The following officers were elected: President, W. C. Macdonald, K.C.; Vice-President, F. D. Smith, K.C.; Secretary, R. E. Inglis; Treasurer, R. M. Fielding; Auditors, W. M. Rogers and J. G. Fogo; Executive Council, T. W. Murphy, K.C., F. F. Mathers, K.C., H. P. MacKeen, K.C., J. W. Godfrey, M. B. Archibald, Dean Smith, T. R. Robertson, K.C., W. Chisholm, K.C., K. L. Crowell, D. A. Cameron, K.C., J. Macdonald, K.C., F. H. Patterson, K.C., J. A. Hanway, K.C., E. J. Theriault, J. A. Fulton, K.C., W. C. Dunlop, D. McLennan, K.C., B. W. Roscoe, K.C., C. R. Coughlan, W. T. Hayden, J. J. Cameron, K.C., G. W. Kyte, K.C., F. C. Blanchard, K.C., W. P. Potter, K.C., and J. G. Hackett.

Congratulations are being extended to S. D. McLellan, K.C., of Truro, who celebrated his eighty-first birthday on Monday, March 20th.

W. A. D. Gunn, of Sydney, has been appointed Special Examiner for Cape Breton under the Povincial Mines Act. Mr. Gunn succeeds the late R. M. Langille, K.C.

ONTARIO.

Congratulations are being extended to Mr. Justice William Renwick Riddell, of the Ontario Court of Appeal, who celebrated his eighty-first birthday on Thursday, April 6th.

Mr. Justice Armour was appointed on the 10th April to succeed Mr. Justice Sedgewick, who recently resigned, as Judge-in-Bankruptcy at Osgoode Hall.

The law firm of Griffiths, LaMarsh and Hazlewood, of Port Colborne, have dissolved partnership. Mr. H. E. Hazlewood will continue to practice in Port Colborne under his own name.

The legal firm of Harley & Sweet, of Brantford, and the firm of Slemin & Slemin, of Bantford, have amalgamated. The new firm will be known as Harley, Sweet & Slemin.

QUEBEC.

Chief Justice Perrault, of the Court of Sessions, slipped and fell when stepping onto a street car recently and fractured his right arm.

W. S. Lighthall, of the Montreal firm of Cahan, Lighthall, Lighthall and Henry, was recently chosen as the first recorder of the Town of Hampstead.

LOWER CANADA JOTTINGS

High Cost of Justice.

Members of the Bar heard with mingled feelings Mr. Leon Plante's address before the Reform Club dealing with what he regarded as the prohibitive cost of present day litigation. Mr. Plante's statement that justice in the Civil Courts was a luxury to be enjoyed only by the rich has a familiar ring in it, but when reported in the public prints it was heralded with great satisfaction by the citizenry.

Mr. Plante thought that administrative costs, as well as legal fees, are far too high, and he intimated that the tariff now in force should be scaled in a downward direction. Reforms tending to reduce the cost of an appeal were also in order, the speaker opined. Mr. Plante inveighed against the rule which called for 50 copies of a printed factum to be produced before the Court of Appeal when ten were ample. Like the unanswered question as to the destination of flies in the Winter season, he asked in vain where the remaining forty copies went.

Whether Mr. Plante's appeal will move the Council of the Bar to act in regard to revision of the existing tariff of legal fees remains to be seen.

* * *

Business Organization Condemned.

The recent judgment of Mr. Justice Martineau condemning the Better Business Bureau to a fine of $200 for usurping the functions of a lawyer, in an action taken by the Bar of Montreal, was noted with interest and satisfaction by many lawyers. This organization, through its activities in the Criminal Courts and its over-zealousness in collection matters, had become swollen with a sense of its own importance, and like numerous other organizations already prosecuted by the Bar will now, no doubt, keep its place in the background.

* * *

Judge Bereaved.

Mr. Justice Rivet has been the recipient of much sympathy from members of the Bench and Bar on the recent death of his son, Gerard Rivet. The late Mr. Rivet was only twenty-eight years old at the time of his death and a brilliant business career had been predicted for him. He was a graduate of St. Mary's College, Montreal.

* * *

Barrister Ill.

Richard Alleyn, K.C., of the firm of Moraud, Alleyn & Grenier of Quebec City, is a patient in the Royal Victoria Hospital. His many friends will be glad to hear that he is making rapid progress after a recent operation.

* * *

Social Functions.

April seems to be the favourite month for social activities as far as the Bar of Montreal is concerned. Last week the Junior Bar Association held its annual frolic at the Cafe Paul when over two hundred legal luminaries gathered around the Wassail Bowl. The guest speaker, the Hon. J. N. Francoeur, delivered an interesting address, taking as his subject "The Decline of Legal Prestige in Politics."

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Several guests showed an inclination to take issue with the speaker, believing that legal prestige was on the increase, but these turbulent spirits were classed as hecklers and requested to wrap themselves in silence.

Following the address, talented members of the Association contributed offerings, musical and otherwise, which were much enjoyed.

Not to be outdone by their junior confreres, the Batonnier and Counsel of the Bar will be at Home to the Bar as a whole on April 22nd, when a reception and dance will be held at the Place Viger Hotel. Prior to the reception, Maître Roger Brossard will give a Causerie.

* * *

New Legal Club.

The movement, instituted several weeks ago towards the formation of a strictly legal club in Montreal, has taken definite form with the appointment of a Provisional Chairman in the person of A. Papineau Mathieu, K.C., and Marcel Parent as Provisional Secretary.

Commodious and luxurious quarters have been taken in the Place Viger Hotel, where members will be able to enjoy all the privileges of a club of the first order. Applications for membership are being received in gratifying numbers from representative members of the Bar, and the success of the new venture seems assured. At the final organization meeting to be held shortly, a constitution will be submitted and a name selected.

The formation of a lawyers' club has long been advocated for Montreal and satisfaction is general that the idea is being consummated.

* * *

Court Congestion!

Judging from a recent resolution of the Montreal Board of Trade, it would appear that Court congestion in the Superior Court was a state of affairs which had escaped the notice of Judges and lawyers. At a meeting of this organization last week the following resolution was adopted and forwarded to the Minister of Justice at Ottawa and the Attorney-General of the Province of Quebec:—"That the Montreal Board of Trade is in favour of, and would strongly support any measures consistent with reasonable economy, which would have the effect of decreasing or ending the present congestion of the Civil Courts." This resolution was the result of reports reaching the Counsel that non-summary cases were fifteen months in arrears.

As is well known, herculean efforts have been made by the Chief Justice and the Council of the Bar in the past six months to speed up the hearing of cases with the result that a definite improvement is now apparent. This belated resolution of the Board of Trade, therefore, may be regarded as the addition of insult to injury, or words to that general effect.

* * *

Bar Elections.

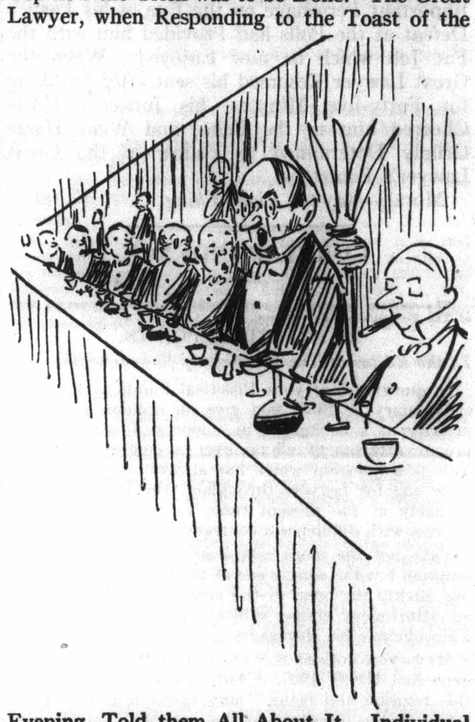
We had hoped to give in this issue a complete slate of candidates for the Bar Elections to be held on May 1st, but unfortunately the candidates for the offices other than that of Secretary, already named, have not yet come forward. It is worthy of note, however, that this year four English speaking lawyers will sit in the Council as opposed to three last year. In addition to the English speaking Battonier to be elected, there will be two English Councillors as well as the president of the Junior Bar, Mr. Hugh O'Donnell, who takes his seat on the Council *ipso facto*.

FRANK DEVLIN GENEST.

FORENSIC FABLES.

THE GREAT LAWYER WHO TOLD HIS AUDIENCE HOW TO DO IT.

A Great Lawyer Once Attended a Banquet. He was the Principal Guest. The Great Lawyer's Hosts were Budding Members of the Bar who had Formed a Debating Society. They Desired to Pay Honour where Honour was Due and to Learn from One who had Arrived at the Top how the Trick was to be Done. The Great Lawyer, when Responding to the Toast of the



Evening, Told them All About It. Individual Effort and Concentration, said the Great Lawyer, were the only Things that Counted. There were Some, he Believed, who Thought that Luck was an Important Factor in Life. They were Wrong. He who Wished to Succeed must Work—Work—Work. He must Rise Early and Map Out his Day. He must be an Athlete in Strict Train-

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ing. He must be a Sentry at his Post, Morning, Noon and Night. He must Serve One Master, and One Master Only—his Profession. The Great Lawyer Reminded them of the Emperor Napoleon's Observations on the Subject of Knapsacks and Bâtons, and Assured them that, if Only they would Fight the Good Fight, Each One of them might be a Marshal in the Army of the Law. And in a Moving Peroration the Great Lawyer Attributed his Own Success in Life to a Strict Adherence to the Maxims he was Expounding. In Point of Fact, the Great Lawyer had been Spoon-Fed by a Near Relative from the Day of his Call; he had Always Taken Things Easily and Done himself Well; he had made a Matrimonial Alliance which Furnished him with Abundant Cash; a Series of Unexpected Political Events had Floated him into a Government; and the Sudden Demise of an Important Personage on the Eve of his Party's Defeat at the Polls had Provided him with the Fat Job which he now Enjoyed. When the Great Lawyer Resumed his seat after Speaking for Forty-five Minutes, his Innocent Hosts Cheered him to the Echo, and Went Home Grimly Determined to Follow in the Great Lawyer's Footsteps.

Moral.—*Say the Right Thing.* O.

CORRESPONDENCE.

The opinions expressed by correspondents are not necessarily those of The Fortnightly Law Journal.

RE PRACTICAL POINTS.

To the Editor of The Fortnightly Law Journal:

In question 8 of your Practical Points in the issue of January 3, 1933, you give an opinion as to the priority of a mortgagee in a mortgage containing a proper attornment clause over a chattel mortgage. This is a question which has always been a troublesome one for lawyers throughout the Province, particularly at the present time, so may I venture to express with diffidence a contrary opinion.

Take not the more complicated case cited in this question but the simple one of the mortgagee distraining during the term of the mortgage which contains an attornment clause substantially in the form in Falconbridge on Mortgages.

Have you noticed the words in s. 12 of the Mortgage Act, R.S.O. 1927, c. 140, which were inserted in this revision and being "notwithstanding any stipulation in the mortgage to the contrary" which were not in s. 13 of the Mortgage Act, R.S.O. 1914, c. 112. All the authorities on which we have been relying are under the 1914 Act or similar prior provisions. There have been one or two cases since the 1927 Act but they seem to have overlooked entirely the possibility of the additional words in s. 12, nor is this addition mentioned in the second edition of Falconbridge.

By the attornment clause the mortgagee becomes the landlord and as such landlord has very strong rights of distress against the tenant mortgagor, his household and all those claiming under him, including a chattel mortgagee. Do not the additional words in s. 12 constitute a statutory bar to any stipulation in the mortgage including an attornment clause creating the status of landlord and tenant, which would tend to give the mortgagee the right to seize more than the goods and chattels of the mortgagor? Obviously goods and chattels in a chattel mortgage are no longer the property of the mortgagor.

I would be very pleased to receive your comments on this.

Yours very truly,
W. J. SCOTT,
Owen Sound, Ont.

The point you raise is very interesting. We, like Falconbridge, appear to have overlooked the words added in the 1927 revision. In view however of s. 13 of the Act dealing with distress for interest or rent, we think it hardly likely that a Court would interpret the added words as extending to an attornment clause under which the mortgagee has all the rights of a landlord. The attornment clause is not happily described as "a stipulation to the contrary" and the arguments against so interpreting it appear to be more cogent than those in favour.—Ed.

APPOINTMENTS, ANNOUNCEMENTS.

NEW CROWN ATTORNEY FOR ONTARIO.

K. S. Ham, of Napanee, Ont., has been appointed County Crown Attorney for the County of Lennox and Addington. Mr. Ham succeeds the late U. M. Wilson, K.C., who died recently.

OBITUARY.

We regret very much to announce the following deaths amongst members of the profession:

Hon. T. Fortin, of Sainte Rose, Que.

Hon. Thomas Fortin, retired Judge and a former member of the House of Commons for Laval, died at his home in Sainte Rose, Que., on Wednesday, April 1st. Mr. Fortin, who was appointed to the Superior Court in 1901 and retired in 1920, was seventy-nine years of age.

W. M. German, K.C., of Welland, Ont.

The death occurred on Friday, March 31st, of William M. German, K.C., of Welland, Ont. Mr. German, who was a former Liberal representative in the House of Commons for Welland County and also of the Ontario Legislature, was eighty-two years of age.

T. B. Shoebotham, of Vancouver.

Thomas B. Shoebotham, of Vancouver, B.C., died at his home on Sunday, March 26th, after a long illness.

E. M. Yarwood, of Vancouver.

The death occurred on Thursday, March 30th, of Edmund M. Yarwood, of Vancouver, B.C. Mr. Yarwood, who was the second oldest practising Barrister in British Columbia, was seventy-three years of age.

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PRACTICAL POINTS.

Under this heading replies are given in brief form to questions of law and practice submitted by holders of Annual Subscriptions. Questions submitted should be as brief as the circumstances will allow; the reply will be in similar form. Questions should be typewritten—the name and address of the subscriber being stated.

This exceptional and far reaching service is available free to all annual subscribers.

Enquiries should be addressed to The Fortnightly Law Journal, 226 Bay St., Toronto 2, Ont.

1.—Bills of Exchange.—*Accommodation maker or endorser—Surety—Time given to principal—Death of surety—Claim against estate.*

QUESTION (Ont.):

A. purchases a business from B. and as part of the consideration for the purchase price A. makes two promissory notes in favour of B., both for $3,000, both dated July 1, 1926, one for 12 months and the other for 24 months. C., the father of A., signs the notes as A.'s backer. C. died before the first note matured. B. puts in a claim as a creditor against the estate within the time allowed by the notice to creditors.

At that time the claim being only a contingent one the solicitor under the Succession Duty Act does not regard it as a debt. C. was the owner of a business and within a month or so after his death his beneficiaries organized a private company among themselves to carry on his business. A. and B. did considerable trade with each other and as B. purchased more from A. than A. did from B. each month after July 1st, 1926, B., with the concurrence of C., gave A. credit for the balance owing by B. to A. on the notes. Each month a new note was drawn up due in one month's time showing the balance due on the original notes but these notes were always taken as collateral to the original notes. Now there still remains $1,000 to pay on the notes and A. is unable to pay anything.

Can B. follow the assets of C.'s estate and recover the $1,000? What action should B. take to protect himself?

ANSWER:

Unless the concurrence of C. in the subsequent dealings with A. takes the case out of *Ryan* v. *McKerral* (1888), 15 O.R. 460, (6 E. & E. Dig., p. 398, case r) C. is discharged. See *Kupferschmidt* v. *Ammoneit*, [1931] O.R. 678, at p. 684 (E. & E. Dig. Supp. No. 8, Vol. 6, tit. Bills of Exchange, p. 12, case 1625 ii), *Fry* v. *Griffith*, [1932] O.R. 667. If B. can bring himself outside these cases then the assets of C.'s estate remain charged with the debt: Devolution of Estates Act, R.S.O. 1927, c. 148, s. 20 (amended 1930 (Ont.), c. 21, s. 11 (4)) but note ss. 22-3.

2.—Distress.—*Attornment clause in mortgage—Priority over chattel mortgage.*

QUESTION (Ont.):

A. is the owner of lands on which B. has a first mortgage, and C. has a chattel mortgage on A.'s goods on the property.

Can B. obtain any prior rights over C. on A.'s goods by virtue of an attornment clause in his mortgage, and by making A. a tenant under the attornment clause under his mortgage?

ANSWER:

Under *Edmonds* v. *Hamilton Provident Soc.* (1891), 18 A.R. (Ont.) 347, the mortgagee can get no priority by distress under an attornment clause. But this case does not seem to have been rightly decided. See *Kennedy* v. *Agricultural Development Bd.* (1926), 59 O.L.R. 374. That is a case under a Land Titles charge but s. 12 of the Mortgages Act, upon which the *Edmonds* case turned, applies to Land Titles charges, see s. 1 (*d*) of the Mortgages Act.

3.—Distress.—*Priorities—Chattel mortgage—Conditional sale.*

QUESTION (Ont.):

What is the priority as between the landlord and chattel mortgagee when:

(*a*) A chattel mortgage is given by the tenant prior to arrears of rent.

(*b*) A chattel mortgage is given by the tenant subsequent to arrears of rent.

(*c*) A lien note is given by the tenant prior to arrears of rent.

(*d*) A lien note is given by the tenant subsequent to arrears of rent.

The last two instances being as between the landlord and lien holder.

ANSWER:

(*a*) and (*b*). Landlord prior to chattel mortgagee: s. 30 (1) of the Landlord and Tenant Act.

(*c*) and (*d*). Landlord subject to conditional sale agreement: s. 9 of the Conditional Sales Act, s. 30 (1) of the Landlord and Tenant Act.

4.—Husband and Wife.—*Separation—Subsequent cohabitation—Effect.*

QUESTION (Ont.):

A married woman bars all rights to her husband's estate and support for a certain sum of money. She cohabits with him for one night thereafter after a lapse of some time at her place of residence.

Can she thereafter claim support from him, having become destitute?

ANSWER:

No, unless the resumption of cohabitation is a real reconciliation of which the cohabitation you mention is not sufficient evidence: 16 Hals., p. 452, para. 930. The Deserted Wives Maintenance Act, R.S.O. 1927, c. 184, does not apply unless the wife has been deserted within the meaning of s. 1 (2) of that Act.

5.—Landlord and Tenant.—*Covenant to heat—Breach—Remedy.*

QUESTION (Ont.):

In a lease, lessor covenants to heat premises in manner satisfactory to lessee. Heating not satisfactory. Landlord notified. Heating not remedied. Lessee desires to vacate. What procedure should he take and what evidence should he have? Should he vacate or apply to Court to declare lease terminated because of breach of lessor's covenant?

ANSWER:

Breach of the covenant to heat is only in the nature of a breach of warranty and the proper remedy is damages, unless you can bring yourself within the rule in *Smith* v. *Marrable* (1843), 11 M. & W. 5, (31 E. & E. Dig., p. 179, case 3122). See *Davey* v. *Christoff* (1916), 36 O.L.R. 123, at p. 125. See also *Brymer* v. *Thompson* (1915), 34 O.L.R. 194, 543. It would seem that your client cannot vacate or have the lease terminated. Neither would the Court grant a mandatory injunction to compel the landlord to heat.

6.—Motor Vehicles.—*Four persons in front seat—Negligent driving—Onus—"Deemed"—Construction.*

QUESTION (Ont.):

A., who drove a car with three others in the front seat, has had a charge laid against him under s. 24 (*a*) of the Highway Traffic Act enacted by 1930, c. 48, s. 5. Can you refer us to any authorities or decisions on the point, or any law on the subject that would be instructive or helpful? The car was under proper control when the officer who laid the charge saw it. His sole contention is that there being three others in the front seat with the driver

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brings him within the section. We are acting for the driver and any information or help that you can give us will be appreciated. If there are no decided cases possibly you may have other information regarding the section and its scope and purpose, or as to what evidence your City Magistrate requires to justify a conviction under it.

ANSWER:

The practice in Police Court here is to assume that three in the front seat besides the driver constitutes an offence under s. 24 (*a*), but this is clearly wrong and was so held in *Rex* v. *Coulson*, an unreported case of Rose, C.J.H.C. There must be evidence that the crowding interfered with the proper control of the car. Also the section says "deemed to be negligent driving." This means "presumed to be negligent driving until the contrary is proved:" *Hickey* v. *Stalker* (1924), 53 O.L.R. 414. Under that construction the presumption is rebuttable by evidence that there was in fact no negligent driving within the meaning of s. 24.

7.—Negligence.—*Dangerous premises—Theatre — Artists —Invitation—Scope—Unlighted lavatory.*

QUESTION (Ont.):

The plaintiffs, husband and wife, are actors, and the defendants operate a theatre. The plaintiffs contracted with the defendants to perform at their theatre. The performance was to take place at 7 p.m. and the plaintiffs arrived at the theatre at 6 p.m. and attempted to enter by way of the stage door, which they found to be locked. They went around to the front of the theatre, and were admitted by an agent or employee of the defendants. The wife, on entering the lobby, repaired to the ladies' washroom, the door of which bore only the word "Ladies." Upon opening the door and entering, she found the room in darkness. She began to grope about for the electric switch or the door knob, in order to either illuminate the room or to make her exit, and in doing so she fell or stumbled down the four iron steps leading down from a small landing inside the door, to the floor of the washroom, and fractured her arm and sustained injuries to her body, arms, and legs, and lacerations, and contusion in the head. Immediately after the accident, the man who had admitted the plaintiffs to the theatre, expressed regret at the accident and attempted to apologize by saying that he was sorry that the light was not on in the washroom as it should have been.

The defendants contend that the plaintiff had no right to enter the washroom, and that they owed no duty to have the room lighted for her.

The plaintiffs have not been able to pursue their vocation since April, 1932, to date, and the injuries will probably incapacitate her for some time to come. The husband has been unable to carry on his vocation due to the fact that he and his wife carried on a special act.

1. What duty did the defendants owe to the plaintiffs?
2. Did the darkened room constitute a trap?
3. What is the measure of damages?

Assuming that the plaintiffs cannot prove a contract with the defendants, what duty is there owing to them by the defendants?

ANSWER:

1. Under *Hayward* v. *Drury Lane Theatre Ltd.*, [1917] 2 K.B. 899, (36 E. & E. Dig., p. 38, case 217), the plaintiffs were either invitees or licensees with an interest which apparently is the same thing: *Fairman* v. *Perpetual Bldg. Inv.*, [1923] A.C. 74, (36 E. & E. Dig., p. 37, case 213). But the entering of the wash room was outside the scope of the invitation in this case which was to enter the front of the theatre and proceed directly back-stage: *Azzole* v. *Yates*, 61 O.L.R. 416 (E. & E. Dig. Supp. No. 7, Vol. 36 Tit. Negligence, p. 3, case 268 iv).

2. Assuming from your question that the door was self-closing, the darkened room and steps were a trap: *Knowlton* v. *H.E.P. Com'n* (1925), 58 O.L.R. 80 (E. & E. Dig. Supp. No. 7, Vol. 8, tit. Carriers, p. 6, case sa). But if the plaintiff wife's entry of the room was beyond the scope of the invitation this would not assist her.

3. The special damage is out of pocket expenses (doctors, etc.) and loss of salary. The general damage is for pain and suffering and loss of earning capacity and depends on the generosity or otherwise of the jury or Judge if there is no jury.

4. The action is purely in tort, and the only question of contract is the effect that might have on the status of the plaintiffs as invitees or licensees. The fact of the defendant's agent allowing the plaintiffs in the front way would constitute an invitation. If they have a contract they would also be licensees with an interest.

8.—Sale of Goods.—*Conditional sale—Non-registration—Priority over execution.*

QUESTION (Ont.):

A., a motor car dealer, sells a car to B. under the usual conditional sales contract which he assigns to an acceptance corporation. Through an oversight the acceptance corporation does not file the copy of the contract in the office of the clerk of the proper County Court. C. holds a judgment against B. On B.'s instructions the sheriff seizes the car. The acceptance corporation claim the car. Who has priority and what are the rights of the parties in such a case? Kindly refer us to any authorities applicable.

ANSWER:

The only protection given by the Conditional Sales Act, R.S.O. 1927, c. 165, s. 2, is to a purchaser or mortgagee. Against him non-registration avoids the agreement: *National Discount Corp.* v. *Frech* (1928), 61 O.L.R. 659 (E. & E. Dig. Supp. 7, Vol. 39, tit. Sale of Goods, p. 23). An execution creditor is not a purchaser or mortgagee and cannot therefore raise the question of non-registration: *Bank of Hamilton* v. *Mervyn* (1909), 14 O.W.R. 132.

9.—Taxes.—*Duty to distrain — Failure—Effect on tax sales.*

QUESTION (Ont.):

Referring to question 9 in Practical Points in issue of March 1st, 1933, may I make a suggestion? In *Scott* v. *Alberton* (1932), 41 O.W.N. 404, the plaintiff was a mortgagee, not assessed, and not liable directly to the municipality for taxes. Would not an "assessed owner" be in a different position? An "assessed owner" is personally liable for the taxes—see s. 97 of the Assessment Act. The goods of an owner (assessed or not assessed) are liable to distress under s. 112 (3). Would not default on the part of the owner preclude him from setting up any neglect on the part of the township official to distrain for the taxes?

ANSWER:

It would not seem that such a restricted interpretation can be put on *Scott* v. *Alberton*. See Manning on Assessment and Rating, pp. 333-4, 469. The weakness in *Scott* v. *Alberton* is that it does not seem to have taken into account ss. 150-1 of the Assessment Act which does not require the municipal authority to enquire as to available distress.

10.—Wills.—*Devise—Restraint on alienation——Validity.*

QUESTION (Ont.):

A. is indebted to B. in respect of a judgment for a considerable amount. A.'s mother died leaving a will devising her land to A, he "to have no power to assign, transfer or sell his interest in said land and the same is not to be liable to seizure or attachment for his debts." Kindly advise us if in your opinion such a provision is valid as against A.'s creditors and refer us to any authorities applicable.

ANSWER:

Assuming this clause to be a condition not an executory devise, *i.e.*, that there is no gift over or breach of the condition, then it seems to be void as an absolute restraint on alienation: *Paul* v. *Paul* (1921), 50 O.L.R. 211, at p. 215. *Cf. Re Porter* (1907), 13 O.L.R. 399, criticized in *Re Huron & Erie Mtge. Corp.* v. *Coghill* (1918), 13 O.W.N. 442. See also the cases collected in 44 E. & E. Dig., pp. 447 *et seq. Semble*, it would also be void as an executory devise: *Re Walker* (1925), 56 O.L.R. 517.

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OTTAWA, May 4, 1933.

Dear Mr. Griffin:

Re Canada Shipping Act

Having duly received your letter of 20th April, I regret that an earlier reply than this has not been possible.

You will understand, of course, that I have had to approach this subject very much as a tyro in shipping law, and in what this letter may contain it must not be presumed that I am venturing to pose as anything at all in the nature of an authority on that subject.

The conclusion I have come to and upon which the Committee has acted in deferring consideration of the measure is that the Act as yet is premature.

The difficulty concerning relations with British consuls, while important, is of a more or less subsidiary character. A consideration of the mandatory or permissive nature of the phrasing of the Bill with relation to extra-Canadian contacts, does not,

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it seems to me, avoid objections to the Bill. At this point I might say, though, that there are provisions in the measure with relation to British consuls, registrars and officers of ships of war which are of a mandatory character.

Even assuming, however, that all such provisions were permissive, the objection to the general scheme at the present time does seem to me to survive. The intent of the Commonwealth Committee clearly was that interlocking legislation should be enacted by the various Dominions and the United Kingdom, by which their legislatures would vest powers in and impose duties upon those within their respective jurisdictions. In other words, much of what this Bill purports to do should be done in pursuance of this common intent by other legislatures. The common intent referred to above might be carried out by British consuls being made consuls of the several Dominions as well, or it might be carried out otherwise, but the general scheme under any plan should, it seems to me, reach the result envisaged in Section 26 of the Commonwealth Shipping Agreement by interlocking United Kin dom and Dominion legislation, each legislating with relation to its own ships and its own ports and waters.

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The draft as prepared by you was sent to England for consideration of the Government of the United Kingdom.

I have not yet seen the report of the Board of Trade thereon, but the opinion of the British Shipowners' Parliamentary Committee, as received, is not out of accord with the view upon which the Senate Committee has acted. This Committee feels that the Bill should be re-drafted and that if possible this should be done concurrently with the revision of the Imperial Merchant Shipping Act, as respects Dominion ships.

Mr. O'Connor informs me that he is not in disagreement with your opinion that the United Kingdom can instructs its consuls to serve Canada by direction as well as by legislation, but he takes the stand that the United Kingdom has agreed to legislate and that legislation is especially desirable in case of possible if not inevitable proceedings in Court. I cannot see that page 159 of the Minutes of the Senate Committee evidences that Mr. O'Connor expressed the view that only by statute could British consuls be put at the service of Canada. Further, as to Mr. O'Connor's words reported on page 157 of the Minutes, these read in, and not apart from their setting, apply strictly to the

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effect of the statute of Westminster upon any legislative power of Canada derived solely from sections 735 and 736 of the Imperial Shipping Act of 1894. During his remarks before the Senate Committee he cited section 91 of the Act of 1894, reading-- "This Part of this Act shall apply to the whole of Her Majesty's Dominions and to all places where Her Majesty has jurisdiction", and conceded that Canada was now free to override it, by formally repealing it, whereupon however, the whole of Part 1 of the 1894 Act would cease to be available to Canada and unless and until Canada legislated thereafter for herself, Canada would probably be held to have no ship registration law. He, I am sure, does not disagree with what you say in the last two paragraphs of page 2 of your letter to me. He concedes that Canada can repeal or amend as you contend, but he contends that once having repealed or amended, Canada shall have provided Canadian law in place of Imperial law and cannot get back to the Imperial law. This condition, his point is, results from the repeal of sections 735 and 736, whereunder we could restore as well as amend or repeal, sheltering ourselves, if and as we willed, under Imperial law. All the Dominions except Canada, Ireland

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and South Africa reserved to themselves the right to continue under the operation of sections 735 and 736 until by their own legislation they repealed these sections. Finally, Mr. O'Connor made it plain that much of what he said to the Senate Committee was advice ex abundantia cautela and that he hoped that it was wrong.

I might add that Mr. Johnston, former Deputy Minister of Marine, Mr. Burchell, K. C., and Mr. Plaxton, K. C., (the latter being of the Department of Justice) who were present at and participated in the Commonwealth conference concerning shipping, have expressed agreement with Mr. O'Connor's contention that it was the intent of the conference that various Bills should be prepared and submitted by and between the United Kingdom and the Dominions. It appears, therefore, that the introduction of Bill J into Parliament was, possibly, premature.

Yours very truly,

Martin Griffin, Esq., K. C.,
609 Bank of Nova Scotia Bldg.,
Vancouver, B. C.

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MINISTER OF MARINE

PERSONAL

Ottawa, May 4th, 1933.

My dear Colleague,

I beg to acknowledge receipt of a communication, with enclosures, from The Canadian Association of Seamen, Vancouver, B.C., with respect to the Shipping Bill, which was enclosed in your letter of May the 2nd.

Yours very truly,

Alfred Duranleau

Honourable Arthur Meighen, Senator,
The Senate,
Ottawa, Ont.

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PLEASE HAVE MAILED ME COPY OF AMENDMENT TO SHIPPING ACT NOW PENDING STOP I SUGGEST THAT IT BE MADE TO SECURE ALL ADVANTAGES TO CANADIAN AND BRITISH SHIPPING IN CASE STLAWRENCE WATERWAY BE UNDERTAKEN

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OTTAWA, 8 May, 1933.

Dear Sir,

Before leaving for Toronto last week and Mr. Meighen directed me to send you a copy of the Shipping Act amendment Bill.

This Bill will not be available for distribution until tomorrow morning when a copy will be sent to you.

Yours faithfully,

A.H.Hinds.
Private Secretary.

F.H.Clergue, Esq.,
Montreal, P.Q.

Bill mailed 9-5-33
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1010 COMMON STREET
MONTREAL, CANADA

May 8, 1933.

Rt. Hon. Arthur Meighen,
The Senate,
OTTAWA, Ontario.

Dear Mr. Meighen,

Thank you very much for your letter of the 1st of May, 1933, from Toronto.

I am pleased to note that you do not expect the matter of duty on British built ships will come before the Senate this session.

Canadian shipping on the River St. Lawrence and the Great Lakes is in direct competition with American and other foreign tonnage. Any duty imposed on British built ships coming into Canada would simply increase the cost of our ships and thus handicap us in competing with this foreign tonnage.

British shipbuilders are so numerous and so experienced in comparison to Canadian shipbuilders that any prudent purchaser of ships would never dream of having ships built in Canada in preference to England.

British shipyards can easily underbid at present any Canadian shipyards. For the benefit of the few shipyards that do exist in Canada, we think it would be extremely unfair for our own Government to impose a duty on British built ships and thereby increase cost of transportation by inland water in Canada.

We believe it is in the interests of all concerned to attempt to secure the lowering of transportation rates rather than increasing them.

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In conclusion, may I add that I would indeed be pleased to be accorded an opportunity of appearing before any Senate Committe, should this matter be considered this session.

Yours very truly,

J. D. Calvin

J. D. CALVIN

JDC:WO'B.

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TORONTO, May 1, 1933.

Dear Mr. Calvin:

I have your letter of 27th. I am not certain that any representations would be timely at the present time with regard to the question you deal with in your letter.

My suggestion is that you write me to Ottawa, where I will be on Tuesday morning next, indicating briefly your views. Should the subject matter be under review in the Senate Committee, you will gladly be accorded opportunity to address the Committee if you so desire. I am rather inclined to the view, however, that this subject will not be before us this Session.

Yours very truly,

Arthur Meighen.

Mr. J. D.Calvin,
Tree Line Navigation Co., Ltd.,
1010 Common St.,
Montreal, Que.

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1010 COMMON STREET
MONTREAL, CANADA April 27th. 1933.

Rt. Hon. Arthur Meighen,
The Senate,
Ottawa, Ont.

Dear Sir:-

Would it be asking too much if I could have five or ten minutes of your time at any hour of the day or evening, either in Ottawa or Toronto, or wherever you may conveniently see me in the near future.

I think I have had the pleasure of meeting you once or twice, but in a way of refreshing your memory, I am a brother of R. M. Calvin who married Mr. Garland's daughter.

For the past nine years I have been Manager of The Tree Line Navigation Co. Limited, an inland navigation concern operating on all the Great Lakes.

What I wish to bring to your attention is the inadvisability of the Canadian Government granting any preference to Canadian built ships.

Yours very sincerely,

J. D. Calvin

JDC/E.

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PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA May 10th 1933

Dear Mr. Meighen:

Re: Bill C 1. re Loading and Unloading of Ships.

I find upon inquiry that no action has been taken by this Government to ratify this convention, and I do not think that the passage of the Bill would amount to ratification by implication. This legislation is being enacted in the ordinary way, just as it might have been if the convention had not been signed. It may be repealed at any time, Canada not having entered into any obligation to keep the legislation in force.

Yours faithfully,

W. Stewart Edwards

The Right Honourable Arthur Meighen,
The Senate,
Ottawa.

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OTTAWA, May 10, 1933.

Dear Sir:

I have your letter of 5th.

Bill "J" has been withdrawn for the present Session and the subject matter of same will be re-considered with a view to future legislation.

Am enclosing herewith a copy of the much shorter Bill which is now before the Banking and Commerce Committee of the Senate. Have noted carefully the contents of your letter, and particularly the portions referring to Mr. McLaxter's communications.

Yours very truly,

Arthur Meighen.

Mr. W. A. MacDonald,
National Association of Marine Engineers,
62 Albert Street,
Halifax, N. S.

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National Association of Marine Engineers of Canada

Incorporated 1926

W. A. MacDONALD, Sec.-Treas.
62 ALBERT STREET

Halifax, N. S. May 5 1933

Right Honorable Arthur Meighen
Senate Standing Committee,
on Banking and Commerce
Ottawa
Ont.

Sir:

I note in the minutes of the session of the Committee on April 10th that the further discussion of "Bill J" was remitted to a small select Committee, of which you are one of the members.

I also note that it is the intention to select some special items of the Bill which are considered of major importance, to form matter for special enactment during the present Session; in this connection I would respectfully request that your Special Committee recommend subsection (f) of Section 136 for special con--sideration and enactment, as this would place quite a number of Internal Combustion Engined Boats under Steamboat Inspection and the necessity of using Certificated Marine Engineers for their operation.

I also note inthe Minutes of April 4th, that Mr C.J. Burchell K.C. representing the Dominion Steel & Coal Company entered strong opposition to the imposition of a duty on ships not built in Canada; I regret that I was not present on that occasion, as I would have asked permission to rebut his argument along these lines, Canadian Seamen and Canadian Industries are losing over half a million dollars annually, by permitting this Company to operate English Ships in the Coastal Trade.

It would appear that no Hansard Reporters were present on March 28th when we presented our Brief and accompanying arguments, as the first Minutes that I have are dated April 4th; I trust that Mr Hynds has a note of our presentation and that it will be incorporated in the general deliberations of the Committee.

I note also in the Minutes of April 10th that TWO letters were submitted to you by a certain Mr McMaster in the Name of this Association. I beg to say that Mr McMaster is only an employee of Montreal Local Council and as Local Councils have only Local Autonomy, according to our Letters Patent, he had no authority to submit anything to the Federal Government, especially matter pertaining to the general policy of the Association such as Legislation.

Trusting that the above items will receive your most favorable consideration,

I am Sir,
Your obedient servant

The National Council N. A. of M. E.
W. A. MacDonald
SECRETARY TREASURER

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OTTAWA, May 10, 1933.

Personal

Dear Mr. Turnbull:

I have your letter of 4th. The competitive and controlling factors holding down lake freight rates are:

(1) The Western exit via Vancouver.

Any undue raising of lake rates moves the border line to the territories having western and eastern outlets further east.

(2) The Hudson Bay route which has cost this country close to sixty millions.

(3) The Buffalo-New York or other American port route which will always be just as open as it has ever been and as effective a competing factor.

(4) Control of the Grain Commission.

The Shipping Companies are some out of business entirely and all others, so far as I know, very close to, if not on the verge. The bonds of the biggest ones, as you know, are selling at a few cents on the dollar. They know they have to compete with American boats, but they frankly say they cannot compete with one arm tied behind their backs, that is to say, with American boats which already have the coal, ore and stone business of very great size all to themselves, and are able, when it suits them, to come into our trade too. They simply ask for the same

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position in our trade exactly as the Americans have in theirs. As a man whose interests in lake shipments are entirely from the Western standpoint, I cannot for the life of me see how we can deny them.

You suggest that not only should the Grain Commission have control of rates with power to fix the maximum, but we should tell it what the maximum should be. We do not do that with the Railway Commission. We feel they are better qualified to judge, and it would seem to me the Grain Commission would be also in this case.

Sincerely yours,

Mr. F. W. Turnbull, M. P.,
House of Commons,
Ottawa, Ontario.

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House of Commons
Canada

- Personal - OTTAWA, 4th May, 1933.

The Right Honorable Arthur Meighen,
The Senate,
OTTAWA, Canada.

Dear Senator,-

On page 11 of the Report of the Board of Grain Commissioners for Canada for the year 1932, appears a paragraph with respect to lake freight rates which throws light on the fears of Western Canada. I am thoroughly in agreement with those who say that if American shipping succeeds in driving British shipping off the lakes that our last case would be worse than our first. We are much better to have British shipping, over which we have some control, than to have American shipping, over which we have no control. On the other hand, the past actions of the lake freighters have inspired a wholesome and not unreasonable fear.

The item in question records that the Associated Lake Freighters Limited was formed in July of 1932 and that in the same month advances in grain rates were started and continued, until, by October 1st, 1932, the rate had reached 7 cents per bushel. At this point the Board of Grain Commissioners intervened and fixed a maximum rate of 6½ cents per bushel, which did not hurt the freighters very much. I am told that 4½ or 5 cents per bushel is a profitable rate and if so, the collection of 6½ out of the small wheat price of last year is particularly vexatious.

I would suggest that you consider the insertion in the Bill of a clause providing that the rate should not be in excess of 4½ or 5 cents per

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The Right Honorable Arthur Meighen, ...

bushel from Fort William to Montreal without the approval of the Board of Railway Commissioners. I think perhaps the shipping interests ought to be prepared to file with the Board of Railway Commissioners a reasonable maximum schedule of rates, which could only be increased by application to the Board. I am in favor of the Board of Railway Commissioners rather than the Board of Grain Commissioners, because the Board of Railway Commissioners is a rate making body, and probably better suited for semi-judicial functions.

I may say that I am voicing the opinion in this letter of a good deal of sentiment outside of my own.

Yours truly,

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House of Commons
Canada

- Personal - OTTAWA, 11th May, 1933.

The Right Honorable Arthur Meighen,
The Senate,
OTTAWA, Canada.

Dear Senator Meighen,-

I have your letter of May 10th regarding lake freight rates. I agree that the Western exit is a controlling factor to the extent that it can handle the Western crop, but as you can realize, the Western exit, in its best year, is not able to handle the output of Alberta and consequently affords no competition once the elevators are filled and the Western route gets on the permit system - which occurs continually. Second, - the Hudson Bay route is a factor during that part of the lake season when it is open, but there is a long period of the lake season when the Hudson Bay route is not available. Third, - the Buffalo-New York route might reasonably be expected to be the competing factor. Fourth, - with respect to the control of the Grain Commission. I think the most of us from Western Canada would prefer the control of the Railway Commission.

My proposal that the shippers should file a schedule of rates upon which they are prepared to operate, does not necessarily need to be incorporated in the Bill. I thought that was a gesture the Lake Freighters Association might make for the purpose of satisfying the shippers of grain that they intend to do the fair thing with their charters. If, at any time, it

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The Right Honorable Arthur Meighen, ...

turned out that the schedule they filed was not sufficient, they could go to the Board of Railway Commissioners and I think the West would be prepared to accept the decision of that Board. I do not know to what extent Western sentiment expressed itself in the Senate Committee because I have not had time to check up all the evidence, but I do know there is a feeling of fear and I do know there will be very serious political repercussions if freight rates increase. The increase will be blamed on the Bill - whether correctly or not. If, however, we start out at a reasonable figure we shall allay that fear and then, if the rates are increased by the Board of Railway Commissioners, the West will accept them.

Yours truly,

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OTTAWA, May 17, 1933.

My dear Senator:

I have your letter of 15th. I remember the occasion to which you refer quite well and was impressed by your argument. As a consequence, took precisely this stand in Committee later, and our legislation was framed identically with that of the United States.

Sincerely yours,

Hon. Senator Geo. P. Graham,
The Senate,
Ottawa, Ont.

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THE SENATE
CANADA

PERSONAL

Ottawa, May 15th, 1933.

Right Honourable Arthur Meighen, P.C.,
The Senate,
Ottawa, Ontario.

Dear Meighen:-

You will remember one day in Committee on the Shipping Bill I sounded a note of warning against taking any action that might irritate the United States into retaliation in dealing with our Canadian Railways. I came across an item yesterday where Buffalo interests had already appealed to the United States to restrict the privileges of Canadian Railways as a reply to Canada's amendment to the Coasting laws. The possibility of such retaliation afforded the reason why I urged that our legislation on Coasting laws should be identical with that of the United States.

I regret I was absent when the Shipping Bill and the Railway Bill both had their Third Reading.

Sincerely yours,

Geo. P. Graham

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OTTAWA, May 18, 1933.

Dear Colonel Phinney:

Your letter of 15th instant is to hand. No provision of Bill C-1 ofthe Senate, being Bill No. 106 of the Commons, in any way prevents a British ship from voyaging, continuously or otherwise, from any point in Canada to any other point in or out of Canada. Your ships as described, therefore, do not fall within any prohibitory terms of the Bill, a copy whereof is enclosed.

Yours very truly,

Col. E.C. Phinney,
Newfoundland Canada Steamships, Ltd.,
Halifax, N. S.

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UNDER CONTRACT WITH THE ADMINISTRATION OF ST. PIERRE-MIQUELON FOR CARRIAGE OF MAILS, PASSENGERS & FREIGHT

123801

CODES
A.B.C. 5TH.
BOE & BENTLEY'S

CABLE ADDRESS
"CORITRADE"

Newfoundland Canada Steamships, Limited

HEAD OFFICE-HALIFAX, CANADA.

STEAMSHIP OWNERS,
AGENTS & BROKERS.

STEAMSHIP SERVICES

1. REGULAR SAILINGS FROM MONTREAL, QUE., TO NORTH SYDNEY, N.S. ST-PIERRE, MIQ., ST. JOHN'S, NFLD.

2. HALIFAX, N.S., CHARLOTTETOWN, P.E.I., NORTH SYDNEY, N.S., ST-PIERRE, MIQ., ST. JOHN'S, NFLD., NFLD. EAST COAST OUTPORTS.

FREQUENT SAILINGS

1. FROM BUFFALO, N.Y., SARNIA, ONT., COLBORNE, ONT., TORONTO, ONT., VIA MONTREAL TO CHARLOTTETOWN, P.E.I. HALIFAX, N.S., SYDNEY, N.S. ST. JOHN'S, NFLD.

2. FROM LEITH, SCOTLAND, ANTWERP, BELGIUM, ST. MALO, AND BORDEAUX, FRANCE, TO ST. JOHN'S, NFLD., ST-PIERRE, MIQ.

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HALIFAX, N.S.
ST. NICHOLOS BLDG., MONTREAL
ST. JOHN'S, NFLD.
CHARLOTTETOWN, P.E.I.
ST-PIERRE, MIQ.

AGENCIES & CORRESPONDENTS AT ALL PRINCIPAL CANADIAN, NFLD., EUROPEAN, U.K., WEST INDIES & U.S.A. PORTS.

HALIFAX, CANADA.

May 13, 1933

Rt. Hon. Arthur Meighen, P.C.,
The Senate,
O t t a w a, Canada.

Dear Senator Meighen:

At the moment I do not know the position of the last Bill which was introduced in the Senate dealing with Canadian shipping.

As this Company in which I am substantially interested and of which I am President has for years been engaged in building up, among its other services, a service between the Great Lakes and Maritime ports and in connection therewith using such Canadian ocean boats as are available, two of which we own ourselves, and supplementing this fleet by such British ships of suitable design as are available, we naturally are much concerned as to what effect this new Bill will have upon our position.

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There are so few Canadian registered boats that are availabe and at the moment so few British boats, that bringing in the two or three British ships which are suitable for this trade does not in any way interfere with the Canadian ship of that type. However, if the Bill makes it impossible to bring in these few British ships which are suitable and available, I can see no alternative but that the service in question will have to be greatly curtailed or in time eliminated, as it will never stand the high cost of Canadian built ships or the British ships which are now available being duty paid in Canada.

It seems unfortunate that this situation should be disturbed in order to satisfy a demand which is evidently created by conditions surrounding lake boats and by the position of Canadian Shipyards, which yards cannot build a boat within 50% of the cost if the same boat were built in a British yard.

If at all possible we hope that this Bill can be confined to Lake shipping and to the carriage of grain, which seems to be the problem in hand.

I might point out that one of the major difficulties involved is the fact that the boats operating from the Maritime Provinces to the Lakes must of necessity let down and take up cargo at Montreal to and from the Lakes, otherwise it is extremely difficult to make such a service break even unless it can take advantage of Montreal and Lakes

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movements when these boats are moving from Montreal to the Lakes enroute and also from the Lakes to Montreal enroute.

This service which we have been building up is of great advantage to the Maritime Provinces and shows promise of gradually being stabilized into a thoroughly permanent operation. Therefore is there not some way that this route can be protected so that British ships can continue to operate thereon without the restrictions as contemplated by the Bill?

Everyone in business these days is having such a hard time to get along, and this is particularly true of the shipping business, that we trust that our operation will not be unduly prejudiced by legislation which, as we understand it, has not been provided for the purpose of protecting ocean going boats nor a service such as we are operating.

We believe that the Bill does not interfere with direct sailings between the Maritime ports and the Lakes but the position which we wish to protect is the carryingof cargo by these boats from Montreal to the Lakes and from the Lakes to Montreal when these boats are operating between their regular ports.

I regret very much having to bother you so much in connection with this Bill but it is of such

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importance to us that I have taken the liberty of bringing these facts to your attention.

With kind personal regards, I am

Yours sincerely,

E. C. Phinney

P/J.

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SEAWAY PACT FACES BATTLE IN U.S. SENATE

New Study of Economic Feasibility Is Demanded

COPELAND OPPOSED

Senator Huey Long Asserts "All-British Canal" Will Be Developed

(By The Associated Press.)

Washington, April 17. — The opening round of debate in the United State Senate on the St. Lawrence waterway treaty showed today the $500,000,000 project for connecting the Great Lakes with the sea is facing a stiff battle before ratification by the United States.

A demand from Senator Copeland, New York Democrat, for a new study of the economic feasibility of the project, and an assertion by Senator Long, Democrat from Louisiana, that it would be "an all British canal" foreshadowed serious opposition to the pact.

Debate on the treaty was precipitated by a move to have the Senate foreign relations committee consider a resolution introduced by Chairman Pittman last week to give New York all the power to be allocated to the United States from the gigantic development.

Copeland and his colleague, Senator Wagner, New York Democrat, both objected and asked to have the resolution sent to the commerce committee for study. No decision was reached, and the resolution remained on the Vice-President's table.

After a preliminary skirmish over the resolution, Copeland disclosed his broader purpose.

"My object," he said, "is to have an economic study made of this project. Nobody knows how much New York will suffer by development of the all-British route. I fail to find any careful study of what would happen in the way of diversion of commerce by this canal. I want to point out how wrong it is to proceed with this project without giving any thought to what will happen to this country in the event it is developed."

Senator LaFollette, Wisconsin Republican, moved to send the treaty to the foreign relations committee, of which he is a member, saying there was no question of that committee's jurisdiction and pointing out its protracted consideration of the subject.

HUEY LONG IN ATTACK.

Huey Long immediately attacked the treaty, saying that when it was ratified "the only thing for us people in New York and the Mississippi Valley to do will be to move to Canada."

Long joined in the demand for sending the resolution to the commerce committee, saying it should be studied by a "domestic committee." This brought a prompt retort from Senator Borah, ranking Republican on the foreign relations committee, that his committee would give the question of domestic commerce full consideration.

Support for the resolution was expressed in a statement issued during the day by Basil Manly, Washington representative of The New York Power Authority, who pointed out it represented an accord between the United States Government and the state.

The resolution, Manly said, "will make available 720,000 horsepower of electrcity to rural and domestic consumers and to American industry," and "check the migration of American industry to Canada in search of cheap water power."

Senator Copeland quoted from the report on the pact in support of his contention that the resolution should be referred to the commerce committee. Both former President Hoover and his Secretary of State, Henry L. Stimson, were quoted by Copeland as saying the power phase of the St. Lawrence development was a "purely domestic question."

Vandenberg asked Wagner, while he had the floor, if the motion should not be postponed for this session of Congress, but the ensuing debate brought out no answer to this query.

"Did the committee on foreign relations," Copeland asked Vandenberg, "decide how much the state of New York should pay?"

"The committee," replied the Michigan senator, "brought the engineers of the United States army board of engineers and of the Power Authority together and as a result of a series of conferences and three headings a tentative agreement upon a maximum of $89,000,000 was reached."

"Did the committee have this report of the engineers and the Power Authority to study?" Copeland asked, holding up a copy.

"No further information was necessary," said Vandenberg.

MONTREAL MENTIONED.

"I think it is necessary," retorted Copeland. "Nobody here knows how much the state will suffer in loss of commerce by the building of this seaway. There might be some here willing to see the Port of Montreal the chief port of the North American continent.

"Anybody who believes," said Copeland, turning to the general futures of the seaway, "that the Leviathan will ever tie up at Grand Haven, Michigan, is very much mistaken. The only probable value would be the transportation of wheat from the northwest. How any American farmer believes he will benefit from the buildings of the seaway is beyond my comprehension.

"Where is there an American who wishes to encourage the transportation from Europe of carload lots of

(Continued on Page 15, Col. 3.)

more grain carrying into Canadian bottoms.

SEAWAY PACT FACES BATTLE IN U.S. SENATE

(Continued from Page One)

goods?" Copeland continued, after referring to claims for westbound traffic on the seaway.

After studying a copy of the seaway treaty, between Canada and the United States, for a moment, Copeland said:

"We supply the money and since half of the work is on Canadian soil, the treaty solemnly proposes that the work be done by Canadian engineers, by Canadian labor and with Canadian material wherever the work is on Canadian soil. Here we are with 13,000,000 unemployed in our own country and we would actually supply money to build an all-British canal."

Senator Long warned the senate not to be "deluded into thinking the Canadians are going to sit quietly by and see American grain go through British waters at the same rates and with the same privileges given Canadian grain."

Copeland, resuming his attack on the seaway, said:

"The first ship got up the canal (the present St. Lawrence river route) only a day before yesterday."

The Pittman-McSwain resolution does not directly mention the amount the State of New York would pay for its power, but refers to the tentative agreement reached by the Power Authority and the board of army engineers. It does, however, incorporate the recommendation of the Power Authority for definitely establishing the claim of the state to the power.

DIVERSION CASES REOPEN

Argument on Special Master's Report Urging Action

Washington, April 17.—The Lake Michigan diversion cases, decided by the United States Supreme Court in 1930, returned before the high tribunal today with arguments on a special master's report urging further court action and charging that the Chicago Sanitary District and Illinois were not complying with the court decree.

Counsel tables in the courtroom were crowded with an array of attorneys as Joseph B. Fleming, special attorney, opened the argument for the Sanitary District. He was followed by Cornelius Lynde, Special Assistant Attorney-General for Illinois. R. T. Jackson, representing the Attorney-General of Michigan, Minnesota, Ohio and Wisconsin, and Attorney-General John W. Bricker of Ohio, represented the complainant states.

The Sanitary District and Illinois both flatly denied that any further action by the court would be necessary to enforce its decree. They asserted the diversion would be reduced to 5,000 cubic feet per second by the end of 1935, and Fleming told the court there was serious question whether it had authority to compel a further reduction beyond 5,000 cubic feet per second because of legislation in the United States River and Harbor Appropriation Act of 1930 providing for the lakes and gulf waterway.

Fleming insisted delay in the construction of controlling works at the mouth of the Chicago River was due to inaction on the part of the War Department on twelve plans which the Sanitary District presented to it for approval.

MOSCOW HEADS

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In view of this I am not preparing any cables for England. My surmise as to the intent of the Commonwealth committee and the effect of Paragraph 26 of ~~the~~ its agreement turns out to be right.

D.L.

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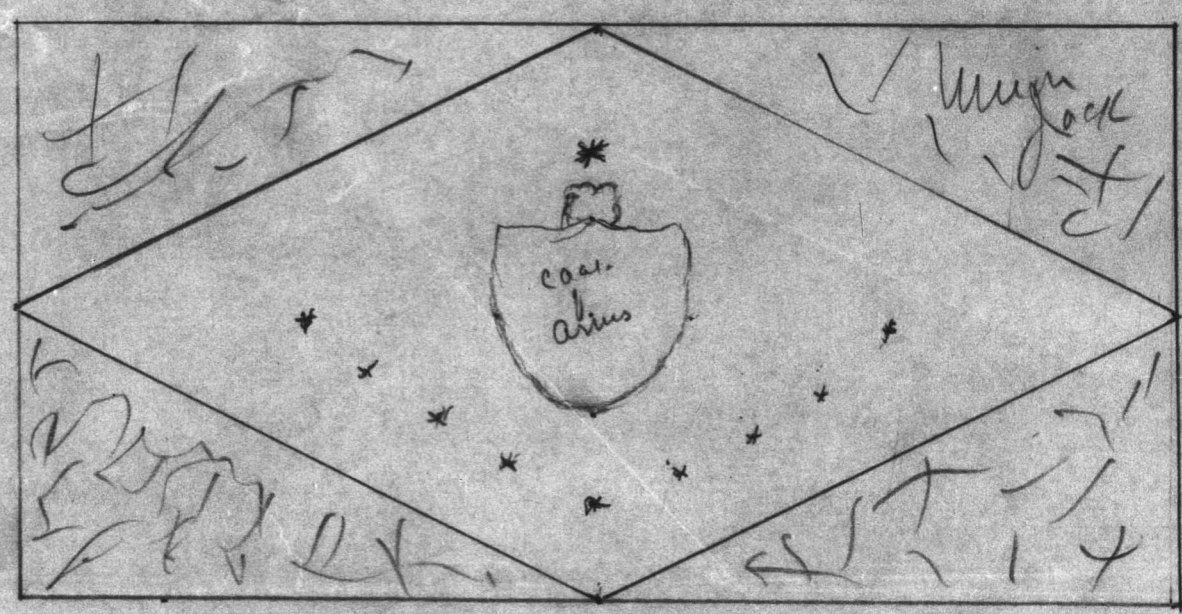

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Memo Re Bill C. for Mr. Meighen

Two memos, one from the Halifax Board of Trade (echoing C.J.Burchell, K.C.) the other from Mr. Martin Griffin, K.C, (Vancouver) ought to come before the Committee.

They are annexed with my comments.

The Halifax memo is commented upon by me in the annexed memo to Senator Griesbach, made at his request.

The Vancouver memo is disposed of by notes written at the side in lead pencil.

Whatever may be said for the Halifax memo, there is nothing at all in favour of anything whatever in the Vancouver memo so far as variation of the present form of Bill C is concerned.

(W.F.O'Connor)

No letter from Mr Meighen is required re this report to Mr Griffin. J.C.

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Memo for Mr Meighen

Your colleague might be told that -

1.- Mr Griffin makes v-v suggestions, many whereof are for mere typographical corrections:

2.- Of these suggestions 22, including all the more serious of them, have been already cared for in the redraft which will be out of the printers' hands this week.

3.- Of the remaining 33 suggestions 3, as to minor changes of phrasing, have been accepted and put into effect.

4.- Of the remaining 30 suggestions 18 minor corrections suggested are either undesirable because unimportant, at this stage, or they are not concurred in. All involve phrasing.

5.- The remaining twelve suggestions involve policy or departmental administration, Lieut Gen have handed the memorandum

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to Mr Anderson, representing the Department of Justice before the Committee, who, doubtless, when the Bill is before the Committee, will be informed of, and able to forward, the Departmental view.

W A O'Connor

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414 (3).

The object of these provisions, which are new, is to avoid the necessity of actual attendance of the Minister as pilotage authority, possibly at Halifax or Vancouver, in certain cases, and to attach the powers of the authority to the department rather than to the persona of the Minister.

453.

The first subsection is new. Its object to to compel the taking of a pilot when the ship is freighted with dangerous goods in bulk. The secondnsubsection introduces no change.

517A.

This is new. It is the penalty section of the new section 453. Adherence to the scheme of the Canada Shipping Act calls for a separate penalty provision which falls properly between sections 517 and 518.

681 to 681E inclusive.

These sections which are almost wholly new are intended to implement the provisions of the Convention concerning the protection against accidents of workers employed in loading or unloading ships, signed at Geneva on the 27th day of April, 1932.

A provision is introduced to allow of the collection of

(fees)

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fees from ship owners to cover the cost of tackle inspection, i.e. salaries and travelling expenses of Tackle Inspectors. This is new.

There would be about 12 Tackle Inspectors and about 600 ships requiring inspection.

Probably ships under 1000 tons should not be charged for tackle inspection, ships of 1000 and under 5000 tons might be charged $20.00, ships of 5000 and under 10000 tons $30.00, and ships of 10000 tons and over $40.00.

Fees should only be charged against ships which loaded or unloaded at a port where tackle inspection was carried out, and a ship should be liable for the payment of a fee only once in the calendar year. Thus, if a ship came to Montreal, once she would pay the same fee as if she came ten times in the season.

Tackle inspection at present is carried out under the provisions of section 674 of chapter 186, and section 681 of that chapter is a penalty clause. These sections are proposed by this Bill to be repealed.

681F.

This is a new provision. It is intended to implement the Convention relating to the marking of heavy packages adopted at Geneva, 21st June, 1929.

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681G.

A new provision. Self explanatory.

682(3).

A new provision. Under it prosecution may be by summary conviction, before a judge, magistrate or justices and in default of payment there may be imprisonment. Penalties recovered go into the Consolidated Revenue Fund. See sections 660 and 661, Canada Shipping Act.

697A.

This is a new provision designed to ensure power to require helm orders to be given in the direct sense in all ships registered in Canada. Order in Council, P.C. 2711, of the 12th December, 1932, made under the provisions of section 4, chapter 49, 1931, requires that in all ships registered in Canada, except those engaged on voyages between Canada and the United States on any lakes or rivers, and ships steered by hand tiller, held orders shall be given in the direct sense. It is imperative that there should be uniformity in respect of the method of giving helm orders in all ships registered in Canada. It is to be observed that the Government of the United Kingdom does not exempt ships steered by hand tiller; consequently, the exemption of these ships is removed.

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L238115

694, 695 and 705.

These sections are now covered by the Load Line Convention and chapter 49, of 1931, The first two relate to deckloads and the third is the penalty section.

Note section 714 of Bill J.

696 and 697.

The proposed to be repealed sections are now covered by the Convention and chapter 49 of 1931, but it is desirable, as was proposed by section 714 of Bill J, that the Governor in Council should have power to make safety regulations as now proposed. The provisions are New.

912 to 931.

These proposed to be repealed provisions are not now in effect. They are replaced by the Load Line Convention and chapter 49 of 1931.

932.

Para (a). Great Britain has deliberately abstained from defining "British Ship" by statute. Canada has done so in the past by section 932 of the Canada Shipping Act. The present draft eliminates the word "means" from the definition and adds at the end "and such other ships etc.," By the Maritime law of England it is the place of control in fact of a ship owned by a corporation, and not the place of the

(residence)

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residence, or the nationality, of the owners of the shares of the corporation or even the place of registration of such a ship, that settles the nationality of the ship.

Para. (b) remains unchanged.

Para. (c). This is new.

933 to 935B inclusive.

Clause 933 as substituted is in the terms of the existing section 933, minus subsection (2) thereof, which dealt with war captures and has become effete.

Clause 934, is new and self explanatory.

Clause 935 is an extension of the existing section 934 (which relates to duty of 25 per centum on foreign built British ships) to British built ships built out of Canada. The "foreign built" duty is raised to 35 per centum. The "British built" duty is fixed at 25 per centum.

Clause 935A is new and self explanatory.

Clause 935B is new. It is adapted from the coasting laws of the United States of America.

939 and 940.

The proposed to be repealed section 939 dealt with foreign ships privileged by treaty with Great Britain to enter into the coasting trade of Canada. The Statute of Westminster, 1931, removed all fetters from Canada's

(control)

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control over its coasting trade. The former obligations of section 736 of the Imperial Merchant Shipping Act, 1894, no longer exist. It was in consequence of this section that section 939 of the Canada Shipping Act was enacted. Canada's obligations, if any, under the treaties in question, will be outstanding. There is no longer any reason for Canadian statutory recognition of obligation.

The proposed to be repealed section 940 has become effete. It has existed since 1870.

Clause 2 of the Bill.

This clause is inserted out of abundant caution and not because it is deemed to be necessary. Its purpose is plain.

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123818 113

DOMINION STEEL & COAL CORPORATION LIMITED

MEMORANDUM RE COASTING TRADE OF CANADA

The Dominion Steel & Coal Corporation Limited, directly or through subsidiaries, operates steel works in Nova Scotia, coal mines in Nova Scotia and iron mines in Newfoundland.

According to the records of the Workmen's Compensation Board, this Company and its subsidiaries pays approximately about forty percent of the total industrial pay roll of the Province of Nova Scotia in normal times. It is estimated that at lease 100,000 people are directly affected by the operations of this Company and indirectly the whole population of Nova Scotia is affected.

One of the handicaps from which Nova Scotia suffers in the sale of its natural products, such as coal, is distance from markets.

The principal market for the coal mined by the Company is along the St. Lawrence River. There the Corporation controls, under lease from the various Harbour Commissioners, large coal storage areas, equipped with modern discharging towers for quick and economical handling of cargoes. The St. Lawrence market absorbs in normal times upwards of two million tons of Nova Scotia coal which has to be transported by water between May 1st and November 30th - a season of seven months.

In the St. Lawrence market the Company has always had to meet competition from coal from the United States. During the past year and at the present time, British bituminous coal is being shipped from England and Scotland in increasingly large quantities. Coal is shipped from England to the

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St. Lawrence market by water, and from the United States both by rail and by water. Either from the United States or from England coal can be carried in British or foreign ships and this is in fact being done and at exceedingly low rates of freight. There is a well settled agreement between all nations that no nation will prevent ocean-going ships of any other nation from carrying merchandise to or from its ports. This international understanding is recognized in Canada. It is obvious that this is necessary and cannot be avoided. If Canada, for instance, refused permission to foreign ships to carry merchandise into Canada, the result would be that Canadian ships would not be permitted to carry merchandise into foreign countries. Paragraph 100 of the report of the Conference on the operation of Dominion Legislation and Merchant Shipping Legislation 1929 refers to this matter as follows:

> "100. Uniform Treatment - (a) At present all British ocean-going ships are treated alike in all ports of the British Commonwealth and, as stated in the Resolutions of the Imperial Economic Conference of 1923, it is the established practice to make no discrimination between ocean-going ships of all countries using ports in the Commonwealth. In view of the importance that is attached to uniformity of treatment, it is recommended that the different parts of the Commonwealth should continue not to differentiate between their own ocean-going ships and similar ships belonging to other parts of the Commonwealth. Such uniformity of treatment is regarded as an asset of very considerable importance, especially for the purpose of negotiations with foreign Governments who may seek to discriminate in favour of their own ships and against British Commonwealth ships."

The result however of this uniform treatment is that in the case of coal, and especially so at the present time, ships can be chartered to carry coal from England at surprisingly low rates because of the fact that the British

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coal merchant is free to charter the ships of any nation to carry his coal and naturally accepts the lowest charter which is offered.

This situation must be kept in mind by the Committee when giving consideration to any proposed legislation which would in any way increase the cost of carrying coal from Nova Scotia to the Quebec and Ontario markets.

Under the law which existed from 1869 until the passing of the Statute of Westminster 1931, the Parliament of Canada was authorized to regulate the coasting trade of Canada but it was provided that such legislation must treat all British ships (including the ships of any other British possession) in exactly the same manner as Canadian ships. This provision was found in Section 736 of the Merchant Shipping Act, 1894. Under Section 5 of the Statute of Westminster, 1931 this section does not now apply to Canada. The same situation, however, was continued under Article 11 of the British Commonwealth Shipping Agreement which provides that while each part of the British Commonwealth may regulate its own coasting trade, it is agreed that any laws or regulations from time to time in force for that purpose shall treat all ships registered in the British Commonwealth in exactly the same manner as ships registered in that part. It is further provided, however, that every part of the Commonwealth shall have the right to impose custom duties on ships built outside that part.

Under the existing law of Canada, therefore, and under the British Commonwealth Shipping Agreement (Article 11) all British registered ships are entitled to engage in the coasting trade of Canada. A duty of twenty-five percent is payable on all foreign built ships, but there is not and never has

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been in Canada a duty on British built ships engaged in the coasting trade.

The proposal now is to place a duty of twenty-five percent on all ships which engage in the coasting trade which are not built in Canada. The purpose of this brief is to explain how disastrously this would affect the operations of the Dominion Steel and Coal Corporation Limited and of its subsidiary Coal Companies.

It has been the practice of the Dominion Steel and Coal Corporation or of its predecessors for nearly forty years, or since the incorporation of the Dominion Coal Company, one of its subsidiaries, to charter ships on long term, namely, eight to ten St. Lawrence seasons, with various options for charter extension up to another eight to ten seasons, which would be exercised if the market conditions and condition of the steamer justified it. Experience has shown that what is required is a special type of large ocean steamers with large hatches, clear holds, for quick and economical loading and discharging, with clam shell equipment, and with extra space for water ballast to enable them to make the return voyages in ballast with despatch in all kinds of weather, and with speed loaded of about ten knots to overcome, as much as possible, tidal conditions in the St. Lawrence River. This type of steamer naturally is more costly than the ordinary coal carrier, but it has been found more economical in every way than the ordinary tramp steamer which is generally used in carrying coal outside of such special type ships.

None of this type of steamer has ever been built in Canada; in fact there are no Canadian registered, or Canadian owned, steamers afloat at the

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present time of the size or type which could be economically employed in this trade. There are many such steamers in England as England is a great coal carrying nation. It is therefore to England or Scotland that the Company must go to secure the greatest competition and the cheapest rate of charter freight. Ninety percent of the shipping of the entire British Empire is registered in England or Scotland. The Company endeavors to charter their steamers from English owners who can arrange to find other employment for the five winter months, either in their own business or through their various world connections. In normal times they have been fairly successful in this regard.

It has been the Corporation's practice to limit its long term charters to sufficient to carry the minimum expected quantity it was certain to market on the average each year. In a good year the extra quantity sold has to be provided for by seasonal or part seasonal charters running from one to six or seven steamers during the St. Lawrence season. If, through marine accident, as sometimes happens, any of the long term steamers be lost or go out of service for repairs, replacement has to be made by the engagement of other vessels.

During and shortly after the War, the Company purchased eight steamers of the required special type, because chartering was expensive, as was construction, all over the world. It was established, however, by a somewhat expensive experience that the Company could not compete economically in the winter periods for ocean business in world shipping, principally because the vessels on account of their special type were only suitable for carrying coal or similar cargo. The Company was then compelled to lay up their fleet during the five winter months. This meant that

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earnings to cover interest and depreciation had to be made during the seven St. Lawrence months, instead of dividing it among the twelve months of the year as is the case of other British owned ships, and is the case with the Company's chartered ships.

In order to attempt to overcome this difficulty the Company, in 1929, turned over the management of their fleet to an established Company of shipowners in England in the hope that winter employment would be found for them on the other side of the Atlantic. This plan did not work and the contract had to be cancelled. Three of the vessels were then sold; one was lost at sea and the four remaining are now back under the Company's management, and the Company would be glad to dispose of same at any reasonable price.

At the present time the Company has the following ships under charter:

Name of Steamer	Time Charter has to run
WANSTEAD	7 years
WENDOVER	7 years
DOMBY	9 seasons
CANBY	2 seasons
COALBY	2 seasons
BLACKHEATH	1 season
FINCHLEY	1 season
TWICKENHAM	1 season
SELJE	8 seasons

The construction cost in the United Kingdom of the type of ship which

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is required for the coal trade and which the Company employs under long term charter is between $400,000 and $500,000. If a duty of twenty-five percent were placed on these ships, it would mean that the Corporation would have to pay that duty when the steamer enters the service - and it would amount to between $100,000 and $125,000. on each steamer. If the steamer is lost the Corporation would be out of pocket to the extent of the amount of the duty paid. The Company would therefore be compelled to carry marine insurance to protect the amount of the duty, and this insurance would have to be carried not only during the time she is employed by the Company in the St. Lawrence season, but also during the winter months when she would be engaged in other trade. But even if the boat were to carry on for the full term of the charter, the tax and the interest thereon and insurance on same would be heavy and would seriously, and perhaps fatally, prejudice and hamper competition with English and American coal. In the case of seasonal charters or part seasonal charters, the situation is much worse. The ordinary eight thousand ton tramp boat which has to be frequently employed for this service to meet special emergencies is worth in normal times about $350,000 and a duty of twenty-five percent would amount to $87,500. A boat of this capacity would carry during the St. Lawrence season about 150,000 tons of coal. This would amount to a tax of 58¢ on every ton of coal the steamer would carry.

It will therefore be quite obvious to the Committee that if a duty is imposed on United Kingdom ships engaged in carrying coal from Nova Scotia to the St. Lawrence market, the chartering of such ships would be rendered impossible.

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If the Company is forced out of the chartering business by the imposition of a duty, the only alternative would be for the Company to build ships of the required class in Canada. The ships required are necessarily of very heavy construction as they are ocean-going ships and the cost of building them in Canada would be at least from thirty to forty percent higher than if built in the United Kingdom. At least nine ships would be required and the capital outlay amounting to upwards of at least $5,000,000 would be large. There would be the greatest difficulty, if not impossibility, in finding capital to build such steamers, as the earnings to pay the operating expenses, maintenance, repairs and amortization of capital would have to be made in the seven St. Lawrence months and the experience of the Company is that this cannot be done.

On behalf of the Corporation, it is therefore respectfully submitted that if the proposed duty is placed on ships engaged in the coal carrying trade, that the Province of Nova Scotia would be very seriously prejudiced as the Coal Company would not then be in a position to compete to advantage in the St. Lawrence market with American and English bituminous coal.

SEVENTY-FIVE PERCENT BRITISH CONTROLLED

The other request which is now made is to approve of legislation under which British ships engaged in the coasting trade must be seventy-five percent British controlled at all times. Such a regulation would make it practically impossible for the Corporation to continue the long term chartering of United Kingdom ships for its coal trade. It is well known that shipping shares change hands almost as frequently as shares in other

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Companies. By accident, such as the death of a large stockholder, the shares of a British Company owning a particular ship or fleet of ships, might pass into alien hands through inheritance, or otherwise. If this happened, the ship could not then engage in the coasting trade of Canada. Moreover, the life of a long term charter would always be in jeopardy because the cancellation of same could automatically be brought about through the change of twenty-six percent in British ownership.

It may be suggested that a clause could be inserted in the charter party under which the owner might engage not to permit his ship to become more than twenty-five percent foreign owned during the period of the charter. It is submitted, however, that no owner would charter his steamer for a period of years with such condition, as it might prevent him from making an advantageous sale of his ship.

Article 2 of the British Commonwealth Shipping Agreement provides that if a ship is owned by "bodies corporate established under and subject to the law of some part of the British Commonwealth and having their principal place of business in the British Commonwealth" and if duly registered within the British Commonwealth, shall possess a common status for all purpose with other British ships and shall be entitled to the recognition usually accorded to British ships. This has been the law both in England and in Canada for three quarters of a century, except during the War when under the British Ships (Transfer Restriction) Acts 1915 and 1916, it was provided for obvious reasons that a majority of the Directors and of the voting power of any Company owning a British ship must be British. These Acts were expressly stated to be in force only during the continuance of the

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War, and for a period of three years thereafter, when they automatically lapsed.

It is respectfully submitted that to impose such a condition in peace times would seriously hamper the development and growth of Canadian merchant shipping and would be contrary to all precedents and to the British Commonwealth Shipping Agreement and, in the case of the Dominion Steel & Coal Corporation, would render it impossible to continue the practice of the long term chartering of ships and as above set forth, the Company after many years of experience is firmly of the opinion that such chartering is necessary under the special conditions in Canada, and particularly on account of the shortness of the St. Lawrence season, to enable it successfully to carry on its operations and to meet competition with the United Kingdom and American coals.

TRADE BETWEEN THE GREAT LAKES AND THE MARITIME PROVINCES

In addition to coal, the Dominion Steel & Coal Corporation ships steel products in normal years from its Steel Plant at Sydney to the Great Lakes, for instance, as follows:

1927	26,394	gross tons
1928	69,507	" "
1929	41,933	" "

It employed from time to time during the last five years, thirty-seven different Great Lake steamers, that is, steamers suitable to navigate the St. Lawrence canals, of which seven only were of Canadian construction, although all owned in Canada and all, with the exception of one, registered

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in Canadian ports. Steamers to navigate the Gulf of St. Lawrence must be of stronger construction than required in the Great Lakes, and as a consequence the general run of Canadian constructed ships now operating in the Great Lakes will not navigate the Gulf of St. Lawrence to and from Sydney all months of the open season. If these steamers had to pay duty to permit them to engage in this trade, this duty would have to be paid by the Sydney Steel Plant in higher freight charges, and this would prevent that Plant from securing any of the steel business on the Great Lakes. As the steel business fluctuates from year to year, it is very doubtful if any Canadian capital would be available for investment in the construction of suitable Canadian canal size ships, particularly when the construction of the St. Lawrence Deep Waterway is so much in evidence.

The same is true in connection with these canal type steamers carrying coal from Sydney to Great Lake ports which is now under active canvass, with some possibility in sight. If a duty were assessed on ships built outside of Canada, it would prohibit the movement of coal direct from the mines to the consumer on the Great Lakes.

The St. Lawrence Deep Waterway may be opened in the not distant future. It would be a serious situation for the Maritime Provinces if ocean going steamers, British built and registered, would not be permitted, except on payment of duty, to carry coal and steel and other products from the Maritime Provinces into the Great Lakes and take grain or other products as return cargoes to the Maritime Province elevators when, at the same time, United Kingdom ships and foreign ships, without paying any duty, would have free access to the same territory, and be enabled to carry coal and

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steel products from the United Kingdom,- and as above explained, Canada could not without violation both of international understanding and of the British Commonwealth Shipping Agreement impose a duty on United Kingdom or foreign ships engaged in such trade.

HALIFAX SHIPYARDS

The Dominion Steel & Coal Corporation controls as a subsidiary one of the most modern and up-to-date shipbuilding and repair plants and drydocks in North America. This is located in Halifax.

The Halifax Shipyards is standing up under the present depression better than many of the Subsidiaries of the Corporation but the Corporation does not wish to strangle the more important industries of Coal production and steel manufacturing at the expense of requiring aid for shipbuilding plants by imposition of a duty on ships built outside of Canada.

No ships have ever been built at the Halifax Shipyards except for the Dominion Government and at substantially increased prices over the amounts at which the ships could have been built in England or Scotland.

This is the only Government assistance which has ever been given the Shipyards in Halifax and the Corporation submits that if additional aid is to be granted the shipbuilding industry in Canada it should be in the form of a bonus or subsidy and not in the form, as now proposed, by way of duty which would so greatly imperil other and more important industries.

INTERNATIONAL CHARACTER OF THE BUSINESS OF THE CORPORATION

The Corporation has, in Newfoundland, one of the largest and best deposits of Iron Ore in the world, containing about twenty-five percent

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of the world's known supply of red hematite ore. It employs steamers to carry iron ore from Newfoundland to its plant at Sydney and also in large quantities to Germany, and in normal times substantial quantities to the United States. It is hoped in the future that England will also become a buyer of the Corporation's ore. Its Steel products are shipped from Sydney to various points in Canada and to all parts of His Majesty's dominions.

The location of the Iron and Coal mines and Steel works with relation to the markets of the Corporation give its shipping operations an international character, and it is essential that international ships be employed in this international business, which has its base on Nova Scotia and Newfoundland seaboards.

The Dominion Steel and Coal Corporation respectfully submits that the great advantage of the Maritime situation of this large Coal, Iron and Steel industry should be carefully safeguarded in the interests of the Province of Nova Scotia.

Respectfully submitted,

Charles J. Burchell
Solicitor for
DOMINION STEEL AND COAL CORPORATION LIMITED

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Copy for Rt Hon A. Meighen

BILL C

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Memo for Senator Griesbach re Halifax Board of Trade Comments.

This document from Halifax represents the views of C. J. Burchell, K.C., and for that reason in so far as it propounds law it should be given that credit which is due to the views of a good lawyer. Naturally, the Board of Trade of Halifax, as such, is not competent to state the law.

I am, however, in flat opposition to Mr. Burchell's views as to the absence of necessity for extra-Canadian legislation in aid of Canadian legislation in order that after that repeal by Canada of the Colonial Courts of Admiralty Act (Imperial) of 1890 which is effected by the enactment of Bill C our Canadian Admiralty Courts may exercise as complete Admiralty jurisdiction as they now have.

I do not propose to argue this matter now. I shall be ready to do so before the Committee if required.

There are points of merit, in other respects, in the Halifax communication. You will remember that it was I who suggested to the Committee that the Bill be held to enable Mr. Burchell and others to consider the redrafted Bill C and express their views. This they are now doing. Mr. Burchell, almost certainly, will be in attendance next week before the Committee.

When I say that there are points of merit in the memorandum I do not want to be understood as either supporting or opposing any of the requests made for amendment. It is my duty merely to indicate and expound, as well as I can. In this spirit I subjoin the following comments upon the mentioned communication.

1.- As to the new section 18. This, as written represents the result of conferences of Mr. Anderson and myself with the Deputy Minister of Justice and Mr. McNeill, one of the

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officers of the Department of Justice. The original draft of section 18 was considered by the Committee to be defective or not desirable in several respects. The chief criticism of the redrafted section 18 is that it does not set out a long list of statutory additions to the law of Admiralty which, in England, are part of the Judicature Act. They represent only a fragment of Admiralty law and my idea was that to set them out in our Act, even as amended to conform with the English Act, would be much more likely to mislead non-lawyers and lawyers of foreign jurisdiction than to assist them. It would be as idle an effort to attempt to "list" by item Admiralty Law as it would be to attempt to "list" the common Law, Equity Law, the Law Merchant, or any of the other subdivisions of the Law of England. Nobody has ever been so foolish as to try to do anything so foolish. In the light of what I have said please read argument No. 1, page 2 of the Halifax Board of Trade's communication. It was because I feared that to lead off our Canadian jurisdiction section with a mere consolidation of statutory amendments to a law of the sea which is older than the common law and depends upon the "unwritten law" which is to be traced through thousands of books that I advised against the recital of a list which for England's purposes in a Judicature Act Consolidation of 1925 was necessary. I picked up where England left off. Mr. Burchell's draft provided no such thing as is claimed for it at the head of page 2 of the Halifax communication, nor could any draft short of a treatise on, or a codification, book size, of Maritime law, much of it being in shipping Acts. Notwithstanding, if there is any support for the view that such list of statutory amendments should be expanded in Section 18 of Bill C (Corrected however to conform with the English Act except as the Committee may alter it) I take no stand upon the matter. These things are all now incorporated in Bill C by reference. I can,

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and cheerfully will, write them in. But, as they are now in the Bill the provision incorporating them by reference must be taken out of the Bill.

2.- For the argument that legislation by reference to the Statutes of "another member of the British Commonwealth of Nations is inconvenient and is not in accord with the dignity and status of Canada as an important member of that Commonwealth" I would answer that neither Canada nor its provinces <u>needed</u> to legislate by reference to the statute law of England when they did so (for convenience, and to secure efficiency) in legislating the Criminal Law of England statute and other of a certain date to be the law of Canada, and likewise as to the civil law, statutory and other, as of different dates, as most of the provinces have legislated. Canada does not now <u>need</u> to legislate by reference either, but Canada can more conveniently and more efficiently so legislate. Canada writes her law relating to <u>court jurisdiction,</u> at least, I hope, for the trained intelligences of her Courts and her bar, and not for perusal and interpretation by the untrained who can merely wrestle unto their own destruction. Also, I fail to appreciate that a "nation's" dignity is lost when it incorporates by reference from another nation's statutes a list of statutory amendments, but is saved when it copies and recites <u>in extenso</u> the same list from the same statutes.

3.-As to the argument No. 3 (Page 2 of the Halifax communication) I repeat that the original section 18 varied substantially and unnecessarily the provisions of section 22 of the Supreme Court of Judicature (Consolidation) Act. The differences were exposed to the Committee and it directed that the section be rewritten so as to ensure conformity with the English provisions except in one or two matters. I had advised what was the Law of England, indicated what were the terms of the original section 18 and what were the differences. I was told to produce certain

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results and did so in the terms of section 18 as it stands now in Bill C.

4.- As to argument No. 4 (Page 2 as aforesaid) please compare it with argument No. 6 (Page 4). I agree with what is said in argument No. 4, and so did the Committee, but now that in the revised section 18 the argument of No. 4 is acceded to and a province is substituted for Canada, the Halifax memorandum asks the Committee (see argument no. 5 and 6) to substitute Canada for a province in part of section 18. The original section 18 also so provided, but the Committee thought that province should be substituted for Canada throughout the section.

5.- As to argument No 5 (Page 3) the original section 18 limited plaintiffs in certain cases to an action in personam (but gave that action in personam) although an owner was domiciled in Canada. The English Act gave an action in personam and in rem, if at all, but gave no action at all if an owner was domiciled in England. The Committee instructed me to substitute province for Canada and give no action if an owner was in the province. I did so, whether effectively or not I wish to reconsider at a later stage of these remarks.

6.-Argument No. 6 (Page 4) relates to the same provisions of section 18 as does argument No. 5. As to point "(a)" it is so that the provisions in question have never been in force in Canada. As to points "(b)" to "(d)" inclusive they do not urge anything that would not apply as well in England and for this reason the Committee, after discussion, directed that the Canadian law be made to conform to that of England. As to point "(e)" I think that my draft as appearing in reprinted Bill C (Page 7, line 5) is defective and Mr. Anderson and I have decided to recommend that the words "proceedings were instituted" be deleted and replaced by the words "cause of action arose." This will dispose of point "(e)". I repeat, however, that my effort has been to

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express the views of the Committee. The matter involved is one of policy and if the Committee decides to accede to the Halifax suggestions I shall be cheerfully content.

7.-Argument No. 7 (Page 5). The Halifax Board of Trade does ~~deserve~~ desire, however, the arrest of ships for necessaries supplied, although there is an owner in the province or in Canada. This matter was argued at length by Montreal interests before the Committee and it decided against arrest if there is an owner in the province in which the cause of action arises.

8.-Argument No. 8. I shall argue as to this matter, if necessary, (with legal authorities to support what I shall say) before the Committee. The comments of the Halifax Board of Trade are beside the point and evince a lack of appreciation of that point. Briefly it is ~~that~~ - That Admiralty jurisdiction, except as to matters arising on the high seas, is an inferior jurisdiction, carved out of the jurisdiction of the common law courts and entirely dependent upon statute, that without statutory authority an Admiralty Court would not have jurisdiction over even a collision of two ships in Halifax Harbour, ergo in Newfoundland or the West Indies. We can legislate that jurisdiction to ourselves for Halifax Harbour but not for Newfoundland or West Indian waters. I am not arguing in terms of persons or of ships, but in terms of places, viz. waters exterior to Canada. I shall show this so plainly by cases in England, prior to the enactment of the statutes which we now propose to repeal, that the error of our Halifax friends will appear even to themselves. Before these statutes an English Admiralty Court had not jurisdiction even over a collision in the Thames River or over anything not done upon the high seas, and it was many times so decided.

W.F.O'Connor

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414 (3).

The object of these provisions, which are new, is to avoid the necessity of actual attendance of the Minister as pilotage authority, possibly at Halifax or Vancouver, in certain cases, and to attach the powers of the authority to the department rather than to the persona of the Minister.

681 to 681E inclusive.

These sections which are almost wholly new are intended to implement the provisions of the Convention concerning protection against accidents of workers employed in loading or unloading ships, signed at Geneva on the 27th day of April, 1932.

A provision is introduced to allow of the collection of fees from ship owners to cover the cost of tackle inspection, i.e., salaries and travelling expenses of Tackle Inspectors. This is now.

It is estimated that there will be about 12 Tackle Inspectors and about 600 ships requiring inspection.

Fees should only be charged against ships which loaded or unloaded at a port where tackle inspection was carried out, and a ship should be liable for the payment of a fee only once in the calendar year. Thus, if a ship came to Montreal, once she would pay the same fee as if she came ten times in the season.

Tackle inspection at present is carried out under the provisions of section 674 of chapter 186, and section 681 of that chapter is a penalty clause. These sections are proposed by this Bill to be repealed.

681F.

This is a new provision. It is intended to implement the Convention relating to the marking of heavy packages adopted at Geneva, 21st June, 1929.

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681G.

a new provision. Self explanatory.

682(3)

A new provision. Under it prosecution may be by summary conviction, before a judge, magistrate or justice and in default of payment there may be imprisonment. Penalties recovered go into the Consolidated Revenue Fund. See sections 660 and 661, Canada Shipping Act.

897A.

This is a new provision designed to ensure power to require helm orders to be given in the direct sense on all ships registered in Canada. Order in Council, P.C. 2711, of the 12th December, 1932, made under the provisions of section 4, chapter 49, 1931, requires that in all ships registered in Canada, except those engaged on voyages between Canada and the United States on any lakes or rivers, and ships steered by hand tiller, helm orders shall be given in the direct sense. It is imperative that there should be uniformity in respect of the method of giving helm orders in all ships registered in Canada.

694,695 and 705.

These sections are now covered in part by the Load Line Convention (see chapter 49, of 1931), and by the proposed new section 696. The first two relate to deckloads and the third is the penalty section. Note section 714 of Bill J.

696 and 697.

It is desirable, as was proposed by section 714 of Bill J, that the Governor in Council should have power to make safety regulations as now proposed. The provisions are new.

912 to 931.

The proposed to be repealed provisions are not now in effect. They are replaced by the Load Line Convention

(and)

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and chapter 49 of 1931.

932.

Para. (a). Great Britain has deliberately abstained from defining "British Ship" by statute. Canada has done so in the past by section 932 of the Canada Shipping Act. The present draft eliminates the word "means" from the definition and adds at the end"and are by the law of England" etc. By the Maritime law of England it is the place of control in fact of a ship owned by a corporation, and not the place of the residence, or the nationality, of the owners of the shares of the corporation or even the place of registration of such a ship, that settles the nationality of the ship.

Para. (b) remains unchanged.

Para. (c). This is new.

939 and 940.

The proposed to be repealed section 939 dealt with foreign ships privileged by treaty with Great Britain to enter into the coasting trade of Canada. The Statute of Westminster, 1931, removed all fetters from Canada's control over its coasting trade. The former obligations of section 736 of the Imperial Merchant Shipping Act, 1894, no longer exist. It was in consequence of this section that section 939 of the Canada Shipping Act was enacted. Canada's obligations, if any, under the treaties in question, will be outstanding. There is no longer any reason for Canadian statutory recognition of obligation.

The proposed to be repealed section 940 has become effete. It has existed since 1870.

Clause 2 of the Bill.

This clause is inserted out of abundant caution and not because it is deemed to be necessary. Its purpose is plain.

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ENGINE & BOILER MAKERS

JOHN S. LEITCH
VICE-PRESIDENT AND GENERAL MANAGER

Collingwood, Ont.

file

January 25th, 1934.

Dear Sir:—

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We are sending you herewith a list of ships which have been built in the British Isles or in the United States of America for use in the Canadian Coasting Trade.

There is no duty on British ships entering the Canadian Coastwise Trade between Canadian ports, or on ships of any country seeking Canadian Registration for the purpose of engaging in foreign trade, and a duty of 25% only is imposed on ships and other vessels built in a foreign country if British registered since September, 1902 on application for license to engage in the Canadian Coasting trade.

Canada has the right to impose Customs Tariff Duties against British ships built outside of Canada, in the same manner in which it now imposes Customs Duties on foreign built British ships, and we suggest and recommend for your consideration that the law be amended so that,—

1. No vessel shall be permitted to engage in the Inland Coasting Trade of Canada between Quebec City and the United States boundary on Lake Superior, except vessels built in Canada or registered in Canada prior to (date of legislation). Provided, however, that vessels built in Great Britain or any of the British Dominions may engage in such Inland Coasting Trade, after payment of Customs Duties at the rate of thirty percentum (30%) on the cost of the vessel when new.

2. The Canadian Shipbuilding industry, through Customs Duties, should be placed in the position to compete in building and repair work with British and United States yards.

From 1922 to the end of 1933 vessels have been purchased abroad by Canadian owners, as follows:—

For Service on the Great Lakes, approximate value	$ 44,000,000.
For Ocean Service, approximate value	$109,000,000.
	$153,000,000.

The second List shows practically all the Old United States vessels now on the Canadian Register, the replacement value of which is approximately $55,000,000

Canadian Shipbuilders are manifestly at a disadvantage as regards building and repairing ships for Coastwise Trade. The main reasons so far as building ships is concerned, are that the higher wages paid in Canadian yards and the higher cost of materials, coupled with

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existing tariff regulations, prevent them from competing on even terms with British builders, or against old United States vessels which are brought into Canada on the payment of low duties based on low valuations.

On the cost of repairs made to United States ships in Canadian ports a duty of 50% is charged and collected at the first United States port of call. When Canadian vessels are repaired in United States yards a duty of only 25% is imposed by the Canadian Government and is payable only when and if the vessel re-enters the Canadian Coastwise Trade within a year.

The United States fully protects her Shipbuilding, Ship-Repairing and Shipping for her Coastwise Trade. Foreign built or owned vessels are not allowed to enter into her Coastwise Trade under any circumstances.

The Canadian Shipbuilder is required to meet both British and United States competition under the conditions indicated.

The Companies engaged in Shipbuilding and Ship-Repairing in Canada are:—

Halifax Shipyards, Limited	Halifax, N.S.
St. John Dry Dock & Shipbuilding Co.	S. John, N.B.
Davie Shipbuilding & Repairing Co.	Quebec, P.Q.
Canadian Vickers Limited	Montreal, P.Q.
Montreal Dry Dock Company	Montreal, P.Q.
Kingston Shipbuilding Co. Limited	Kingston, Ont.
Muir Bros.' Dry Dock Company	Port Dalhousie, Ont.
Midland Shipbuilding Co., Limited	Midland, Ont.
Collingwood Shipyards, Limited	Collingwood, Ont.
Port Arthur Shipbuilding Co., Ltd.	Port Arthur, Ont.
Burrard Dry Dock Co., Limited	North Vancouver, B.C.
Yarrow Brothers, Limited	Victoria, B.C.
Prince Rupert Drydock & Shipbuilding Co.,	Pr. Rupert, B.C.

These Shipyards have found it difficult to continue. A few of them have been partially engaged in other work, such as structural steel, bridge building, pulp and paper machinery, boilers for domestic use, steel tank work, etc. The majority, however, have been compelled to depend almost entirely on the uncertainties of repair work.

Shipbuilders are expected to maintain their plants in working order, with necessary personnel, supplies, and equipment to enable them to carry out repairs at all times. During the season of navigation repairs must be promptly completed. As repair work is intermittent it is costly to maintain a competent force for it alone. Successful Shipbuilding requires both new construction and repair work to keep the yards

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in operation. Much has been done to improve water transportation so that the Western farmers and other shippers may ship their grain and commodities at advantageous rates.

Except for Repair work, Shipyards throughout Canada have been practically idle for a number of years, while many Ships have been purchased abroad for the Canadian Coasting Trade. Had a fair proportion of these vessels been built in Canada, Canadian trade in general would have been stimulated, for the reason that in the building and equipping of ships the whole industry of the country is directly or indirectly interested.

Thousands of workmen formerly employed in the Shipbuilding industry are now idle.

Canadian Railways have lost a large volume of business in transportation necessary to supply an active Shipbuilding and Ship Repair industry.

Canadian steel rolling mills and their employees would have benefitted had encouragement been given to the Shipbuilding industry.

Immigration of both skilled and unskilled workers would have been stimulated.

If the Canadian Shipbuilding industry, through customs duties, is placed in the position to compete in building and repair work with British and United States yards, the whole nation will profit.

Arguments against protection and in favor of free trade seem to have no force or effect when applied to ships and shipping. The Shipbuilding Industry differs from other industries in that its product is not consumed or marketed in a country in the same sense that other manufactures are. Its operations are limited to the waters of the country, or between it and foreign countries. Ships are property, and, in a sense, goods, but they are essentially different in their nature and functions from other property and goods. In their character and functions they are means of transportation,—carriers of goods and passengers. Their rates of carriage in which alone the public are interested are not determined by either their cost or value, but by competition between routes of travel or transport. A vessel of the first class on any given route cannot charge more, nor will a vessel of the third class receive less, than the going rate determined by competition of routes, other means of transportation and factors that are independent of the vessel's cost. Once determined and made public the vessel owner must receive and convey passengers and goods on the terms specified. It is evident, therefore, that the public who travel on or ship goods by vessel are not concerned in the vessel's cost; the rates and tolls and the terms of carriage are not fixed or affected by the element of cost of the vessel, but

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by competition of routes, by Statute and the other factors referred to.

The result is, that the shipowner alone suffers from any increased cost of the vessel, and should the imposition of duties increase the cost, he alone must bear the burden which, spread over the vessel's life, would be a slight consideration and of no importance when compared with the advantages to be conferred on the workmen and the public at large.

The shipper cannot but benefit by lower rates of carriage which will result from the building of standard ships, designed for different trades. The occasional vessel that enters a trade in times of high rates and leaves when rates are lower will give place to ships of greater efficiency in the trade able to carry at less expense and lower rates.

No ships are built in Canada for export.

The revenue of vessels is derived from the shipping public, and in turn from the people at large. If therefore there be a compensating advantage in having Canadian ships built in Canada, the public and the shipper are entitled to it.

If the Shipbuilding Industry does not receive assistance the business will further decline, until it will practically cease to exist. The situation will be that few ships will be buit in Canada, and that little repair work will be done in Canadian shipyards. Canadian ship owners will be dependent upon United States shipyards for repairs and Canadian workmen deprived of employment. Insurance rates on ships trading between Canadian ports will be increased by the absence of repair facilities.

It is respectfully submitted that by appropriate legislation a great Canadian industry may be saved to Canada and play a big part in the Country's development, without injury but with benefit to the public and the shipper.

John S. Leitch.

Vice-President.

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LIST OF VESSELS

VALUED AT **$44,000,000** FOR THE GREAT LAKES

AND

VESSELS VALUED AT **$109,000,000,** FOR OCEAN SERVICE

PURCHASED ABROAD BY CANADIAN OWNERS FROM 1922 TO END OF 1933

ALSO LIST OF

OLD UNITED STATES BUILT VESSELS

OF AN APPROXIMATE REPLACEMENT VALUE OF **$55,000,000**

SOLD SECOND HAND TO CANADIAN OWNERS

Compiled by Collingwood Shipyards, Limited — December, 1933

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LIST OF VESSELS

VALUED AT

$44,000,000

FOR THE GREAT LAKES

And Vessels Valued at

$109,000,000

FOR OCEAN SERVICE

Purchased Abroad by Canadian Owners

From 1922 to End of 1933

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List of Foreign Built Vessels Brought to Canada From 1922 to 1933

Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
ARGUS	408′ x 50′ x 28′	Globe Iron Works Company	U.S.A.	1898	4444	Paterson Steamship Ltd.
CANADOC (Ex Mars)	416′ x 50′ x 28′	Globe Iron Works Company	U.S.A.	1899	4377	Paterson Steamship Ltd.
FORT WILDOC (Ex Regulus)	416′ x 50′ x 28′	American Shipbuilding Co.	U.S.A.	1900	4805	Paterson Steamship Ltd.
SASKADOC (Ex Uranus)	416′ x 50′ x 28′	American Shipbuilding Co.	U.S.A.	1900	4426	Paterson Steamship Ltd.
ALTADOC (Ex Indus)	356′ x 50′ x 28′	Bay City Shipbuilding Co.	U.S.A.	1901	3871	Paterson Steamship Ltd.
PRINDOC (Ex Lupus)	356′ x 50′ x 28′	Bay City Shipbuilding Co.	U.S.A.	1901	3871	Paterson Steamship Ltd.
BRICOLDOC (Ex Jas. H. Hoyt)	404′ x 50′ x 27′	Superior Shipbuilding Co.	U.S.A.	1902	4363	Paterson Steamship Ltd.
ONTADOC (Ex Sirius)	416′ x 50′ x 28′	Chicago Shipbuilding Co.	U.S.A.	1903	4470	Paterson Steamship Ltd.
MANTADOC (Ex Cepheus)	416′ x 50′ x 28′	Bay City Shipbuilding Co.	U.S.A.	1903	4551	Paterson Steamship Ltd.
LAIRG (Ex Penobscot)	253′ x 43′7″ x 24′7″	Great Lakes Engineering Works	U.S.A.	1911	2002	A. B. McKay
NEW YORK NEWS	250′2″x 43′0″ x 19′4″	Swan, Hunter & Wigham Richardson	G.B.	1922	1670	Ontario Transportation & Pulp Co.
GLENCORRIE	250′0″x 42′4″ x 20′6″	Swan, Hunter & Wigham Richardson	G.B.	1922	1783	Glen Line Limited
CHICAGO TRIBUNE	250′ x 42′10″x 20′6″	Swan, Hunter & Wigham Richardson	G.B.	1922	1689	Ontario Transportation & Pulp Co.
SYLVIA II	74′3″x 20′2″ x 7′2″		G.B.	1922	59	Watkins O. P. Darrel
CARDEMA	226′8″x 37′1″ x 18′4″	Napier and Miller	G.B.	1923	1559	Union S. S. Co. of B. C.
ALBERT C. FIELD	253′0″x 43′3″ x 20′	Furness Shipbuilding Company	G.B.	1923	1763	Eastern Steamship Company
DONALD STEWART	250′ x 42′9″ x 18′	Smiths Docks Limited	G.B.	1923	1780	Bruce Trading Company
EDWIN T. DOUGLAS	253′0″x 43′0″ x 20′	Napier and Miller	G.B.	1923	1749	Eastern Steamship Company
FRANK B. BAIRD	253′ x 43′0″ x 20′	Napier and Miller	G.B.	1923	1747	Eastern Steamship Company
GLENBUCKIE	252′ x 42′4″ x 20′6″	Swan, Hunter & Wigham Richardson	G.B.	1923	1901	Glen Line Limited
GLENBURNIE	252′ x 42′4″ x 20′6″	Barclay, Curle & Co., Ltd.	G.B.	1923	1905	Glen Line Limited
GLENCALVIE	252′ x 42′4″ x 20′6″	North of Ireland Shipbuilding Co.	G.B.	1923	1905	Glen Line Limited
GLENCASSIE	252′ x 42′4″ x 20′6″	Swan, Hunter & Wigham Richardson	G.B.	1923	1901	Glen Line Limited
GLENGELDIE	252′ x 42′4″ x 20′6″	Swan, Hunter & Wigham Richardson	G.B.	1923	1906	Glen Line Limited
GLENLINNIE	252′ x 42′4″ x 20′6″	Swan, Hunter & Wigham Richardson	G.B.	1923	1903	Glen Line Limited
GLENLOCHIE	252′0″x 42′4″ x 20′6″	Swan, Hunter & Wigham Richardson	G.B.	1923	1903	Glen Line Limited
GLENORVIE	252′0″x 42′6″ x 21′4″	Swan, Hunter & Wigham Richardson	G.B.	1923	1892	Great Lakes Transportation
JOHN J. RAMMACHER	253′0″x 43′3″ x 20′0″	Earles Shipbuilding and Eng. Co.	G.B.	1923	1723	Eastern Steamship Company
JUDGE HART	253′0″x 43′3″ x 20′0″	J. S White and Company	G.B.	1923	1729	Eastern Steamship Company

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Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
METCALFE	252'0"x 43'0" x 19'0"	Ayrshire Dockyard	G.B.	1923	1851	Interlake Navigation Company
NISBET GRAMMAR	253'0"x 43'3" x 20'0"	Cammell Laird & Company	G.B.	1923	1745	Eastern Steamship Company
OAKTON	250'0"x 43'0" x 17'6"	A. McMillan & Sons	G.B.	1923	1727	Mathews Steamship Company
PABJUNE	252'0"x 43'0" x 19'0"	Dunlop Bremner & Company	G.B.	1923	1859	Globe Transportation Company
ROBERT W. POMEROY	253'0"x 43'3" x 20'0"	Earles Shipbuilding & Eng. Co.	G.B.	1923	1723	Eastern Steamship Company
WATKINS F. NISBET	253'0"x 43'3" x 20'0"	Cammell Laird & Company	G.B.	1923	1746	Eastern Steamship Company
WM. H. DANIELS	253'0"x 43'3" x 20'0"	Furness Shipbuilding Co.	G.B.	1923	1763	Eastern Steamship Company
LETHBRIDGE	250'0"x 42'9" x 26'6"	Furness Shipbuilding Co.	G.B.	1924	2407	Canada Steamship Lines
KAMLOOPS	250'0"x 42'9" x 26'6"	Furness Shipbuilding Co.	G.B.	1924	2402	Canada Steamship Lines
BRULIN	248'0"x 43'0" x 25'0"	Palmers Shipbuilding & Iron Co.	G.B.	1924	2241	Bruce Lindsay Bros.
RAHANE	248'0"x 43'0" x 25'0"	Swan, Hunter & Wigham Richardson	G.B.	1924	2222	Rahane Steamship Company
NORTHTON	256'0"x 43'0" x 25'0"	Swan, Hunter & Wigham Richardson	G.B.	1924	2227	Mathews Steamship Company
CHEMONG	252'0"x 42'6" x 20'6"	North of Ireland Shipbuilding Co.	G.B.	1924	1902	Great Lakes Transportation Co.
DRUMAHOE	252'0"x 42'6" x 20'6"	North of Ireland Shipbuilding Co.	G.B.	1924	1902	Great Lakes Transportation Co.
EUGENE C. ROBERTS	253'0"x 43'3" x 20'0"	Cammell Laird & Company	G.B.	1924	1746	Union Transit Co. Ltd.
ORADELL	254'6"x 35'6" x 16'0"	Swan, Hunter & Wigham Richardson	G.B.	1924	1645	Ronde Steamship Company
BIRCHTON	250'0"x 43'0" x 17'6"	A. McMillan & Son	G.B.	1924	1727	Mathews Steamship Company
ORISKANY	254'9"x 35'6" x 21'5"	Swan, Hunter & Wigham Richardson	G.B.	1924	1644	Swan, Hunter & Wigham Richardson
CEDARTON	250'0"x 43' x 17'6"	A. McMillan & Son	G.B.	1924	1727	Mathews Steamship Company
GERALDINE MARY	422'0"x 56'0" x 38'6"	Vickers Limited	G.B.	1924	7244	Anglo Newfoundland Development Co.
PRINCESS KATHLEEN	368'0"x 60'0" x 28'9"	J. Brown & Company	G.B.	1924	5875	Canadian Pacific Railway
PRINCESS MARGUERITE	368'0"x 60'0" x 28'9"	J Brown & Company	G.B.	1924	5875	Canadian Pacific Railway
LOVAT	175'0"x 29'0" x 20'6"	Bow, McLachlan & Company	G.B.	1924	830	Lovat Steamship Company
LADY ALEXANDER	225'0"x 40'0" x 12'0"	Coaster Construction Co.	G.B.	1924	1396	Union Steamship Company
SALVAGE PRINCE	100'0"x 27'0" x 11'0"	Cochrane & Sons	G.B.	1924	184	Capt. G. Pyke
COLLIER NO. 1	249'2"x 43'2" x 18'3"	Vickers Limited	G.B.	1924	1858	Canada Steamship Lines, Ltd.
GLENROSS	343'1"x 43'7" x 22'9"	Swan, Hunter & Wigham Richardson	G.B.	1925	1215	
GLENLEDI	379'1"x 44'2" x 23'9"	Swan, Hunter & Wigham Richardson	G.B.	1925	3571	Great Lakes Transportation Co.
LADY CYNTHIA	219'3"x 28'6" x 15'5"	Coaster Construction Co.	G.B.	1925	950	Union Steamship Company, B. C.
BAXTER	150' x 66'6" x 16'2"	Napier and Miller	G.B.	1925	250	Levis Ferry Ltd., Quebec
CATALA	218' x 37' x 21'	Coaster Construction Co.	G.B.	1925	1476	Union S. S. Co., B.C.
McKIE	150' x 66'6" x 16'2"	Napier and Miller	G.B.	1925	250	Levis Ferry Ltd., Quebec

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Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
SANDLAND	251′ x 43′6″ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1925	1549	Terry & Robertson Limited
BELVOIR	248′ x 43′6″ x 25′	Swan, Hunter & Wigham Richardson	G.B.	1925	2310	International Waterways Navigation Company
SALVAGE KING	186′3″x 36′2″ x 16′2″	Bow, McLachlan & Company	G.B.	1925	1164	Pacific Salvage Company, B.C.
D. B. HANNA	253′ x 43′3″ x 20′	Furness Shipbuilding Co.	G.B.	1925	1779	Toronto Insurance & Vessel Agency
JUDGE KENEFICK	253′ x 43′ x 20′	Earles Shipbuilding Company	G.B.	1925	1745	Eastern Steamship Company
JOHN A. HOLLOWAY	253′ x 43′ x 20′	Earles Shipbuilding Company	G.B.	1925	1745	Eastern Steamship Company
SHIRLEY G. TAYLOR	253′ x 43′ x 20′	Earles Shipbuilding Company	G.B.	1925	1745	Eastern Steamship Company
SHELTON WEED	253′ x 43′ x 20′	Earles Shipbuilding Company	G.B.	1925	1745	Eastern Steamship Company
NORMAN B. McPHERSON	253′ x 43′ x 20′	Napier & Miller	G.B.	1925	1743	Eastern Steamship Company
JOHN B. RICHARDS	253′ x 43′ x 20′	Napier & Miller	G.B.	1925	1743	Eastern Steamship Company
WM. C. WARREN	253′ x 43′ x 20′	Napier & Miller	G.B.	1925	1745	Eastern Steamship Company
DONOVAN	253′ x 43′3″ x 20′	Furness Shipbuilding Co.	G.B.	1925	1780	Toronto Insurance & Vessel Agency
GEORGE L. TORIAN	253′ x 43′ x 20′	Earles Shipbuilding Company	G.B.	1926	1754	Eastern Steamship Company
CHARLES R. HUNTLEY	253′ x 43′ x 20′	Napier & Miller	G.B.	1926	1760	Eastern Steamship Company
JOHN S. PILLSBURY	253′ x 43′ x 20′	Earles Shipbuilding Company	G.B.	1926	1754	Eastern Steamship Company
NORTHLAND	300′0″x 47′0″ x	Swan, Hunter & Wigham Richardson	G.B.	1926	3445	Clarke Steamship Company
BAY RUPERT	320′0″x 51′ x 31′3″	Androssan Drydock Ltd.	G.B.	1926	3600	Hudson's Bay Company
ANNA C. MINCH	387′0″x 50′2″ x 23′9″	American Shipbuilding Co.	U.S.A.	1926	4139	Jas. Murphy, Fort William
LARCH	344′0″x 45′0″ x 26′2″	Bartram & Sons	G.B.	1926	3564	Tufts Cove Shipping Company
MARITA	172′2″x 30′0″ x 15′7″		G.B.	1927	633	Carter S. S. Co., Gaspe, Quebec
OKA	75′7″x 16′3″ x 9′2″		Holland	1927	104	Oka Sand and Gravel Co., Montreal
MADISON	360′0″x 56′0″ x 21′6″	Manitowac Shipbuilding Co.	U.S.A.	1927	2900	Canadian National Railways
GRAND RAPIDS	360′0″x 56′0″ x 21′6″	Manitowac Shipbuilding Co.	U.S.A.	1927	2900	Canadian National Railways
KINGDOC	253′0″x 43′6″ x 20′6″	Swan, Hunter & Wigham Richardson	G.B.	1927	1926	Paterson S. S. Ltd., Fort William
LACHINEDOC	253′0″x 43′6″ x 20′6″	Swan, Hunter & Wigham Richardson	G.B.	1927	1926	Paterson S. S. Ltd., Fort William
TORONDOC	253′0″x 43′6″ x 20′6″	Swan, Hunter & Wigham Richardson	G.B.	1927	1927	Paterson S. S. Ltd., Fort William
HAMILDOC	253′0″x 43′6″ x 20′6″	Swan, Hunter & Wigham Richardson	G.B.	1927	1926	Paterson S. S. Ltd., Fort William
WINDSOLITE	250′0″x 43′0″ x 18′0″	Furness Shipbuilding Co.	G.B.	1927	1930	Imperial Oil Limited, Toronto
SWIFT WATER	252′0″x 42′6″ x 20′6″	Cowpen Drydock & Shipbuilding Co.	G.B.	1927	1739	Water Transports Ltd., Montreal
SUREWATER	252′0″x 42′6″ x 20′6″	Cowpen Drydock & Shipbuilding Co.	G.B.	1927	1739	Water Transports Ltd., Montreal
COALFAX	253′0″x 43′2″ x 25′0″	Furness Shipbuilding Co.	G.B.	1927	2482	Coal Carrier Corporation, Quebec
CURLEW	117′0″x 19′6″ x 11′0″	Whites Yacht Building & Engineering Co.	G.B.	1927	189	F. W. Molson, Montreal, Quebec
ALEXANDER LESLIE	346′0″x 48′0″ x 28′0″	American Shipbuilding Co.	U.S.A.	1927	3300	Lake Erie Coal Co., Walkerville
CASCO	252′7″x 43′2″ x 17′8″	Earles Shipbuilding Co. Ltd.	G.B.	1927	1831	Lakes & St. Lawrence Nav. Co.

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Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
ODILE	330'4"x 47'8" x 22'3"		G.B.	1907	3351	A. C. Elliott & Co., Montreal, Que.
PRINCESS ELAINE	290'9"x 48'0" x 16'0"	John Brown & Company	G.B.	1927	2000	Canadian Pacific Railway
BEAVERBURN	512'0"x 61'6" x 40'6"	Denny & Bros.	G.B.	1927	9874	Canadian Pacific Steamships Ltd.
BEAVERDALE	495' x 61'6" x 40'6"	Armstrong Whitworth	G.B.	1928	9957	Canadian Pacific Steamships Ltd.
BEAVERFORD	520' x 61'6" x 40'6"	Barclay, Curle & Co.	G.B.	1928	10042	Canadian Pacific Steamships Ltd.
BEAVERHILL	520' x 61'6" x 40'6"	Barclay, Curle & Co.	G.B.	1928	10041	Canadian Pacific Steamships Ltd.
BEAVERBRAE	520' x 61'6" x 40'6"	Armstrong Whitworth	G.B.	1928	9956	Canadian Pacific Steamships Ltd.
AYCLIFFE HALL	253'0"x 43'6" x 20'6"	Smith's Dock Company	G.B.	1928	1900	Hall Corporation of Canada
WESTCLIFFE HALL	253'0"x 43'6" x 20'6"	Smith's Dock Company	G.B.	1928	1900	Hall Corporation of Canada
EAGLECLIFFE HALL	253'0"x 43'6" x 20'6"	Smith's Dock Company	G.B.	1928	1900	Hall Corporation of Canada
LADY HAWKINS	419'6"x 59' x 33'6"	Cammell Laird & Co.	G.B.	1928	7988	Canadian National Steamships
LADY DRAKE	419'6"x 59' x 33'6"	Cammell Laird & Co.	G.B.	1928	7985	Canadian National Steamships
LADY NELSON	419'6"x 59' x 33'6"	Cammell Laird & Co.	G.B.	1928	7970	Canadian National Steamships
LADY RODNEY	420'0"x 60' x 35'9"	Cammell Laird & Co.	G.B.	1929	8194	Canadian National Steamships
LADY SOMERS	420'0"x 60' x 35'9"	Cammell Laird & Co.	G.B.	1929	8194	Canadian National Steamships
DUCHESS OF ATHOLL	582' x 75' x 44'9"	W. Beardmore & Co.	G.B.	1928	20119	Canadian Pacific Railway
DUCHESS OF BEDFORD	582' x 75' x 44'9"	John Brown & Company	G.B.	1928	20123	Canadian Pacific Railway
DUCHESS OF YORK	582' x 75' x 44'9"	John Brown & Company	G.B.	1929	20021	Canadian Pacific Railway
DUCHESS OF RICHMOND	582' x 75' x 44'9"	John Brown & Company	G.B.	1928	20022	Canadian Pacific Railway
VALLEY CAMP	252' x 43'3" x 25'6"	Swan, Hunter & Wigham Richardson	G.B.	1927	2351	Valley Camp Coal Co., Jas. Playfair
BEACONSTREET	450'3"x 59'7" x 34'0"	Palmers Co. Ltd.	G.B.	1927	7432	Beacon Trans. Co., Montreal
MONT LOUIS	252'6"x 43'4" x 17'8"	Smith's Dock Company	G.B.	1927	1905	Mont Louis S. S. Co., Montreal
BAYHOUND	114'0"x 17'2" x 9'5"		U.S.A.	1910	135	Minister of National Revenue
VANCOLITE	510'0"x 68' x 38'	Alex. Stephen & Sons.	G.B.	1928	11410	Imperial Oil Limited, Toronto
VICTOLITE	510'0"x 68' x 38'	Alex. Stephen & Sons.	G.B.	1928	11410	Imperial Oil Limited, Toronto
DEEPWATER	253' x 43'6" x 20'6"	Smith's Dock Company	G.B.	1928	1800	Canadian Lake Carriers Ltd.
CLEARWATER	253' x 43'6" x 20'6"	Smith's Dock Company	G.B.	1928	1800	Canadian Lake Carriers Ltd.
STILLWATER	253' x 43'6" x 20'6"	Smith's Dock Company	G.B.	1928	1800	Canadian Lake Carriers Ltd.
BRIGNOGAN	246'5"x 41'2" x 15'3"	Detroit Shipbuilding Co.	U.S.A.	1903	1594	Canada Steamship Lines
CARTIERDOC	253'0"x 43'6" x 20'6"	Swan, Hunter & Wigham Richardson	G.B.	1928	1900	Paterson Steamship Ltd.
SALVADOC	253'0"x 43'6" x 20'6"	Swan, Hunter & Wigham Richardson	G.B.	1928	1900	Paterson Steamship Ltd.
TROISDOC	253'0"x 43'6" x 20'6"	Swan, Hunter & Wigham Richardson	G.B.	1928	1900	Paterson Steamship Ltd.
MONDOC	253'0"x 43'6" x 20'6"	Swan, Hunter & Wigham Richardson	G.B.	1928	1900	Paterson Steamship Ltd.
SORELDOC	253'0"x 43'6" x 20'6"	Swan, Hunter & Wigham Richardson	G.B.	1928	1900	Paterson Steamship Ltd.
NOVADOC	253'0"x 43'6" x 20'6"	Swan, Hunter & Wigham Richardson	G.B.	1928	1900	Paterson Steamship Ltd.
NEWBRUNDOC	253'0"x 43'6" x 20'6"	Swan, Hunter & Wigham Richardson	G.B.	1928	1900	Paterson Steamship Ltd.

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Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
CALGAROLITE	520′ x 70′ x 38′9″	Furness Shipbuilding Co.	G.B.	1928	11941	Imperial Oil Company
C. O. STILLMAN	565′ x 75′4″ x 44′6″	Bremen	Germany	1928	16436	Imperial Oil Company
ACADIALITE	256′ x 43′ x 18′	Furness Shipbuilding Co.	G.B.	1930	1919	Imperial Oil Company
SIMCOELITE	256′ x 43′ x 18′	Furness Shipbuilding Co.	G.B.	1930	1919	Imperial Oil Company
OTTAWALITE	180′ x 35′ x 13′	Furness Shipbuilding Co.	G.B.	1930	715	Imperial Oil Company
RIDEAULITE	180′ x 35′ x 13′	Furness Shipbuilding Co.	G.B.	1930	716	Imperial Oil Company
PRINCE HENRY	365′ x 57′ x 32′0″	Cammel, Laird & Co.	G.B.	1930	6893	Canadian National Steamships
PRINCE DAVID	365′ x 57′ x 32′0″	Cammel, Laird & Co.	G.B.	1930	6892	Canadian National Steamships
PRINCE ROBERT	365′ x 57′ x 32′0″	Cammel, Laird & Co.	G.B.	1930	6892	Canadian National Steamships
FAIRRIVER	259′ x 43′4″ x 20′	Barclay, Curle & Co. Ltd.	G.B.	1929	1940	Fairport Steamship Co.
FAIRLAKE	259′ x 43′4″ x 20′	Barclay, Curle & Co. Ltd.	G.B.	1929	1940	Fairport Steamship Co.
PORTWELL	253′ x 43′4″ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1928	Welland Steamship Co.
LOCKWELL	253′ x 43′4″ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1928	Welland Steamship Co.
STARWELL	253′ x 43′4″ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1938	Welland Steamship Co.
FARRANDOC	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1925	Paterson Steamship Co.
LAWRENDOC	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1924	Paterson Steamship Co.
GANANDOC	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1924	Paterson Steamship Co.
PRESCODOC	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1938	Paterson Steamship Co.
COTEAUDOC	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1940	Paterson Steamship Co.
SARNIADOC	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1940	Paterson Steamship Co.
C. W. CADWELL	154′8″x 37′1″ x 10′0″		U.S.	1911	564	Ontario Gravel Co.
EXMOUTH II	146′3″x 27′1″ x 13′3″		G.B.	1913	357	J. W. Hobbs, Vancouver
BULKARRIER	253′ x 43′2″ x 20′	Furness Shipbuilding Co.	G.B.	1929	2376	Canada Cement Transport Co.
CEMENTKARRIER	253′ x 43′2″ x 20′	Furness Shipbuilding Co.	G.B.	1930	1971	Canada Cement Transport Co.
GYPSUM EMPRESS	347′6″x 52′8″ x 27′0″	Furness Shipbuilding Co.	G.B.	1929	4034	Gypsum Packet Co.
COLBERT	144′ x 32′6″ x 14′		G.B.	1925	100	Levis Ferry Ltd., Quebec
GOOD HOPE	128′4″x 22′ x 12′		G.B.	1903	256	Good Hope Ltd., Halifax
FOREMOST 19	174′ x 32′1″ x 12′8″		G.B.	1911	589	Minister Railways & Canals
VENETIA	200′5″x 27′3″ x 15′6″		G.B.	1903	595	James Playfair, Midland
JAMES B. EADS	400′6″x 42′0″ x 28′0″	Globe Iron Works, Cleveland	U.S.	1894	3865	Midland Steamship Ltd.
GUARD	163′ x 26′2″ x 13′		U.S.	1917	468	Hochelaga Shipping Co.
ITORORA	246′ x 40′6″ x 20′		U.S.	1920	1749	Brown Corp., Quebec
CONDOR	151′1″x 18′1″ x 9′9″		U.S.	1913	206	A. E. Mathews, Toronto
ALEXANDER HOLLEY	361′6″x 46′ x 26	American Steel Barge Co.	U.S.	1898	3202	Midland Steamships Ltd.
GLENBOGIE	366′ x 44′ x 26′	Buffalo Dry Dock Co.	U.S.	1902	3205	Midland Steamships Ltd.
MARKLAND	327′3″x 52′6″ x 30′	Earles S. B. & Eng. Works	G.B.	1929	4454	Mersey Shipping Co., N. S.

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Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
CITE DE LEVIS	150′ x 50′ x 18′	McKie & Baxter, Govan	G.B.	1930	1259	Levis Ferry Ltd., Quebec
CITE DE QUEBEC	150′ x 50′ x 18′	McKie & Baxter, Govan	G.B.	1930	1259	Levis Ferry Ltd., Quebec
CYCLO WARRIOR	250′ x 43′ x 24′6″	Furness Shipbuilding Co.	G.B.	1930	2500	McColl-Frontenac Oil Co.
CYCLO CHIEF	250′ x 43′ x 24′6″	Furness Shipbuilding Co.	G.B.	1930	2500	McColl-Frontenac Oil Co.
PRINCESS HELENE	320′ x 50′6″ x 27′0″	Wm. Denny & Bros.	G.B.	1930	4055	Canadian Pacific Railway
SAGUENAY	309′ x 32′6″ x	John I. Thornycroft & Co.	G.B.	1930		Can. Govt. Dept. National Defence
SKEENA	309′ x 32′6″ x	John I. Thornycroft & Co.	G.B.	1930		Can. Govt. Dept. National Defence
GEORGE L. EATON	253′ x 43′4″ x 20′6″	Smith's Dock Co.	G.B.	1929	1895	Hall Corporation of Canada
PRINCESS ELIZABETH	365′ x 52′ x 19′	Fairfield S. B. & Eng. Works	G.B.	1930	5251	Canadian Pacific Railway
PRINCESS JOAN	365′ x 52′ x 19′	Fairfield S. B. & Eng. Works	G.B.	1930	5251	Canadian Pacific Railway
EMPRESS OF BRITAIN	733′4″x 77′9″ x 60′8″	John Brown & Co.	G.B.	1931	42348	Canadian Pacific Railway
EMPRESS OF JAPAN	644′0″x 83′8″ x 48′6″	Fairfield S. B. & Eng. Works	G.B.	1930	26032	Canadian Pacific Railway
SCOTT MISENER	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1928	1938	R. Scott Misener, Sarnia
WILLIAM SCHUPP	253′ x 43′3″ x 20′	Furness Shipbuilding Co.	G.B.	1928	1779	Union Transit Co., Ltd.
WATERTON	253′ x 43′6″ x 20′6″	Armstrong, Whitworth Co.	G.B.	1928	2115	Mathews Steamship Co.
LIVINGSTON	253′ x 43′6″ x 20′6″	Armstrong, Whitworth Co.	G.B.	1928	2115	Mathews Steamship Co.
ROCKCLIFFE HALL	253′ x 43′6″ x 20′6″	Smith's Dock Co.	G.B.	1928	1900	Hall Corporation of Canada
CONISCLIFFE HALL	253′ x 43′6″ x 20′6″	Smith's Dock Co.	G.B.	1928	1900	Hall Corporation of Canada
FRONTENAC	440′ x 58′6″ x 33′9″	Swan, Hunter & Wigham Richardson	G.B.	1928	7350	McColl-Frontenac Oil Co.
FRANK DIXON	88′5″x 21′1″ x 10′5″	Swan, Hunter & Wigham Richardson	G.B.	1928	133	St. John Drydock & S. B. Co.
JOHN J. BOLAND, JR.	253′ x 43′4″ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1928	1939	Sarnia Steamships Ltd.
PRINCESS NORAH	250′ x 48′ x 17′	Fairfield S. B. & Eng. Works	G.B.	1928	2731	Canadian Pacific Railway
COALHAVEN	258′ x 43′2″ x 25′	Furness Shipbuilding Co.	G.B.	1928	2362	Canada Steamship Lines
CHICAGO TRIBUNE	253′ x 43′6″ x 23′	Earles S. B. & Eng. Works	G.B.	1930	2960	Mersey Paper Co.
DAMIA	260′ x 42′4″ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1926	Inland Lines Ltd.
SARACEN	260′ x 42′4″ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1926	Inland Lines Ltd.
C. H. HOUSON	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1927	Sarnia Steamships Ltd.
JOHN O. McKELLAR	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1926	Sarnia Steamships Ltd.
RALPH GILCHRIST	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1927	Sarnia Steamships Ltd.
JOSEPH P. BURKE	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1926	Sarnia Steamships Ltd.
SIOUX	253′ x 43′ x 20′	Barclay, Curle & Co., Ltd.	G.B.	1929	1940	St. Lawrence Steamship Co.
ALGONQUINS	253′ x 43′ x 20′	Barclay, Curle & Co., Ltd.	G.B.	1929	1940	St. Lawrence Steamship Co.
JOHN IRWIN	253′ x 43′ x 20′	Furness Shipbuilding Co., Ltd.	G.B.	1929	1926	McColl-Frontenac Oil Co.
TEAKBAY	253′ x 43′ x 20′	Smith's Dock Co., Ltd.	G.B.	1929	1895	Birchbay Steamship Co.
SOUTHTON	253′ x 43′ x 20′	Smith's Dock Co., Ltd.	G.B.	1929	1900	Mathews Steamship Co.
FULTON	253′ x 43′ x 20′	Smith's Dock Co., Ltd.	G.B.	1929	1900	Mathews Steamship Co.

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Name	Dimensions	Name of Builder	Where Built	Years	Gross Tons	Owners
MEADCLIFFE HALL	253′ x 43′ x 20′	Smith's Dock Co., Ltd.	G.B.	1929	1895	Hall Corporation of Canada
F. V. MASSEY	253′ x 43′ x 20′	Smith's Dock Co., Ltd.	G.B.	1929	1895	Foote Transit Co.
IMARI	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1900	Inland Lines Ltd.
PHOENICIA	253′ x 43′ x 20′			1929	1900	Inland Lines Ltd.
VIERNOE	130′4″x 22′ x 12′6″	Cochrane & Sons	G.B.	1914	273	N. S. Trawlers, Halifax, N.S.
LEMBERG	130′2″x 22′ x 12′6″	Cochrane & Sons	G.B.	1914	273	Lemberg Ltd., Halifax, N.S.
VENOSTA	135′3″x 23′5″ x 12′3″	Cochrane & Sons	G.B.	1917	316	Venosta Ltd., Halifax, N.S.
PORT ALFRED	336′ x 60′2″ x 24′9″	Smith's Dock Co.	G.B.	1930	4918	Anticosti Shipping Co.
MARATHON	441′3″x 58′6″ x 33′9″	Swan, Hunter & Wigham Richardson	G.B.	1930	7208	McColl-Frontenac Oil Co.
TRAVERSE	130′0″x 26′ x 11′6″	George Brown & Co.	G.B.	1930	317	Quebec Salv. & Wrecking Co.
MELMAY	420′ x 59′ x 22′	Greenock Dockyard	G.B.	1930	9200	Can.-Amer. Shipping Co.
BRITAMOIL	250′ x 43′ x 18′	Furness Shipbuilding Company	G.B.	1931	1931	British American Oil Co.
BRITAMOLENE	250′ x 43′ x 18′	Furness Shipbuilding Company	G.B.	1931	1931	British American Oil Co.
MOYRA	248′ x 39′6″ x 24′4″	Swan, Hunter & Wigham Richardson	G.B.	1931	1396	Interprovincial S. S. Line
BRITAMLUBE	250′ x 43′1½x 18′	Furness Shipbuilding Co.	G.B.	1932	1932	British American Oil Co.
BELLE ISLE	246′ x 37′6″ x 21′	Swan, Hunter & Wigham Richardson	G.B.	1932	1960	Newfoundland Canada S. S. Co.
LAKESHELL	253′ x 43′6″ x 17′6″	Swan, Hunter & Wigham Richardson	G.B.	1932	1852	Dominion Tankers Ltd.
ZENDA	248′ x 39′6″ x 16′10″	Furness Shipbuilding Company	G.B.	1932	1416	Interprovincial S. S. Line
BRITAMOCO	250′ x 43′1½x 18′	Swan, Hunter & Wigham Richardson	G.B.	1932	1932	British American Oil Co.
PETER G. CAMPBELL	180′ x 34′ x 15′	Swan, Hunter & Wigham Richardson	G.B.	1933	1900	Dominion Tankers Ltd.
NORMAC	110′ x 25′ x 12′	Port Huron, Michigan	U.S.A.	1902	462	Owen Sound Transportation Co.
BARGE 137	352′ x 45′ x 26′	American Steel Barge Co.	U.S.A.	1896	2817	Midland Steamships Co.
JOHN ERICSSON	382′ x 48′ x 28′	American Steel Barge Co.	U.S.A.	1896	3650	Midland Steamships Ltd.
RALPH BUDD	382′ x 50′ x 30′	Great Lakes Eng. Works	U.S.A.	1905	4537	Midland Steamships Ltd.
FLEURUS	189′1″x 33′ x 24′	Ateliers & Chantiers de la Seine Marit	France	1926	1122	Anticosti Shipping Co.
W. J. CROSBY	253′6″x 43′6″ x 27′6″	Great Lakes Eng. Works	U.S.A.	1919	2625	Canada Forwarding Co. Ltd.
BATISCAN	247′ x 40′ x 17′	Manitowac Dry Dock Co.	U.S.A.	1909	1656	Canada Steamship Lines
OGDENSBURG	290′ x 45′ x 12′6″	American S. B. Company	U.S.A.	1930	1405	Canadian Pacific Transfer Co.
JAMES STEWART	253′ x 43′ x 20′	Napier & Miller Ltd.	G.B.	1926	1760	Eastern S. S. Co., Ltd.
NORMAN P. CLEMENT	253′ x 43′ x 20′	J. S. White & Company	G.B.	1924	1729	Eastern S. S. Co., Ltd.
EASTRICH	266′ x 38′ x 23′	Cleveland S. B. Company	U.S.A.	1890	2027	Eastern Terminal Elevator Co., Ltd.
JOHN H. PRICE	253′ x 43′1″ x 20′	Smith's Dock Company	G.B.	1927	1905	Hall Corporation of Canada, Ltd.
CANADOLITE	510′9″x 68′ x 37′9″	Frd Krupp A. G.	Germany	1926	11309	Imperial Oil Co., Ltd.
MONTROLITE	510′9″x 68′ x 37′9″	Frd. Krupp A. G.	Germany	1926	11309	Imperial Oil Co., Ltd.
ONTARIOLITE	470′ x 63′ x 35′3″	Frd. Krupp A. G.	Germany	1925	8889	Imperial Oil Co., Ltd.
REGINOLITE	469′6″x 63′ x 35′6″	A. G. Vulcan	Germany	1926	9069	Imperial Oil Co., Ltd.

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Name	Dimensions	Name of Builder	Where Built	Years	Gross Tons	Owners
KEYBAR	250′ x 42′6″ x 19′3″	Smith's Dock Company	G.B.	1923	1723	Keystone Transports Ltd.
KEYSTATE	250′ x 42′6″ x 19′3″	Smith's Dock Company	G.B.	1923	1729	Keystone Transports Ltd.
RIVIERE DU LOUP	206′ x 37′1″ x 15′3″	Harlan & Hollinsworth	U.S.A.	1902	1650	La Comp. du Traverse Rivere du Loup etc.
WALTER B. REYNOLDS	253′ x 43′2″ x 20′	Smith's Dock Company	G.B.	1927	1905	Mont Louis S. S. Co.
LAVALDOC	253′ x 43′0″ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1928	1918	Paterson S. S. Ltd.
WELLANDOC	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1927	1926	Paterson S. S. Ltd.
CHEYENNE	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1938	St. Lawrence S. S. Ltd.
DELAWARE	253′ x 43′ x 20′	Swan, Hunter & Wigham Richardson	G.B.	1929	1940	St. Lawrence S. S. Ltd.
SONIA	248′1″x 37′2″ x 16′8″	Swan, Hunter & Wigham Richardson	G.B.	1926	1188	Sonia Shipbuilding Co., Ltd.
GEORGE R. DONOVAN	253′ x 43′ x 20′	Furness S. B. Co.	G.B.	1926	1780	Union Transit Co., Ltd.
ADDISON	268′ x 46′ x 23′9″		U.S.A.	1919	2219	British Pacific Barge Co.
ALBERTOLITE	415′ x 55′ x 32′10	Armstrong Whitworth Co.	G.B.	1912	6406	Imperial Oil Ltd.
ANDREW KELLY	118′ x 22′ x 12′6″		G.B.	1912	229	Canadian Fish & Cold Storage Co.
BIT	107′9″x 28′6″ x 11′3″		U.S.A.	1920	370	Les Chantiers Manseau
BRICO	134′9″x 24′ x 14′		U.S.A.	1908	341	British Columbia Telephone Co.
BRITAMETTE	130′2″x 20′ x 7′9″		G.B.	1931	243	Britamette Ltd.
CHANDALAR	161′ x 39′6″ x 6′6″		U.S.A.	1905	342	British Yukon Navigation Co., Ltd.
DELIA	225′2″x 34′ x 16′6″	Wood, Skinner & Co.	G.B.	1907	1267	Delia Shipping Co., Ltd.
ELEANOR TAYLOR	172′9″x 38′3″ x 16′6″				744	Dominion Shipping Co., Ltd.
ESTHER HUGHES	116′2″x 31′ x 12′6″		U.S.A.	1919	484	Les Chantiers Manseau Limitee
EZRA	405′ x 52′6″ x 30′3″	Wm. Hamilton & Co., Ltd.	G.B.	1918	5334	Continental Indies Shipping Co., Ltd.
FOREMOST 17	173′6″x 32′ x 14′		G.B.	1911	583	St. John Drydock & S. B. Co. Ltd.
FOREMOST 18	173′6″x 32′ x 14′		G.B.	1911	583	St. John Drydock and S. B. Co., Ltd.
FOREMOST 43	105′ x 27′ x 13′		G.B.	1928	227	St. John Tug Boat Co., Ltd.
FOREST FRIEND	243′ x 44′ x 21′		U.S.A.	1919	1499	Horatio Hodder
FOUNDATION FRANKLIN	155′ x 31′ x 17′		G.B.	1918	653	Foundation Maritime Ltd.
G. E. FOSTER	118′ x 22′ x 12′6″		G.B.	1912	229	Canadian Fish & Cold Storage Co.
GRIFFCO	253′ x 43′6″ x 26′	Great Lakes Eng. Works	U.S.A.	1919	2518	Coastwise Shipping & Barge Co., Ltd.
GUARDIAN	134′6″x 25′ x 14′		U.S.A.	1906	454	Sin-Mac Lines Ltd.
HARTLOCK	268′ x 46′ x 26′		U.S.A.	1919	2101	British Pacific Barge Co., Ltd.
HOPPER BARGE NO. 4	174′ x 32′ x 14′		G.B.	1911	589	Minister of Railways & Canals, Ottawa
ISLAND KING	165′ x 28′ x 14′		Norway	1920	591	British Columbia Cement Co., Ltd.
JACK EASY	90′ x 25′6″ x 7′		U.S.A.	1869	105	James F. Durno
JAMES CARRUTHERS	118′ x 22′ x 14′		G.B.	1912	233	White Rock Tug Co., Ltd.
JOHN M. HUTCHISON	80′ x 20′9″ x 9′6″		U.S.A.	1893	107	Thomas C. Simpson

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Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
KEYNOR	250′ x 42′6″ x 20′	North of Ireland Shipbuilding Co.	G.B.	1914	1806	Keystone Transports Ltd.
KEYPORT	250′ x 42′6″ x 20′6″	Swan, Hunter & Wigham Richardson	G.B.	1909	1720	Keystone Transports Ltd.
KEYVIVE	250′ x 42′6″ x 20′	Smiths Dock Co., Ltd.	G.B.	1913	1768	Keystone Transports Ltd.
KEYWEST	250′ x 42′6″ x 20′6″	Swan, Hunter & Wigham Richardson	G.B.	1909	1725	Keystone Transports Ltd.
LAURA ANNIE BARNES	181′ x 36′ x 17′		U.S.A.	1921	518	James L. Publicover
LUCIA P. DOW	188′9″x 37′9″ x 21′		U.S.A.	1919	879	Charles N. Wilson
MATTIE J. ALLES	108′ x 30′ x 10′		U.S.A.	1883	220	N. M. and N. H. Ogilvie
MEMORY III	128′6″x 32′ x 13′6″		U.S.A.	1928	320	William W. Near
NEW NORTHLAND	287′6″x 47′ x 24′6″	Swan, Hunter & Wigham Richardson	G.B.	1926	3445	Clarke Steamship Co., Ltd.
OCEAN TRANSPORT NO. 2			U.S.A.	1907	566	
OCEAN TRANSPORT NO. 4			U.S.A.	1907	566	
OCEAN TRANSPORT NO. 7			U.S.A.	1921	178	
OCEAN TRANSPORT NO. 8			U.S.A.	1921	178	
OELWEIN	268′ x 45′9″ x 25′6″		U.S.A.	1919	2063	British Pacific Barge Co., Ltd.
ORLEANS	179′ x 38′ x 16′		U.S.A.	1905	618	St. John Tug Boat Co., Ltd.
PACIFIC CARRIER	329′9″x 47′ x 29′		G.B.	1892	3404	Canadian Robt. Dollar Co., Ltd.
PACIFIC FORESTER	323′ x 46′ x 28′		G.B.	1901	2910	Canadian Robt. Dollar Co., Ltd.
PACIFIC GATHERER	320′6″x 47′ x 29′		G.B.	1902	3116	Canadian Robt. Dollar Co., Ltd.
PRINCE WILLIAM	177′ x 24′ x 11′6″		Germany	1915	409	Canadian National S. S. Ltd.
QUEENSVALE	180′9″x 31′ x 14′		G.B.	1918	536	Foundation Maritime Ltd.
R. C H. NUMBER THREE	110′ x 34′ x 9′		U.S.A.	1925	317	R. C. Huffman Constr. Co.
R C. H. NO. 20	70′ x 28′ x 8′		U.S.A.	1926	127	R. C. Huffman Constr. Co.
RIO CASMA	125′ x 25′ x 13′		G.B.	1917	295	Eastern Canada Coastal S. S. Ltd.
RIO TAMBA	124′6″x 24′6″ x 13′		G.B.	1915	268	Eastern Canada Coastal S. S. Ltd.
SAFEGUARDER	160′ x 29′ x 17′6″		G.B.	1914	665	The Minister of Marine, Ottawa
ST. CUTHBERT	137′ x 23′6″ x 14′		G.B.	1915	311	Ocean Trawlers Ltd.
ST. HELIERS	190′3″x 29′ x 18′		G.B.	1919	930	The Minister of Marine, Ottawa
SAINT LAWRENCE	93′ x 16′9″ x 11′9″		Norway	1903	111	The Union Towing Co., Ltd.
SAVOY	129′9″x 25′ x 14′		G.B.	1895	348	De Monts Shipping Co., Ltd.
SUPERIOR	255′6″x 38′ x 21′		U.S.A.	1889	1774	Great Lakes Transit Corp., Ltd.
SUPERTEST	101′3″x 20′ x 9′		U.S.A.	1928	151	Pioneer Transportation Co., Ltd.
TATCHUN	150′ x 34′9″ x 6′6″		U.S.A.	1908	235	British Yukon Nav. Co., Ltd.
TRENORA	253′ x 43′3″ x 20′6″	Smiths Dock Co., Ltd.	G.B.	1928	1796	Canadian Lake Carriers Ltd.
ULVA	241′ x 36′ x 18′6″	Mackay Bros.	G.B.	1912	1401	Ulva Shipping Co., Ltd.
V. H. C. NO. 2	243′6″x 37′ x 12′		U.S.A.	1902	715	Vancouver Harbour Commissioners
WAHCONDAH	230′3″x 37′ x 24′	Russell & Co.	G.B.	1903	1575	Abitibi Power & Paper Co.
WALTER WYMAN	101′ x 21′ x 12′6″		U.S.A.	1902	144	R. A. and J. McLean
WESTCHESTER	130′9″x 27′ x 8′		U.S.A.	1904	529	Eastern Canada Coastal Steamships
BORDER QUEEN	201′ x 41′ x 16′		U.S.A.	1913	934	The Border Line Nav. Co., Ltd.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 195)

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LIST OF

United States Built Vessels

Of an Approximate Replacement Value of

$55,000,000

SOLD SECOND HAND

To Canadian Owners

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Canadian Owned Vessels Built in the United States up to End of 1933

Present Name	Original Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
VALCARTIER	(Ex William H. Mack)	354′ x 48′ x 28′	American Shipbuilding Co.	Cleveland, Ohio	1903	3755	Canada Steamship Lines
MARTIAN	(Ex Mars)	346′ x 48′ x 28′	Detroit Shipbuilding Co.	Wyandotte, Mich.	1901	3396	Canada Steamship Lines
SARNIAN	(Ex Chili)	324′ x 42′ x 26′6″	Cleveland Shipbuilding Co.	Cleveland, Ohio	1895	2656	Canada Steamship Lines
MAPLECOURT	(Ex Northwest)	358′ x 44′ x 24′	Globe Iron Works	Cleveland, Ohio	1894	3388	Canada Steamship Lines
VINMOUNT	(Ex Vulcan)	246′8″x 38′ x 23′	Globe Iron Works	Cleveland, Ohio	1889	1799	Canada Steamship Lines
THUNDER BAY	(Ex Barge Thunder Bay)	247′ x 40′1″ x 25′	Chicago Shipbuilding Co.	Chicago, Ill.	1895	1870	Canada Steamship Lines
MAPLEBRANCH	(Ex Ionic)	231′ x 35′6″ x 24′6″	King Iron Works	Buffalo, N.Y.	1872	1708	Canada Steamship Lines
MAPLEBROOK	(Ex Bickerdike)	222′ x 34′ x 25′6″	Gibson & Craig	Buffalo, N.Y.	1873	1515	Canada Steamship Lines
CITY OF HAMILTON	(Ex Japan)	210′ x 32′ x 15′2″	Craig	Buffalo, N.Y.	1871	1367	Canada Steamship Lines
CITY OF OTTAWA	(Ex India)	210′ x 32′ x 15′2″	Union Dry Dock Co.	Buffalo, N.Y.	1871	1323	Canada Steamship Lines
RICHELIEU	(Ex Narragansett)	322′ x 48′ x 21′6″	Harlan & Hollingsworth	Wilmington, Del.	1913	5528	Canada Steamship Lines
CAPE ETERNITY	(Ex Rochester)	246′6″x 42′ x 14′9″	Detroit Shipbuilding Co.	Wyandotte, Mich.	1910	2444	Canada Steamship Lines
CAPE DIAMOND	(Ex Murray Bay)	251′ x 34′7″ x 7′9″	J. Roach & Sons	Wilmington, Del.	1877	969	Canada Steamship Lines
RAPIDS QUEEN	(Ex Brockville)	194′4″x 33′5″ x 9′1″	Delaware River Co.	Chester, Pa.	1892	1307	Canada Steamship Lines
THOUSAND ISLANDER		164′ x 32′ x 9′6″	Toledo Shipbuilding Co.	Toledo, Ohio	1912	587	Canada Steamship Lines
MARQUETTE	(Ex H. M. Hanna Jr.)	480′ x 54′ x 30′	American Shipbuilding Co.	Cleveland, Ohio	1908	5667	Canada Steamship Lines
PRESCOTT	(Ex Western Star)	488′ x 50′ x 28′	Detroit Shipbuilding Co.	Wyandotte, Mich.	1903	5461	Canada Steamship Lines
PORTSMOUTH	(Ex Barge Geo. E. Hartnell)	352′ x 44′ x 27′	Chicago Shipbuilding Co.	Chicago, Ill.	1896	3193	Canada Steamship Lines
HUGUENOT	(Ex Matoa)	326′ x 40′ x 24′2″	Globe Iron Works	Cleveland, Ohio	1890	2723	Canada Steamship Lines
SASKATCHEWAN	(Ex Wawatam)	266′ x 38′ x 23′	Cleveland Shipbuilding Co.	Cleveland, Ohio	1890	1860	Canada Steamship Lines
RENFREW	(Ex Minnetonka)	324′ x 42′ x 23′9″	Cleveland Shipbuilding Co.	Cleveland, Ohio	1893	2406	Canada Steamship Lines

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Present Name	Original Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
GLENBOGIE	(Ex Alex. Maitland)	366′ x 44′ x 26′	Buffalo Dry Dock Co.	Buffalo	1902	3351	Canada Steamship Lines
GLENARM	(Ex S. M. Parent)	241′ x 41′ x 18′	Detroit Shipbuilding Co.	Detroit	1903	1564	Canada Steamship Lines
GLENDOCHART	(Ex H. G. Dalton)	241′ x 41′ x 18′	Superior Shipbuilding Co.	West Superior, Wis.	1903	1573	Canada Steamship Lines
GLENDOWAN	(Ex Robert Wallace)	241′ x 41′ x 18′	Buffalo Shipbuilding Company	Buffalo	1903	1562	Canada Steamship Lines
GLENEALY	(Ex George C. Howe)	241′ x 41′ x 18′	Chicago Shipbuilding Co.	Chicago	1903	1560	Canada Steamship Lines
GLENFARM	(Ex J. S. Keefe)	241′ x 41′ x 18′	Buffalo Shipbuilding Company	Buffalo	1903	1558	Canada Steamship Lines
GLENGARNOCK	(Ex John Crerar)	241′ x 41′ x 18′	Chicago Shipbuilding Co.	Chicago	1903	1572	Canada Steamship Lines
BRIGNOGAN	(Ex Albert Marshall)	246′5″x 41′2″ x 15′3″	Detroit Shipbuilding Co.	Detroit	1903	1594	Canada Steamship Lines
NEEBING		193′ x 40′ x 15′	Craig Shipbuilding Co.	Toledo, Ohio	1892	1109	Canada Steamship Lines
LEHIGH		247′9″x 35′6″ x 15′3″	Detroit Drydock Co.	Wyandotte, Mich.	1880	1506	Canada Steamship Lines
JOHN F. MORROW	(Ex E. Breitung)	244′ x 40′8″ x 23′6″	Craig Shipbuilding Co.	Toledo, Ohio	1890	1840	Canada Steamship Lines
ROYAN	(Ex Waccamaw)	243′ x 40′ x 18′3″	Craig Shipbuilding Co.	Toledo, Ohio	1900	1471	Canada Steamship Lines
HOME SMITH	(Ex Wm. S. Mack)	346′ x 48′ x 28′	American Shipbuilding Co.	Lorain, Ohio	1901	3495	Algoma Central S. S. Co.
J. FRATER TAYLOR	(Ex Saturn)	346′ x 48′ x 28′	American Shipbuilding Co.	Lorain, Ohio	1901	3428	Algoma Central S. S. Co.
W. C. FRANZ	(Ex Uranus)	346′ x 48′ x 28′	Detroit Shipbuilding Co.	Wyandotte, Mich.	1901	3428	Algoma Central S. S. Co.
PENNSYLVANIA		158′ x 35′4″ x 8′4″		Cleveland	1901	428	Atlas Sand Company
COBALT		146′ x 26′ x 13′		Buffalo	1873	352	Atlas Sand Company
JOYLAND	(Ex William A. Haskell)	250′5″x 37′ x 25′	Detroit Dry Dock Co.	Detroit	1884	1845	Aube Steamship Co.
BEAVERSTONE	(Ex Geo. W. Cuyler)	64′ x 14′6″ x 5′4″	F. W. Wheeler & Co.	West Bay City, Mich.	1880	56	The C. Beck Mfg. Co., Ltd.
SIESTA		98′6″x 17′ x 9′		Bristol, R.I.	1882	99	Hon. W. H. Bennett
HAROLD B. PHILLIPS		60′ x 16′ x 8′	Root	Lorain, O.	1880	66	C. S. Boone Dredging Co.
ROBERT DOWNEY		52′ x 14′ x 6′9″	Kingston & Woods	Buffalo	1893	37	C. S. Boone Dredging Co.
SAGINAW		142′ x 25′ x 18′	Stewart	Port Huron, Mich.	1873	357	R. A. Booth, Kingston
ARTHUR ORR		334′ x 41′3″ x 24′7″	Chicago Shipbuilding Co.	Chicago	1893	2745	Canada Atlantic Transit

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Present Name	Original Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
KEARSARGE		328′ x 44′ x 27′	Chicago Shipbuilding Co.	Chicago	1894	3092	Canada Atlantic Transit
RALPH T. HOLCOMB	(Ex Isaac Lincoln)	133′ x 30′ x 9′6″	Alex. Anderson	Marine City, Mich.	1898	375	Canada Starch Co.
FRANK D. EWEN		202′ x 37′ x 16′	F. W. Wheeler	West Bay, Mich.	1888	944	The Canadian Import Co.
ZAPOTEC		204′ x 34′ x 14′6″	D. Lester	Marine City, Mich.	1890	842	The Canadian Import Co.
EN-AR-CO	(Ex W. S. Calvert)	191′ x 29′ x 14′4″		Chester, Pa.	1874	543	Canadian Oil Company
E. L. PENNINGTON		239′8″x 38′3″ x 14′3″	R. W. Linn	Gibraltar, Mich.	1889	1168	Central Coal Company
WAYNE		187′ x 34′4″ x 13′		St. Clair, Mich.	1882	668	Central Coal Company
SISKIWIT	(Ex Roi Tan)	63′ x 15′6″ x 8′5″		Buffalo, N.Y.	1876	61	Chambers, McQuigge & McGaffney
BON AMI		105′ x 24′5″ x 8′	R. T. Rogers	Sawgatuck, Mich.	1894	245	W. W. and F. B. Climie
FLEETWING		108′ x 24′ x 7′9″	McNott	Wilson, N.Y.	1863	162	Joseph Cochrane
D. P. DEY		35′1″x 11′ x 5′	McNott	Buffalo, N.Y.	1866	11	Lyon Cohen, Montreal
TIM DOYLE		40′6″x 11′8″ x 6′2″	Notter	Buffalo, N.Y.	1876	15	Lyon Cohen, Montreal
COLIN W.	(Ex Stanstead)	256′ x 36′ x 19′3″	F. N. Jones	West Bay City	1881	1549	Colin W. Steamship Co.
VERNON JR.		69′4″x 14′ x 6′5″		Manitowac, Wis.	1902	23	W. H. Cornstock
FRED CARNEY		152′ x 30′ x 10′	Milwaukee Shipbuilding Co.	Milwaukee, Wis.	1883	465	Consolidated Sand Co.
G. H. WARMINGTON		170′ x 31′6″ x 12′6″	Nicholas	Vermillion, O.	1872	580	Consolidated Sand Co.
MARY A. DARYA	(Ex Kewanna)	123′8″x 27′4″ x 8′3″	Leighton	Port Huron, Mich.	1866	217	Henry Daryaw, Kingston
ROBERT L. FRYER		281′ x 41′5″ x 20′	F W. Wheeler & Co.	West Bay City, Mich.	1888	2033	Davidson & Smith
DELISLE		62′4″x 14′8″ x 7′4″		Buffalo, N.Y.	1869	46	Department of Public Works
W. H. HARROW		94′5″x 19′2″ x 9′		Port Huron, Mich	1893	110	Dominion Fish Company
GREEN RIVER	(Ex Gogebic)	275′ x 40′ x 22′	F. W. Wheeler & Co.	West Bay City, Mich.	1887	1750	Dominion Towing & Salvage Co.
MELVIN S. BACON		180′ x 33′ x 14′5″	J. Squire	Vermillion, O.	1874	614	Dominion Towing & Salvage Co.
CABOTIA	(Ex Hiawatha)	234′ x 36′ x 20′	Linn & Craig	Gibraltar, Mich.	1880	1530	Donnelly Salvage & Wrecking Co.
MARY		65′ x 16′ x 8′6″	Hardison	Port Huron, Mich	1874	53	Donnelly Salvage & Wrecking Co.
MARY P. HALL		90′ x 21′ x 10′6″	St. Lawrence Marine Railway	Ogdensburg	1898	104	Donnelly Salvage & Wrecking Co.
HARRIET D.	(Ex Eleanor)	161′6″x 32′ x 11′	Wm. Dulac	Mt. Clemens, Mich.	1885	485	Donnelly Salvage & Wrecking Co.
JOHN N. MONK		66′ x 16′ x 7′		Sandusky, O.	1887	58	John Fraser, Amherstburg
CLARA HICKLER		41′ x 12′ x 5′8″		Buffalo, N.Y.	1882	42	Joseph Ganley, Sault Ste. Marie
LULA EDDY		51′ x 14′ x 5′6″	F. W. Wheeler & Co.	West Bay City	1888	29	Joseph Ganley, Sault Ste. Marie
MARIEL		66′ x 14′6″ x 7′	Gregory	Chicago, Ill.	1883	49	Joseph Ganley, Sault Ste. Marie
MARY A. LAUGHLIN		48′ x 10′5″ x 5′	Notter	Buffalo, N.Y.	1871	23	Thos. Gauthier, Montreal
LYMAN CASEY		126′1″x 26′ x 13′3″	A. Gilmour	Toledo	1867	277	D. A. Gordon, Wallaceburg
LANSDOWNE		294′ x 41′3″ x 13′	Detroit Dry Dock Co.	Detroit	1884	1571	Grand Trunk Railway Company
CURLEW		77′ x 16′5″ x 8′	C. J. Rose	Ogdensburg, N.Y.	1867	85	Great Lakes Dredging Co.

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Present Name	Original Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
EDWARD FISK		70′ x 16′ x 9′	Union Dry Dock	Buffalo	1883	73	Great Lakes Dredging Co.
JOE DUDLEY		70′ x 15′ x 8′6″	Williams	Buffalo	1865	52	Great Lakes Dredging Co.
PETE GORMAN		76′ x 19′8″ x 10′		Saginaw, Mich.	1892	65	Great Lakes Dredging Co.
BENJAMIN HARRISON		175′ x 32′ x 12′	M. Dulac	Mt. Clemens, Mich.	1889	538	Joseph Guertin, St. Joseph de Sorel
JESSIE BAIN		70′8″x 14′8″ x 5′		Clayton, N.Y.	1888	67	Havelin & Brunelle
ST. PATER		65′6″x 16′1″ x 8′6″	Notter	Buffalo, N.Y.	1875	66	Harbour Commissioners, Montreal
JOSEPH H.	(Ex P. B. McNaughton)	66′ x 17′ x 9′		East Saginaw, Mich.	1888	74	J. J. Harryan, Port Dalhousie
CORTLAND	(Ex Katherine T. Wilbur)	58′2″x 17′3″ x 7′5″		Buffalo, N.Y.	1895	48	W. D. Harryan, Port Dalhousie
WINNER		77′7″x 16′2″ x 8′		Port Clinton, O.	1884	76	A. Henning, Port Burwell
ARAGON		249′ x 42′6″ x 17′3″	Detroit Dry Dock Co.	Wyandotte, Mich.	1896	1642	International Waterways Navigation
C. J. MAGILL		141′ x 30′5″ x 11′8″	Lafrinier	Cleveland	1863	373	Keenan Towing Company, Ltd.
DAN PROCTOR	(Ex Ed. McWilliams)	200′ x 34′ x 14′	F. W. Wheeler	West Bay City	1893	743	Keenan Towing Company, Ltd.
ST. LAWRENCE		154′ x 21′ x 7′	Pierce	Clayton, N.Y.	1884	275	Kingston Navigation Co.
J. B. NEWLAND		111′ x 26′ x 8′	Henderson	Manitowac, Wis.	1870	145	Jas. Kirkwood, Kingston
MARQUETTE & BESSEMER No. 1		241′ x 43′ x 21′6″	Buffalo Shipbuilding Co.	Buffalo, N.Y.	1904	1732	Lake Erie Navigation Co.
GEORGE EMERSON		61′ x 15′ x 8′6″	Notter	Buffalo, N.Y.	1884	31	Lake Superior Paper Company
G. R. GRAY	(Ex Traveler)	140′ x 24′ x 19′1″	Alfred Stokes	Sheboygan, Wis.	1871	438	Lake Superior Paper Company
SIMON LANGELL		196′ x 34′6″ x 14′6″	Simon Langell	St. Clair, Mich.	1886	845	Langell Transportation Co.
WILLIAM E. ROONEY		41′ x 13′ x 4′		Toledo, O.	1873	11	John Lee, Wallaceburg
N. C. OGGEL		49′ x 13′ x 5′7″		Grand Haven, Mich.	1874	25	Lowe and Ainslee, Port Dover
LYMAN N. DAVIS		123′ x 27′ x 10′6″	J. P. Arnold	Muskegon, Mich.	1873	198	McCullough & Spencer, Napanee
CHAS. HALLADAY		58′7″x 16′4″ x 8′9″	Ed. Heath	Saugatuck, Mich.	1881	47	A. B. McLean, Sault Ste. Marie
SOWARDS	(Ex Rand)	119′ x 26′ x 9′	Burger & Burger	Manitowac	1886	238	Hugh McMillan, Toronto
LEROY BROOKS		75′ x 15′2″ x 8′3″		Toledo, O.	1891	61	John McQueen, Amherstburg
BERTIE CALKINS		134′ x 28′ x 9′	Hanson	(Wis.) Two Rivers	1874	227	John McQueen, Amherstburg
PILOT		63′ x 15′5″ x 5′8″	Sweet	Wilson, N.Y.	1866	34	Jas. Mahoney, Kingston
MAID OF THE MIST		75′ x 18′ x 7′		Niagara Falls	1892	80	Maid of the Mist Steamship Co.
MARQUETTE & BESSEMER No. 2		358′ x 56′ x 19′6″	American Shipbuilding Co.	Cleveland	1910	2583	Marquette & Bessemer Dock & Navigation Co.
ARLINGTON	(Ex Glencadem)	244′ x 43′ x 21′	Detroit Shipbuilding Co.	Wyandotte	1913	1870	Mathews Steamship Company
BAYTON	(Ex Francis Wildar)	416′ x 50′ x 28′	American Shipbuilding Co.	Cleveland	1904	4176	Mathews Steamship Company

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Present Name	Original Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
BERRYTON	(Ex B. F. Berry)	480′ x 52′ x 30′	American Shipbuilding Co.	Lorain, O.	1908	6221	Mathews Steamship Company
LAKETON	(Ex Saxona)	416′ x 50′ x 28′	American Shipbuilding Co.	Cleveland	1903	4423	Mathews Steamship Company
MALTON	(Ex E. M. Peck)	252′ x 40′ x 22′	Detroit Dry Dock Co.	Wyandotte	1888	1651	Mathews Steamship Company
RIVERTON	(Ex L. C. Waldo)	452′ x 48′2″ x 28′1″	F. W. Wheeler	W. Bay City	1896	4423	Mathews Steamship Company
WIARTON	(Ex Glenveg)	241′ x 41′ x 16′3″	Superior Shipbuilding Co.	West Superior	1903	1676	Mathews Steamship Company
LUCKNOW	(Ex Onaping)	120′ x 19′ x 7′6″		Detroit, Mich.	1870	256	Midland Transportation Company
W. H. LEE		128′9″x 30′ x 11′		Brooklyn, N.Y.	1889	317	Minister Marine & Fisheries
KAMARIS	(Mariska)	340′ x 40′ x 24′6″	Globe Iron Works	Cleveland, O.	1890	3072	Minto Trading Company
CLAREMONT	(Ex Bayersher)	220′ x 40′ x 17′	Toledo Shipbuilding Co.	Toledo	1910	1293	Misener Scott, Sarnia
ALASKA		212′ x 32′ x 14′	Craig	Buffalo, N.Y.	1871	986	Mullen Coal Co., Amherstburg
E. A. SHORES JR.		162′ x 34′ x 11′	Ricbolt Welter Co.	Sheboygan, Wis.	1892	593	Mullen Coal Co., Amherstburg
MICHIPICOTEN	(Ex City of Windsor)	117′ x 24′8″ x 11′	Detroit Dry Dock Co.	Detroit, Mich.	1883	511	North American Bent Chair Co.
HATTIE HUTT	(Ex Stockerridge)	127′ x 26′ x 10′	Martel	Saugatuck, Mich.	1873	230	Jas. Oliver, Kingston
HARSON		144′ x 40′ x 10′7″	Marine Iron Works	Duluth, Minn.	1916	561	Ontario Gravel Freighting Co.
JAS. F. DONALDSON	(Ex Baltimore)	185′ x 30′ x 12′	Robert Holland	Marine City	1880	503	N. M. Patterson & Co.
MARY H. BOYCE		181′ x 35′ x 14′	Duncan Robertson	Grand Haven, Mich.	1888	863	N. M. Patterson & Co.
ARGUS	(Ex H. S. Holden)	408′ x 50′ x 28′	Globe Iron Works	Cleveland, O.	1898	4444	N. M. Patterson & Co.
CANADOC	(Ex N. A. H. Clarke)	416′ x 50′ x 28′	Globe Iron Works	Cleveland, O.	1899	4377	N. M. Patterson & Co.
JOHN J. ALBRIGHT		416′ x 50′ x 28′	American Shipbuilding Co.	Cleveland, O.	1900	4805	N. M. Patterson & Co.
SASKADOC	(Ex Wm. E. Reis)	416′ x 50′ x 28′	American Shipbuilding Co.	Cleveland, O.	1900	4426	N. M. Patterson & Co.
ALTADOC	(Ex Lake Shore)	356′ x 50 x 28′	Bay City Shipbuilding Co.	W. Bay City	1901	3871	N. M. Patterson & Co.
PRINDOC	(Ex Gilchrist)	356′ x 50′ x 28′	Bay City Shipbuilding Co.	W. Bay City	1901	3871	N. M. Patterson & Co.
BRICOLDOC	(Ex James H. Hoyt)	404′ x 50′ x 27′	Superior Shipbuilding Co.	West Superior, Wis.	1902	4363	N. M. Patterson & Co.
ONTADOC	(Ex R. L. Ireland)	416′ x 50′ x 28′	Chicago Shipbuilding Co.	So. Chicago	1903	4470	N. M. Patterson & Co.
MANTADOC	(Ex F. W, Gilchrist)	416′ x 50′ x 28′	Bay City Shipbuilding Co.	W. Bay City	1903	4551	N. M. Patterson & Co.
JULIA B. MERRILL		152′ x 27′ x 8′5″	Carpenter	Saginaw Bay, Mich.	1872	200	W. H. Peacock & Co., Port Hope
CHARLES W. RITER		54′ x 15′2″ x 8′2″	Notter	Buffalo, N.Y.	1876	41	S. L. Penhorwood, Sault Ste. Marie
FRED A. LEE		70′ x 16′ x 9′	Stewart	Port Huron	1896	65	S. L. Penhorwood, Sault Ste. Marie
EDWARD BUCKLEY		154′3″x 31′ x 10′6″	Burger & Burger	Manitowac, Wis.	1891	339	Peninsular Tug & Towing Co., Wiarton
G. K. JACKSON		163′ x 31′ x 9′	P. Lester	Marine City	1892	390	Peninsular Tug & Towing Co., Wiarton

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Present Name	Original Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
PATHFINDER		133′ x 18′ x 10′	Racine Boat Co.	Racine, Wis.	1896	166	James Playfair
D P. DOBBINS		162′ x 32′ x 12′	Quayle & Martin	Cleveland, O.	1863	485	Point Anne, Quarries Ltd.
SOPHIA MINCH		180′ x 32′ x 12′	Nicholas	Vermilion, O.	1873	583	Point Anne, Quarries Ltd.
J. W. WARD		63′9″x 19′ x 9′3″		Bonton Harbour, Mich.	1891	64	Port Arthur Construction Co.
JULIAN V. O'BRIEN		70′ x 16′5″ x 8′2″		Buffalo, N.Y.	1888	59	Port Arthur Construction Co.
BENMAPLE	(Ex S. M. A. No. 1)	244′ x 43′ x 19′2″	Great Lakes Engineering Works	Ecorse, Mich.	1914	1728	Port Colborne and St. Lawrence Navigation Co.
JESSIE HALL		83′5″x 17′ x 8′8″	Van Slyke	Buffalo, N.Y.	1867	57	Pulpwood Co., Appleton
JOHN C. NANN		61′7″x 15′5″ x 6′8″		Ashland, Wis.	1898	34	Pyke Towing & Salvage Co.
CHAS. H. SHAW	(Ex Jas. R, Langdon)	240′ x 23′4″ x 14′9″	Detroit Dry Dock Co.	Detroit, Mich.	1889	1489	Quebec & Levis Ferry Co.
JOHN S. THOM	(Ex Henry R. James)	240′ x 41′ x 17′4″	Detroit Dry Dock Co.	Detroit, Mich.	1890	1440	Quebec & Levis Ferry Co.
J. N. DIVER	(Ex B. W. Aldrick)	67′6″x 16′4″ x 9′0″		Green Bay, Wis.	1882	48	Quebec Harbour Commission
CITY OF NEW YORK		136′ x 27′6″ x 11′6″	S. Presley	Cleveland, O.	1863	292	John Randall, Seeley's Bay
R. G. A. WEAVER	(Ex Nellie Reid)	61′6″x 16′8″ x 8′4″		Buffalo, N.Y.	1886	81	J. T. Reid, Sarnia
CONSTITUTION	(Ex Gladys Nan)	60′ x 16′4″ x 8′8″	Nau Bros.	Green Bay, Wis.	1900	41	Reid Towing & Wrecking Co.
SMITH		127′ x 21′8″ x 10′	Union Dry Dock Co.	Buffalo, N.Y.	1881	191	Reid Towing & Wrecking Co.
OVERLAND	(Ex Kongo)	215′ x 30′6″ x 12′7″	F. W. Wheeler & Co.	W. Bay City, Mich.	1881	756	H. D. Robertson, Toronto
JOHN MAGEE		137′ x 26′ x 12′7″	Mitter	Oswego, N.Y.	1869	312	A. Robellard, Montreal
BADGER		128′ x 36′3″ x 12′	Marine Iron Works	Duluth, Minn.	1914	334	J. E. Russell, Toronto
COLPET	(Ex Richland Daisy)	211′ x 34′7″ x 17′9″	J. Davidson	W. Bay City, Mich.	1893	1046	J. E Russell, Toronto
ISABEL REID		186′ x 31′5″ x 11′	Burger & Burger	Manitowac, Wis.	1881	512	J. E. Russell, Toronto
JAMES F. CAHILL		105′ x 29′ x 12′	Ina S. Buckley & Sons	Brooklyn, N.Y.	1914	396	J. E. Russell, Toronto
RICKARTON	(Ex Chippewa)	220′ x 36′ x 22′	M. P. Lester	Marine City, Mich.	1890	1234	J. E. Russell, Toronto
SENLIM	(Ex Uranus)	169′ x 30′ x 13′	McLeod	New Jerusalem, O.	1873	503	J. E. Russell, Toronto
RICHARD B.		75′8″x 17′ x 7′1″		Vermilion, O.	1901	73	Russell Timber Co., Port Arthur
T. J. SCOTT	(Ex Eureka)	73′ x 16′ x 7′6″	Empire Shipbuilding Co.	Buffalo, N.Y.	1909	71	T. J. Scott, Sault Ste. Marie
R. C. BRITTAIN		142′ x 24′ x 8′		Saugatuck, Mich.	1877	213	Wm. Scott, Wallaceburg
MICHAEL DAVITT		52′8″x 13′6″ x 6′4″		Buffalo, N.Y.	1885	28	T. C. Simpson, Montreal
CONQUEROR	(Ex Wm. L. Proctor)	104′ x 20′ x 10′	G. H. Notter	Buffalo, N.Y.	1883	166	Sincennes McNaughton Line Ltd.
JEANETTE R.	(Ex Island Wanderer)	113′1″x 20′9″ x 5′7″	G. H. Notter	Buffalo, N.Y.	1888	144	Sincennes McNaughton Line Ltd.

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Present Name	Original Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
MUSCALLUNGE		128′ x 24′ x 12′		Port Huron, Mich.	1896	360	Sincennes McNaughton Line Ltd.
ARTHUR MORGAN		216′ x 35′ x 16′	Jones	Detroit, Mich.	1871	937	Sincennes McNaughton Line Ltd.
ASHLAND		218′ x 38′ x 17′	Craig	Trenton, Mich.	1886	987	Sincennes McNaughton Line Ltd.
GLADYS H.		211′ x 34′8″ x 16′9″	Jas. Davidson	W. Bay City, Mich.	1892	998	Sincennes McNaughton Line Ltd.
HENRY WITBECK		167′ x 33′ x 11′	Rand & Burger	Manitowac, Wis.	1880	627	Sincennes McNaughton Line Ltd.
ISAAC STEPHENSON		163′ x 32′ x 11′	Rand & Burger	Manitowac, Wis.	1879	589	Sincennes McNaughton Line Ltd.
J. I. CASE		208′ x 34′6″ x 14′6″	Rand & Burger	Manitowac, Wis.	1874	862	Sincennes McNaughton Line Ltd.
MANOMINEE		166′ x 33′ x 11′	Milwaukee Shipyard Co.	Milwaukee, Wis.	1883	618	Sincennes McNaughton Line Ltd.
NELLIE REDINGTON		205′ x 33′ x 16′	Quayle & Martin	Cleveland, O.	1872	827	Sincennes McNaughton Line Ltd.
PRINCESS LOUISE		67′7″ x 13′ x 4′2″		Ogdensburg, N.Y.	1879	26	A. Smallman, Dundee, P.Q.
BRANTFORD	(Ex Samuel Marshall)	198′ x 34′ x 16′6″	T. W. Kirby	Grand Haven, Mich.	1888	772	J. B. Sowards, Kingston
SUSIE CHIPMAN		122′ x 26′ x 9′	Milwaukee Shipyard Co.	Milwaukee, Wis.	1885	317	St. Lawrence Transportation Ltd.
BURT BARNES		95′ x 24′ x 10′6″	Manitowac Shipbuilding Co.	Manitowac, Wis.	1882	118	Swift Coal Co., Kingston
MAITLAND NO. 1		338′ x 56′ x 20′6″	Great Lakes Engineering Works	Ecorse, Mich.	1916	2757	T. H. & B. Nav. Co.
PALMBAY	(Ex Richard W.)	228′ x 36′3″ x 19′	Milwaukee Shipyard Co.	Milwaukee, Wis.	1891	1493	Tree Line Nav. Co., Montreal
CHARLTON	(Ex John Prindiville)	135′ x 19′4″ x 10′4″	Miller Bros.	Chicago, Ill.	1862	389	Victoria Harbour Lumber Co.
DILLWYN		68′ x 15′3″ x 7′	D. Bell	Buffalo, N.Y.	1891	41	Warren Trans. Co., Toronto
WEAVERCOAL	(Ex Winnipeg)	252′ x 35′ x 16′	Union Dry Dock Co.	Buffalo, N.Y.	1878	1309	F. P. Weaver Coal Co., Montreal
M. SICKEN		128′ x 26′ x 10′	George King	Marine City	1884	212	Robert Weddell, Trenton
AURELLA		56′ x 14′9″ x 6′6″		Buffalo, N.Y.	1869	34	Robert Weddell, Trenton
KATIE BRAINARD		169′8″x 30′ x 10′3″	David Lester	Marine City	1871	398	Robert Weddell, Trenton
WHITE & FRIANT		152′ x 28′ x 11′6″	D. Robertson	Grand Haven	1881	319	Robert Weddell, Trenton
JED	(Ex Maplegrove)	208′ x 35′9″ x 14′	Martin Lester	Marine City	1889	1057	Woodward & Co., Wnp.
LAIRG	(Ex Penobscot)	253′ x 43′7″ x 24′7″	Great Lakes Engineering Works	Ecorse, Mich.	1911		A. B. McKay
CLACKAMAS		267′8″x 49′8″ x 25′6″		Portland, Oregon	1918	2893	Pictou Pulp Wood Co., Sydney
BRAS d'OR		113′6″x 27′2″ x 8′9″		S. Portland, Maine	1901	221	Coastal Steamship Co., Sydney
HYDRUS		410′ x 50′ x 28′	Globe Iron Works	Cleveland, Ohio	1899	4661	Paterson Steamship Co.
MOSES TAYLOR		416′ x 50′ x 28′	American Shipbuilding Co.	Lorain, Ohio	1902	4772	Paterson Steamship Co.
CAPT T. W. MORRISON		70′ x 18′ x 10′		Wilmington, Del.	1907	123	National Dock & Dredge Corp., Que.
MICHIGAN		296′6″x 41′3″ x 15′6″		West Bay City, M.	1890	1730	Newaygo Co., Port Arthur
HIWAL		104′3″x 14′9″ x 9′5″		Newport News	1917	88	J. H. Lavala, St. John
CORESEUS		94′5″x 14′6″ x 7′9″		Puget Sound, Wash.	1918	98	W. J. Butt, Vancouver
PAPYRUS		311′6″x 40′4″ x 22′9″		Buffalo, N.Y.	1886	3051	Antwa Shipping Co., Halifax

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Present Name	Original Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
GUNHILD		51'6"x 12'6" x 7'6"		Quartermaster Harbour, U.S.	1906	34	G. Broder, Vancouver
OLINDA U. O.		134' x 26'2" x 13'8"		San Francisco, Cal.	1916	416	Union Oil Co., Vancouver
GRAND RAPIDS		360' x 56' x 21'6"	Manitowac Shipbuilding Co.	Cleveland, Ohio	1927	2900	Canadian National Railways
MADISON		360' x 56' x 21'6"	Manitowac Shipbuilding Co.	Cleveland, Ohio	1927	2900	Canadian National Railways
ANNA C. MINCH		387'1"x 50'2" x 23'9"	American Shipbuilding Co.	Cleveland, Ohio	1903	4139	Western Nav. Co., Ltd.
ALEX. LESLIE (Ex H. A. Rock)		346' x 48' x 28'	American Shipbuilding Co.	Cleveland, Ohio	1901	3300	Lake Erie Coal Co., Walkerville
BAYHOUND (Ex Pillicum)		114' x 17'2" x 9'5"		N ew York, N.Y.	1910	135	Minister of National Revenue
NORMAC		110' x 25' x 12'		Port Huron, Michigan	1902	462	Owen Sound Transportation Co.
C. W. CADWELL		154'8"x 37'1" x 10'0"	Superior Shipbuilding Co.	W. Superior, Wis.	1911	564	Ontario Grand Freighting Co.
JAMES B. EADS		400'6"x 42' x 28'	Globe Iron Works	Cleveland, O.	1894	3865	Midland Steamships Ltd.
GUARD		163' x 26'2" x 13'		U.S.	1917	468	Hochelaga Shipping Co.
ITORORA		246' x 40'6" x 20'	Bethlehem Shipbuilding Co.	Elizabethport, N.J.	1920	1749	Brown Corporation
CONDOR		151'1"x 18'1" x 9'9"		Neponsett, Mass.	1913	206	Mathews Steamship Co.
BARGE 137		352' x 45' x 26'	American Steel Barge Co.	West Superior	1896	2817	Midland Steamships Ltd.
ALEXANDER HOLLEY		361'6"x 46' x 26'	American Steel Barge Co.	West Superior	1896	3202	Midland Steamships Ltd.
JOHN ERICSSON		382' x 48' x 28'	American Steel Barge Co.	West Superior	1896	3650	Midland Steamships Ltd.
RALPH BUDD		382' x 50' x 30'	Great Lakes Eng. Works	Ecorse, Mich.	1905	4537	Midland Steamships Ltd.
W. J. CROSBY		253'6"x 43'6" x 27'6"	Great Lakes Eng. Works	Ashtabula, Ohio	1919	2625	Canada Forwarding Co., Ltd.
BATISCAN		247' x 40' x 17'	Manitowac Dry Dock Co.	Manitowac, Wis.	1909	1656	Canada Steamship Lines
OGDENSBURG		290' x 45' x 12'6"	American S. B. Co.	Lorain, Ohio	1930	1405	Canadian Pacific Transfer Co., Ltd.
EASTRICK		266' x 38' x 23'	Cleveland S. B. Co.	Cleveland, Ohio	1890	2027	Eastern Terminal Elevator Co., Ltd.
TRONTOLITE		420' x 57' x 31'6"	Skinner & Eddy Corp.	Seattle, Wash.	1918	7115	Imperial Oil Co., Ltd.
RIVIERE DU LOUP		206' x 37'1" x 15'3"	Harlan & Hollingsworth	Wilmington, Del.	1902	1650	La Comp de Traverse Riviere Du Loup
LAKEGRAVEL		144'4"x 40' x 11'4"	Marine Iron Works	Duluth, Minn.	1916	521	National Sand & Materials Co.
PUCKASAW		97' x 25' x 14'	Leatham D. Smith Towing Co.	Sturgeon Bay, Wis.	1910	231	Newaygo Timber Co.
SUPERIOR		248'6"x 38'4" x 23'	Globe Iron Works	Cleveland, Ohio	1889	1774	Northwest Transportation Co.
TWIN SISTERS		203'9"x 35'3" x 14'6"	C. Wheeler	Saginaw, Mich.	1889	838	Nova Scotia Steel & Coal Co.
SOODOC		416' x 50' x 28'	American S. B. Co.	Lorain, Ohio	1902	4575	Paterson Steamships Ltd.
MINNIE E. ORTON		172' x 30'10"x 11'10"	D. Lester	Marine City, Mich.	1884	456	Reid Towing & Wrecking Co.
GUARDIAN		128'4"x 25'2" x 12'6"	Johnston Bros.	Ferrysburg, Mich.	1906	454	Sin-Mac Lines Ltd.
MANISTIQUE		157' x 31'1" x 12'5"	Linn & Craig	Gibraltar, Mich.	1882	548	Sin-Mac Lines Ltd.
J. E. MILLS		108' x 23'5" x 7'9"	James Bowers	Marysville, Mich.	1883	149	Trotter & Lanaway
MONS MEG		105' x 31' x 9'4"	A. Woods	Ogdensburg, N.Y.	1876	291	Robt. G. Weddell
ADDISON		268' x 46' x 23'9"		Raymond, Washington, U.S.A.	1919	2219	British Pacific Barge Co.
BIT		107'9"x 28'6" x 11'3"		Kingston, N. Y., U.S.A.	1920	370	Les Chantiers Manseau

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Name	Dimensions	Name of Builder	Where Built	Year	Gross Tons	Owners
BRICO	134'9"x 24' x 14'		Seattle, Washington, U.S.A.	1908	341	British Columbia Telephone Co.
CHANDALAR	161' x 39'6" x 6'6"		Winslow, Washington, U.S.A.	1905	342	British Yukon Navigation Co., Ltd.
ESTHER HUGHES	116'2"x 31' x 12'6"		Kingston, N. Y., U.S.A.	1919	484	Les Chantiers Manseau Limited
FOREST FRIEND	243' x 44' x 21'		Aberdeen, Wash., U.S.A.	1919	1499	Horatio Hodder
GRIFFCO	253' x 43'6" x 26'		Ecorse, Mich., U.S.A.	1919	2518	Coastwise Shipping & Barge Co., Ltd.
GUARDIAN	134'6"x 25' x 14'		Ferrysburg, Mich., U.S.A.	1906	454	Sin-Mac Lines Ltd.
HARTLOCK	268' x 46' x 26'		Tacoma, Wash., U.S.A.	1919	2101	British Pacific Barge Co., Ltd.
JACK EASY	90' x 25'6" x 7'		Middleton, Conn., U.S.A.	1869	105	James F. Durno
JOHN M. HUTCHISON	80' x 20'9" x 9'6"		Buffalo, N. Y., U.S.A.	1893	107	Thomas C. Simpson
LAURA ANNIE BARNES	181' x 36' x 17'		Phippsburg, Maine, U.S.A.	1921	518	James L. Publicover
LUCIA P. DOW	188'9"x 37'9" x 21'		Rockland, Maine, U.S.A.	1919	879	Charles N. Wilson
MATTIE J. ALLES	108' x 30' x 10'		Yarmouth, Maine, U.S.A.	1883	220	N. M. and N. H. Ogilvie
MEMORY III	128'6"x 32' x 13'6"		Bay City, Mich., U.S.A.	1928	320	William W. Near
OCEAN TRANSPORT NO. 2			U.S.A.	1907	566	
OCEAN TRANSPORT NO. 4			U.S.A.	1907	566	
OCEAN TRANSPORT NO. 7			U.S.A.	1921	178	
OCEAN TRANSPORT NO. 8			U.S.A.	1921	178	
OELWEIN	268' x 45'9" x 25'6"		Tacoma, Wash., U.S.A.	1919	2063	British Pacific Barge Co., Ltd.
ORLEANS	179' x 38' x 16'		Bath, Maine, U.S.A.	1905	618	St. John Tug Boat Co., Ltd.
R. C. H. NUMBER THREE	110' x 34' x 9'		Baltimore, Md., U.S.A.	1925	317	R. C. Huffman Constr. Co.
R. C. H. NO. 20	70' x 28' x 8'		Erie, Pa., U.S.A.	1926	127	R. C. Huffman Constr. Co.
SUPERIOR	255'6"x 38' x 21'		Cleveland, Ohio, U.S.A.	1889	1774	Great Lakes Transit Corp., Ltd.
SUPERTEST	101'3"x 20' x 9'		Brooklyn, N. Y., U.S.A.	1928	151	Pioneer Transportation Co., Ltd.
TATCHUN	150' x 34'9" x 6'6"		Seattle, Wash., U.S.A.	1908	235	British Yukon Nav. Co., Ltd.
V. H. C. NO. 2	243'6"x 37' x 12'		San Francisco, Cal., U.S.A.	1902	715	Vancouver Harbour Commissioners
WALTER WYMAN	101' x 21' x 12'6"		Baltimore, Maryland, U.S.A.	1902	144	R. A. and J. McLean
WESTCHESTER	130'9"x 27' x 8'		Philadelphia, Pa., U.S.A.	1904	529	Eastern Canada Coastal Steamships
BORDER QUEEN	201' x 41' x 16'		Hoquiam, Wash., U.S.A.	1913	934	The Border Line Nav. Co., Ltd.

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Shipping

347 Bay St. Toronto,
February 7, 1934.

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Dear Mr. Reford:

I have your letter of 2nd.

The matter which you bring to my attention is one that has puzzled me for a long time. It is expected we will have a Shipping Bill introduced in the Senate this year and I will certainly keep in mind your representations and suggestions.

Yours very truly,

Mr. R. W. Reford,
280 Hospital St.,
Montreal, Que.

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230, HOSPITAL STREET,
MONTREAL.

February
2nd,
1 9 3 4.

Dear Mr. Meighen:-

I have been looking into the question of the use of our canals by foreign vessels trading to and from Great Lakes' ports, and have taken off the enclosed list of vessels, 114 in number, with particulars of cargoes carried inward and outward. 158,155 tons of cargo were carried Westbound, and 111,183 tons Eastbound for United Kingdom and Continental ports.

You will appreciate that our Canadian inland marine and our Canadian railroads suffer considerably in their earnings from the loss of this traffic to foreign tonnage. Foreign ships do not pay canal tolls any more than our Canadian-owned boats.

A solution might be to allow freedom of tolls to Canadian and American bottoms as at present, and to collect tolls on foreigners. These foreign ships have the advantage of being free to trade the world over. They can be used during the winter in other trades, whereas our Canadian ships, built especially for inland waters, are forced to lie idle from late November until April. The scale of wages on Canadian vessels is higher than on foreigners, they supply better accommodation and

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better food, and in many instances, as the laws of various nations in regard to the upkeep of the ships are not on the same plane, Canadian vessels carry a larger crew. Canadian wages are spent in Canada; foreign crews are given a minimum allowance and the greater portion of the wages are paid at the home port.

The other plan would be to revert to toll dues for all vessels, but this would not meet the situation as far as foreign competition with our Canadian tonnage is concerned. Further, the division of revenue from the tolls between Canada and the United States would be a difficult problem to solve. I appreciate that we will still have this problem in a minor degree if the first suggestion I have made is adopted. A solution might be that tolls should be paid to the country where the cargoes are loaded and unloaded.

I think you will agree that Canadian shipping on the Great Lakes must receive such protection as will allow it to increase with the growth of our canals, but judging by the results of the past two or three years, there is not much encouragement for building new ships for the Canadian inland trade. With the varying changes that take place so rapidly nowadays it might be quite on the cards that our

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Great Lakes trade might be practically handled by foreigners, and developments elsewhere might draw these foreigners to use other trades and leave us stranded with no tonnage to take their place.

For this reason I think it desirable that Canadian tonnage should be protected against foreign tonnage in home waters. Certainly Germany, Norway and Sweden would never grant the privileges to our ships or British ships that we are granting to them.

Yours truly,

Robt. N. Rogers

Right Honourable Arthur Meighen, P.C.,
The Senate,
Ottawa.

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Foreign Vessels trading to and from Great Lakes Ports
to Countries abroad. Season of 1933.

STEAMER.	NATIONALITY.	INWARD. ARRIVED MONTREAL.	DESTINATION.	CARGO.	OUTWARD. FROM	OUTWARD MONTREAL	DESTINATION.	CARGO.
Reimunga.	Norway.	Wintered up the lakes.			Sarnia.	May 14.	St John's N.F.	997 Tons.--752.Flour.18.Peas 88 Petroleum.120 Salt. 19 Gen Cargo.
Hild.	-do-	April 21.	Welland.	1560 Tons Steel.	Chicago.	May 13.	Calais.	1540 Tons Pitch.
Gimle.	-do-	April 24.	Ft William.	1656 " China Clay.	Chicago.	May 16.	Ghent.	1500 " Pitch.
Mimer.	-do-	April 26.	Toronto & Chicago.	1344. " Welsh Coal. 76 " Canned Fish. 1420.	Chicago.	May 20.	Calais.	1420 " Pitch.
Trajan.	-do-	April 27.	Toronto.	1530 " Welsh Coal.	Detroit.	May 12.	Rotterdam.	1553 " Pitch.
Augusta L.	-do-	May 1.	Toronto.	1550 " Welsh Coal.	Chicago.	May 22.	Rouen.	1680 " Pitch.
Henneseid.	-do-	April 30.	Superior.	1600 " Wood Pulp. 63 " Canned Fish. 1663.	Chicago.	May 24.	Rouen.	1580 " Pitch.
Beran.	-do-	May 3.	Toronto.	1600 " Welsh Coal.	Toronto.	May 16.	Cardiff & Swansea.	1482 " Pitch.
Henrich Arp.	German.	May 12.	South Haven.	1600 " Wood Pulp.	South Haven.	May 29.	Campbellton.	Light to load.
Granero.	Norway.	May 12.	Toronto.	1680. " Welsh Coal.	Sault Ste Marie.	May 30.	Swansea.	1756 Tons Pitch.
Havter.	-do-	May 12.	South Haven.	1500 " Wood Pulp.	Chicago.	May 31.	Hamburg.	1342 " -- 1500 Lard. 36 Yeast.4 Sugar.
Wilhelmine.	Danzig.	May 14.	Toronto.	1175 " Cocoanut Oil.	Toronto.	May 24.	Liverpool.	Light.
Beryl.	Norway.	May 16.	Toronto.	1591 " Welsh Coal.	Toronto.	May 27.	Swansea.	1451 Tons Pitch.
Rein.	-do-	~~South Haven~~ May 18.	South Haven.	1500 " China Clay.	Detroit.	June 10.	Aviles.Spain.	1600 " Pitch.
Lillemor.	-do-	May 18.	Chicago.	1531 " Wood Pulp.	Chicago.Windsor and Buffalo. June 8.		St John's N.F.	545 " Gen Cargo(Flour,Pork, etc)
Gorm.	-do-	May 27.	South Haven.	1675. " Wood Pulp.	Buffalo.	June 17.	West Indies.	1602 " Flour.
Erling Lindoe.	-do-	May 23.	Toledo.	1680 " Wood Pulp.	Buffalo.	June 19.	Bergen.	1450. " Flour.
Standard.	-do-	May 27.	Chicago.	1520 " Wood Pulp.	Ft William.	June 29.	Plymouth.	1710 " Flour.
Lukesfjell.	-do-	May 28.	Duluth.	1570 " Zinc.Oxide. Soda & Gen Cargo.	Duluth.	June ~~XX~~ 15.	Hansport.N.S.	Light.
Grenland.	-do-	May 29.	South Haven.	1781 " Wood Pulp.	Chicago.	June 17.	Miranshi.N.S.	Light to load Lumber.
Ranja.	Sweden.	May 28.	Green Bay.	1435. " Wood Pulp.	Green Bay.	June 15.	Overseas.	Light.
Leonore.	German.	May 31.	Green Bay.	900 " Wood Pulp.	Chicago.	Aug. 6.	Rotterdam.	690 Tons Pitch.
Ormefjell.	Norway.	June 1.	Chicago.	1500 " (Cod Liver Oil. (Canned Goods. (Wood Pulp.)	Chicago.	June 25.	Liverpool.	1150 " Steel.Canned Goods. Lumber & Gen Cargo.
Vardefjell.	-do-	June 2.	Chicago & Detroit.	1500 " Sugar.	Thorold.	June 22.	London.Antwerp & Hamburg.	1388 " (70 Machinery. (368 Gen Cargo. (950 Lard.
Stargard.	-do-	June 8.	Chicago.	1143 " Newsprint.Whale-powder.Can Goods.	Ft William.	July 3.	Sharpness.	1690 " Wheat.

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STEAMER.	NATIONALITY.	INWARD MONTREAL.	DESTINATION.	CARGO.	FROM.	OUTWARD. MONTREAL.	OUTWARD DESTINATION.	CARGO.
Norbo.	Norway.	June 7.	Grand River.	1568 Tons Wood Pulp.	Grand Haven.	June 23.	Pictou.N.S.	Light to load lumber.
Bjerkli.	-do-	June 9.	Minominee.	1294 " Wood Pulp.	Buffalo.	July 1.	Tronmo.Norway.	1290 Tons Flour.
Maksefjell.	-do-	June 10.	Chicago & Detroit.	1792 " Wood Pulp.	Chicago.	June 27.	Rexton.N.S.	20 " Acid.
Bommestad.	-do-	June 16.	Shebaygan.	1550 " China Clay.	Shebaygan.	July 5.	Carleton.P.Q.	Light to load lumber.
Norco.	-do-	June 17.	Chicago.	1500 " Wood Pulp.	Gardinel.	July 5.	Chatham.N.B.	Light to load lumber.
Reimunga.	-do-	June 22.	Buffalo.	Light.	Buffalo.Windsor Sarnia.Toronto.	July.9.	St John's N.F.	548 Tons.(Flour & Gen Cargo.)
Stalheim.	-do-	June 24.	Duluth.Toledo. Detroit & Chicago.	1362 Tons Wood Pulp 500 " Canned Gds. 1862	Ft William.	July 24.	Overseas.	56.800 Bushels Wheat. 27.000 " " (Loaded Montreal)
Trajan.	-do-	June 25.	Wallaceburg.	1535 " Phosphates.	Detroit.	July 15.	Durdrght.Hollland.	1533 Tons Pitch.
Hild.	-do-	June 26.	South Haven.	1500 " China Clay.	South Haven.	July 14.	Chatham.N.B.	Light to load lumber.
Lukesfjell.	-do-	June 27.	Buffalo.	1500 " Wood Pulp.	Buffalo & Toronto.	July 18.	St John's N.F.	900 Tons.(700 Gen Cargo.200 Lumber.
Wilhelmine.	German.	June 29.	Toronto.	1238 " Vegetable Oil.	Toronto.	July 6.	Liverpool.	Light.
Ciss.	Norway.	July 2.	Shebaygan.	1500 " China Clay.	Ft William & Buffalo.	July 27	Providence.R.I.	1089 Tons (350 Flour.for Montreal. 739.Mill Products.
Baran.	-do-	July 3.	Toronto.	1457 " Welsh Coal.	Toronto.	July 14.	Pictou.N.S.	Light to load.
Makesfjell.	-do-	July 6.	Oswego.	2000 " Wood Pulp.	Toronto.	July 27.	London.Hamburg. & Rotterdam.	1550 Tons Gen Cargo.
Maisol.	-do-	July 17.	Toronto.	1322. " Canned Gds. Pulp.Ore.C.C. &Ammonia.	Chicago & Pt Colborne.	Aug. 11.	St John's N.F.	1140. " (Flour.Canned Gds & Gen Cargo.
Pluto.	-do-	July 16.	Thorold & Chicago.	1895 " Wood Pulp.Fertilizer & C&C.	Chicago.	Aug. 2.	Carleton.P.Q.	Light to load lumber.
Breitenburg.	German.	July 17.	Superior.	1500 " Wood Pulp.	Superior.	Aug. 8.	Guysbough.N.S.	Light.
Finse.	Norway.	July 21.	Manitawac.	1600 " Wood Pulp.	Chicago.	Aug.24.	Dordrecth.Holl.	1590 Tons Pitch.
Henneseid.	-do-	July 22.	Green Bay.	1600 " Wood Pulp.	Green Bay.	Aug. 6.	Campbellton.N.B.	Light to load.
Flaks.	-do-	July 25.	Chicago.	1400 " Wood Pulp.	South Haven.	Aug.12.	Miminchi.	Light.
Elsa Essberger.	German.	July 25.	Toronto.	1100 " Oil.	Toronto.	July 30.	Hamburg.	Light.
Haytor.	Norway.	July 26.	Toronto.Hamilton. Thorold.Trenton. & U.S.Ports.	1000 " (539 Pulp. 461 Gen Cargo.	Chicago.	Aug. 17.	London.	1200 Tons Gen Cargo.
Gorm.	-do-	July 27.	Chicago.	1700 " Sugar.	Ft William.	Aug. 17.	Newark N.J.	1228 " Mill Products.
Ruttenfjell.	-do-	July 29.	Chicago.	1600 " Wood Pulp.	Chicago.	Aug. 16.	St John's N.F.	Light.
Reimunga.	-do-	July 31.	Chicago.	1400 " Iron Ore & Wood Pulp.	Sarnia & Buffalo.	Aug. 21.	St John's N.F.	846 tons (Flour & Gen Cargo.)
Rein.	-do-	July 31.	Ft William.	1500 " Welsh Coal.	Toronto.	Aug. 13.	Shipigan/NGB.	Light.
Tunni.	-do-	Aug. 1.	Toronto.Detroit & Chicago.	1308 " Wood Pulp. Man Ore & Nitrae Soda.	Chicago.	Aug. 23.	London & Liverpool.	150 Tons Salt Pork.
Ornefjell.	-do-	Aug. 2.	Toronto.	1300 " Welsh Coal. 40 " Gen Cargo. 1340. "	Chicago.	Aug. 23.	St Pierre & Liverpool.	550 " Lumber & Gen Cargo.

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123870

STEAMER.	NATIONALITY.	INWARD. MONTREAL.	DESTINATION.	CARGO.	FROM.	OUTWARD MONTREAL.	OUTWARD. DESTINATION.	CARGO.
Vorma.	Norway.	Aug. 4.	Green Bay.	1243 Tons Wood Pulp.	Green Bay.	Aug 24.	Newfoundland.	Light to load Fish & Coal for Spain
Vardefjell.	-do-	Aug 7.	Chicago & Milwaukee.	1290 " Wood Pulp. Wool & G.C.	Cleveland.	Aug 29.	Hamburg.	1200 Tons Gen Cargo.
Wilhelmina.	Danzig.	Aug 10.	Toronto.	1286 " Vegetable Oil.	Toronto.	Aug 18.	Liverpool.	Light.
Facto.	Norway.	Aug 12.	Chicago.	1450 " Wood Pulp.	Chicago.	Sept 4.	St John's N.F.	577 Tons (Flour,Wheat & Gen Cargo)
Erling Lindoe.	-do-	Aug 14.	South Haven	1440 " Wood Pulp.	South Haven.	Aug 29.	Campbellton.	Light to load.
Lillemor.	-do-	Aug 18.	Chicago & Detroit.	1600 " Sugar.	Buffalo.	Sept.7.	Windsor.N.S.	1625 Tons Fertilizer.
Solor.	-do-	Aug 18.	South Haven.	1550 " Wood Pulp.	South Haven.	Sept.5.	Carleton.P.Q.	Light to load.
Standard.	-do-	Aug 21.	South Haven.	1468 " Wood Pulp.	Ft William.	Sept.11.	Norway.	1455 Tons Pitch.
Rein.	-do-	Aug 22.	Oswego.	1556 " Wood Pulp.	Oswego.	Aug 29.	Carleton.P.Q.	655 Barrels Flour(Loaded Montreal) Light to load.
Trajan.	-do-	Aug 28.	Wallaceburg.	1524 " Fertilizer.	Chicago.	Sept 24.	Dordrecht.Holl.	1469 Tons Pitch.
Nina.	-do-	Sept 1.	SouthHaven.	1300 " Wood Pulp. Cod Liver Oil. & Canned Gds.	Buffalo.	Sept 25.	Rotterdam.	1255 " (200 Flour.925 Mill (Products.110 Petroleum.
Hansa.	-do-	Sept 2.	Green Bay & South Haven.	1250 " Wood Pulp.	Detroit.	Sept 25.	Antwerp.	1338 " Pitch.
Havbris.	-do-	Sept 4.	South Haven.	1695 " Wood Pulp.	Milwaukee.	Sept 28.	Calais.	1500 " Pitch.
Elsa Essberger.	German.	Sept 4.	Toronto.	1100 " Peanut Oil.	Toronto.	Sept 10.	Hamburg.	Light.
Lukesfjell.	Norway.	Sept 11.	Cornwall.Part Stanley and South Haven.	1032. " Petroleum. Wood Pulp & Gen Cargo.	Chicago.& Milwaukee.	Oct 5.	Rotterdam & Hamburg.	1350 Tons. Lard.
Maksefjell.	-do-	Sept 11.	Chicago.	1000. " Wood Pulp. Rice and Gen Cargo.	Chicago.	Oct 4.	Manchester.	1240 " Lard.etc.
Reidum.	-do-	Sept 13.	Chicago.Milwaukee.St Haven.	1634 " Gen Cargo.	Chicago.	Oct 7.	London.	1220 " Lard. 75 " Gen Cargo. 1295.
Noreo.	-do-	Sept 15.	Green Bay.	1650 " Wood Pulp.	Green Bay.	Oct 4.	Rimouski.	Light to load.
Bommestad.	-do-	Sept 19.	Menominee.	1450 " Wood Pulp.	Toledo.	Oct 11.	Calais.	1596 Tons Pitch.
Stargard.	-do-	Sept 20.	Duluth.	1359. " Wood Pulp.	Milwaukee.	Oct 12.	Calais.	1550 " Pitch.
Stalheim.	-do-	Sept 22.	Chicago.	1445 " Wood Pulp.	Pt Colborne.	Oct 18.	Trohen.Norway.	1500 " Flour.
Korsfjord.	-do-	Sept 22.	Milwaukee.	1803 " Wood Pulp.	Milwaukee.	Oct 13.	Calais.	7950 Barrels of Flour(Loaded Montreal) 1500 Tons Pitch.
Augusta L.	-do-	Sept 24.	Green Bay.	1380 " Wood Pulp.	Toledo.	Oct 19.	Calais.	1443 " Pitch.
Hennes.	-do-	Sept 24.	South Haven.	1300 " Wood Pulp.	Chicago.	Oct 28.	Ghent.	1460 " Pitch.
Reimunga.	-do-	Sept 24.	Hamilton.	600 " Iron Ore.	Kingston.	Oct 11.	St John's N.F.	372 " Gen Cargo.
Facto.	-do-	Sept 25.	Waddington.U.S.	1800 " Wood Pulp.	Waddington.	Sept 30.	St Pierre.	Light.
Hild.	-do-	Sept 27.	Green Bay.	1510 " Wood Pulp & Canned Gds.	Chicago.	Oct 30	Calais.	1475 Tons Pitch.
Tractor.	German.	Sept 28.	Detroit.	Light.	Windsor.	Oct 10.	Balboa.Spain.	408 Autos.

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123871

STEAMER.	NATIONALITY.	INWARD MONTREAL.	DESTINATION.	CARGO.		FROM.	OUTWARD. MONTREAL	OUTWARD DESTINATION.	CARGO.
Havtor.	Norway.	Oct 1.	Green Bay.	1180 Tons	Wood Pulp & Gen Cargo.	Milwaukee & Chicago.	Oct 21.	Hamburg.	1375 Tons Gen Cargo (Mostly Lard)
Maisol.	-do-	Oct 4.	Oswego.	850 "	Wood Pulp.	Toronto.	Oct 13.	Shappegan,N.B.	Light.
Beran.	-do-	Oct 5.	Milwaukee.	1380 "	Wood Pulp.	Sault Ste Marie.	Nov 1.	Swansea.	1372 Tons Pitch.
Marg.	-do-	Oct 6.	Milwaukee & Chicago.	595 " 605 " 1200.	Wood Pulp. Gen Cargo.	Chicago.	Nov 4.	Rouen.	1300 " Pitch.
Lab.	-do-	Oct 7.	Grand River.	1490 "	Wood Pulp.	Detroit.	Nov 2.	Calais.	1356 " Pitch.
Segerstrand.	-do-	Oct 7.	South Haven.	1402 "	Wood Pulp.	Toledo.	Nov 15.	Calais.	1252 " Pitch.
Wilhelmine.	Danzig.	Oct 7.	Toronto.	1117 "	Peanut Oil.	Toronto.	Oct 18.	Hamburg.	Light.
Nesttum.	Norway.	Oct 8.	Shebaygan.	1217 "	China Clay.	Detroit.	Oct 30.	Rouen.	1284 Tons Pitch.
Beryl.	-do-	Oct 8.	South Haven.	1406 "	Wood Pulp.	Toledo.	Nov 5.	Calais.	1436 " Pitch.
Ornefjell.	-do-	Oct 10.	Coburg.Toronto. Hamilton and South Haven.	1240 " 80 " 1320	Wood Pulp. Gen Cargo.	Chicago.	Nov 2.	Liverpool.	300 " Steel 1100 " Lard. 1400
Finse.	-do-	Oct 11.	Milwaukee and South Haven.	1500 "	Wood Pulp.	Chicago.	Nov 12.	Dordrechet.	1504 " Pitch.
Mosna.	-do-	Oct 13.	Chicago.	700 " 500 " 1200.	Wood Pulp. Gen Cargo.	Chicago.	Nov 12.	Calais.	1400 " Pitch.
Tunni.	-do-	Oct 14.	Chicago.	1278 "	China Clay.	Toledo.	Nov 14.	Rouen.	1233 " Pitch.
Henneseid.	-do-	Oct 15.	South Haven.	1500 "	Wood Pulp.	Chicago.	Nov 11.	Calais.	1472 " Pitch.
Bjerkli.	-do-	Oct 17.	South Haven.	1191 "	China Clay.	Detroit.	Nov 15.	Rouen.	1276 " Pitch.
Vardefjell.	-do-	Oct 19.	Chicago and Green Bay.	270 " 782. " 1052	Wood Pulp. Gen Cargo.	Chicago and Milwaukee.	Nov 15.	Rotterdam and Hamburg.	1216 " Lard. 40 " Gen Cargo 1256.
Agga.	-do-	Oct 20.	South Haven.	1600 "	China Clay.	Toronto.	Nov 24.	London and Manchester.	1400 " Gen Cargo.
Maisol.	-do-	Oct 23.	Oswego.	1716 "	Wood Pulp.	Toronto.	Nov 11.	Humbles.	1339 " Pitch.
Norbo.	-do-	Oct 23.	Green Bay.	1462 "	Wood Pulp.	Chicago.	Nov 29.	Rotterdam and Hamburg.	1392 " Gen Cargo.
Grenland.	-do-	Oct 24.	Milwaukee.	847 "	Wood Pulp.	Chicago.	Nov 24.	Bordeaux.	1429 " Pitch.
Gezina.	-do-	Oct 28.	Chicago, Detroit & Milwaukee.	1500 " 130 " 1630.	Wood Pulp. Gen Cargo.	Toledo.	Dec.1.	Valencia.	1581 " Pitch.
Pluto.	-do-	Oct 29.	Toronto.Cleveland. Detroit &Chicago.	1000 " 400 " 1400	Wood Pulp. Gen Cargo.	Chicago & Milwaukee.	Nov 29.	Liverpool.	1450 " Lard.
Hjort.	-do-	Oct 30.	South Haven.	1390 "	Wood Pulp.	Duluth.	Dec 4.	Lette.France.	1517 " Pitch.
Elsa Rasberger.	German.	Oct 30.	Toronto.	1100 "	Peanut Oil.	Toronto.	Nov 6.	Hamburg.	Light.
Hein.	Norway.	Nov 1.	Green Bay.	320 " 1015. " 1335.	Wood Pulp. Gen Cargo.	Ft William.	Dec.8.	~~[illegible]~~ Dundee.	1377 Tons Flour.
Standard.	-do-	Nov 1.	Chicago & Duluth.	1430 "	Wood Pulp.	Soo.	Dec 3.	Bristol.	1280 " Pitch.

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123872

STEAMER.	NATIONALITY.	INWARD. MONTREAL	DESTINATION.	CARGO.	FROM.	OUTWARD. MONTREAL.	OUTWARD. DESTINATION.	CARGO.
Gimle.	Norway.	Nov 1.	Chicago.	1412 Tons Wood Pulp.	Chicago.	Dec 3.	Calais.	1454 Tons Pitch.
Bill.	-do-	Nov 1.	Green Bay.	1520 " Wood Pulp.	Detroit.	Dec 3.	Rotterdam.	1320 " Pitch.
Flaks.	-do-	Nov 2.	South Haven.	1220 " Wood Pulp.	Still at Chicago.			
Erling Lindoe.	-do-	Nov 2.	Menominee.	1300 " Wood Pulp.	Chicago.	Dec 3.	Calais.	1282 " Pitch.
Reinunga.	-do-	Nov 5.	Oswego.	1200 " Wood Pulp. 65 " Cod Liver Oil. 1265.	Sarnia.	Nov 28.	St John's N.F.	1101 " Gen Cargo.
Trajan.	-do-	Nov 11.	Milwaukee & Chicago.	400 " Wood Pulp. 900 " Canned Fish. 1300	Chicago.	Dec 4.	Fearsport.N.S. & France.	1200 " Ammonia.
Gorm.	-do-	Nov 18.	Chicago.	1500 " Chalk.	Still at Clayton.			

Total No of Steamers. 114.

Dewstone.	British.	June 18.	Chicago.	1400 Tons Sugar.	Sarnia Windsor & Pt Colborne.	July 14.	St John N.B.	1305 Tons Gen Cargo.
Dewstone.	-do-	Aug 3.	Toronto. Hamilton & Windsor.	1460 " Gypsum. 65 " 1525.	Sarnia.	Aug 22.	St John.N.B. ~~[illegible]~~	990 ~~1225~~ Tons Gen Cargo
Dewstone.	-do-	Sept 16.	Oswego.	1330 " Wood Pulp.	Sarnia. and Pt Colborne.	Oct 5.	Maritime Provinces.	1249 tons Gen Cargo.
Dewstone.	-do-	Nov 3.	Thorold.	1200. " Wood Pulp.	Toronto.	Nov 26.	Liverpool..	910 " Flour. 500 " Canned Gds. 1410

Lachine Canal opened April 19th 1933.
" " closed Dec 5th 1933.

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123837A3

1934

Ottawa

347 Bay St. Toronto,
February 16, 1934.

Dear Mr. Wolvin: Re Shipping Act.

I have your letter of 14th and equally share your views with regard to the Act, as expressed therein.

Yours very truly,

Mr. R. M. Wolvin,
University Tower,
Montreal, Que.

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R. M. WOLVIN
UNIVERSITY TOWER
MONTREAL

123874

February 14th, 1934.

The Rt. Hon. Arthur Meighen,
The Senate,
Ottawa, Ont.

Dear Mr. Meighen,-

RE: SHIPPING ACT.

I am advised that you will have charge of a new "Shipping Act." I cannot help but feel that your keen intelligence fully absorbed the evidence presented to the Committee of the Senate last session.

I attach a copy of my letter today to the Prime Minister. May I ask you to give us a real CANADIAN Shipping Act and not omit very constructive features so necessary to the future of the Canadian Lake Marine. Reasonable protection of the future of this lake shipping is needed to help it out of its present chaotic condition.

I believe the possible reprisals or the objections of other countries to the legislation we asked for is more fancied than real.

Faithfully yours,

R M Wolvin

RMW:K
Enc.

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THIS COPY FOR: The Rt.Hon.Arthur Meighen,
The Senate,
Ottawa, Ont.

123875

R. M. WOLVIN
UNIVERSITY TOWER
MONTREAL

February 14th, 1934.

Rt. Hon. R.B. Bennett,
Prime Minister of Canada,
Ottawa, Ont.

Dear Mr. Prime Minister,-

I hear that a new Canada Shipping Act is being considered, with the prospect of legislation at this session of parliament.

I have felt that the Committee of the Senate was favorably impressed with the requests for constructive legislation, as presented to them, and hope very much that conditions, associated with the international situation, the Imperial Conference or promises re tariff truces, have now changed, so that you can give your approval and support to a Shipping Bill that will be really "Canadian."

I will not burden you with repetition of the facts presented to the Committee of the Senate, but when you are giving final consideration to the new Bill please think of "THE FORGOTTEN SHIPYARD."

Faithfully yours,

RMW:K

C O P Y

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123876

113A

OTTAWA, 8 March, 1934.

Dear Sirs,

re Bill C, respecting Courts of Admiralty.

I have your letter of the 7th instant with respect to the above Bill.

Certain amendments to the Bill will be made by the Senate Banking Committee pursuant to your suggestions.

Yours very truly,

Arthur Meighen.

Messrs Rowell, Reid, Wright & McMillan,
Barristers, etc.,
38 King Street West,
Toronto, 2, Ontario.

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123877

ROWELL, REID, WRIGHT & McMILLAN
BARRISTERS & SOLICITORS
THOS. REID WARD WRIGHT, K.C. E. G. McMILLAN
JOHN B. ALLEN EWART R. LYNCH WILFRED R. BINCH
GORDON C. LINDSAY F. WILKINSON H. E. LANGFORD
COUNSEL-
NEWTON W. ROWELL, K.C.

CABLE ADDRESS "ROWELL"
38 KING STREET WEST
TELEPHONE ELGIN 5121

TORONTO 2, 7th March, 1934.

Anderson

Rt. Hon. Senator Meighen, P.C., K.C.,
The Senate of Canada,
Ottawa, Can.

Dear Sir:-

We have just received the copy of Bill C. which we understand is at present before the Senate, and we are taking the opportunity of calling to your attention some points in connection therewith.

Under Section 18 1 (a) 6 it is provided that no action in rem in respect of a claim relating to the carriage of goods in a ship or in respect of a claim in tort in respect of goods carried in a ship may be brought against a ship if at the time of the institution of the action any owner or part owner of such ship is domiciled in Canada. Section 21 ss. 1 (d) includes under the definition of maritime liens claims for loss of or damage to cargo or passengers' baggage in a collision or other accident of navigation.

This latter subsection it appears to us, very definitely confers a maritime lien for loss of or damage to cargo in these circumstances, but the previous subsection very definitely precludes a claimant from exercising his lien.

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Rt. Hon. Senator Meighen, P.C., K.C. 7th March, 1934.

The former subsection would of course permit a claimant to sue in personam, but if the later provision is intended to establish some sort of priority over ordinary creditors, the machinery for establishing that priority is not set up and the effect of bringing such claims within the definition of the maritime lien is nullified. It may, of course, be the intention that maritime liens are only intended to be conferred in respect to cargo damage where the vessel is foreign, but the language of sec. 21 (1) (d) would seem to include domestic as well as foreign vessels.

Further, are the provisions of sec. 21 (1) (d) intended to confer a maritime lien on the vessel, irrespective of whether she is the carrying vessel or not?

Limitation is provided as to the time within which suit must be brought in the case of maritime liens. For the other cases in which jurisdiction is provided no time limit is set and presumably the parties must rely on the various provincial statutes. Would it not be advisable to place a limitation on those other actions?

Section 12 provides for the constitution of admiralty districts. Might we point out that the Province of Manitoba is not included and there is accordingly no court set up which would make available to claimants in that province the rights set up under the Act. We have had instances where owners of vessels have been resident

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123879

in Manitoba, and while Section 22, ss. 1. s. ss. (b) would contemplate the right to sue the owners at their place of business, the Act does not constitute a court for Manitoba.

We have long felt the need of some such statute as the one at present under consideration, and we feel that it clears up a great many points which have permitted considerable doubt as to the proper interpretation of the law applicable. If there is any assistance which we can offer you in connection with the proposed Bill, we will be only too glad to do what we can.

Yours very truly,

Powell, Reid, Wright & McMillan

FW/OS

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SUPERIOR COURT OF THE PROVINCE OF QUEBEC

JUDGES CHAMBER

123880

Mr. Meighen

Montreal, March 8th, 1934.

113 A

Mr. A. Hinds,

Senate,

Ottawa, Ont.

Courts of Admiralty

Dear Sir;-

I acknowledge, with thanks, receipt of Bill C of the Senate.

The intention of harmonizing, as much as possible, the Marine laws of the Empire, seems to be fulfilled.

May I call your attention to Section 4 which seems to unjustly affect the judges already appointed, unless their salaries be granted, which are already low.

Section 21 will have the effect of repealing section 2383 of our Civil Code. Would it not be advisable to mention it? When an act is repealed, I consider it should be formally stated.

Re Section 37, I must admit that I have always considered that an appeal to one judge of the Exchequer Court does not seem to harmonize with our general syatem of appeal. Should not appeals be heard before the two judges and, in case of disagreement between them, the judgment would be confirmed.

Respectfully yours,

Philippe Demers.

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123881

DOMINION STEEL AND COAL CORPORATION, LIMITED

CABLE ADDRESS "DOMINSTEEL"

SYDNEY

NOVA SCOTIA

113A

In Reply Refer to.....

March 10th, 1934

Dear Sir:

The Collingwood Shipyards, Limited, circularized, under date of January 25th, 1934, all the members of the House of Commons and the Senate of Canada, proposing a change in the Shipping Act in connection with shipbuilding and ship repairs in Canada. The proposal is to confine the inland coasting trade between Quebec City and the United States boundary on Lake Superior, to ships built in Canada or registered in Canada prior to date of legislation, provided, however, that vessels built in Great Britain or any of the British Dominions may engage in this inland coasting trade after payment of customs duties at the rate of 30 percent. on the cost of the vessel when new.

It is stated that the main reasons this duty is asked for are the higher wages paid in Canadian yards and the higher cost of materials, coupled with existing tariff regulations, prevent the shipbuilding and ship repair companies in Canada from competing with British builders or against old United States vessels.

The Dominion Steel & Coal Corporation Limited, directly or through subsidiaries, operates steel works in Nova Scotia, coal mines in Nova Scotia and iron mines in Newfoundland.

According to the records of the Workmen's Compensation Board, this Company and its subsidiaries pay approximately about forty percent of the total industrial pay roll of the Province of Nova Scotia in normal times. It is estimated that at least 100,000 people are directly affected by the operations of this Company and indirectly the whole population of Nova Scotia is affected.

One of the handicaps from which Nova Scotia suffers in the sale of its natural products, such as coal, is distance from markets, and cheap water transportation is therefore a vital factor in the business of the Dominion Steel & Coal Corporation Limited.

The Federal Government has found it necessary to protect the steel industry by customs duties, and to assist the coal industry by subventions. Steel is carried from the point of production at Sydney, Nova Scotia, to the Great Lakes, and as far west as Port Arthur and Fort William in Lake type steamers. True, during the depression the world is passing through, this business did not amount to very great tonnage, but previous to the depression it was quite substantial. It amounted to—

In 1927	29,561 net tons
In 1928	77,848 net tons
In 1929	46,965 net tons

In transporting this tonnage during the past five years thirty-seven Great Lake steamers, suitable to navigate the St. Lawrence canals, were employed, of which only seven were of Canadian construction, the balance being built in the United Kingdom. All of these steamers are owned in Canada and only one registered outside of Canada.

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123882

Steamers to navigate the Gulf of St. Lawrence must be of equally strong construction as required for ocean trading. The general run of Canadian constructed steamers now operating are not fit to navigate the Gulf of St. Lawrence. True, the Collingwood Shipyards, Limited, does not propose preventing the carriage of freight from points east of Quebec City to the Great Lakes in British bottoms, but it amounts to the same thing, because these ships will not be permitted to carry return cargoes of grain or other cargo from the Head of the Lakes or Lake Erie back to Montreal or Quebec, and without the earnings from these return cargoes, the cost of freighting steel would be prohibitive. The assessment of 30 percent duty on these British boats would mean increasing the cost of transportation of steel by water to Central Canada from Sydney and grain from the Great Lakes to Montreal and Quebec, which would make it more difficult to meet competition in the sale of steel products by our Corporation.

Coal is being carried by these same steamers from Montreal to the Great Lakes with return cargoes of grain and other cargo. If a duty of 30 percent is assessed on these steamers the cost of freighting coal with return cargo of grain or other cargo to Montreal and Quebec will be substantially increased.

In the result the assistance given by the Federal Government to the industries at Sydney will be largely neutralized if the proposed legislation is enacted as requested by Collingwood Shipyards Limited.

If the St. Lawrence Deep Waterway is completed, coal will be carried from Nova Scotia right through to the Great Lakes, provided return cargoes of grain are available to Montreal and Quebec, which points only are equipped with storage elevators for this trade. If the enactment proposed by the Collingwood Shipyards were passed into law by the Federal Government, the carriage of this coal and grain would be prohibited to other than Canadian built ships or to British ships which paid a duty of 30 percent..

It is well known, and is admitted by the Collingwood Shipyards Limited in their circular, that shipbuilding in Canada is much more costly than in Great Britain because of higher wages and higher cost of material. Threfore, the proposal of the Collingwood Shipyards Limited, if agreed to, would increase the cost of transportation of Nova Scotia coal into the Great Lakes, which the Federal Government has already found it necessary to assist by subventions. It would mean nothing else but further subventions for the coal industry or shutting it out entirely from the Great Lakes market which is now nicely developing.

The Canadian shipbuilding industry cannot be placed on the same level with any other industry in Canada. There is no coasting trade to speak of except from the opening of navigation in the St. Lawrence, about the first of May, until its close at the end of November, or about seven months. No other industry in the country is confined to a seven month operation. No other country in the world, except possibly Russia, is confined to a seven month seasonal operation for its shipping. All of them can employ their shipping twelve months of the year. This is particularly true of the United Kingdom and also of the United States with the exception of the shipping on the Great Lakes.

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It has been the practice of the Dominion Steel and Coal Corporation for nearly forty years, or since the incorporation of the Dominion Coal Company, one of its subsidiaries, to charter on long term, namely eight to ten St. Lawrence seasons, with various options for charter extension up to another eight to ten seasons, which would be exercised if the market conditions and condition of the steamer justified it, special type of large ocean steamers with large hatches, clear holds, for quick and economical loading and discharging, with clam shell equipment, and with extra space for water ballast to enable them to make the return voyages in ballast with despatch in all kinds of weather, and with speed loaded of about ten knots to overcome, as much as possible, tidal conditions in the St. Lawrence River. This type of steamer naturally is more costly than the ordinary coal carrier, but it has been found more economical in every way than the ordinary tramp steamer which is generally used in carrying coal outside of these special type ships.

It may here be mentioned that the United Kingdom still permits ships of all nations to engage in her coasting trade.

These special type steamers, because of very large hatches and clear holds, require less labor and shorter time for loading and discharging, and because of their speed and water ballast they can be counted on to make regular voyages and maintain their regular loading dates. Neither of which can be said for the coal carrier obtained in the open market. These steamers have to be the standard ocean carrier to navigate, in all seasons and in all kinds of weather, the Gulf of St. Lawrence. None of this type of steamer has ever been built in Canada; in fact there are no Canadian registered or owned steamers afloat at the present time of the size which can be economically employed in this trade. The only steamers of Canadian construction available are a few small Lake carriers of about 2,000 to 2,500 tons capacity, and if the trade had to be confined to these carriers, it can be said quite truthfully and frankly that practically no coal would be carried by water to the St. Lawrence.

The greatest care has to be exercised by the management in the engagement of its shipping, the season being so short to provide sufficient steamers in advance to transport the coal to be marketed. It has been the Corporation's practice to limit its long term charters to sufficient to carry the minimum quantity it was sure to market every year. Any surplus quantity over the minimum from year to year has been provided for by seasonal or part seasonal charters, running from one to half a dozen, more or less in a season. Should, through marine accident, any of the long term charters be lost or go out of service for a certain period, replacement has been made by the engagement for short term periods of ordinary tramp steamers. Not unfreqeuntly the Corporation has been obliged to engage very poor type for replacements of this kind, such as steamers with two or more decks, very costly and slow to load and discharge, and the extra handling required for this type of steamer breaks up the coal considerably. The Corporation aims to engage these long term steamers from owners who have employment for the five winter months under their control, either in their own business or with their various world connections, and in normal times have been fairly successful in this respect.

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Owing to the shortness of the St. Lawrence season winter employment for steamers engaged in the St. Lawrence has to be carefully worked out, so as to have the steamers available at the very beginning of the season, but unfortunately even in normal times this is difficult, because steamers cannot go beyond the Atlantic in world trading and be sure to be available for the opening of the St. Lawrence. British owners, in normal times, have been fairly successful in this respect, as we invariably charter from owners who have a large fleet of steamers and consequently they are in a position to work the St. Lawrence ships in with the others by shifting them about.

During the War, the Corporation purchased two of these steamers which were specially built and after the close of the War six others as their charters were expiring, because chartering was exceedingly expensive, as was steamship construction, all over the world. We found, however, after a short time that we could not compete economically in the winter periods for ocean business which was open to world shipping and the only business obtainable for our ships, because of the higher wages we had to pay on Canadian registered ships and the higher cost of repairs in Canadian Shipyards and high cost of marine insurance, ship repairs in Canada cost approximately 50 percent over the cost in the United Kingdom. Consequently we were compelled to lay up during the winter months. This meant that earnings to cover interest and depreciation had to be made annually during the seven St. Lawrence months instead of dividing it among the twelve months of the year, if employmnt were available for that period, as is generally the case with a British owned and registered ship.

The type of ship we engage under long term charter costs to build in the United Kingdom, between $400,000 and $500,000. If a duty of 30 percent were placed on these ships it would mean that our Corporation would have to pay the duty amouting to $120,000 to $150,000 and that when the steamer enters the service. One of these steamers carries about 220,000 tons of coal to the St. Lawrence in a season. A steamer is liable to become a total loss at any time. If she were lost the Corporation would be out of pocket to the extent of the amount of duty paid, and even if the boat were to carry on for the full term of the charter, the tax would be a heavy one on the coal carried to the St. Lawrence, and would consequently increase our competition with the foreign product to that extent. In case of seasonal charters or part seasonal charters the situation would be very much worse. Take the ordinary tramp, 8,000 ton boat; in normal times worth about $350,000—30 percent duty would amount to $105,000. This boat would carry during the season about 150,000 tons. This would be a tax of 70 cents on every ton the steamer would carry to the St. Lawrence. It may be said that we could charter this steamer for a longer period than one season. This would naturally depend on market conditions for coal in the St. Lawrence the following season, and if we did charter the boat, the owner, knowing the duty had been paid, would demand increased hire.

There would be great difficulty in finding capital to build steamers in Canada for this business. Earnings to pay operating expenses, maintenance, repairs and amortization of capital would

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have to be arranged in the seven St. Lawrence months. This can only be done on the Great Lakes where competition mainly exists only with United States shipping, which is at least on as high a basis as Canadian shipping.

This Corporation itself controls one of the most modern and up-to-date shipbuilding and repair plants in North America, located in Halifax, Nova Scotia. It is passing through the present depression in better position than many of the subsidiaries of the Corporation, but the Corporation does not wish to strangle the more important industries of coal production and steel manufacturing at the expense of requiring aid in the form of the proposed Bill for its shipbuilding and ship repair plant. If aid is granted the ship repair and shipbuilding indutsry in Canada, it is suggested that it be in the way of a bonus or a subsidy.

The location of the mines and works with relation to markets of the Corporation gives the shipping operations an international character, with affiliation as close to Great Britain and her ports as to Canadian and Newfoundland ports. Shipping operated by this Corporation requires complete freedom of access to British and Canadian waters.

The annual closing of the St. Lawrence River by ice makes it especially necessary that ships of international character be employed in what is an international business, with its base on the Nova Scotia and Newfoundland seaboards.

The advantage of Maritime situation of the coal and steel industry in Sydney should be carefully safeguarded in the interests of Nova Scotia and of Canada.

DOMINION STEEL AND COAL CORPORATION, LIMITED

W J Kelley

Vice President and General Manager.

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ANY FURTHER COMMUNICATION ON THIS SUBJECT SHOULD BE ADDRESSED TO
THE DEPUTY MINISTER OF MARINE
OTTAWA, ONT.
AND THE FOLLOWING NUMBER SHOULD BE QUOTED:
231-1-2
CABLE ADDRESS—MARINE, OTTAWA

CANADA

DEPARTMENT OF MARINE
OTTAWA

113A

12th March, 1934.

Sir,-

I beg to request that you will kindly cause to be placed on the table of the Honourable the Senate the attached amendment to Form W.19 - Ship Licence - which has been approved by the Minister.

This action is required under the provisions of Section 5, Chapter 195, R. S. C. 1927.

I have the honour to be,
Sir,
Your obedient servant,

E. Hawken
(E. Hawken)
Assistant Deputy Minister.

Enc.

The Right Honourable Arthur Meighen, P.C.,
The Senate,
Ottawa, Ontario.

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113A

DEPARTMENT OF
PENSIONS AND NATIONAL HEALTH

ADDRESS YOUR REPLY TO
NATIONAL HEALTH
ELGIN BUILDING, OTTAWA

OTTAWA

20-317

March 16, 1934.

The Right Honourable Arthur Meighen,
The Senate,
Ottawa, Ont.

Dear Sir,-

I have been instructed by the Honourable Dr. MacLaren to advise you that the Department will be pleased to place at your disposal Mr. Anderson, Supervisor of Marine Hospitalization, who is familiar with Part VI of the revised Canada Shipping Act, which refers to the medical care and treatment of sick mariners.

Representations have been made to the Department that the privileges of the Act should be extended to mariners who are engaged on the Great Lakes and that the Act should be amended accordingly; also, that medical care and treatment should be provided for Canadian sailors in foreign ports and for those who are repatriated and are not members of crews of vessels which have paid sick mariners' dues. Attached is correspondence in regard to the latter.

It is the contention of this Department that if these suggestions were put into effect, they would prove so costly as to make the operation of the Act impracticable.

Should representations be made you along these lines, it is deemed advisable that you should have at hand Mr. Anderson as it is considered necessary that the departmental viewpoint should be put forward.

Yours very truly,

J. J. Heagerty

J. J. Heagerty, M.D.,
CHIEF EXECUTIVE, ASS'T.

JJH/ES.

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COPY

THE WORKMEN'S COMPENSATION BOARD

VANCOUVER

January 23, 1934.

The Hon. Alfred Duranleau, K.C.,
Minister of Marine and Fisheries,
Ottawa, Canada.

Re: Canada Shipping Act.

Dear Sir:-

Section 387 of the Canada Shipping Act provides for medical and hospital care for sick and injured mariners on board ships which have paid the two cent a ton duty provided for in section 384.

Sub-section (4) of that section, however, limits the benefits as follows:

> "No sick mariner taken ill or injured outside of Canada, and arriving in any of the said provinces otherwise than ina ship to which he belongs, shall be entitled to the benefits conferred by this section".

When our B.C. Workmen's Compensation Act was enacted it provided for medical and hospital care for injured workmen within its scope, and in addition provided time-loss compensation and other benefits. The medical and hospital care under our Act are in part paid for by a deduction of one cent from the wages of each workman for each day or part of day he works. So that there would not be a double contribution for the same medical and hospital service to injured sailors, our Act provides at Section 23 (6) in part as follows:

> "In the case of any workman employed as a master, mate, engineer, seaman, sailor, steward, fireman, or in any capacity on board of any vessel on which duty has been paid or is payable for the purposes of the Sick Mariners' Fund under Part V of the "Canada Shipping Act"....the medical aid provisions.. shall not apply to such workman during the period in respect of which such duty has been paid or is payable."

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Section 33 (3) exempts those sailors from contributing to our Medical Aid Fund during such period.

When a sailor is injured on board a British Columbia ship on which dues have been paid or are payable for the Sick Mariners' Fund we cannot provide medical or hospital care out of our Medical Aid Fund, because we have received no contribution for that purpose. If the sailor is landed back in British Columbia on the ship to which he belongs your Sick Mariners' Fund takes care of him. Accidents frequently happen while ships are plying up and down the Washington, Oregon and California coast. The injuries sustained are sometimes such that emergency treatment must be had; the sailor is put ashore at Seattle or San Francisco, and returns home to British Columbia eventually by train or on another ship of the same company. Both ships contribute to your Sick Mariners' Fund but no medical aid is furnished from that fund either during the period spent in the U.S.A. ports or during the period of convalescence after his return to his home port in British Columbia.

We are bringing this type of case to your attention so that you may consider ways and means of amending, if possible, those provisions of the Canada Shipping Act which injured sailors consider unnecessarily deprive them of medical and hospital care when through no fault of their own they cannot return home on the ship to which they belong. Local sailors and officers of labour organizations, who have discussed Section 387 (4) with us have been very outspoken in their criticism of its provisions.

Yours truly,

(SGD.) E.H.S. Winn,

Chairman.

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COPY

DEPARTMENT OF PENSIONS AND NATIONAL HEALTH

CANADA

Ottawa, March 12, 1934.

E.S.H. Winn, Esq.,
Chairman,
The Workmen's Compensation Board,
Vancouver, B.C.

Dear Sir:-

Replying to your letter of the 2nd instant, addressed to the Honourable Murray MacLaren and which has been transmitted to me for reply, I fear that you have not clearly understood the Honourable the Minister's communication of the 15th ultimo and misinterpreted the purport of Part V of the Canada Shipping Act. As was stated in that letter, it is designed to provide for the care and treatment of sailors only, who, being members of a crew of a ship which has paid sick mariners' dues, fall ill or arrive ill in Canada. May I reiterate that it does not include the treatment and care of sick mariners outside of Canada; nor those who arrive in Canada on vessels of which they are not members of the crews; nor repatriated mariners; nor mariners who are not articled to a vessel.

The chief contributors to the sick mariners' fund are foreign vessels, and it is not expected that they should contribute dues for the treatment of Canadian sailors in a foreign port or for those who are repatriated and require further treatment.

In your letter you suggested that, were the receipts and expenditure under the sick mariners' fund examined, any thought that it would be necessary to increase the dues would be removed. In this regard I may advise you that the surplus of the sick mariners' fund which has

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accumulated since Confederation does not represent a profit. It has never been customary for the Government to charge the cost of administration to the fund. A conservative estimate of the cost of administration is approximately $10,000. per annum. Had this cost of administration been charged since Confederation, it is obvious that instead of a surplus, there would be a large deficit.

Any attempt to amend the Act so as to make provision for the cases quoted by you would meet with justifiable objection from the contributors to the fund, in addition to the fact that the increased expenditure would necessitate an increase in dues.

Yours very truly,

(SGD.) J.J. Heagerty, M.D.,

CHIEF EXECUTIVE, ASS'T.

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Ottawa, Ontario,
March 20, 1934.

Dear Mr. Plunkett:

I have yours of 16th and will very gladly keep in mind Captain G. E. L. Robertson.

Yours very truly,

Mr.D. B. Plunkett, M. P.,
House of Commons,
Ottawa, Ont.

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123893

House of Commons
Canada

Ottawa, Ontario,
March 16, 1934.

Private and Confidential

The Rt. Hon. Arthur Meighan,
House of Commons,
Ottawa, Ontario.

Dear Senator Meighan:

The special Senate Committee appointed to act upon the Shipping Act of Canada might require some technical or nautical advice from an expert who could give such information or who is familiar with all practical information required.

In this reference I wish to recommend to your attention the name of Captain G. E. L. Robertson who at the present time is director of Pilotage in the Marine Department. Captain Robertson has a varied and practical experience in all lines of shipping, and I can recommend his services to the Committee knowing through his vast knowledge he would be of great value should information of a specific nature be required. Captain Robertson is also friendly to our Party and would not develop questions that might become contentious.

Yours faithfully,

D B Plunkett.

DBP/AC

Captain Robertson appeared with Hawken before the Committee last Session.
A H M

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113A.

CANADA

MINISTER OF MARINE

PERSONAL

Ottawa, March 23rd, 1934.

Dear Mr.Meighen,

I am taking the liberty of enclosing herewith copy of a letter from The Honourable Geo.S.Henry,Prime Minister of Ontario, with reference to the Shipping Act. I promised Hon. Henry that I would bring this matter to your attention.

Hoping you are getting along well with this Bill, I remain,

Yours very truly,

Alfred Duranleau

Encl. handed to W. F. O'Connor Mch 28/34 E.M.T.

The Right Honourable Arthur Meighen,Senator,
The Senate,
Ottawa, Ont.

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The Senate of Canada
COMMITTEES BRANCH

123895

MEMO: Rt. Hon. Mr. Meighen.

Herewith copies to two further letters received from Judges respecting the Admiralty Courts Bill.

A.H.Hinds.

OTTAWA,
26-3-34.

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COPY

THE EXCHEQUER COURT
OF CANADA
IN ADMIRALTY

123896

LAW COURTS

AT VANCOUVER, B.C.

19th March, 1934.

Sir:-

Re Admiralty Courts Act: File No. 1254.

I beg to acknowledge receipt of your letter of the 1st instant which has been forwarded from Victoria to me here, where the Court of Appeal and also this Court are in session, and, as requested, I enclose my few comments on the above Bill in the form of a memorandum, regretting that the urgent pressure of my Court duties has prevented me from sooner forwarding it.

May I be permitted to say that after a careful consideration of the Bill, it appears to be an unusually well drawn measure, and I feel it a privilege to be allowed to participate, even in this small way, in the framing of a National Statute which is of unusual constitutional importance, evidencing as it does another exercise by the Parliament of Canada of the powers of a completely Sovereign State.

* Vide Can. Bar Review Oct.1933, P. 562.

Pray present to the Honourable Members of the Senate Committee my respectful compliments as the Senior Admiralty Judge of Canada (and now indeed, the Father of H.M. Judges in Canada) and my appreciation of their courtesy in giving me this valued opportunity to be, I trust, of even some slight service to them in the consideration of an epoch-making curial measure.

I have the honour to be,
Sir,
Your obedient servant.

(Sgd.) Archer Martin

The Chief Clerk of Committees,
The Senate,
OTTAWA.

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MEMORANDUM

ON

BILL C: THE ADMIRALTY ACT 1934

SEC.2 (d) Definition of "ship". Would it not be well to make it clear, if so desired, that "ship" includes sea-planes or other kinds of air craft that internationally use the water in their air navigation, e.g., in starting or landing, during which operation they "navigate" waterways for distances which are often very considerable. In this Admiralty District I have tentatively approved the exercise of this new jurisdiction by the arrest of a sea-plane which in making a start from the water negligently damaged a small vessel, but the question did not come up for final adjudication because the owners of the sea-plane settled the claim before trial. It is to be noted that by sub-sec. V of sec. 18 (1) salvage services rendered by aircraft are very properly recognized, so why not their liability?

.....

SEC. 4 "Local Judges in Admiralty." It is submitted that the time has arrived when the opinion (strongly expressed to the writer) of that truly learned and able first Judge of this Court, Mr. Justice Burbridge, should be implemented that the "designation" (3) of theJudges of the Admiralty Districts should be "District Judge" and not "Local Judge," the latter term being popularly associated with purely "local" courts, and often those of an inferior status:- e.g. in this Province, all the County Court Judges are "local Judges" of the Provincial Supreme Court, and also in Ontario (where there are also "Local Masters"), whereas "District" Judge is a designation appropriately associated with the whole of

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such National District itself with which it is conterminous, and indeed incorporates its very name, and in the popular mind on this continent it has come to imply areas under National Jurisdiction, or the exercise of national powers as in "District of Columbia," and the Federal "District Courts" of the United States. It is at least incongruous to refer to the Judges of such enormous territorial districts, comprising, e.g., the whole of the Provinces of Quebec, Ontario and British Columbia, as "local," and that expression of diminution fails to emphasize, as it should, the fact that the six District Admiralty Courts created under sec. 12, are the Federal Courts of the Nation of Canada and under the sole jurisdiction of its National Parliament. Doubtless the most exact description would be "Provincial Judge," but the implication of provincial jurisdiction thereby carried excludes that word from National usage.

.....

SEC. 5 Oath of office: This section should be amended to empower clearly a Local (District) Judge to administer the oath because, unless he can be said to be authorized to do so under the expression "judge of any superior court," (which is doubtful at least having regard to the definition of "Judge" in Interpretation sec. 2) he is, unaccountably, not qualified to do so and cannot, as such, even swear in his own deputy under sec. 7.

.....

SEC. 18 (1) Jurisdiction. (1X) Seamans' wages. I assume that this sub-sec. now confers jurisdiction over wages to any amount, as should be the case, and that claims under $200. are or will no longer be excluded by clauses in the old or new Shipping Act (now under consideration (18 (1) (c) Note) which have created much hardship in many just claims which I have been reluctantly compelled to dismiss from consideration in this District,

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following the decisions on the point which I have summarized in the leading case of The St.Alice (1915) 21 B.C. 54017; Can. Ex. 207; cited and considered by the late Mr. Mayers in his admirable work on "Admiralty Law and Practice" (1916) pp 101-2; and I hope to be pardoned if I here venture to refer to what he says on this Admiralty District (ice free throughout the year and comprising the whole of Canada's Pacific sea-board) at p. VI of His preface.

.....

SEC. 21 (7) "As regards distribution...." Would it not be better to express it more legally and directly as - "In the distribution.....?"

And, line 12, "having regard to the said rules".... as "Under the said rules.....?

(9) (a) line 25 - Is not "liability" a better word than ..obligation"?

(13) line 5- "Not a bona fide claimant". This expression is open to misapprehension involving serious consequences. Does it mean a fraudulent claimant who knowingly advances a spurious claim? Or does it also include a claim advanced bona fide but without any real legal foundation?

.....

SEC. 23 (1) & (2) Uncertainty is created here by the use of the word "Judge" in ss. 1, line 31, and "court" in s.s. (2) lines 33-4, though precisely the same jurisdiction is being exercised. It is submitted that it would be better to use "Judge" in both s.s.

.....

SEC. 37 Appeals (Sec. (1) (A) "To the Exchequer Court". Now that there are two judges of that Court (sec.2 (c) there is no longer any justification for the continuation of the practice of appeals being heard by one Judge only from decisions of the Local (District) Judges. Such a course has given rise in this District, to my knowledge, of strong and unanimous condemnation.

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and in the best interest of what is now, at least, a National Court in all respects, it should be discontinued. Because of the office I have held so long I prefer to say nothing more than I am compelled to upon this subject, but this should be known:-that the said eminent first Judge of this Court, Mr. Justice Burbridge, would for obvious reasons, never go into an Admiralty District and there sit in appeal upon the decision of a Judge who, in this District, at least, has always been a member of a Superior Court. And such a spectacle, worse than archaic, is accentuated when the visiting Judge has had no previous experience in the special field of Admiralty law, with results that might be anticipated.

In the United States Circuit Court of Appeals, made up from the Federal Circuit and District Courts, there must be two Justices to form a quorum in Admiralty appeals, and those tribunals give satisfaction on this Pacific Coast in our neighbouring U.S. Admiralty Districts of Washington, Oregon and California.

In Canada power should likewise be given to obtain the assistance, if need be, of the Local (District) Judges to sit ad hoc (as similarly provided in Sec. 30 of Sup. Ct. Act, Cap. 35 R.S.C.) and at any city of Registry, on appeals, either to form the quorum of two, at least, or to be added to the appellate bench to give their experienced assistance in cases of unusual importance: personally I have no objection to my decisions being reviewed by such a tribunal, indeed I should prefer to see it composed wholly, where practicable, of experienced Local (District) Judges, but whatever is done the "one man" appeals should be abolished because it is not justice.

Respectfully submitted

(Sgd.) Archer Martin

J. Adm.

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COPY

SUPREME COURT
NEW BRUNSWICK

123901

Chambers of
THE CHIEF JUSTICE
ST. JOHN, N.B.

March 24, 1934.

A. H. Hinds, Esq.,
Chief Clerk of Committees,
The Senate,
Ottawa, Ont.

Dear Sir:

I am in receipt of yours of the 1st instant re Bill "C" respecting Courts of Admiralty. I do not see anything objectionable in the Bill, and have no comments to make on the proposed legislation. It seems to be in harmony with the English Act in giving an increase of jurisdiction. I would, however, call your attention to sec. 22 (1). This section states that an action may be instituted in any registry when

" (a) the ship or property, the subject of the action, is
" at the time of the institution of the action, within the
" district or division of such registry.

Cases arise in this province where the vessel which it is desired to arrest comes into some port in this province for a few hours only. Take, for example, a vessel touching at the Port of Campbellton, in the northern part of the province. The registry is in this city, in the southern part of the province.

It has been customary to have the papers for the arrest of the vessel already made out and in the custody of the sheriff at Campbellton, awaiting the arrival of the vessel.

It has been argued that the institution of the action is the issue of the summons in rem, and not the execution of the summons in rem for the arrest of the vessel.

To clear this question up, could not some words be added that the execution of the warrant in rem by the sheriff is the institution of the action?

I expect to be absent from Canada during the Session of Parliament and if you want any further information or comment regarding the proposed Admiralty Act I would suggest that you communicate with Messrs. Inches & Hazen, Barristers, of this city.

Very truly yours,

(Sgd.) J. D. Hazen

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123902 113A

Ottawa, Ontario.
March 28, 1934.

My dear Sir Douglas Hazen:

I was directed by the Banking and Commerce Committee this morning to write and thank you for the kindness of the suggestions you made with respect to Bill "C", the Admiralty Courts Act.

While the subject is still under review, it was felt by the Committee that the difficulty which was outlined in your letter as latent in the present Bill could be gotten over by rules of Court enabling telegraphic action to be taken say from St. John--in the special contingency which you mention by way of example.

Should there be any question as to this right, the point will be again reviewed before the Bill passes out of Committee.

Yours very truly,

Arthur Meighen.

Sir Douglas Hazen,
Law Courts,
St. John, N. B.

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123903

113A

Ottawa, Ontario.
March 28, 1934.

My dear Justice Martin:

As the Senator in charge of Bill "C", Admiralty Courts Act, I have had before me your letter of 19th March addressed to the Clerk of Committees, and as well the memorandum which you were good enough to enclose.

On receipt of the memorandum I immediately gave consideration to the suggestions therein contained and had them brought before the Committee on Banking and Commerce which has the Bill under review. I am quite confident that the greater proportion of your suggestions will be accepted and will be found embodied in the measure when it passes the Upper House.

It might be added here that measures of importance such as this receive at the hands of Senate Committees very thoroughgoing and detailed attention.

I was directed by the Committee this morning to write and thank you for the care and attention which you have given this subject and to express appreciation of the very valuable suggestions you have made.

Yours very truly,

Arthur Meighen.

Hon. Mr. Justice Archer Martin,
Law Courts,
Vancouver, B. C.

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THE SENATE OF CANADA
MAR 26 1934
1254
COMMITTEES BRANCH

THE EXCHEQUER COURT OF CANADA
IN ADMIRALTY

LAW COURTS

AT VANCOUVER, B.C.
19th March, 1934.

Sir:-

Re Admiralty Courts Act: File No.1254

I beg to acknowledge receipt of your letter of the 1st instant which has been forwarded from Victoria to me here, where the Court of Appeal and also this Court are in session, and, as requested, I enclose my few comments on the above Bill in the form of a memorandum, regretting that the urgent pressure of my Court duties has prevented me from sooner forwarding it.

May I be permitted to say that, after a careful consideration of the Bill, it appears to be an unusually well drawn measure, and I feel it a privilege to be allowed to participate, even in this small way, in the framing of a National Statute which is of unusual constitutional importance, evidencing as it does, another exercise by the Parliament of Canada of the powers of a completely Sovereign State.

Pray present to the Honourable Members of the Senate Committee my respectful compliments as the Senior Admiralty Judge of Canada (and now indeed, the Father of H.M. Judges in Canada*) and my appreciation of their courtesy in giving me this valued opportunity to be, I trust, of even some slight service to them in the consideration of an epoch-making curial measure.

I have the honour to be,
Sir,
Your obedient servant.

Archer Martin

The Chief Clerk of Committees,
The Senate,
OTTAWA.

1 encl.

* Vide Can. Bar Review, Oct 1933, p.562.

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123905

THE EXCHEQUER COURT OF CANADA
IN ADMIRALTY

LAW COURTS

VICTORIA, B. C.

MEMORANDUM

on

BILL C: THE ADMIRALTY ACT 1934

SEC.2 (d) Definition of "ship". Would it not be well to make it clear, if so desired, that "ship" includes sea-planes or other ~~air~~ kinds of air craft that intentionally use the water in their air navigation, e.g., in starting or landing, during which operation they "navigate" waterways for distances which are often very considerable. In this Admiralty District I have tentatively approved the exercise of this new jurisdiction by the arrest of a sea-plane which in making a start from the water negligently damaged a small vessel, but the question did not come up for final adjudication because the owners of the sea-plane settled the claim before trial. It is to be noted that by sub-sec. V of sec.18 (1) salvage services rendered by aircraft are very properly recognized, so why not their liability?

.....

SEC. 4 "Local Judges in Admiralty." It is submitted that the time has arrived when the opinion (strongly expressed to the writer) of that truly learned and

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123906

LAW COURTS

VICTORIA, B.C.

and able first Judge of this Court, Mr. Justice Burbidge, should be implemented that the "designation" (3) of the Judges of the Admiralty Districts should be "District Judge" and not "local Judge," the latter term being popularly associated with purely "local" courts, and often those of an inferior status:- e.g. in this Province, all the County Court Judges are ~~all~~ "local Judges" of the Provincial Supreme Court, and also ~~to understand~~ (where there are also "Local Masters") in Ontario, whereas "District" Judge is a designation appropriately associated with the whole of such National District itself with which it is conterminous, and indeed incorporates its very name, and in the popular mind on this continent it has come to imply areas under National Jurisdiction, or the exercise of national powers as in "District of Columbia," and the Federal "District Courts" of the United States. It is at least incongruous ~~in order~~ to refer to the Judges of such enormous territorial districts, comprising, e.g., the whole of the Provinces of Quebec, Ontario and British Columbia, as "local", and that expression of diminution fails to emphasize, as it should, the fact that the six District Admiralty Courts created under sec.12, are the Federal Courts of the Nation of Canada and under the sole jurisdiction of its National Parliament. Doubtless the most exact description would be "Provincial Judge," but the implication of provincial jurisdiction thereby carried excludes that word from National usage.

.....

SEC. 5 Oath of Office: This section should be amended to empower

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clearly a Local (District) Judge to administer the oath because, unless he can be said to be authorized to do so under the expression "judge of any superior court," (which is doubtful at least ~~qualified to do so~~ having regard to the definition of "Judge" in Interpretation sec.2) he is, unaccountably, not qualified to do so and cannot, as such, even swear in his own deputy under sec. 7.

.....

SEC.18 (1) Jurisdiction. (IX) Seamans' wages. [assume] that this sub-sec. now confers jurisdiction over wages to any amount, as should be the case, and that claims under $200. are or will no longer be excluded by clauses in the old or new Shipping Act (now under consideration (18 (1) (c) Note) which have created much hardship in many first claims which I have been reluctantly compelled to dismiss from consideration in this District, following the decisions on the point which I have summarized in the leading case of ~~Seaman v.~~ The St.Alice (1915) 21 B.C. 540; 17 Can.Ex. 207; cited and considered by the late Mr.Mayers in his admirable work on "Admiralty Law and Practice" (1916) pp. 01-2; and I hope to be pardoned if I here venture to refer to what he says on this Admiralty District (ice free throughout the year and comprising the whole of Canada's Pacific sea-board) at p. vi. of his ~~Dedication.~~ Preface.

.....

SEC.21 (7) "As regards distribution....." Would it not be better to express it, more legally and directly as - "In the distribution....." ?

And line 12, "having regard to the said rules".. as "Under the said rules.....?

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123908

THE EXCHEQUER COURT OF CANADA
IN ADMIRALTY

LAW COURTS

VICTORIA, B. C.

(9) (a) line 25 - Is not "liability" a better word ~~there~~ than ..obligation" ?

(13) line 5-"Not a bona fide claimant". This expression is open to misapprehension involving serious consequences. Does it mean a fraudulent claimant who knowingly advances a spurious claim? Or does it also include a claim advanced bona fide but without any real legal foundation?

.....

SEC.23 (1) & (2) Uncertainty is created here by the use of the word "Judge" in ss.1,line 31, and "court" in s.s.(2) lines 33-4, though precisely the same jurisdiction is being exercised. It is submitted that it would be better to use "Judge" in both ss.

.....

~~SEC.27 lines 38 and 43 "judge thereof" in line 38 should read "judge or local judge"... as in line 43.~~

.....

SEC.37 Appeals (Sec.(1) (A) "To the Exchequer Court". Now that there are two judges of that Court (sec.2 (e) there is no longer any justification for the continuation of the practice of appeals being heard by one Judge only from decisions of the Local (District) Judges. Such a course has given rise in this District,to my knowledge, of strong and unanimous condemnation,and in the best interest of what is now,at last, a National Court in all respects, it should be discontinued. Because of the office I have held so long I prefer to say nothing more than I am com-

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THE EXCHEQUER COURT OF CANADA
IN ADMIRALTY

LAW COURTS

VICTORIA, B. C.

pelled to upon this subject, but this should be known:-that the said eminent first Judge of this Court, Mr. Justice Burbidge, would for obvious reasons, never go into an Admiralty District and there sit in appeal upon the decision of a Judge who, in this District, at least, has always been a member of a Superior Court. And such a spectacle, worse than archaic, is accentuated when the visiting Judge has had no previous experience in the special field of Admiralty law, with results that might be anticipated.

In the United States Circuit Court of Appeals, made up from the Federal Circuit and District Courts, there must be two Justices to form a quorum in Admiralty appeals, and those tribunals give satisfaction on this Pacific Coast in our neighbouring U.S. Admiralty Districts of Washington, Oregon and California.

In Canada power should likewise be given to obtain the assistance, if need be, of the Local (District) Judges to sit ad hoc (as similarly provided in Sec.30 of Sup.Ct.Act, Cap.35 R.S.C.) and at any city of Registry, on appeals, either to form the quorum of two, at least, or to be added to the Appellate Bench to give their experienced assistance in cases of unusual importance: personally I have no objection to my decisions being reviewed by such a tribunal, indeed I should prefer to see it composed wholly, where practicable, of experienced Local (District) Judges, but whatever is done the "one man" appeal should be abolished because it is not justice.

Respectfully submitted

Archer Martin

J. Adm.

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123910

230, HOSPITAL STREET,
MONTREAL.

March
29th,
1934.

113A

Dear Mr. Meighen:-

Regarding the postscript contained in your letter of March 27th, I might explain that the injunction has been taken by the International Mercantile Marine Company, which was originally formed by J.P. Morgan and bought the White Star and several other British Lines. Since the War the I.M.M. Company has been discarding its foreign flag interests, doubtless with the object of capitalizing on national sentiment and subsidies granted by the United States Government.

The White Star Line was sold to the Royal Mail Steam Packet some years ago, which Company under the Chairmanship of Lord Kylsant, as you will recollect, went bankrupt. The I.M.M. Company, however, are in the position of still being owed eleven million dollars of the purchase price by the R.M.S.P., and the injunction is being taken based on the fact that they claim to have some kind of lien on the ordinary stock of the Oceanic Steam Ship Company, popularly known as the White Star Line, which stock was presumably transferred to the ownership of the R.M.S.P. at the time of their purchase of the Line. Exactly how the Oceanic Steam Ship Company's stock has been dealt with since the bankruptcy of the R.M.S.P., or how far ownership of the stock could determine the action in the present instance, seeing that the other creditors of the R.M.S.P. have not been paid, is difficult to say.

In any case Mr. Neville Chamberlain stated in the House of Commons at the Third Reading, when the question of an injunction first came up, that he did not believe that such an injunction could be secured, and that even if it were, there were other means of implementing the Agreement arrived at without any change in form. It was apparently on this understanding that the legislation was passed.

I believe that the I.M.M. Company are prompted in their last minute effort to prevent the merger, which they have known of for some time and also doubtless been consulted about, by their desire to make a demonstration in the face of President Roosevelt's indicated policy regarding steamship subsidies.

Yours sincerely,

Eric Reford

Right Honourable Arthur Meighen, P.C.,
The Senate, Ottawa,

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113 A

OFFICE OF
THE PRIME MINISTER & PRESIDENT OF THE COUNCIL
ONTARIO

TORONTO,
APR. 4,
1934.

Dear Mr. Meighen:

Just to acknowledge and thank you for your favour of March 31st re Shipping Bill.

Sincerely yours,

Geo. Henry

Rt. Honourable Arthur Meighen,
347 Bay Street,
Toronto, Ontario.

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123912

347 Bay St. Toronto,
March 31, 1934.

113A

Dear Mr. Henry: Re Shipping Bill

Referring to your letter of 20th March addressed to the Hon. Alfred Duranleau, K. C., P. C., and referred to me, I beg to enclose copy of memorandum dealing with the subject.

If you have any further communication or suggestion, you might send it either to Mr. Duranleau or myself. I have charge of the Shipping Bill.

Yours very truly,

Arthur Meighen.

Hon. Geo. S. Henry,
Prime Minister of Ontario,
Parliament Buildings,
Toronto, Ont.

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(COPY)

OFFICE OF
THE PRIME MINISTER & PRESIDENT OF THE COUNCIL
ONTARIO

123913

Ottawa

Toronto, Mar.20, 1934.

113 A

Honourable Alfred Duranleau, K.C., P.C.,
Minister of Marine,
Ottawa, Canada.

Dear Mr.Duranleau,

My attention has been drawn to Part 6, Sections 366 and 367 of your Bill respecting shipping. It would seem that this Bill grants to mariners the right to hospital treatment in every province in Eastern Canada, but excludes Ontario with the exception of ports on Hudson and James' Bay. As this matter affects some thousand of Ontario lake seamen, I felt I should draw this matter to your attention with a view to the same privileges being extended to Ontario as are now granted to Quebec and other Eastern Provinces.

Trusting you will give this matter your careful consideration, I am,

Sincerely yours,

(Sgd.) Geo.S.Henry

Mr. Meighen —
Note annexed comment
W A O'Connor

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123914

Memo re annexed communication from Mr Henry.

For Mr. Henry

The sections referred to and those following relate to hospitals for seamen of the salt-water ships, as seamen who arrive in ships in the eastern provinces and on Hudson's and St James Bay are. The ships are subjected to a duty of two cents per ton, payable every time of arrival but not more than three times per year. These duties go to the expense of providing hospitalization.

Doubtless, if Mr Henry could assure the government that the freshwater ship-owners of the lake system of Canada would submit to taxation, or duty payment, sufficient to provide for the hospitalization of fresh water ship crews some new scheme could be worked out and

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would be worked out by the Dominion, but the policy of instituting such a scheme and subjecting the shipowners to the taxation or duties involved would have to be settled upon before anything bringing it into effect is written into the bill as it now is before the Committee on Banking and Commerce of the Senate.

Ontario is not discriminated against. Fresh water shipping is not taxed and is outside the Bill and the Canada Shipping Act as it now exists. This is quite plain from Secs. 366 and 367 of the B.N.A. Act cited by Mr Henry.

I cannot understand why Mr Dubuc should have forwarded Mr Henry's letter to you. It calls for action by him.

W Pelletier

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123916

(COPY)

Original sent by Mr. Meighen to Sen. Fineback - Apl. 12/34

BOARD OF TRADE
HALIFAX, N.S.

April 6th, 1934.

113A

Hon. Senator Black,
Chairman,
Special Committee on Bill "E",
The Senate,
OTTAWA, Ont.

Sir,

I enclose copy of report of special committee of this Board containing several suggestions in connection with Bill "E" now before the Committee of which you are Chairman. I understand the Bill will come up for discussion again by your honourable body on or about the 11th of the month, and by resolution of the Council of this Board I was instructed to ask the favourable consideration of your Committee to delay its passing so as to give an opportunity to those interested to study it - it is voluminous, over 500 pages, and many of the clauses are most interesting to our shipping people.

Trusting the above application will be favourably considered.

Yours very truly,

(SGD) R.J.R.NELSON

R.J.R.NELSON,
President.

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123917

Dated April 6th, 1934.

MEMORANDUM UPON "BILL C",
DRAFT OF THE NEW ADMIRALTY
ACT, 1934.

Martin Griffin, K.C.,
Vancouver, B.C.

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123918

MEMORANDUM UPON "BILL C", DRAFT OF THE NEW ADMIRALTY ACT 1934,

BY MARTIN GRIFFIN, K.C., VANCOUVER, B.C.

- - - - - - - - - - - - - - -

SECTION 10.

It is suggested that the word "respectively" be deleted from the ninth line, and be inserted after the words "Surrogate Judge" in the tenth line.

Cured in redraft

SECTION 12.

It is suggested that the words "under the name of the Quebec Admiralty District" be inserted after the words "the Province of Quebec" in clause (b), and the same in clauses (c), (d), (e) and (f). These words appear in clause (a) dealing with Ontario, and any reason which makes it desirable to have them inserted there would appear to be applicable to the other Provinces.

Not required here re Ont. as to change present name of Toronto Admty District.

SECTION 13 (2).

It is suggested that the words "be subject to the performance of all the duties appertaining" be deleted and in lieu thereof the following words be inserted: "perform all the duties appertaining".

Remain as is. Sufficient.

SECTION 15.

Insert after the word "practise" in the second line the words "in the Provinces in which they are barristers or advocates".

As drafted the clause might mean that a British Columbia barrister could appear as counsel in the Halifax Admiralty Court.

No. These are Dominion Courts

So Extended

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123919

SECTION 16.

Insert after the word "practise" in the second line the words "in the Provinces in which they are attorneys or solicitors", for the same reason as mentioned in Section 15.

SECTION 18 (1) (a) (i).

After the word "possession" in the third line add the word "mortgage".

It is hard to understand why this word is not included in the English Act. It is true that claims in respect of a mortgage are dealt with in sub-clause (x) but it does not clearly and precisely include questions as to the title or ownership of the ship, and when you have the matter of title and ownership expressly dealt with in one sub-clause provided the question arises in an action of possession, or salvage, or damage, or necessaries, or wages, or bottomry, it would appear to exclude the right to consider title and ownership in any other kind of action, and for greater caution it is suggested that the word "mortgage" should be inserted.

Obviated by redraft. also, see sec 49 of Shipping Act. Mortgagor remains the owner. Mortgagee has no title. He is a secured money lender.

SECTION 18 (1) (a) (v).

Add the words "ship or" before the word "wreck" in the fourth line.

It is not quite clear whether the word "wreck" in the fourth line is the "ship" referred to in the second line. They may be synonymous but, if so, the same word should be used in both places. On the contrary, the word "wreck" may be intended to mean wreck in the sense in which that word is defined in the new Canada Shipping Act, Bill E. It seems to exclude the ship but include parts of the ship, etc.

There are two senses of the word "wreck" in English. One has the same meaning as "wreckage". The other has not. also, no statute is necessary to give juris. for any the ship. This is another case of blind assumption in error that section 18 is one defining the whole jurisdiction of an Admiralty Court.

It is submitted that it is intended that the court is to have jurisdiction over a claim for salvage, whether

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rendered to a ship or to wreck of or from a ship, and therefore it would be safer to introduce the word "ship" in front of the word "wreck". It is true that this word does not appear in the English Act, but the language has been slightly altered in drafting our Act and has accentuated the necessity of mentioning the word "ship" as well as "wreck" in the fourth line.

SECTION 18 (1) (a) (x).

Add the words "or recorded" after the word "registered" in the fourth line.

Not now set out in Bill.

Under the Canada Shipping Act ships can be recorded and mortgaged before registration, and it would seem to be reasonable that the jurisdiction of the Exchequer Court should extend to them.

Delete the word "thereof" in the seventh line and insert in place thereof "whereof" as in the English Act.

SECTION 18 (1) (b).

It is not clear to the writer what jurisdiction, if any, is conferred on the Admiralty Court by this clause, and it is respectfully submitted that Section 18 of the Act ought to be a Code containing the whole admiralty jurisdiction. It creates uncertainty to suggest that there is any other jurisdiction to be sought for in the history of the Court. Furthermore, it is respectfully submitted that in any case the phrase "subject as otherwise provided in this Act" is not clear, and it is suggested that if it is decided to retain the clause at all it should read something as follows:

This is an extraordinary contention. You cannot admit history by wrecks ment. ???

Perfectly clear. Means that the stated generality is limited by the terms of the Act.

This would be a deficient jurisdiction. Clear out of consideration all post 1890 legislation as in England.

" (1) (b). Any other jurisdiction formerly vested in the Court as a Court of Admiralty by virtue of the Colonial Courts of Admiralty Act, 1890, and the Admiralty Act, such jurisdiction however to be exercised subject to the provisions of this Act".

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123921

Dropped in revised act

SECTION 21.

In the notes to this new section it is stated that it has been considered "to be necessary to give a statutory definition of a Maritime Lien".

This is undoubtedly a very important decision, and the first point that strikes one in reading the section over is that it does not seem quite clear that the intention has been carried out. A maritime lien has not in fact been defined. All that appears is a statement that a maritime lien is to attach to four different specified claims. This seems to fall short of defining a maritime lien. What really has been done is to follow the American model of stating in a statute that a maritime lien does or shall exist in certain cases. This in effect is to create a statutory lien whose definition is to be sought however not in the statute but in the history of the court. Assuming however that a definition of maritime lien is in fact set out in a statute, then the result is merely to create a new form of statutory lien. The notes do not suggest why this is necessary, and subject to further study of the matter, the writer would have thought it was doubtful that it is necessary. It is a departure from the Imperial model, and we know of no inconvenience which has arisen in the past from the fact that maritime lien is defined only in the decisions of the courts.

Apart from the above, it is noted that the maritime lien is described as a "security", and the holder of the lien is described as a "secured creditor". It would need considerable study to form a definite opinion as to whether this is a wise decision. There has been considerable doubt as to whether a right of lien is an incident or quality of the cause of action or is a security for a debt or claim, or is merely a remedy in aid of the enforcement of the debt or claim. Williams & Bruce, on Admiralty Practice, 3rd edition, at page 1902 described a

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maritime lien for wages as a remedy. A recent important case on the question of maritime liens is a case in the Supreme Court of Canada: Strandhill v. Hodder, 1926, S.C.R. 680.

Serious consequences follow from a decision to describe a maritime lien as a security, and the writer makes these observations with some diffidence as he has not had the time to study the matter with care; but consider the case of a foreign ship, the law of whose flag contains provisions dealing with maritime liens and their enforcement and the priority of their holders. If you describe the lien as a security, it would appear that the lien might then only have such force as would be given to it by the law of the flag, and a Canadian plaintiff might be the sufferer; whereas if the lien be held to be a remedy, it would be available to all Canadian plaintiffs in Canadian courts.

Dropped

SECTION 21 (1) (a).

This speaks of "fees due to the state". It is submitted that this ought to be clarified. "The state" might mean His Majesty the King in right of His Empire, or His Majesty the King in right of His Dominion of Canada, or His Majesty the King in right of His Province of British Columbia, or all three.

Secondly, it would appear that the words "fees due to the state" mean fees due to the state in connection with legal proceedings, but the language seems somewhat inconclusive, and the whole subsection moreover does not indicate the person whose expenses are to form the lien. For all that appears it would include expenses incurred by shipowners, charterers, mortgagees, salvors, or by any plaintiff in an action in rem.

Finally, it is submitted that the words "last port" in this clause need clarifying. Does it mean the port in which she is arrested, or the one in which she was last before being arrested?

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123923

Dropped

SECTION 21 (2).

Add the words "and liens" after the word "charges" in the second line.

Liens other than maritime liens undoubtedly do exist which are effective against ships, and it is difficult to say that they are charges; they partake much more of the nature of remedies. It is intended that the maritime liens set out in subsection (1) of this section shall have priority over the statutory and other liens, and for greater caution this should be stated; otherwise it might be argued that the only priority maritime liens have is a priority over charges.

Dropped

SECTION 21 (5).

This section speaks of "maritime liens attaching on the same voyage".

This language would suggest that the liens attach to the voyage, whereas of course they attach to the ship, as stated in the first line of Section 21. It is therefore suggested that this sentence should be altered to read as follows:

> " Maritime liens which attach to a ship during or in respect of any voyage shall rank inter se in the order in which they are set out in subsection (1) of this section."

Dropped

SECTION 21 (6).

This section also contains words suggesting that the maritime lien attaches to the voyage, which is not logical, and it is suggested therefore that this subsection be altered to read as follows:

> " Claims in respect of which a maritime lien exists, arising during or in respect of a voyage, shall take priority over those arising during or in respect of previous voyages."

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123924

Cured in revised Bill

SECTION 37 (1).

Delete clause (c).

It would not appear to be necessary or desirable to give an appeal direct to the Privy Council from a Local Judge who may be (and in certain parts of Canada is) a County Judge. It is submitted that the Privy Council could reasonably expect and would expect that any admiralty action should at least be submitted to a Judge of the Exchequer Court before it went to the Privy Council under Section 38.

The writer observes in the notes appended to the section that it is stated that this section is in accordance with the present practice. The writer is not aware of any appeal direct from a Local Judge in Admiralty to the Privy Council. It is only after a decision on appeal from the Local Judge has been obtained that an appeal may be taken to the Privy Council. This is by virtue of Section 6 (1) of the Colonial Courts of Admiralty Act, 1890, which reads as follows: "The appeal from a judgment of any court in a British possession in the exercise of the jurisdiction conferred by this Act, either where there is as of right no local appeal or after a decision on local appeal, lies to Her Majesty the Queen in Council."

The question that arose on the construction of this section was whether the words "local appeal" included an appeal from a Local Judge to the Exchequer Court. It was thought that this might not be considered local in view of the fact that it was simply an appeal within the same court from one district of the court to the court itself. For greater caution therefore when it was desired to appeal from the Exchequer Court direct to the Privy Council, the practice grew up of obtaining leave to appeal either from the Privy Council or from the Exchequer Court. See the case of the "Cape Breton", 1907, A.C. 112. This however concerned an appeal from the

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Supreme Court of Canada to the Privy Council. It is not an authority that an appeal lies without leave from the Exchequer Court to the Privy Council.

Martin Lafleur

April 6th, 1934.

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123926
113A

THE EXCHEQUER COURT OF CANADA
IN ADMIRALTY

LAW COURTS

AT VANCOUVER, B.C.
7th April, 1934.

My dear Senator Meighen:-

Re The Admiralty Act 1934: Bill C:

It was very gratifying indeed to receive your gracious letter of the 28th ultimo on behalf of the Committee on Banking and Commerce which has the above very important Bill under review, and I feel sure it will please you to know that the kind expressions in your letter are not only highly valued by me but afford me great encouragement in continuing to discharge my National judicial duty in this Admiralty District.

Pray accept my compliments and I remain,

Very sincerely yours,

The Right Honourable Senator Meighen, P.C., K.C.,
The Senate,
OTTAWA.

From Archer Martin

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123927

ELJ.

OTTAWA, April 11, 1934.

113A.

Dear Senator Meighen, Bill C - Shipping

"ENC." I enclose herewith copy of Note No. 15, dated the 10th April, from the High Commissioner in Canada for the United Kingdom to the Secretary of State for External Affairs, which I have just received.

I presume that you will take the appropriate action with regard to this despatch.

Yours sincerely,

W. Stewart Edwards

D. M. J.

The Right Honourable Arthur Meighen, K.C., P.C.,
Leader of the Government in the Senate,
O t t a w a.

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123928

Copy (MJ)

Office of the High Commissioner
for the United Kingdom,
Ottawa.

No. 15 IMPORTANT.

The High Commissioner in Canada for the United Kingdom presents his compliments to the Secretary of State for External Affairs and with reference to despatch No. 38 of the 29th January from the Secretary of State for External Affairs, has the honour to state that His Majesty's Government in the United Kingdom have noted with interest the contents of Bill C. respecting the Courts of Admiralty which was read a first time in the Senate on the 20th February, 1934.

Sir William Clark is instructed to state that the United Kingdom Government have in preparation a memorandum dealing with certain points in this bill and particularly with Clause 21 thereof. The United Kingdom Government hope to forward this memorandum to the Canadian Government at an early date and they trust that the Canadian Government will find it possible to give consideration to the points which will be submitted therein.

10th April, 1934.

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123923A

Memorandum for Senator Meighen.

Note the annexed opinion from Justice Department re the original Part I of the Shipping Act, now dropped. The new provisions, clauses, 4, 5 and 6 and 44 and 45 are based upon the theory that this opinion is right and the position of the mortgagee of a builder's mortgage is strengthened.

O'C.

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123930

Memorandum for Senator Meighen.

Note the annexed opinion from Justice Department re the original Part I of the Shipping Act, now dropped.

The new provisions, clauses, 4, 5 and 6 and 44 and 45 are based upon the theory that this opinion is right and the position of the mortgagee of a builder's mortgage is strengthened.

O'C.

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WSE/ELJ.

OTTAWA, April 16, 1934.

123931

Dear Senator Griesbach,

Re: Bill E - An Act respecting Shipping.

I understand that the Committee desires the opinion of this Department upon the question whether Part I of the Bill is within the legislative competence of the Parliament of Canada.

I think the suggestion that this Part may be ultra vires is based upon a misconception of its provisions.

In considering this question it must be kept in mind that a ship is something which can be used for navigation, and that there is a sharp distinction between a vessel upon the stocks and a vessel in the water. Prior to her launching she is "a mere congeries of wood and iron, an ordinary piece of personal property", and it is not until she is launched that she becomes a ship. Therefore, upon a proper construction of Part I it will be seen that it deals only with a ship, that is, a subject outside the jurisdiction of the province.

Part I has no application to the chattels or materials comprising the ship, or matters within the exclusive legislative jurisdiction of the province. It relates to the

completed.....

Major General the Honourable W. A. Griesbach, C.M.G., K.C.,
Chairman of the Sub-Committee on Banking and Commerce
considering Bill E.,
The Senate,
Ottawa.

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completed ship, that is to say, a thing which has been launched and has passed out of provincial jurisdiction. Any rights or privileges which may arise from its provisions relate to the ship when launched. The scheme authorized is permissive. It does not interfere with rights which the province is competent to confer. It deals with matters which are beyond the legislative competence of the province. It makes it possible for persons having a monetary interest in the construction of a ship to obtain a security which will attach to the ship when completed.

The Imperial Merchant Shipping Acts do not contain similar provisions, for the reason, presumably, that no very useful purpose would be served thereby. In England there is no division of legislative power, and it is therefore not necessary that all matters relating to navigation and shipping should be dealt with by statutes separate and distinct from those dealing with property and civil rights generally. Where a ship is being registered in England, if the applicant is not the first owner after the builder it is the duty of the Registrar carefully to check the descriptions of the several owners and the intermediate documents or bills of sale. This is also done in Canada.

I do not suggest that Parliament has not power to legislate with regard to the construction of ships. It is not necessary for present purposes to study the Dominion's jurisdiction in this regard, because, as above pointed out, the Part

in.....

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in question does not purport to create rights except with regard to the completed ship. You will observe that the instrument creating the security (see form E, page 484), applies only to the ship. The machinery for the recording of the ship during construction is merely for the purpose of attaining the end in view - that is, the creation of a security which shall attach to and follow the ship, and which shall be dealt with under the provisions of sections 33 to 35, inclusive, in Part II of the Bill.

I suggest that if any rights fall to be determined before launching, except in so far as they may be otherwise within Dominion jurisdiction - e.g., as relating to bankruptcy, banks or other subjects within the jurisdiction of the Dominion, they would be governed by the law of the province. It will be observed that there is nothing in Part I which interferes with the operation of provincial law. No overriding provision is made for the enforcement of the security recorded thereunder prior to launching. All that can be done with the security, if it continues to subsist, is to have it registered against the ship when she is completed and registered, or to enforce it should default occur between the date of launching and the date of registration.

The view above expressed is consistent with the provisions of the Bank Act, Cap. 12, R.S.C., section 85 of which reads as follows:-

".....

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"Every bank advancing money in aid of the building of any ship or vessel shall have the same right of acquiring and holding security upon such ship or vessel, while building and when completed, either by way of mortgage, hypothèque, hypothecation, privilege or lien thereon, or purchase or transfer thereof, as individuals have in the province wherein the ship or vessel is being built.

2. The bank may, for the purpose of obtaining and enforcing such security, avail itself of all such rights and means, and shall be subject to all such obligations, limitations and conditions, as are, by the law of such province, conferred or imposed upon individuals making such advances."

In this connection it may be noted that Article 2375 of the Quebec Civil Code reads as follows:-

"Vessels being built in Canada may be mortgaged, hypothecated or transferred under the authority of the Federal acts respecting the registration and classification of ships and respecting banks and banking, according to the rules laid down in the following articles of this chapter."

I am of opinion that Part I of the Bill is within the legislative jurisdiction of Parliament, and that if it be desirable that these provisions continue to form part of the law of Canada it is essential that this be done by virtue of Dominion legislation, it being in my judgment impracticable to attain the purpose in view by legislation of any one or all of the provinces.

Yours faithfully,

W. Stewart Edwards

Deputy Minister of Justice.

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123935

Ottawa, Ontario,
April 17, 1934.

Dear Sirs: Re Canada Shipping Act - Bill "E"

I have your letter of 12th regarding the above. Am passing your representations on to the Chairman of the special Sub-Committee which is dealing with this measure. It will, of course, come before the full Committee on Banking and Commerce later, and then your representations will have consideration at the hands of the full Committee.

Yours very truly,

Arthur Meighen.

Mr. Andrew Goodlad,
Secretary,
Canadian Merchant Service Guild,
Vancouver, B. C.

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123936

Ottawa, Ontario,
April 17, 1934.

113A

Dear Mr. Dupre: Re Canada Shipping Act - Bill "E"

I have your letter of 12th with petition regarding the above. Am passing these representations on to the Chairman of the special Sub-Committee which is dealing with this measure. It will, of course, come before the full Committee on Banking and Commerce later, and then your representations will have consideration at the hands of the full Committee.

Yours very truly,

Arthur Meighen.

Hon. Maurice Dupre,
Solicitor-General of Canada,
Ottawa, Ontario.

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123937

113 A

Ottawa, Ontario,
April 17, 1934.

Dear Senator Griesbach:

Re Canada Shipping Act - Bill "E"

Enclosed are communications from the Canadian Merchant Service Guild and from the Hon. Maurice Dupre, regarding the above Bill. I have acknowledged them, promising consideration at the hands of the Committee.

Yours very truly,

Arthur Meighen.

Hon. Senator W. A. Griesbach,
The Senate,
Ottawa.

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123938

OFFICE OF
THE PRIME MINISTER & PRESIDENT OF THE COUNCIL
ONTARIO

Hinds
Have Griesbach dictate reply
G. M.

TORONTO,
Apr. 19,
1 9 3 4.

Dear Mr. Meighen:

Re: Shipping Bill

I am enclosing herewith copy of letter from the President of the National Association of Marine Engineers stressing further the contention that Ontario is discriminated against in connection with pilotage dues.

Sincerely yours,

Geo H Ferguson

Right Honourable Arthur Meighen,
The Senate,
Ottawa, Canada.

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Montreal, P.Q.,
Apr. 17, 1934.

Hon. Geo. S. Henry,
Prime Minister of Ontario,
Provincial Buildings,
Toronto, Ontario.

Honourable Sir:

With further reference to mine of March 19th re Hospital Benefits, and to enlarge upon your reply of the 5th of April, the situation is and has been in fact that all ships arriving from any American Lake port, on the Inland, Great Lakes, into any port in the Province of Quebec, or Maritime port, pay two cents per ton tax, that is to say that perhaps ninety percent of Canada's Inland Lake fleet which comprises the whole canal size fleet, trading between American Great Lakes ports and Quebec ports, or beyond, are required to pay this tax and their crews are entitled to Hospital treatment, and have been receiving same for years, numerous cases constantly going through our office.

Therefor fresh water shipping is and has been benefited to this extent, so that, say a vessel clearing from Rochester and/or Buffalo, N.Y., U.S.A., to Montreal or a Maritime port is required to pay the tax of two cents per registered ton at the port of arrival and its crew is entitled to Hospital treatment, while a vessel clearing from across the Lake in Ontario, say Toronto or Port Colborne, to Montreal or Maritime ports is not required to pay the tax and its crew is not entitled to Hospital treatment.

Even if a ship only makes one trip, under this tax paying principal in a year its crew is entitled to Hospital service in the Maritime Provinces should it engage in a purely Canadian Coastwise trade thereafter in the same year.

One could hardly expect the Lake Shipping interests to submit themselves to a tax, if the treatment they have been giving their crews is any guide, and I would be of the opinion it would have to be imposed for the benefit of employees.

I am therefore of the opinion that this matter should be further pressed as Ontario is the only Province in which Lake Seamen are adversely affected.

I might refer you the present Shipping Act - Sick and Distressed Mariners, Chapter 113, Part v, sub-section 384-389-390.

The writer having followed the sea for possibly forty years has paid this tax in his official capacity as Master and it always seemed unfair that Ontario should not be included in this matter.

Yours very truly,
National Association of Marine
Engineers of Canada Inc.
(Central Division)

H. N. McMaster,
President,

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123940

113 A

Ottawa, Ontario,
April 19, 1934.

Dear Mr. Anderson:

I have your letter of April 17th regarding Judge Stewart, and will see that your representations are before the Committee before the Act is passed.

Yours very truly

Arthur Meighen.

Mr. John Anderson, C. A.,
289 Richmond St.,
Charlottetown, P. E. I.

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John Anderson, C.A.
289 Richmond Street

C)(16-515-0-0
123941

CHARLOTTETOWN
PRINCE EDWARD ISLAND.

Hinds

April 17th 1934.

The Right Hon. Arthur Meighan,
Ottawa.

Dear Sir,

I would like to submit for your consideration, a few observations respecting a Bill you recently introduced in the Senate dealing with the Admiralty Courts, more particularly with that part which if passed into law will effect the superannuation of our present Judge in Admiralty, Judge Stewart.

Judge Stewart has an active mind, an excellent memory and enjoys his work. He is evidently as capable as ever he was of handling all the business of that Court. This he has done satisfactorily for many years, so much so that there was never an appeal from his judgements although in one important case counsel from Halifax conducted the trial. During those years and during the whole time he presided as Judge of The County Court he enjoyed the confidence and respect not only of litigants but of the whole community. He is generally recognised as being the ablest lawyer on the Island Bench. His integrity and impartiality are unquestioned. You can put down anything that may be said to the contrary as propaganda advanced by interested parties.

In writing you I have no purpose to serve except the public interest. Although I know Judge Stewart well he is no relative or connection of mine He has no claims on me nor have I any on him.

With such a small population as ours we have far too many Judges without adding more superannuated ones. While in recent years litigation in this Province has greatly diminished we still have three Supreme Court Judges drawing $28000.00 yearly and three County Court Judges drawing $15000.00. I feel that it would be a mistake to retire such a capable man as Judge Stewart thereby increasing the public burdens at a time when the strictest economy is demanded.

As a personal admirer of yours I took the liberty of writing you several years ago - you may recall when you were leader of the Conservative Party I wrote a defence of your Hamilton speech and sent you a copy of the Guardian newspaper containing it. That speech would not require any defence today as your position is now accepted generally as the correct one.

You can rest assured that Judge Stewart is and will likely continue for years, fully competent to dispose of all the Island's Admiralty business and that he possesses the full confidence of our ablest lawyers.

You will please treat this letter as private and confidential.
With kind regards, believe me as ever,

Yours truly,

John Anderson

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BURCHELL, SMITH, PARKER & FOGO
BARRISTERS, SOLICITORS, ETC.

C. J. BURCHELL, K.C.
F. D. SMITH, K.C.
E. T. PARKER
J. G. FOGO

CABLE ADDRESS "MACBURRAL"
123942

CHRONICLE BUILDING
HALIFAX, NOVA SCOTIA

April 25, 1934

Mr. W. F. O'Connor, K.C.,
c/o Arthur S. Hinds,
The Senate,
OTTAWA, CANADA

Dear Mr. O'Connor: Re: Admiralty Court Bill

The Halifax Board of Trade, after conferring with their Legislative Committee, have sent a letter to Senator Black, with regard to the Admiralty Court Bill, copy of which is enclosed herewith.

The letter covers some of the points which I discussed with you in Ottawa.

With kind regards,

Yours faithfully,

C. J. Burchell

CJB:MJS
Encls.

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123943

BOARD OF TRADE
HALIFAX, N.S.

Copy for your information

April 23, 1934.

Honourable F.B.Black
Chairman,
Standing Committee on Banking and Commerce,
The Senate,
OTTAWA, CANADA.

Dear Senator Black: Re BILL "C" entitled "An Act Respecting Courts of Admiralty"

I have your letter of April 12th enclosing proof copy of reprint of Bill "C" as proposed to be amended, and asking me to forward you the views of the Halifax Board of Trade on the changes proposed to be made from the Bill as originally introduced.

The letter which I am now writing you has been considered at a full meeting of the Council of the Halifax Board of Trade and has its approval.

The Halifax Board of Trade has already considered the provisions of Bill "C" in the form in which it was originally introduced, giving particular consideration to the provisions of Section 18.

The Board has now considered the provisions of new Section 18 as contained in the reprint of the Bill and desires to urge upon the Committee that the provisions of Section 18 of the original Bill should be restored with two amendments which will be mentioned in a later part of this letter.

The reasons for the Board so recommending to your Committee

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may be summarized as follows:

1. The original Section 18 contains a simple and complete code of Canadian Admiralty Court jurisdiction on all important matters, which all Canadians can understand, and a code to which all Canadians and foreigners have access if they have a copy of the Statutes of Canada.

2. That legislation by reference to the Statutes of the Parliament of another member of the British Commonwealth of Nations is inconvenient and is not in accord with the dignity and status of Canada as an important member of that Commonwealth.

3. That the original Section 18, with the amendment later in this letter to be suggested, preserves the uniformity with the legislation of the United Kingdom and of other parts of the British Commonwealth, except in certain matters of purely local and domestic interest, as recommended by the Imperial Conference, 1930. It is in fact a reproduction (with certain necessary changes in respect of matters of purely local and domestic interest) of Section 22 of the English Act.

4. That one of the greatest objections to the operation of the Colonial Courts of Admiralty Act in Canada was that it substituted "England and Wales" for Canada in all Imperial Statutes relating to Admiralty jurisdiction. The effect of this was to prevent many actions, either in rem or in personam, from being brought in Canada if there was an owner or part owner domiciled in Canada. In consequence, such actions

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to be effective had to be brought in the common law courts of the Province in which the ship owner resided, although the cause of action arose in another Province. Such legislation might be suitable for a small country like England, but was totally unsuited for a country under a federal constitution like Canada and where each Province has its own separate and independent common law courts.

5. That under the scheme worked out in the original Section 18, combined with Section 20 of the original Bill as later revised and as it now appears in Section 20 (e) and (f) and Section 30 of original Bill (Section 27 of revised Bill) an action in personam could be brought in the Admiralty Court in all matters of Admiralty jurisdiction, in the Province in which the cause of action arose, and execution could be issued through the central registry at Ottawa, in the Province in which the defendant resides or owns property.

This is a marked improvement on the situation which existed under the Colonial Courts of Admiralty Act and will greatly improve the status of Admiralty Courts in Canada, as it will permit all actions in personam to be tried in the proper court, which is the Admiralty Court, and by judges trained in Admiralty law and procedure, and the judgment of the Court is made enforceable throughout Canada.

The proposed revised draft of Section 18 does not permit such actions in personam in certain cases.

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6. That under the provisions of the original draft of Section 18 an action in rem could be brought, and the ship arrested, in all cases of Admiralty jurisdiction except as provided in sub-paragraph (vi) in respect of

"(vi) Any claim

(1) Arising out of an agreement relating to the use or hire of a ship; or

(2) Relating to the carriage of goods in a ship; or

(3) In tort in respect of goods carried on a ship;

provided that no action in rem in respect of any such claim may be brought against a ship if at the time of the institution of the action any owner or part owner of such ship is domiciled in Canada;"

The Halifax Board of Trade have considered carefully this sub-paragraph of the original Bill from all angles and strongly recommend that it should be put back in the Bill in place of the provisions of subsection (3) of the proposed revised Section 18, for the following among other reasons:

(a) Because this jurisdiction is new and untried in Canada, as it was decided by the Privy Council in the case of the Woron that the English Acts of 1920 and 1925, which embodied this law, were never in force in Canada.

(b) Because under the scheme of the original Section 18 an action in personam could be brought in all such cases in the Admiralty Court, and in practically all disputes about cargo, payment of any judgment in personam is assured because almost universally the cargo is insured, and the insurance company will pay the judgment.

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(c) Because so many disputes, many of them small, arise in respect of the carriage of goods, and a Canadian shipowner should not have his ship subjected to arrest and consequent delay in such cases, and particularly so when there is no evidence that Canadian shipowners have ever evaded or refused payment of such claims in past years. It should certainly be sufficient in any event that he is now to be subjected to an action in personam in all such cases.

(d) Because the proposed revised Section 18 may cause great hardship and delay to Canadian ships and particularly to Canadian ships engaged in the coasting trade of Canada.

(e) Because the proposed revised section which prevents arrest of the ship in cases where the owner or part owner is domiciled in the Province in which the writ is issued, is of no real protection to a Canadian shipowner, particularly one engaged in the coasting trade, as such ship, under the provisions of the proposed new section, can be arrested in the adjoining or in any other Province. This, indeed, would involve greater hardship than if the ship was arrested in his own Province, as it would force him to defend the action in a Province other than that in which he resides, although the cause of action arose and all the witnesses may reside in his own Province.

7. An action for necessaries is in an entirely different class. Such actions are for a liquidated amount, usually not in dispute, and a shipowner should in all cases pay his accounts for necessaries before a ship leaves port. If he does not do so, his ship should be subject to arrest, whether the owner resides in the Province in which the ship is arrested or resides in any other part of Canada.

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8. The revised Section 18, as explained in the side notes to the revised Bill, apparently assumes that reciprocal legislation, or legislation in aid, from the United Kingdom is necessary before the Parliament of Canada can confer full and complete jurisdiction on its own Admiralty Courts:

The Halifax Board of Trade are of the opinion, upon advice of their legal advisors, that under the Statute of Westminster Canada has now as full and complete authority to confer jurisdiction upon its own Admiralty Courts as has the Parliament of the United Kingdom and that no legislation in aid or reciprocal legislation is necessary.

Nearly sixty years ago, when Canada was an infant nation ten years old, the Supreme Court of Canada decided in the case of the "Picton" that the Parliament of Canada had full and complete power and authority to establish its own Admiralty Courts and to confer Admiralty jurisdiction on such Courts. With the development of Canada as an autonomous nation during the past sixty years, culminating in the passing of the Statute of Westminster in 1931, it is respectfully submitted that it cannot be argued that Canada has not now full and complete power to confer upon its courts jurisdiction in all cases over Admiralty matters, which would, of course, be exercised subject to the principles of international law and the comity of nations.

Any other suggestion would put Canada back to the colonial stage.

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The Halifax Board of Trade is on record in its approval of the original draft of this Bill of having Admiralty law and procedure in Canada uniform with that of Great Britain and of the other Dominions, except in matters of purely local or domestic interest.

Uniformity is extremely desirable and important in the interest of Empire Shipping, but it is respectfully submitted that it is not necessary for Canada to have to ask for legislation in aid, or reciprocal legislation, from Great Britain to enable the Parliament of Canada to enact laws and to enforce the decrees of a Canadian Admiralty Court, in an action in rem, against any ship which may be arrested in its waters, whether the ship be British, Canadian or foreign (except a government ship), no matter where the cause of action arose. This is the right and privilege of every Admiralty Court in the world.

Reciprocal legislation will be necessary in the case of a government owned ship but the Bill does not apply to government ships. The United States, for instance, has passed an Act permitting arrest of U.S. government ships by the subject of a foreign state, provided such foreign state permits citizens of the United States to arrest government ships belonging to that foreign state. Neither Great Britain nor Canada has as yet enacted similar legislation.

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It is respectfully submitted that reciprocal legislation, of such type and in respect only of government ships - and in the case of Great Britain and of the other Dominions in respect of prize which really relates to government ships - is the only kind of reciprocal legislation which Canada may at any time desire or require.

We have mentioned in an early part of our letter that we intended to suggest some amendments to Section 18 of the original draft of the Bill. These are as follows:-

Clause 18 (1) (a) (xi) of the original Bill which gives jurisdiction to the Admiralty Court to "any claim for building, equipping or repairing a ship" should be amended by adding thereto the following words:

> "provided that no action in rem in respect of any such claim may be brought against a ship, unless at the time of the institution of the proceedings, the ship is, or the proceeds thereof are, under the arrest of the Court."

Under the section so amended, an action in personam can be brought for building, equipping or repairing a ship in all cases. An action in rem, however, cannot be commenced for repairs, etc., unless the ship is in financial difficulties and other bona fide actions have been brought against such ship.

This would bring our law exactly in line with the practice in the Admiralty Division in the High Court in England. Under the English Act, presumably in order to encourage ships to

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have repairs made in England, it is provided that a ship will not be arrested or detained for such a claim unless the ship gets into financial difficulties. It would seem to be in the interests of Canadian Shipyards to follow the English precedent and not to permit the arrest of a ship for repairs except under similar circumstances, as otherwise contract jobs for repairs may not be made in Canada because of the liability of the ship being arrested. The shipbuilder, both in England and in Canada, has always a possessory lien which enables him to retain possession of the ship, if he so desires, until his bill for repairs is paid, and this is usually regarded as sufficient protection.

There can, however, be no objection to an action in personam in all such cases in the Admiralty Court as the proceedings would be exactly the same as in a similar action in the Supreme or Superior Court, and this should be permitted in order to permit a judge with knowledge of ships and shipping to decide disputed cases.

It is also suggested that cases of prize may also be omitted from Section 18 as it will be necessary for Canada to pass a Prize Court Act in the near future. In the meantime, jurisdiction in prize is preserved under the general clause Section 18 (1) (b) of the original Bill "CW

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which retains the jurisdiction in prize contained in the Colonial Courts of Admiralty Act.

All of which is respectfully submitted for the consideration of the Standing Committee on Banking and Commerce in the Senate of Canada.

Yours faithfully,

(SGD) R.J.R.NELSON

President.
HALIFAX BOARD OF TRADE.

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1239533 A

Ottawa, Ontario,
April 26, 1934.

Dear Mr. Landry:

I have your letter of 23rd written on behalf of the Canadian Navigators' Federation, St. Lawrence Division, regarding Bill "E". I will see that the representations you made are laid before the Committee to which this Bill has been committed.

Yours very truly,

Arthur Meighen.

Mr. E. A. Landry,
Canadian Navigators' Federation Inc.,
2362 Avenue LeClaire,
Montreal, Que.

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BUREAU CHEF:
HEAD OFFICE:
2362 AVENUE LECLAIRE
MONTRÉAL

123954

Canadian Navigators' Federation, Inc.

DIVISION DU ST-LAURENT

Montreal, April 23rd, 1934

The Honourable Senator Arthur Meighen, P.C.,
Government House,
Ottawa, Ont.

Honourable Sir,

We the Canadian Navigators' Federation Inc. St. Lawrence Division a body composed of Shipmasters, Licensed Pilots and Shipofficers of Canada desire to respectfully draw your attention to the Following sections of Bill "E" actually before the Senate.

We submit that in sect. 3 sub-section 38 that the definition of the northern coasting or Home Trade limits should be extend from 60 to 72 degrees north so as to cover all of Hudson Bay's coast lines, otherwise as specified presently in Bill-"E" 60 degrees north it exclude Hudson Bay which is unfair to bearers of coasting or Home Trade certificates of competency. Hudson Bay being confined within the limits of Canada it is obvious that Home Traders sould have the same privileges as foreign going ones, it's navigation is coasting, or Home Trading, not foreign going.

Subsection 65 of Section 3 should be answered by adding after the words: "Means any person" the words: "Licensed as such" it would then read as follows:

> "Pilot" means any person licensed as such not belonging to a ship who has the conduct thereof.

All of which is respectfully submitted.

E.A. Landry

E.A. Landry, Grand Secretary.

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123955

THE EXCHEQUER COURT OF CANADA

IN ADMIRALTY

Toronto Admiralty District

Toronto, April 30th 1934.

The Right Honourable Senator Meighen, K.C.,
Leader of the Senate,
Ottawa, Canada:

Personal

Dear Senator Meighen:

Re: Bill "C", entitled an Act respecting Courts of Admiralty.

Without any suggestion whatsoever on the part of Mr. Frank Wilkinson, I commend for your consideration the payment to him of a small fee in view of the work he has done in regard to the matter mentioned in my letter enclosed herewith. In these days, token members of the bar ~~who~~ are willing to give their time and thought as he has done, notwithstanding the difficult times in which our profession is now struggling, such recommendation seems to me to be very fitting.

He has done far more than anyone else I know of in Ontario in aid of the legislation. I know nothing of his politics, but I am sure you will not be affected in any way by any matter of that kind.

I should think a fee of $100 would be a modest compensation indeed.

38 King St West
Messrs Powell, Reid & Co.

Sincerely yours,

Frank M. Field

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123956

Memo for Senator Meighen.

Re Bill C and Judge Field's Letter of Apr. 30/34 annexed.

This communication supports the Halifax Board of Trade contentions.

It concedes that the writer has made no original research. In so far as it goes to policy I am not concerned. In so far as law is concerned I refer to my comments to General Griesbach herewith, re the Halifax contentions.

(W.F.O'Connor)

P.S. Re Judge Field's suggestion of payment of $100 to Mr. Frank Wilkinson, for what? And if this is paid where will such payment lead?

O'C.

The above was written before the Bill was passed.

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123957

Ottawa, May 8, 1934.

113A

Dear Mr. Griffin: Re Canada Shipping Act
Bill "E"

I am in receipt of your letter of April 30th with enclosures. Am exceedingly glad not only to have your suggestions but to know your opinion of the redraft as a whole.

A special Sub-Committee has been sitting on this Bill for many weeks, finishing its work about ten days ago. This Sub-Committee has done some very hard and patient work and the Bill has now been re-printed accordingly; at least I expect it out very shortly.

Of the 55 suggestions you make, many indeed are important. 12 of them, however, go to questions of policy or Departmental administration and each of these will be brought before the Committee on Banking and Commerce which is now commencing to review the Bill. 22 have been already cared for in the redraft. 3 additional suggestions we can, I think, accept at once. This leaves 18. These might be perhaps described as minor, and in the main involve phrasing. As at present advised I do not feel like accepting them, but will have them considered.

With very kindest regards and again sincerest thanks,

Yours truly,

Arthur Meighen.

Mr. Martin Griffin, K. C.,
609 Bank of Nova Scotia Bldg.,
Vancouver, B. C.

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123958

Griffin, Montgomery & Smith

MARTIN GRIFFIN, K.C.
D. S. MONTGOMERY
SIDNEY A. SMITH

Barristers, Solicitors, &c.

TELEPHONE SEYMOUR 8364-5-6
CABLE ADDRESS "MARGRIFF"
CODE WESTERN UNION

609 Bank of Nova Scotia Bldg.
Vancouver, B.C.

April 30th, 1934.

The Rt. Hon. Senator Meighen, P.C.,
The Senate,
Parliament Bldgs.,
Ottawa.

re Canada Shipping Act - "Bill E".

Dear Sir:-

I read with great interest the new "Bill E" and compared it with "Bill J", which turned out to be quite a labour.

I now beg to enclose a copy of a letter which I have just written to the Honourable the Minister of Marine, together with a copy of the Memorandum which I enclosed to him.

It is of course late in the day to suggest changes in the Bill, but I hope that the enclosed might prove of some use, even at this late hour.

Yours very truly,

Martin Griffin

MG/R.

Encl.

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Copy for Senator Meighen.

123959

April 30th, 1934.

The Hon. Alfred Duranleau,
Minister of Marine,
Parliament Bldgs.,
Ottawa.

Sir:-

In view of my having drafted "Bill J" of last year consolidating the Canada Shipping Act, I was naturally much interested in seeing the new form of "Bill E". I therefore went to the trouble of comparing them to observe the various changes which have been made.

As Senator Meighen said in introducing the Bill, they are substantially the same, but there are undoubtedly a great many changes of wording and some changes of substance, and I would like to add my congratulations to the others that must have been given to the draftsmen of the new Bill on the excellence of the work done.

I have however noted a few points upon which it seems to me the matter might receive further consideration. Some of these are not new as I noted them last year, but they are, I think, worthy of reconsideration in order that the Bill might be now as perfect as it can possibly be made. I therefore beg to enclose a memorandum of the suggestions that occur to me and trust they will be found helpful.

I have the honour to be,

Sir,

Your obedient servant,

MG/R.
Encl.

Martin Lapointe

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123960

MEMORANDUM OF MARTIN GRIFFIN, K.C., OF VANCOUVER, B.C. ON "BILL E" (PROPOSED CONSOLIDATED CANADA SHIPPING ACT) FOR THE USE OF THE COMMITTEE IN CHARGE OF THE BILL.

SECTION 3(14). - Definition of Collision Regulations.

x no

Should not the words "as the context may require", which appear in Bill "J", be re-introduced?

SECTION 3(16). It is not clear to me why the definition in Bill "J" was changed. It followed the definition given in Section 38, M.S.A. 1932, and it is certainly desirable that the definitions should correspond throughout the Empire.

- Policy? Don't know

SECTION 3(28). Last word should read "steamer" and not "steamers".

no x

SECTION 3. Should not a definition of "Radiotelegraph exemption certificate" be added? It is contained in Section 497 and its presence in Section 3 would be a convenience.

x no

SECTION 3. Should not "scow" be defined? The word is used in Section 572.

x no

SECTION 3(105). Use "security" instead of "securities".

x no

SECTION 4. Add "to" after "apply" in line 1.

same in redraft

SECTION 10. The words at the end of the section : "in the record book and not according to the date of each instrument", as originally contained in R.S.C. Ch. 186, Section 43 and in Bill "J" should be re-introduced because this section should be identical in language with Section 64.

Section dropped x

Section dropped x

SECTION 16(3)(a). The word "registered" should read "recorded".

SECTION 18(1)(a). Suggest that "or" should read "and". The object is to enlarge the class of qualified persons by

no x

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123961

adding a group not necessarily within the words "natural born British Subjects".

SECTION 18(1). Alter clause (1) of the proviso so as to make it read:

"(1) being a natural born British Subject (or a person recognized as such as aforesaid) has taken the oath, etc."

Done in redraft

Redraft covers for.

SECTION 36. Remove the word "and" from the end of clause (c) and put it at the end of clause (d).

Done in redraft

SECTION 46. Delete the word "the" in the first line.

No ×

SECTION 50. Delete the words "as such" in the third line.

Done in redraft

SECTION 52(3). Add the words "owner or" before "master". The penalty is on both, see Section 21(3) of M.S.A.

Done in redraft

SECTION 61. The word "Any" in line 1 should read "The".

Done in redraft

SECTION 67. "Mortgagee" in line 1 should be "mortgage". See M.S.A. Section 36.

?

Policy

SECTION 70. I suggest deleting the words "out of Canada" and introducing in their place the words "out of the Province where the ship is registered".

An owner of a ship registered in Halifax might be glad of this convenience if he proposed to sell his ship in Vancouver, just as much as he would if he intended to sell her in Newfoundland.

?

Policy

SECTION 72. Delete the words "in Canada" and re-introduce the words of Bill "J": "the Province in which the port of registry of the ship is situate".

The different Canadian Provinces could usefully be considered separate countries for the purpose of this section.

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123962

Done in redraft

SECTION 84. "requisites of registry" should read "requisites to registry". See M.S.A. Section 52.

Done in redraft

SECTION 93. Delete the words "any part of Canada" in the last line of sub-section 1, and introduce instead the words "in that part of Canada in which the declaration is made".

As drafted the clause would empower a British Columbia Commissioner to take such declarations while he was temporarily in Montreal.

Done in redraft

SECTION 96(3). "admissable" in the fourth line should be "admissible".

SECTION 105(1). Delete the words "and for all ships and boats which would be registered in Canada if they were required to be registered at all belonging to any British Subject resident in Canada", and in their place insert:

"and also for all ships and boats belonging to any British Subject which would be registered in Canada if they were required to be registered at all".

? Policy

The section deals with two classes of ships:

(a) British ships registered in Canada.

(b) Ships and boats belonging to British Subjects which (by reason of their presence in Canadian waters) would, if required to be registered at all, be registered in Canada.

It is not necessary or desirable that class (b) should be confined to ships or boats belonging to British Subjects resident in Canada. For example, a small, unregistered boat built in Canada and in actual use here, belonging, say, to a New Zealand Company, does not come within the words of the section, as drafted, and yet the

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123963

Canadian Flag is her appropriate colours and she would probably desire to wear them.

contention wrong X

SECTION 109(1)(b). Delete the words "but either may in his discretion", and re-introduce the words "but either they or he may in their or his discretion" . See M.S.A. Section 78.

O.K. ✓

SECTION 116(1). Add the word "at" before "which" in the last line.

SECTION 117. It is submitted that this section should be altered so as to apply only to bringing Deck Cargo into Canada and discharging it there. It should not apply to outwards cargo, e.g. a ship with deck load of timber for Japan loaded at Vancouver takes a little fish (say) at Port Alberni. Why should she pay increased dues?

? Policy

SECTION 120. Would it not be better to substitute "cargo" for "loads" in this section? The word "loads" does not appear to mean anything different from the well known word "cargo".

no X

Done in redraft

SECTION 129. "thereto" in line 2 should read "thereof".

SECTION 153. Delete the words "or license as aforesaid" because the reference to licenses has been deleted from Section 152 (3).

no X

Done in redraft

SECTION 225. "Seamen" in line 1 should read "seaman".

Done in redraft

SECTION 240. "Seamen" in line 8 should read "seaman".

Done in redraft

SECTION 265. Should not this section be made to apply to all ships, wherever registered?

Done in redraft

SECTION 314. Add "is" after "as" in the 9th line.

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123964

copied from Eng. act. noticed but left as in act.

SECTION 364 (2). "Registered tonnage" should read "register tonnage", as this phrase is used many times in the Act.

Done in redraft

SECTION 444: Penalty clause. - Delete "and/or" and re-introduce "or". The alternative is covered by the words "or both" at the end of the clause.

OK

SECTION 458. I suggest deleting the last four words: "in this Act imposed". The Chairman should be responsible for the administration of the law relating to steamship inspection whether imposed by this Act or by any other Act or Law.

No

SECTION 460. Wouldit not be best to put this section after Section 456?

SECTION 463. This section requires that whenever a steamship inspector inspects any steamship he is to satisfy himself that the vessel then has "the proper certificated officers required under the provisions of this Act".

It is my understanding that vessels are often inspected at times when their owners have not yet appointed officers for them. Section 127 would therefore not yet apply because that section only imposes the obligation to have certificated officers when the ship starts from any place in Canada. I would suggest that this be referred back to the Chairman of the Board of Steamship Inspection for a suggestion as to how this could be met with regard to the convenience of ship owners.

? Policy

SECTION 469 (d). This clause also pre-supposes that at the time of the inspection there are officers on board the ship,but, as already explained when dealing with Section 463, there might not be any on board at that time.

? Policy

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123965

SECTION 471 (3). Suggested that after the word "inspection" in the second line of sub-clause (a) there be inserted the words "of any ship other than a passenger steamship", and that clause (b) be eliminated.

?
Poby

SECTION 473 (1). It would appear that there should be added to this section the following words "and the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum".

The section does not contain anything which gives effect to what the Minister has done. It is true of course that these words are not contained in Section 12 of the M.S.A. 1932, but it is submitted they should be there. It will be observed that a similar provision is provided in Section 476 (3) with respect to passenger steamers not registered in Canada, which seems to support the idea that these words ought to go into Section 473 which relates to Canadian registered ships.

?
Poby

SECTION 505(3)(a). Suggested that the words "if the Governor in Council and the Governments of those countries are satisfied", be deleted, and introduce simply "if the Governor in Council is satisfied."

?
Poby

It is true that the section as drafted follows Section 40 of the M.S.A. 1932, and is in accord with the International Convention, but there is no legal objection to our Act providing for an exemption wider than the Convention requires. We are bound to provide for the exemption but not bound to limit the exemption to the case of voyages between two neighbouring countries. The point is important with regard to scow traffic on the Strait of Georgia and Puget Sound. Under the Act as drafted, if the Government of the United States would not join the Gov-

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123966

ernment of Canada in providing for a load line exemption for scows operating in these sheltered waters, Canada could not give it to her own scows, and it would seem at least that the Governor General ought to have the power to do it if he thought fit.

SECTION 506. Suggested that the word "shall" should be introduced again into the first line instead of the word "may", because Canada has bound herself by the Convention to make these regulations and if she cares to do it by Order-in-Council should make this Order-in-Council obligatory.

no X
Wrong. Crown is not commanded

SECTION 541. The words "or trip" could be deleted from line 8 as they are covered by the definition of "voyage".

no X

SECTION 544. Delete the words "detention of a ship" in line 8 and insert in place thereof "the detention of the ship".

some wisdom

SECTION 594 (2). Insert the word "shall" after the word "thereof" in the second line.

no X

SECTION 745. It is suggested that the effect of this section as drafted would be to apply the International Collision Regulations to the inland waters of Canada, to the exclusion of the Great Lakes Rules until the latter were re-enacted and it would seem that this may not have been intended.

? Poby

SECTION 758. It is suggested that the words "this part of this Act" in the 7th and 8th lines be deleted, and the words "the said sections" introduced in their place.

It would appear that it is only intended that the references to the word "owners" are to be in effect references to charterers not in the whole part but only in Sections 750 to 757.

? Poby

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123967

SECTIONS 766A, 766B, 766C, 766D and 766E: (copies annexed hereto).

In a Memorandum forwarded to the Marine Department some time since I suggested that four sections be introduced at this point in the Act to re-enact Sections 504, 505, 507 and 508 of the Merchant Shipping Act of 1898 and the Merchant Shipping Act of 1900.

SECTION 774. Suggested to delete the words "ships or" where they appear in lines 5 and 7 of this section, as the word "vessel" is wider and covers ships.

20 X

Martin Burrell

April 30th, 1934.

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123968

SECTION 766A. Where any liability is alleged to have been incurred by the owner of a British or foreign ship in respect of loss of life, personal injury, or loss of or damage to vessels or goods, and several claims are made or apprehended in respect of that liability, the owner may apply to The Exchequer Court of Canada on its Admiralty side, and that Court may determine the amount of the owner's liability and may distribute that amount rateably among the several claimants, and may stay any proceedings pending in any other court in relation to the same matter, and may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to payment of any costs, as the court thinks just.

Done in Redraft

SECTION 766B. All sums paid for or on account of any loss or damage in respect whereof the liability of owners is limited under the provisions of this Part of the Act, and all costs incurred in relation thereto, may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof.

do

SECTION 766C. Nothing in this Part of this Act shall be construed to lessen or take away any liability to which any master or seaman, being also owner or part owner of the ship to which he belongs, is subject in his capacity of master or seaman.

do

SECTION 766D. (1) Sections 763 to 766C inclusive shall extend and apply to the owners, builders, or other parties interested in any ship built at any port or place in His Majesty's dominions, from and including the launching of such ship until the registration thereof under Section 19 hereof or under the law of some other part of His Majesty's dominions.

do

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123969

SECTION 766D (2). For the purposes of the said Sections "ship" shall include every description of vessel used or intended to be used in navigation not propelled by oars and whether completed or in course of completion or construction, and the tonnage of a ship shall be ascertained in the way in which the tonnage of foreign ships is to be ascertained under Section 766.

SECTION 766E. (1) The owners of any dock or canal, or any Board of Harbour Commissioners or other harbour authority shall not, where without their actual fault or privity any loss or damage is caused to any vessel or vessels, or to any goods, merchandise, or other things whatsoever on board any vessel or vessels, be liable to damages beyond an aggregate amount not exceeding $38.92 for each ton of the tonnage of the largest registered British ship which, at the time of such loss or damage occurring, is, or within the period of five years previous thereto has been, within the area over which such dock or canal owner or harbour authority, performs any duty or exercises any power. A ship shall not be deemed to have been within the area over which a harbour authority performs any duty, or exercises any powers, by reason only that it has been built or fitted out within such area, or that it has taken shelter within or passed through such area on a voyage between two places both situate outside that area, or that it has loaded or unloaded mails or passengers within that area. M.S.A.1900,Sec.2.

do

(2) For the purpose of this section the tonnage of ships shall be ascertained as provided by Sections 765 and 766 and the register of any ship shall be sufficient evidence that the gross tonnage and the deductions therefrom and the register tonnage are as therein stated.

(3) Section 766A shall apply to this section as if

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123970

the words "owner of a British or foreign ship" included a harbour authority, and the owner of a canal or of a dock,

(4) For the purpose of this section the term "dock" shall include wet docks and basins, tidal docks and basins, locks, cuts, entrances, dry docks, graving docks, gridirons, slips, quays, wharves, piers, stages, landing-places and jetties.

(5) For the purpose of this section the term "owners of a dock or canal" shall include any person or authority having the control and management of any dock or canal, as the case may be.

(6) Nothing in this section shall impose any liability in respect of any such loss or damage on any such owners or authority in any case where no such liability would have existed if this Act had not passed.

(7) The limitation of liability under this section shall relate to the whole of any losses and damages which may arise upon any one distinct occasion, although such losses and damages may be sustained by more than one person, and shall apply whether the liability arises at common law or under any general or private Act of Parliament, and notwithstanding anything contained in such Act.

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Dated April 30th, 1934.

MEMO. OF MARTIN GRIFFIN, K.C.
ON "BILL E" (PROPOSED CON-
SOLIDATED CANADA SHIPPING ACT)
for the use of the Committee
in charge of the Bill.

123971

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123972

Ottawa, Ontario,
May 8, 1934.

113A

Bill "E"
My dear Colleague: Canada Shipping Act

Referring to letter to you dated 30th April from Martin Griffin, K. C., regarding the above Bill, and the lengthy memorandum which he enclosed, I beg to send you herewith for your file copy of my acknowledgment to Mr. Griffin. Mr. Griffin had sent me his letter to you and copy of the enclosure.

Yours very truly.

Hon. Alfred Duranleau,
Minister of Marine,
Ottawa, Ont.

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Copy for McMeighen

I have not heard anything of this since writing! OC

123973

1134

SENATE

CANADA

Ottawa, 17th May, 1934.

Memo for the Minister of Justice.

The Territorial Waters Jurisdiction Act, (Imperial, 1878) was passed to obviate the result of the decision of the Franconia Case (R. v Keyn) in the House of Lords by a majority.

The Act will continue to effect Canada unless Canada repeals and re-enacts it.

Specifically, the Act applies to offences committed within territorial waters on foreign ships or by foreigners. It, therefore, savours more of the Criminal law than of shipping law, although it creates, or declares with relation to, offences which the shipping Act assumes to be offences and concerning which it enacts collaterally upon that assumption.

Should the Act in question be re-enacted by us or not? It need not be re-enacted, but neither need the Imperial Shipping Act of 1894 nor the Admiralty Act of 1890 be re-enacted. (as we are now doing) OC

If the government decides upon re-enactment the re-casting of the English Act to fit Canadian conditions would

be

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123974

THE SENATE
CANADA

be a simple matter. It could be done in a few hours and there could be no contention over any of its seven or eight clauses.

I think that to omit re-enactment would be inconsistent with the prevailing policy as to like Imperial legislation. The Act has a purpose collateral to our Shipping Act, and without Canadian re-enactment of it we shall not have covered the whole field of jurisdiction of Canadian Courts over offenses committed at sea.

(W.F.O'Connor)

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123975

Ottawa, May 22, 1934.

Dear Sir:

Your letter of 16th has been duly received. I am bringing the matter to the attention of the Committee which is dealing with the Shipping Bill, and can assure you it will be very carefully considered at its hands.

Yours very truly.

Mr. E. Read,
National Ass'n. Marine Engineers,
201, 319 Pender St. W.,
Vancouver, B. C.

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CANADA

123976

Ottawa, May 24, 1924.

Dear Sir:

Your letter of 23rd has been duly received. I am bringing the matter to the attention of the Committee which is dealing with the Shipping Bill, and can assure you it will be very carefully considered at its hands.

Yours very truly,

Mr. T. Marshall,
Secretary-Treasurer,
Board of Trade,
Royal Bank Bldg.,
Toronto, Ont.

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Winnipeg, Man. May 25, 1934.

113A.

Rt. Hon. Arthur Meighen,
Senate,
Ottawa .

Dear Arthur:-

I notice that the matter of a Marine Flag for Canada has been engaging your attention in the Senate. I agree with the stand which you took that this matter can very well be left over until the matter of a National Flag is also settled.

With regard to a National Flag, I sometime ago drafted out a suggestionfor a National Flag, a copy of which I enclose to you herewith.

It seems to me that in adopting a National Flag the first thing to retain is a considerable portion of the Union Jack as a back ground. Not to do as South Africa has done, cut the remaining portion of the Union Jack down to a minimum.

The flag which I suggest, uses the Union Jack as the back ground of the whole thing. Then out of the centre of the Union Jack is cut a diamond. That far is easy. But then comes the questions what color shall the body of the diamond be? And what will we place in the diamond? In the sample offered I have placed in the centre, the Coat of Arms of Canada with the Crown, and one large star representing the Dominion and ninesmall stars representing the 9 Provinces. Or we could have a diamond-using one large star and 9 smaller stars, or the Coat of Arms, alone. The Stars would necessarily be white in color. This leaves the body of the diamond to be red or blue. In any event I can see no reason for cluttering up the flag with Maples Leaves or Beavers or any other representative of the animal or vegetable kingdom. Nor can I see any reason for incorporating any French flag in the National flag. If the Canadian Coat of Arms is used, of course, an opportunity would offer for incorporating the thistle, rose, shamrock, fleur-de-lys and maple leaf. But why have any more on the National flag then a Union Jack, with the diamond, one large star and 9 smaller stars. The Marine Flag could be made up from this. The ordinary Marine Flag could have a Maple Leaf superimposed somewhere on the flag. Government ships could have a Coat of Arms superimposed on the flag etc.,

My own preference is for the Stars alone in the diamond. A small Coat of Arms could be placed elsewhere on the flag if it is thought necessary.

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Mr. Meighen: -2- May 25/34.

Some people object to the stars, saying that it is copying the United States too much. I do not see this when the stars are taken in conjunction with the rest of the flag. And If I recollect correctly Australia has made use of stars in connection with some flag that it uses. If the stars only are used, the body of the diamond could be bright blue or red, or in the National Flag one color and in the Marine flag the other.

I do think we should adopt a National flag, but in adopting it, we should retain the Union Jack as the back ground of the flag. The diamond with the stars seems to me to be a pretty simple flag.

With best wishes for your good health,
I remain,

Yours sincerely,

J G Harvey

JGH)
encls.

410 Somerset Building.

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P3978

May 26, 1934. 113A

Senator the Right Honourable
Arthur Meighen, P.C.,
Parliament Buildings,
Ottawa, Ont.

Dear Senator Meighen:

Please accept thanks for your favour of the 24th instant, in acknowledgment of my letter of the 23rd regarding Section 367 of the new Shipping Act.

Yours very truly,

T Marshall

TM/MP

Secretary-Treasurer.

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THE MONTREAL CITY & DISTRICT SAVINGS BANK

PRESIDENT'S OFFICE

28th May/34

My dear friend

I take for granted that the Shipping Bill will be reported tomorrow and will come up for discussion on wednesday.

I will be unable to go to Ottawa tomorrow but I will be there wednesday morning.

Cowgain will have the floor tomorrow. I hope to hear you when

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You speak on the League
Wednesday or Thursday

Yours very truly

R. Borden

Rt Hon. Arthur Meighen
The Senate

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123982

113A

Ottawa, 29th May, 1934.

Martin Griffin, Esq., K.C.,
Vancouver, B.C.

Dear Mr. Griffin:

The representations made by you some time ago respecting Bill C, An Act respecting Admiralty, as it was originally introduced in the Senate, were to a great extent anticipated by a revised Bill C which was in Committee at the time when your representations came to hand. This letter, however, is to assure you that all matters raised by you which then remained undisposed of were brought up and dealt with. In some cases your views were accepted. In others they were not. For example, the office of the words of section 12 of the Act relating to Ontario, which words you mentioned, being merely to change the name of the Toronto Admiralty District, it was considered that like words are not needed with relation to the other provinces.

Also, Admiralty Courts being Dominion Courts, it is intended that any barrister or solicitor of any pro-

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vince shall have right of audience before any Admiralty Judge in any province.

Also, as section 49 of the Act preserves the title in mortgagors all mortgagors are owners and, as to questions involving title must always be owners if, and for so long as they remain, mortgagors. The mortgagee, as such, never is anything else than a secured money lender or money value provider.

The Committee did not retain the original section 18 but substituted for it a section which, as finally revised, met with the approval of all those who appeared representing the shipping and other interests.

Section 21 of the original Bill relating to Maritime liens, which was criticised by you, was dropped in the revised Bill.

Please accept my thanks for your suggestions.

Yours sincerely,

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123984

Ottawa, 29th May, 1934.

The National Association of
Marine Engineers of Canada, Inc.,
Council No. 7,
Rooms 201-202, 319 Pender St. W.,
Vancouver, B.C.

Dear Sirs:

Your circular letter of 16th instant is to hand. The subject matter is not one that comes within the purview of my duties, but as I note that a copy of the letter has also gone to the proper minister of government it will be enough for me to say that I hope to hear of the matter again. Naturally I sympathize with those who suffer from the described conditions, but whether the remedy is or is not obtainable by means of a commission of inquiry is not for me to decide.

Yours faithfully,

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PHONE: TRINITY 6430

E. READ, *Secretary*
PHONE: NORTH 602

123985

National Association of Marine Engineers of Canada

(INCORPORATED)

COUNCIL No. 7

Meetings every Friday Evening,
Except—May, June, July, August, September and October
Second and Fourth Fridays at 8 p.m., sharp

Rooms 201-202, 319 Pender Street, West.

Vancouver, B.C. May 16th 1934.

Mr. O'Connor

Rt. Hon. Arthur Meighen,
Leader of the Senate,
House of Commons,
Ottawa, Ontario.

Dom Parlt. cannot control the matter of wages generally but could on shipping policy only involved. Letter asks only for a Commission of enquiry

OC

Dear Sir:-

As the Secretary and Business Representative of the above branch of the National Association of Marine Engineers of Canada Inc., I have been directed to notify you of two conditions prevailing in the steamship industry of the Pacific Coast of Canada, and to solicit your vigorous intercession on their behalf.

(1) Marine Engineers employed on approximately (40%) forty per cent of all coasting vessels are compelled to work (12) twelve hours per day, practically every day in the year, while other workers on shore invariably work (8) eight hours per day and enjoy Sunday freedom.

(2) Salaries of Marine Engineers are scandalously small on some of said vessels, and when computed on an hourly basis returns a wage as low as (28¢) twenty-eight cents per hour. In addition to which, said employees receive their board for which the Federal Government allows ($1.00) one dollar per day, which brings the hourly rate to (36¢) thirty-six cents; this is of coarse the lowest rate paid for Marine Engineers in B.C., but we consider that the hours should be confined to an (8) eight hour day and that a minimum wage should be established by the Dominion Government, as they are the only authority, with the power to deal with shipping.

In conclusion I am directed to explain these conditions are creating discontent, which cannot be expressed at present owing to the disastrous economic situation of which undue advantage has been taken, which naturally tends to swell the ranks of a third Political Party, which thrives on maladjustments.

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In consideration of this most unjustified situation, we earnestly appeal for the appointment of a Commission of Enquiry to devise ways and means of establishing a minimum wage and a shorter work period for Seamen.

In anticipation of your sympathetic consideration.

We remain,

Yours respectfully,

N.A. of M.E. of Canada Inc.,

Per----------
Secretary Council #7.

ER/HN

c.c. Premier R.B. Bennett.
c.c. Hon. H.H. Stevens.
c.c. Hon. Alfred Duranleau.
c.c. Hon. W.A. Gordon.

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123987

Ottawa, 29th May, 1934.

His Honour
Frank H. Field
Local Judge in Admiralty
Toronto, Ont.

Dear Judge Field:

Recurring to your letter of April 30th last re Bill C of the Senate, an Act respecting Courts of Admiralty, for which letter please accept my thanks, this is to say that consideration of the Bill was completed in the Committee on Banking and Commerce on Thursday last and it emerged from that Committee so phrased as to meet with the concurrence in all respects of such shipping and other interests as had made representations relating to it. I feel assured that the Bill as it will be reported to the Senate will be satisfactory to you as well.

Re your suggestion that a fee be paid to Mr. Wilkinson, with whom you consulted, this, for several reasons, cannot be done. In the first place, in the absence of authority in the Senate to employ

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him, apart from the fact that he was not so employed, there is no fund out of which he could be paid. In the next place he is merely one of very many who have by their advice assisted, in the general interest and without expectation of reward, in the production of a satisfactory Admiralty Act. Finally, Mr. Wilkinson was before the Committee as the representative of shipping interests named by him, wherefore he would not desire, as I am sure, that any payment of the nature suggested without his knowledge by you should be made to him.

Yours sincerely,

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THE EXCHEQUER COURT OF CANADA

IN ADMIRALTY
Toronto Admiralty District.

Toronto, April 30th 1934.

The Right Honourable Senator Meighen, K.C.
Leader of the Senate,
Ottawa, Canada.

Dear Senator Meighen: Re: Bill "C", entitled an Act respecting Courts of Admiralty.

Since receipt on or about March 1st of Mr. A.H.Hinds' letter No. 1254, requesting comments on the legislation proposed by the above Bill, I have made several attempts, thwarted by pressure of judicial work here, to confer with the learned and experienced Registrar of the Toronto Admiralty District, Colonel John Bruce, (who has had nearly half a century of experience in Admiralty matters), and members of the Bar of Toronto who practice in Admiralty.

I have had recently placed before me a letter addressed to the Honourable Senator Black, by Mr. Frank Wilkinson, of the 19th of April, and a letter to the Honourable Senator Black from Mr. R.J.R.Nelson, President of the Halifax Board of Trade, dated the 23rd of April 1934, copies of which I attach hereto in order that I may make sure of their comments coming to your personal attention. From my experience in these matters of a good many years at the Bar and my later judicial experience since my appointment as Judge of the Toronto Admiralty District in December 1932, I commend these comments for your favorable consideration. I think you will be convinced from perusal of these letters that they should not be put aside as mere casual comments, but considered as really serious efforts to assist the Committee and incidentally to get the Admiralty practice in the various Provinces of Canada (other than Alberta and Saskatchewan) assimilated and brought up to date. I am convinced that that much desired object cannot be accomplished unless

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the Act contains within itself all of the provisions whereby a young lawyer can readily know how to conduct proceedings in Admiralty. These purposes will I think be defeated if we have to search diligently in Imperial Statutes or in the Imperial Acts for the legislation governing our proceedings.

I haven't received a copy of the re-draft of your Bill, which is discussed in these letters. Mr.Wilkinson tells me that he has been in Montreal,conferring with members of the Bar there on this subject,and they appear to be in favor of the original Bill,a copy of which was sent to me by Mr.Hinds, as does also the Halifax Board of Trade. I have had the advantage also of going over these matters with Mr.F.H.Barlow K.C.,of the Toronto Bar,who does a great deal in Admiralty, both as a principal and as agent for solicitors in practice in this Court at Kingston,Windsor and other points in Ontario.

There is of course much to be said I suppose,in favor of legislation following somewhat closely the Imperial Statutes,but conditions here,with such extensive navigation in the inland lakes,are so different, that I don't see how we can slavishly adhere to Imperial Statutes. Claimants should not be hampered in their litigation by localized jurisdiction too much. Consider for instance litigation in which Canada Steamship Lines are concerned,with their Head Office in Montreal. The Ontario Court (known technically as the "Toronto Admiralty District") should,for the convenience of the litigants,have jurisdiction. This Court,in respect of cargo damage claims,should I think have jurisdiction in actions in personam corresponding to similar jurisdiction in our County Courts and Ontario Supreme Court.

I have not, at the moment of writing,had the opportunity I desire of fully exhausting the subject with Colonel Bruce, but hope to have a chance to do so before sending this letter

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THE EXCHEQUER COURT OF CANADA

IN ADMIRALTY

on to you. This I may be able to do tomorrow, as no doubt it is important that there should be no further delay in offering my comments.

Very truly yours,

Frank M. Field
L. J. A.

N.B. May 1/34. Having held ~~this~~ over for submission to Col. Bruce, I now forward it approved by him. F.M.F.

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ROWELL, REID, WRIGHT & McMILLAN
TORONTO

123992

, 19th April, 1934.

The Honourable Senator Black,
Chairman Senate Committee on Banking
and Commerce,
The Senate,
Ottawa, Can.

Dear Sir:- Re - Bill "S" respecting
Courts of Admiralty.

We have now had an opportunity of considering the above Bill with proposed amendments, and of discussing the matter with some of our clients and we take the liberty of submitting the following comments to you.

Dealing with the question of jurisdiction, we feel that the Bill as originally prepared answers the requirements of the circumstances better than the amended form. The English jurisdiction, built up as it is from many years of case law, both on the maritime and common law sides, and to some extent altered by statutes enacted from time to time, is not entirely clear. In some cases it is difficult even for solicitors continually practising in the Admiralty Courts definitely to ascertain the English law, and if practitioners not familiar with admiralty matters are faced with involved questions of jurisdiction, the proposed amendment will present a difficult situation. Moreover, matters involving vessels and cargoes frequently concern large

G. & T.
6183

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The Honourable Senator Black. 19th April, 1934.

amounts and of necessity Masters must be in a position to deal with them speedily, and must be familiar in a general way at least, with the law. There are few cases of emergency which arise at the home port of the vessel and a large number are bound to face the Master at places where it is difficult to get in touch with his manager or with a solicitor who has knowledge of Admiralty matters and procedure.

It is our feeling that the jurisdiction should be set forth in such comprehensive form that it may be readily understood by shipowners, cargo owners and masters alike, and we feel that if this result were accomplished much expensive and useless litigation would be avoided. We would respectfully urge that the jurisdiction of the Admiralty Court be set out in as concise form as possible.

If for any reason this is not desirable, might we respectfully suggest that the situation would be clarified considerably if the original Section 18 were to be included as an additional sub-section in the amended draft to specify those matters without limiting the generality of sub-sections 1 and 2.

Our clients, who include several of the Canadian Lake carrying companies, request us to urge that no right

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The Honourable Senator Black. 19th April, 1934.

of arrest be granted in respect of claims relating to the carriage of goods in a vessel or in tort in respect of goods carried where any owner or part owner of a ship is domiciled in Canada. They feel that they would prefer that the Court be given jurisdiction to deal with actions brought in personam in respect of these matters.

If the Exchequer Court is given jurisdiction in personam, claimants will have sufficient protection, because execution can be levied in any province. In all our practice we know of no case where cargo interests have failed to obtain satisfaction of any judgment obtained for cargo loss.

Moreover, it is true that almost invariably the cargo is insured and as the real plaintiff in any action is an underwriter, the cargo owner himself is put to no inconvenience.

The whole trend of British and Canadian legislation has been to develop shipping and the present proposal to allow a right of arrest where cargo loss is alleged is in derogation of that trend.

The urgency for a right of arrest does not appear. There is seldom, if ever, a case where it is desired to arrest a vessel promptly on her arrival at port. The usual procedure requires survey of damage, investigation of cause

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The Honourable Senator Black. 19th April, 1934.

and ascertainment of amount, and in practice there is usually a considerable time, frequently extending over many months, which elapses between arrival of the ship at destination and the commencement of any proceedings. The need for urgency, therefore, is not clear.

The right of arrest would place on the shipowner the burden of procuring and filing bonds, and as nearly every instance of cargo damage involves considerable dispute as to cause and as to the right of the carrier to exemptions by reason of the common law or by statute, and as the question of amount of damage is usually in doubt, we do not see why the shipowner should be forced to the inconvenience and expense of filing a bond, possibly in some faraway port where he has no representative agent.

The form of the amended bill would seem to confer a right of action in rem, with the resulting right to arrest, where the vessel is out of the district or registry where her owners are domiciled, while no right of action, either in rem or in personam, is granted in that district or registry where the owners are domiciled. We would submit that this provision would tend to force litigation out of its proper district, and would inevitably result in the carrier being forced to defend an action in rem in some province other

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than where he carries on business. It seems to us that the provision as at present before you, places an unnecessary burden on water carriers, particularly those engaged in trade on the Great Lakes and St. Lawrence River.

We would respectfully submit that the Court be given jurisdiction in personam only, to deal with claims relating to the carriage of goods in a vessel or in tort in respect of goods carried, where any owner or part owner of the ship is domiciled in Canada, at least with respect to vessels operating on the Great Lakes and St. Lawrence River.

May we, with respect, urge also that a similar jurisdiction be conferred on the Court to deal with claims arising out of General Average. Such claims involve the same questions as those that arise out of cargo damage and in our view, it is desirable that the same jurisdiction apply to both types of claim.

We note that the definition of Maritime Liens has been deleted in the amended Bill. It is our understanding that the definition as originally submitted, is that adopted at an International Convention to avoid conflicting decisions in the various countries concerned. Might we suggest that for the same reason, it would be desirable to adopt a defi-

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The Honourable Senator Black. 19th April, 1934.

nition in our Admiralty Courts Act, adapted as may be necessary, to our local needs. Such a provision would have the effect of avoiding questions arising where any of the provinces have enacted legislation which might attempt a definition. We have reference particularly to the Province of Quebec.

We shall appreciate any consideration which your Committee may be able to give to these points.

Yours very truly,

FW*OS

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Board of Trade
(Coat of Arms)
Halifax, N. S.

123998

April 23, 1934.

Copy for your information

Honourable F. B. Black
Chairman,
Standing Committee on Banking and Commerce,
The Senate,
OTTAWA, CANADA.

Dear Senator Black: Re BILL "C" entitled "An Act Respecting Courts of Admiralty"

I have your letter of April 12th enclosing proof copy of reprint of Bill "C" as proposed to be amended, and asking me to forward you the views of the Halifax Board of Trade on the changes proposed to be made from the Bill as originally introduced.

The letter which I am now writing you has been considered at a full meeting of the Council of the Halifax Board of Trade and has its approval.

The Halifax Board of Trade has already considered the provisions of Bill "C" in the form in which it was originally introduced, giving particular consideration to the provisions of Section 18.

The Board has now considered the provisions of new Section 18 as contained in the reprint of the Bill and desires to urge upon the Committee that the provisions of Section 18 of the original Bill should be restored with two amendments which will be mentioned in a later part of this letter.

The reasons for the Board so recommending to your Committee

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may be summarized as follows:

1. The original Section 18 contains a simple and complete code of Canadian Admiralty Court jurisdiction on all important matters, which all Canadians can understand, and a code to which all Canadians and foreigners have access if they have a copy of the Statutes of Canada.

2. That legislation by reference to the Statutes of the Parliament of another member of the British Commonwealth of Nations is inconvenient and is not in accord with the dignity and status of Canada as an important member of that Commonwealth.

3. That the original Section 18, with the amendment later in this letter to be suggested, preserves the uniformity with the legislation of the United Kingdom and of other parts of the British Commonwealth, except in certain matters of purely local and domestic interest, as recommended by the Imperial Conference, 1930. It is in fact a reproduction (with certain necessary changes in respect of matters of purely local and domestic interest) of Section 22 of the English Act.

4. That one of the greatest objections to the operation of the Colonial Courts of Admiralty Act in Canada was that it substituted "England and Wales" for Canada in all Imperial Statutes relating to Admiralty jurisdiction. The effect of this was to prevent many actions, either in rem or in personam, from being brought in Canada if there was an owner or part owner domiciled in Canada. In consequence, such actions

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to be effective had to be brought in the common law courts of the Province in which the ship owner resided, although the cause of action arose in another Province. Such legislation might be suitable for a small country like England, but was totally unsuited for a country under a federal constitution like Canada and where each Province has its own separate and independent common law courts.

5. That under the scheme worked out in the original Section 18, combined with Section 20 of the original Bill as later revised and as it now appears in Section 20 (e) and (f) and Section 30 of original Bill (Section 27 of revised Bill) an action in personam could be brought in the Admiralty Court in all matters of Admiralty jurisdiction, in the Province in which the cause of action arose, and execution could be issued through the central registry at Ottawa, in the Province in which the defendant resides or owns property.

This is a marked improvement on the situation which existed under the Colonial Courts of Admiralty Act and will greatly improve the status of Admiralty Courts in Canada, as it will permit all actions in personam to be tried in the proper court, which is the Admiralty Court, and by judges trained in Admiralty law and procedure, and the judgment of the Court is made enforceable throughout Canada.

The proposed revised draft of Section 18 does not permit such actions in personam in certain cases.

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6. That under the provisions of the original draft of Section 18 an action in rem could be brought, and the ship arrested, in all cases of Admiralty jurisdiction except as provided in sub-paragraph (vi) in respect of

> "(vi) Any claim
>
> (1) Arising out of an agreement relating to the use or hire of a ship; or
>
> (2) Relating to the carriage of goods in a ship; or
>
> (3) In tort in respect of goods carried on a ship;
>
> provided that no action in rem in respect of any such claim may be brought against a ship if at the time of the institution of the action any owner or part owner of such ship is domiciled in Canada;"

The Halifax Board of Trade have considered carefully this sub-paragraph of the original Bill from all angles and strongly recommend that it should be put back in the Bill in place of the provisions of subsection (3) of the proposed revised Section 18, for the following among other reasons:

> (a) Because this jurisdiction is new and untried in Canada, as it was decided by the Privy Council in the case of the Woron that the English Acts of 1920 and 1925, which embodied this law, were never in force in Canada.
>
> (b) Because under the scheme of the original Section 18 an action in personam could be brought in all such cases in the Admiralty Court, and in practically all disputes about cargo, payment of any judgment in personam is assured because almost universally the cargo is insured, and the insurance company will pay the judgment.

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(c) Because so many disputes, many of them small, arise in respect of the carriage of goods, and a Canadian shipowner should not have his ship subjected to arrest and consequent delay in such cases, and particularly so when there is no evidence that Canadian shipowners have ever evaded or refused payment of such claims in past years. It should certainly be sufficient in any event that he is now to be subjected to an action in personam in all such cases.

(d) Because the proposed revised Section 18 may cause great hardship and delay to Canadian ships and particularly to Canadian ships engaged in the coasting trade of Canada.

(e) Because the proposed revised section which prevents arrest of the ship in cases where the owner or part owner is domiciled in the Province in which the writ is issued, is of no real protection to a Canadian shipowner, particularly one engaged in the coasting trade, as such ship, under the provisions of the proposed new section, can be arrested in the adjoining or in any other Province. This, indeed, would involve greater hardship than if the ship was arrested in his own Province, as it would force him to defend the action in a Province other than that in which he resides, although the cause of action arose and all the witnesses may reside in his own Province.

7. An action for necessaries is in an entirely different class. Such actions are for a liquidated amount, usually not in dispute, and a shipowner should in all cases pay his accounts for necessaries before a ship leaves port. If he does not do so, his ship should be subject to arrest, whether the owner resides in the Province in which the ship is arrested or resides in any other part of Canada.

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8. The revised Section 18, as explained in the side notes to the revised Bill, apparently assumes that reciprocal legislation, or legislation in aid, from the United Kingdom is necessary before the Parliament of Canada can confer full and complete jurisdiction on its own Admiralty Courts.

The Halifax Board of Trade are of the opinion, upon advice of their legal advisors, that under the Statute of Westminster Canada has now as full and complete authority to confer jurisdiction upon its own Admiralty Courts as has the Parliament of the United Kingdon and that no legislation in aid or reciprocal legislation is necessary.

Nearly sixty years ago, when Canada was an infant nation ten years old, the Supreme Court of Canada decided in the case of the "Picton" that the Parliament of Canada had full and complete power and authority to establish its own Admiralty Courts and to confer Admiralty jurisdiction on such Courts. With the development of Canada as an autonomous nation during the past sixty years, culminating in the passing of the Statute of Westminster in 1931, it is respectfully submitted that it cannot be argued that Canada has not now full and complete power to confer upon its courts jurisdiction in all cases over Admiralty matters, which would, of course, be exercised subject to the principles of international law and the comity of nations.

Any other suggestion would put Canada back to the colonial stage.

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The Halifax Board of Trade is on record in its approval of the original draft of this Bill of having Admiralty law and procedure in Canada uniform with that of Great Britain and of the other Dominions, except in matters of purely local or domestic interest.

Uniformity is extremely desirable and important in the interest of Empire Shipping, but it is respectfully submitted that it is not necessary for Canada to have to ask for legislation in aid, or reciprocal legislation, from Great Britain to enable the Parliament of Canada to enact laws and to enforce the decrees of a Canadian Admiralty Court, in an action in rem, against any ship which may be arrested in its waters, whether the ship be British, Canadian or foreign (except a government ship), no matter where the cause of action arose. This is the right and privilege of every Admiralty Court in the world.

Reciprocal legislation will be necessary in the case of a government owned ship but the Bill does not apply to government ships. The United States, for instance, has passed an Act permitting arrest of U.S. government ships by the subject of a foreign state, provided such foreign state permits citizens of the United States to arrest government ships belonging to that foreign state. Neither Great Britain nor Canada has as yet enacted similar legislation.

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It is respectfully submitted that reciprocal legislation, of such type and in respect only of government ships - and in the case of Great Britain and of the other Dominions in respect of prize which really relates to government ships - is the only kind of reciprocal legislation which Canada may at any time desire or require.

We have mentioned in an early part of our letter that we intended to suggest some amendments to Section 18 of the original draft of the Bill. These are as follows:-

Clause 18 (1) (a) (xi) of the original Bill which gives jurisdiction to the Admiralty Court to "any claim for building, equipping or repairing a ship" should be amended by adding thereto the following words:

> "provided that no action in rem in respect of any such claim may be brought against a ship, unless at the time of the institution of the proceedings, the ship is, or the proceeds thereof are, under the arrest of the Court."

Under the section so amended, an action in personam can be brought for building, equipping or repairing a ship in all cases. An action in rem, however, cannot be commenced for repairs, etc., unless the ship is in financial difficulties and other bona fide actions have been brought against such ship.

This would bring our law exactly in line with the practice in the Admiralty Division in the High Court in England. Under the English Act, presumably in order to encourage ships to

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have repairs made in England, it is provided that a ship will not be arrested or detained for such a claim unless the ship gets into financial difficulties. It would seem to be in the interests of Canadian Shipyards to follow the English precedent and not to permit the arrest of a ship for repairs except under similar circumstances, as otherwise contract jobs for repairs may not be made in Canada because of the liability of the ship being arrested. The shipbuilder, both in England and in Canada, has always a possessory lien which enables him to retain possession of the ship, if he so desires, until his bill for repairs is paid, and this is usually regarded as sufficient protection.

There can, however, be no objection to an action in personam in all such cases in the Admiralty Court as the proceedings would be exactly the same as in a similar action in the Supreme or Superior Court, and this should be permitted in order to permit a judge with knowledge of ships and shipping to decide disputed cases.

It is also suggested that cases of prize may also be omitted from Section 18 as it will be necessary for Canada to pass a Prize Court Act in the near future. In the meantime, jurisdiction in prize is preserved under the general clause Section 18 (1) (b) of the original Bill "C"

Does not much concern Ontario

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124007
Hon. P.C. Black

which retains the jurisdiction in prize contained in the Colonial Courts of Admiralty Act.

All of which is respectfully submitted for the consideration of the Standing Committee on Banking and Commerce in the Senate of Canada.

Yours faithfully,

(SGD) R.J.R. NELSON

President.
HALIFAX BOARD OF TRADE.

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124008

Ottawa, 29th May, 1934.

T. Marshall, Esq.,
Secretary-Treasurer,
The Ontario Associated Boards of
Trade and Chambers of Commerce,
Royal Bank Building,
Toronto (2) Ontario.

Re Bill E of the Senate
The Canada Shipping Act.

Dear Sir:

I duly received your letter of May 23rd. The subject matter is not one that is within the power of the Senate to provide for in Bill E, which is a consolidation of Canada's Shipping laws, but, as your enclosure to me states, the proposition that hospitalization facilities beyond those which are provided for in the Sick Mariners provisions of Bill E [which are those of existing legislation] should be provided for the great lakes of Canada has been already presented to the government. These Sick Mariners provisions are administered by the Department of Health. I brought your letter before the Committee that had Bill E in charge and was informed that that Department was studying the matter but did not expect to be able to do anything concerning it this year, as, to put the proposition into

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effect would entail the organization of a new and more expensive system rather than an extension of that which is now operative.

Yours truly,

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124010

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C. W. WRIGHT, HAILEYBURY

May 23, 1934.

Senator the Right Honourable Arthur Meighen, P.C.,
Parliament Buildings,
Ottawa, Ont.

Dear Senator Meighen:

In connection with Senate Bill E - "An Act respecting Shipping" - which we understand is now being discussed by the Senate Committee on Banking and Commerce, I am taking the liberty of sending you herewith copy of a communication received by this Association from the Canadian Navigators' Federation, asking that similar protection in cases of sickness be accorded sailors on the inland lakes as is proposed in the new Shipping Act, (I take it proposed section 367 and other related sections of Part VI) for mariners in ocean-going or foreign ships.

The matter may have already been brought to your attention, but in any event we would bespeak your good offices in giving the request of the Federation the consideration which, in your judgment, it merits.

Yours very truly,

T. Marshall

Secretary-Treasurer.

TM/MP

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(COPY) 124011

CANADIAN NAVIGATORS' FEDERATION, INC.

Great Lakes Division

Head Office:
160 Evelyn Avenue
Toronto, Ontario

Capt. H. S. Davidson
President

Capt. F. J. Davis
Secretary

April 18, 1934.

M. P. Byrnes, Esq.,
President,
The Ontario Associated Boards of Trade
and Chambers of Commerce,
Collingwood, Ont.

Dear Sir:

The Canadian Navigators' Federation has for a number of years petitioned the Government to extend the Sick Mariners' Fund to take in the Great Lakes as well as the Coast and the St. Lawrence River ports, but as yet no action has been taken although the Department appear favourably impressed.

Each ship trading Foreign or in the Coast trade makes three payments yearly of 2 cents Net registered tons, and thus provides for medical care and hospital for all the seamen; this, however, only applies as far as Montreal.

On our Great Lakes, the Workmen's Compensation Act is effective, but takes care of accidents only, while in cases of sickness there are no provisions made and men who become ill are often either taken care of by the good graces of the steamship companies or become a public charge of the municipalities where they are put ashore.

We believe the same protection should be extended to the Lakes as that enjoyed on the Coast when men without funds will receive proper medical and hospital care and the municipalities be relieved of any responsibility.

We would greatly appreciate any assistance your Association could give to have these benefits extended to our Lake men.

Yours truly,

(Sgd.) F. J. Davis

GRAND SECRETARY.

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124012
113A

Ottawa, 29th May, 1934.

W. Stuart Edwards, Esq., K.C.,
Deputy Minister of Justice,
Ottawa.

Dear Mr. Edwards: Re Bill C. An Act respecting Courts of Admiralty.

You wrote me on April 30th enclosing copy of despatch No. 17 dated 27th April, 1934, from the High Commissioner, with copy of a memorandum concerning Bill C.

Section 21 of that Bill, to which the despatch and memorandum refer, was dropped before receipt of either. It does not appear in the Bill now before the Senate.

I presume that the High Commissioner has been so advised. In any event I think that he should be so advised.

Yours truly,

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124013

ELJ.

OTTAWA, April 30, 1934.

Re: Bill C -"An Act respecting Courts of Admiralty".

Dear Senator Meighen,

I beg to enclose herewith for your information copy of despatch No. 17 from the High Commissioner for the United Kingdom to the Secretary of State for External Affairs, dated 27th April, 1934, together with copy of the memorandum with regard to the above named Bill, therein referred to.

"ENC."

Yours truly,

W. Stewart Edwards

D. M. J.

The Right Honourable Arthur Meighen, K.C., P.C.,
Leader of the Government in the Senate,
O t t a w a.

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Copy

124014

Office of the High Commissioner
for the United Kingdom,
OTTAWA.

No. 17.

The High Commissioner for the United Kingdom presents his compliments to the Secretary of State for External Affairs, and, with reference to his note No. 15 of the 10th April, has the honour to transmit, herewith, a memorandum dealing with certain points of difference between Clause 21 of Bill C. respecting Courts of Admiralty and the present law of the United Kingdom on maritime mortgages and liens.

His Majesty's Government in the United Kingdom much appreciate the fact that the provisions of Bill C have been designed to meet their views as set out in despatch No. 38 of the 29th January from the Secretary of State for Dominion Affairs. They still fear, however, that certain difficulties might arise under those provisions of the bill affecting the very technical points dealt with in the enclosed memorandum.

In these circumstances and having regard to the common view of the United Kingdom and Canadian Governments as to the desirability of maintaining, so far as possible, substantial uniformity in the legislation of this nature in the United Kingdom and Canada, the United Kingdom Government trust that the Canadian Government will find it possible to omit Clause 21 from Bill C and

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124015

to defer legislation on the particular points dealt with therein until it is possible for full consultation to take place in the circumstances indicated in paragraph 3 of the Secretary of State's despatch of the 29th January.

27th April, 1934.

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Copy 1

124016

MEMORANDUM as to certain points of difference between Clause 21 of Bill C respecting Courts of Admiralty and the present law of the United Kingdom regarding maritime mortgages and liens.

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(1) Under United Kingdom law a maritime lien attaches only to a ship and her freight; the addition of "accessories", as defined in Article 4 of the maritime mortgages and liens convention and sub-section (3) (a) of clause 21 of the Bill - is a new departure.

(2) Clause 21 of the Bill creates certain new maritime liens:-

(a) for Court fees and other costs in arresting and selling the ship. There is no maritime lien for these under the present law of the United Kingdom, though it is true that once a ship has been arrested, the ship, or its equivalent in money, is throughout under the control of the Court, and the Court almost invariably orders that the Court fees and costs shall be a first charge on the proceeds of the ship or the fund in court.

(b) for tonnage, dock and harbour dues, light dues and pilotage dues. There is no maritime lien for these under the present law of the United Kingdom, although provision for recovery of these dues is made in various Acts of the United Kingdom.

(c) in respect of claims under a contract of service. While a seaman has a maritime lien for his wages by the Law of Admiralty and independently of statute, a lien of the nature in question would greatly extend the class of claims in respect of which the lien at present arises.

(3) The convention and Clause 21 of Bill C make drastic alteration in the order of priority of the existing liens.

27th April, 1934.

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124077

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C. W. WRIGHT, HAILEYBURY

June 1, 1934.

113 A

Senator the Right Honourable
Arthur Meighen, P.C.,
Parliament Buildings,
Ottawa, Ont.

Dear Senator Meighen:

Re Senate Bill E
The Canada Shipping Act

This will acknowledge receipt of your further communication of the 29th ultimo, in response to my letter of the 23rd, and I beg to thank you for the information contained and for your courtesy in the matter.

I am taking the liberty of sending a copy of your letter to the Canadian Navigators' Federation for their information.

Yours very truly,

T. Marshall

TM/MP

Secretary-Treasurer.

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124018

347 Bay St. Toronto,
June 2, 1934.

113A

Dear Mr. Briggs;

I have your letter of 29th regarding radio operators on ships. Any communication now should be addressed to the Hon. Mr. Duranleau, Minister of Marine, as theBill is now before the House of Commons, having already passed the Senate.

Yours very truly,

Arthur Meighen.

Mr.G. H. Briggs,
Jarvis, Ont.

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124019

Jarvis, Ont.
May 29 1934

Hon. Senator Meighan
Parliament Bldgs.
Ottawa, Ont.

Dear Sir;

I am taking the liberty of writing you regarding your proposal regarding wireless operators on the great lakes.

I noticed in the paper that the shipping men had protested against your proposal to place two radio operators on lake ships, on the ground that it would entail an additional expense of $300 per month.

I have held a radio certificate since 1925 and operated on the lakes in 1925 and 1926. At that time wages for radio operators working for Marconi company and placed by them on lake ships, was $70 per month. At no time have I ever heard of any shipping concern paying as high as $150 per month. Of later years the wages have been further reduced and radio installations taken off ships on the lakes until today it is nearly impossible for a radio man to obtain a position.

As a safety factor radio is a vital necessity on ships of the Great Lakes, especially in the early spring and late fall. The ship owners have ships and cargoes insured, but evidently do not consider it worth while to maintain the safety of their crews by carrying a radio operator. Your proposal to force them to carry two operators would certainly do a great deal to relieve the present distress of our profession and also would be a wonderful safeguard to the lives of the men aboard the ships. Each ship should carry two operators in the late fall, maintaining a constant watch. In the summer months one operator, would probably be sufficient to cover any needs of the shipping companies and to maintain an efficient safety margin.

Thanking you for your interest in the matter and hoping that this information may be of some value to you in your endeavor to aid us, I remain

Very truly yours

G.H. Briggs

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124020

June 5, 1924. 113A

Dear Sir: Re Bill E. The Canada Shipping Act.

Your letter of 1st addressed to Mr. Meighen has been duly received. I regret that I omitted to send you copy of his letter to the Officers (Merchant Navy) Federation of Canada and The National Seamen's Association, and am now enclosing same.

Will you kindly return the copy of Mr. Meighen's letter to you which was sent in error.

Yours very truly,

Private Secretary.

Hon. Alfred Duranceau,
Minister of Marine,
Ottawa, Ont.

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124021

CANADA

MINISTER OF MARINE

PERSONAL

Ottawa, June 1st, 1934.

Dear Mr.Meighen,

Re Bill E. The Canada Shipping Act

I acknowledge receipt of your letter dated May 29th, together with communication from the Officers (Merchant Navy) Federation of Canada and The National Seamen's Association. I wish to draw your attention to the fact that the copy of your reply to these people, to which you refer in this letter, was not enclosed but you sent me instead copy of your letter to me. I would infer this is due to a mistake.

Yours very truly,

Alfred Duranleau

The Right Honourable Arthur Meighen,
Leader of the Senate,
The Senate,
Ottawa, Ont.

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3A
124022

Ottawa, 29th May, 1934.

The Officers (Merchant Navy) Federation of Canada,
and the National Seamen's Association,
715 Common Street,
Montreal, Canada.

Dear Sirs:

I have just now received your letter of the 23rd instant.

The Shipping Bill that has been before the Senate is a consolidation of the laws relating to shipping which has been made and presented for enactment by the Department of Marine.

I need hardly assure you that your letter was of interest to me or that, did time and the circumstances permit, I would ask the Department of Marine to state to the Committee on Banking and Commerce its views as to the matters raised by you. The Bill, however, is now out of the Committee and, as I expect, it will be in the House of Commons tomorrow. Apart from this, the subject matter of your letter is peculiarly for the Department of Marine, and through that Department for the Government and it ought not to, even if it

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(2)

could, be dealt with originally by the Senate.

In the circumstances, therefore, I have done all that I can do in that I have forwarded your communication to the Department of Marine for its consideration whether it be possible to recommend to the House of Commons while the Bill is before that House any course of action designed to comply with your requests.

Yours faithfully,

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124021 3 A

June 5, 1934.

My dear Judge Stewart:

I just received your letter of 31st. I expect to be here, Tuesday, Wednesday and Thursday of each week so that if you are in the City there will be little difficulty in seeing me.

I might mention, however, that the Admiralty Bill in which I believe you are interested has now passed the Senate and is before the House of Commons. It is entirely now for the House of Commons to decide as to any amendments to that measure. The Bill, I would presume, would be in charge of Hon. Mr. Duranleau.

Yours very truly,

His Honour, Judge W.S. Stewart,
The Charlottetown Club,
Charlottetown, P. E. I.

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124025

The Charlottetown Club
CHARLOTTETOWN
P. E. I.

May 31st 1934.

The. Rt. Hon. Arthur Meighan,
The Senate, Ottawa.

Dear Mr Meighan,

It is my intention to be in Montreal on the eleventh and twelfth of June and I would like while there to run up to Ottawa and will do so if you can make it convenient to give me a short interview.

I would appreciate hearing from you as to what time will be convenient so that I may make my arrangements accordingly.

Yours very truly,

W. S. Stewart

W. S. Stewart.

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124026

Ottawa, June 12, 1934.

113A

My dear Judge Stewart:

I have your letter of 8th.

Would think it very difficult for the Government to hold up the legislation for two years, as there has to be an Admiralty Act in effect. However, I will bring the subject matter of your request to the attention of the Minister.

Yours very truly,

His Honour, Judge W. S. Stewart,
Charlottetown, P. E. I.

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124027

Ottawa, Ont.,
June 12, 1924.

My dear Mr. Guthrie:

Enclosed is letter from Judge Stewart, re the Admiralty Act. I think the Admiralty Act can be called into effect partially, and if so, it might be well not to call into effect the provisions as respects retirement of Judges for a time. Several have spoken to me with regard to this Prince Edward case and there would certainly be a saving of money to keep Judge Stewart, who is perfectly competent. So far as has been brought to my attention there is no case of an Admiralty Judge incompetent through age.

Yours very truly,

Hon. Hugh Guthrie,
Minister of Justice,
Ottawa, Ont.

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124028

HOUSE OF COMMONS
CANADA
THE CLERK

ARTHUR BEAUCHESNE, LL.D., LITT.D., K.C.

OTTAWA
June 30th, 1934.

Sir:

I note in the official report of the Senate Debates that you stated the French version of the Shipping Bill had not reached you yesterday afternoon. You had been misinformed. I took the French copy of the Bill to the office of the Clerk of the Senate at noon yesterday and I left it on his desk in Mr. Gilman's presence. Mr. Blount was out at the time. I then called on Mr. Speaker Blondin and told him I had taken the French version of the Bill to the Senate.

It was impossible for me, or my assistant, to take it to the Senate during the sitting as the presence of both of us was required in the House of Commons. It is the practice now to transmit bills to the Clerk's Office instead of taking them to the Bar of the House.

I have the honour to be,

Your obedient servant,

Arthur Beauchesne

Clerk of the
House of Commons.

The Rt. Hon. Arthur Meighen, P. C.,
Leader of the Senate,
OTTAWA, Ontario.

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124029

347 Bay St. Toronto,
September 20, 1934.

Dear Mr. de Montigny:

I have your letter of September 18th and am very grateful to you for sending me the report re French translation of the Shipping Bill. I have already read part of it and will finish it as soon as I can.

Yours very truly,

Mr. Louvigny de Montigny,
Chief Translator,
The Senate,
Ottawa, Ont.

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THE SENATE
CANADA

Ottawa, September 18th, 1934.

Right Honourable Senator Arthur Meighen, P.C.,
National Building,
347, Bay Street,
TORONTO.

Right Honourable Sir,

In the closing days of the last session, the Internal Economy Committee of the Senate, having taken cognizance of your remarks in the Senate that you had been advised that there were some 4000 corrections to be made in the French translation of the Shipping Bill, instructed the Clerk, Mr. Blount, to obtain from a report thereon. As it was not possible for me to make that report before prorogation, I have made it to the Honourable, the Speaker of the Senate. When recently in Ottawa, the Speaker asked me to send you a copy of my report, and therefore I respectfully take the liberty of doing so.

Although I know how familiar you are with the French language, and the pleasure you take in reading French literary works, I would certainly not, on my own responsibility, have taken the liberty of sending you a report bearing chiefly on the technical aspect of translation.

I most sincerely regret the circumstances which make it necessary for me to ask that you will be good enough to peruse that report. I feel sure you will be convinced that the allegations made by the Clerk of the House of Commons - and I am grateful for the fact that you made no comments thereon - were not warranted and that a grievous wrong has been done to your translators.

I beg to remain,
Right Honourable Sir,
Your respectful servant,

L. de Louvigny

(Louvigny de Montigny,
Chief Translator,
The Senate.)

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Ottawa, 24 juillet 1934.

A l'honorable P.-E. BLONDIN, C.P.,
Président du Sénat,
Au Sénat,
OTTAWA.

Monsieur le Président,

A la séance de la Chambre des communes du 14 juin dernier, M.Pierre Casgrain, qui ne s'était pas encore rendu compte de la disposition alphabétique des définitions établies au seuil de la version française du Bill E, Loi concernant la marine marchande, donna à entendre qu'une certaine discordance existait entre les définitions de la version française et celles de la version anglaise du même Bill, sur quoi le Très honorable M.Bennett fit la remarque suivante, consignée à la page 4290 de l'édition anglaise et non revisée des Débats des Communes, 14 juin:

> There are certain difficulties in the French translation. When the English copy was finished the French translation was entrusted to Mr. Montigny, and it has been observed that there are several discrepancies between the English and the French sections. I am glad that the hon. gentleman has brought it to the attention of the committee because it had to be done sooner or later. The French version has been sent back to Mr.Montigny for correction.

Au Sénat, sur motion pour transmettre aux Communes un message devant informer cette Chambre que le Sénat avait agréé les amendements apportés au Bill E, le Très honorable M.Meighen fit, de son côté, la remarque suivante, consignée à la page 684 de l'édition anglaise et non revisée des Débats du Sénat, 28 juin:

> This motion refers to the final stage of the Shipping Bill. I have an assurance from the Clerk of the other House that the completed French edition of the measure will be before us not later than Saturday. He told me - I am making no comment upon his statement - that some four thousand corrections had to be made and these were being proceeded with as speedily as possible.

L'honorable sénateur Casgrain crut devoir rapporter une autre information, consignée à la page 685 de l'édition anglaise et non revisée des Débats du Sénat, 28 juin:

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I am informed that some clauses are to be rewritten in order to turn them into grammatical French.

Le lendemain, 29 juin, le comité de Régie interne du Sénat institua un sous-comité, composé des honorables sénateurs Chapais, Dandurand et Fauteux, pour s'enquérir des imputations du greffier des Communes contre les traducteurs du Sénat, imputations dont le Premier-ministre, aux Communes, et le leader du Gouvernement, au Sénat, ont officiellement fait état.

Ce sous-comité du Sénat n'a pas eu le loisir, avant la prorogation, de se réunir. Cependant les honorables sénateurs Chapais et Dandurand ont bien voulu me recommander d'examiner les corrections indiquées par M.Beauchesne au greffier du Sénat, et d'observer celles de ces corrections qui me paraîtront nécessaires pour conformer exactement, dans nos Statuts de 1934, la version française au texte anglais de la Loi concernant la marine marchande. Je regrette de n'avoir pas eu l'occasion, avant la clôture de la session, de voir l'honorable sénateur Fauteux pour lui communiquer l'avis de ses deux collègues du sous-comité.

Je me suis soumis avec empressement aux instructions des honorables sénateurs Chapais et Dandurand, et j'ai remis au greffier du Sénat, le17 du mois courant, les corrections requises, dans un exemplaire où sont aussi reproduits les amendements apportés, de façon régulière, par les Communes au Bill E.

Cette mise au point étant terminée, je crois devoir vous adresser, en votre qualité du Président du Sénat et de membre du comité de Régie interne, un rapport sur les difficultés particulières que ce Bill E a présentées à vos deux traducteurs français - pour ne rien dire de celles qu'il a aussi présentées à vos légistes et greffiers anglais. Comme vous le savez sans doute, le texte de cette énorme pièce de législation (541 pages) a été remodelé au moins quatre fois; et de très nombreuses modifications y ont été encore apportées peu de jours avant son adoption définitive par le Sénat, le 31 mai.

Le Gouvernement a exigé que les Parchemins (textes originaux) anglais et français fussent imprimés sans aucun délai, pour être transmis aux Communes le 4 juin; en sorte que ni vos légistes

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anglais, ni vos traducteurs français, n'eurent le temps de vérifier, en les conférant avec nos épreuves, les adjonctions et modifications de la dernière heure. J'ai, pour ma part, signalé au greffier du Sénat l'impossibilité dans laquelle nous nous trouvions de reviser le Parchemin français de ce Bill E; et M. Blount, se rendant compte des circonstances exceptionnelles dans lesquelles ce document nous était pour ainsi dire arraché des mains, a bien voulu m'autoriser à attendre, pour signer le Parchemin français comme étant conforme au texte anglais, que loisir nous fût donné d'en opérer une dernière revision.

C'est dans ces conditions que les Parchemins anglais et français du Bill E ont été transmis aux Communes et qu'ils ont par la suite donné lieu aux regrettables observations du Très honorable M.Bennett et du Très honorable M.Meighen, sur l'information du greffier des Communes, M.Arthur Beauchesne, qui a vraiment mis trop de zèle à trouver les traducteurs du Sénat en faute, comme il semble de mon devoir de vous le montrer. Il va sans dire que je réponds des rectifications et des affirmations que contient le présent rapport. Je m'engage, en effet, à produire les autorités, textes, lettres et autres documents justificatifs, si le Sénat juge opportun d'ordonner une enquête 'formelle' - que, pour ma part, je souhaite ardemment - sur tous les faits allégués par le greffier des Communes et sur les accusations qui, depuis plus d'un an, ont été dirigées contre vos traducteurs. Pareille enquête déterminerait dans quelle mesure vos traducteurs sont coupables des manquements, fautes et extravagances dont ils ont été chargés; elle fournirait à M.Beauchesne l'occasion de justifier ses dénonciations auxquelles les deux Chambres du Parlement se sont arrêtées, et de prouver que toute cette campagne contre les traducteurs a mieux servi l'intérêt de l'Etat que ses rancunes personnelles; elle répartirait équitablement, j'en suis sûr, les réprimandes et les louanges à qui les a méritées; elle mettrait, enfin, un terme à une situation scandaleuse qui préjudicie à la réputation de plusieurs fonctionnaires et outrage surtout la dignité du Sénat.

En vue d'établir la version française de cette Loi concernant la marine marchande, nous avons dû étudier à fond les Conventions internationales qui en constituent la base, puis nous référer aux

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dictionnaires techniques de la Marine, et surtout à des spécialistes comme Mtre Henri FROMAGEOT, Docteur en Droit, Avocat à la Cour d'appel de Paris, Conseiller juridique des délégués de la République française à la Société des Nations, auteur de divers commentaires sur la législation britannique, et de plusieurs traductions de lois anglaises, notamment d'une traduction annotée du "Merchant Shipping Act 1894". L'ouvrage de Mtre Fromageot auquel je vais vous référer en particulier est intitulé "Code maritime britannique - Loi anglaise sur la marine marchande" (460 pages), A.Pedone, éditeur, Paris 1896. Notre Bill E se composant, en grande partie, des dispositions de ce Merchant Shipping Act 1894, nous avons souvent eu l'occasion de transposer, dans notre version française, le texte de Mtre Fromageot.

Afin de faire justice des accusations vraiment intempérées que comporte le rapport de M.Beauchesne au greffier du Sénat, je crois devoir vous mettre sous les yeux, dans les tableaux annexés au présent rapport, quelques spécimens des corrections recommandées par M.Beauchesne, et vous pourrez constater que la très grande majorité de ces prétendues corrections:

A) contredisent l'interprétation de Mtre Fromageot qui est reconnu comme un expert en la matière, ainsi que les autres autorités auxquelles nous nous sommes référés dans notre traduction;

B) contrarient le sens exact du texte anglais, et apportent de véritables fautes de syntaxe ou de traduction dans des phrases qui n'en contenaient point;

C) sont absolument injustifiées, en ce sens qu'elles remplacent une expression par une autre qui n'est pas plus exacte et qui l'est souvent moins.

Un quatrième tableau ("D") fera, je crois, justice de l'information que l'honorable sénateur Casgrain a rapportée au Sénat "that some clauses are to be rewritten in order to turn them into grammatical French", en vous faisant constater de quel côté gisent les fautes de grammaire. Notez surtout, je vous prie, que je me ferai fort, à l'occasion, de doubler et même de décupler le nombre de spécimens que ces tableaux contiennent.

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Je n'ai, certes, pas pris le temps de vérifier si le nombre des corrections recommandées par M.Beauchesne atteint exactement le chiffre de QUATRE MILLE que le Très honorable M.Meighen a cité au Sénat, sur l'assurance du greffier des Communes; mais la méthode que M.Beauchesne a adoptée, pour grossir le plus possible la quantité des erreurs qu'il tient à nous imputer, peut l'avoir facilement conduit à ce chiffre, et même au delà.

Voici quelques types de ces prétendues corrections:

1°

M.Beauchesne substitue "infraction" à "contravention" presque partout où nous avons employé ce mot "contravention".

Or, le mot anglais "contravention" est défini dans la version anglaise du Bill E, et le mot anglais "infraction" ne l'est pas. Ce qui signifie, en principe, que c'est le mot "contravention", plutôt que "infraction", qui sera généralement employé dans le corps de la loi.

Le mot anglais "contravention" est traduit en français par "contravention, infraction": a) dans le Dictionnaire juridique de Fernand-Laurent (Docteur en Droit) et Georges Daumas (Avocat à la Cour de Paris et au Barreau d'Angleterre); et b) dans le Dictionnaire Clifton et Grimaux, qui est en usage dans tous les services du Gouvernement. Pour donner au mot anglais "contravention" son sens complet, il faut donc le définir, en français, à la fois par "contravention" et par "infraction" - comme nous l'avons défini.

Le mot "infraction" n'est presque jamais employé en anglais. Le Shipping Act emploie presque uniformément "offence" (qui, à proprement parler, relève du droit pénal) pour désigner les violations d'une loi ou d'un règlement.

"Contravention" et "infraction" indiquent aussi bien, l'un ou l'autre, la violation d'une loi ou d'un règlement. D'après le Dictionnaire de l'Administration française (Maurice Block), la "contravention" est une "infraction". Page 721: "L'article 1er du Code pénal porte: L'infraction que les lois punissent des peines de police est une contravention"....Et page 1465: "Les peines de simple police sont: 1° l'emprisonnement; 2° l'amende; 3° la confiscation." Or, les peines édictées dans notre Loi concernant la marine marchande sont exactement: l'emprisonnement, l'amende ou la confiscation. Ce qui justifie suffisamment

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l'emploi du mot "contravention" que M.Beauchesne a corrigé une cinquantaine de fois dans cette traduction du Bill E.

Au reste, il est d'usage courant, à la Chambre des communes, de traduire indifféremment "offence" par "contravention" ou par "infraction", sans que M.Beauchesne y ait encore trouvé à redire. Voir Bill 89 de la session de 1934, "Loi modifiant et codifiant la Loi de l'accise", articles 105, 107, 109, etc. Même la Loi de la marine marchande au Canada (Chap. 186, S.R. 1927), qui a été rédigée aux Communes, renferme le mot "contravention", en particulier dans les titres qui précèdent les articles 115, 247, 354, 512, 636, 677, 792, 891 et 906. M.Beauchesne déclare donc fautif, pour le Sénat, ce qui est d'usage courant aux Communes.

Références:

"Ils (les règlements) imposeront des amendes...pour la contravention à tout règlement" - Fromageot, page 107;

"Toute personne agissant en contravention de cet ordre" - Fromageot, page 108;

"Les amendes perçues pour contravention au présent article" - Fromageot, page 108;

"Art. 240 - En cas de contravention aux dispositions mentionnées dans l'article précédent" - Code de commerce (français), Dalloz, Livre II, Du commerce maritime;

"Art. 50 - Toute contravention aux articles précédents... sera poursuivie devant le tribunal de première instance, et punie d'une amende qui ne pourra excéder cent francs". - Code Napoléon, Titre II, Des actes de l'état civil.

2°

De même M.Beauchesne nous compte-t-il une faute chaque fois que nous traduisons "formal investigation" par "enquête formelle". Sa correction substitue "enquête officielle". Or, la Loi de la marine marchande prescrit cette "enquête formelle" en opposition à une "enquête préliminaire" qui, sans aucun doute, est aussi officielle que l'autre, mais qui ne s'instruit pas dans des formes aussi précises. Le mot "formelle" nous paraît donc indiquer exactement ce genre particulier d'enquête, d'autant que la Loi de la marine marchande, telle que rédigée aux Communes (Chap. 186, S.R. 1927), n'emprunte jamais d'autres mots que

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"enquête formelle" pour traduire "formal investigation". (Cf. art.762 et suivants, Chap. 186, S.R. 1927.)

3°

De même encore M.Beauchesne nous assène-t-il une autre centaine de corrections en tenant pour fautive notre traduction de "detain a ship" par "arrêter un navire". Or, c'est ce mot qu'emploie couramment Fromageot:

"Le navire peut être arrêté jusqu'à ce qu'il ait été remédié à l'insuffisance de la marque" - Fromageot, page 6;

"Ledit fonctionnaire sera requis d'arrêter le navire jusqu'à ce que le propriétaire...ait donné satisfaction du dommage" - page 350;

"Tout fonctionnaire auquel l'ordre est adressé, arrêtera le navire" - page 350;

"Ledit navire pourra être arrêté pendant le délai nécessaire à la présentation de la requête" - page 350;

"Le fonctionnaire ne sera responsable d'aucuns frais ou dommages-intérêts en raison de l'arrêt, à moins qu'il ne soit démontré que ledit arrêt a été effectué sans motifs raisonnables" - page 350;

"De l'arrêt des navires (Detention of ship)" - page 353;

"Tout agent consulaire britannique peut arrêter le navire" - page 353.

4°

M.Beauchesne nous compte mêmement une faute chaque fois que nous traduisons le mot anglais "lien" par "gage" ou "droit de gage". Or, c'est la seule expression qu'emploie Fromageot pour traduire ce même mot anglais "lien";

"Droit de gage garantissant le fret (Lien for freight)" page 258;

"Aucun marin ne perdra son droit de gage sur le navire"p.75;

"Les marchandises doivent rester soumises à un droit de gage pour fret" - p. 260;

"Si la main-levée du gage n'est pas donnée" - p. 262;

"Pour la garde et la conservation des marchandises, l'entrepreneur de quai aura un droit de gage sur celles-ci" - p. 263;

"Il ne sera pas tenu à veiller à la validité d'aucun droit de

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gage réclamé par un armateur" - p. 263.

5°

Nous avons traduit par "droits" le mot anglais "fees"; et à tout coup M.Beauchesne a substitué le mot "honoraires".

Or, dans tous les cas, Fromageot traduit "fees" par "droits":

"Fees to be paid by applicants for examination - Droits à payer par les candidats aux examens" - p. 394;

"Fees to be paid for Passenger steamer's Certificate - Droits à payer pour certificat de steamer à passagers" - p. 401;

"Fees for Survey of Emigrant Ships - Droits de visite des navires à émigrants" - p. 402;

"Fees for Inspection of Lights and Fog Signals - Droits d'inspection des feux et signaux à brouillard" - p. 431.

6°

De même M.Beauchesne a-t-il corrigé maintes fois notre expression "affecter" qui traduit "affect", pour augmenter encore le compte des fautes imputables aux traducteurs du Sénat. Or, le mot "affecter", dans le sens que notre traduction lui donne, est employé ça et là dans la législation française; et l'expression est justifiée par le Dictionnaire Hatzfeld & Darmesteter: "Affecter - Atteindre par quelque changement. Ex. Cela n'empêche pas que la dette ne subsiste et n'affecte tout le bien".

Fromageot emploie couramment le mot "affecter":

"Mais cette règle ne saurait affecter le droit de jouissance d'un nombre quelconque de personnes" - page 4;

"Un mortgage inscrit sur un navire ne saurait être affecté par aucun acte de faillite" - page 18;

"Toutefois, on ne pourra interjeter appel d'une décision affectant le certificat d'un capitaine" - page 250.

La Convention internationale sur les lignes de charge, qui sert de base à notre loi, emploie le mot "affecter":

> "Si des modifications de quelque importance affectant le calcul du franc-bord ont été apportées à la coque du navire" (Art. 14 (3-A), page 436 du Bill E).

La Convention de Berne aussi:

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"La Convention conclue à la date de ce jour n'affecte en rien le maintien des Conventions actuellement existantes" (Art. additionnel. - Texte de 1886).

M. Beauchesne ignore la distinction, qu'il importe d'observer, entre:

Affecter - Atteindre par quelque changement, qui peut être favorable ou défavorable;

Porter atteinte - Causer un mal, un dommage;

Porter préjudice - Nuire, surtout au sens moral;

et Infirmer - Annuler tout à fait, casser (un jugement).

Texte anglais du Bill E	Notre traduction	Correction de M.Beauchesne
Sec.451(6) - Compliance by the master of a ship with the provisions of this section shall not affect his right...to salvage.	Le droit du capitaine d'un navire ...à une indemnité de sauvetage ne sera pas affecté du fait que le capitaine s'est conformé aux dispositions du présent article.	L'observation par le capitaine d'un navire des dispositions du présent article n'infirmera pas son droit...à l'indemnité de sauvetage.

Au terme 'affecter' que nous employons, il substitue le plus souvent 'porter atteinte', et interprète ainsi à faux le texte anglais:

Sec.68(2)...and the registry anew shall not affect the rights of any of those persons.	...et la nouvelle immatriculation n'affectera en aucune façon les droits desdites personnes.	...et la nouvelle immatriculation ne peut, d'aucune façon, porter atteinte aux droits desdites personnes.

Pour rendre exactement "porter atteinte au droit", que contient la version française du Traité de paix signé à Versailles le 28 juin 1919 (article 435, septième paragraphe), la version anglaise du même Traité emploie l'expression "prejudice the right" - et non pas "affect" qui ne traduit pas avec assez de génuinité "porter atteinte". A preuve encore que, dans les deux textes, français et anglais, des Conventions internationales de Bruxelles, 1929 (page 168, article 8), "affect the rights" correspond à "modifier les droits".

7°

M.Beauchesne substitue "dispense" et "dispenser" à nos termes "exemption" et "exempter", pour nous compter quelques douzaines de fautes de plus.

La Convention internationale pour la sauvegarde de la vie humaine en mer (reproduite au 4e Appendice du Bill E) ne fait aucune distinction entre ces deux synonymes:

Article 29 (deuxième paragraphe) :"Toute Administration d'un pays

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est autorisée à exempter de l'obligation de l'écoute permanente tous les navires:..."

Même article 29 (cinquième paragraphe): "Toute Administration d'un pays est également autorisée à dispenser de l'obligation de l'écoute permanente, les navires..." (pages 333-334 du Bill E).

Fromageot emploie couramment ... "exemption" et "exempter":

"Le Board of Trade peut exempter telle ou telle catégorie de navires de tout ou partie des prescriptions du présent article"- page 5;

"Les navires suivants sont exemptés de l'enregistrement prescrit" - page 3.

La Loi de la marine marchande au Danada, rédigée aux Communes (Chap. 186, S.R. 1927) porte "Art.391-C:'navires exempts' ou 'navires exemptés' signifie les navires exemptés par la présente Partie du paiement obligatoire des droits de pilotage".

8°

M.Beauchesne apporte à notre version française du Bill E une correction d'une autre catégorie (correction qui va se multiplier comme les autres) et qui suffirait seule à marquer son incompétence en la matière:

Texte anglais	Traduction du Sénat	Correction de M.Beauchesne
Sec.336 - No Customs officer shall grant a clearance to any ship.	Art.336 - Aucun préposé des douanes ne peut accorder congé à un navire.	336 - Aucun préposé des douanes ne doit accorder congé à un navire.

Ce fameux "shall" se traduit de vingt façons différentes, selon le contexte. L'expérience nous a fait dresser une longue liste des expressions qui traduisent ce 'shall' dans les différents cas où ce futur anglais se produit; et chacune de ces différentes traductions de 'shall' est appuyée d'incontestables autorités. Par exemple: Avec la négation 'no', 'shall' se traduit le plus souvent par 'ne peut', aussi exactement que par 'ne doit'.

Le texte français du Traité de paix avec l'Allemagne (Versailles) porte: "Art. 309 - Aucune action ne pourra être intentée"; et le texte anglais du même traité porte: "No action shall be brought".

Le Code Napoléon, article 50 du titre II, porte: "Toute contravention sera poursuivie...et punie d'une amende qui ne pourra excéder (shall not exceed) cent francs".

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Cette manière de traduire "shall" par "peut", dans une proposition négative, est conforme à la raison. A preuve que M.Beauchesne, qui a marqué une faute de plus dans notre traduction de l'article 336 du Bill E en corrigeant "ne peut" pour y substituer "ne doit", a déjà traduit lui-même, et tout naturellement, "shall not" par "ne peut" en refaisant à sa façon notre article 68 (2) - sans prévoir, bien sûr, que notre article 336 devait lui fournir l'occasion de déclarer cette expression fautive:

Texte anglais.	Réfection de M.Beauchesne
Sec.68 (2) -...and the registry anew shall not affect the rights.	...et la nouvelle immatriculation ne peut, d'aucune façon porter atteinte aux droits.

9°

Autre correction typique de M.Beauchesne:

L'article 187 du texte anglais porte "Where the master of the ship disrates a seaman", que nous traduisons: "Lorsque le capitaine d'un navire abaisse la classe d'un marin".

M.Beauchesne substitue le 'grade' à la 'classe'

Le Webster Dictionary définit "To disrate - To reduce to a lower rating, rank or class".

La définition (58), "Marin" (seaman), exclut expressément de cette appellation les capitaines, pilotes et novices, en sorte que "marins" comprend seulement les matelots et hommes d'équipage qui sont de 1ère, de 2e, de 3e ou de 4e classe, et n'ont généralement pas de grade. C'est donc la classe qui est abaissée, et non le 'grade'.

10°

10° M.Beauchesne nous compte encore autant de fautes que nous avons traduit de fois "calendar year" par "année de calendrier" et "calendar month" par "mois de calendrier". Chacun sait que "calendar year" se traduit généralement par "année civile". Nous savons que l'expression se traduit également, dans la législation française, par "année de calendrier". Dans sa traduction du "Agriculture Holdings Act 1914", M.Paul Baillères, docteur en droit, met "avant l'expiration d'une année de calendrier" (Annuaire de législation étrangère).

Si nous avons employé "année de calendrier", de préférence à "année civile" qui est un terme équivalent, nous partagions par anticipation l'avis, exprimé à la Chambre des communes, que notre Loi concernant la marine marchande doit être aussi compréhensible que possible, non seu-

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lement aux Docteurs en Droit, mais aux armateurs, aux agents maritimes et même aux simples marins qui pourraient se trouver fort en peine de saisir la signification de "année civile" ou de "mois civils", tandis que "année de calendrier" et "mois de calendrier" leur montrent tout de suite ce que ces expressions signifient.

11°

C'est, de même, pour faciliter la compréhension des dispositions de notre loi que nous avons lié par des traits-d'union tous les mots dont se composent certains numéros des articles de cette loi: (deux-cent-quatre-vingt-dix-sept), et que nous avons aussi lié tous les mots désignant une année en particulier (mil-neuf-cent-vingt-neuf). Nous savions, permettez-moi de vous l'assurer, que la grammaire enseigne généralement de ne faire usage du tiret ou trait-d'union, pour les noms de nombre, que lorsque le dernier ne passe pas la dizaine; et que l'on doit ainsi écrire deux cent dix-huit. Je sais même que les dictionnaires modernes donnent "trait d'union" sans trait-d'union. Je préfère toutefois suivre l'exemple des anciens grammairiens comme Girault-Duvivier, et ne point abuser des fameuses Tolérances orthographiques du Ministère de l'Instruction publique (France) de 1901, qui autorisent la suppression du trait-d'union dans les noms composés.

C'est donc à dessein que j'ai adopté cette graphie, d'un bout à l'autre du Bill E, pour la raison qu'il est fatigant de se représenter visuellement un nombre exprimé, non par des chiffres arabes (1899), mais par des mots épelés tout au long et dont certains sont séparés des autres (mil huit cent quatre-vingt-dix-neuf; articles deux cent soixante et douze et deux cent soixante et treize). Avant de commettre cet écart grammatical, j'ai même pris soin de soumettre mon intention à quelques députés qui m'ont félicité de ce moyen que j'allais prendre pour leur adoucir l'apercevance des nombres composés...Felix culpa!

Mais, hélas! , cette initiative me vaut quelque DIX-SEPT CENTS fautes, paraît-il, que M.Beauchesne nous a comptées, puisque les grammaires classiques l'autorisent à déclarer superflus quelque dix-sept cents traits-d'union que j'ai employés à seule fin de rendre plus intelligible la lecture de notre loi...

12°

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Pour compléter la douzaine de ces échantillons spécifiques des corrections de M.Beauchesne, en voici d'un autre type et qui doivent suffire à prouver l'animosité qui a motivé toute cette bousculade:

Texte anglais du Bill E	Notre traduction	Correction de M.Beauchesne
Sec.369 -...in such securities as are by law approved for the investments of money by trustees.	...en valeurs approuvées par la loi pour le placement de fonds par des fiduciaires.	...pour le placement de fonds par des administrateurs fiduciaires.

Larousse donne: "Fiduciaire n. Personne chargée d'un fidéicommis ou grevée de fiducie".

M.Beauchesne croit que "fiduciaire" est seulement adjectif, et prétend nous forcer à traduire "trustee" par "administrateur fiduciaire", cependant que les lois canadiennes définissent "trustee" par "fiduciaire". Cf.,notamment, Bill 18 (1934) de la Chambre des communes, "Loi concernant les banques et le commerce de banque", article 2, lettre q :

Texte anglais du Bill 18	Texte français du Bill 18
Sec.2 q - "Trustees" means the persons appointed...to receive and hold the central gold reserves, and "trustee" means any one of the "trustees"...	Art. 2q - "Fiduciaires" signifie les personnes nommées...pour recevoir et garder les réserves centrales d'or, et "fiduciaire" signifie l'un quelconque des fiduciaires...

Le greffier des Communes met en application la pensée de Pascal: "Vérité en deçà...erreur au delà!" Mais il fait mieux - ou pis:

Nous avons traduit: "Art. 6 - Toutefois, un individu qui... n'est pas qualifié pour être propriétaire de navire". M.Beauchesne juge fautif 'n'est pas qualifié' et substitue 'n'a pas qualité'. Mais plus loin (art.128-2), nous traduisons: "Le certificat doit spécifier le grade correspondant aux qualifications du postulant"; et M.Beauchesne apporte cette correction: "Le certificat doit spécifier le grade pour lequel le postulant est qualifié"... Il avait pourtant condamné ce 'qualifié' à l'article 6!

Si nous mettons "Aucun tel certificat... ne pourra être renouvelé" Art.120 (3) - ou "Aucun tel engagement ne pourra s'étendre au delà de neuf mois" Art 168 (4), M.Beauchesne nous enlève cet adjectif qu'il juge incorrect, pour y substituer 'semblable'.

Mais si nous écrivons "La propriété de semblable bâtiment" - Art. 5 (a) - ou"Mais en l'absence de semblable disposition" - Art. 281, il met flamberge au vent pour supprimer cet adjectif qu'il juge hérétique, et y substituer...'tel', qu'il ne se souvient plus d'avoir condamné. Dans

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son zèle d'épuration, il commet même un contresens en substituant "Lorsqu'il y a plus d'une telle personne" à notre "Lorsqu'il y a ainsi plus d'une seule personne" pour traduire "Where there is more than one person" Art. 40 (2).

Et que si nous traduisons "Toutes personnes ayant pouvoir de percevoir les droits de tonnage des navires, peuvent, si elles le jugent convenable" - Art.104 - ou "Si la cour juge convenable de le faire" - Art.214, M.Beauchesne condamne sans hésitation cet adjectif 'convenable', pour y substituer 'opportun' et 'équitable'. Mais que si nous écrivons "Le capitaine devra procurer au marin toutes facilités raisonnables" - Art.194 (1) - ou "Un marin peut être envoyé à un port convenable de retour par toute route qu'il est raisonnable de prendre" - Art.300 (1) - ou "Ce capitaine doit hisser un pavillon blanc de dimensions raisonnables" - Art. 340 (1), M. Beauchesne condamne d'emblée nos adjectifs 'raisonnables' et pose que le seul qui convienne est 'convenable'...qu'il vient de condamner.

Il ne prend surtout pas garde que sa correction produit cette phrase: "Un marin peut être envoyé à un port convenable de retour par toute route qu'il est convenable de prendre", plus défectueuse que celle qu'il a prétendu corriger.

Mais nous n'en finirions plus de montrer par le menu l'impropriété des corrections de M.Beauchesne, et force m'est de vous l'étaler en gros dans les tableaux A, B, C et D que j'annexe au présent rapport. Vous serez à même d'en tirer la conclusion, qui me paraît s'imposer, que ces prétendues corrections (si nous les devions adopter de par la seule autorité que le greffier des Communes s'est arrogée de contrôler les travaux du Sénat) rendraient définitivement inacceptable la version française du Bill E en y introduisant des non-sens et des contresens, des fautes de grammaire et des barbarismes de la saveur de celui qu'il recommande, entre autres, en corrigeant "Se charger de tous les deniers du marin" pour y substituer "tous LES ARGENTS du marin". Notez que ces "argents" ne représentent pas des millions, mais bien les quatre sous revenant à un misérable matelot décédé en mer ou délaissé sur une rive étrangère. Aussi Ferdinand Brunot, dont la compétence philologique peut congrûment se comparer à celle de M.Beauchesne, nous rappellera-t-il que c'est pure plaisanterie de dire "des argents", comme on dit encore

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dans les villages et les faubourgs où les esprits forts tâchent à s'exprimer "en termes"...

Nous avons accompli notre devoir en examinant une à une les corrections recommandées par M.Beauchesne, et en retenant celles qui nous ont paru plus ou moins justifiables. Ces corrections justifiables, sur un parcours de 541 pages, n'atteignent pas la centaine; et mon collègue et moi en avions déjà noté environ soixante, au cours de la première revision que nous avons eu le loisir d'opérer de notre traduction du Bill E, après que le Parchemin non revisé eut été transmis aux Communes, le 4 juin, dans les conditions que je vous ai rappelées - comme des témoins pourront l'attester. Nous avions particulièrement rectifié toutes les erreurs de traduction (i.e.les expressions qui ne rendaient pas suffisamment le sens du texte anglais) - à preuve que nous avons apporté à notre texte français, pour l'édition des Statuts, quantité de rectifications et de précisions dont les scrutateurs de M.Beauchesne ne se sont point avisés, malgré le soin excessif qu'ils avaient reçu l'ordre de mettre à cet épluchage.

Nous sommes ainsi redevables à M.Beauchesne d'une trentaine de corrections qui couvrent un certain nombre d'erreurs typographiques (espacement et ponctuation à rectifier, accents à ajouter ou à supprimer, lettres à transposer, simples coquilles) que vos deux traducteurs auraient, assez probablement, aperçues d'eux-mêmes dans une revision définitive.

Je veux espérer que ce résultat l'excuse d'avoir, durant quinze jours, imposé au Service de la Traduction générale (qui, à ce qu'on m'assure, était déjà en retard d'environ 2000 pages dans sa propre traduction) cette perscrutation malicieuse d'un Bill dont le Sénat était seul responsable, et d'avoir, par surcroît, constitué une équipe confirmatoire de deux ou trois traducteurs qui a passé quatre jours et quatre nuits à glaner d'insignifiantes erreurs que le Service de la Traduction générale avait manqué de moissonner dans ce plantureux Bill de 541 pages. Mais ce résultat justifie-t-il l'esclandre que le greffier des Communes a fait, aux derniers jours de la session, en retardant la procédure du Sénat; lui donne-t-il raison d'avoir suggéré au Très honorable

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M.Bennett et au Très honorable M.Meighen des remarques qui ont jeté un discrédit quasi irréparable sur des fonctionnaires qui achèvent leur carrière sans avoir jamais encouru de reproches de leurs chefs; lui fournissait-il un motif suffisant pour frustrer vos traducteurs, en les compromettant ainsi aux yeux du Gouvernement et de la Commission du Service Civil, de la promotion qu'ils étaient en droit de postuler et d'obtenir dans la réorganisation générale de la Traduction? Je prends la respectueuse liberté de vous le demander, Monsieur le Président, au nom de l'ordre qui doit régner dans nos services; je vous le demande au nom de la justice.

En tout cas, il est équitable que cet incident, que je suis le premier à regretter, produise un résultat salutaire. Aussi souhaité-je qu'il confirme la recommandation que le greffier du Sénat a faite depuis longtemps, et qu'il a plus formellement présentée à votre comité de Régie interne, le 6 juin, au cours de la séance où l'honorable Secrétaire d'Etat a expliqué la portée de son Bill 4 concernant le Bureau des traductions. Cette recommandation de M.Blount tend à réunir en un même bureau tous les rédacteurs et traducteurs des lois, du Sénat et des Communes, et même les greffiers des procès-verbaux et des Journaux des deux Chambres, puisque tous ces fonctionnaires collaborent à une même œuvre qui est la législation destinée à composer les statuts de chaque session.

Jusqu'à présent, à cause des travaux particuliers de chacune des deux Chambres, et même à cause d'une certaine rivalité qui surgit à certains moments entre les personnels des deux Chambres, cette collaboration, qui devrait s'effectuer à l'unisson, a fait absolument défaut; et le personnel d'une Chambre nuit au personnel de l'autre Chambre, au lieu de l'aider. Au cours de la dernière session, par exemple, nous avons pu voir les traducteurs des lois des Communes obtenir toute l'aide qu'ils requéraient, en empruntant des traducteurs du Service de la Traduction générale, tandis que les deux seuls traducteurs du Sénat furent contraints d'accomplir (sans autre assistance que celle qu'ils jugeaient à propos de se procurer et de payer eux-mêmes) toute leur besogne qui, depuis le 1er novembre 1933, ne leur a pas laissé un seul jour de répit, augmentée qu'elle fut du travail que M.Adrien Potvin avait laissé s'accumuler, ainsi que d'une bonne partie de la traduction des débats de la session courante,

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et même d'une besogne qui, aux Communes, est assignée à deux greffiers des Procès-verbaux, et, au Sénat, devrait régulièrement être assignée à l'adjoint français du greffier de la Chambre.

Cette répartition du travail est (et j'ai toute confiance que vous l'admettrez) inadéquate, déraisonnable, et même injuste pour ceux des fonctionnaires qu'elle astreint à un travail excessif; elle ne peut absolument pas produire un résultat satisfaisant, malgré tout le dévouement et toute la bonne volonté qu'ils peuvent y mettre.

Le greffier du Sénat a déjà attesté que vos deux traducteurs des lois accomplissent une besogne extrêmement ardue, qui ne se limite malheureusement pas à la traduction des lois, comme elle devrait s'y limiter. Vous savez, et le greffier du Sénat sait tout le premier, que nous ne renâclons point ~~sur~~ à l'ouvrage, et que nous y passons volontiers nos soirées et nos congés. Mais je crois devoir protester contre les attaques sournoises que le greffier des Communes livre depuis plus d'un an aux traducteurs en général, et qu'il dirige en particulier contre moi, pour me compromettre aux yeux des autorités. Vous ne pouvez avoir oublié de quelle façon il a abusé de votre confiance en passant à Paul de Martigny un rapport que je vous ai adressé à la date du 28 juin 1932 et que vous avez, plus tard (22 février 1933), de bonne foi communiqué à M.Beauchesne pour lui permettre de prendre connaissance des idées que je vous exposais sur la traduction des débats du Sénat. M.Beauchesne remit aussitôt à Paul de Martigny ce rapport que vous lui aviez communiqué, et il lui en signala une phrase qui, détachée des autres, mettait les traducteurs en posture défavorable auprès du Gouvernement et alimentait d'autant la campagne que Paul de Martigny, sous la signature de Pierre Lefort, menait dans la 'Presse', en février 1933. (Paul de Martigny a fait, durant quelques années, partie du Service de la Traduction générale, et il en a été congédié le 1er février 1932.) Dès que la direction de la 'Presse' fut avisée des mobiles de la campagne qu'il avait entreprise dans ce journal, contre les traducteurs fédéraux, elle y mit le holà; mais les articles de Pierre Lefort avaient déjà démasqué les batteries que M.Arthur Beauchesne avait braquées sur nos services de traduction et en particulier sur quelques traducteurs qui ne lui témoignaient pas une soumission assez plate à son gré.

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Tel fut le début de cette guerre contre les traducteurs, qui dure depuis plus de dix-huit mois, qui a enrégimenté contre nos services français les courtisans de M.Beauchesne, les traducteurs évincés, les quémandeurs de places, ainsi que les journalistes partisans ou francophobes à qui M.Beauchesne a fourni cette belle occasion d'exercer leur zèle et de nourrir leur ambition. Elle a déjà fait perdre un temps précieux au Gouvernement, au Sénat et surtout aux Communes, et aussi aux traducteurs qu'elle a forcés à se défendre; elle a partout semé une suspicion et même des antagonismes dont le résultat le plus clair a été de démoraliser les services de traduction et de rendre leur travail plus difficile et même extrêmement pénible. Depuis que le greffier des Communes s'est ainsi ingéré dans nos services, nous respirons un air empoisonné qui ne manque pas de favoriser l'espionnage et la délation dont je puis vous assurer que la pratique se continue.

Chacun sait que des réformes sont nécessaires dans nos services de traduction, comme dans d'autres services de l'Etat. Pour ma part, j'appelle depuis bien des années ces réformes de mes voeux, comme vous avez pu le constater par les plans que j'ai déjà eu l'honneur de vous exposer. Mais on peut aussi regretter que les réformes que le Parlement vient de prescrire découlent, dans une certaine mesure, des rapports confidentiels et des dénonciations de M.Beauchesne dont la compétence en traduction est à tout le moins contestable, comme le montre surabondamment le relevé, que son intervention me met dans la délicate obligation de vous adresser aujourd'hui, des corrections dont il a pris la responsabilité en les déclarant au Gouvernement et en les présentant au Sénat. L'exagération et la malveillance que dénote le relevé fort incomplet de ces prétendues corrections, caractérisent l'information que vos traducteurs ont commis quatre mille fautes dans la version française du Bill E, et donnent aussi une idée suffisante des sentiments qui ont inspiré les rapports confidentiels de M.Beauchesne sur nos services de traduction.

Il y aura, en mars prochain, vingt-cinq ans que je suis au service du Sénat, et je me flatte de n'avoir jamais reçu que des témoignages de considération de la part des honorables sénateurs. D'une année à l'autre, le personnel français du Sénat a été réduit à sa plus simple expression, et la besogne échéant aux deux seuls traducteurs qui vous

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restent, s'est accrue d'autant. Quoi qu'en ait donné à croire Pierre Lefort, dans sa campagne de la 'Presse' qui montrait les traducteurs fédéraux comme jouissant de huit mois de vacances pour quatre mois de travail, je ne me suis pas absenté, quant à moi, huit jours d'affilée depuis quatre ou cinq ans. La session de 1934, avec le surcroît de besogne qu'elle nous a apporté, a été particulièrement chargée. Mon collègue Duckett est épuisé; je suis moi-même à bout de forces; et vous comprendrez que la malveillance à laquelle nous sommes incessamment en butte n'est pas faite pour nous réconforter.

Aussi devrai-je vous prier, Monsieur le Président, de faire en sorte que cesse cette persécution de vos traducteurs, que soient reprimés les abus de confiance et d'autorité du greffier des Communes, et surtout le terrorisme qu'il exerce depuis plus d'un an dans les bureaux parlementaires. Je crois n'avoir jamais manqué de me soumettre aux instructions de mes chefs hiérarchiques, et même d'obtempérer avec déférence et empressement à leurs avis. Mais l'ingérence de M.Beauchesne dans nos services sur lesquels il ne possède aucune autorité et dont il ignore d'ailleurs les exigences et les moyens, est devenue assez oppressive et assez manifeste pour me donner raison de protester. J'implore par votre intermédiaire, Monsieur le Président, pour mes confrères autant que pour moi, la protection du Sénat et du Gouvernement, et je ne cesserai de réclamer justice.

Le tout humblement et respectueusement soumis.

(Louvigny de Montigny,
Traducteur en chef.)

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TABLEAU "A"

Echantillons des corrections qui contredisent les autorités

(Les mots soulignés sont ceux sur lesquels portent les corrections)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Autorité justifiant la traduction du Sénat
Sec.2 - In this Act, the following expressions have the meanings hereby assigned to them.	Art.2 - ...la signification qui leur est expressément assignée.	Art.2 - ...la signification qui leur est expressément attribuée.	...la signification qui leur est ici assignée. Fromageot, page 373.
Sec.11 - And such other particulars descriptive of the identity of the ship.	Et tels autres détails descriptifs de l'identité du navire.	Et tels autres détails d'identification du navire.	Ainsi que toute autre particularité descriptive de l'identité du navire. From.5.
Sec.12 (2) - The Governor in counsel may exempt.	Le Gouverneur en conseil peut exempter.	Le Gouverneur en conseil peut dispenser.	Le Board of Trade peut exempter. From. 5.
Sec.12 (5) ii - For the purpose of escaping capture by an enemy.	Aux fins d'échapper à la capture d'un ennemi.	En vue d'échapper à la capture par un ennemi.	Dans le but d'échapper à la capture d'un ennemi. From.6.
Sec.23 (2) - Unless it is proved to the satisfaction of such justice or court, that there was reasonable cause for such refusal.	A défaut de justification satisfaisante pour ledit juge ou ledit tribunal établissant qu'il y avait une juste cause de refus.	A moins qu'il ne soit établi à la satisfaction dudit juge ou dudit tribunal qu'il y avait une juste cause de refus.	A défaut d'une justification satisfaisante pour ledit juge ou ledit tribunal établissant qu'il y avait une juste cause de refus. From. 9.
Sec.35 (2) - Such a certificate shall have the effect of a certificate of registry...and shall cease to have effect.	Ce certificat doit avoir l'efficacité d'un certificat d'immatriculation... et ledit certificat cesse d'être efficace.	Ce certificat doit avoir la validité d'un certificat d'immatriculation...et ledit certificat cesse d'être valide.	Ledit certificat aura l'efficacité d'un certificat d'enregistrement...le certificat cessera d'être efficace. From. 13.

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TABLEAU "A" page 2)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Autorité justifiant la traduction du Sénat.
Sec.40 (1) - A declaration containing the several statements hereinbefore required...and also a statement of the manner in which the property has been transmitted.	Un certificat contenant les diverses énonciations ci-dessus requises...ainsi qu'une énonciation de la manière par laquelle la propriété a été transmise.	Une déclaration contenant les divers énoncés ci-dessus requis...ainsi qu'un énoncé de la manière...	Si une personne fait une fausse énonciation...ou produit un document contenant une semblable énonciation fausse. From.33.
Sec.40 (1)c - The title of persons claiming under a bankruptcy.	Le titre des personnes agissant en vertu d'une faillite.	Le titre des personnes réclamant en vertu d'une poursuite.	Le titre des personnes agissant en vertu d'une faillite. From.,15.
Sec.41 (3) - Every application for sale must be made within four weeks after the occurrence of the event	Toute demande à fin de vente doit être faite dans les quatre semaines qui suivent la survenue de l'événement.	Toute demande de vente doit être faite dans les quatre semaines qui suivent l'événement.	Toute demande à fin de vente doit être faite dans les quatre semaines de l'arrivée de l'événement. From.16.
Sec.43 - The court...may act in the case as the justice of the case requires.	La cour...peut agir comme dans l'espèce commande l'équité.	La cour peut agir en l'espèce suivant les règles de l'équité.	La cour...peut agir comme dans l'espèce le commande l'équité. From. 16.
Sec.50 - A subsequent mortgagee.	Créancier hypothécaire venant dans un rang inférieur.	Créancier hypothécaire subséquent.	Un mortgagiste venant dans un rang inférieur. From. 18.
Sec.58 (v) - Every mortgage ...shall have priority over all mortgages.	Toute hypothèque...doit venir par préférence à toutes hypothèques.	Toute hypothèque...doit avoir priorité sur toutes hypothèques.	Tout mortgage...doit venir par préférence à tous mortgages. From. 20.
Sec.58 (viii) - The registrar shall cancel the certificate, and enter the fact of the cancellation in the register book; and every certificate so cancelled shall be void to all intents.	Le régistrateur rayera le certificat et mentionnera au registre le fait de la radiation; et tout certificat ainsi rayé sera nul à tous égards.	Le régistrateur annulera le certificat et mentionnera au registre le fait de l'annulation; et tout certificat ainsi annulé sera nul à tous égards.	Le régistrateur rayera le certificat et mentionnera le fait de la radiation sur le livre-registre; tout certificat ainsi rayé sera nul à tous égards. From. 21.
Sec.59 (viii) - Unsatisfied mortgages.	Hypothèques non libérées.	Hypothèques insatisfaites.	Mortgages non libérés. From. 22.

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TABLEAU "A" page 3)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Autorité justifiant la traduction du Sénat
Sec.59 (ix) - And the declaration to be made by the purchaser shall be the same as would be required to be made by an ordinary transferee.	Et la déclaration que doit faire l'acquéreur sera la même que celle qu'exigerait un transfert ordinaire.	Et la déclaration que doit faire l'acquéreur sera la même que celle que serait tenu de faire un Cessionnaire ordinaire.	La déclaration que doit faire l'acquéreur sera la même que celle qu'exigerait un transfert ordinaire. From. 22.
Sec.61 (1) - The registered owner may, by an instrument under his hand, authorise the registrar...by whom the certificate was granted to give notice to the registrar or British consular officer at every such place that the certificate is revoked.	Le propriétaire...pourra, au moyen d'un acte signé de lui, donner au régistrateur... pouvoir de notifier au régistrateur ou à l'officier consulaire britannique des lieux susdits, que le certificat est révoqué.	Le propriétaire...pourra, au moyen d'un acte signé de sa main, autoriser le régistrateur...à notifier au régistrateur ou à l'officier consulaire britannique de chaque endroit ci-dessus visé, que le certificat est révoqué.	Le propriétaire...peut, au moyen d'un acte signé de lui, donner pouvoir au régistrar de notifier au registrar ou agent consulaire britannique des lieux susdits, que le certificat est révoqué. From. 23.
Sec.63 (4) - On her bows and stern.	Sur son avant et sur son arrière.	Sur sa proue et sa poupe.	Sur son avant et son arrière. From. 24.
Sec.67 - Where the ownership of any ship is changed...	Lorsque la propriété d'un navire subit un changement.	Lorsqu'il y a mutation de propriété d'un navire.	Lorsque la propriété d'un navire subit un changement.From.26.
Sec. 72 - No notice of any trust, express, implied or constructive, shall be entered in the register book.	Aucune clause de fidéicommis, expresse, implicite ou sous-entendue, ne sera portée au registre.	Aucune notification de fiducie, expresse, implicite ou supposée.	Aucune clause de fidéicommis, expresse, implicite ou sous-entendue. From. 28.
Sec. 75 (2) - Where there is not a managing owner there shall be so registered the name of the ship's husband.	Lorsqu'il n'y a pas de propriétaire-gérant, devra être enregistré le nom de l'armateur-gérant du navire.	Lorsqu'il n'y a pas de propriétaire-gérant, devra être enregistré le nom du capitaine d'armement.	Lorsqu'il n'y a pas de propriétaire-gérant, on enregistrera le nom de l'armateur-gérant du navire (ship's husband). From. 29.
Sec. 76 - When...any evidence is required to be produced to the registrar.	Lorsqu'il est exigé qu'une justification soit faite devant le régistrateur.	Lorsqu'il est exigé qu'une preuve soit produite devant le régistrateur.	Lorsqu'il est exigé qu'une justification soit faite devant le registrar. From. 30.

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TABLEAU "A" page 4)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Autorité justifiant la traduction du Sénat
Sec.77 (2) - Any other officer of the corporation.	Tout autre agent de la corporation.	Tout autre membre du personnel de la corporation.	Tout autre agent de l'association. From.30.
Sec.80 (2)a - Any register book...on its production from the custody of the registrar.	Tout registre...extrait de la conservation du régistrateur.	Tout registre produit par le régistrateur.	Tout livre d'enregistrement... extrait de la conservation du registrar. From. 31.
Sec.80 (3) - A copy of the register of British ships kept by the Registrar General.	Une copie de l'immatriculation de navires britanniques, gardée par le Régistrateur Général.	Une copie de l'immatriculation de navires britanniques tenue par le Régistrateur Général.	Un exemplaire de l'acte d'enregistrement des navires britanniques, gardé par le Régistrateur Général. From. 31.
Sec.81 (4) - The Minister may ...give such instructions... as to the referring to him of any question involving doubt.	Le Ministre peut...donner les instructions...relativement à...la nécessité de lui référer les questions douteuses.	Le Ministre peut...donner les instructions...relativement à ...la nécessité de lui déférer les questions douteuses.	Les commissaires peuvent donner telles instructions...relativement à la nécessité de leur référer les questions douteuses. From. 32.
Sec.83 (1) - If any person wilfully makes, or assists in making, or procures to be made, any false statement concerning the title to or ownership of, or the interest existing in any ship...	Quiconque...sciemment fait, ou aide à faire, ou procure les moyens de faire une fausse énonciation concernant le titre, la propriété ou le droit sur un navire.	Quiconque...sciemment fait, ou aide à faire, ou fait faire une fausse énonciation concernant le titre, la propriété ou l'intérêt existant dans un navire.	Si une personne...fait sciemment, aide à faire ou procure les moyens de faire une fausse énonciation concernant le titre, la propriété ou le droit sur un navire. From. 33
Sec.96 - The carriage of cargo.	Le transport du chargement.	Le transport de la cargaison.	Les navires transportant des chargements (Règle 78 de la Convention sur les lignes de charge, p.494 du Bill E) Le transport du chargement - From. 41.
Sec.100 (3) - In default.	Faute par lui de ce faire.	Faute de quoi.	Faute par lui de ce faire. From. 43.

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TABLEAU "A" page 5)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Autorité justifiant la traduction du Sénat
Sec. 84 (1) - An officer of customs shall not grant a clearance or transire for any ship...and that officer shall thereupon inscribe that name on the clearance or transire.	Un préposé des douanes ne doit pas accorder de congé ou de passe pour un navire ...et ce préposé doit alors inscrire ce nom sur le congé ou la passe.	Un préposé des douanes ne doit pas accorder de congé ou de permis pour un navire; et ce préposé doit alors inscrire ce nom sur le congé ou permis.	Un fonctionnaire des douanes n'accordera pas de congé ou de passe pour un navire; ce fonctionnaire inscrira alors ce nom sur le congé ou la passe. From. 33.
Sec.89 (2) - If any colours usually worn by His Majesty's ships.	Si les couleurs que portent habituellement les navires de Sa Majesté.	Si les couleurs habituellement arborées par les navires de Sa Majesté.	Si un des pavillons communément portés par les navires de Sa Majesté. From. 35.
Sec.91 (1)c - The Court may thereupon adjudge the ship ...to be forfeited to His Majesty.	La cour peut alors adjuger le navire, à confisquer au profit de Sa Majesté.	La cour peut alors déclarer le navire confisqué au profit de Sa Majesté.	La cour peut alors adjuger le navire à confisquer au profit de Sa Majesté. From. 37.
Sec.91 (2) - Notwithstanding that the ship has not been brought in for adjudication.	Encore que le navire n'ait pas été mis en adjudication.	Lors même que le navire n'a pas été mis en adjudication.	Encore que le navire n'ait pas été mis en adjudication. From. 37.
Sec.93 (1) - In the case of any ship propelled by steam or other power requiring engine room, an allowance shall be made for the space occupied by the propelling power...and the remainder shall be deemed to be the register tonnage of the ship.	Dans le cas d'un navire mû par la vapeur ou par une autre force exigeant un emplacement pour les machines, allocation doit être faite pour l'espace occupé par le système propulseur...; le surplus doit être considéré comme le tonnage net du navire.	Dans le cas d'un navire mû par la vapeur ou par une autre énergie exigeant un emplacement pour les machines, il faut déduire l'espace occupé par le mécanisme propulseur...; le reste doit être considéré comme le tonnage net du navire.	Dans le cas d'un navire mû par la vapeur ou par une autre force exigeant un emplacement pour la machine, une allocation sera faite pour l'espace occupé par le système propulseur...le surplus sera regardé comme le tonnage net du navire. From. 38-39.
Sec.100 (4) - Any ship employed exclusively in trading.	Navire exclusivement employé au trafic.	Navire exclusivement affedté au trafic..	Navire exclusivement employé au trafic. From. 43.
Sec.120 (1) - By an endorsement under the hand of the Minister.	Par mention signée du Ministre.	Par endos sous le seing du Ministre.	Webster définit ainsi "Endorsement: a writing, usually on the back, but sometimes on the face". Mention couvre les deux cas.

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TABLEAU "A" page 6)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Autorité justifiant la traduction du Sénat.
Page 64 (Title) Seamen.	Gens de mer.	Marins.	La Conférence internationale du Travail (Société des Nations) emploie l'expression "L'inspection du travail des gens de mer" pour correspondre à l'expression anglaise "Inspection of the conditions of work of the seamen". Engagement des gens de mer - "engagement of seamen" - From. 54.
Sec.165 (2)c - Specifying how many are engaged as sailors.	Avec la spécification du nombre des hommes engagés comme matelots.	En spécifiant le nombre des hommes engagés comme matelots.	Avec la spécifiaation du nombre d'hommes engagés comme matelots. From. 55.
Sec.167 (4) - The first arrival of the ship at her final port of destination.	La première arrivée du navire à son port de destination finale.	La première arrivée du navire à son dernier port de destination.	La première arrivée du navire à son port de destination finale. From. 58.
Sec.167 (4) - Time agreements.	Contrats d'engagement à temps.	Des contrats d'engagement à durée limitée.	Des contrats d'engagement à temps. From. 58.
Sec.176 (1) - The master shall have a copy of the agreement to be posted up in some part of the ship which is accessible to the crew.	Le capitaine devra faire apposer une copie du contrat sur une partie quelconque du navire accessible à l'équipage.	Devra faire afficher une copie...	Le capitaine fera apposer une copie de l'engagement de l'équipage sur une partie quelconque du navire accessible à l'équipage.From.59.
Sec.177 (1)...shall be wholly inoperative.	...seront sans valeur aucune.	...seront absolument inopérantes.	...seront sans valeur aucune. From. 60.
Sec.177 (1) - Two respectable British merchants.	Deux notables commerçants britanniques.	Deux marchands britanniques de bonne réputation.	Deux notables commerçants britanniques.-From. 60. L'expression est classique. Larousse définit:"Notable: un notable commerçant (qui a sur place une situation prépondérante".) /la

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TABLEAU "A" page 7)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Autorité justifiant la traduction du Sénat
Sec.186 (1) - Unless it is included in the account delivered.	Sans la faire figurer dans le compte remis.	Sans la faire figurer dans l'état remis.	Sans la faire figurer dans le compte remis. From.65.
Sec.214 - The court, if having regard to all the circumstances of the case, they think it just to do so.	Si la cour, compte tenu de toutes les circonstances de la cause, juge convenable de le faire.	Si la cour, compte tenu de tous les faits de la cause, juge équitable de le faire.	Si la Cour, eu égard à toutes les circonstances de la cause, juge convenable de le faire. From.79.
Sec.228 (1) - Every place ...shall have a space of not less than fifteen superficial feet; and those regulations shall have effect.	Tout emplacement...doit comporter un espace d'au moins quinze pieds superficiels; et ces règlements seront applicables.	Tout emplacement...doit comporter un espace d'au moins 15 pieds de superficie; et ces règlements seront exécutoires.	Tout emplacement...comportera un espace d'au moins 12 pieds superficiels; ces règlements seront applicables. From. 105.
Sec.229 (1) - If a seaman states to the master.	Si un marin déclare au capitaine.	Si un marin signifie au capitaine.	Si un marin déclare au capitaine. From. 106.
Sec.245 (1) - The master, any mate, the owner, ship's husband, or consignee of the ship, may with or without the assistance of the local police officers, convey him on board his ship, and those officers are hereby directed to give assistance if required.	Le capitaine...un lieutenant, le propriétaire, l'armateur-gérant, ou le consignataire du navire pourra, avec ou sans l'assistance des officiers de police, le ramener à bord du navire, et ces officiers sont par le présent article tenus de prêter leur assistance s'ils en sont requis.	Le capitaine, un second, le propriétaire, le capitaine d'armement, ou le consignataire du navire pourra, avec ou sans l'assistance des agents de police, le ramener à bord du navire, et ces officiers sont par le présent article tenus de prêter main-forte s'ils en sont requis.	Le capitaine, tout lieutenant, le propriétaire, l'armateur-gérant ou le consignataire du navire peuvent, avec ou sans le concours des officiers de la police locale, le ramener à bord; lesdits officiers sont, par le présent article, tenus de prêter leur assistance, s'ils en sont requis. From.111.
Sec.247 (1) - The court...may ...deliver him to the master, or any mate of the ship, or the owner, or his agent, to be by them so conveyed.	Le tribunal...pourra...le livrer au capitaine ou à un lieutenant du navire, ou au propriétaire ou à son mandataire pour qu'il soit par eux ainsi réintégré.	Le tribunal pourra...le livrer au capitaine ou à un second du navire, ou au propriétaire ou à son mandataire pour qu'il soit ainsi ramené par eux.	Un juge de paix peut...le remettre au capitaine ou à un lieutenant du navire ou au propriétaire ou son représentant pour qu'il soit ainsi réintégré par eux. From. 112.

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TABLEAU "A" page 8)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Autorité justifiant la traduction du Sénat
Sec.248 (3) - If any person harbours or secretes any deserter liable to be apprehended.	Quiconque héberge ou cache un déserteur susceptible d'arrestation.	Quiconque héberge ou récèle un déserteur passible d'arrestation.	Si une personne recueille, ou cache, un déserteur susceptible d'être arrêté. From.120
Sec.249 (1) - Offences...in this Act referred to as offences against discipline.	Infractions...dans la présente loi mentionnées comme fautes contre la discipline.	Infractions...dans la présente loi appelées manquements à la discipline.	Fautes contre la discipline. From.115. Dalloz - Code du commerce, 1932; Chap.III "Des fautes contre la discipline", 228.
Sec.249 (1) To impede the navigation of the ship.	Pour mettre obstacle à la navigation du navire.	Pour mettre obstacle à la marche du navire.	Pour mettre obstacle à la navigation du navire. From.114.
Sec.269 (b) - Besides the master.	A côté du capitaine.	Outre le capitaine.	A côté du capitaine. From.121.
Sec.270 (5) - Every case of illness or injury happening to a member of the crew.	Tout cas de maladie ou de blessure arrivant à un membre de l'équipage.	Tout cas de maladie ou de blessure survenu à un membre de l'équipage.	Tout cas de maladie ou de blessure arrivant à un membre de l'équipage. From.121.
Sec.273 (2) - If practicable, and as soon as possible.	Si la chose est praticable et le plus tôt possible.	S'il y a possibilité et dans le plus bref délai.	Si c'est possible et le plus tôt possible. From.123.
Sec.275 (b-iii) - Their ratings on board.	Leur classement à bord.	Leur rang à bord.	Leur classement à bord. From.128.
Sec.276 (1) - At the port to which the ship belonged.	Au port auquel le navire appartenait.	Au port d'attache du navire.	Au port auquel le navire appartenait. From. 131.
Sec.327 (2) - The person into whose hands his license comes.	La personne entre les mains de qui son brevet se trouve.	La personne se trouvant en possession de son brevet.	Méconnaître l'expression entre les mains de qui, c'est ignorer une expression courante des Codes français.

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TABLEAU "A" page 9)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Autorité justifiant la traduction du Sénat
Sec.332 (2) - When a licensed pilot offers to pilot.	Lorsqu'un pilote breveté se propose pour diriger le navire.	Lorsqu'un pilote breveté offre de diriger le navire.	Larousse définit:"Se proposer : faire offre de sa personne - se proposer pour un emploi". (C'est ce que fait le pilote - il se propose).
Sec.332 (2) - Privy to the making of a false declaration.	Participe à faire faire une fausse déclaration.	Participe à faire énoncer une fausse déclaration.	"Enoncer" comporte déclaration. Faire faire une déclaration est l'expression des Codes français.
Sec.360 - And if he fails to do so.	Et s'il manque de ce faire.	Et s'il manque de se conformer à cette prescription.	L'expression "à défaut de ce faire" ou "manque de ce faire" est courante dans les Codes français.
Sec.381 (3) - That the machinery be put in motion.	Que les machines soient mises en mouvement.	Que les machines soient mises en marche.	Au mot "manœuvre", Larousse dit: "(Marine) mise en mouvement de la machine."
Sec.387 (4) - And the surplus shall be paid to the owner.	Et le reste sera rendu au propriétaire.	Et l'excédent sera rendu au propriétaire.	Clifton & Grimaux, au mot "Surplus", traduit:"excédent, reste".
Sec.391 (2) - Certificate given.	Certificat donné.	Certificat délivré.	Clifton & Grimaux, au mot "Certificat", donne cet exemple: "Donner un certificat - to give a certificate."
Sec.399 (2) - If the ship be taken beyond the limits.	Si le navire passe les limites.	Si le navire dépasse les limites.	Larousse définit "Passer: Dépasser." Exemple,"passer le but."
Sec.404 - In some conspicuous place.	En un endroit apparent.	Dans un lieu bien en vue.	Le terme "apparent" est le terme des Codes français et des Conventions internationales pour rendre "conspicuous".

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TABLEAU "A" page 10)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Autorité justifiant la traduction du Sénat
Sec.476 (4) - Steamships not propelled by steam.	Navires à vapeur qui ne sont pas mus par la vapeur.	Navires à vapeur qui ne sont pas mus à la vapeur.	L'un ou l'autre se dit ou se disent. Larousse définit "Vapeur: bateau mû par la vapeur".
Sec.481 - Order in Council made.	Arrêté ministériel pris.	Arrêté ministériel rendu.	Larousse, au mot "Arrêté", dit: "Les arrêtés pris par l'administration."
Sec.572 (1) - If the Minister has reason to believe.	Si le Ministre a des raisons de croire.	Si le Ministre a lieu de croire.	Si le Board of Trade a des raisons de croire. From. 245.
Sec.573 (ii) - Whenever the interest of the owner of any ship...or of the cargo thereof appears to that officer to require it.	Lorsque l'intérêt du propriétaire d'un navire...ou de son chargement paraît le requérir aux yeux dudit officier.	Lorsque l'intérêt du propriétaire d'un navire...ou sa cargaison semble à cet officier l'exiger.	Lorsque l'intérêt du propriétaire d'un navire...ou du chargement dudit navire paraît le requérir aux yeux dudit officier. From.251.
Sec.577 (f) - The cost incurred.	Les frais supportés.	Les frais contractés.	Les frais supportés. From. 253.
Sec.577 (j) - The court may, if it appears expedient.	Le tribunal peut, s'il le juge convenable.	Le tribunal peut, s'il le juge opportun.	La Cour peut, si elle le juge convenable. From. 253.
Sec.577 (k) - To be paid by any of the parties thereto.	Soient payés par telle ou telle des parties en cause.	Soient payés par toutes parties en cause.	Seront supportés par telle des parties en cause. From. 253.
Sec. 616 (3) - Issue a certificate that the regulations in this respect have been complied with.	Délivrer un certificat qu'ont été observés les règlements qui s'y appliquent.	Délivrer un certificat attestant que les règlements qui s'y appliquent ont été observés.	Dalloz, Code de commerce, p.196, "Art. 16. Le receveur des douanes est tenu de délivrer, à tous ceux qui le requièrent, l'état des inscriptions subsistant sur le navire, ou un certificat qu'il n'en existe aucune."
Sec.629 - Rules and regulations giving(the port warden) such additional duties as...	Règles et règlements qui lui confèrent les fonctions supplémentaires que...	Règles et règlements qui lui assignent les fonctions...	Dictionnaire de l'Administration française (Block): Au titre "Fonctionnaires", art.11 - En sous-titre: "Fonctions conférées par le Président de la République", p.972.

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TABLEAU "A" page 11)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Autorité justifiant la traduction du Sénat
Sec.643 (a) - Such assistance as may be practicable and may be necessary to save them from any danger caused by the collision.	L'assistance nécessaire et possible afin de les sauver de tout danger causé par l'abordage.	L'assistance nécessaire et possible afin de les préserver de tout danger causé par l'abordage.	L'assistance possible pouvant être nécessaire pour les sauver de tout danger causé par l'abordage. From. 216.
Sec.666 (2)b - If the goods are dutiable.	Si les marchandises sont soumises à un droit.	Si les marchandises sont imposables.	Si les marchandises sont soumises à un droit. From. 259.
Sec.666 (5) - For the landing and warehousing of the goods.	Pour le débarquement et la mise en entrepôt des marchandises.	Pour le débarquement et l'entreposage des marchandises.	Pour le débarquement et la mise en entrepôt des marchandises. From. 260.
Sec.666 (5) - Notice in writing.	Une notification écrite.	Un avis par écrit.	Une notification écrite. From.260.
Sec.667 - Wharfinger.	Entrepreneur de quai.	Gardien de quai.	Entrepreneur de quai. From. 260.
Sec.672 - Whenever any goods are placed in the custody of a wharfinger---the wharfinger shall have a lien thereon.	Lorsque des marchandises sont mises sous la garde d'un entrepreneur de quai ...l'entrepreneur de quai aura un droit de gage sur les marchandises.	Lorsque des marchandises sont confiées à la garde d'un gardien de quai, le gardien aura droit de rétention sur les marchandises.	Lorsque des biens sont mis sous la garde d'un entrepreneur de quai..., l'entrepreneur de quai aura un droit de gage sur celles-ci. From. 263.
Sec.682 (1) - Lying or passing off.	Y étant mouillé ou y passent.	En mouillage ou de passage.	Y étant mouillé ou y passant. From. 348.
Sec.687 - Where a case of death happens on board.	Lorsqu'un cas de décès s'est produit à bord.	En cas de décès à bord.	Lorsqu'un cas de décès se produit à bord. From. 352.
Sec. 687 (2) - If the emergency of the case so requires.	Si les circonstances critiques de l'affaire l'exigent.	Si l'urgence de l'affaire l'exige.	Si les circonstances critiques de l'affaire l'exigent. From.352.
Sec. 691 - If the party so directed.	Si la partie à laquelle est donné l'ordre.	Si la partie qui reçoit l'ordre.	Si la partie à laquelle est donné l'ordre. From. 354.

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TABLEAU "A" page 12)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Autorité justifiant la traduction du Sénat
Sec.697 (2) - At a reasonable time.	A une heure raisonnable.	A une heure convenable.	A un moment raisonnable. From.365.
Sec.703 (a) - Any of the crew.	Tout homme de l'équipage.	Tout membre de l'équipage.	Tout homme de l'équipage. From.365.
Sec.703 (b) -...documents, or of any part thereof.	Des documents, ou de toute partie d'entre eux.	Des documents, ou de toute partie de ces livres de bord ou documents.	Des documents ou de toute partie d'entre eux. From.365.
Sec. 703 (d) - Summon the master to appear.	Citer le capitaine à comparaître.	Sommer le capitaine de comparaître.	Citer le capitaine à comparaître. From. 365.
Sec.697 (1) - That document shall, on its production from the proper custody.	Ce document sera, sur sa production extraite de sa conservation réglementaire.	Ce document sera, lorsqu'il est produit par la personne qui en a légitimement la garde.	Ledit document sera, sur sa production extraite de sa conservation régulière. From.355.

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TABLEAU "B"

Echantillons des corrections qui contrarient le sens du texte anglais, et apportent des fautes de syntaxe ou de traduction dans des phrases qui n'en contiennent point.

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Observations
Sec.40 (2) - Where there is more than one such person.	Art.40 (2) - Lorsqu'il y a ainsi plus d'une seule personne.	Art.40 (2) - Lorsqu'il y a plus d'une telle personne.	Contresens.
Sec.63 (6) - Where a ship having once been registered has ceased to be so registered no person unless ignorant of the previous registry (proof whereof shall lie on him).	Lorsqu'un navire, après avoir été immatriculé, cesse de l'être, personne, à moins d'ignorance de l'immatriculation précédente (et à charge de prouver cette ignorance)...	Lorsqu'un navire, après avoir été immatriculé, cesse de l'être, personne, à moins d'ignorer l'immatriculation précédente (et à charge de le prouver)...	Lorsqu'un navire, après avoir été enregistré, cesse de l'être, personne, à moins d'ignorance de l'enregistrement primitif (et à charge de prouver cette ignorance) Fromageot, page 24. La correction comporte contresens en ce qu'elle donne à croire à l'obligation de prouver que le navire a été précédemment immatriculé, alors qu'il s'agit de prouver l'ignorance de cette immatriculation.
Sec. 89 (5) - Any offence... may also be prosecuted.	Toute infraction...peut également être poursuivie.	Toute infraction...peut également donner lieu à une poursuite.	Contresens. Une telle infraction, en tout cas, donne lieu à une poursuite. L'article précise que, l'infraction, ayant donné lieu à une poursuite, peut effectivement être poursuivie. Toute infraction...peut également être poursuivie. From. 35.
Sec.113 (1)f - Masters and mates duly certificated according to the following scale.	Capitaines et seconds dûment brevetés d'après la graduation suivante.	Capitaines et seconds dûment brevetés d'après la gradation suivante.	Tous navires britanniques et tous navires caboteurs...seront pourvus, d'après la graduation suivante. From. 45.

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Tableau "B" page 2)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Observations
Sec.155 - Every owner of a ship...may...deduct and retain...a sum not exceeding...	Tout propriétaire d'un navire...pourra...déduire et retenir...une somme n'excédant pas...	Tout propriétaire d'un navire ...pourra...prélever et retenir...une somme n'excédant pas ...	Contresens manifeste.
Sec.178 - In any legal or other proceeding a seaman may bring forward evidence to prove the contents of any agreement with the crew or otherwise to support his case, without producing or giving notice to produce the agreement or any copy thereof.	Dans toute instance judiciaire ou autre, un marin peut prouver le contenu d'un contrat d'engagement de l'équipage ou apporter toute autre preuve à l'appui de sa prétention, sans produire ou faire sommation de produire le contrat d'engagement ou une copie.	Dans toute instance judiciaire ou autre, un marin peut apporter une preuve pour établir le contenu d'un contrat d'engagement de l'équipage ou pour appuyer autrement sa cause, sans produire le contrat d'engagement ou une copie ou donner avis de sa production.	Dans toute instance légale ou autre, un marin peut prouver le contenu d'un engagement d'équipage ou apporter toute autre preuve à l'appui de sa prétention sans produire ou faire sommation de produire l'engagement ou une copie de l'engagement. From. 60. Contresens. "Sans donner avis de sa production" signifier "Sans avertir d'une production qu'on fait soi-même", et ne traduit donc pas correctement "without giving notice to produce" qui signifie "Sans sommer, ou faire sommation de produire".
Sec.179 (1)c - The master shall request the officer to endorse upon the agreement an attestation to the effect that the agreement has been signed in his presence and otherwise made as required by this Act, and also, if the officer is a British consular officer, that it has his sanction.	Le capitaine devra demander au fonctionnaire ou officier de mettre au dos du contrat une attestation que le contrat a été signé en sa présence, et passé, d'autre part, conformément à la présente loi; et si le fonctionnaire est un officier consulaire britannique, il devra ajouter qu'il a donné son visa.	Le capitaine devra demander à l'officier d'inscrire au dos du contrat une attestation que le contrat a été signé en sa présence et passé, d'autre part, conformément à la présente loi; et si cet officier est un officier consulaire britannique, il devra ajouter que celui-ci a donné son visa.	Le fonctionnaire mettra au dos du contrat, une attestation certifiant que le contrat a été signé en sa présence et conclu, d'autre part, conformément à la présente loi; si le fonctionnaire est un agent consulaire britannique, il ajoutera qu'il a donné son approbation au contrat. From.60. La correction substitue "celui-ci" à "il", alors qu'il s'agit de la même personne. Faute de grammaire.

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Tableau "B" page 3)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Observations
Sec.183 (3) - If any person, a) makes a false report of character under this Act, knowing the same to be false.	Quiconque - a) fait, sous l'autorité de la présente loi, un faux rapport sur la moralité sachant que ce rapport est mensonger.	Quiconque - a) fait un faux rapport sur la moralité prévu par la présente loi, sachant que ce rapport est mensonger.	Contresens. La correction donne à croire que la présente loi autorise à faire de faux rapports.
Sec.189 (1) - May require the attendance of and examine any of those persons.	Il pourra requérir la présence et l'examen de celles desdites personnes qui se trouvent.	Il pourra requérir la présence et interroger celles desdites personnes qui se trouvent...	Syntaxe incorrecte.
Sec.199 (2) - Where by reason of the loss or foundering of any ship...	Lorsque, pour la raison qu'est perdu ou qu'a sombré un navire...	Lorsque, en raison de la perte ou du naufrage du navire.	Contresens. Un navire peut naufrager sur un récif, sans sombrer. Toute la loi établit une distinction entre wreck (naufrager) et founder (sombrer, couler à fond).
Sec.212 (1) - As to warrant reasonable apprehension of danger to his life if he were to remain on board.	Pouvant justifier d'une crainte raisonnable d'un danger pour sa vie s'il était resté à bord.	Susceptibles de faire raisonnablement supposer que sa vie aurait été en danger s 'il était resté à bord.	Supposer, au lieu de justifier, constitue un contresens.
Sec. 215 (1,(3)&(5) - Take charge of any money belonging to the seaman; A statement of the amount of the money; The said money.	Se charger de tous les deniers appartenant au marin; Un état du montant des deniers; Lesdits deniers.	Se charger de tous les argents appartenant au marin; Un état du montant des argents; Lesdits argents.	L'éminent philologue Ferdinand Brunot dit de cette expression: "C'est une plaisanterie, rien de plus, que de dire, comme on le fait souvent, des argents, pour de l'argent."
Sec.246 (1) - The master, any mate, may...	Le capitaine, un lieutenant, pourra...	Le capitaine, un second, pourra..	Fromageot, p.111: "tout lieutenant". Le second est, généralement, le seul officier qui remplace le capitaine d'un bateau de pêche ou d'un navire marchand. Les grands navires et les steamers ont trois ou quatre lieutenants qui portent respectivement le titre de premier, second, troisième ou quatrième officier ou lieutenant. Any mate doit donc se traduire par

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Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Tableau "B" page 4) Observations
			"un lieutenant" (entre plusieurs), et non pas par "un second", puisque le second est le seul second du bord. Cf.Paasch, "De la quille au mât".
Sec.275 (a) - The master - of a foreign-going British ship whose crew is discharged in Canada, in whatever part of His Majesty's dominions the ship is registered.	Le capitaine...d'un navire britannique au long cours dont l'équipage est congédié au Canada, quelle que soit la partie des dominions de Sa Majesté où le navire soit immatriculé.	Le capitaine...d'un navire britannique au long cours dont l'équipage est congédié au Canada, quelle que soit la partie des dominions de Sa Majesté où le navire est immatriculé.	Le capitaine de tout navire au long cours dont l'équipage est congédié dans le Royaume-Uni, quelle que soit la partie des dominions de Sa Majesté où le navire soit enregistré. From.128.
Sec.283 (8)c - Provided that he has given notice to the master or owner of the ship.	A la condition que le Ministre ait fait notification au capitaine ou au propriétaire du navire.	A la condition que le Ministre ait notifié le capitaine ou le propriétaire du navire.	Faute de grammaire. On notifie quelque chose à quelqu'un.
Sec. 300 (3) - To provide for the return of a discharged seaman. To defray the expenses of the return of the seaman.	Pourvoir au retour d'un marin congédié. Pour défrayer le marin de son retour.	Pourvoir au rapatriement d'un marin congédié. Pour défrayer le marin de son rapatriement.	"Rapatriement" traduit incorrectement "return". Rapatriement se traduit par "rapatriation", au 3e Appendice du Bill E (p.310).
Sec.306 - When the initial payment has been made, the duty shall be paid thereafter before each subsequent voyage during the year, until the payments for the year have been completed.	....jusqu'à ce que les paiements pour l'année aient été complétés.	....jusqu'à ce que les paiements pour l'année aient été liquidés.	Contresens. Liquider signifie toute autre chose que compléter. "Demander, achever, compléter le paiement" (Bescherelle). On ne liquide pas un paiement. Liquider signifie: Fixer ce qui était indéterminé dans un compte; Liquider ses dettes, liquider une succession (Bescherelle).
Sec. 312 - ...within the said limits where the tide ebbs and flows.	...dans lesdites limites où le flux et le reflux se produisent.	dans lesdites limites soumises à l'action de la marée.	Ce ne sont pas les limites qui sont soumises à l'action de la marée; mais des limites d'une certaine étendue d'eau où se produisent le flux et le reflux - (Flux - mouvement réglé de la mer vers le rivage) "Dans les limites du flux et du reflux", From. 375.

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Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Tableau "B" page 5) Observations
Sec.320 - Cases of continuing breach.	Cas d'infraction persistante.	Cas de récidive.	La "récidive" est "the second offence". "Continuing" signifie que l'infraction se continue, donc persiste.
Sec.344 (1)b - In paying such amount, if any, as it, by any by-laws made under this Part of this Act from time to time, makes payable to such pilot.	A payer tel montant, s'il en est, qu'elle déclare par des règlements établis, quand il y a lieu, sous l'autorité de la présente Partie de la présente loi, payable à ce pilote.	A payer le montant, s'il en est, qu'elle déclare payable à ce pilote par des règlements établis, à l'occasion, sous l'autorité de la présente Partie de la présente loi.	D'après la correction, le montant est payable à ce pilote par des règlements. Remplacer "quand il y a lieu" par "à l'occasion", c'est ignorer l'expression courante des Codes français.
Sec.345 - Whether the payment of pilotage dues is or is not, for the time being, otherwise compulsory.	Que d'autre part le paiement des droits de pilotage soit ou ne soit pas alors obligatoire.	Que le paiement des droits de pilotage, soit ou ne soit pas alors obligatoire.	Les mots "d'autre part" sont retranchés, au détriment du sens anglais.
Sec.374 (1) - So help me God (formule qui termine un serment ou une affirmation solennelle).	A ce, Dieu me soit en aide.	Ainsi, Dieu me soit en aide.	Bien qu'employée couramment, la formule "Ainsi, Dieu me soit en aide" pèche contre la syntaxe et contre la logique. L'expression signifie: Que Dieu m'aide à remplir la charge que je m'engage à remplir. Donc, qu'à cela, ou qu'à ce, Dieu me soit en aide.
Sec.388 - Inspection.	Inspection.	Visite.	La distinction est nettement marquée dans la loi, entre les termes anglais "inspection", qui est l'inspection, et "survey", qui est la visite.
Sec.414 (2)c - The regulations issued.	Les règlements émis.	Les règlements établis.	Les règlements sont d'abord "made" (établis), puis "issued" (émis). La nuance n'est pas observée.

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Tableau "B" page 6)

Texte anglais du Bill E	Traduction du Sénat	Correction de M.Beauchesne	Observations
Sec.423 (3) - The Governor in Council may...exempt...any ship plying on international voyages between the near neighbouring places of two or more countries.	Le Gouverneur en conseil peut...exempter...tout navire accomplissant des voyages internationaux entre les endroits de peu de distance voisins de deux ou de plus de deux pays.	Le Gouverneur en conseil peut ...exempter...tout navire effectuant des voyages internationaux entre des ports rapprochés de deux pays ou davantage.	A quoi la syntaxe peut-elle rattacher ce "davantage"? Et "ports" traduit-il "places"?
Sec.527 (2) - Any copy of such valuation purporting to be signed by the valuer.	Toute copie de cette évaluation paraissant signée par l'expert.	Toute copie de cette évaluation censée signée par l'expert.	Contresens. Webster définit "Purport - To have the appearance of being...". Le verbe anglais "purport" signifie essentiellement "montrer", "faire voir". Une chose peut être censée (i.e. réputée, regardée comme), sans "montrer" ce qu'elle est censée être.
Sec.616 (2) - Before beginning to load any chamber or compartment in any ship, the port warden shall see that all the requirements of the regulations ...are complied with.	Avant qu'un enclos ou compartiment d'un navire commence à être chargé, le gardien de port doit s'assurer que sont observées toutes les prescriptions des règlements.	Avant de commencer à charger un enclos ou compartiment d'un navire, le gardien de port doit s'assurer que toutes les prescriptions sont observées.	Contresens. La correction implique que le gardien de port doit, avant de s'assurer..., commencer lui-même à charger un enclos ou compartiment; alors qu'il est évident que le gardien de port doit s'assurer...avant qu'un enclos ou compartiment commence à être chargé par n'importe qui.
Sec.83 (1) - If any person in the case of any declaration made in the presence of or produced to a registrar...	Quiconque, dans le cas d'une déclaration faite ou produite devant un régistrateur...	Quiconque, dans le cas d'une déclaration faite ou produite devant un régistrateur ou à lui remise...	Si une personne, dans le cas d'une déclaration faite ou produite devant un registrar. From. 33. La correction ajoute, à ce membre de phrase, "ou à lui remise" pour traduire "or produced" déjà traduit par "ou produite". Doublet fautif.

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TABLEAU "C"

Echantillons des corrections (par centaines et par centaines) qui n'ont aucune autre raison que de changer une expression par une autre ne valant pas mieux - et que d'augmenter le nombre des prétendues erreurs.

Texte du Bill E	Corrections
Déf. (59) - "Le droit prévu en la Partie V".	- "prévu à".
Déf. (63) - "Comprend toutes sortes de chalands, d'allèges et de bâtiments similaires".	- "Comprend toutes sortes d'allèges, de chalands et de bâtiments similaires."
Déf. (80) - "Sans intention de profit".	- "sans but lucratif".
Déf. (105) - "Relativement auquel".	- "à l'égard duquel".
Art. 3 - "Comme navire britannique".	- "A titre de navire britannique".
Art. 3 - "A titre de navire britannique".	- "En tant que navire britannique".
Art. 3 - "A titre de navire en voie de construction".	- "Comme navire en voie de construction".
Art. 5 - "Le régistrateur doit en inscrire les détails dans son registre qu'il a le devoir de tenir".	- "Le régistrateur doit en inscrire les détails dans son registre qu'il doit tenir".
Art.6 - "principale place d'affaires" (principal place of business).	- "siège".
Art. 9 (2) - "Agir à dessein" (wilful act).	- "agir par préméditation".
Art. 12 (2) - "Le Gouverneur en conseil peut exempter".	- "peut dispenser".
Art. 21 - "Si le changement est opéré en conséquence de la sentence" (in consequence of").	- "Si le changement est opéré par suite de la sentence".
Art. 60 - "que ce certificat confère".	- "conférés par ce certificat".
Art. 60 - "des choses qui ont été faites".	- "de ce qui a été accompli".
Art. 63 - "L'autorisation écrite et préalable".	- "L'autorisation préalable et écrite".
Art. 65 - "tel que modifié".	- "ainsi que modifié".
Art. 70 - "Si un navire est naufragé".	- "Si un navire fait naufrage".
Art. 86 - "Dans l'intention".	- "dans le dessein".
Art. 94 (2)B) - "d'une façon permanente".	- "en permanence".
Art. 103 - "Jusqu'à ce qu'aient été payés ses honoraires et frais de voyage".	- "Jusqu'à ce que ses honoraires et frais de voyage aient été payés".
Art. 115 (3) - "comme suit".	- "ainsi qu'il suit".
Art. 127 - "Aussitôt que".	- "Dès que".
Art. 127 - "Agir comme examinateur".	- "Agir en qualité d'examinateur".

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Tableau "C" page 2)

Texte du Bill E	Corrections
Art. 128 - "requis dans le cas".	- "qu'exige le cas".
Art. 128 - "Le certificat requis dans le cas.	- "Le certificat qu'exige le cas".
Art. 154 - "le navire sur lequel ce marin a navigué en dernier lieu".	- "le dernier navire sur lequel il a servi".
Art. 166 (7) - "délibérément".	- "de propos délibéré".
Art. 167 (2) - "Si le capitaine l'estime à propos".	- "Si le capitaine le juge à propos".
Art. 172 - "le plus proche".	- "le plus rapproché".
Art. 177 - "s'il n'y a pas de tel officier".	- "en l'absence de tel officier".
Art. 181 (2) - "Si le désire le capitaine".	- "A la discrétion du capitaine".
Art. 191 (4) - "par suite de mauvaise conduite".	- "par inconduite".
Art. 195 (1) - "indigne de <u>l'assistance</u> de son mari".	- "indigne du <u>soutien</u> de son mari".
Art. 205 - "Lorsque le service d'un marin...prend fin".	- "Lorsque prend fin le servide d'un marin".
Art. 208 (2) - "Tout surplus".	- "Tout excédent".
Art. 214 - "toutes les circonstances de la cause".	- "tous les faits de la cause".
Art. 224 (1) - "Les vivres et l'eau pour l'usage de l'équipage".	- " Les vivres et l'eau destinés à l'équipage".
Art. 228 (2) - "douze pieds superficiels".	- "douze pieds de superficie".
Art. 238 (1) - "Jusqu'à ce qu'ait été payée l'amende".	- "Jusqu'au payment de l'amende".
Art. 247 - "Au lieu de le faire emprisonner".	- "Au lieu de l'envoyer en prison".
Art. 254 - "Sur requête à lui faite".	-"Sur requête à lui adressée".
Art. 256 (2) - "Le propriétaire ou son représentant".	- "Le propriétaire ou son mandataire".
Art. 264 (b) - "Sans justification".	- "Sans motif légitime".
Art. 271 - "Faire inscrire les mentions suivantes".	- "Faire inscrire ce qui suit".
Art. 272 (3) - Les responsabilités qu'entraîne le défaut".	- "Les responsabilités résultant du défaut".
Art. 283 (3) - "Si la chose est nécessaire".	- "S'il y a nécessité".
Art. 289 (2) - "La personne qui était <u>pour lors</u> propriétaire du navire".	- "Qui était <u>alors</u> propriétaire du navire".
Art. 310 - "Les fonds que le Parlement peut <u>approprier</u> à cette fin".	- "Les fonds que le Parlement peut <u>affecter</u> à cette fin".
Art. 312 - "le fleuve Saguenay".	- "la rivière Saguenay".

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Tableau "C" page 3)

Texte du Bill E	Corrections
Art. 389 - "Un navire destiné à transporter plus de douze passagers".	- "Un navire destiné au transport de de plus de douze passagers".
Art. 390 (a) - L'inspection a été opérée par un autre inspecteur".	- "L'inspection a été faite par un autre inspecteur".
Art. 418 (2) - Accorder une extension du certificat".	- "Accorder une prolongation du certificat".
Art. 437 (b) - "Sera censé être dangereux".	- "Sera considéré comme dangereux".
Art. 439 (3)(ii) - "dudit pays".	- "du pays en question".
Art. 506 (2) - "trafiquer".	- "faire trafic".
Art. 637 (1) - "Censés être des règlements".	- "Réputés des règlements".
Art. 684 - "...seront censées être des infractions".	- "...seront considérées comme des infractions".

Etc., Etc.....

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TABLEAU "D"

Dispositions refaites, pour rectifier la rédaction des traducteurs du Sénat.

Texte anglais du Bill E	Traduction du Sénat	Réfection de M.Beauchesne
Sec.38 - Where a registered ship or a share therein is transferred, the transferee shall not be entitled to be registered as owner thereof until he, or, in the case of a corporation, the person authorized by this Act to make declarations on behalf of the corporation, has made and signed a declaration (in this Act called a declaration of transfer) referring to the ship and containing -	Art.38 - Lorsqu'un navire immatriculé ou une part dans ledit navire est l'objet d'un transfert, le cessionnaire ne pourra être enregistré comme propriétaire dudit navire ou de la part y afférente qu'après que lui, ou, s'il s'agit d'une corporation, la personne autorisée par la présente loi à faire des déclarations au nom de la corporation, aura fait et signé une déclaration (dite, dans la présente loi, déclaration de transfert) référant au navire, et contenant:	38 - En cas de transfert d'un navire immatriculé ou d'une part dans ledit navire, l'enregistrement de propriété n'aura pas lieu tant que le cessionnaire ou, quand il s'agit d'une corporation, la personne autorisée par la présente loi à faire des déclarations pour le compte de cette corporation, n'aura pas rédigé et signé une déclaration (appelée déclaration de transfert en la présente loi) au sujet du navire et contenant:
(a).....	a).....	a).....
(b) A declaration that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.	b) Une déclaration que, au mieux de la connaissance et de la croyance du déclarant, aucune personne, ou association de personnes, ne possédant pas les qualités requises, n'a un droit à titre de propriétaire sur un intérêt légal ou sur un intérêt de jouissance dans le navire ou dans une part du navire.	b) Une déclaration attestant qu'autant qu'il sache ou qu'il ait raison de croire, aucune personne ou groupe de personnes n'ayant pas les qualités requises ne possède, à titre de propriétaire, d'intérêt légal ou de droit de jouissance dans le navire ou une part du navire.

NOTA - La réfection est-elle plus grammaticale que la première traduction? Elle contient un "il" qui se rapporte à "la personne autorisée". Faute de grammaire.

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TABLEAU "D" page 2)

Texte anglais du Bill E	Traduction du Sénat	Réfection de M.Beauchesne
Sec.106 - The master, owner or managing owner, or one of the managing owners, if there are more than one, of every vessel not a ship within the meaning of this Part of this Act, which is employed in or owned for the purpose of fishing, trading or carrying loads of any kind in any of the waters of Canada, shall, within one month from the date of her being so employed or owned for such purpose by him, or of her being built or acquired for such purpose, take from the collector or other chief officer of the Customs at some port or place in Canada the license provided for by this Part of this Act.	Art.106 - Le capitaine, le propriétaire ou le propriétaire-gérant, ou l'un des propriétaires-gérants, s'il y en a plus d'un, de tout bâtiment qui n'est pas un navire au sens de la présente Partie de la présente loi, employé ou possédé pour faire la pêche, le trafic ou le transport des chargements de toute espèce dans les eaux du Canada, doit, dans un délai d'un mois à compter de la date à laquelle ce bâtiment est ainsi par lui employé ou possédé à cette fin, ou construit ou acquis à cette fin, obtenir du percepteur ou autre fonctionnaire supérieur des douanes, à quelque port ou lieu du Canada, le permis prescrit par la présente Partie de la présente loi.	106 - Le capitaine, propriétaire, propriétaire-gérant, ou l'un des propriétaires-gérants, s'il y en a plus d'un, de tout bâtiment qui n'est pas un navire au sens de la présente Partie de la présente loi et qui est affecté à la pêche, au commerce, ou au transport de cargaisons, dans les eaux canadiennes, ou qui est possédé pour ces fins, doit, dans le mois qui suit la date où le bâtiment a été par lui à cette fin affecté, possédé, construit ou acquis, obtenir du percepteur ou autre chef de la douane à quelque port ou localité du Canada le permis prévu par la présente Partie de la présente loi.

NOTA - La revision proposée par M.Beauchesne améliore-t-elle le premier texte?...Il n'est guère possible de traduire en style coulant un texte archi-enchevêtré d'incidentes, autrement dit: de confectionner un tissu blanc avec des brins de laine grise. En tout cas, le texte proposé comme meilleur traduit "chief officer of the Customs" par "chef de la douane", alors que ce fonctionnaire est désigné dans les définitions préliminaires "(44) fonctionnaire supérieur des douanes", et qu'il importe de maintenir cette désignation d'un bout à l'autre de la loi. Faute de traduction.

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Texte anglais du Bill E	Traduction du Sénat	Réfection de M.Beauchesne
Sec.243 - If a master, seaman, or apprentice belonging to a ship registered in Canada, by wilful breach of duty or by neglect of duty or by reason of drunkenness -	Art.243 - Si un capitaine, un marin ou un apprenti appartenant à un navire immatriculé au Canada, soit en contrevenant à son devoir, soit en y manquant par négligence, soit par suite d'ivresse,	243 - Si un capitaine, un marin ou un apprenti appartenant à un navire immatriculé au Canada, soit en manquant à son devoir de propos délibéré ou par négligence, soit par suite d'ivresse,
(a) does any act tending...immediately to endanger the life or limb of a person belonging to or on board the ship; or,	a) commet un acte pouvant...immédiatement occasionner la mort ou la blessure d'une personne appartenant au navire ou se trouvant à bord; ou	a) commet un acte susceptible de... constituer un danger immédiat de mort ou d'accident à toute personne à bord; ou
(b) refuses or omits to do any lawful act proper and requisite to be done.. for preserving any person belonging to or on board the ship from immediate danger to life or limb;	b) refuse ou néglige d'exécuter un acte légitime et nécessaire...pour préserver toute personne appartenant au navire ou se trouvant à bord, d'un danger immédiat de mort ou de blessure;	b) refuse ou néglige d'exécuter un acte légitime et nécessaire... pour préserver le personnel ou les passagers d'un danger de mort ou d'accident;
he shall, in respect of each offence, be guilty of an indictable offence.	il sera, pour chaque contravention, coupable d'un acte criminel.	

NOTA - Il est incorrect de traduire "endanger the life or limb of a person" par "constituer un danger de mort ou d'accident", puisque "accident" ne comporte pas, en soi l'idée de blessure. "Toute personne à bord" et "le personnel ou les passagers" traduit imparfaitement "a person belonging to or on board the ship". Faute de traduction.

Sec.451 (6) - Nothing in this section shall affect the provisions of section five hundred and nineteen of this Act and compliance by the master of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.	Art.451 (6) - Rien au présent article n'affecte les dispositions de l'article cinq-cent-dix-neuf de la présente loi, et le droit du capitaine d'un navire, ou le droit d'une autre personne, à une indemnité de sauvetage, ne sera pas affecté du fait que le capitaine s'est conformé aux dispositions du présent article.	451 (6) - Aucune disposition du présent article ne portera atteinte à celles de l'article cinq cent dix-neuf de la présente loi, et l'observation par le capitaine d'un navire des dispositions du présent article n'infirmera pas son droit ou celui de toute autre personne à l'indemnité de sauvetage.

NOTA - "Porter atteinte aux dispositions d'une loi" n'a rien de mirifique comme style; et traduire "shall not affect his right" par "infirmera pas son droit" est inexact, comme le démontre le 6ème type (analysé dans le corps même du rapport) des corrections de M.Beauchesne. Faute de style; faute de traduction.

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TABLEAU "D" page 4)

Texte anglais du Bill E	Traduction du Sénat	Réfection de M.Beauchesne
Sec.608 - At and for every harbour or district so determined, a port warden may be appointed who may appoint a deputy or deputies, for whose conduct as such he shall be responsible.	Art. 608 - A chaque port ou pour chaque circonscription ainsi déterminée, peut être nommé un gardien de port, qui peut lui-même nommer un ou plusieurs adjoints, en restant comptable de leur conduite comme tels.	608 - Un gardien de port pourra être nommé à et pour chaque port ou circonscription ainsi déterminé (sic), et ce gardien pourra nommer un ou plusieurs adjoints dont il sera responsable de la conduite en cette qualité.

NOTA - Deux fautes de grammaire dans cette correction: 1° "déterminé" doit s'accorder avec le dernier nom qui est féminin; et"dont il sera responsable de la conduite" est de syntaxe défectueuse.

Sec.640 (2) - ...and reference to damage or loss caused by the fault of a vessel shall be construed as including references to any salvage or other expenses, consequent upon that fault.	Art. 640 (2) - ...et la référence au dommage ou à la perte causée par la faute d'un bâtiment devra s'interpréter comme impliquant référence à tous frais de sauvetage ou autres dépenses résultant de cette faute.	640 (2) - ...la mention de dommage ou perte causé (sic) par la faute d'un bâtiment doit s'interpréter comme comprenant aussi toute indemnité de sauvetage ou autres frais résultant de cette faute.

NOTA - 1°. "Causé" doit s'accorder avec le dernier mot qui est féminin; 2°. La mention de dommage, que comporte la correction, ne comprend pas aussi "toute indemnité", mais/doit comprendre "la mention de toute indemnité". Faute de grammaire et faute de traduction.

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Shipping 124075

Ottawa,
July 30, 1940.

#4

Mr. H. H. McMaster,
Governor,
Canadian Brotherhood of Ships' Employees,
635 St. Paul Street West,
Montreal, Que.

Dear Mr. McMaster:

I have to thank you for your letter of 29th. I will not bring your name before the House or before any Committee unless the opportunity is appropriate and I think some good object can be served. Am glad, however, to feel free to do so, and thank you for having given me the privilege.

Your letters are very illuminating, and I fear most unwise expenditures have been made.

Yours very truly,

AM/E.

Arthur Meighen.

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TELEPHONE: PLATEAU 4037

124076

H. N. McMASTER
Governor

Canadian Brotherhood of Ships' Employees

Affiliated with the Canadian Federation of Labour

Affiliated Groups:

MERCANTILE MARINE OFFICERS' GUILD OF CANADA

CANADIAN BROTHERHOOD OF MARINE ENGINEERS

NATIONAL SEAMEN'S ASSOCIATION OF CANADA

~~400 ST. SULPICE STREET~~

635 St. Paul Street West
MONTREAL, P.Q.

July 29th, 1940.

Senator the Right Honourable Arthur Meighen,
The Senate,
Ottawa, Ontario.

Dear Senator Meighen:

While in Ottawa today I have tried to get in touch with you, and failing that I am writing in reply to your letter of the 24th instant to say that you are quite at liberty to use my letter of the 23rd if you think it in the public interest to do so.

The facts are recited in my letter. They can be corroborated by competent surveyors. In addition to the cases I have mentioned I would direct attention to those of such ships as the "Eastern" and "Yorkton" of the Colonial Steamship Company, which have long outlived their usefulness for any ocean service and have been more or less inactive for years past. It is doubtful if they could find any profitable employment in Canada.

As against these, if the Colonial Steamship Company had been sincere in its desire to help in the national war effort it could easily have substituted more suitable and newer vessels, such as the "Livingstone" and the "Waterton". Taking these as a standard, the charter fee of $125 a day, bare boat basis, even for such comparatively good vessels, is absolutely ridiculous considering that the Government pays all expenses to maintain them in a seaworthy condition. Half of this amount would have been generous compensation, judging by their past earnings and their value. As to the commercial value of the ships now chartered by the Government, in peace time the average ship might fetch $30,000 from some liberal buyer who had a special trade or service, as against

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the possible value of $150,000 for such vessels as the "Livingstone" and the "Waterton". Notwithstanding these ~~actual~~ valuations the Government has guaranteed $250,000 on each vessel so acquired if lost. These examples are fairly representative of all the lake ships chartered and indicate how the owners have exercised their judgment in submitting to the Government what they regard as their most suitable tonnage for ocean service.

Another glaring instance which occurs to me is that of the Canada Steamship Lines' "Winona" which could not be called anything more than scrap and which, I have no doubt, will cost at least $150,000 of the Government's money to rebuild. I am sure that it would be of great public interest if the details of the repairing and reconditioning of each of these vessels for war-time service were published. I understand that if the ships should return after the war, through some miracle of seamanship, that the Government has agreed to recondition them or rebuild them to put them in the state in which they left Canada, and this might readily entail an expenditure of millions of dollars of good money on a lot of worthless, obsolete floating hulks. It is not surprising that maritime workers are becoming dissatisfied as they learn of these transactions and as they realize that no substantial division of the profits from these Government charters is to be made among the employees of the ships concerned. After all, it is these men who are risking not their second-hand property but their lives.

As already mentioned, I hope that the information I have been able to give you will be helpful and I have no objection to its being used in any way that you may see fit.

Yours faithfully,

Governor,
Canadian Brotherhood of
Ships' Employees.

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CANADIAN PACIFIC RAILWAY COMPANY

MONTREAL, 1 August, 1940.

D. C. COLEMAN,
VICE-PRESIDENT

II 4

Private & Confidential

Dear Mr. Meighen:

Referring to our telephone conversation respecting lake steamships.

I have since had the opportunity of reviewing the negotiations which were protracted and complicated, involving many parties and interests. I think it better that I should convey the information to you verbally when I visit Ottawa or Toronto next week.

I have come to the conclusion that, in this case, the responsibility of the Canadian Government was technical or nominal only.

With best regards.

Yours sincerely,

D. C. Coleman

Right Hon. Arthur Meighen, K.C.,P.C.,LL.D.,
The Senate,
OTTAWA, Ontario.

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Socialism

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RE CAPITALISM AND PROFITS

Extracts from a speech made by the President of a Power Company in Western Canada on the subject of "The Power Industry and The War."

.....

Some years ago the Elbow River was in flood. The rising waters had broken into the basement of the power plant in which are situated the bus bars over which a large section of the City is fed. We had bulkheaded off the room containing these bus bars and had every pump we could lay our hands on at work trying to keep down the rising waters. At the height of our endeavours we got an impassioned appeal from a man connected with the Company to send someone with a pump to unwater his cellar. He was pained and surprised when we did not comply with his request, and could not understand why we had turned him down. His cellar was uppermost in his mind and he was unable to visualize the situation in its true perspective. Most of us to-day are busying ourselves pumping out our own cellars instead of devoting our energies to the common end. Selfishness plays its part but it is primarily our inherent inability to grasp the objective viewpoint. We cannot see the woods for the trees. Our politicians, naturally enough, are inclined to take the line of least resistance. Heavy taxation and conscription of manpower are unpopular so the politician tends to belittle the menace and to magnify our war effort, the radio programme "Carry on Canada" being a case in point. He lulls us into a false sense of security by wasting huge sums on home defense whereas every strategist knows our future will be decided in Europe or in the Far East. Only a military disaster can bring us to our senses. It took Norway to oust the Procrastinators.

Let us not underestimate our opponent. Vast resources in manpower and in factories have been made available to her in the conquered countries. The new sources of raw material lessen the effectiveness of our blockade. Germany's power has not yet reached its zenith.

To avoid a stalemate we must organize for a total war. To this end we must divert the utmost of our energies to the war effort and more important still we must see that these energies are applied with the maximum effect. We are told that the St. Lawrence Waterway will aid the war effort but nobody can deny that a man's services flying a bomber over Germany are infinitely more valuable in the defence of our country than those same services used in building the St. Lawrence canal.

We must recognize that our economic morale has been sadly undermined through the infiltration of communist ideas over past years. Constant reiteration has resulted in an unreasoning belief in many of these teachings. I refer particularly to the

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"soak the rich" view so prevalent to-day, the baiting of corporations and the idea held by so many Canadians that there is something unmoral about the "profit motive". The demagogue finds them the verything to rouse the jealousies of the "have nots". Already such propaganda has resulted in discriminatory taxation and other abuses which, if carried to their logical conclusion, would result in a collapse like that of France. To get everybody working wholeheartedly it is indispensable that all be treated alike, each according to his merits, whether at the front on active service or at home in the muntions plant, and that the necessarily heavy taxes be levied justly and impartially.

As regards the despised profit motive we must recognize that it alone provides the necessary incentive to the individual to do his utmost, and rugged individualism suitably curbed spells efficiency. In this connection the Mexican Government, when the oil trouble was at its height several years ago, suggested that the oil operators form themselves into a syndicate similar to the labour syndicates. The representative of one of the operators remarked to me that if you were to put the seventeen operators in a room together you could not get any two of them to agree to anything, let alone the whole seventeen. That is where the politician comes in because he alone has mastered the technique of getting people to work together. What we need in the Ministry of Finance to-day is a Sir Herbert Holt to do the planning and a politician co-operating with him to put it over with the public. I use Sir Herbert Holt as an illustration because his case affords a striking example of the muddled thinking socialistic propaganda produces. Many Canadians think of him as being hard-boiled and unscrupulous and they may be right for all I know to the contrary as I have no business associations with him and have only met him once. The fact remains that he, probably more than any other single man in Canada, is responsible for our present high standards of living. In his promotional activities he made money but only a small part of it was diverted to his own needs. The balance went either into taxes or into further enterprises. These in turn provided employment and more manufactured goods to raise the standard of living. Only the wealthy should invest their money in the riskier ventures and it is to their savings that we owe most of our progress. The "soak the rich" policy may be good politics but it is bad economics. Let us be fair to the Sir Herbert Holts. We need them today in our war effort, and fortunately one at least of the Government departments recognizes this--the Department of Munitions and Supply.

One of the means to bring about the introduction of communism is by the destruction of private capital and to this end communist propaganda has been directed towards exterminating companies through confiscatory taxation, oppressive legislation and unfair competition from governmental agencies. The Canadian public has been only too ready to believe the worst of companies and not without reason in some cases. In England the law makers have recognized the invaluable service rendered by companies in the economic development of the community and companies as such are virtually untaxed, but Canada, following American precedent, introduced in its income tax law the vicious principle of double taxation. In Canada corporate income is taxed as such, and the very same income is taxed again when it passes to the shareholders, whereas in England the income is taxed only once and the tax is collected at the source. In England fifty per cent is deducted from all dividends or interest paid whether by the Government or by companies. The recipient of

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the interest or dividends in filling his tax return takes credit for the tax thus collected and should he be entitled to a rebate, the money is paid over to him on application. Companies after all are merely groups of individuals banded together for a common purpose and it is a manifest injustice to tax the individuals twice over merely because they are so banded together. .....As Dominion and Provincial taxes on income now absorb nearly half the taxable income, it becomes next to impossible to pay common stock dividends in a company with any substantial amount of preferred stock outstanding. Thus, as the rate of tax is increased, the value of the common stock and the value of the preferred stock is each in turn destroyed. Apart from the obvious injustice of the double taxation, the junior security holders, whose equity is confiscated, are the very ones who take the most risk and who in the interests of further development of the country should receive the most encouragement. The promotion of new enterprises will become out of the question, and unless the companies can pass the tax on to the consumers in inflated prices, they will become so weakened financially that they can no longer finance the replacement of worn-out plant and so will pass out of the picture.

One evil arising out of the high income and excess profits taxes is that the Government in contrast to the last war is forced to put up nearly all of the money needed for new plants or extensions to existing plants to make munitions. Were the companies using their own money it would no doubt be spent with greater prudence, but with the profit motive effectively eliminated by the excess profits tax, companies dare not risk capital except with an assured return. Whether after the war these munitions plants will be closed down or will be sold to private companies for a song, or will be operated by the Government in competition with private industry, remains to be seen, but of one thing we can be sure and that is that had the companies invested their own money in the plants they would not leave a stone unturned to put them to some use.

Let us now turn to what we in our business should do or avoid doing in order to further the war effort, but first of all we must have some grasp of just what is involved in a war economy. In a highly mechanized country like Canada the supply of manpower normally far exceeds the demand, but under war conditions this no longer holds, and we are rapidly moving into the position where manpower will be the bottleneck limiting our war effort. This means that governments, companies and individuals alike will have to scrimp and save, that the pick of our manhood will have to be released for active service from non-essential industries, from agriculture, from the civil service, from commerce, from the so-called essential services and even from the munitions industry itself, and where their jobs cannot be eliminated altogether their places will have to be filled by others less fit physically and by women. Every last thing we can do without will have to be deferred until after the war.

Whenever we make a purchase, we, in a varying degree depending upon its nature, draw on the country's resources in raw materials and manpower, which would otherwise have been available for war purposes, and we must accustom ourselves to thinking not in terms of money but in terms of the use or misuse we are making of these resources. When we build ourselves or somebody else a house we draw heavily on these resources and unless the house is urgently required for housing munition workers we are sabotaging the war effort. If we buy a house, however, it is merely

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a transfer of a capital asset and the war effort is not affected. We make no contribution whatever to the war effort when we borrow money to buy war bonds or sell other securities for this purpose, as the man we borrow from or sell to could just as well have bought the war bonds himself. It is the savings that count and the more we can reduce our current expenditures on such items as involve the use of our manpower or our industrial resources that would otherwise be available for war purposes the better it is for the war effort. It matters not whether these savings are used for the purchase of war bonds or are put in the savings bank or are paid out in life insurance premiums or are used to buy company securities, the money and the use of manpower and industrial facilities it commands are available to the Government just the same.

It may be argued that in the cutting down of our purchases we will throw a large number of men out of employment. This is so to a certain extent but we must remember that wars cannot be won without somebody getting hurt, and that drastic measures are necessary to force men to abandon their accustomed line of activity and enter war work. A war economy with the majority of the people engaged in war activities means a far reaching readjustment and so long as men are required for the Army, the Navy and the Air Force and the munition industry, all activities not directly or indirectly connected with the war should be cut to the limit regardless of the temporary unemployment this may create. This applies particularly to civil governments which represent the greatest sources of waste today and as yet none of our governments has made a serious effort to retrench.

A war brings about a far reaching redistribution of income. The few in the higher income brackets have their incomes drastically reduced but the great majority are far better off. Many work overtime, those that were casually employed work full time and such of the unemployed as are employable can find work. Those who for years have suffered straitened circumstances, break out in a spending rash, and it is not the necessitites of life they buy but the luxuries. Worst of all they mortgage their income by purchasing automobiles, radios, etc. on the instalment plan. This by creating activity in the non-essential industries diverts manpower and foreign exchange from our war effort. Thus, our war effort tends to defeat itself. Somehow or other we must combine high industrial activity with a low standard of living for all. The workers must reconcile themselves in the national interest to deferring the reward of their labours till after the war; that is to say they must save till it hurts while the war lasts. When it is over the spending of these savings will create work and so avert a post-war depression. With our production capacity greatly increased as a result of the war, we have the means of creating much better living conditions for those in the lower income brackets. We all should recognize that it would be a happier world if the great majority could be converted into capitalists as a result of the war. Compulsory saving along the Maynard Keynes plan as now being introduced in England would appear to be the answer.

We should recognize that this is one war that we cannot be half in and half out of. Governments, companies and individuals alike will have to scrimp and save. Companies and individuals will not flinch from the heavy taxation indispensable to victory so long as the taxation is just and impartial and the proceeds are used solely for bona fide war purposes.

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THE SOCIALIST PARTY OF CANADA

The C. C. F. Party, which was provisionally organized last year in Calgary with a tentative programme, is to meet in convention in Regina today to perfect its organization and round out its programme in readiness for the various election campaigns in which it intends to take a hand, particularly the Dominion election in which it takes a special interest and hopes to succeed to the point where it can, by holding the balance of power, bring about a state of deadlock, which will multiply its paliamentary power and make it a factor of moment in the political development of the future. This procedure is, of course, quite in order. Now that economic questions are making the issues about which political contests revolve the simple division of the elctorate into two parties which alternate in office, despite its convenience to politicians, no longer appears to meet the requirements of the times. The particular views which the C. C. F. represents could not find expression in either of the major parties; and it is therefore desirable that they should segregate themselves, make clear their policies, indicate the course to which they would commit this country, and submit themselves and their case to the judgment of the electorate. If the C. C. F., which to date has been nothing much more than a shadowy suggestion of a party, will organize itself, and so define itself and its mission as to make its position intelligible to the electorate, a very important step towards a needed clarification of the Canadian political will be taken.

It may be hoped that the party will have the courage to drop its present cumbrous and misleading title and come out boldly and frankly under its right title and its proper colours. The C. C. F. is the Socialist party of Canada, and it should so announce itself. It has been recommended to all the Socialist organizations in Canada as the political expression of their views. "New movements frankly and sturdily Socialist," said a friendly writer in the Weekly Sun, after the preliminary organization meeting in Calgary last year. The accuracy of this statement has had a hundred confirmations in the past year. A professor of Toronto University, prominently

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identified with the C. C. F., described the Calgary statement of principles as "a clear-cut programme of Socialism." He added: "They (the drafters of the programme) know what their words mean." We are told by the organ of the Independent Labor party of Manitoba, an avowedly Socialist organization, that at the recent convention of this party it was agreed that the platform of the C. C. F. was on definite Socialist lines. The fact cannot be honestly denied. There is nothing surprising in the emergence in Canda of a Socialist party. Socialism as a possible form of government is now in the political picture in all the British nations and in most of the western democratic nations; in three of the British nations--Great Britain, Australia and New Zealand--the only alternative to the government now in power is a Socialist administration. A similar position is open to the Socialists of Canada if they are strong enough in numbers to attain it.

In the entirely legitimate expectation of becoming such a power in the land, the gathering at Regina, it is to be hoped, will formally declare itself as Socialist out and out, and will indicate somewhat more clearly than was done last year what its policies are and how it is proposed to give effect to them. In the discussion of the past year an attempt has been made upon occasion to qualify the thoroughgoing Socialism of the C. C. F. by the claim that if it comes into power it is only going to be Socialist in spots; certain agencies are to be socialized in the interests of the public, but there are still to be large areas--farming, for instance--in which there will be scope for private enterprise. This is not Socialism but state capitalism which is abhorred by all the up-and-coming Socialist leaders. It has been found in Great Britain by experience that a Socialist government is powerless to put Socialist policies into effect by attempts to deal with the existing order in detail. Hence the doctrine of the "inevitability of gradualness" has been jettisoned; and the whole idea of a "reformist" approach to the problem of socialization has been given up. A state part Socialist, part capitalist, cannot, we are told endure. There must be a clean sweep of the fetish of private ownership. Hence we are told by Mr. G. D. H. Cole in "The Intelligent Man's Guide Through World Chaos," that Socialism "cannot

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exist where industries" and services and the ownership of "capital are left in private hands." This does not appear to leave any field whatever for the exercise of private initiative; the individual cannot get very far if he is denied the right of owning capital. It is worth noting that this very passage in Cole's book which calmly obliterates the whole case for individual freedom and private enterprise is quoted with approval by the Saskatchewan C. C. F. Research Bureau. Quite rightly, of course, for this is equally the policy of the Socialist party of Canada, as is made reasonably plain in the programme provisionally adopted last year.

A declaration of 100 per cent out-and-out Socialism which is now in order, should rightly be accompanied--since this is an issue which must now be remitted to the Canadian people--by some indication of how this complete obliteration of private enterprise is to be brought about, and how, when the Socialist paradise is attained, it is to be kept intact against the possibility that, upon trial, it might not be acceptable to the electors. To this subject the Socialist planners and thinkers of Great Britain have been giving consideration; and it is certainly interesting and of some importance to note that they have come to the conclusion that while they might trust to constitutional methods in getting the policy accepted in principle, nothing short of a dictatorship and the suppression of parliamentary institutions would make it possible for them actually to put their plans into effect. There have been some quite frank statements to this effect lately by such persons as Sir Stafford Cripps, M.P., and E. F. Wise, and in the work from which we have already quoted,. Mr. Cole makes certain pleasant remarks, foretelling future developments. When the Socialist party gets power, it

> "will endeavour not merely to secure for the moment the assent of the population to its continuance in office, but to break up and destroy the organization of its rival in order to put it permanently out of action. This has happened in both Italy and Russia; and opposition to the Communist party or to the Fascist party is regarded in these countries as treason to the State. This suppression of rival political opinion is widely denounced as

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undemocratic and illegitimate; but it is difficult to see how changes as fundamental as those which Communism at any rate desires to bring about could possibly be accomplished if there existed a rival party machine constantly appealing for support against the government, and liable at any moment to bring the government's life to an end. For the establishment of a Socialist system cannot be achieved merely by passing a few Acts in Parliament or Congress. It involves the continuous pursuit of a well considered and systematic policy over a long period of years. (Page 605)

"For to govern on the assumption that you may fall from office at any moment is to be precluded from taking any steps that are calculated to put the existing system out of action--but without taking such steps it is impossible to proceed any distance with the constructive work of Socialism. (Page 606)

"If they ever come to the point of returning to office pledged to carry out their new and more radical policy, They are likely to find that their political methods will have to approximate more closely than they at present imagine to those of Fascism and even Communism. (Page 613)

"But the wider the field over which Socialism is compelled to act swiftly in substituting new collective institutions for the capitalist institutions at present in being, the less possible will it be to observe in the transition the niceties of constitutional practice. The emergency powers which have already been invoked more than once even by the British Governments since the war, which are being employed by the British 'National' Government today, and which have become a commonplace of the post-war political practice of most of the other countries of Europe, will have to be pressed very much further the very instant any real attempt is made to supersede capitalist by Socialist institutions in any vital part of the economic machine." (Page 613)

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This question of Socialist policy and its practical application having now emerged from the realm of academic discussion into that of practical politics--because the Regina conference opens the campaign which looks to the capture of power at Ottawa--these are matters that might well attract the serious attention of the elector. This it undoubtedly will if it is realized that: 1, the C. C. F. is a party dedicated to the application of Socialism; 2, there cannot be Socialism in the sense in which its advocates are using the term without the extirpation of private capital and private enterprise; and 3, it is now the conviction of the advocates of this hundred per cent Socialism in Great Britain that to make their policies effective it will be necessary to suspend or abrogate the powers of parliament and the political liberties of the people.

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EXTRACTS FROM EDITORIAL
"WINNIPEG FREE PRESS"
Wednesday, July 19,
1933.

.....

"The Socialist Party in Canada"

THE C. C. F. Party provisionally organized last year in Calgary is to meet in convention in Regina today. It may be hoped that the Party will have the courage to drop its present cumbrous and misleading title and come out, boldly and frankly, under its right title and its proper colours. The C. C. F. is the Socialist Party of Canada, and it should so announce itself.....

A Professor of Toronto University, prominently identified with the C. C. F. described the Calgary statement of principles as "a clear-cut programme of Socialism".....

It has been found in Great Britain by experience that a Socialist Government is powerless to put Socialist policies into effect by attempts to deal with the existing order in detail. Hence the doctrine of the "inevitability of gradualness" has been jettisoned; and the whole idea of a "reformist" approach to the problem of Socialism hasbeen given up. A State part Socialist, part capitalist, cannot, we are told, endure. There must be a clean sweep of the fetish of private ownership. Hence we are told by Mr. G. D. H. Cole in "The Intelligent Man's Guide through World Chaos" that Socialism "cannot exist where industries" and services and the ownership of "capital are left in private hands." This does not appear to leave any field whatever for the exercise of private initiative; the individual cannot get very far if he is denied the right of owning private capital. It is worth noting that this very passage in Cole's book which calmly obliterates the whole case for individual freedom and private enterprise is quoted with approval by Saskatchewan's C. C. F. Research Bureau.

A declaration of out-and-out Socialism,which is now in order, should rightly be accompanied--since this is an issue which must now be remitted to the Canadian people--by some indication of how this complete obliteration of private enterprise is to be brought about, and how, when the Socialist paradise is attained, it is to be kept intact against the possibility that, upon trial, it may not be acceptable to the electors. To this subject the Socialist planners and thinkers of Great Britain have been giving some consideration; and it is certainly interesting and of some importance to note that they have come to the conclusion that while they might trust to constitutional methods in getting the policy accepted in principle, nothing short of a dictatorship amd the suppression of Parliamentary institutions would make it possible for them actually to put their plans into effect. There have been some quite frank statements to this effect lately by such persons as Sir Stafford Cripps, M. P., and E. F. Wise, and in the work from which we have already quoted, Mr. Cole makes certain remarks foretelling future developments. When the Socialist party gets power, it

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"of its rival in order to put it permanently out of action. This has happened in both Italy and Russia; and opposition to the Communist party or to the Fascist party is regarded in these countries as treason to the State. This suppression of rival political opinion is widely denounced as undemocratic and illegitimate; but it is difficult to see how changes as fundamental as those which Communism at any rate desires to bring about could possibly be accomplished if there existed a rival party machine constantly appealing for support against the Government, and liable at any moment to bring the Government's life to an end. For the establishment of a Socialist system cannot be achieved merely by passing a few Acts in Parliament or Congress. It involves the continuous pursuit of a well considered and systematic policy over a long period of years. (page 605).

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July 8. 1937. W.S.C "The Ebbing Tide of Socialism"

"The programme of giving the State that is to say the politicians who have obtained a majority at an election autocratic control of all the means of production distribution and exchange would never commend itself to the strong individualism of the British race.

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Socialism

Is Capitalism Doomed?

Condensed from Barron's

James Truslow Adams

Distinguished historian, author of "The Epic of America," "The March of Democracy," etc.

LATELY a leading American socialist said that "capitalism is doomed because of its well-nigh complete lack of standards and sanctions, intellectual and ethical." His statement set me to pondering. As compared with other "isms," is capitalism (the system of private property and the profit motive) so devoid of standards and sanctions?

Sanctions are those things which, as Webster defines them, "induce the observance of law or custom." The strongest sanctions for any law or custom are those which lie deep as instincts in the very structure of our being. Now the desire for private property, gain and personal advancement is so widespread as to indicate a fundamental instinct in man, and it has been especially strong in the America of the past three centuries. No one can fail to realize this who is not carried away by wishful thinking, and who understands our history, beginning with the failure of the communistic experiments in the founding of Jamestown and Plymouth; the vital change which private ownership made in those settlements; the whole story of our later immigration of tens of millions, our rapid expansion over the continent, and the production of the American standard of living. Here, then, in spite of a limited number of communists and socialists — negligible as voters even in the 1932 election, in the midst of hitherto unknown poverty and suffering — is a most potent sanction, far more potent than any which would support their forms of society if forced on us.

Another is the fact that capitalism has worked. To say this is to invite the jeers of many. But I would ask such scoffers what other great population in the world has reached the same high level of general well-being?

I need not repeat here the oft-discussed gains labor has made in the past century in such matters as working hours, leisure, purchasing power. As I write this, I look down a country street to a small house that is being built. There are 14 cars parked before it, belonging to the workmen — a sight which one would not see anywhere but in the U. S. A.

The average man, particularly in the lower economic scale in other countries and here, has shown his belief that our capitalism has worked, in spite of all its faults, first by wanting to emigrate here, and second, when here, by refusing in gen-

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(Barron's, August 15, '38)

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busy at forges, electric motors, lathes, potter's wheels, and in adjacent classrooms they were being taught the technical principles of their jobs. The men were chatting as they went about their work, the shops were sunny, and through the windows there were views of the soft, green countryside. Looking at groups in that way, it was easy to think of the whole thing as a gentle experiment in humane prison relationships. It was another matter, however, to single out from the crowd the haggard faces of men who had not been in a home, or ordered a meal, or taken a woman out since Harding was President.

One room was a "hobby shop." "It's open evenings," Dr. Palmer said, "for the lads who want to take up hobbies, and we hope they'll carry them along when they get out." A meek, sad, middle-aged prisoner showed us some table tops carefully inlaid with rose and vermilion woods. Dr. Palmer praised them and asked what he was going to do with them. The inmate spoke gravely. "I sold one in here for $5," he said, "and I'm going to give one to Bill Rogers because he's been so nice teaching me this work. And the rest — Doctor, I'm just trying to make myself a little stake so's when I get out . . ."

In one of the shops there was a sign: "Keep your cutting tools sharp." I asked Dr. Palmer what they did about checking up on tools when work was over. He said the men aren't searched at all. "Old-time prison officials turn pale when they see inmates walking around with hacksaws in their hands," he said indulgently. But so far there have been no suicides and only once in Wallkill has a prisoner started "playing with his bars." "And he was just a plain damn fool," Dr. Palmer added. "He was a pass man who drove a tractor and walked alone to work every day. But he just felt he had to cut a bar in his cell. He didn't know why."

Convicts get paid a little for what they do, and may spend half of what they earn at the prison commissary. The rest they must save until they get out.

Finally we came to a block of 42 small but comfortable cells, with wooden doors.

"None of them is ever locked," Dr. Palmer said.

During the evening the prisoners are allowed to drop around and visit each other in their cells as long as they leave their doors open. When the lights are turned out, each cell block is cut off from the rest of the prison by an iron gate which locks in not only the convicts but an unarmed guard. They don't fear riots. The guards have no keys for the men to make off with and they have no weapons for them to steal. Said Dr. Palmer, "It's just like gunpowder — when you empty some on the floor and put a match to the stuff there's no explosion because there's no pressure."

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eral to vote to change the system to either communism or socialism in spite of promises held out. Instead of none, we thus have these two sanctions, aside from others, which are extremely important and which certainly neither of the other two economic systems of society can guarantee us.

And now for standards, or ideals, of capitalism. The first is that, not only for old Americans but also for the millions who have come to us in the steerage, capitalism offers liberty and a chance to order their lives to suit themselves, as opposed to regimentation. That is both an intellectual and ethical standard as well as an instinctive one in the American nature.

There are all sorts of people, of many moods. There are those who love adventure, the chance to rise at the risk of falling, a variegated world with prizes to struggle for; and there are those who prefer security even with a flat level of monotony with soul-killing boredom. After the exciting centuries since the Renaissance, culminating in the horror of the Great War, the numbers of the latter type may have increased for the time being. For them there may be a compelling lure in all forms of defeatism if they can cease the competitive struggle, though the comfort and security promised are a mere mirage.

I believe that this is *not* true of Americans as a whole, but that, even when they wish to improve the rules of the game, they are still intensely anxious to play the game without being herded like cattle, or losing control of their individual destinies. Only capitalism offers a game to be played with free initiative, and this freedom to express one's own personality in any way desired is a standard or ideal of capitalism and of neither communism nor socialism.

The latter two claim as a standard a wider and fairer distribution of the social product, but this has also, under changing conditions, become a goal of capitalism. That system is finding the necessity, practically and not theoretically, of raising the living standards of all for the sake of its own profits. It is moving steadily in that direction. It is doing so by constant adjustments of the interests of all, and not by revolution or a sudden alteration which would involve intense suffering with no certainty of betterment for any.

There is also another point of difference. To divide a social product equitably, it must be sufficiently large to go round. It seems to me that every experiment in history shows that the product is larger under a system of free initiative than under any other. Of our first experiment in communism, in Virginia, John Smith wrote:

> "WHEN our people were fed out of the common store, and laboured jointly, glad was he who could slip from his labour, or slumber over his taske, he cared

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not how, nay, the most honest among them would hardly take so much true paines in a weeke, as now for themselves they will do in a day: neither cared they for the increase, presuming that howsoever the harvest prospered the generall store must maintaine them, so that wee reaped not so much Corne from the labours of thirtie as now three or four do provide for themselves."

Because of lack of incentive, slavery, too, was always a most inefficient form of labor.

Under capitalism the world has seen an incredible increase in its goods, which I believe neither communism nor socialism, with their lessening of individual incentive, could maintain.

Moreover, if differences in wealth and position were more or less ironed out and men made equal, society would be applying the famous physical law of entropy to itself. In physics we are told that "if all the particles in the universe reached the same degree of heat, no power could anywhere be exerted by one upon another, and nothing could ever again take place."

This might happen in society; but as yet there is a great difference in its members. Even under communism or socialism, there will be those at the center attempting to control the whole. It is no accident that all the totalitarian or communistic experiments of the present day have ended in complete dictatorships. Capitalism, in attempting to maintain freedom and individual initiative and incentive, while also trying to correct abuses, has a distinct standard, superior to that of its rivals.

We have thus found two sanctions and two standards, all four of which seem to me to be of enormous importance and worth fighting for. In conclusion, let us add a word as to the changes occurring in capitalism. From the earlier belief that ownership was absolute, we have steadily advanced to a realization that in many forms property is tinged with a public interest. Thus society, which protects us in our property, has the right to see to it that it shall not be used in an anti-social way. But this — as exemplified in regulation of railroads and utilities, the zoning of urban sections, and like social controls — is vastly different from turning over the management of all natural resources and productive enterprises to the State. That would mean complete alteration in the entire social, political and psychological situation.

Capitalism *may* be doomed because of the activity of a minority and the inertia of the mass, but I can see no warrant for saying it is so because of lack of sanctions or standards. Socialism and communism are still blueprints of theorists, for, as communists have found, there is not communism even in Russia. What sanctions or standards can they guarantee to us which, in practice, will be better than those capitalism already has as a going concern?

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Churchmen Crusade Against Capitalism

Condensed from The American Magazine

Arthur Bartlett

In November my church is going to take a vote. We are going to decide whether or not the profit system is Christian — whether America ought to keep on under capitalism.

For a crusade against capitalism has arisen within the Protestant churches, and the million members of the Congregational and Christian churches will be asked to express their opinions on it. This will be the first time that the whole membership of a denomination has been polled; but in almost every Protestant denomination the battle lines are being drawn.

A few months ago I heard one of New York's most widely known Methodist preachers, the Rev. Dr. Christian F. Reisner, say: "I have been attending our annual conference this week. It was a fight — a real fight. But we finally won, thank God, even if by only a few votes. The radicals wanted us to endorse everything short of Communism itself."

The conference debate, he told me later, came over a Social Service Commission report which, among other things, asked the delegates to condemn our economic system as "selfish" and advocate a "sharing" system instead. He said that when he proposed to add, "We also unreservedly condemn the dictator Stalin and his murderous system in Russia," the proponents of the other resolutions were quite reluctant to accept it.

"The point is," said Dr. Reisner, "that behind these proposals, whatever their high-mindedness, is a definite political movement, and I think it takes attention away from the true spiritual nature of Christianity."

Since then I have visited many different churches and talked with all sorts of people in various denominations. There is a strong and growing minority group in the churches devoting itself to the revolutionary task of abolishing the capitalistic system. A much larger, more moderate group — perhaps a majority — believes it the duty of the church to look at the capitalistic system with a critical eye and to preach the "Social Gospel," aimed at an eventual Christian commonwealth in which the motive of selfish gain will be eliminated. The rest still hold to the old theory that the church should interest itself in individuals, not systems — that you and I, not the setup under which we live, should be held responsible for greed and selfishness.

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The headway the anti-capitalistic movement is now making was impressed on me when I asked the wife of a banker what she thought of this trend in the churches. Said she: "Well, I suppose to be a really complete Christian you have to be a Socialist."

Actually, that lady is a conservative Republican, active in politics and in the Episcopal Church. "Then you don't consider yourself a good Christian?" I asked.

She shrugged her shoulders: "Sometimes I wonder."

Here surely was something new. Ten years ago, such a woman would have had no doubt that she was a Christian. But now, because she could not be a Socialist, she wondered about it. The test of Christianity had changed in her church.

The last time I heard her rector preach he quoted Bishop Edward L. Parsons, of California, as saying: "Under the present order, business must be conducted for profit. The only way out is a social order which increasingly eliminates the profit motive. There are many hateful things about Russian Communism, but there is something wholesome in a society in which youth is brought up to serve the community rather than to seek success in the form in which we commonly think of it in America today."

Bishop Parsons is president of the Church League for Industrial Democracy. This league of Episcopalians is in the forefront of the crusade against the profit system, together with the Methodist Federation for Social Service and the United Christian Council for Democracy. The latter is drawn from numerous denominations: the Evangelical and Reformed, Baptist, Community, Congregational, Disciples, Presbyterian, and Unitarian.

Many conservatives in the churches call these organizations Red. I decided to see what the leaders of the movement had to say about it. At the office of the Methodist Federation for Social Service, in New York, I talked with the Rev. Charles C. Webber, field secretary. He handed me a leaflet describing his group: "An organization which rejects the method of the struggle for profit as the economic base for society; which seeks to replace it with social economic planning in order to develop a society without class distinctions and privileges."

"Of course," he said, "we have certain ideas in common with Communists and Socialists. But that does not make us either one or the other. We are Christians, working toward social change."

Mr. Webber explained that his organization is financed by the membership. "We don't get one cent from the church body."

I glanced through the leaflets and pamphlets which were stacked in large piles along one wall. One leaflet read:

"Have you lost your job? Have you had to take an income cut? Is your

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child through school, and now can't get a job? Have you lost your savings? Has your mortgage been foreclosed? Has none of these things happened to you? *Do you feel certain that it won't?* Do you realize that back of what has happened to you, to millions, is that *the profit system has broken down?*"

Mr. Webber told me that of the 3000 members of his organization, about 2500 are ministers — which is one out of every six Methodist Episcopal ministers in the United States.

"Does that mean that they all agree with your program?" I asked.

"Not necessarily," he said, and referred to one of the leaflets. Under the heading, "Who Are Welcome," it said: "Those who want to go in the general direction indicated by our program. Also, those who know that something is seriously wrong, but are not quite sure what, and therefore do not know what to do about it."

Obviously there is plenty of room for opposition and for a wide scale of in-between opinions. And that is exactly the situation, although the most active opposition seems to be among laymen, rather than among the clergy. A Conference of Methodist Laymen, with Arthur M. Hyde, former Secretary of Agriculture, as one of its leaders, has been formed to combat the ideas of the Federation.

One church in the Eastern New York Methodist Conference, which is headed by the president of the Federation, Bishop Francis J. McConnell, refused recently to accept a pastor assigned to it, on the ground that he was too radical. One of the opposing laymen told me:

"We are primarily afraid of the influence these men will have on our children. A minister is entitled to his own political and social views, like anybody else. If he tells me that the will of God coincides with his particular political notions, I'm tough-minded enough not to believe him. But I don't see why I should teach my children that the will of God is all-important, and then have them taught in Sunday school and Epworth League meetings that the will of God is Socialistic."

A small manufacturer told me: "When I first heard about what some of these fellows are preaching I quit going to church, and quit giving anything to it. And I know a lot of other men who did, too. Our pastor finally talked me into coming back. He is sound and all right, and I saw that I was wrong in bucking the whole church just because of a few wild-eyed radicals in it. But I can tell you that if they put one of those fellows in our pulpit I wouldn't give the church a cent. Why should I finance somebody to pull my house down?"

So the battle rages among the Methodists; and in other denominations it is much the same.

The Church League for Industrial Democracy, the Episcopalian organization, has stirred up strenuous opposition. Not long ago Bishop

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William T. Manning of New York publicly disclaimed its members, saying they were not representative of the church as a whole; and a Church Layman's Association has been formed to oppose them. At present the League has 2861 members, of whom 486 are ministers and 29 are bishops.

The United Christian Council for Democracy is still in the process of being formed in several of its denominational branches. Its creed is virtually the same as those of the Methodist and Episcopal groups, both of which are allied with it. "We reject," it says, "the profit-seeking economy and the capitalistic way of life, with its private ownership of the things upon which the lives of all depend."

Discussing it with a minister from Ohio, he said, "I'm just an average American minister in an average American town. I'm no hidebound reactionary. Sometimes I preach old-fashioned personal religion, and sometimes I preach what they call the Social Gospel. I'm all for any sensible steps that can be taken to make conditions better. I voted for the New Deal, and would again. But when it comes to turning the whole system upside down, I balk; and I hate to see so many other ministers veering off that way."

Recently, in a small New England town, I asked the minister of the Congregational Church what he thought of the profit system. "Frankly," he said, "I'm against it. Come to our Young Men's Forum this evening. We thresh these questions out there."

A dozen young men were at the Forum, and the minister led the discussion on the subject: "What Christians Can Learn from Soviet Russia." Only one man seemed inclined to condemn the Russian system completely. The others deplored Stalin's methods but agreed with the minister when he said: "In their social and economic order, the Russians are pointing the way to the realization of the Christian ideal of the brotherhood of man."

The Council for Social Action of the Congregational Churches is an official agency set up in 1934 to keep the church abreast of the social questions which had become so much involved with religion in many minds. I talked with the Rev. Alfred Schmalz, a young minister of the modern, matter-of-fact type.

"Some reactionaries in the church think we should not be mixing up in social questions," he said. "But the preponderant thought in the church today — in all the churches — is that we can't keep out of social questions. The religion of Jesus has social implications. When it comes to such a fundamental issue as the rights and wrongs of capitalism as a whole, it is up to the whole church to speak. That is why our General Council authorized the Economic Plebiscite in November."

And so we are getting ready to cast our ballots. Capitalism or—?

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IS SOCIALISM THE ANSWER?

By Geo. E. Creed, M.Sc.

There may be some who think that, after this war, we can return to our accustomed way of living and carry on business as usual. Such people are due for a rude awakening.

This war has brought changes in ideas and viewpoints which ordinarily might have taken generations to develop. For instance, many people's minds must have been jolted by the startling contrast between the present war-time business boom and the ten long years of depression which immediately preceded it.

During those years before the war, great numbers of our people had scarcely the bare necessities of life. In spite of that fact, many factories remained idle or operated at only a fraction of their full capacity, while workmen walked the streets looking for jobs whih could not be found. It was commonly believed then that we could not afford to let the unemployed go to work and produce the things they needed.

What a change the war has made in that idea. Menaced by an enemy from without, we found ourselves faced with the alternative, "produce or perish!" Now that the need is considered urgent enough, a way has been found to start the factory wheels turning and to produce an ever increasing stream of goods to supply our war needs.

As Canada's Prime Minister Mackenzie King announced recently in the House of Commons, when it comes to fighting a war, we can afford anything that we have the man-power and the materials to produce.

Planning For Peace

It would be strange indeed if people did not begin to put two and two together and to ask themselves why the same principle should not apply to our peace time activities also, and to examine the methods by which increased production and consumption have been made possible in war-time.

A notable feature is the effect of government orders in stimulating production. Then too, the present tendency is toward more and more government control over private industry. The question is, "How far is it necessary or desirable to go in that direction?"

Already, in the democratic countries there is a growing agitation for complete Socialism as a means of making our war effort more effective and as a means of paving the way for lasting prosperity when peace comes.

Probably not all advocates of Socialism would be in agreement as to just what they meant by that term. However, we may accept the classical definition of Socialism as being "public ownership of all the means of production, distribution and exchange."

Advantages of Socialism

Now public ownership is not such a bad thing. Up to a certain point, at least, it is a very good thing indeed.

Take the case of our post offices, for instance. We would soon protest if the business of carrying our mail were handed over to private companies, to be administered for their own profit.

Imagine what confusion there would be if private individuals had the right to determine whether or not they would carry our mail, when they would deliver it and what fee they would charge.

By common consent, the postal service has been socialized and few will question the wisdom of that decision.

Some people can still remember when many of the highways were private property and those who used them had to pay a toll charge for the privilege. We have since decided that it is in the best interests of everyone to have our highways brought under public administration.

Then, too, in some countries there was a time when the collection of taxes was left to private enterprise. The privilege was auctioned off to the highest bidder. The tax collector then had to pay a specified sum to the Government and anything he could manager to extort over and above that amount went into his own pockets.

Even the most rugged individualist will surely agree that there are some services which can be provided most beneficially and cheaply by the Government. In other words there is definite need for a field of public ownership.

Private Ownership and Profits

It does not necessarily follow, however, that it would be wise to wipe out private industry entirely and to have all the "means of production" owned and operated by the Government. While public ownership is often good, there is such a thing as having too much of the good thing.

With all its faults and failings, our capitalistic system has produced a higher average standard of living, and has done more to encourage the development of the arts and sciences, than any system of rigid government control has ever done. That superiority is largely due to the fact that it encourages and rewards individual initiative.

If a person has an idea that he can render a service to the public better and more cheaply than his fellows, under our capitalistic system he has the privilege of setting up a business of his own, and proving to himself and to the public, whether he can "deliver the goods". If he makes a success of it, the people in general are better off than they were before, and the enterprising business man will profit thereby.

Under our present system, there has been so much piling up of unearned profits, due to the lack of fair competition, that many people have swung to the extreme of advocating the complete abolition of all profits.

But profits are simply the reward of management and compensation for the display of initiative and the assuming of business risks. When honestly earned, there is no reason for begrudging such profits, any more than we would begrudge the workman his wages.

To eliminate all profits would be to destroy what is probably the greatest incentive for the display of initiative. It is all very well to say that under complete Socialism people would do their best work just for the love of it but a sound solution must take ordinary human selfishness into account.

The Middle Way

In seeking to obtain the advantages of Socialism and at the same time to retain the best features of our present capitalist system, would it not seem advisable to avoid the extremes and to seek to find the safe middle road?

In other words, our objective should be to find the best combination between **co-operation** (as represented by public ownership, with the abolition of profits) and **competition** (as represented by private enterprise, where profits could be earned as a reward for initiative).

Where To Draw The Line

In determining where to draw the line between public ownership and private ownership, the conditions in the average home will be helpful as an example.

In a home, the members do not have to pay each a profit on the furniture, the garden nor the furnace, which they use in common. The wife does not have to pay the husband a profit for the use of the kitchen sink nor do the other members of the family have to pay a profit to the wife or mother for the use of dishes which she may have received as a wedding present. On the other hand, there may be certain things such as books, clothing, a bicycle, camera and so on, which are individually owned.

In the larger family of the nation, the same principle can be applied. The public has already decided that such properties as schools, hospitals, sewage systems, parks and so on should be owned in common. On the other hand, factories stores, farms and similar productive facilities, as well as personal possessions, have been left within the field of private ownership.

Why not draw the line between public and private ownership just where it is supposed to be now? Note that I say "supposed to be".

No Public Ownership Now

Under our present system there is no such thing as public ownership, except in name. Our schools, hospitals, highways and other such public properties are publicly administered. But they have all been financed with money borrowed at interest from private individuals. The real owners of our so-called public properties are those individuals who hold the title deeds or bonds, and who collect rental for the use of such properties, under name of interest.

It is time we recognized that money does not work. Profits are legitimate only as a reward for management, or for displaying initiative or assuming business risks. Those who invest in government bonds contribute nothing to management of the country thereby. Neither do they assume any risk or display any initiative whatsoever.

The greatest weakness in our capitalist system can be overcome if money lenders will recognize that all profits must come from production, and will stop trying to get profits out of public enterprise, where there aren't any!

Nationalization of Money

The proper function of the government is to **create** the nation's money supply and to pay it out in return for services rendered. No private individual or private firm should be allowed to create money and lend it to the government at interest. Yet under our present system, more than 90 per cent of our entire money supply is created by private banks, for their own private profit.

The control of the money system carries with it power to control everything that money can buy. In order to solve our urgent economic problems in a democratic manner, it will be found that the need to socialize or nationalize, not our mines, factories, farms and other means of production, but only the business of **creating and cancelling money.**

Application of the Plan

When that is done, the government could use its own central bank to create whatever money is needed, and lend it **without interest** (except for a slight service charge to cover cost of handling the money), for a continuous construction program of neccessary public works, sufficient to provide full employment for every willing worker. As the properties depreciated, any surplus money could be recalled by taxation, so as to prevent inflation.

Such a plan would eliminate the interest burden on public, thus reducing taxes. Most of the unemployed, instead of being a public charge, would be earning wages and would be able to purchase the products, thus stimulating business.

It is entirely logical that the Government should also lend money, without interest, for the building of houses. Homes are the foundation of the nation and they should be made available to the people at the actual cost of production, without having to pay for them two or three times over, in profits to money-lenders. Such a housing plan would provide the answer to one of the greatest post-war reconstruction problems.

Although all money would be created and put into circulation by the government, it is important that money should be nationally issued **only** for the production of houses, churches and needed public works.

All private industry would be financed entirely from the savings of the public, either directly or through the private banks. This ensures that there would always be a field where people could earn legitimate profits in private, productive enterprise.

Prevention of Profiteering

The line between public and private enterprise could be changed from time to time, if necessary, by majority vote, which is the democratic way. For instance, if any industry were not playing the game fairly and refused to mend its ways, the public could be given the facts and they could authorize that such an industry be socialized and operated on a non-profit, by buying up its stock with new, nationally issued money.

Thus the people, through their government, would be able to exert a very powerful influence in curbing unfair trade practices, even though the power to socialize industries might be seldom used.

All Classes Would Benefit

Many of those who strongly oppose any change in our economic system are probably still thinking in terms of scarcity. They are unable to see that the poor may have more without taking it from the rich. We should realize, however, that it is no longer a question of equalizing scarcity but of so ordering our money system—that is to say, our distribution system—that it may be possible to produce and distribute much more for everybody.

Must Choose Soon

Great changes in our economic system are coming soon and ,if we do not plan intelligently, there is danger that the pendulum may swing too far, toward complete government regimentation.

We cannot just drift along and expect that things will turn out all right. Those who believe that the middle course, which has just been described, offers a reasonable solution should get behind it and support it. Or, as Old Bill said, "If you knows of a better 'ole, go to it."

NO SHORTAGE OF RABBITS

There doesn't appear to be a shortage of jack rabbits this winter, judging by reports received to date by E. S. Forsyth, game commissioner. Travellers, school teachers and children, and persons living in the country all are of the firm belief that there is a larger crop than ever before.

This should be good news for those who hunt them, for rabbit pelts are selling at a good price nowadays. Fur dealers report that they cannot get enough pelts to satisfy the demands, created largely as a result of the war. And fur farmers are offering fancy prices for rabbit meat, too.

Rabbit fur, besides being used for many new purposes since the war, is used extensively in making felt hats, trimming for coats and gloves, boudoir accessories, and household decorations.

LARGE WHEAT CROP HARVESTED IN 1940

One of the best crops in Saskatchewan's history, totalling approximately 260,000,000 bushels, was harvested in 1940 but it is anticipated that the 1941 crop will be somewhat lower, according to the "Farm Outlook for Saskatchewan" report, issued by the University of Saskatchewan.

Reduction in the 1941 wheat crop is forecast in view of the lower wheat acreage expected to be sown.

The 1940 crop, which has been exceeded only by the crops of 1923 and 1928, was due to an above-average yield of 16.7 bushels per acre on 15,600,000 acres, the highest wheat acreage ever reported for Saskatchewan, and 1,400,000 acres more than was seeded in 1939.

The best crops were in the northern portion of the park belt, the fringe of the forest region, and in the heavy land areas in west-central Saskatchewan. Wheat yields ranged from 20 to 35 bushels per acre. Poor yields were recorded in the extreme southwest corner, and in a narrow strip of territory extending southeast from Indian Head to the international boundary.

GIRL SOLDIERS OF SOUTH AFRICA

Forty-nine South African girls are serving as attested soldiers in East Africa. They are members of the South African Women's Auxiliary Army Services. The girls are under the command of Captain Mrs. K. E. Hamman, wife of a senior officer in the Union Defence Force. The headquarters of the corps, which is called the "mossies," is a partly evacuated boarding school.

EMPIRE'S NEWEST ARSENAL

From Suez to Singapore stretches a great theatre of war, vital to the British Empire. The destiny of Australia, and New Zealand, of India, Burma and Malaya, of the East African and Far Eastern territories depends upon it.

The swift growth of India as a war supply centre for the whole of the Suez-Singapore area is one of the most remarkable signs of the British Empire's world-wide power and solidarity.

India is making rifles and machine guns, small arms ammunition, sadlery and blankets, armour plating and shells, artillery up to 6 in. guns and 6 in. howitzers, anti-aircraft guns and bombs and mines. Soon she will be making aeroplanes.

Since the beginning of the war India has sent overseas 100,000,000 rounds of small arms ammunition, 200,000 shells, 6,000 rifles, 4,500,000 sandbags, 3,000,000 yards of khaki drill. 150,000 pairs of boots, 20,000 greatcoats, and 20,000,000 yards of medical gauze.

All the present steel requirements of the Middle East and Iraq can be met by Indian steelworks.

HON. W. J. PATTERSON

Premier of Saskatchewan

GOLD PRODUCTION

Few people realize it, but Saskatchewan does produce a small amount of gold from month to month. Combined output of Saskatchewan and Manitoba for the month of October amounted to 22,438 ounces; in September, 20,466 ounces were produced.

IN PROTECTION OF GUEST CHILDREN

W. B. Madeley, Minister of Social Welfare ,has been appointed guardian of every overseas child taken to the Union of South Africa under the British Government's evacuation scheme. The Minister will remain the child's guardian so long as it is in South Africa.

HON. J. W. ESTEY, B.A., LL.B., K.C.

Provincial Minister of Education

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NEW MARKET FOR 40 MILLION BUSH. WHEAT FORESEEN

Line Elevators Present Plan to Chemurgic Conference; Cecil Lamont, North-West Line Elevators' Association Speaks at Toronto

Manufacture of power alcohol from wheat would create an entirely new market for 40,000,000 bushels of wheat annually, Cecil Lamont, of Winnipeg, representing The North-West Line Elevators Association, informed the National Chemurgic Committee at a meeting held in Toronto last week. Agriculturists, scientists and industrialists of Canada were represented at the gathering. A report covering the whole field of research into finding new edible and inedible uses for farm products will be laid before the Dominion Government within a short time by the committee.

The Line Elevators' representative also stressed the possibilities of using substantial quantities of wheat for the manufature of starch.

In discussing the possibilities of creating new uses for wheat. Mr. Lamont said: "Reputable statisticians estimate that there will be a carry-over of wheat in Canada at the end of the current crop year—July 31st, 1941—of approximately 517,000,000 bushels. The entire capacity of Canada's existing grain elevator storage facilities will be required to store the surplus stocks. Farmers will at that time be seeking a market for another wheat crop which will amount to anywhere from 250,000,000 to 500,000,000 bushels, depending on weather conditions throughout the growing season.

"With the exeception of the British Isles, Canada's main wheat export markets have been lost, probably for the duration of the War. Under continuance of prevailing conditions Canada cannot hope to export more than 200,000,000 bushels annually . Exports of wheat and flour during the present crop year—August 1, 1940, to January 10, 1941, total only 62,517,345 bushels compared with 76,833,387 bushels a year ago.

"Between January 1st, 1937 and October 30th, 1940, Canada imported 39,947,085 bushels of corn with an import value of $23,997,194.00. Much of this corn was used for the manufacture of starch. Starch can also be manufactured from wheat.

"In the calendar year 1939 consumption of gasoline in Canada was 814,188,217 gallons. It has been established that addition of a ten per cent mixture with gasoline of power alcohol manufactured from grain improves the anti-knock qualities of gasoline. Power alcohol is regarded as a substitute for tetraethyl lead which is imported into Canada. Imports of crude oil from the United States in 1939 totalled 996,684,536 gallons. In addition 109,021,177 gallons of gasoline were imported.

"The addition of a ten percent mixture of power alcohol, manufactured from wheat ,to Canada's gasoline consumption would require 40,709,410 bushels of wheat annually. This would also result in increasing the octane of the ordinary gasoline by ten points.

"Under ordinary circumstances prevailing in Canada the manufacture of starch and fuel oil from wheat is not eonomically feasible. However it is no ordinary condition which Western Canada faces today with her storehouses filled to overflowing with wheat, markets lost, desperate need for conservation of foreign exchange for War purposes and the 1941 crop about to be seeded.

"The North-West Line Elevators Association proposes that this body urge the Government of Canada to take steps to establish a Western Division of the National Research Council dedicated to finding new edible and inedible uses for farm products. It is further suggested that an Economics Division of the National Research Council be formed. The function of this division would be to advise the Dominion Government on matters subsidizing the industrial utilization of surplus farm products, with particular reference to wheat and formulating means of moving surplus farm products from surplus areas of Canada to other sections of the country where they might be used as human foodstuffs or for animal feeding. Our Association desires to impress upon this gathering that it is not seeking to place new burdens on the shoulders of the Government in Wartime. The Government for the past ten years has assumed responsibility for the wheat problems which have faced the country. Our Association's desire is to do all within its power to assist agriculture and the Government in finding markets for Canada's wheat", Mr. Lamont concluded.

YUKON SOUTHERN AIR TRANSPORT'S TWIN-MOTORED AIRLINER "YUKON QUEEN"

G. W. G. McCONACHIE

General Manager, Yukon Southern Air Transport

Yukon Southern Air Transport Setting New Records

Its silver-winged skyliners soaring out of Edmonton and Vancouver to Whitehorse in the Yukon, serving en route Alberta's vast Peace country and British Columbia's rich and rugged interior, Yukon Southern Air Transport is entering its second year of operation of twin-motored, all-metal standard airline equipment.

Celebrating the passing of its anniversary of flights with twin-engine aircraft, Yukon Southern has set a pace unmatched by any other northern operator and has established a record of efficient service equalled by no other airline in the world.

The logbooks of the highly-trained pilots of this airline record a service which maintained its schedule of flights to 98 per cent., the loss of schedule being just two per cent. for the whole year and entirely due to weather. Mechanical delays recorded have been exactly nil.

The perfection of mehanical operation is attributed to efficiency of management, skill of operating and maintenance personnel and the high standard of equipment used.

The record of 98 per cent. schedule, considering the weather variable, can be laid mostly to one factor—good weather. For Yukon Southern's lines lie over the route known internationally as the "Sunshine" route—a route shielded from the Pacific rain and fog by the towering Rockies and, at its northern end, from the Arctic blizzards by an inside range.

Progress of the line is startling when it is re[illegible]

building landing fields for wheel equipment. This not only means year-around flights but speeds up the schedules.

Two fields had to be cleared out of heavy timber, levelled and rolled by the Company, at Fort Nelson and Watson Lake, in northern British Columbia. Government assistance was obtained to improve landing bases at other points.

To build these fields was the sort of Herculean task into which Yukon Southern could sink its teeth with relish. Fort Nelson and Watson Lake are accessible only by aircraft or dog team and all equipment had to be flown in. This meant that two 3,000-pound tractors had to be dismantled, stowed in airplanes and ferried hundreds of miles over the sky trails.

The tractors are equipped with circular saws and logs and lumber were cut on the ground for erection of buildings and construction of snow rollers. Men are stationed at both points, the radio operator-agent and crews to maintain the bases.

The new flight schedule, making direct connections with Trans-Canada Airlines at Edmonton, enables passengers to reach the Yukon or Alaska from any part of North America with just one overnight stop, at Dawson Creek, B.C.

Flights now leave Edmonton Wednesday and Saturday at 1 p.m., connecting with incoming T.C.A. plane's arrival at 11.45 a.m., and return Sunday and Thursday from the Yukon, arriving at 11 a.m. Similar schedules are maintained out of Vancouver.

Connections also are made at White-horse with Pan-American Air ways for Alaska and with White Pass and Yukon Airways for Dawson City.

The past year's development has seen spectacular advances for Yukon Southern and, keeping its busines promotion abreast of its operation, the company has established agents in New York and in Fairbanks, Alaska.

MILLION MARK

National registration returns indicate that Saskatchewan's population now borders on the million mark, but definite figures are not available since registration applied only to persons over the age of 16.

Saskatchewan in 1936 had a population of 930,893, according to the quinquennial census, and 921,785 in 1931 after the federal census had been taken. The exact population, however, should be known late this year or sometime in 1942 as this is census year in Canada.

HON. J. G. TAGGART

Provincial Minister of Agriculture

LAST YEAR'S GUESTS

Now is the time for resort and camp owners to look over their registers and send invitations to former guests, letting them know that they may this year enjoy their vacations in Canada as usual, and that the United States dollar is now worth $1.10 in this country.

ADVISORY COMMITTEE ON TRAVEL AND THE TOURIST INDUSTRY

The Canadian Government on August 24, 1940, appointed an inter-departmental committee with the object of co-ordinating all governmental activities which have a bearing on tourist traffic in Canada, and to develop a general tourist policy in the Dominion in co-operation with existing Federal, Provincial and private organizations interested in its promotion.

Formation of the committee was not a new venture, but rather an upward step in the governmental policy of unifying the various agencies interested in travel. The Canadian Travel Bureau is the federal organization responsible for the encouragement of tourist traffic and has worked in close co-operation with all other tourist agencies in the Dominion. The adverse effect of the war upon travel generally, and precautionary measures incidental thereto, made necessary the formation of the committee which includes representatives of different governmental departments dealing with customs, passports, foreign ex change and commercial intelligence.

CANADIAN SOLDIERS OVERSEAS DRIVE TO SCHOOL IN LORRIES

OTTAWA—Peace or war, the system remains unchanged.

Canada's fighting sons overseas who have enrolled as students in the Canadian Legion War Services' education program, are being driven to "school" in much the same fashion as many of them did years ago.

According to a cable received here from Dr. A. E. Chatwin, M.C., the Legion's overseas Director of Education ,the military authorities have authorized the use of lorries to transport the men from their camps to the classroms.

Nine officers and 53 men were carried in three such vehicles a distance of 12 miles one night recently to attend lectures, and Dr. Chatwin states that outside one building being used by the Legion he counted 11 lorries from various concentration centres.

Registration of officers and men in the Legion's education services overseas now totals 4,286 and enrollments are still being received. Dr. Chatwin also cabled that 116 classes were held by the Legion in different subjects throughout England last week.

With the 10,000 men in Canada who have become students under the Legion's education plan, the total enrollment at home and abroad is now close to 15,000.

HON. E. M. CULLITON

Provincial Secretary

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Complete

"STUDY IN SOLITUDE"

REGINA LEADER-POST
February 14, 1941.

.....

Senator Arthur Meighen is becoming a singularly lonely figure in our political life. What strange wilfulness drove him to erect his own Chinese wall separating himself from the vast majority of his own countrymen?

For that is what Mr. Meighen seems consistently to have done in his public speeches during the war. Particularly is it true of his recent remarkable utterance in Toronto. It so happens that Rt. Hon. Ernest Bevin and certain other Labor ministers in the Churchill cabinet have been making statements with respect to post-war British economic policy that Mr. Meighen finds profoundly disturbing. They feel evidently that the government will have to become a more active agent in assuring a fair deal and greater social security for the broad masses of the people.

Hence the senator's astonishingly reactionary warning:

> "If property, profit, the reward of toil, the fundamental instinct of the human race to gain, to acquire, to have, to reach somewhere, is taken away, then I for one do not feel that we have anything worth fighting for."

Were Senator Meighen speaking for a great national party, such a statement would be a serious thing because of its obvious consequences for Canadian unity. But it is not to be supposed that he is speaking for anyone but his apparently frustrated self.

His attitude toward the war effort has been consistently destructive. He has concerned himself almost exclusively with unfavorable criticism of everything the federal government has undertaken without offering any practical alternatives. That a leader of his recognized ability should act as he has at a time when sound counsel and direction are needed is a keen disappointment to his own party, and to the public in general.

The essence of democracy is faith in the good sense of the common people. The British, it would appear, are determined upon certain changes in their manner of life. But it is highly unlikely that a people who cherish freedom as they do will ever peacefully accept anything resembling the type of regime which Stalin calls "socialism" in Russia. Mr. Meighen is wrestling with a nightmare; it will dissipate with the dawning of a new day.

Meanwhile in the United Kingdom, his old chief, Rt. Hon. R. B. Bennett, is wrestling with the far more real problem of aircraft production, unperturbed by the awful omens and portents that Senator Meighen sees from afar. Deeds are often more eloquent than words and Mr. Bennett has demonstrated forcibly that he sees in the issues of this war something eminently "worth fighting for."

Nor should this be deemed remarkable. It will be remembered that Mr. Bennett wrote some far-reaching social legislation into the statute books, albeit the courts treated his New Deal in rather cavalier fashion. The former Conservative chieftain said at that time, "The old order is gone. It will not return."

Lest there be any doubt in the matter, he added (and surely Mr. Meighen must have writhed at the words): "In my mind, reform means government intervention. It means government control and legislation. It means the end of laissez-faire."

Senator Meighen may if he chooses continue building his Chinese wall; the nation will scarcely be interested. It is primarily concerned with the present task of winning the war. But the need for post-war reform is by no means being lost sight of. To believe that the future must simply be a reincarnation of the past, is to be both blind and selfish. If the era to come is not to be broader and finer than the past then indeed will the war have been fought in vain.

.....

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#11

Ottawa,
March 3, 1941.

Mrs. W. Garland Foster,
Hotel Georgia,
Vancouver, B. C.

Dear Mrs. Foster:

I received your letter of 1st. Have not seen any issues of the Vancouver Sun so do not know what they have been saying, but there has been very general attack made on an extricated sentence from what I thought was a very unobjectionable speech made before the Federated Charities' people at a dinner in Toronto. The trouble is that unless one writes out what he is to say and gives a copy to the press and then reads it like a schoolgirl, he is always likely to be in trouble.

I am enclosing herewith a couple of letters I have written the Regina "Leader-Post," attached to each of which is the article in the issue of that paper to which the letter is a reply. These I think will cover what you desire.

There is no more thoroughgoing individualist in the world than Mr. Churchill, with whom, I hear, "Saturday Night" says I am unfit now to associate. Necessarily he cannot make reply to Mr. Bevin and bring about friction in his Government. Personally I am firmly of the view that an answer from someone else would not be unwelcome to him, and, further, that the people of British countries are not of the stuff who deserve to be misled by airy and dishonest visions of a new Heaven and a new earth to come after the war. They unite better and fight better if told the absolute truth.

Yours very truly,

AM/E. Arthur Meighen.

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E.W. HUDSON,
MANAGER

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SYDNEY WILSON,
PRES. & MAN. DIR.

HOTEL GEORGIA

VANCOUVER, B.C.

TELEPHONE-SEYMOUR 5742

March 1st. 1941.

Dear Mr. Meighen:

Will you please have me sent a copy of the speech (re-Bevin, Socialist) which has so disturbed the susceptibilities of the C.C.F. and the Vancouver Sun. My interpretation of the press report is so at variance with what is being said that I may be in my dotage. And it did occur to me that that speech may have had a certain element of propaganda at a time when Bevin was pressing for more power.

I am,

Very truly,

Annie W. Foster.

(Mrs. W. Garland Foster.)

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Editor
"Stanley Carrthers"
Alta. #11

320 Bay Street, Toronto,
February 10, 1941.

Dear Sir:

There has been mailed to me an issue of your paper dated January 31, 1941, with a marked editorial therein entitled "Food for Thought (Indigestible)."

I try to follow, and very much enjoy reading, that are usually called the country press. These papers are of real value to the communities they serve, and are intended to be a reflection of the thought of such communities.

In this editorial "Food for Thought", you quote an unnamed writer in a magazine as saying:—"22 daily papers are owned by members of the Canadian Senate, and that over 100 other journals are also owned by our Senators."

Surely you do not believe this statement. The membership of the Senate is only ninety-six, and there are somewhat less than that number in the Senate now. On the Government side of the House I know of only three Members who might be said to own newspapers. Senator George P. Graham may still own the Brockville "Recorder and Times". I doubt very much that he does, but do not know. Senator Euler, late of the King Government, is said to control the "Kitchener Record". I presume Senator Buchanan owns the "Lethbridge Herald." Outside of Senator Dennis, who I believe controls the "Halifax Herald", I know of no Senator on the Opposition side of the House who owns a paper of any kind, and no other on the Government side. A total of 4 is some distance from 122.

Another quotation you make is this:—

> "One group in that second chamber numbering 43, actually held directorships numbering 199 in 151 companies, whose known assets, without duplication, total the staggering sum of $8,500,000,000.00. This represents one-half of Canadian industry, finance and railroads."

This statement is equally astounding and nonsensical. Naturally certain Senators who have attained a fair degree of success, and perhaps some who have not, are Directors of Companies, but as a rule the amount of stock they have in those Companies would be relatively very small, and the figures this man you quote gives are nothing but fantastic. The writer speaks of a group as if there was a clique hanging together and in control of great Corporations. To anyone acquainted with the facts, such talk is simply silly.

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Writing yourself, as Editor, you say that a very few people own and control over half of the assets of Canada, and that these people should pay over half the cost of the war.

Not long ago I made an analysis of the ownership of Canadian assets, based upon the report of the Statistics Service of Canada. The result of this analysis is contained in an address which I am presuming to enclose to you. The facts, insofar as their relationship and proportion are concerned, would certainly not be altered favourably to your contention since the analysis was made. If you can successfully dispute any of the facts there presented, I will be glad to hear from you. If those facts are correct, and I believe they are, your statement is very misleading to your readers.

Certainly those who have must pay in proportion to what they have, and in my judgment must pay away beyond even what you state they should pay. As a matter of fact, those who have in our country today pay, and for many years back have paid, in very much larger proportion to what they have, than do those less successful, and this is nothing but right.

You further quote the following as having been stated by me in a recent speech:

> "If property, profit, the reward of toil, the fundamental instinct of the human race to gain, to acquire, to have to reach somewhere, is taken away, then I for one do not feel we have anything worth fighting for."

and add that no denial of such a statement has been made.

True, no denial has been made and none will be made. I made exactly that statement. I said a lot of other things, however, at the same time, as to what the direction of reform should be, viz., toward a greater acquisition of the products of labour among those who toil, including those who toil on the land; but, confining myself for the present to the statement you quote, I would like to know what fault you find with it. Do you dispute its truth? Do you look anxiously for the day when everyone will be strait-jacketed in the service of the State, which will own all property under a socialistic regime? If you do, you should say so. If you do not, you are in accord with the statement which you quote from me and which you seem surprised I did not deny. I went on to say that wherever such socialistic regime had been established, it had been maintained by force and force alone, and that inevitably it could not be maintained any other way. The reason I gave was that the world's work in sufficient volume to maintain anything like our average standard of living, or even the average of the less fortunate half of the population, would never be done under any system which took away property, the reward of toil, unless such system substituted force in its place, as has been done in Russia and in Germany.

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You make another quotation from a speech I made in the Senate:

> "Always leave an incentive to work. I have no sympathy with those who would tax business 100 per cent. People will not work for nothing. Human nature is the same in wartime as in peace, and instead of helping the war effort you are defeating it by stripping people of the stimulus to toil and run their business right.
>
> "Leave the incentive and make their reward greater, the greater the toil and the greater the success..... I do not exaggerate at all when I say that I have had businessmen by the dozen tell me that they are leaning on their oars. They have nothing to work for. They say: 'We might just as well take it a little easier now, for we are only working for taxes anyway.' You will get that result in any case if you take away all incentive to work. But leave the incentive and let it grow as profits increase and increase taxes as profits increase."

This is also an extract from an address in which much more was said, but I stand definitely by the words quoted. One function of successful business operation is expansion where market conditions warrant. Such expansion by private enterprise is not taking place. You may argue that it ought to, but the fact is it is not taking place and cannot take place. The money for such expansion cannot be found when anywhere from eighty-five to ninety-four per cent of the earnings go to the State (if there are earnings) and all the losses go to the investor. No honest man can ask for money to be invested under such conditions.

In this world we have to be guided, if we are wise, by practical facts. If we prefer idealistic ruminations to practical facts, we are merely children, and will have to take the consequences of our folly.

The expansion which is taking place at present has been because of Government investment out of borrowed money, for the reason that private investment proved impossible. This is moving step by step toward one of two things--socialistic totalitarianism or bankruptcy.

What I have sought to write you in this letter is not sent with the idea that it will be particularly popular reading. What is called "good politics" would be far better served by attributing the terrible conditions you describe to the selfish blundering of a Government of the opposite Party which has been in power for three-quarters of the last two decades. I have no confidence in that Government as a war Government, but unlike some of its Members when in Opposition, I do not seek popularity by arguing nonsense.

If you care to publish this letter you may do so, but I ask you not to publish part unless you publish the whole.

If any of your readers desire a copy of the speech enclosed herewith, I will be glad to send one as long as the supply lasts.

Yours very truly,

AM/E. Arthur Meighen.

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"STUDY IN SOLITUDE"

REGINA LEADER-POST
February 14, 1941.

.....

Senator Arthur Meighen is becoming a singularly lonely figure in our political life. What strange wilfulness drove him to erect his own Chinese wall separating himself from the vast majority of his own countrymen?

For that is what Mr. Meighen seems consistently to have done in his public speeches during the war. Particularly is it true of his recent remarkable utterance in Toronto. It so happens that Rt. Hon. Ernest Bevin and certain other Labor ministers in the Churchill cabinet have been making statements with respect to post-war British economic policy that Mr. Meighen finds profoundly disturbing. They feel evidently that the government will have to become a more active agent in assuring a fair deal and greater social security for the broad masses of the people.

Hence the senator's astonishingly reactionary warning:

> "If property, profit, the reward of toil, the fundamental instinct of the human race to gain, to acquire, to have, to reach somewhere, is taken away, then I for one do not feel that we have anything worth fighting for."

Were Senator Meighen speaking for a great national party, such a statement would be a serious thing because of its obvious consequences for Canadian unity. But it is not to be supposed that he is speaking for anyone but his apparently frustrated self.

His attitude toward the war effort has been consistently destructive. He has concerned himself almost exclusively with unfavorable criticism of everything the federal government has undertaken without offering any practical alternatives. That a leader of his recognized ability should act as he has at a time when sound counsel and direction are needed is a keen disappointment to his own party, and to the public in general.

The essence of democracy is faith in the good sense of the common people. The British, it would appear, are determined upon certain changes in their manner of life. But it is highly unlikely that a people who cherish freedom as they do will ever peacefully accept anything resembling the type of regime which Stalin calls "socialism" in Russia. Mr. Meighen is wrestling with a nightmare; it will dissipate with the dawning of a new day.

Meanwhile in the United Kingdom, his old chief, Rt. Hon. R. B. Bennett, is wrestling with the far more real problem of aircraft production, unperturbed by the awful omens and portents that Senator Meighen sees from afar. Deeds are often more eloquent than words and Mr. Bennett has demonstrated forcibly that he sees in the issues of this war something eminently "worth fighting for."

Nor should this be deemed remarkable. It will be remembered that Mr. Bennett wrote some far-reaching social legislation into the statute books, albeit the courts treated his New Deal in rather cavalier fashion. The former Conservative chieftain said at that time, "The old order is gone. It will not return."

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Lest there be any doubt in the matter, he added (and surely Mr. Meighen must have writhed at the words): "In my mind, reform means government intervention. It means government control and legislation. It means the end of laissez-faire."

Senator Meighen may if he chooses continue building his Chinese wall; the nation will scarcely be interested. It is primarily concerned with the present task of winning the war. But the need for post-war reform is by no means being lost sight of. To believe that the future must simply be a reincarnation of the past, is to be both blind and selfish. If the era to come is not to be broader and finer than the past then indeed will the war have been fought in vain.

.....

Toronto, February 18, 1941.

The Editor,
"The Leader-Post",
Regina, Sask.

Dear Sir:

Someone has sent me a recent editorial in the "Leader-Post," entitled "Study in Solitude." Though this emanation gives little evidence either of the illumination of "study" or of the introspection of "solitude," its crafty misrepresentations call for a reply.

You quote the following short extract from a speech I made lately at a meeting of the Federated Charities in Toronto:

> "If property, profit, the reward of toil, the fundamental instinct of the human race, to gain, to acquire, to have, to reach somewhere, is taken away, then I for one do not feel that we have anything worth fighting for."

On this sentence, which seems to me to express a truth which no person who is both honest and intelligent would dispute, you base a diatribe of peculiar malignancy and bitterness. First of all, I would like to ask you:--Do you, yourself, dispute the truth of the sentence which you quote? If you do, be good enough to tell your readers what is wrong with it, and particularly in what respect it is false. I have challenged more than one editor already, who has given place in his paper to correspondents whose rantings were similar to your own, and have never received anything in return except an acknowledgment that what I said was right.

Indeed, in your editorial, you, yourself, say that to think of such a thing as I describe taking place is "wrestling with a nightmare." One would hardly think that to bring about something the very thought of which is a "nightmare" was worth the blood of our sons.

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You say that a people who cherish freedom will never peacefully accept "what Stalin calls 'socialism'". What is the difference between saying this and what I said? When Mr. Bevin along with others of the Labour Party of Great Britain say that they are in favour of "socialism in our time," I fail to see why I should be made an object of editorial Billingsgate for taking them at their word. "Socialism in our time" has for years been on the masthead of the Labour Party of Great Britain, and, judging from the speeches of its leaders even since they entered the Churchill Government, is there to this day. If you know of some other recognized form of socialism of a wholly different character and colour from the socialism of Stalin, it would be interesting if you would define that form and define it, not in the language of vague electioneering platitudes, but in definite, meaningful terms which can be translated into legislation.

You seek to make it appear that I spoke against "a fair deal and greater social security for the broad masses of the people," and that I was arguing that the future must be "simply a reincarnation of the past." In using such language, you were not speaking the truth. I made it very clear in the short speech I made that I was by no means satisfied with things as they stand, and went so far as to say that as soon as any specific legislation could be shown to lead to a wider and more equitable distribution of the world's goods among the people who work therefor, that moment the case for such legislation was established. I said that if socialism is to be substituted, it would have to be accompanied by force and had always been so accompanied. It would be difficult, I think, for an editor who regards the very thought of socialism as a "nightmare" logically to deny the truth of my words.

You are equally far from fact in your scornful references to what you describe as my "consistently destructive" attitude toward the war effort. I am enclosing three pamphlets containing five speeches which I have made in the Senate--the only ones on the war effort in general--and I would be glad if you would select any portion from these somewhat extended remarks which you can truthfully describe as "destructive."

Your readers would no doubt be amused by your attempt to contrast unfavourably my position with that of Mr. Bennett. You have apparently suddenly developed an admiration for Mr. Bennett, and especially for the following sentences which he used not long before his defeat in 1935:--"The old order is gone. It will not return." Very shortly after he used those words, the "Leader-Post" became feverishly active, not to get rid of the "old order," but to get rid of Mr. Bennett.

Yours truly,

(Signed) Arthur Meighen.

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"SENATOR MEIGHEN AND THE FUTURE"

REGINA LEADER-POST
February 24, 1941.

.....

Elsewhere on this page appears a letter from Rt. Hon. Arthur Meighen in which the senator takes The Leader-Post to task for its recent editorial, "Study in Solitude," and charges us incidentally with craft, malignancy, bitterness and misrepresentation.

The article in question was based upon a speech by Senator Meighen in which the following passage occurred as a commentary on the need for post-war social reform as advocated by Rt. Hon. Ernest Bevin and other British leaders:

> "If property, profit, the reward of toil, the fundamental instinct of the human race to gain, to acquire, to have, to reach somewhere, is taken away, then I for one do not feel that we have anything worth fighting for."

Mr. Meighen desires to call attention to a fact which was certainly not widely publicized and which we emphasize now in fairness to him and because it rather modifies the impression which the quotation in vacuo seems generally to have created. He made it clear, he writes, that he was "by no means satisfied with things as they stand, and went so far as to say that as soon as any specific legislation could be shown to lead to a wider and more equitable distribution of the world's goods among the people who work therefor, that moment the case for such legislation was established."

Very well. Yet the preceding utterance still appears to us objectionable and that for three reasons.

In the first place, the statement was tactless and inexpedient, tending to antagonize large groups of well-meaning citizens who are strongly in favor of the war effort and not satisfied with conditions as they have been.

In the second place, this war for democracy is being fought in defence of the right of peoples to decide their own destinies. If the British people really wish to achieve social change along the lines indicated by Mr. Bevin, that is clearly their right and privilege.

Finally the statement clearly conveys the impression that if the system of private enterprise is not to be maintained, the war is not worth fighting. To that The Leader-Post takes vigorous exception. Surely Mr. Meighen would prefer to live even under a constitutional socialist regime headed by his own countrymen than under the Nazi heel.

Hitler, prophet of Nihilism, stands for much more than an economic system, and as Mr. Meighen himself said in the Senate on Sept. 9, 1939:

> "If the principles of Hitler are to prevail--and they will prevail unless the Allies win--then the world as we have known it will have passed away. It will mean not just another dynasty in Europe; it will mean another form of the whole constitution of humanity. It will mean that there is nothing left to us worth living for."

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Let us be clear on one point. The Leader-Post has not and does not advocate socialism, though, like Mr. Meighen, this newspaper is acutely aware of existing inequalities.

It seems grossly unfair to assume that British leaders like Mr. Bevin and Mr. J. B. Priestly envisage anything resembling that which Stalin is still pleased to call socialism. That is a nightmare; a ghastly, blood-thirsty Asiatic despotism, repellent even to those not-so-squeamish people who once believed in Lenin. Can Mr. Meighen imagine any government in tolerant, easy-going Britain starving millions of its own people into submission, hunting down others with its Ogpu bloodhounds, maiming them in torture chambers, banishing them to the Arctic wastes, dooming them for political offences and without trial to labor on chain gangs building roads and canals?

If he can, his imagination transcends even his legal acumen. But that precisely is what Stalin calls "socialism" in Russia.

Finally Mr. Meighen denies that his attitude has been destructive; encloses five of his senate speeches, invites us to select any portion which can be truthfully so described. We commend to our readers the addresses of May 21 and May 29, 1940, specifically. They consist very largely of fault-finding. He called the war effort "the scorn of many in Canada," inquired why our friends to the south should come in when we were "just going through the forms," and generally objected to what Mr. King had done or had failed to do in 1940, in 1938, in 1935, and even in 1921.

If that type of argument can truthfully be called "constructive" then obviously Mr. Meighen speaks a different language from that of this newspaper.

.....

Toronto, February 27, 1941.

The Editor,
"The Leader-Post,"
Regina, Sask.

Dear Sir:

I have just located your issue of Monday last and read your reply to my letter which appears therein. Firstly, I congratulate you on the much more reasonable tone which characterizes your reply, as contrasted with that of the original article.

The sentence you extracted from my speech is as follows:

> "If property, profit, the reward of toil, the fundamental instinct of the human race to gain, to acquire, to have, to reach somewhere, is taken away, then I for one do not feel that we have anything worth fighting for."

You still take objection to this sentence for the following three reasons, which I will answer one by one:

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KODAK SAFETY FILM

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First, you say it was "tactless and inexpedient, tending to antagonize large groups of well-meaning citizens." The sentence was a very emphatic statement of opposition to socialism, and, in it I defined socialism and defined it correctly. In your reply you, yourself, use the following language:

> "Let us be clear on one point. The Leader-Post has not and does not advocate socialism,.....".

Now, will you kindly explain why it is that for me to attack socialism is "tactless and inexpedient" and tends to "antagonize" while it is quite harmless for you to announce your opposition in equally definite terms?

Your second reason is worded as follows:

> "If the British people really wish to achieve social change along the lines indicated by Mr. Bevin, that is clearly their right and privilege."

Will you tell me where I denied them this right and privilege if they wished it? You know I did not deny them any such right or privilege. I referred to a lot of loose talk about a "new world order" in Canada, and said that if it was to be the new world order envisaged and often advocated by the British Labour Party and Mr. Bevin, I was opposed to it. You now say you are opposed to it yourself.

Your third reason is that even if private enterprise is to be extinguished, we should prefer to live under what you call "a constitutional socialist regime" than under the Nazi heel. My contention, which I thought I argued out thoroughly was this:--that there can be no such thing as a "constitutional socialist regime," for the reason that if the form of such a thing is erected it cannot function except by the use of force in all its manifestations. I showed that it had never been constituted in any country except by force, and maintained by force, and that the aggregate of the world's work as performed today by the world's millions can be achieved only in one of two ways:--(1) by a reward to the worker in the way of property earned, or (2) by force. I do not think that governmental authority, however, erected, which functions by force and bloodshed, and which is accompanied by starvation--for starvation has always ensued and must ensue under any socialistic regime--is worth the blood of our sons merely becauss the authors of these ghastly consequences are to be Anglo-Saxons.

I rather expected that you would employ most euphemistic language in describing some imaginery model of socialism. I, therefore, asked you not to indulge in the use of electioneering platitudes, but specifically to define in meaningful words, which could be translated into legislation, the form of socialism which you have in mind. From this very pertinent question you gracefully retreat. It would be pretty hard to translate the words "constitutional socialist regime" into a Statute.

In your first assault on me you said that my "attitude toward the war effort has been consistently destructive." I sent you five speeches and challenged you to extricate from these quite extensive comments on war effort the features which you could truthfully describe as "destructive." You bring forward two, the first consisting of six words and the second of five.

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It was in your judgment "destructive" to say that Canada's war effort on that date (May 29, 1940) was "the scorn of many in Canada." Not only was the statement true, but the making of the statement by myself, and in various forms by thousands of others, resulted in what is admittedly a much greater war effort. Is this not constructive? You say that I asserted on the same date that we in Canada were "just going through the forms." In this you make a misrepresentation to your readers. I asserted no such thing. What I said was this (referring to the United States):-- "Read their press. They are wanting to know why they should go in when we are simply going through the forms." Do you deny that United States papers were giving expression to just that argument? If you do, please let me know.

The duty of an Opposition is not adulation of a Government. That can safely be left to the "Leader-Post." An Opposition's duty is criticism, which results, or is designed to result, in better work. Such criticism is constructive.

Yours truly,

AM/E. (Signed) Arthur Meighen.

.....

"RED HERRINGS ACROSS THE TRAIL"

REGINA LEADER-POST
March 7, 1941.

.....

In a second letter to The Leader-Post which is published in an adjoining column, Rt. Hon. Arthur Meighen continues to defend his disturbing Toronto statement that, "if property, profit, the reward of toil, the fundamental instinct of the human race to gain, to acquire, to have, to reach somewhere, is taken away," then he for one does not feel "that we have anything worth fighting for."

That Senator Meighen's utterance does in fact require further elucidation seems obvious from the weight of unfavorable comment it has aroused. But in his correspondence with this newspaper, the Senator seems mainly interested in covering up the real issue by seeking to emphasize that he was merely expressing opposition to socialism. He wants to know why it is tactless and inexpedient for him to attack socialism while "it is quite harmless" for The Leader-Post to announce its opposition "in equally definite terms."

It is not because of his opposition to socialism that we take issue with him. By so suggesting, he is simply drawing a red herring across the trail. What we and others find fault with is the extreme narrowness of his declaration with respect to what is worth fighting for. As an individual he, of course, has a perfect right to such a view, but because of his position and prominence, we still feel that it was tactless and inexpedient for him to give public expression to it when so many are prompted to offer their lives for motives which are infinitely broader and finer.

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Thus the Moose Jaw Times-Herald in commenting on Senator Meighen's previous letter properly points out:

> "To the great mass of the people the right to think, to believe, the right to speak their thoughts and beliefs, the right of a nation to decide for itself its way of life, is still "worth fighting for," and takes priority over the "fundamental human instinct of the human race to gain, to acquire, to have, to reach somewhere," Because of this human right to freedom of the mind and soul, the British people count as nothing the things which, if taken away, Senator Meighen does "not feel that we have anything worth fighting for.....Senator Meighen's mistake at Toronto was that he placed the emphasis as to the things"worth fighting for" in the wrong place, at the wrong time and in a most unfortunate connection. At a time when the powerful British Labor party has joined hands and heart with its opponents in Great Britain, at a time when Bevin and Beaverbrook, and all these two names symbolize, work in unison and harmony to secure the human rights of all, Mr. Meighen was ill-advised to place the emphasis where he did; not because of his criticism of Mr. Bevin only, but primarily because the values he considers fighting for are not the prime values that Britain is fighting for."

With Mr. Meighen's apparent view that the war is being primarily waged in defence of capitalism, we definitely do not agree. But neither do we believe that it is being mainly fought for the purpose of achieving a transformation in British society in a socialist sense.

What is really at stake is the right of British people and of other peoples to make the great decision as to their own future themselves and without dictation from a foreign power. It is this right--and not the ultimate decision--that is fundamental.

Senator Meighen--be it noted--does not dispute but in fact affirms this right. The British people may if they choose vote to retain the system of private enterprise; they may vote for socialism or they may vote themselves into monasteries, if that is their desire.

But we say that this right is worth fighting for while Mr. Meighen implies that this is only true if the ultimate decision accords with his views.

What is democracy in essence but faith in the common man as an intelligent and social being capable of deciding his own destinies?

Mr. Meighen is, of course, quite right when he says in the closing passage of his letter that the duty of an Opposition is not adulation of a government. He is quite wrong when he suggests that adulation of the government is the main concern of The Leader-Post. This newspaper has not hesitated to criticize the government now in office when it has felt that such criticism was constructive and justified.

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With Mr. Meighen's definition of what constitutes constructive criticism we also disagree. When he says that any criticism "which results, or is designed to result, in better work" is constructive, he is simply arguing that the end justifies the means. Is not that precisely the argument which the dictators applied to deeds in their cruel climb to power?

No critical utterance is then destructive if in his opinion it "is designed to result in better work." The right of decision as to design presumably remains with him. Under such an interpretation he can, of course, justify all the belittling things he has said in the past about Canada's war effort. It is admittedly a very convenient definition. The Oxford dictionary is not quite so accommodating on the subject. There, destructive criticism is defined as merely negative, refuting without amending. It is criticism which tends to overthrow, disprove or discredit. It was in that sense that we used the word originally. Obviously the borderline between the two types of criticism is indistinct. The one can be helpful both to effort and morale. The other can be damaging. We as a newspaper frankly admit that we have perhaps not always been constructive in our criticism. But we have tried to be. And surely it is not too much to expect of an intellect such as Mr. Meighen's that his criticism should be directed in a manner calculated to create rather than to tear down. Particularly is this true in time of war when there is an exaggerated sensitiveness as to what is positive and what is negative. This week's discussions in parliament amply demonstrate this truth.

There is this further consideration: subversive elements have already demonstrated that they are quick to grasp at every straw the wind casts in their direction. When a man of Mr. Meighen's standing infers that capitalism is the only thing worth fighting for, he gives to such elements a wedge which they can quickly wield as a weapon to widen the gap which now separates the various schools of thought on social problems. That he is sincere in his desire to strengthen the effectiveness of the war effort, no one doubts. He is a patriot through and through. It is not his motives which are in question. It is his methods.

.....

Toronto, March 10, 1941.

The Editor,
"The Leader-Post,"
Regina, Sask.

Dear Sir:

I have just read your editorial of March 7th dealing with my second letter. The answer to its less important features is fairly obvious, but you have been not ungenerous with your space, and I shall be brief.

You say the war is being fought to preserve our liberty. I agree. You say that as part of that liberty the British people (and ourselves) should have the right to decide for socialism if we want to. I agree.

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What I say is that if we are to embrace socialism, which means the end of liberty, either by our own act or by having it forced upon us from within--a method always hitherto effective in other countries--then there would seem to be no reason why we should sacrifice the best of our manhood in the process of preserving a liberty which is at once to be thrown away. In this subject I have some interest.

You consistently ignore the argument which in my judgment totally answers your contention. It appears in my last letter as follows:

> "Your third reason is that even if private enterprise is to be extinguished, we should prefer to live under what you call "a constitutional socialist regime" than under the Nazi heel. My contention, which I thought I argued out throughly was this; that there can be no such thing as a 'constitutional socialist regime,' for the reason that if the form of such a thing is erected it cannot function except by the use of force in all its manifestations. I showed that it had never been constituted in any country except by force, and maintained by force, and that the aggregate of the world's work as performed today by the world's millions can be achieved only in one of two ways: (1) by a reward to the worker in the way of property earned, or (2) by force. I do not think that governmental authority, however erected, which functions by force and bloodshed, and which is accompanied by starvation--for starvation has always ensued and must ensue under any socialistic regime--is worth the blood of our sons merely because the authors of these ghastly consequences are to be Anglo-Saxons."

It may be worth while to supplement the above by quoting from Maurois in his "Life of Chateaubriand":

> "Chateaubriand heralded Socialism. He half realized that socialist equality could assert itself only through despotism and dictatorship, that the remedy would be worse than the ill, and that the abolition of personal property would lead to a slavery, to which history 'however far one delves into the past can show nothing comparable.'"

Maurois then quoted Chateaubriand, himself, as follows:

> "Weary of private property, do you wish to make the government sole owner, distributing to a beggared community a share proportioned to the deserts of every individual? Who is to judge of those deserts? Who will have the power and authority to execute your decisions? Who is to hold this bank of living chattels and turn it to account? Make no mistake, without individual property none are free. Property is none other than liberty."

It may be a popular form of attack, but it is no answer to reason and to the lessons of history merely to describe me as a defender of "Capitalism."

Yours truly,
(Signed) Arthur Meighen.

AM/E.

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COPY

Toronto, February 18, 1941.

The Editor,
"The Leader-Post",
Regina, Sask.

Dear Sir:

Someone has sent me a recent editorial in the "Leader-Post," entitled "Study in Solitude." Though this emanation gives little evidence either of the illumination of "study" or of the introspection of "solitude," its crafty misrepresentitions call for a reply.

You quote the following short extract from a speech I made lately at a meeting of the Federated Charities in Toronto:

> "If property, profit, the reward of toil, the fundamental instinct of the human race to gain, to acquire, to have, to reach somewhere, is taken away, then I for one do not feel that we have anything worth fighting for."

On this sentence, which seems to me to express a truth which no person who is both honest and intelligent would dispute, you base a diatribe of peculiar malignancy and bitterness. First of all, I would like to ask you:—Do you, yourself, dispute the truth of the sentence which you quote? If you do, be good enough to tell your readers what is wrong with it, and particularly in what respect it is false. I have challenged more than one editor already, who has given place in his paper to correspondents whose rantings were similar to your own, and have never received anything in return except an acknowledgment that what I said was right.

Indeed, in your editoria , you, yourself, say that to think of such a thing as I describe taking place is "wrestling with a nightmare." One would hardly think that to bring about something the very thought of which is a "nightmare" was worth the blood of our sons.

You say that a people who cherish freedom will never peacefully accept "what Stalin calls 'socialism'". What is the difference between saying this and what I said? When Mr. Bevin along with others of the Labour Party of Great Britain say that they are in favour of "socialism in our time," I fail to see why I should be made an object of editorial Billingsgate for taking them at their word. "Socialism in our time" has for years been on the masthead of the Labour Party of Great Britain, and, judging from the speeches of its leaders even since they entered the Churchill Government, is there to this day. If you know of some other recognized form of socialism of a wholly different character and colour from the socialism of Stalin, it would be interesting if you would define that form and define it, not in the language of vague electioneering platitudes, but in definite, meaningful terms which can be translated into legislation.

You seek to make it appear that I spoke against "a fair deal and greater social security for the broad masses of the people," and that I was arguing that the future must be "simply a reincarnation of the past." In using such language, you were not speaking the truth. I made it very clear in the short speech I made that I was by no means satisfied with things as they stand, and went so far as to say that as soon as any specific legislation could be shown to lead to a wider and more equitable distribution of the world's goods among the people who work therefor, that moment the case for such legislation was established. I said that if socialism is to be substituted, it would have to be accompanied by force and had always been so accompanied. It would be difficult, I think, for an editor who regards the very thought of socialism as a "nightmare" logically to deny the truth of my words.

You are equally far from fact in your scornful references to what you describe as my "consistently destructive" attitude toward the war effort. I am enclosing three pamphlets containing five speeches which I have made in the Senate—the only ones on the war effort in general—and I would be glad if you would select any portion from these somewhat extended remarks which you can truthfully describe as "destructive."

(over)

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Your readers would no doubt be amused by your attempt to contrast unfavourably my position with that of Mr. Bennett. You have apparently suddenly developed an admiration for Mr. Bennett, and especially for the following sentences which he used not long before his defeat in 1935:—"The old order is gone. It will not return." Very shortly after he used those words, the "Leader-Post" became feverishly active, not to get rid of the "old order", but to get rid of Mr. Bennett.

Yours truly,

(Signed) Arthur Meighen.

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CANADA

124118

#11

Ottawa,
March 5, 1941.

Mr. J. R. Colwill,
Portage la Prairie, Man.

Dear Roy:

Thanks for your letter of 2nd. I had not seen the "Free Press" issue, editorial from which you sent me. Am now enclosing copy of letter I have written the "Free Press" today for publication, which I think they will understand. Have sent it by airmail.

In this connection I also send you copy of a letter I wrote General Clark yesterday, which letter I authorized him by separate communication to publish any place that will accept publication. You can publish this copy if you care to in the "Free Press", or anywhere else that will take it.

I also attach an editorial which appeared in the "Leader-Post," and copy of my reply.

Kindest regards,

Yours truly,

Arthur Meighen.

AM/E.
Encl.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 195)

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124119

COLWILL & NEWMAN

BARRISTERS, SOLICITORS, NOTARIES, ETC.

J. R. COLWILL — G. L. NEWMAN

PORTAGE LA PRAIRIE, MAN.

March 2-41

Dear Mr. Meighen:

I don't know whether you see the Free Press these days, so I enclose editorial from yesterdays issue.

I hope you and Mrs Meighen are well.

I am not impressed with Hanson. Is there any real leader in sight?

I went to one of Harry Leaders meetings re wheat etc. He kept on attacking the big companies, big interests etc trying to inflame the farmers against them. A smoke screen for the failure of Simpson and other Western Liberals to get anywhere.

Best wishes,

GLN

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124120

"SENATOR MEIGHEN AND THE FUTURE"

REGINA LEADER-POST
February 24, 1941.

Elsewhere on this page appears a letter from Rt. Hon. Arthur Meighen in which the senator takes The Leader-Post to task for its recent editorial, "Study in Solitude," and charges us incidentally with craft, malignancy, bitterness and misrepresentation.

The article in question was based upon a speech by Senator Meighen in which the following passage occurred as a commentary on the need for post-war social reform as advocated by Rt. Hon. Ernest Bevin and other British leaders:

> "If property, profit, the reward of toil, the fundamental instinct of the human race to gain, to acquire, to have, to reach somewhere, is taken away, then I for one do not feel that we have anything worth fighting for."

Mr. Meighen desires to call attention to a fact which was certainly not widely publicized and which we emphasize now in fairness to him and because it rather modifies the impression which the quotation in vacuo seems generally to have created. He made it clear, he writes, that he was "by no means satisfied with things as they stand, and went so far as to say that as soon as any specific legislation could be shown to lead to a wider and more equitable distribution of the world's goods among the people who work therefor, that moment the case for such legislation was established."

Very well. Yet the preceding utterance still appears to us objectionable and that for three reasons.

In the first place, the statement was tactless and inexpedient, tending to antagonize large groups of well-meaning citizens who are strongly in favor of the war effort and not satisfied with conditions as they have been.

In the second place, this war for democracy is being fought in defence of the right of peoples to decide their own destinies. If the British people really wish to achieve social change along the lines indicated by Mr. Bevin, that is clearly their right and privilege.

Finally the statement clearly conveys the impression that if the system of private enterprise is not to be maintained, the war is not worth fighting. To that The Leader-Post takes vigorous exception. Surely Mr. Meighen would prefer to live even under a constitutional socialist regime headed by his own countrymen than under the Nazi heel.

Hitler, prophet of Nihilism, stands for much more than an economic system, and as Mr. Meighen himself said in the senate on Sept. 9, 1939:

> "If the principles of Hitler are to prevail--and they will prevail unless the Allies win--then the world as we have known it will have passed away. It will mean not just another dynasty in Europe; it will mean another form of the whole constitution of humanity. It will mean that there is nothing left to us worth living for."

Let us be clear on one point. The Leader-Post has not and does not advocate socialism, though, like Mr. Meighen, this newspaper is acutely aware of existing inequalities.

It seems grossly unfair to assume that British leaders like Mr. Bevin and Mr. J. B. Priestley envisage anything resembling that which Stalin is still pleased to call socialism. That is a nightmare; a ghastly, blood-thirsty Asiatic despotism, repellent even to those not-so-squeamish people who once believed in Lenin. Can Mr. Meighen imagine any government in tolerant, easy-going Britain starving millions of its own people into submission, hunting down others with its Ogpu bloodhounds, maiming them in torture chambers, banishing them to the Arctic wastes, dooming them for political offences and without trial to labor on chain gangs building roads and canals?

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124121

If he can, his imagination transcends even his legal acumen. But that precisely is what Stalin calls "socialism" in Russia.

Finally Mr. Meighen denies that his attitude has been destructive; encloses five of his senate speeches, invites us to select any portion which can be truthfully so described. We commend to our readers the addresses of May 21 and May 29, 1940, specifically. They consist very largely of fault-finding. He called the war effort "the scorn of many in Canada," inquired why our friends to the south should come in when we were "just going through the forms," and generally objected to what Mr. King had done or had failed to do in 1940, in 1938, in 1935, and even in 1921.

If that type of argument can truthfully be called "constructive," then obviously Mr. Meighen speaks a different language from that of this newspaper.

.....

320 Bay Street, Toronto,
February 27, 1941.

The Editor,
"The Leader-Post,"
Regina, Sask.

Dear Sir:

I have just located your issue of Monday last and read your reply to my letter which appears therein. Firstly, I congratulate you on the much more reasonable tone which characterizes your reply, as contrasted with that of the original article.

The sentence you extracted from my speech is as follows:

> "If property, profit, the reward of toil, the fundamental instinct of the human race to gain, to acquire, to have, to reach somewhere, is taken away, then I for one do not feel that we have anything worth fighting for."

You still take objection to this sentence for the following three reasons, which I will answer one by one:

First, you say it was "tactless and inexpedient, tending to antagonize large groups of well-meaning citizens." The sentence was a very emphatic statement of opposition to socialism, and in it I defined socialism and defined it correctly. In your reply you, yourself, use the following language:

> "Let us be clear on one point. The Leader-Post has not and does not advocate socialism,....."

Now, will you kindly explain why it is that for me to attack socialism is "tactless and inexpedient" and tends to "antagonize," while it is quite harmless for you to announce your opposition in equally definite terms?

Your second reason is worded as follows:

> "If the British people really wish to achieve social change along the lines indicated by Mr. Bevin, that is clearly their right and privilege."

Will you tell me where I denied them this right and privilege if they wished it? You know I did not deny them any such right or privilege. I referred to a lot of loose talk about a "new world order" in Canada, and said that if it was to be the new world order envisaged and often advocated by the British Labour Party and Mr. Bevin, I was opposed to it. You now say you are opposed to it yourself.

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124122

Your third reason is that even if private enterprise is to be extinguished, we should prefer to live under what you call "a constitutional socialist regime" than under the Nazi heel. My contention, which I thought I argued out thoroughly was this:—that there can be no such thing as a "constitutional socialist regime," for the reason that if the form of such a thing is erected it cannot function except by the use of force in all its manifestations. I showed that it had never been constituted in any country except by force, and maintained by force, and that the aggregate of the world's work as performed today by the world's millions can be achieved only in one of two ways:— (i) by a reward to the worker in the way of property earned, or (ii) by force. I do not think that governmental authority, however erected, which functions by force and bloodshed, and which is accompanied by starvation—for starvation has always ensued and must ensue under any socialistic regime—is worth the blood of our sons merely because the authors of these ghastly consequences are to be Anglo-Saxons.

I rather expected that you would employ most euphemistic language in describing some imaginery model of socialism. I, therefore, asked you not to indulge in the use of electioneering platitudes, but specifically to define in meaningful words, which could be translated into legislation, the form of socialism which you have in mind. From this very pertinent question you gracefully retreat. It would be pretty hard to translate the words "constitutional socialist regime" into a Statute.

In your first assault on me you said that my "attitude toward the war effort has been consistently destructive." I sent you five speeches and challenged you to extricate from these quite extensive comments on war effort the features which you could truthfully describe as "destructive." You bring forward two, the first consisting of six words and the second of five. It was in your judgment "destructive" to say that Canada's war effort on that date (May 29, 1940) was "the scorn of many in Canada." Not only was the statement true, but the making of the statement by myself, and in various forms by thousands of others, resulted in what is admittedly a much greater war effort. Is this not constructive? You say that I asserted on the same date that we in Canada were "just going through the forms." In this you make a misrepresentation to your readers. I asserted no such thing. What I said was this (referring to the United States):—"Read their press. They are wanting to know why they should go in when we are simply going through the forms." Do you deny that United States papers were giving expression to just that argument? If you do, please let me know.

The duty of an Opposition is not adulation of a Government. That can safely be left to the "Leader-Post." An Opposition's duty is criticism, which results, or is designed to result, in better work. Such criticism is constructive.

Yours truly,

AM/E. (Signed) Arthur Meighen.

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CANADA

124123

#11

Ottawa,
March 5, 1941.

AIR MAIL

The Editor,
"The Free Press,"
Winnipeg, Man.

Dear Sir:

In a recent editorial in your paper, headed "The Defence Regulations," you say "Mr. Meighen declared that if the war were to mean the disappearance of private property or even undue limitation of the profit motive, he would not consider the war worth fighting for."

I now call upon you to tell your readers where at any time I said that "undue limitation of the profit motive would make the war not worth fighting." I here and now inform your readers, if you will publish this letter, that this statement of yours is a falsehood.

What I said on the occasion to which doubtless you refer, I have repeated many times since and am prepared to support at any place on any occasion.

You repeat, with what appearance of sobriety you can command, some chatter which has been heard in the House of Commons about my being interned. I suggest that you use your influence with the present Government, which influence appears very great, to induce them to take steps to that end along any lines they desire. I will meet the Government and the Free Press on whatever ground they choose and I will ask no quarter.

Yours truly,

AM/E.

Arthur Meighen.

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ARCHIVES PUBLIQUES
CANADA

124124

COPY

Ottawa, March 5, 1941.

AIR MAIL

The Editor,
"The Free Press,"
Winnipeg, Man.

Dear Sir:

In a recent editorial in your paper, headed "The Defence Regulations," you say "Mr. Meighen declared that if the war were to mean the disappearance of private property or even undue limitation of the profit motive, he would not consider the war worth fighting for."

I now call upon you to tell your readers where at any time I said that "undue limitation of the profit motive would make the war not worth fighting." I here and now inform your readers, if you will publish this letter, that this statement of yours is a falsehood.

What I said on the occasion to which doubtless you refer, I have repeated many times since and am prepared to support at any place on any occasion.

You repeat, with what appearance of sobriety you can command, some chatter which has been heard in the House of Commons about my being interned. I suggest that you use your influence with the present Government, which influence appears very great, to induce them to take steps to that end along any lines they desire. I will meet the Government and the Free Press on whatever ground they choose and I will ask no quarter.

Yours truly,

AM/E. (Signed) Arthur Meighen.

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KODAK SAFETY FILM

124125

"WINNIPEG FREE PRESS"
March 8, 1941.

Editorial Note in answer to Mr. Meighen's letter of March 5, 1941.

****

On January 27 the Free Press commented adversely upon this statement by Mr. Meighen which appeared in a Canadian Press despatch as having been made by him in an address delivered in Toronto the previous week:

> "If property, profit, the reward of toil, the fundamental instinct of the human race to gain, to acquire, to have, to reach somewhere, is taken away, then I for one do not feel that we have anything worth fighting for."

This statement, which displays Mr. Meighen's well-known exactness of expression, would seem to support the remarks by the Free Press to which he takes exception. If they mean something else, the columns of the Free Press are open to Mr. Meighen for such correction or interpretation as he thinks necessary.

The general tone of the letter will be interesting to Mr. Meighen's many friends and admirers as indicating that he is in full possession of his combative faculties and in his usual high temper.

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March 10, 1941

124126

REGINA LEADER-POST
March 7, 1941.

"RED HERRINGS ACROSS THE TRAIL"

In a second letter to The Leader-Post which is published in an adjoining column, Rt. Hon. Arthur Meighen continues to defend his disturbing Toronto statement that, "if property, profit, the reward of toil, the fundamental instinct of the human race to gain, to acquire, to have, to reach somewhere, is taken away," then he for one does not feel "that we have anything worth fighting for."

That Senator Meighen's utterance does in fact require further elucidation seems obvious from the weight of unfavorable comment it has aroused. But in his correspondence with this newspaper, the Senator seems mainly interested in covering up the real issue by seeking to emphasize that he was merely expressing opposition to socialism. He wants to know why it is tactless and inexpedient for him to attack socialism while "it is quite harmless" for The Leader-Post to announce its opposition "in equally definite terms."

It is not because of his opposition to socialism that we take issue with him. By so suggesting, he is simply drawing a red herring across the trail. What we and others find fault with is the extreme narrowness of his declaration with respect to what is worth fighting for. As an individual he, of course, has a perfect right to such a view, but because of his position and prominence, we still feel that it was tactless and inexpedient for him to give public expression to it when so many are prompted to offer their lives for motives which are infinitely broader and finer.

Thus the Moose Jaw Times-Herald in commenting on Senator Meighen's previous letter properly points out:

> "To the great mass of the people the right to think, the right to believe, the right to speak their thoughts and beliefs, the right of a nation to decide for itself its way of life, is still "worth fighting for," and takes priority over the "fundamental human instinct of the human race to gain, to acquire, to have, to reach somewhere." Because of this human right to freedom of the mind and soul, the British people count as nothing the things which, if taken away, Senator Meighen does "not feel that we have anything worth fighting for..... Senator Meighen's mistake at Toronto was that he placed the emphasis as to the things "worth fighting for" in the wrong place, at the wrong time and in a most unfortunate connection. At a time when the powerful British Labor party has joined hands and heart with its opponents in Great Britain, at a time when Bevin and Beaverbrook, and all these two names symbolize, work in unison and harmony to secure the human rights of all, Mr. Meighen was ill-advised to place the emphasis where he did; not because of his criticism of Mr. Bevin only, but primarily because the values he considers fighting for are not the prime values that Britain is fighting for."

With Mr. Meighen's apparent view that the war is being primarily waged in defence of capitalism, we definitely do not agree. But neither do we believe that it is being mainly fought for the purpose of achieving a transformation in British society in a socialist sense.

What is really at stake is the right of British people and of other peoples to make the great decision as to their own future themselves and without dictation from a foreign power. It is this right—and not the ultimate decision—that is fundamental.

Senator Meighen—be it noted—does not dispute but in fact affirms this right. The British people may if they choose vote to retain the system of private enterprise; they may vote for socialism or they may vote themselves into monasteries, if that is their desire.

But we say that this right is worth fighting for while Mr. Meighen implies that this is only true if the ultimate decision accords with his views.

What is democracy in essence but faith in the common man as an intelligent and social being capable of deciding his own destinies?

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124127

Mr. Meighen is, of course, quite right when he says in the closing passage of his letter that the duty of an Opposition is not adulation of a government. He is quite wrong when he suggests that adulation of the government is the main concern of The Leader-Post. This newspaper has not hesitated to criticise the government now in office when it has felt that such criticism was constructive and justified.

With Mr. Meighen's definition of what constitutes constructive criticism we also disagree. When he says that any criticism "which results, or is designed to result, in better work" is constructive, he is simply arguing that the end justifies the means. Is not that precisely the argument which the dictators applied to deeds in their cruel climb to power?

No critical utterance is then destructive if in his opinion it "is designed to result in better work." The right of decision as to design presumably remains with him. Under such an interpretation he can, of course, justify all the belittling things he has said in the past about Canada's war effort. It is admittedly a very convenient definition. The Oxford dictionary is not quite so accommodating on the subject. There, destructive criticism is defined as merely negative, refuting without amending. It is criticism which tends to overthrow, disprove or discredit. It was in that sense that we used the word originally. Obviously the borderline between the two types of criticism is indistinct. The one can be helpful both to effort and morale. The other can be damaging. We as a newspaper frankly admit that we have perhaps not always been constructive in our criticism. But we have tried to be. And surely it is not too much to expect of an intellect such as Mr. Meighen's that his criticism should be directed in a manner calculated to create rather than to tear down. Particularly is this true in time of war when there is an exaggerated sensitiveness as to what is positive and what is negative. This week's discussions in parliament amply demonstrate this truth.

There is this further consideration: subversive elements have already demonstrated that they are quick to grasp at every straw the wind casts in their direction. When a man of Mr. Meighen's standing infers that capitalism is the only thing worth fighting for, he gives to such elements a wedge which they can quickly wield as a weapon to widen the gap which now separates the various schools of thought on social problems. That he is sincere in his desire to strengthen the effectiveness of the war effort, no one doubts. He is a patriot through and through. It is not his motives which are in question. It is his methods.

****

Toronto, March 10, 1941.

The Editor,
"The Leader-Post,"
Regina, Sask.

Dear Sir:

I have just read your editorial of March 7th dealing with my second letter. The answer to its less important features is fairly obvious, but you have been not ungenerous with your space, and I shall be brief.

You say the war is being fought to preserve our liberty. I agree. You say that as part of that liberty the British people (and ourselves) should have the right to decide for socialism if we want to. I agree.

What I say is that if we are to embrace socialism, which means the end of liberty, either by our own act or by having it forced upon us from within—a method always hitherto effective in other countries—then there would seem to be no reason why we should sacrifice the best of our manhood in the process of preserving a liberty which is at once to be thrown away. In this subject I have some interest.

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You consistently ignore the argument which in my judgment totally answers your contention. It appears in my last letter as follows:

> "Your third reason is that even if private enterprise is to be extinguished, we should prefer to live under what you call "a constitutional socialist regime' than under the Nazi heel. My contention, which I thought I argued out thoroughly was this: that there can be no such thing as a 'constitional socialist regime,' for the reason that if the form of such a thing is erected it cannot function except by the use of force in all its manifestations. I showed that it had never been constituted in any country except by force, and maintained by force, and that the aggregate of the world's work as performed today by the world's millions can be achieved only in one of two ways: (1) by a reward to the worker in the way of property earned, or (2) by force. I do not think that governmental authority, however erected, which functions by force and bloodshed, and which is accompanied by starvation--for starvation has always ensued and must ensue under any socialistic regime--is worth the blood of our sons merely because the authors of these ghastly consequences are to be Anglo-Saxons."

It may be worth while to supplement the above by quoting from Maurois in his "Life of Chateaubriand":

> "Chateaubriand heralded Socialism. He half realized that socialist equality could assert itself only through despotism and dictatorship, that the remedy would be worse than the ill, and that the abolition of personal property would lead to a slavery, to which history 'however far one delves into the past can show nothing comparable'."

Maurois then quoted Chateaubriand, himself, as follows:

> "Weary of private property, do you wish to make the government sole owner, distributing to a beggared community a share proportioned to the deserts of every individual? Who is to judge of those deserts? Who will have the power and authority to execute your decisions? Who is to hold this bank of living chattels and turn it to account? Make no mistake, without individual property none are free. Property is none other than liberty."

It may be a popular form of attack, but it is no answer to reason and to the lessons of history merely to describe me as a defender of "Capitalism."

Yours truly,

AM/E. (Signed) Arthur Meighen.

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124129

320 Bay Street, Toronto,
March 15, 1941.

AIR MAIL

The Editor,
"The Free Press,"
Winnipeg, Man.

Dear Sir:

I have just this moment seen your issue of 8th in which my letter of 5th March appears. To it you have added an editorial note which I must characterize as so obviously absurd as to be hardly worthy of reply.

In your editorial to which I took exception, you said I had made a statement that if the war were to mean the disappearance of private property or "even undue limitation of the profit motive" I would not consider the war worth fighting. I denied most categorically that I had said any such thing as that "undue limitation of the profit motive" would make the war not worth fighting. You now quote in your editorial note the words I did use, as follows:

> "If property, profit, the reward of toil, the fundamental instinct of the human race to gain, to acquire, to have, to reach somewhere, is taken away, then I for one do not feel that we have anything worth fighting for."

Where do you find in that anything about "undue limitation of the profit motive?" Everyone of common-sense knows that the profit motive has been limited and restrained for years--indeed for generations--and must now be limited and restrained more than ever in history.

My words stand just as you quoted them, and, while expressed in terms of the present, they represent a truth as old as the ages. I can think of no reason why you misstated those words in your first editorial--and indeed falsified them--except that you found difficulty in answering them as they stood. The point now is that you did falsify them.

Yours truly,

AM/E. (Signed) Arthur Meighen.

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124130

The ROTARIAN
OFFICIAL MAGAZINE OF ROTARY INTERNATIONAL

LELAND D. CASE
EDITOR
PAUL TEETOR
BUSINESS AND
ADVERTISING MANAGER

TELEPHONE
STATE 4016
35 EAST WACKER DRIVE
CHICAGO, ILL.
U.S.A.

#11

March Twenty-fourth
1 9 4 1

Dear Mr. Meighen:

A series of conferences has set me behind in my correspondence, otherwise you should have had an appreciative acknowledgment ere this for your letter of March 9 and the material accompanying it. It was good of you to respond so promptly and adequately to my request.

Cordially yours,

Leland D. Case

Editor

The Honorable Arthur Meighen
320 Bay Street
Toronto, Ontario, Canada

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124130

320 Bay Street, Toronto,
March 24, 1941.

not sent

The Editor,
Regina Leader Post,
Regina, Sask.

Dear Sir:

I wish to express my thanks to you for the fair manner in which you conducted the controversy between us on the subject of my language before the Federated Charities Dinner.

Perhaps you will permit me to enclose—though I am not making any request for its publication—copy of letter I have today written to the Winnipeg Free Press, in which acknowledgment of the fairness of the Regina Leader-Post is publicly stated.

Yours truly,

Arthur Meighen.

AM/E.
Encl.

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124132

320 Bay Street, Toronto,
March 24, 1941.

The Editor,
"The Free Press,"
Winnipeg, Man.

Dear Sir:

In your issue of Saturday you have a two-column editorial on myself which you were pleased to entitle "Mr. Meighen has Troubles." It is in no sense whatever a reply, or even an attempted reply, to my letter to you of 17th instant, as any reader will see who carefully peruses that letter. What I charged you with was one thing and one thing only—a falsification in your editorial of January 27th of my words spoken at a Federated Charities Dinner. You said I had made the statement that if "even undue limitation of the profit motive" were to follow the war, the war would not be worth fighting. I had challenged you before to quote from my words anything to that effect. You have absolutely failed. You do not even attempt to do so. You cannot do so, for never did I use such language, or any language of that meaning, and never was I even reported to have used such language. Your long editorial amounts to an admission that you falsified my words.

On the merits of what I did say, I have written three letters to the "Regina Leader-Post." That paper has as well made three statements on its own behalf. If you would be good enough to print in your paper both the editorials of the "Regina Leader-Post" and my replies, you will then give your readers a fair understanding of what I have said in support of my actual language, and also, taking the three editorials together, a fair presentation of the opposite point of view. It can at least be said that the "Regina Leader-Post"s" conduct of the controversy was much more creditable than your awkward and successful attempt to evade the only point which in my letter to you I definitely and clearly raised.

Yours truly,

AM/E.

Arthur Meighen.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 195)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

124133

Copy to Senator Haig.

320 Bay Street, Toronto,
March 24, 1941.

TheEditor,
"The Free Press,"
Winnipeg, Man.

Dear Sir:

In your issue of Saturday you have a two-column editorial on myself which you were pleased to entitle "Mr. Meighen has Troubles." It is in no sense whatever a reply, or even an attempted reply, to my letter to you of 17th instant, as any reader will see who carefully peruses that letter. What I had charged you with was one thing and one thing only-- a falsification in your editorial of January 27th of my words spoken at a Federated Charities Dinner. You said I had made the statement that if "even undue limitation of the profit motive" were to follow the war, the war would not be worth fighting. I had challenged you to quote from my words anything to that effect. You have absolutely failed. You do not even attempt to do so. You cannot do so, for never did I use such language, or any language of that meaning, and never was I even reported to have used such language. Your long editorial is utterly foreign to this point. It does not even deny that you falsified my words.

When you do one of two things, either, first, show that I made the assertion you attributed to me (or one of the same meaning), or second, acknowledge that you made a false statement to your readers, I will then undertake to answer your attack on what I really did say and in one-fifth of the space which you required to make the attack. It is difficult to see how you can honourably decline to do one or the other.

Yours truly,

AM/E.

Arthur Meighen.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 195)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

HOLLY APARTMENTS, 552 SHERBROOKE STREET
Winnipeg, Manitoba, March 24th 1941

124134

Senator Meighen
Ottawa
Ont.

Dear Sir;-

As a representative of the age of experience, of the farmers and of the old time "initiative" that built up the West, the enclosed copy of a letter to the Winnipeg Free Press may be interesting. As a financier grappling with the intricicies of prices and trade, it may be informative. At least I sincerely hope so.

Yours truly

J. E. Grierson

J. E. Grierson

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 195)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

HOLLY APARTMENTS, 552 SHERBROOKE STREET
Winnipeg, Manitoba, March 24th 1941

124135

To the Editor
Free Press
Winnipeg

COPY to Senator Meighen
Ottawa

Senator Meighen
Ottawa

INITIATIVE in
WAR and BUSINESS

It is refreshing to read your article entitled "Rifles and Sniping" by Edward Green in the Sat, March 15th edition of the Magazine Section and learn that individual initiative was not dead during the 1914-18 war. These Snipers certainly had to use their own initiative to find safe cover and to make every bullet hit the mark. Individual initiative makes the difference between winning and losing wars, also between prosperity and adversity in times of peace.

Yet during the last ten years of peaceful depression, "private initiative" was either dead or was lying down. No one would expand business, factory production, nor home building. There was no lack of ability to do so but there was a lack of initiative.

During this period, I was told by lawyers, doctors, preachers, editors, labor leaders and many sellers of merchandise that individual initiative was a thing of the past. Organization had taken its place.

History and experience, however, told a different tale. Private initiative disappeared, only when monopolistic selling prices exceeded the earnings of the collective buyers of each of many countries at many different times. Such prices were not realizable prices from the time of Solon's legislation in ancient Greece, 594 B.C. to date. This legislation cancelled the debts of the Serfs, or rather the excess of price over earnings and put the serfs back at work earning.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 195)

PUBLIC ARCHIVES
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CANADA

(F.P. 2nd)

124136

During the latest depression, property, wages, the reward for toil, the fundamental instinct of the human race to work, to earn, to have, to reach somewhere, was taken away from one fifth of the population, in a futile endeavor to get and retain prices that exceeded the collective earnings of the country. Again such prices were not realizable prices. Taxes, social welfare and depreciation of money values absorbed a very large part of the prices. Prices cannot exceed the collective buyers earnings.

Initiative got full reward, only when there was competition. Industries maintained almost normal production by raising or lowering selling prices, according to the rise and fall of the collective earnings, only when there was competition. Such initiative which stooped to conquer was lacking during many periods between 594 B.C. and 1940 A.D.

Initiative never remained burried. Like the Phenix, it rose again and again from the ashes of organized selling prices. Such prices have never been realizable prices, when they exceeded the earnings of the buyers.

The German and Italian war machines represent the peak of monopolistic price fixing organization. Regimentation of prices, of initiative, of thought, of reasoning and even of conscience is complete.

The Allied war machine trains individuals to fight alone, should the necessity arise. Expert pilots, machine gunners and riflemen have to use their own initiative in finding ways to hit the target, without wasting bombs or bullets. The population of England is trained to use their own initiative in reducing the effectiveness of Hittler's blitzkreigs.

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CANADA

(F.P. 3rd)

124137

Yet while air planes and tanks send towards breaking moral, battles are not won until the individual initiative of the foot soldiers with bayonets finishes the job. Many small isolated groups of Greeks, with old fashioned rifles and grim determination drove back Mussolini's legions with bayonet charges before his demoralized forces had time to re-organize. They then made prisoners of those left behind and dug in for a further advance.

In every military or diplomatic battle that won a foot of ground during the present war, foot soldiers with bayonets finished the job. Open resistence collapsed only at the sight of a menacing bayonet. That called for individual initiative.

In peace and war individual initiative won the battle of life. More power to the Press, if more examples of individual initiative are published. More power to Nations which allow individual initiative full play to win or lose on merit.

J. E. Grierson

J. E. Grierson

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 195)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

124138

F. W. Turnbull and Company
BARRISTERS, SOLICITORS ETC.
PHONE 23124

44-48 WESTERN TRUST BUILDING
REGINA, SASK.,

March 26, 1941.

#11

Dear Mr. Meighen:

I enclose you a copy of the editorial in the Winnipeg Free Press to which I referred in my recent letter to you. The book which is quoted in the editorial is G. D. H. Coles' "The Intelligent Man's Guide Through World Chaos".

Yours very truly,

F.W.Turnbull.

Encl/

Right Honourable Arthur Meighen, K.C. P.C.,
The Senate,
OTTAWA, Ontario.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 195)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

124139

Ottawa,
March 26, 1941.

#11

Mr. J. R. Grierson,
Holly Apartments,
552 Sherbrooke St.,
Winnipeg, Man.

Dear Mr. Grierson:

I am thankful to you for sending me copy of your letter to the Free Press. With this letter in general I am in agreement, and hope they will publish it.

Yours very truly,

Arthur Meighen.

AM/E.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 195)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

124140

Ottawa,
March 26, 1941.

#11

Mr. F. W. Turnbull,
44 Western Trust Bldg.,
Regina, Sask.

Dear Mr. Turnbull:

Thanks for yours of 20th. I have got the original of Lapointe's statement as quoted in "LeSoleil". I also got out of the Library the only book they have there of Sir Stafford Cripps. It is, though, a most colourless book, and there is nothing at all along the line of what you suggest in it.

I will see if I can locate the Winnipeg Free Press of July 19, 1933.

Yours very truly,

SAM/E.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 195)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

124141

F. W. Turnbull and Company
BARRISTERS, SOLICITORS ETC.
PHONE 23124

44-48 WESTERN TRUST BUILDING
REGINA, SASK.,

March 20, 1941.

Dear Mr. Meighen:

The gentleman who used the language referred to in Le Soleil was the Right Honourable Ernest Lapointe. I have not an original copy of the paper. I saw the reference in an editorial in the Regina Daily Star at one time and kept it. Then I had the Conservative Headquarters at Ottawa verify the quotation from the original French paper.

I have never seen the utterances of Sir Stafford Cripps in book form. It was reported in the press at the time. I feel quite sure I have the clipping somewhere, but my clippings were voluminous, they never were properly classified or filed and I would have very great difficulty in locating it. If I can find it, however, I will send you the reference, but I know that I did not imagine a statement of that nature. It must have appeared in the press at some time.

Your letter, which you enclose, was published. I can quite understand the difficulty they have in finding a definition for socialism. I do not know whether you ever listen to Mr. W. J. Cameron on the Ford Sunday Evening Hour, broadcast originating apparently with the Columbia Broadcasting System from Detroit. On March 9 he refers to things going by doubles - the substance and the shadow. Humanity yearns for community, but alongside has marched another column of people offering a connterfiet - Communism for community. Offering a state of society where men own nothing and all is disposed by a handful of masters at the top. That is Cameron's definition of Communisim, but you will remember that in his franker moments Mr. Woodsworth would admit that there was no difference between Socialism and Communism. The difference between Socialist and Communist was the question of approach to the ultimate goal.

Yours very truly,

F. W. Turnbull.

Rt. Honourable Arthur Meighen, K. C., P.C.,
The Senate,
OTTAWA, Ontario.

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CANADA

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.....2

P. S. The Regina Daily Star of August 5, 1933 contained a declaration purported to be a quotation ffom Mr. E. F. Wise, a British labour leader.

The Winnipeg Free Press of July 19, 1933 had a reference to statements by Sir Stafford Cripps, and E. F. Wise. They have evidently quoted from some book. I have only been able to get part of the editorial, but from what I have here it looks as if you might be able to find something on Sir Stafford Cripps by following up.

F. W. T.

Rt. Honourable Arthur Meighen, K.C., P.C.,
The Senate,
OTTAWA, Ontario.

EMPIRE LINEN BOND MADE IN CANADA

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

124143

The Studio,
White Rock, B.C.
March 26, 1941

Dear Mr. Meighen:

Thank you for your letter with enclosures. The Sun did publish my letter. So far there have been no comments, so it would appear the people who read it were in agreement.

The Sun has a rather vicious editorial policy, that changing a different editor in charge every day. At least that was the policy before it was manned by the old Province staff.

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PUBLIC ARCHIVES
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CANADA

We hear Toronto is cold. You should see our weather. My garden is a show place and here — cascades of purple aubretias in different shades, flowering shrubs. The daffodils are almost over and iris and tulips are beginning to show up. I have a beautiful double orange out today that is new to me. The violets have been a riot, but are scarce now.

With best wishes

I am Very truly,

Annie H. Foster.

41444

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PUBLIC ARCHIVES
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CANADA

JATS WORST BOSSES NOW $1-A-YEAR MEN

Tom Moore Charges "Subtle" Anti-Labor Activity Rife

TORONTO STAR - MCH. 23/41

CODE ON JOB CARDS

Canadians should not be greatly disturbed over labor troubles in the U.S., said Tom Moore, president of the Trades and Labor Congress of Canada, speaking here last night.

"Conditions in the U.S. and Canada are entirely different. It must be remembered the U.S. is not at war," he said. "When you read of the dividends paid by the Bethlehem Steel Co. you can understand why the workers are trying to get at least a small share of the benefits."

Mr. Moore reviewed the position and policies of labor in Canada in an address sponsored by the University of Toronto department of political science.

He condemned the attitude toward labor of the majority of dollar-a-year men in administrative posts in Ottawa and contended they are using totalitarian methods under the guise of patriotism.

Suggests Labor Exploited

"While all employers aren't bad, a big percentage of the bad ones are in the dollar-a-year jobs," declared Mr. Moore. "Maybe the reason they are able to work for a dollar-a-year is their previous success in exploiting labor. They seem to think the only way to do things is their way, and no one can tell them anything. Their conception seems to be that one must be docile and giving something up to be patriotic."

The labor leader said a strong organization among workers, one realizing and accepting its responsibilities, is needed to meet post-war problems of adjustment. Without it, a condition even more chaotic than the last post-war period is likely, he predicted.

"We continue to press for recognition of workers as partners in industry," he went on. "We are meeting open and subtle opposition, but it is our duty to those who have joined the armed forces, many of them members of trade unions, to protect the interest of labor."

He contended trade union men had encountered this "subtle opposition" in the aircraft industry.

Employers at aircraft plants were using code—"number two on a discharge slip means labor agitator"—to prevent inroads by labor, he said.

Discussing a claim in the Ontario legislature yesterday that war contracts were being diverted from Ontario to Quebec because of cheap labor, Mr. Moore said "so-called" labor shortages in the French-Canadian province were caused by these low wage standards.

"We do know that a very large volume of war contracts for clothing has gone to Quebec," he said. "We know that these so-called shortages of labor in that province follow refusal of workers in other provinces to move to Quebec and work for reduced wages.

"We have urged that the contracts be let where the workers are. Contracts have gone to companies who have ignored their legal responsibilities to labor, while companies with union contracts have been left on the sidelines. No wonder there's unrest among labor in Canada."

APPOINT CONCILIATION BOARD

Ottawa, March 28—(CP)—Establishment of a board of conciliation and investigation to deal with differences between National Steel Car Corporation Limited of Hamilton and certain of its maintenance employees and maintenance carpenters, is announced by Hon. Norman McLarty, minister of labor.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 195)

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MELGHEN PAPERS, Series 5 (M.G. 26, I, Volume 195)

The New York Times

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ADOLPH S. OCHS, Publisher 1896-1935.

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FRIDAY, MARCH 28, 1941.

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YUGOSLAVIA

The sensational coup in Yugoslavia is like a lightning flash illuminating a dark landscape. Beyond the drama in the first rising of a people against the coercion of Hitler, beyond the mystery shrouding certain aspects of the swift and well-organized overturn of the Government, beyond any consequences that may follow either the repudiation of the Axis pact or German action to enforce it—and it looks like war—the revolt of the Yugoslavs exposes for all the world to see the real temper of the nations forced by military or diplomatic pressure to submit to the Nazi yoke. It has been left to the tough, high-spirited peasants of Serbia and Montenegro to reveal how the people of Europe feel toward Hitler's pacts. The wild demonstrations of relief and joy that swept over Yugoslavia last night as the new Government took over, as the young King rode through the streets of the capital, as the army mobilized for instant defense of the frontiers, were celebrations of victory that could be duplicated everywhere if the nations under duress dared throw off their bonds.

This popular uprising is in itself a development of high, perhaps historic, importance. Described as "epoch-making" in the vivid story published this morning from our Belgrade correspondent, the long-range significance of the event is only heightened if, as certain signs indicate, the British had something to do with the sudden jolt to Hitler's plans in the Balkans. There are evidences of a plan, if not a plot, in the swift unfolding of events in Belgrade. Only time will explain why M. Stoyadinovitch, the pro-Nazi Premier who might have been strong enough to impose the Axis pact, was spirited out of the country by his own Government on the eve of the Vienna surrender and placed in the custody of the English; why the Regent hardly waited for the signatories of the pact to come home before turning over his power to the King; why the coup was so thoroughly prepared and organized under military auspices that a complete new Cabinet under General Simovitch, commander of the air force, took over the Government in an hour, without an incident.

It is clear that London is far less surprised than Berlin by the turn of events. Engaged in showing the extent of his empire in Europe to the Foreign Minister of Japan, Hitler was rudely jarred into the realization that the Yugoslav rebellion was not a mere domestic flare-up which he could extinguish with the usual means. Much less is it a repetition of the disorders that gave him the excuse to occupy and subdue Rumania. This is real revolt, not only the first serious diplomatic reverse for Hitler in the Balkans but a turn in the tide. It may be more—a prelude to military action on a large scale. The whole course of Hitler's negotiations with the Yugoslavs proves that he did not want to tie up more troops in occupying the country. It seems evident now that to move at all he will have to move in force.

As far as can be judged from the first spontaneous reactions, in fact, this coup may be the signal for the clash on the "second front" Hitler has paid so dearly to avoid. A divided people—but divided by their very passion for independence—are united by Nazi pressure. Apparently ready to follow the path of resistance to the end, they have at last expressed their true feelings, and this release of the spirit of Yugoslavia will be nowhere more heartening than among the thousands of Americans of Yugoslav descent, agonizing in recent days over the fate of the motherland. Whatever happens, this is their day to cheer.

THE SWORD OF NEUTRALITY

An extraordinarily significant speech by Attorney General Robert H. Jackson was read yesterday before the first conference of the Inter-American Bar Association at Havana. As a declaration of governmental policy the speech is historic. For Mr. Jackson demolished and abandoned the outdated nineteenth-century concept of neutrality, "that all wars are alike and all warriors entitled to like treatment."

The last vigorous official statement of the older view was that made by President Wilson on Aug. 19, 1914, in which he urged Americans to be "impartial in thought as well as in action" during the war which had just begun. Such an attitude could not be maintained. In less than three years we were ourselves at war.

Is there a middle ground, short of war yet also far beyond a futile and meaningless pretense of neutrality, and can such middle ground be defended on legal as well as practical grounds? It is Mr. Jackson's well-reasoned contention that this is the case. We must, he believes, give a positive interpretation to the rule of Grotius, father of modern international law, three centuries ago, that "it is the duty of neutrals to do nothing which may strengthen the side which has the worse cause, or which may impede the motions of him who is carrying on a just war."

We can rest our case on the Kellogg-Briand treaty for the renunciation of war, which Germany, Italy and Japan have violated; on the Buenos Aires anti-war treaty of 1933, also violated; and on self-defense resting on the belief that "present aggressive wars are civil wars against the international community." As Mr. Jackson says:

> A public opinion which can express itself only in sermons is not likely to restrain the aggressive propensities of any powerful state. If, however, that opinion may command measures short of war that are likely to prevent the success of aggression it is certain to have some deference, even from the ruthless.

The test of such a doctrine is, of course, not in its words but in its ultimate success. If the principal enunciated by Mr. Jackson can be maintained, if by its maintenance sufficient aid can be given Britain and her allies to defeat Nazi Germany and Fascist Italy, and overawe militaristic Japan, then we shall have established a theory of neutrality that will be a positive factor to keep the world's peace.

The question cuts to the heart of mankind's present problem. It will be worth thinking over and returning to.

SEIZING PLANTS WON'T HELP

No more irrelevant and hazardous proposal has been made for dealing with the existing strike situation than that the Government should take advantage of a provision in the Selective Service Law that was written for another purpose, and seize and operate defense plants in which strikes exist. Such a course has been strongly hinted at in the case of the Allis-Chalmers plant in Milwaukee, in which a strike has been in progress for ten weeks.

The first question to be asked of any such proposal is: What would the Government do about the labor situation after it had seized the plant? Only two courses would be possible. Either it must order the strikers back to work at wages and working conditions fixed by the Government—on the company's terms or on the strikers' terms or something in between—or it must hire new workers at such terms as it chooses to fix. In the first case it would be imposing compulsory arbitration; in the second case it would be hiring workers who would be called "strikebreakers." But obviously—putting aside for the moment the question of the inherent desirability of either course—if the Government wished to do either of these things it could do it just as well without seizing the plant at all. It could impose compulsory arbitration and order the workers to go back to work for the existing private plant managers, or order the plant managers to take back the workers, on the terms it set. Or it could ask the local authorities to give police protection to the management when it invited new workers to come in at its own terms or on terms fixed by the Government.

Actual Government seizure of the plant would in itself not solve any labor problem whatever. It would simply turn the Government into an industrial employer with this problem still before it, and in a much more baffling form than before.

REFUSAL TO MEDIATE

The refusal of officials of the International Harvester Company to consider mediation of the strike now being carried on at their McCormick Works by the C. I. O.'s Farm Equipment Organizing Committee is an unwise and regrettable action. This is true, irrespective of the merits of the dispute itself.

The Harvester strike, which has now been in progress for about four weeks, has a bearing upon the whole troubled question of industrial disputes which is holding up defense production. The present temper of the country is to insist that industrial disputes be settled by peaceable means and without resort to stoppages of production. Every refusal by labor leaders to accept mediation adds to the pressure for anti-strike legislation. Every refusal by management of industry to consider efforts at conciliation adds to the pressure for this hazardous plan of having the Government "seize" factories.

In the current public concern over strikes the obligation to seek peaceful methods of solving industrial disputes does not rest entirely upon labor and its leaders. Industry has an equal and perhaps greater obligation to rise to the standards of industrial statesmanship which the times demand.

CHEREN FALLS

The fall of Cheren, Eritrean stronghold on a 7,000-foot plateau guarded by deep ravines and manned by a garrison of 40,000, is a British triumph of the first order because its surrender implies so much. It opens the way to Asmara, the capital, only forty-five miles away, and Massawa, last and largest Italian port in the territory. Highways and a railroad connect them, and their defenses are believed to be negligible.

Simultaneously, the British are able to announce the capture of Harar, second city of Ethiopia, and to reveal a new thrust into that country with the capture of Gambela, a concentration point thirty miles inside the border. South African and Belgian forces took Gambela. Its seizure clears the large salient of Baro extending into the Anglo-Egyptian Sudan and leads on toward the important Ethiopian town of Gore. Harar, a walled city, famous in the Ethiopian war, leads directly by railroad and highway to Addis Ababa.

Nowhere in East Africa are there now left defenses which seem strong enough to entail more than a slight delay to full occupation. Mussolini's whole African empire is on the brink of collapse. Tripolitania, its original nucleus in the far northwest corner, which some German reinforcements of uncertain strength have reached in the last few weeks, is all that remains securely in Axis hands. Elsewhere the débâcle is all but complete.

WORKING DIRECTORS

It used to be a part of American business tradition that the elder statesmen of industry and finance collected corporation directorships as honorary distinctions carrying no great burden of effort or responsibility. They lent their names to the boards of corporations as dowagers lend theirs to respectable charities.

All that belongs to the past. The emphasis of recent years has been upon increased responsibilities for directors. The example of Great Britain, where professional directors have long been known, has frequently been held up to American corporate management, and there have even been suggestions that it would be a good idea to have "public directors" on the board of big companies to represent specifically the interests of the public over and above those of the corporations themselves.

But the movement has been slow to take hold. The recently published moongraph on life-insurance companies prepared for the Temporary National Economic Committee stressed the casual attendance of directors at meetings. In the case of one large company having a board of twenty-four members, the average attendance over the past ten years at regular board meetings was only fifteen, or about 60 per cent. A few prominent men allowed their names to stand in the list of directors, although they did not attend a meeting once in two or three years.

This condition is, however, becoming exceptional. The trend is more and more toward working directors. Illustrative of that trend is the plan that has just been announced by the Consolidated Aircraft Corporation. Its management proposes that henceforth directors who are not already employes shall be placed upon the payroll. But they will be held strictly to the job. Any director who fails to attend a regular meeting will be fined $500.

Such a plan may not be practical for all corporations, but the idea is excellent. The enormous growth of corporate enterprise and the preponderant role it plays in our economic life place great responsibility upon the directors of corporations. Directors should direct, not merely ornament the corporations on whose boards they sit. That means giving a large part of their time and energies to the job.

TWO BILLION NICKELS

Nearly three-quarters of a century ago the first nickel was stamped out at the Federal mint. The two-billionth has just been put in circulation, so that, roughly, if no coin had been lost or worn out and if they could all be gathered in one ownership, an American might have a fortune of $100,000,000, all in nickels.

This, one believes, will not happen. The nickel is our most democratic coin, for it travels with pennies in the poor man's jeans and with wads of bills in the pants pockets of the affluent. For certain purposes, such as using the telephone at a pay station or getting into the subway in a hurry, it can do what untold wealth cannot do. In boyhood memories it symbolizes the trolley ride to the park, a bag of peanuts, five sticks of licorice, admission to the nickelodeon. The wealth of the Indies in adult life is dross compared with the possibilities held out by one's first nickel.

In a sense the nickel is a fraud, for it is three-fourths copper. It is related to that dreadful thing, "fiat money." But this is only to say that the countless transactions in which it figures every hour of every day are all acts of faith. As long as the nickel flourishes, and is even hoarded by those of us who anticipate tomorrow's telephone call and tomorrow's transportation, the Republic will stand.

Topics of The Times

Britain After the War

Lord Halifax told the reporters that a great many things in Britain are bound to change after the war. He did not believe that it will be the revolutionary change to which certain ardent minds here and there are directed. He mentioned specifically the abolition of unemployment, and for all of the British people "a real measure of social security."

Ernest Bevin, in a statement on war aims printed at length in last week's issue of The New Leader, sounds the same note of far-reaching social reform, without violence. "I suggest," he says, "that at the end of this war we accept social security as the main motive of our national life. Begin there. That doesn't mean that all profit or surplus would be wiped out. It does mean that the whole of our economic finance and science is directed to give social security, not to a small middle class, or to those who may be possessors of property, but to the community as a whole."

The Bevin Idea

These are not the words of a former militant Labor leader who has "relapsed," as so many veterans of the Labor movement have a habit of going soft with the years, to the great pain of the doctrinaire revolutionists. Mr. Bevin in the course of his statement has very few kind words for the profit system. "Life must have a motive," he says, "and we have been taught that the only motive to energy, to production, to enterprise is profit. If profit can be the only motive, then the only corollary is economic disaster. Economic disaster will bring you back to the same position as we are in now." Whereupon he brings forward his own new motive for industry—namely, social security, as above.

But social security is a goal to be striven for by evolutionary methods, though the process must not be too deliberate. "What is the greatest satisfaction in life?" Mr. Bevin asks. "Speaking for myself, it is the fact that without hoping for profit, with my colleagues I have helped to raise the standard of living of millions of people in this world."

The Past Forgot

Mr. Bevin's reference to a higher standard of living achieved by millions of his countrymen in the past is, for our own time, of high significance. Once upon a time it was, of course, a commonplace that the conditions of life for the plain people were steadily improving, though progress was not on the whole front and the rate of advance was slower than we could have wished. But for some years now it has gone completely out of fashion to speak of progress in the past.

The standard of living is cited to show how much worse it is than it ought to be, and hardly ever to suggest that it is better than it used to be. Regularly the accent has been on what clamors to be done. Rarely is there mention of what has already been done. Mr. Bevin is not afraid of being called complacent. He finds it possible and even expedient to recognize that life for millions of the British workers has been made easier, though a real system of social security for all of the people still waits to be built.

The Real Goal

Sometimes one cannot help thinking that there are people to whom the revolutionary method is more important than the welfare of the masses whom it is supposed to benefit. Otherwise we should have fewer people drawing pictures of what a revolutionized Great Britain will be after the war. Some even go so far as to insist that Great Britain cannot hope to win the war until she has carried out her revolution.

The ordinary mind finds it rather hard to grasp the grand strategy by which the British people will defeat Hitler by staging a revolution with its usual concomitant of a civil war. And yet the logic is not altogether mad if one sets out from the thesis that the only hope of progress for the British people is through revolution. If only we can manage to forget that the workers of the world in the past have bettered their life by the evolutionary method we can easily work ourselves into a state of mind where the "reconstruction" of Britain becomes more important than the task of beating Hitler.

Old Habits Persist

Arthur Greenwood, another British Labor veteran in the Churchill Cabinet, said the other day, "There can be no going back to the world as we knew it before the war." Mr. Greenwood was speaking of the international aftermath of the war, but it is a prophecy frequently made about social reconstruction inside Britain. Yet the revolutionary theorists who most often speak of a world utterly changed from what it used to be are the ones who in reality are living in their old pre-war dogmas and formulas and animosities. They continue to recite their pre-war class war slogans as though the world had never heard Hitler attacking the "plutocrats," and had never seen a Hitler-Stalin partnership.

Berlin visitor Matsuoka is now wondering whether he has been asked to join a new world order or disorder.

OVERGROWN MONSTER

Mankind is like some monster grim
Of the primeval slime.
Signals of pain from tail or limb
Reach not the brain in time.

Today, unconscious of its pain,
It gnaws each vital part.
Will the nerve-signals reach the brain
Ere the teeth touch the heart?

ARTHUR DAVISON FICKE.

In The Nation

The Government Goes Into Action on Strikes

By ARTHUR KROCK

WASHINGTON, March 27—Two days after the President's new Mediation Board was formed the Department of Labor "certified" to it four troublesome strike situations which are blocking armament production. This is quick work. The disposition here was to applaud it and, until the impression is disproved, accept it as high and fixed policy designed to make the new board effective and bring a larger measure of executive pressure to prevent as well as to end what the President called "unnecessary strikes."

At first there was general disappointment and surprise that the ugly and vital controversy at Bethlehem had not been certified. But when it was reported that Miss Perkins's chief conciliator, Dr. Steelman, hoped for early peace there as a result of his bureau's efforts, few were inclined to criticize the department for wanting full credit for the achievement.

The Mediation Board now gets the immediate test which the public seems to have demanded. That demand, which was registered in numerous ways—especially at the Capitol—and the action of organized labor leaders in spreading industrial warfare at the very threshold of the new board, in a growing atmosphere of public and official impatience and anxiety, may reasonably be numbered among the factors which produced this prompt test.

The background of proved fraud in the strike vote taken at the Allis-Chalmers plant near Milwaukee may well have been a hastening factor also. According to some expert observers, there is blame for management there, as often in cases of labor disturbances, labor having some reason to suspect that management saw in the Allis-Chalmers unrest a chance to set back the union.

Causes and Effects

But these same observers find no excuse for the counter-tactics, now put in greater disrepute by the proof of fraud. Sixty-five days of work have been lost to about 7,800 men at a cost to them of more than $2½ millions. The construction of 25 Navy destroyers has been held up. The great new powder plant at Radford, Va., has been denied the machinery with which it will turn out 300,000 pounds a day of smokeless powder. Both the powder and the destroyers are immediately essential to the national defense program.

The Allis-Chalmers plant employs about 7,800 workers of which the C. I. O. union claims 85 per cent. Yet it struck against the continued employment of twenty-five A. F. L. men on the ground that these would undermine its following. Miss Perkins's conciliation service has put forth repeated efforts to adjust the controversy, and Dr. Steelman made two visits, without avail. The row was complicated further when the OPM's peace proposal of Feb. 15, accepted by the union, was refused by the company unless accompanied with Sidney Hillman's opinion that it was not to be construed as meaning to promote a closed shop. He was criticized by labor for agreeing to a statement to this effect drawn up by an Allis-Chalmers attorney. Yet until today, after Secretary Knox and Director General Knudsen of OPM demanded that the plant be reopened, the public had no counsel from the C. I. O. head, Mr. Murray, on any of these points.

From the time the strike vote was taken and announced as 5,958 in favor and 758 against the company has challenged the count. Its tally showed that only 4,547 employes entered union headquarters while the vote was being conducted. The evidences of fraud indicate that this number represented very nearly the actual participants.

The Fake Vote Signs

After the challenge, handwriting experts were set to work by the company and the union. Both groups found proof of fraud, though differing as to the number of fake votes, whether less than 1,800 or more than 2,000. But since the vote was held at union headquarters under the supervision of a union committee, enough was disclosed to support charges of which this, in The Milwaukee Journal, is typical: "One of the greatest betrayals of labor that has occurred in our labor history."

Specifically these proofs of fraud were disclosed:

"Ghost" marks, showing that one writer had marked a stack of ballots. Identical series of cross-marks on numerous ballots. Evidences of hurry on the part of a single writer to mar bundles of ballots. Checks instead the customary crosses on fifteen ball in sequence ("the finding of five s uncommon marks on ballots in seq might honestly occur in 10 trillion less, said the graphologists). Oth timony that blank ballots cut quence were voted entirely in order, a logical impossibility.

The union, while conceding Wisconsin Labor Board tha vote was invalid, announce still legal under the unio and that return to wo strike vote can be orde union itself—a contention t day threw out of court. Secretary Knox and stepped in.

Since they were follo the Labor Department to the Mediation Boar troubles, it can be s ernment at last is in

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Ottawa,
April 1, 1941.

#11

Mrs. W. Garland Foster,
The Studio,
White Rock, B. C.

Dear Mrs. Foster:

I am awfully glad the Sun published your letter, and am grateful to you for writing it. I just received a letter this morning on the same subject from Mr. Strange, head of the Research Department of the Searle Grain Company, and am attaching hereto an extract which I know you will like to read.

Yours very truly,

AM/E.
Encl.

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A Different Language

Editor The Sun: Sir,—There are times when I think you and I speak different languages. The interpretation we put on words is so different. A case in point is your editorial, "Senator Meighen Is Wrong." There have been so many times when Senator Meighen was right that it must have been "the wish was father to the thought."

When I read the press despatch of the part of Mr. Meighen's speech to the Federated Charities in Toronto that seemed wrong to you and Mr. Coldwell, it seemed absolutely right to me! For is it not a "fundamental instinct of the human race" to strive, to struggle, to acquire a goal that is ever receding? What has brought us to our present stage of evolution if not just that? Are we going to change a fundamental instinct of the human race because there are people who like to lie down on the job?

Later, when I obtained the Regina papers which further discussed the matter with Mr. Meighen, I had no reason to change my former opinion. As for the charge that Mr. Meighen's utterances were subversive, if you compare some of your own pages, you may get a better orientation of your position. The fact that we are at war should not prevent a man from expressing a truth as old as the ages. Even a newspaper at times may be benefitted by putting up a "Stop, Look and Listen" sign long enough to distinguish a hypothetical question.

As far as Socialism in Canada is concerned, with the tremendous immigration from Europe that has taken place since the war started, we are more likely to be less Socialistic, for we are giving refuge to largely a so-called Capitalist group. The Socialist group in Canada has never been as large as vociferous. Actually, what the Socialists have against Capitalism is just what they have themselves—human nature. Under a Socialistic state the Socialists themselves must become the capitalist, for the production of wealth will have to go on in some form. Look at Socialism under Stalin, under Hitler. What do you think of these mass movements? Do they function without outstanding individualists?

A long experience with our popular movements has satisfied me that they are largely of the "give-me" type and that whether you try Capitalism or Socialism, it takes a long time to change human nature, as any archaeologist will tell you. Probably Archbishop Duke gave the clearest view of the subject when recently he differentiated Socialism and social welfare. There are people who seem to confuse them. ANNE H. FOSTER.

Mar. 17, 1941
Vancouver Sun.

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#11

Ottawa,
April 1, 1941.

Mr. Archie Campbell,
633 Ontario St.,
Toronto, Ont.

Dear Sir:

I have your letter of 28th March, which I have read with care; also the enclosures.

Many years of experience and study have convinced me most firmly that we should not, in the interests of the great masses of the people, follow the course which you seem to think so obviously right, namely, to bring great enterprises under Government ownership and operation. Every free country, such as is every British country, is built up on individual enterprise and initiative in a thousand spheres, and while there must, of course, be Government control, an incentive to efficiency and economy is absolutely necessary in the public interest, and it is the business of statesmanship to provide such incentive.

I am returning herewith the letter of Mr. MacInnis, M. P., which you enclosed, and also another enclosure "An Easter Prayer."

Yours very truly,

Arthur Meighen.

AM/E.
Encl.

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Toronto. Ontario.
March 28. 1941

Senator Arthur Meighen.
Ottawa.
Canada.

Dear Sir:

Once again I address you on a subject which I believe is deeply imbedded in your purpose in life: conservation of Canada's resources for Canadians that they may enjoy those plentiful resources, and have much left over to devote to Britain's aid.

Some time ago I wrote you of our Transportation Situation. Since then immediately after the outbreak of war I wrote urging our Minister of Transport to follow Britain's example and take over and operate all forms of Transportation as a Federal Utility. He has remained inactive.

During the short session of House of Commons in fall of 1940. I wrote Hon. R.B. Hanson, urging that his party propose such progressive legislation. This was shortly after ex-chief L.G. Fabian, an employee of the financial group which controls Transportation in Canada arranged that trouble between drivers for the Direct Transport, when Direct took over Western Transport. To prove that during the three years L.G. Fabian was employed by Hon. D.B. McQuestion as a Special Inspector of Public Commercial vehicles of Ontario, at a cost of about $12.000.00, was also being paid by these foreign financiers would be difficult so I may only say I have reason to believe he was.

Hon. R.B. Hanson replied to the effect that he was too busy shouting "You did" or "You didn't" to take any interest in progressive legislation. By this silence Mr. Hanson became the accomplice and advocate of those Foreign Financiers who control

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(41)

In the carrying of freight. the many many different types of merchandise, are divided with Eight or nine classefications, under two divisions - Carload Lots and less than Carload Lots.

Public Commercial vehicles handling mixed lots of freight come under the L.C.L or less than Carload Lots. As an illustration, canned goods and merchandise of similar weight for size or what is termed displacement. such as 3rd Class Freight. Previous to the rate cutting tactics of this agent of Seven Good Transports all 3rd Class Freight between Toronto and Orillia brought to the Revenue of the Canadian National Railway as it carried it in L.C.L. lots 42½ cents per hundred pounds from ~~station to~~ freight shed to freight shed and a further payment to the carter at Orillia based on .06 cents per cwt.

When a faster service was required small quantities of such goods could be had by the Canadian National Express direct to the door or warehouse of the receiver for about .70 cents per hundred weight. In the natural progress to the fast, more mobile more accomodating service of the Public Commercial Vehicle, which pick-up freight at any door or platform in Toronto and deliver it to any door or platform in Orillia

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KODAK SAFETY FILM

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it may readily be reckoned a rate higher than the Express rate would be exacted. Before this agent was employed by Seven Good Transports the rate in general use was that of rates published by a confederation of freight agencies. By the time this agent had wreaked his vengeance on the publicly owned and operated Canadian National Railway this rate from shippers door in Toronto to receivers door in Orillia had become 17 to 18 cents per hundred weight. all going to the licensed Transport Industry.

Not one mill reduction was made to the consumer-elector of Orillia. because of this lesser rate.

To purchase a Public Commercial Vehicle licence for a vehicle equipped to carry 8 tons a charge of $42.00 is paid to Highways Department over and above the cost of ordinary Commercial Plates issued to those carrying their own goods on their own trucks. or those carrying goods for same type of remuneration within any one municipality. Were this truck loaded with 3rd Class Freight to carry its load to Orillia. the cost at the ordinary R.C.L. rate to receiver would be $78:20

At the rate fixed by the agent of Seven Good Transports about 17½ cents per cwt this costs $28.00

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Canada's Transportation, and by this silence those Foreign Financiers were encouraged to purchase control of most of Canada's privately operated Airways. Knowing well the devices used in many such matters it appears that the proposal to have Canada build a range or line of Airways Depots across Northern Canada, is a camouflaged effort to provide those Foreign Financiers a system of Airways that would compete to serious disadvantage to our Trans-Canada Airways.

What can be done.?

It is so long since I have been conversant with Ottawa street car and taxi fares. I confine the following comparison to Toronto area. I have known Joseph H. Harris M.P. since about 1919 or 1920. and in fact was on the committee that promoted his selection when he first entered Dominion politics. so what is here said. is not to condemn Joe. except as he appears in the matter.

When this control group engaged entirely Fabian, Joe was on the Railway Committee of House of Commons and continued as such to the end of Borden's regime. When Fabian began as employee of this control group the rate for 3rd Class Freight such as Canned Goods in less than Car Lots. from Toronto to Orillia was 42½ cents per hundred weight. Public Commercial Vehicles come under Provincial Control. yet Fabian cut and slashed haulage rates so that by Sept 1937. when the Royal Commission on Transportation held sessions in Toronto. this rate had become 17 & 18 cents. by the faster, more frequent, more mobile Public Commercial Vehicles. Look at this matter fairly. Freight Rate was 42½ cents per cwt. Express - faster service 75 & 85 cents per cwt. and faster, more frequent, more mobile truck service 17 & 18 cents. Operating our Toronto Street car service we have that splendid Toronto Transportation Commission and a passenger may ride from one

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street car fare.

Similarly in relation to cartage and moving in the City of Toronto. rules and regulations call for a definite rate per hour for each vehicle. according to capacity and for each helper. other than the driver. Both Toronto Transportation Commission and the Cartes of Toronto are required to pay a scale of wages much higher than are standardized by the Brotherhood of Transpot Employes.

In the range of Public Commercial Vehicles. ~~the Bu~~ carrying passengers. Gray Coach Lines may be taken as an illustration. In matters of fares for passengers. these rank very close to Railway Fares. with the one difference. on their own right of way. Railways seldom enter the business or residential area of any city. town or village. usually a vehicle of some type must be used to convey the passenger to and from the Railway Depot, at an added cost but the Motor Coach does in most communities serve the main business section. and in larger centres. branch depots for Motor Coaches are fixed at convenient points. And both Railways and Motor Coach depots are located in each community.

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Corner of Toronto to the other, a distance ranging from 12 & 15 miles for 6¼ cents. What would happen if Toronto City Council were to rule that taxicabs must use their faster, more mobile service for 2½ cents for similar distances? You can imagine what would happen. Taxicabs would cease to operate.

Was it in an effort to aid this foreign financiers control group that our Federal Railway Committee decreed that our Canadian National Railway must meet that 17-18 cents during the years 1932/33? That is the only interpretation that can be put on the order to reduce haulage rates. What was Joe Harris who ranks so high in the Conservative party he was a runner-up for Leader doing about conserving revenues for our Can. National Railway?

During that dastardly attempt to camouflage and fool the public by painting the name National before the Conservative Party's name during the last Federal Election; a christened name, whose fresh paint was trodden off by old line politicians during the period of silence accorded in respect to our beloved late Gov. General Lord Tweedsmuir. I personally urged Joe to add to the platform, the following of Britain's aim and take over and operate all forms of Transportation. Conservatives were and still are silent. Why?

During that same Election Campaign, I wrote to Harry R. Jackman, now M.P. for this Riding advising him that I had learned that one of this Control Group had in a warehouse in Jackman's riding a quantity of wool, that from the marks mentioned by a man who had helped store it, was imported, and was being held for later sale, while our soldiers shivered for lack of clothing. Mr. Jackman was silent and inactive in this matter.

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tricky agent had of doing many things. Get his audience angry and withdrawing that his power & control a few might be exerted.

This was indicated by the steady reduction of membership in the Automotive Transport Association from ~~Nearly~~ nearly 50 percent of all licensed operators whom he had been engaged to less than 10 percent in 1937.

The actual figures for 1936 were 4,511 vehicles licensed by 2,126 operators of whom only 167 were members of the Automotive Transport Association.

Haulage Rates.

Perhaps the most ridiculously evil of all these matters was the reduction in haulage rates. There are two divisions of Public Commercial Vehicles: ~~as~~ those carrying human passengers, and those carrying merchandise in some form.

For an example in Toronto they have one of the finest, if not the finest and best managed street car systems on the American Continent. The fare for a ride of about eleven miles, whether one or fifty in the car is 6¼ cents per passenger, from one marked stop to another marked stop.

Should greater speed be required, the vehicle will come direct from its headquarters direct to the home, pick up the passenger or passengers, take them the same distance leaving them at the desired doorway for about twenty times the price of the

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Some months ago Mr. Jackman had a letter in the Toronto Telegram, criticizing the act of our Government in refusing to allow Toronto Transportation Commission to purchase electrically driven street cars. (Very sorely needed). but Mr. Jackman was silent about the fact that (1) These street cars are built by an American firm that does not belong to the Combines Group (2) that only about one-half the total cost price of these cars was paid in the United States and the balance paid for Canadian labour and material in Montreal (3) that had the T.T.C. purchased Motor Vehicles paying any of General Motors Corp. plants. paying Goodyear Tire Corp. or British American or Standard Oil Co. it was unlikely such restrictions would be made effective. I wrote Mr Jackman and the Telegram at that time making these matters clear and both acted as advocates and accomplices of this Foreign Financiers Combine Group by remaining silent. At that time I suggested. that before many months patrons of the Liberal Party in Canada. would be permitted to bring into Canada new models of Motor Cars despite the 'Freezing Order'. How close I was to the kernel of the matter was soon indicated by the removal of restrictions periodically

Just as this session of House of Commons opened I wrote that champion of fair play. Thos. L. Church urging he take this matter up. Tommy returned my letter recommending I write Mr. Jackman. I did so ~~and Jackman~~ explaining to Mr. Jackman that his failure to recognize. my former efforts were responsible for my lack of confidence in him.

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the haulage rates. as those affecting Railways when this cutting of rates began. and ask the Government to make those rates the legal rate. I have it direct from the Government they are eager to do this. if and when a majority of the Operators ask them to. and with these haulage rates your employers will be glad to pay the $25.00 wage rates, and doubtless would join with you in having the Government ~~fix~~ make that rate legal. With increased rates for haulage your employers can maintain better rolling stock. and still pay your wage scale of $25.00 per week". Whether this last was heard by many is doubtful, for red of face and furious, this unscrupulous agent rose from his chair and cut in on the speaker. "To Hell with the Operators. will fix the wage rates and the operators will have to fix the haulage rates." As he rose the clamour became so loud, he had to repeat this the second time shouting at the top of his voice.

Many left the meeting shortly after without voting or joining the Association. but those who had come to organize did organize. Later this rough house tactics was seen to be a way this

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openly challenging Mr. Jackman to make such effort.

Mr. Jackman wrote me urging me to send him this information. I have sent him miles and miles of words. So many it is doubtful he can even read them all during this session, much less comprehend the various phases.

When Capt. Geo. S. White, M.P. for Hastings-Peterboro and Tommy Church urged free transportation for our fighting forces. I wrote a tri-cure letter to Jackman urging he seek the co-operation of these two. I also wrote Capt. White, and he wrote me he would seek an interview with Jackman and endeavour to do something. In my letters I urged that by such act. of operating all forms of transportation our soldiers would return firm lease with greater interest in their duties, and the death rate, and injured list might be much less than when fighters rode in cars that were begged, borrowed, stolen, or hired.

My letter to Capt. White was of March 19th.

As no action had been taken when the Seaway Pact was signed. I wrote Mr. Jackman urging that he bundle up and return all the writings I had sent him, as proponents of the Seaway Pact, might censure him for having such literature in his possession aimed at the delay of Seaway Pact. I have expressed no criticism of the Seaway Pact. I have of course condemned the blocking of Grand Trunk Railway builders, and of the Seaway they proposed to build through Canadian territory, when you and I were both many years younger than we are today.

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Motion was made and seconded, and whether passed or not could not be clearly ascertained for the noisey acclaim that arose.

Moving up the aisle to where his words could be heard this man explained that as he was not employed by any licensed operator or at that time in any way related to the Industry, it was quite in order, the organizers should object to giving him a hearing: but as nothing definite had yet been done, from the point of view of an interested bystander, he would oblige those who sought his advice "Organize by all means" he said "But in that organizing look for higher things. The wage rate suggested as $17.50 per week was far too low for any driver to wheel a huge vehicle over the Highways on a busy day, and much too low to think of for a long drive on a bad night. No driver should be expected to make a drive of 1,000 miles each week for less than $25.00 per week plus allowance for delays not due to the driver's error." "But" he added "at prevailing haulage rates which are dropping and dropping no operator can afford to pay that $25.00 wage rate. First then as a group ask your employers to fix the

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Following publication of a letter from Dr. H.A. Bruce, member for Parkdale indicating his preference for a Government devoid of party considerations I also wrote Dr. Bruce urging he seek Jackman and co-operate to bring about this great aid to Britain.

I have also written Hon. R.B. Hanson urging he resign and disband the Conservative Party thus making way for some really Democratic organization.

In the ordinary course of events Mr. Jackman and Hon. R.B. Hanson should have received my letters on March 17th. No reply to date, and no manuscripts have come back.

Another point of contact with Capt. White.

During the election campaign when Capt. White was first elected, certain reflections were made on the conduct of Ontario Liberals, and Hon. Earl Rowe sent one of his assistants for conference with me, and I loaned him pages and pages of material. To get this material Returned, I believe I did finally suggest court action — But Conservatives of Ontario again acting as accomplices to this Foreign Financial Control Group by remaining silent.

It would be impossible for me to take court action against Jackman for failure to return my articles as though I have ten applications in to Civil Service I am still Dis-employed and on Relief or I would use better paper, and pay the postage.

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able to do, insult him or hurt his feelings; and make a great show of resuming the office of Chairman of Directors for that year.

During the early summer of that year, having some unfinished business with an Operator (E) whose route served many points which the Canadian National Railway also served, this Operator E. complained severely about the cutting of rates by this agent as employee of E's opposition Operator F. This business still unfinished at noon on Saturday, Operator E urged this man to meet him at a Theatre on Queen St west Toronto on Sunday afternoon where this agent was to try to start a Brotherhood of Transport Employees.

Operator E was delayed, and with another chap this man entered the theatre, taking a seat at the door, as he was not engaged in the industry and intended to take no part. Much arguing back and forth accured. It seemed quite apparent the group was loaded with supporters of this agent loudly acclaiming his every word. Later this man who was seated at the rear, and who had been noticed by several, was asked to give his views. Immediately there arose a howl of protest, but so numerous were those who favoured an independent opinion, finally a

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Is it fair to Britain Sen. Meighen that this group of Foreign Financiers hold sufficient shares of C.P.R. Stock to control C.P.R. Operations and when the income approaches the higher brackets for taxation they use the accrued profits to buy up further control of Canada's facilities and resources?

Or is it more fair for Canada to take over and operate all Transportation turning over to Britain those accruing profits?

What more can I do.?

Paliticians are much better paid for their lack of effort than the Relief Recipient is for his efforts.

Are all paliticians of the same calibre as is indicated in the enclosed letter? Hold his name as confidential, though I don't think he is worthy of any person's confidence.

This is another paliticians I voted last session urging he propose such beneficial progressive move.

My politics are clearly indicated by the enclosed 'Easter Prayer'. For the typing of five or six copies I have thanked Mr. Jackman. I had sent him a copy in my first letter and later found I did not have a copy for myself, so wrote asking him to type of a copy if he so desired and send the original back to me. He returned the originals and also several typed copies.

For your information – in confidence – a pirated copy of this has been mailed Premier Churchill and in the ordinary course of events should have reached

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KODAK SAFETY FILM

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Seven Good Transports. Other members were chosen to accompany him. and at the appointed time the resolution was read and presented to the Government. Later in the day when this agent had departed some of the members of the deputation would return, and advise the officials who had received the resolution. that the wording as read had been so altered from the resolution as passed as to have the opposite effect to that desired. These were men standing high in the industry. with a sturdy reputation for business honesty. What could any Government do? What they should have done when this chicanery was first begun by this group of Seven Good Transports. through their hired agent. Spank them soundly with a low freight rate as Railway Freight Rates, and let the Big Shots holler. But politicians seldom do the courageous thing.

Again, and again this unscrupulous agent was boosted by his employers into the highest office of the Association. though he never held a license for any type of motor vehicle (in his own name) He was a good showman and one year appeared at election of officers as if insulted and hurt. something no one was

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him about now.

Another penned copy was directed to President Roosevelt, too late to reach him before he left on his recuperative voyage.

In my opinion it would not hurt the House of Commons, or the Senate either to make this a closing prayer before Easter recess.

If used for such purpose, perhaps it would require the author's name. This will be full authority for you to have my signature copied should it be used in this manner. I have not suggested this course to any one else and no other person has such authority.

I know perhaps as well or better than the author of the letter enclosed that financial concerns are organized, but the only method of overcoming their domination appears to me as indicated by this Easter Prayer.

I have taken the burden of copying my name from your shoulders by endorsing the Prayer as a complimentary copy.

May you long be spared to promote conservation of Canada's resources for Canadians, and not but a meagre portion forwarded to Britain.

Yours truly
Archer Campbell.
633 Ontario St.
Toronto. Ontario.

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Ottawa,
April 1, 1941.

Mr. H. G. L. Strange,
Searle Grain Company Limited,
Winnipeg, Man.

Dear Mr. Strange:

I am very grateful to you indeed for your letter of 28th March. It is most encouraging to find at least one man who does real thinking.

The Free Press, of course, mis-stated, and deliberately mis-stated, my words. For some time previous I had conducted a controversy with its sister paper "The Regina Leader-Post," owned by the same people. No doubt the "Free Press" editor had read this controversy. It centred around the actual words which I used and their justification. The "Free Press" editor without doubt felt that he would find it very difficult to make a case if he quoted the words as they were used, and as a consequence he simply lied.

Perhaps you will permit me to send you herewith a copy of the three attacks upon me in the "Regina Leader-Post," and of my replies. To the last one there has been no comeback.

Am also sending you copy of a letter I wrote General Clark of Vancouver in response to an enquiry from him. It is a summary of what the speech before the Federated Charities Dinner actually contained.

I have now reason to feel that the Hon. Mr. Bevin, for whom I have great admiration, is swerving definitely from his "Socialism in our time" programme. His very recent speech was a virtual admission of the necessity of private enterprise, and as well that the profit incentive was necessary for its maintenance. He pleaded merely that this incentive be not the whole incentive, but that the major objective be "social security."

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Mr. H. G. L. Strange,
Searle Grain Company Ltd.,
Winnipeg, Man.

With this as a plea I take no issue. Certainly profit cannot be the only incentive.

A vast aggregate of nonsense is, however, talked about "social security." Personally I very much fear that it will never be possible for the State to provide "social security" in the sense which many well-meaning people have in mind, or indeed, provide in the absolute sense a higher minimum of "social security" than mere subsistence. Under free institutions--that is to say in a free country--"social security" in the better sense can be carved out only by the individual himself.

These truths are not popular enough, however, to be championed by many newspapers, or, for that matter, by many politicians.

Yours very truly,

AM/E.
Encl.

Arthur Meighen.

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FORT WILLIAM VANCOUVER

March 28th, 1941.

The Rt. Hon. Arthur Meighen, K.C.,
Senate of Canada,
O T T A W A, Ontario.

My dear Senator Meighen:-

I have been reading the articles and editorials in the Winnipeg Free Press about a speech which you recently made, and I must say that I think you are completely and entirely in the right, and that the Winnipeg Free Press has been most unfair in putting words into your mouth that you did not utter.

It seems to me they have a perfect right, if so they please, to comment on your speech as you made it, although for my own part I absolutely and completely agree with your sentiments and I should think most people who live in this country -- which has not yet gone completely Socialist -- too would agree; but the "Free Press" took issue with you, it seems to me, not upon what you actually said, but on an entirely different phrase, which they put in inverted commas, and so into your mouth. Any decent person, I believe, would take exception to that phrase which the "Free Press" said you said, but which obviously you did not express even by inference. What you really said, it seems to me, is a perfectly proper and logical thing to believe - it certainly is what I am helping to fight for - whereas the phrase put by the "Free Press" into your mouth is a very harsh unkind and cruel thought, and one of course in which neither you nor I believe, nor does any other decent person in Canada.

I thought I would write to you to give you a little encouragement. This brings up an interesting point to my mind. Why do newspapers do these things, and so much of it is done. A man makes a speech, then the newspaper puts a headline on it that means something entirely different. I remember once for instance, I said in a speech, before the Board of Trade at Toronto, when our Western farmers were in great distress "Don't waste idle tears on our Western farmers -- dig down into your pockets and do something for them. Give them assurances you won't foreclose their mortgages and that will be tangible help" -- but the newspapers said that I had merely advised the people of Eastern Canada "not to waste idle tears on Western farmers." And so you can imagine what happened to me when I returned to the West.

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The Rt. Hon. Arthur Meighen, K.C.

Mr. R. B. Bennett was a good personal friend of mine, and a man I esteemed and respected greatly, although I could not agree with his economic policies. I remember once lunching with him in Calgary, and we were talking about this same kind of thing, and I said to him, that much as I disliked Governments and the State, and Government functionaries, that if I were a "Grand Mogul" I would create two more Government functionaries; one would be a man who would write down all the promises the candidates for political offices made to the people and then that these promises should be published at the cost of the State every three months in the candidate's own local paper and in the "Canada Gazette" if he were successful. That next there should be a functionary who would be the official "Guardian of the Truth" and who could sue newspapers and individuals if they wronged individuals by putting words into the mouths of people which were not uttered.

Mr. Bennett thought that first you would find very few who would be willing to run for election if this were done, and that in the second place there would not be sufficient people left in the country to write or to argue if they had to confine themselves strictly to the truth, to logic and reason, and to the decent amenities of discussion!

However, it seems to me it is very depressing to find a newspaper or an individual "throwing mud" at a decent and respectable man like yourself who has made such an important contribution to the intellectual life and so to the advancement of this country. I suppose there is nothing whatever to be done about it except to "grin and bear it", but it does seem a great pity, and I suppose it is the underlying reason why the cheap, unscrupulous demagogue can always win an election over a fair-minded and decent person who has some regard for the truth and who is handicapped by having the instincts of a gentleman.

Yours very truly,

H. G. L. Strange

H.G.L.Strange,
Director, Research Department.

HGLS/EF

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Freedom of Trade,
Liberty of Religion,
Equality of Civil Rights.

Winnipeg Free Press

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WINNIPEG, THURSDAY, MARCH 27, 1941

Tomorrow's Essentials

It is comparatively easy to create a spirit of co-operation among peoples who, under the pressure of immediate crisis, suddenly realize that their ancient fetishes and shibboleths have no meaning against the grim background of a war, failure of which means annihilation. Realization of this fact has worked several miracles in the last 18 months. It has exorcised the spirit of isolation in the United States; it has created the Polish-Czech agreement designed to dissipate one of the major feuds in the eastern marches of Europe; it has created new relationships in the English-speaking world; it has brought a proposal for the federal union of France and Great Britain.

What it is most important to realize, however, is that, granted victory, this age of miracles cannot be allowed to fade. The miracles must continue; and the clear and vital conception of the world's future needs expressed in Toronto on Monday night by Mr. Willkie admirably set forth the broad path of necessary future advance:

> We have the opportunity of the ages. Canada, England and the United States are today of one purpose. May we remain joined tomorrow for this nobler purpose.

Mr. Willkie told us not only what we are fighting against. He told us what we must fight for, in positive terms, identical with those used by all the great, enlightened international figures of the past 20 years, men whose voices, had they been eard, might well have changed the disastrous course of post-ar history. Mr. Willkie may say, if he pleases, that he is a vate citizen. He is nevertheless a man of vast influence a great personal following. Coming from him such words the impact of a bomb. Their explosion in men's minds l loosen the hold there of prejudices that have brought our "present unspeakable mess."

Willkie—it is the measure of his greatness—knows that d, once restored to peace, must return to the paths which k in 1920 and the years thereafter. In one form or ollective security must be restored. Joint guarantees, ly maintained, must be exchanged between all nations enjoy peace. There can be never again the with- he United States from world affairs. There must it and the peaceful forces in both Europe and nd forceful co-operation for peace. There must f honesty in the implementation of the pledges lacking to the short-sighted, stupid statesman- cterized Europe in the critical 20's and 30's. no more incidents such as those that marked collapse of moral values as witnessed in the in the case of Spain and in the Sudetenland andmarks can be made into lighthouses ls of past failures, warning the free peoples lurk there. There must be an end of the s with which we bemused ourselves in

once restored there must likewise be, limits and restraints placed upon the onal sovereignty such as disfigured and reat good that lay in the much maligned The liberty of the freed peoples of the in be interpreted as licence to create hind which old hates can feed until they flames. There must be, in the world of on and appreciation of joint responsibilities. alone, the greed that creates national tection, must die if we are not once more to rosa that opened after Versailles.

Toronto cheered those sentiments to the echo. of excessive economic nationalism is learning e old order of things is dead, that the dawning e in which its sacred cows must be led to the g with much else that flourished only yesterday, was not talking in glowing terms of empty idealism. posing a concrete, positive programme of action e provides the hope of maintaining intact, or of the present areas of a liberal, liberty-loving

s this programme that marked his speech as that of an, firm in his grip upon the essentials of an enduring et no one believe that he, or anyone else, believes it y programme. The history of the past 20 years, as the ssful battles of this newspaper can testify, shows how and difficult it is to execute, how grievously bigoted rrow mankind can be. But the truths uttered by Mr. e remain the truth, the whole truth and nothing but the Mankind, granted within one generation a second chance pair the errors of the past, must seize it or abandon itself e preparation of more and worse wars than we have seen.

The Nazi Report

r. Willkie's visit to Canada been an immense success to rybody but the German wire- s, which will write it off as a nplete fiasco. Thus, when Mr. illkie concluded his trip to Eng- nd, the German radio sent out n February 6 various bulletins bout it, two of which we quote:

> "When he arrived in London he was received enthusiastically, but his send-off took place in silence."
>
> "It is learned from Lisbon that reporters who interviewed Mr. Willkie found him depressed. He gave them the impression that his visit had confirmed his worst fears about Britain's condition."

Listeners in on the Nazi broadcasts will learn that Mr. Willkie's trip to Canada, in various ways that will be suggested, was a dismal failure.

But the law of diminishing returns applies with special rigor to lies over the air. The Nazi radio is no longer believed anywhere, not even in the darkest depths of Nazidom.

Try The Barren Lands

In a country the size of Canada surely some more secure spot in which to house German prisoners can be found than Fort Henry on the banks of the St. Lawrence within gunshot of the United States boundary. The escape of two men last week reflects no particular credit on those responsible for the choice of the camp; and the same can be said of placing some of these men in the heart of the summer resort district of Muskoka last year.

Canada has its drawbacks, but it does not lack possible camp sites of great inaccessibility. If these prisoners were put into camp in parts of the country similar to those in which some of our mines are situated, nothing more would be heard of escapes. A hundred miles of muskeg, rock and wilderness provide a barrier that would keep even the toughest Nazi within bounds. If the wilderness did not prevent escapes, it would make recapture a certainty. A camp somewhere off the northern stretches of the Hudson Bay Railway, for instance, would be a fine spot to keep the prisoners who, as we have learned to our cost, are men of great bravery, daring and resource.

To put such men in Fort Henry is to tempt them to make every effort to escape. To put them on the edge of the Barren Lands would be to provide them with ample opportunity to meditate upon the policy of their Fuehrer and its results to them. There would be no more escapes.

What About It?

A letter appearing in the Manchester Guardian of February 10, written by a former British internee in Canada, contains statements which require explanation at Ottawa.

This internee, now back in England, was sent to Canada along with 3,000 others in July, 1940. He says:

"The best possible comment on the treatment" (in Canada) "is perhaps the fact that my copy of the Manchester Guardian Weekly was stopped by the Intelligence Officer as being too liberal."

"At present," the writer proceeds, "these internees are being made to work electric circular saws and sewing and knitting machines. They would be glad to help with the war effort in any way, but when they raised the question of insurance and compensation in case of accidents they were told that the army was not insured either. Accidents are almost inevitable when unskilled men work these machines."

Anglo-Saxon Leadership

Lord Halifax, British ambassador to the United States and still a member of the British war cabinet, stated in New York on Tuesday night what his country would be willing to do toward establishing a new world order after the war had been won. He made it very clear that the winning of the war was of first importance.

But, after that, he said that Britain would be ready to join with other peace-loving nations in close economic co-operation and in ensuring stability and order in the world.

He plainly intimated that the new plan for maintaining peace would not depend upon persuasion as before. The nations desiring the new order would keep enough armaments to restrain would-be aggressors of the future.

This is highly important. It means a return by Britain to the principle of the covenant of the League which required the nations to join in exerting pressure and in using force, if necessary, to prevent unwarranted aggressions like those of Japan, Italy and Germany before this war. Without that real support for any peace plan, what protection have the weaker nations? What protection has the world against an aggression which may start a conflagration spreading over the continents?

Speaking in favor of "the greatest possible interchange of goods and services," Lord Halifax said that the British aim would be "prosperity justly shared" among the peoples of the world.

He further expressed the hope—which is undoubtedly the hope of the Government and people of Great Britain—that Britain and the United States would provide leadership in the establishment of the new and peaceful order. What could give greater assurance of the success of that effort? And, fortunately, there is a rapidly increasing number of people in the U.S. who are ready to respond to the proposal.

Lord Halifax has stated, then, that while Britain's main, immediate concern must be to destroy Hitlerism and save the freedom of the world, it has another definite purpose, that of guaranteeing freedom and security for all time, through the co-operation of all nations who will join in that undertaking.

To many, that will afford additional reason for all-out support for the Allied cause. What would people not do, or sacrifice, to bring the world to that new and happier era?

Today's Scripture

But this shall be the covenant that I will make with the house of Israel; After those days, saith the Lord, I will put my law in their inward parts, and write it in their hearts; and will be their God, and they shall be my people.

And they shall teach no more every man his neighbour, and every man his brother, saying, Know the Lord: for they shall know me, from the least of them unto the greatest of them; for I will forgive their iniquity, and I will remember their sin no more.

—Jeremiah 31: 33, 34.

Train Time—Union Depot

—Photo by August H. May.

Canadian Plane Making

By B.T.R.

MONTREAL: Since the days when the Crusaders of Western Europe selected the finest damascened steel for a sword to smite the Saracens, there can have been no weapon of war in which the skill of brain and finger counts so highly as in that sleek eagle of 1941, the modern military airplane. There is hardly a process in the manufacture of aircraft that is not many times more exacting than the manufacture of automobiles, which is mankind's greatest triumph of mass production. The airplane cannot come out of a machine like sausages.

Progress Is Visible

Practically all the troubles and all the triumphs of Canadian aircraft manufacture could be found in illustration in three factories visited in a single day in Montreal recently by a small group of newspapermen. When Ralph Bell, the director-general of aircraft production, says, "It's beginning to roll"; when you find that Canada is turning out 40 airplanes a week now; when you see "Red" Lymburner, the famous Antarctic pilot, revving up a Bolingbroke bomber just off the assembly floor, where a score more are moving by slow but steady stages to the testing runway; when you see 12-ton Stranraer flying boats taking shape, some waiting for the ice to go out of the St. Lawrence so they can fly away to the Atlantic to drop bombs on prowling Nazi submarines, if any, on North American coasts—when you see all these, you see that Canada is setting its feet on the track where history's greatest armament race is being run. That race is the race to get planes and pilots and bombers and air fighters enough to clear the skies of the swastika and to beat down the ears of bullies wherever they decide to operate.

Problems of Standardization

The Canadian Vickers Ltd. company is making Stranraer flying boats, huge and unwieldy as they sit out of their element on the factory floor. This is a British model, and most of its detail carries British specifications. Even the screw nails are different from Canadian specifications. Of course Canadian industry can make screw nails, but there is no use putting in screw nails that might have to be replaced or repaired in an English workshop that will not have any Canadian threads. Take the "fork ends." This is the small gadget with a fork at one end where a wire strut can be pinned in and on the other end a threaded hole where a wire stay can be screwed in.

The British use a different pitch in threading these fork ends, and when the British source could no longer supply them last summer, the Canadian industry had to start making them. Each must be true and straight and machined to a fine tolerance so that wind resistance and strength are achieved. Each goes through the hand of a workman who checks each one. There are 17,000 parts in a 12-ton Stranraer, not counting the engines, and most parts represent a production headache like this. The answer, if it is ever reached, is to have British, Canadian and American factories all making parts to the same specifications.

The Fairchild Aircraft company makes the Bolingbroke medium bomber, though like Vickers it also makes parts of other machines. This is the Canadian version of the long-nosed Blenheim bomber that has flown thousands of miles to German targets already. The process developed by Fairchild is the American method of manufacture by components. Aircraft cannot be made by the assembly-line method of putting a chassis on a slow-moving line, adding parts all the way down until a finished machine rolls off at the end. That is the automobile way. But the next best thing for aircraft is the sub-assembly where the wing is finished in one jig, the fuselage in another, undercarriage in another, and finally four or five components are added together to make a perfect machine. In making the Bolingbroke, Fairchild is using American methods to produce a British plane.

Noorduyn Aviation Ltd. makes the North American Harvard, a U.S. model used in the Commonwealth air training plan as the main advanced trainer for fighters. It has developed the sub-assembly method so that through its main plant there is not a single finished plane in sight, but the components are assembled finally in another plant ready for the test pilots. The sixth Canadian-made Harvard was getting ready to nose out to the test runway.

The way to speed up all these processes is to put a foreman with a stop-watch at each stage of sub-assembly, and he figures out how to save minutes. The first Canadian Bolingbroke absorbed about 100,000 man-hours, but this is getting down to 50,000. The first Canadian Harvard took 20,000 man-hours, but this is getting down to 6,000. Comparably, a Ford car takes only a few hundred man-hours.

Our Own Needs

Control of specifications lies with the air force. The industry must make the planes as the Air Force wants them. Obviously the more standardization, the easier production will be. As aircraft men see it, Canada would do best by selecting a few models. We need a fighter obviously, and we are making Hurricanes out in Fort William. But aircraft experts in the United States are already saying the Hurricane is becoming obsolete. Perhaps Canada should go out and get one of the newest U.S. models and specialize in it for the next year. Then we need a medium bomber. The Bolingbroke is a good machine, but perhaps we should put a big plant to work on a new U.S. model. Plans are afoot to turn the big Malton, Ont., plant over to the Martin B-26, a 300 m.p.h. machine with power turrets and armor. The British call this machine the Baltimore.

Then Canada needs a big reconnaissance plane, and the new Boeing PBY to be built at Vancouver will likely replace the Stranraer and the Montreal Vickers plant may switch to it. The PBY is the U.S. navy's best type for reconnaissance. Then Canada needs at least two good trainers, a small ship like the Tiger Moth and a bigger ship for advanced work. The British Anson has given a great deal of production trouble, and the U.S. Cessna may become the main training ship in time.

In this talk heard among aircraft men, the lines of the Canadian industry of the future are taking shape. In one year the industry has grown twenty-fold. Within six months more, Mr. Bell believes, everyone in Canada will have nothing but praise for the aircraft industry. It is working on $127,000,000 worth of orders now, and the progress reports on the job it is doing will make big news for Canada in the months ahead.

THE LETTER BOX
Views of Free Press Readers

"Mr. Meighen Has Troubles"

To the Editor: In your issue of Saturday you have a two-column editorial on myself which you were pleased to entitle "Mr. Meighen Has Troubles." It is in no sense whatever a reply, or even an attempted reply, to my letter to you of 17th instant, as any reader will see who carefully peruses that letter. What I had charged you with was one thing, and one thing only—a falsification in your editorial of January 27th of my words spoken at a Federated Charities dinner. You said I had made the statement that if "even undue limitation of the profit motive" were to follow the war, the war would not be worth fighting. I had challenged you to quote from my words anything to that effect. You have absolutely failed. You do not even attempt to do so. You cannot do so, for never did I use such language, or any language of that meaning, and never was I even reported to have used such language. Your long editorial is utterly foreign to this point. It does not even deny that you falsified my words.

When you do one of two things, either, first, show that I made the assertion you attributed to me (or one of the same meaning), or second, acknowledge that you made a false statement to your readers, I will then undertake to answer your attack on what I really did say and in one-fifth of the space which you required to make the attack. It is difficult to see how you can honorably decline to do one or the other.

Yours truly,
ARTHUR MEIGHEN.

Toronto, March 24.

Ed. Note: We have only to say to Mr. Meighen that in the editorial of Jan. 27 to which he refers we in no way misrepresented his views and attitude as set forth explicitly in his language which we quoted. As in our article of March 22 we quoted in its entirety the editorial in which Mr. Meighen says we subjected his position to misrepresentation, the public is in possession of the facts upon which it can pass judgment, and we are content to leave the question to them. This correspondence is now closed.

Birthdays

J. L. Livingston, Winnipeg; born Glasgow, Scot., March 27, 1856.

H. W. White, Roland, Man.; born Hastings county, Ont., March 27, 1862.

S. B. McLachlan, Stockton, Man.; born Brussels, Ont., March 27, 1866.

Prices in Wartime

By Grant Dexter.

OTTAWA: From the outbreak of war until last February the cost of living index rose by 7.5 points.

This means that your dollar today does not buy as much as it did in August, 1939. You have to spend $1.07½ to obtain the goods and services that you bought for a dollar flat on the eve of the war.

This may not seem much, all things considered, but an inflation which sent prices and living costs sky-rocketing as in the last war, would be a cruel injustice to large sections of the population. If you doubt that, if your memory isn't too good, look over the record and observe how living costs rose almost twice as rapidly as wages. Observe how the white collar man, office workers generally, people living on fixed incomes—how all these people suffered cruelly in the last war.

Controls Are Improved

Between wars, of course, governmental machinery of control has been rapidly improved. Much more is known today about how to control the prices of essentials of life than was known in 1914-18. There is no occasion to condemn the government in the last war. In 1916, as the budget speech proves, an income tax was still regarded as among the impossibles.

In this war, the King Government threw a barrier between the people and exploitation on the very day war was declared. If you think back you will recall a broadcast by Hon. C. G. Power, pledging the Government to use every reserve power of the state to prevent undue rises in the cost of living.

Eighteen months have passed. The Wartime Prices and Trade Board, created on the very Sunday we went to war, has been ceaselessly at work, protecting our standard of living, stopping price increases wherever possible, devoting itself to the single purpose of preventing an inflation. This board had no counterpart in 1914-18 until after inflation had got out of hand and, as Fred McGregor, member of the board, remarked a few days ago, there is no way of putting a lid on inflation once it gets going, because no lids of that kind have ever been invented.

A strict audit of the cost of living is in order to discover why the index number has gone up 7.5 points. And such an audit was made in a lecture given at Toronto University a few days ago by Prof. Ken Taylor, the secretary of the board. This job of protecting the living standards of the people is one which the King Government, so far, has done superbly well and for which the cabinet has received very little credit.

No Inflation Noted Here

Mr. Taylor reported that there is as yet no indication of inflation in this country. The cost of living has gone up because of acts of the Government in the interests of the war effort, or of causes inherent in the war.

The premium on U.S. funds has added 11 per cent to the cost of non-Empire goods. The War Exchange tax of 1940 added another 10 per cent to the cost of these goods. True, the British pound has gone down 10 points, but this has been offset by price increases in Britain caused by higher costs of production due to war. Ocean freight rates have doubled, although the increase — because of British controls—has been much less than in 1917. Commodity taxes in war budgets have increased the price of coffee, tea, bacon, canned fish and flour. Moreover, the price of many commodities was extremely low in September, 1939, and an increase would probably have occurred in any event.

Farm prices have continued relatively low, but this is chiefly the result of continued depression in wheat, coarse grains and their immediate derivatives. Other farm prices—livestock and dairy products—are above the general level, have increased more than average.

"The two most difficult agricultural problems to be faced," said Mr. Taylor, "are not essentially price problems at all—they are the supply of wheat and the supply of farm labor, a problem of surplus and a problem of shortage. But no tolerable reduction in wheat prices will solve the wheat problem, and no tolerable rise in bacon, cheese, egg or butter prices would put the Ontario farmer in a position to compete with factory wages of 90 cents an hour. While some price adjustment might help, the wheat problem and the farm labor problem are problems which will have to be handled directly."

There was no complacency about Mr. Taylor's attitude. "The real test of price control," he said, "still lies ahead. Substantial price increases are not likely to be experienced while the economy as a whole has idle equipment and idle labor waiting to be absorbed. It is as we move into the zone of full employment that the real tests come." We are now moving into that zone, as the declarations of various authorities at Ottawa make clear.

Mr. Taylor dealt briefly, with the argument that the right course is to "freeze" existing price levels or adopt some price parity system.

"I find that many people seem to think that there is no policy because we have not discovered, devised, adopted or announced some simple formula for prices, a formula which can be applied to all sorts and conditions of prices. There are two main groups that appear to hold such views. One group argues that all prices should have been frozen at the immediately pre-war levels. Another group is advocating a return to the price levels or price relationships of some period called "normal"—usually identified with the years 1926-29. Both these groups fall into the fundamental economic fallacy, based upon a complete misconception of the function of prices. Toying with the price system is not a good way to achieve social justice. The primary function of the price system is to allocate resources and to guide production. When you mix price control with social justice you are apt to get neither.

Cannot "Freeze" Prices

All arguments for any given "price parity" are essentially invalid. The relationships of one group of prices to others must constantly be changing. These price changes reflect changes in cost brought about by unequal progress in improving efficiency in production and distribution; they reflect long-run changes in supply resulting from the discovery of new resources, the opening up of new areas, the depletion or exhaustion of old areas, and changes in politico-economic policy at home and abroad; they reflect, too, long-run shifts in demand. Those who advocate a frozen price structure, and those who demand "price parity" are by implication denying the existence of all these kinds of change. Only in a completely stagnant economy could price relationships remain indefinitely the same.

"The proper wartime policy is one which uses prices to assist in bringing about the desired shifts in the direction of production and the diversion of resources. Much of this direction and diversion can be achieved by non-price methods—by persuading, by order, by government directly undertaking the organization of economic effort. But often the price system can be made to assist and expedite these processes, and certainly the price system should not be allowed to obstruct them.

"Each price problem is an individual problem, and its setting, its implications and its inter-relations must be directly examined. The control of prices will always have to be marked by the use of an infinite variety of methods."

An Opportunity Now

(From the Montreal Star)

IT is suggested from Ottawa that when the Federal Government meets the Provincial representatives to consider the Sirois Report, it will not insist on the adoption of all the recommendations, but will be content to put through the financial provisions and leave the remainder until later. It is not impossible that there will be more widespread agreement than is indicated by this intention, but if the provinces should make too many reservations on other aspects of the Report, yet can agree to support the financial changes recommended, then the Government should by all means put them through.

We have suggested this course before, and are glad to note that Ottawa now shares the view that we should do what we can NOW. This financial reform is of paramount importnce. It has been argued that the whole question of constitutional reform should be left until after the war, but it becomes increasingly clear, as our war commitments mount, that only by reforming the system now will we be able to pay for the war and come out with some prospect of rehabilitation without dividing the country from one end to the other.

Every province stands to gain in the long run by the surrender of some of its taxing powers to the central Government in return for National Adjustment Grants based on need. It is not necessary to accept the Report's figures for these grants; adjustments can be made on any basis the provinces and Ottawa can agree upon. The important thing now is to reach some measure of agreement and do something, not let slip through our fingers the greatest opportunity we have ever been offered to put the Canadian economy on a sounder footing.

From the Golden Books

Return to New England

(From The Lantern)

To heed the conscience
And respect the thrift
Of these our people,
And warily to shift

Our love of leisure
To their long hate
Of idleness . . . farther
Must we go and at a rate

Faster than wheel on track
Or bow of boat
Impelled by steam
Through water; so remote

Their bitter strength
Is to our refinement.
Old adventuring
Now in confinement

Within their closed minds
Survives in ours;
Above their sound earth,
Our fancy towers.

—Polly Eddy.

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Ottawa,
May 26, 1941.

Mr. H. G. L. Strange,
Searle Grain Co. Ltd.,
Winnipeg, Man.

Dear Mr. Strange:

I was interested in reading today an article, which presumably is yours, in the Searle Grain Co. Market Letter, on "The Kind of Peace Needed."

I would be the last to utter an unfavourable word on the wisdom of wider and freer trade relations throughout the world. The total effect, though, of such relations can be exaggerated as other things are of quite unrealized importance.

Perhaps you read the productions of Mr. Peterson of Calgary. I am enclosing one herewith in case you have not seen it. With the general reasoning of this man I am in complete agreement.

Yours very truly,

AH/E.
Encl.

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